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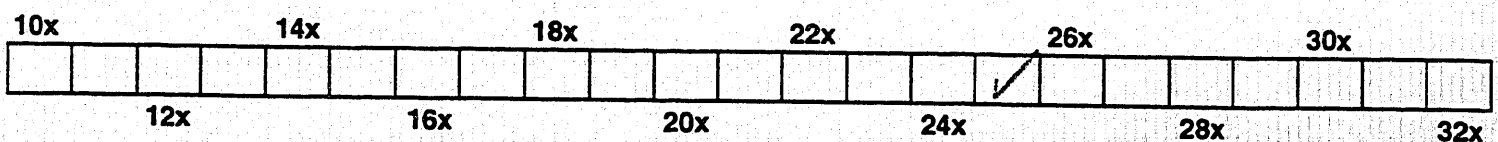
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STATUTES
OF THE
PROVINCE OF CANADA

PASSED IN THE

TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

AND IN THE THIRD SESSION OF THE SIXTH PARLIAMENT
OF CANADA

Began and holden at Quebec on the Twenty-eighth day of February, in the
year of Our Lord One Thousand Eight Hundred and Sixty.



HIS EXCELLENCY

THE RIGHT HONORABLE SIR EDMUND WALKER HEAD, BARONET,
GOVERNOR GENERAL.

QUEBEC:

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

Anno Domini, 1860.





ANNO VICESIMO-TERTIO

VICTORIÆ REGINÆ.

C A P. I.

An Act to amend the Act respecting the Representation of the People in the Legislative Assembly.

[Assented to 23rd April, 1860.]

WHEREAS the Cities of Quebec and Montreal are each represented by three Members, and the City of Toronto by two Members, in the Legislative Assembly, and it is expedient that the said Cities respectively should be divided into Electoral Divisions each of which may be represented by one Member, as the other Electoral Divisions of the Province now are: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The City of Quebec shall be divided into three Electoral Divisions, to be called respectively:

Quebec divided into three electoral divisions.

1. Quebec West, which shall consist of St. Peter's Ward, Champlain Ward, and so much of Montcalm Ward as lies south of the centre of Artillery street, and its prolongation parallel to La Grande Allée, to the City limits; with so much of the Banlieue as lies South of the said line prolonged to the Western Line of the said Banlieue;

Quebec West.

2. Quebec Centre, which shall consist of Palace Ward, St. Louis Ward, St. John's Ward and so much of Montcalm Ward and of the Banlieue as will not be within Quebec West or Quebec East;

Quebec Centre.

3. Quebec East, which shall consist of St. Roch's Ward and Jacques Cartier Ward, and that portion of the Banlieue to the North of a line prolonged towards the south-west from the southern

Quebec East.

southern extremity of Jacques Cartier Ward, along the *Cime du Cap* to the southwestern limit of the Banlieue;

Qualification of Electors. 4. The qualification of Electors of the Banlieue of Quebec shall be the same as for Electors within the City.

Montreal divided into three electoral divisions. 2. The City of Montreal, shall be divided into three Electoral Divisions, to be called respectively:

Montreal West. 1. Montreal West, which shall consist of St. Ann's Ward, St. Antoine Ward, and St. Lawrence Ward;

Montreal Centre. 2. Montreal Centre, which shall consist of the West Ward, the Centre Ward and the East Ward;

Montreal East. 3. Montreal East, which shall consist of St. Lewis Ward, St. James Ward and St. Mary's Ward.

Toronto divided into two electoral divisions. 3. The City of Toronto shall be divided into two Electoral Divisions, to be called respectively:

West Toronto. 1. West Toronto, which shall consist of all that part of the said City, lying West of the Centre line of Yonge Street;

East Toronto. 2. East Toronto, which shall consist of all that part of the said City, lying East of the said centre line of Yonge street.

Each electoral division to return one member. 4. Each of the said Electoral Divisions shall be represented in the Legislative Assembly by one Member, and shall be dealt with as a separate City Electoral Division, under chapter six of the Consolidated Statutes of Canada, subject to the provisions of this Act.

As to Wards and parts of Wards in the said Cities. 5. Any portion of a Ward in any such Electoral Division, shall, as regards Polls and polling-places at any election under this Act, be considered and dealt with as a Ward; and that portion of the Banlieue within each of the said Electoral Divisions for the City of Quebec, and every Ward in that City respectively, shall have within it two Polling places; and this Act shall not affect any enactment directing more than one polling place to be held in any Ward of Quebec or Montreal, and the Wards of the said last mentioned Cities shall, for the purposes of this Act, be and remain bounded as they are for municipal purposes at the time of the passing of this Act, notwithstanding any subsequent change which may be made for municipal purposes, unless it be otherwise directed by the Act establishing such new boundaries.

Who shall be Returning Officers. 6. The Sheriff of the District of Quebec shall be *ex officio* Returning Officer for each of the Electoral Divisions of the City of Quebec;—the Sheriff of the District of Montreal shall be *ex officio* Returning Officer for each of the Electoral Divisions of the

the City of Montreal; and the High Sheriff of the Counties of York and Peel shall be *ex officio* Returning Officer for each of the Electoral Divisions in the City of Toronto:

2. But at any General Election, or whenever in any case it happens that writs of Election issue at the same time, or so nearly at the same time that the one is not returnable before the other or others issue, for several Electoral Divisions for which the same Sheriff would, under the foregoing provisions, be *ex officio* the Returning Officer, then only one of such writs shall be directed to such Sheriff and the other or others to such other person or persons, qualified in the manner provided by the twenty-fifth section of chapter six of the Consolidated Statutes of Canada, as the Governor shall appoint to be the Returning Officer or Officers; and whenever more than one vacancy occurs in the representation of any one of the said Cities at the same time, then the writs of election for filling such vacancies, shall issue on the same day, and it shall be the duty of the Returning Officers to whom they were respectively directed, to meet together and to agree upon and to fix the same day for the nomination day, also to agree upon and fix the same day for the opening of the Polls in each electoral division of such City, in which an election is to be held under the said writs, and likewise to agree upon and to fix the same day for proclaiming the persons elected.

Provision when several Writs issue together for Divisions of the same City.

When there is more than one vacancy, the Writs shall issue at the same time; and Polls, &c., be held on the same day.

7. The foregoing provisions of this Act shall come into force, as regards the City of Quebec, immediately on its passing, and as regards each of the other Cities mentioned therein, respectively, whenever the seats of all the Members representing such City in the Legislative Assembly become vacant, and not before.

Commencement of this Act.

8. In lieu of the list which he is bound to make for Montcalm Ward in virtue of the eleventh section of chapter six of the Consolidated Statutes of Canada, the Clerk of the City of Quebec shall make two lists for the said Ward, that is to say: a list of all persons who are entitled to vote in respect of real property, situated in that part of Montcalm Ward contained in Quebec West, and another list of the persons entitled to vote in respect of real property situated in that part of Montcalm Ward contained in Quebec Centre; and inasmuch as the list for the present year has been completed, the Clerk of the City of Quebec shall, immediately after the passing of this Act, prepare the two lists above mentioned upon the revised list for Montcalm Ward, and the said two lists shall be substituted for the one list prepared for the said Ward before the passing of this Act.

Two Lists of Voters to be made for Montcalm Ward.

Proviso.

C A P. I I.

An Act respecting the sale and management of the
Public Lands.

[Assented to 23rd April, 1860.]

Preamble.

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

Department
and Commis-
sioner of
Crown Lands.

1. There shall continue to be and be a Department for the management and sale of the Public Lands and Forests, to be called "The Department of Crown Lands"; and the same shall be presided over by "The Commissioner of Crown Lands" for the time being.

Assistant
Commissioner
of Crown
Lands—his
appointment,
duties and
oath of office.

2. There shall continue to be an "Assistant Commissioner of Crown Lands," who shall be appointed, from time to time as a vacancy occurs, by the Governor in Council—and shall perform such duties in the said Department as may be assigned to him by the Governor in Council or the Commissioner of Crown Lands, and shall preside over the Department and discharge therein the duties of the Commissioner of Crown Lands, in the absence of that officer or in the case of a vacancy in the Office of Commissioner, and shall, before entering on the duties of his office, take an oath faithfully to discharge the same, which oath shall be administered by the Commissioner of Crown Lands, or any person by the Governor for that purpose appointed.

COMMISSIONER AND OFFICERS OF DEPARTMENT.

Departments
of Surveyor
General and
Commissioner
of Crown
Lands conso-
lidated.

3. The Department and Office of the Surveyor General of this Province shall continue to be consolidated with the Department and Office of the Commissioner of Crown Lands, under the superintendence and management of the last named Officer.

Powers and
duties of the
Surveyor Gen-
eral to be ex-
ercised and
performed by
the Commis-
sioner of
Crown Lands.

4. All the powers and duties which, before the seventeenth day of March, 1845, were assigned to or vested in the Surveyor General, shall be vested in the Commissioner of Crown Lands; and the said powers and duties shall be exercised and performed by him, or by any Assistants or Clerks in his Department or Office, or by any person whom he, by an instrument in writing under his hand, authorizes to that effect, and under such name or designation of office as he may fix, as effectually as they might before the said day have been exercised or performed by the Surveyor General.

Governor may
appoint offi-
cers and
agents under
this Act.

5. The Governor may, from time to time, appoint Officers and Agents to carry out this Act and Orders in Council under it, which Officers and Agents shall be paid in such manner and at such rates as the Governor in Council may direct.

6. The Governor in Council shall require from the Commissioner of Crown Lands and from the Assistant Commissioner, and from every Agent appointed under him, security for the due performance of his duty; Provided that all securities given under any repealed Act shall nevertheless continue in full force.

Commissioner, Assistant Commissioner and Agents to give security. Proviso.

7. No County or Resident Agent for the sale of Public Lands shall, within his division, directly or indirectly, unless under an Order of the Governor in Council, purchase any land which he is appointed to sell, or become proprietor of or interested in any such land, during the time of his Agency; and any such purchase or interest shall be void; and if any such Agent offends in the premises, he shall forfeit his office and the sum of four hundred dollars for every such offence, to be recovered in action of debt by any person who may sue for the same.

Purchase, &c. by Agent of land, &c. in his agency to be void, and agent to forfeit his office and \$400.

8. The Commissioner of Crown Lands shall annually lay before the Legislature, and within ten days after the meeting thereof, a report of the proceedings, transactions and affairs of the Department during the year then next preceding.

Commissioner to report annually to the Legislature.

EXTENT OF THIS ACT--ORDERS IN COUNCIL FOR CARRYING IT OUT.

9. The Governor in Council may, from time to time, declare the provisions of this Act, or any of them, to apply to the Indian lands under the management of the Chief Superintendent of Indian affairs, or to the Jesuits' Estates, Crown Domain or Seigniorship of Lauzon; and the said Chief Superintendent of Indian affairs shall, in respect to the said Indian lands so declared to be subject to this Act, have the same powers as the Commissioner of Crown Lands has in respect to Crown Lands.

Provisions of this Act may be extended to Indian Lands by Order in Council.

10. The Governor in Council may, from time to time, make such Orders as are necessary to carry out the provisions of this Act according to their obvious intent, or to meet cases which may arise and for which no provision is made by this Act;--and such Orders shall be published in the Official Gazette, and in such Newspapers as the Commissioner of Crown Lands may direct, and shall be laid before the Legislature within the first ten days of the Session next after the date thereof; But no such Order shall be inconsistent with this Act, save that the powers herein given to the Commissioner of Crown Lands may be exercised by the Governor in Council, and shall be subject to any Order in Council regulating or affecting the same from time to time.

Governor in Council may make orders for carrying out this Act.

Proviso.

FREE GRANTS LIMITED.

11. Except as hereinafter provided, no free grant of Public Land shall be made.

Free grants limited.

Determina-
tion of claim
arising un-
der repealed
Acts, Orders
in Council, &c.

12. Any claim to land arising under any Act or under any Order in Council or other regulation of the Government heretofore in force, shall be determined by the Commissioner of Crown Lands, subject to such arrangement and order in respect to improvements on any particular lands as the Commissioner may think just; or the same may be satisfied by issuing, to the party entitled, Land Scrip, or a certificate entitling him to purchase land to such an amount as the Commissioner of Crown Lands may find just; But no claim for land arising from Militia, United Empire Loyalist, or Military Rights, shall be entertained unless the same was actually located or admitted, or proof in support thereof sufficient in the opinion of the Commissioner of Crown Lands furnished, before the passing, on the fourteenth of June, eighteen hundred and fifty-three, of the Act sixteenth Victoria, chapter one hundred and fifty-nine; and all land scrip or certificates entitling parties to purchase land issued prior to the passing of the said Act, shall be recognized and redeemed, in land or as payment for land; provided that such scrip and certificates be presented and established in the office of the Commissioner of Crown Lands before the first day of January, one thousand eight hundred and sixty-two.

Proviso.

Free grants
may be made
to settlers on
or near roads
in new settle-
ments.

13. The Governor in Council may appropriate any Public Lands as free grants to actual settlers upon or in the vicinity of any Public Roads opened through the said Lands in any new settlements, under such regulations as shall from time to time be made by Order in Council; But no such free grant shall exceed one hundred acres.

Lands may
be set apart
for certain
public purpo-
ses and free
grants thereof
made in trust.

14. The Governor in Council may set apart and appropriate such of the Crown Lands as he deems expedient for the sites of Wharves or Piers, Market Places, Gaols, Court Houses, Public Parks or Gardens, Town Halls, Hospitals, Places of Public Worship, Burying Grounds, Schools, and for purposes of Agricultural Exhibitions, and for other like public purposes, and for Model or Industrial Farms; and at any time before the issue of Letters Patent therefor, may revoke such appropriation as seems expedient;--and may make free grants for the purposes aforesaid, the trust and uses to which they are to be subject being expressed in the Letters Patent;--But no such grant shall be for more than ten acres in any one instance and for any one of the purposes aforesaid; except for a Model or Industrial Farm, which shall not exceed one hundred acres.

Proviso.

SALES AND LICENSES OF OCCUPATION AND ASSIGNMENT THEREOF.

Governor in
Council
may fix price
&c., of lands.

15. The Governor in Council may, from time to time, fix the price per acre of the public lands, and the terms and conditions of sale and of settlement and payment.

16. The Commissioner of Crown Lands may issue, under his hand and seal, to any person who has purchased or may purchase or is permitted to occupy or has been entrusted with the care or protection of any public land, or who has received or been located on any public land as a free grant, an Instrument in the form of a License of Occupation; and such person, or the assignee, by an instrument registered under this or any former Act, providing for registration in such cases, may take possession of and occupy the land therein comprised, subject to the conditions of such License, and may thereunder, unless the same shall have been revoked or cancelled, maintain suits in law or equity against any wrongdoer or trespasser, as effectually as he could do under a Patent from the Crown;—and such License of Occupation shall be *prima facie* evidence for the purpose of possession by such person, or the assignee under an instrument registered as aforesaid, in any such suit; but the same shall have no force against a License to cut timber existing at the time of the granting thereof.

Licenses of occupation to be issued to intending settlers—their effect.

As to prior licenses to cut timber.

17. Every License of Occupation heretofore granted, and every certificate of sale or receipt for money received on the Sale of Public Lands, and every location ticket heretofore granted or made by the Commissioner of Crown Lands or any Agent of his, so long as the sale or grant to which such license of occupation, receipt, certificate, or location ticket relates is in force and not rescinded, shall have the same force, and shall enure to the benefit of the party to whom the same was granted, or to the assignee, by instrument registered as aforesaid, in the same manner and to the same extent as the Instrument in the form of a License of Occupation mentioned in the next preceding section.

Licenses of occupation, certificates, receipts and location tickets heretofore issued to have the same effect.

18. The Commissioner of Crown Lands shall keep a book for registering (at the option of the parties interested) the particulars of any assignment made as well by the original nominee, purchaser or locatee or lessee of public lands or his heir or legal representative, as by any subsequent assignee of any such public lands or the heir or legal representative of such assignee;—and upon such assignment being produced to the Commissioner, with an affidavit of due execution thereof, and of the time and place of such execution, and the names, residences and occupations of the witnesses, or as regards lands in Lower Canada upon the production of such assignment executed before Notaries, or before one Notary and two witnesses, or of a notarial copy thereof, the said Commissioner shall cause the material parts of every such assignment to be registered in such book of registry, and shall cause to be endorsed on every such assignment a Certificate of such registration, to be signed by himself or the Assistant Commissioner or any officer of the department by him authorized to sign such certificates;—And every such assignment so registered shall be valid against any one previously executed, but subsequently registered,

Commissioner to keep a register of assignments of claims to lands; on what proof entries shall be made therein, their effect, &c.

First registered assignment to be valid.

Proviso.

registered, or unregistered; but all assignments to be registered must be unconditional; and all the conditions of the sale, grant or location must have been complied with, or dispensed with by the Commissioner of Crown Lands, before such registration is made:

On what proof assignment may be registered when witness dead or absent.

2. If any subscribing witness to any such assignment is deceased, or has left the Province, the said Commissioner may register such assignment upon the production of an affidavit proving the death or absence of such witness and his handwriting, or the handwriting of the party making such assignment.

Commissioner may receive proof in support of claim for patent by heir, &c., of deceased nominee.

Power to apply to Heir and Devisee Commissioners reserved.

19. On any application for a Patent by the heir, assignee or devisee of the original nominee of the Crown, the Commissioner of Crown Lands may receive proof in such manner as he may direct and require in support of any claim for a Patent when the original nominee is dead, and upon being satisfied that the claim has been equitably and justly established, may allow the same and cause a patent to issue accordingly; But nothing in this section shall limit the right of the party claiming a Patent to make his application at any time to the Commissioners under the *Act respecting claims to Lands in Upper Canada for which no Patents have issued.*

FORFEITURE OF CLAIMS, AND ENFORCEMENT OF FORFEITURE.

Sale, &c., of land, may be cancelled in case of fraud or error.—All such cancellations heretofore made to continue.

20. If the Commissioner of Crown Lands is satisfied that any purchaser, grantee or locatee or lessee of any Public Land, or any assignee claiming under or through him, has been guilty of any fraud or imposition, or has violated any of the conditions of sale, grant, location or lease, or of the License of Occupation, or if any such sale, grant, location or lease or License of Occupation has been or is made or issued in error or mistake, he may cancel such sale, grant, location, lease or license, and resume the land therein mentioned, and dispose of it as if no sale, grant, location or lease thereof had ever been made; and all such cancellations, heretofore made by the Governor in Council or the Commissioner of Crown Lands, shall continue until altered.

Mode of obtaining possession, if settler refuses to deliver up land on revocation of license, &c.

21. When any purchaser, lessee or other person refuses or neglects to deliver up possession of any land after revocation or cancellation of the sale, grant, location, lease or License of Occupation thereof as aforesaid, or when any person is wrongfully in possession of public land and refuses to vacate or abandon possession of the same, the Commissioner of Crown Lands may apply to the County Judge of the County, or to a Judge of the Superior Court in the Circuit, in which the land lies, for an Order in the nature of a Writ of *Habere facias possessionem*, or writ of possession, and the said Judge, upon proof to his satisfaction that the right or title of the party to hold such land has

been

been revoked or cancelled as aforesaid, or that such person is wrongfully in possession of Public Land, shall grant an Order upon the purchaser, lessee or person in possession, to deliver up the same to the Commissioner of Crown Lands, or person by him authorized to receive the same; and such Order shall have the same force as a Writ of *Habere facias possessionem*, or writ of possession; and the Sheriff, or any Bailiff or person to whom the same may be entrusted for execution by the Commissioner of Crown Lands, shall execute the same in like manner as he would execute such Writ in an Action of Ejectment or Possessory Action:

2. Whenever any rent payable to the Crown on any lease of Public Lands is in arrear, the Commissioner of Crown Lands, or any Agent or Officer appointed under this Act and authorized by the Commissioner of Crown Lands to act in such cases, may issue a warrant, directed to any person or persons by him named therein, in the shape of a distress Warrant as in ordinary cases of Landlord and Tenant; and the same proceedings may be had thereon for the collection of such arrears as in the said last mentioned cases; or an action of debt as in ordinary cases of rent in arrear may be brought therefor in the name of the Commissioner of Crown Lands; but demand of rent shall not be necessary in any case;

Commissioner or his agent or other officer may issue distress warrant for rent of public lands in arrear.

Or action may be brought.

3. When by law or by any deed, lease or agreement relating to any of the lands herein referred to, any notice is required to be given, or any Act to be done, by or on behalf of the Crown, such notice may be given and Act done by or by the authority of the Commissioner of Crown Lands; and the said Commissioner of Crown Lands may, in respect of the Ordnance lands, transferred to the Province, exercise all the powers which, before the transfer of said lands to the Province, were vested in the Principal Officers of Her Majesty's Ordnance prior to the passing of the Act 19, 20 V. c. 45.

How notices required in respect of Crown Lands.

Powers of Commissioner as to Ordnance Lands transferred to the province.

PATENTS ISSUED IN ERROR.

22. Whenever a Patent has been issued to or in the name of the wrong party, through mistake in the Crown Lands Department, or contains any clerical error, or misnomer, or wrong description of the land thereby intended to be granted, the Commissioner of Crown Lands, (there being no adverse claim,) may direct the defective Patent to be cancelled and a correct one to be issued in its stead, which corrected Patent shall relate back to the date of the one so cancelled, and have the same effect as if issued at the date of such cancelled Patent.

Erroneous patents may be cancelled and correct ones issued when there is no adverse claim.

23. In all cases in which grants or letters patent have issued for the same land inconsistent with each other through error, and in all cases of sales or appropriations of the same land inconsistent with each other, the Commissioner of Crown Lands

In cases of double or inconsistent grants, the purchase money

Lands

ney may be repaid with interest—or other land may be assigned—or a land certificate may be granted.

Proviso.

Lands may, in cases of sale, cause a repayment of the purchase money, with interest, or when the land has passed from the original purchaser or has been improved before a discovery of the error, or when the original grant or appropriation was a free grant, he may in substitution assign land or grant a certificate entitling the party to purchase Crown Lands, of such value and to such extent as to him, the Commissioner of Crown Lands, may seem just and equitable under the circumstances; but no such claim shall be entertained unless it be preferred within five years from the discovery of the error.

Compensation for deficiency of land by reason of false survey or error in departmental books or plans.

Proviso.

24. Whenever by reason of false survey or error in the books or plans in the Crown Lands Department, any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity of land mentioned in the Patent therefor, the Commissioner of Crown Lands may order the purchase money of so much land as is deficient, with the interest thereon from the time of the application therefor, or if the land has passed from the original purchaser, then the purchase money which the claimant (provided he was ignorant of a deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon from the time of the application therefor, to be paid to him in land or in money, as he, the Commissioner of Crown Lands, may direct, or in case of a free grant he may order a grant of other land equal in value to the land so intended as a free grant at the time such grant was made;—But no such claim shall be entertained unless application has been made within five years from the date of the Patent, nor unless the deficiency is equal to one tenth of the whole quantity described as being contained in the particular lot or parcel of land granted.

Courts may decree patents issued in error, &c., to be void; decree to be registered.

Practice in such cases.

Proceedings under former Acts may be continued under this.

25. In all cases wherein Patents for lands have issued through fraud or in error or improvidence, the Court of Chancery in Upper Canada, and the Superior Court in Lower Canada, may, upon action, bill or plaint, respecting such lands situate within their jurisdiction, and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said Courts shall respectively order, decree such Patents to be void;—and upon a registry of such decree in the office of the Provincial Registrar, such Patents shall be void to all intents; The practice in Court, in such cases, shall be regulated by orders to be from time to time made by the said Courts respectively; and any action or proceeding commenced under any former Act may be continued under this section, which, for the purpose of any such action or proceeding, shall be construed as merely continuing the provisions of such former Act.

MISCELLANEOUS PROVISIONS.

26. The Commissioner of Crown Lands shall cause lists of the Public Lands for sale in the several Townships in Canada to be made out from time to time, and advertised or published as he deems most advisable for ensuring general information.

Lists of public lands for sale to be published.

27. The Commissioner of Crown Lands shall transmit, as early as possible in each year, to the Registrar of every County and Registration District or Division, and to the Secretary-Treasurer of every Municipality in Lower Canada, a list of the Public Lands sold, granted, leased or appropriated or set apart to any person or for which licenses of occupation have been granted in such County or Registration District or Division during the year next preceding and for which no Patents have issued, which said lands shall be liable to the assessed taxes in the Townships in which they respectively lie from the date of such sale or license or appropriation; and the purchaser, at the sale of any such lands for taxes, shall, as heretofore, have, in the lands so sold, the same rights only as the person entitled to claim under the Crown at the time of such sale; and the Commissioner of Crown Lands shall in like manner apprise each such Registrar and Secretary-Treasurer of the cancellation of any License of Occupation or Patent, or of any sale, grant, lease, location or appropriation; from which time, until resold, leased or regranted, the land affected shall cease to be liable to taxes:

Lists of public lands sold to be transmitted yearly to Registrars, and to Secretary-Treasurers of municipalities in L. C. and notice of cancellation of sales, &c., to be given to them—effect as to taxes.

2. The Registrar of the Province shall transmit, as early as possible in each year, to the Registrar of every County and Registration District and Division, and to the Secretary-Treasurer of every Municipality in Lower Canada, a list of the Public Lands patented during the year next preceding; and no return of lands other than those hereinbefore mentioned need be made.

Lists of public lands patented to be sent yearly by Registrar of the Province.

28. All Affidavits required under this Act, or intended to be used in reference to any claim, business or transaction in the Crown Lands Department, may be taken before the Judge or Clerk of any County or Circuit Court, or any Justice of the Peace, or any Commissioner for taking affidavits in any of the Courts, or the Commissioner of Crown Lands, or any Agent of the Commissioner of Crown Lands, or the Assistant Commissioner of Crown Lands, or any Surveyor duly licensed and sworn, appointed by the Commissioner of Crown Lands to enquire into or take evidence or report in any matter submitted or pending before such Commissioner, or if made out of the Province, before the Mayor or Chief Magistrate of, or the British Consul in any City, Town or other Municipality; and any wilful false swearing in any such affidavit shall be perjury.

Before whom affidavits under this Act may be made.

Perjury.

Governor may, by proclamation, annex gorges to adjacent townships.

29. Whenever there is any gore or small tract of land or Island, which is not included in the original survey and description of any Township, and is of too limited extent to form a Township by itself,—the Governor may, by Proclamation, annex such gore or tract of land to any Township to which it is adjacent, or partly to one and partly to another of any two or more Townships to which it is adjacent, as he deems expedient; and from and after the day appointed in such Proclamation, or from the date thereof, if no other day be therein appointed for the purpose, the tract of land thereby annexed to any Township shall form part thereof.

Attested Copies of departmental records, &c., to be as evidence.

30. Copies of any records, documents, books or papers belonging to or deposited in the said Department, attested under the signature of the Commissioner, or of the Assistant Commissioner, shall be competent evidence in all cases in which the original records, documents, books or papers, could be evidence.

Employees of the Crown Land Department not to traffic in public lands or land scrip or take fees for official labor.

31. No person holding an office created by or continued under this Act (save in the case provided for in the seventh section) or employed in the Department, shall, while holding such office or employment, directly or indirectly purchase any right, title or interest in any public land, or any land scrip, nor deal, nor traffic in the same, either in his own right, or by the interposition of any other person, or in the name of any other person in trust for himself, nor shall take or receive any fee or emolument for negotiating or transacting any business connected with the duties of his office or employment; And any person offending in the premises shall forfeit his office or employment, and be liable to a penalty of four hundred dollars, to be recovered in action of debt by any person suing for the same.

Penalty.

Penalty on agent knowingly giving false information, &c.

32. If any agent, appointed or continued in office under this Act, shall knowingly and falsely inform, or cause to be informed, any person applying to him to locate or purchase any land within his division and agency, that the same has already been located, assigned or purchased, or shall refuse to permit the person so applying to purchase the same, or, where entitled, to locate the same, according to existing Regulations, such agent shall be liable therefor to the person so applying in the sum of five dollars for each acre of land which the person so applying offered to locate or purchase, to be recovered by action of debt in any court of record having jurisdiction of the amount

Hindering bidders at public sales of lands of the Province by intimidation.

33. If any person or persons shall, before or at the time of the public sale of any of the lands of the Province, by intimidation, combination, or unfair management, hinder or prevent, or attempt to hinder or prevent, any person from bidding upon or purchasing any lands so offered for sale, every such offender, his,

his, her, or their aiders and abettors, shall, for every such offence, be guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine not exceeding four hundred dollars, or imprisonment for a term not exceeding two years, or both, in the discretion of the Court.

34. With a view to remove doubts, and to quiet the titles to certain lands heretofore granted, it is enacted, that the non observance and non fulfilment of the condition imposed in and by certain patents issued for public lands, of taking the oaths which may have been heretofore prescribed, in case of any subsequent sale, conveyance, enfeoffment or exchange, by the patentee, and of recording such oaths, within twelve months after having taken possession, in the office of the Secretary of the Province, or of performing certain settlement duties, shall not affect in any way the patent or title of any patentee, or of any subsequent purchaser or proprietor.

35. Whereas doubts have been entertained as to the power vested in the Crown to dispose of and grant water lots, in the harbors, rivers and other navigable waters in Upper Canada, and it is desirable to set at rest any question which might arise in reference thereto, it is declared and enacted, that it has been heretofore and that it shall be hereafter lawful for the Governor in Council to authorize sales, or appropriations, of such water lots under such conditions as it has been or it may be deemed requisite to impose.

36. All legal proceedings, commenced in virtue of the Acts repealed, shall be continued; and the rights, acquired by virtue and under the Acts repealed, shall be valid, and all orders in Council, and Regulations of the Department, and acts done thereunder, and appointments to office now in force or existing, shall continue until altered or revoked, as if the said Acts had not been repealed; and all the provisions of this Act shall apply to lands under patent, grant, sale, location, lease or license of occupation at the time of the passing thereof, as well as to lands disposed of after the passing hereof.

37. Compensation awarded under the twenty-third and twenty-fourth sections of this Act (except where land is specifically assigned therefor by the Commissioner of Crown Lands) and all claims therefor shall be treated as personal estate and dealt with accordingly.

38. The term "Public Lands" shall be held to apply to lands heretofore designated or known as Crown Lands, School Lands, Clergy Lands, Ordnance Lands, (transferred to the Province), which designations, for the purposes of administration, shall still continue.

39. The twenty-second Chapter of the Consolidated Statutes of Canada is repealed.

tion, &c., a misdemeanor and how punished.

Patent or title of patentee or of any subsequent purchaser not affected by non observance of certain conditions.

Doubts recited.

Sales and appropriations of water lots declared to be legal.

Proceedings, under repealed acts continued—provisions of Act to apply to lands now under patent, &c.

Compensation under ss. 23 and 24, to be personalty—Except, &c.

Definition of the term "Public Lands."

Chapter 22 of C. S. C. repealed.

C A P . I I I .

An Act to provide for the election of the Speaker of the Legislative Council.

[Assented to 23rd April, 1860.]

Preamble.

Imperial Act,
22, 23 V. c.
10.

Union Act.

WHEREAS by an Act of the Parliament of the United Kingdom, passed in the Session holden in the twenty-second and twenty-third years of Her Majesty's Reign, chapter ten, "to empower the Legislature of Canada to make Laws regulating the appointment of a Speaker of the Legislative Council," it is in effect amongst other things enacted that it shall be lawful for the Parliament of Canada to provide for the election of a Speaker of the said Council, and for that purpose to vary and repeal, in such manner as to them may seem fit, so much of the provisions of the Act of the said Parliament of the United Kingdom, passed in the Session holden in the third and fourth years of Her Majesty's Reign, chapter thirty-five, "to re-unite the Provinces of Upper and Lower Canada and for the government of Canada," or of any other Acts of the Parliament of the United Kingdom as relates to the appointment of such Speaker; and whereas it is expedient to provide for the election of such Speaker, and for that purpose to repeal the said provisions of the said Act or Acts, as well as similar provisions of the Consolidated Statutes of Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain provisions of the Union Act and of Cap. 3 of the Con. Stat. of Canada, relating to the appointment of a Speaker of the Legislative Council, repealed.

Election of a Speaker, how and when to be had.

Term of office.

1. The ninth section of the said Act, third and fourth Victoria, chapter thirty-five, and so much of the provisions of the same or of any other Act or Acts of the Parliament of the United Kingdom as relates to the appointment of the Speaker of the Legislative Council of Canada, together with the twentieth and twenty-fourth sections of the first chapter, and the fourth sub-section of the fourth section of the third chapter of the Consolidated Statutes of Canada, and so much of the ninth and seventeenth sections of the said third chapter of the said Statutes as relates to the office of such Speaker, are hereby repealed.

2. The members of the Legislative Council in attendance in the Legislative Council Chamber at the first convening of the said Council after this Act takes effect, and thereafter at each first convening of the said Council after the occurrence of a vacancy in the office of Speaker of the said Council, shall forthwith proceed to elect one of their number to be Speaker; and the member so from time to time elected Speaker shall preside at all sittings of the Legislative Council, and continue to be Speaker of the said Council until his death or resignation, or his ceasing to be a member of the said Council, or until the day

day before the first day of the meeting of the next new Parliament of Canada after that in which he was so elected Speaker, whichever may first happen.

3. Whenever the Speaker of the Legislative Council, from illness or other cause, finds it necessary to leave the chair during any part of a sitting of the said Council on any day, he may call upon any member thereof to take the chair and to act as Speaker during the remainder of such day, or until and unless the Speaker himself resume the chair before the close of the sittings for that day; or if the Speaker be prevented by illness or unavoidable absence from attending in the said Council Chamber on any day or days, then the members of such Council assembled at or after the hour to which such Council stood adjourned, on being notified of such illness or unavoidable absence by the Clerk of the said Council, may proceed to elect one of their number to act as Speaker during the time the said Speaker shall be absent from one or other of the causes aforesaid; and the member so called upon or so elected as aforesaid, shall take the chair and act as Speaker accordingly; and every Act passed, and every order made and thing done by the said Council while such member is acting as Speaker as aforesaid, shall be as valid and effectual to all intents and purposes as if done while the Speaker himself was presiding in the chair.

Provision for supplying the place of the Speaker, in case of his being obliged to leave the chair from illness, &c.

4. All provisions of law now in force and not hereby repealed, applying to Speakers of the Legislative Council appointed by the Governor, shall hereafter apply to Speakers of the said Council elected under this Act, who shall have and enjoy the same honors, powers, rights and privileges as Speakers so appointed have at any time had and enjoyed.

Certain provisions to apply to elective Speakers.

5. This Act shall take effect and be in force only upon, from and after the day next before the first day of the meeting of the next new Parliament of Canada after the passing of the same, or upon, from and after the first occurrence of a vacancy in the said Office of Speaker, whichever may soonest happen.

When this Act shall take effect.

C A P . I V .

An Act relating to the Sinking Fund for the redemption of the Imperial Guaranteed Loan.

[Assented to 23rd April, 1860.]

WHEREAS the Provincial Minister of Finance, acting under instructions from the Governor in Council, has made arrangements with the Lords Commissioners of Her Majesty's Treasury, under which the securities representing the sums arising from the payments made by the Province to the Sinking Fund for the redemption of the Provincial debt of one million five hundred thousand pounds sterling, guaranteed by the Imperial Government under the Imperial Act hereinafter mentioned,

Preamble.

Certain arrangements made in England by the Minister of Finance, recited.

mentioned, have been disposed of, and the proceeds, with other moneys at the credit of the Province as part of the said Sinking Fund, have been invested in four per cent. debentures of the Government of India and in five per cent. New India Stock, and directions have been given to the Financial Agents of the Province to purchase such further amount of the said New India Stock as, with that already purchased, will make one million five hundred thousand pounds of the said Debentures and Stock;—And whereas, under the said arrangements, the said amount of India Stock and Debentures will be inscribed in the names of and held by the Trustees of the said Sinking Fund named by the Lords Commissioners of Her Majesty's Treasury, and the interest accruing thereon will be applied to the payment of the interest of the provincial debt guaranteed by the Imperial Government as aforesaid, any surplus of the said interest on the said India Stock over that of the said Provincial debt being paid annually to the Financial Agents of this Province, and any deficiency therein being made good by the Province, or repaid by it with interest at five per cent. per annum, if advanced by the Imperial Government,—and the proceeds of the sale of the said New India Stock will be applicable to the payment of the said Provincial debt as the Provincial Debentures forming it become due, the Province making good any deficiency in the amount of the said proceeds to pay the same, and any surplus in the amount of the said proceeds being payable to the Financial Agents of the Province,—so that by the said arrangement the redemption of the said guaranteed loan is provided for in full;—And whereas, it is expedient to confirm the said arrangements and to provide by law for the discontinuance of the payments to the said Sinking Fund required by the Acts hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The arrangements mentioned in the Preamble, confirmed.

And so much of any Act as requires any further payment to the Sinking Fund for the Guaranteed Loan, repealed.

1. The arrangements recited in the preamble to this Act are hereby confirmed, and the sum or sums (if any) which it may be necessary to pay under them on behalf of the Province, may be paid out of any moneys forming part of the Consolidated Revenue Fund; and so much of the sixth section of the Act forming chapter fourteen of the Consolidated Statutes of Canada, intituled: *An Act respecting the Public Moneys, Debt and Accounts*, or of any other Provincial Act, as would require or authorize the payment, after the twenty-first day of January now last, of any percentage or sum into the Sinking Fund for paying off the Provincial Debt of one million five hundred thousand pounds sterling, guaranteed by the Government of the United Kingdom, under the provisions of the Act of the Parliament thereof, passed in the Session held in the fifth and sixth years of Her Majesty's reign, and intituled: *An Act for guaranteeing the payment of the interest on a Loan of one million five hundred thousand pounds, to be raised by the Province of Canada*,—shall be and is hereby repealed.

C A P . V .

An Act to grant additional aid to the Canadian Line of Steamers, and for the extension of the Line of Telegraph to Belle-Isle.

[Assented to 23rd April, 1860.]

WHEREAS in order to enable the proprietors of the Canadian Line of Steamships to provide additional vessels of greater power and size, and of a better class, than those hitherto employed, and to perform more surely the services required of them in the maintenance of a Weekly Line of postal communication between this Province and the United Kingdom, it is expedient to authorize the application of a further sum as an aid to the said proprietors for the purposes aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Governor in Council may agree with the proprietors of the said Canadian Line of Steamships, that any contract now subsisting between them and the Provincial Government shall be cancelled from the first day of May now last, and may authorize the Postmaster General of this Province, in Her Majesty's name, to enter into a new contract with the said proprietors, to commence from the said first day of May last, and to end on the first day of January, in the year one thousand eight hundred and sixty-seven, and by such contract to agree to pay to the said proprietors a sum not exceeding eight thousand dollars, for each voyage performed by their steamships between this Province, or the City of Portland, and the United Kingdom, and for the performance of such further services, and subject to such terms and conditions as the Governor in Council may direct; but no greater sum shall be paid to the said Proprietors for services already performed, than the amount of postage upon correspondence carried by the said Steamships, since the first day of May last, in addition to the subsidy provided for under the subsisting contract.

A new contract may be made with, and additional aid granted to the Canadian line of Steamships.

Proviso: as to past services.

2. And whereas it is expedient to grant Provincial aid towards the continuation of the Line of Telegraph from Father Point to the Straits of Belle-Isle: Therefore, the Governor in Council may authorize the said Postmaster General to contract, in Her Majesty's name, with the Montreal or any other Telegraph Company or persons, for the continuation of the Line of Electro-Magnetic Telegraph from Father Point to the Straits of Belle-Isle, and for the performance of such further services, and subject to such terms and conditions as the Governor in Council may direct; and in consideration thereof, to agree to pay to the said Company such sum, not exceeding the rate of ten thousand dollars per annum, for such term not extending beyond

Aid may be granted for extending the line of Telegraph to Belle-Isle.

beyond the said first day of January, one thousand eight hundred and sixty-seven, as may be found expedient.

Payment of moneys required for the purposes of this Act.

3. The sums payable under any contract, made under the authority of this Act, may be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of this Province, and shall be accounted for to Her Majesty and Her Legislature in the manner by law provided; But no further sum shall be payable after the passing of this Act, under the Act Sixteenth Victoria, Chapter nine, or the Act twentieth Victoria, Chapter nine, relating respectively to the said Postal communication by Steam Vessels between this Province and the United Kingdom.

C A P . V I .

An Act to prevent the unlicensed sale of Intoxicating Liquors in the Unorganized Tracts in this Province.

[Assented to 23rd April, 1860.]

Preamble.

WHEREAS the duty of one pound sixteen shillings sterling, imposed by the Imperial Statute passed in the fourteenth year of the Reign of King George the Third, and chaptered eighty-eight, on Licenses to keep houses or places of public entertainment or for retailing wine or spirituous liquors,---and the penalty imposed by the said Act on persons keeping such houses or places of public entertainment or retailing wine or spirituous liquors, without license,---and the duty imposed by chapter twenty of the Consolidated Statutes of Canada, on such license to sell spirituous liquors to be drunk on the premises,---apply to and are in force in the Unorganized Tracts of Country in this Province, but doubts have arisen as to the mode of collecting the said duties and enforcing the said penalties: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Penalty on persons selling liquor without license in unorganized tracts.

1. If any person, in any place in this Province forming part of any such Unorganized Tract of Country,---or not being within the limits of any Municipality,---sells by retail any wine or any spirituous liquor of any kind, without having a license for so doing under this Act, such person shall, for each such offence, incur a penalty of twenty-five dollars, recoverable on summary conviction before any Stipendiary Magistrate or Justice of the Peace, on the oath of one credible witness other than the informer, unless such informer renounces his share of the penalty, in which case he shall be a competent witness, and the whole of the penalty shall then belong to the Crown for the public uses of the Province, otherwise one half the penalty shall belong to the informer and the other half to the Crown for the uses aforesaid;---and if such penalty, with the

Commitment if not paid.

costs,

costs, be not forthwith paid on conviction, the offender may be committed by the convicting Justice to the Common Gaol for any period not exceeding three months, unless the penalty and costs be sooner paid.

2. The Governor may cause Tavern Licenses, that is to say, Licenses to keep houses of public entertainment, and to retail wine and spirituous liquors therein, to be drunk on the premises,—and Shop Licenses, that is to say, Licenses to sell wine and spirituous liquors by retail elsewhere than in a house of public entertainment, but not to be drunk on the premises,—to be granted in any unorganized tract of Country in this Province, by such persons, on such conditions and under such regulations as he may, by Order in Council, from time to time, direct, subject to the provisions of this Act.

Governor may cause licenses to be issued.

3. Each such License shall be in force for one year from its date, and shall authorize the person to whom it is granted to sell wine and spirituous liquors by retail, at some certain place or on board some certain vessel, to be named in the License, but not elsewhere, during the said year and no longer.

Duration and effect of licenses.

4. For each such Tavern License there shall be paid by the party to whom it is granted to the person issuing it, a duty of thirteen dollars and seventy-five cents, and for each such Shop License, a duty of eight dollars and seventy-five cents, which duty shall be paid over to the Receiver General, and make part of the Consolidated Revenue Fund; and the party paying the same shall be held to have paid the duty imposed by the said Imperial Act, and by the said chapter twenty of the Consolidated Statutes of Canada, respectively, or by any Act in force in Lower Canada respecting Tavern and Shop Licenses.

Duty to be paid for such licenses.

5. Sections two hundred and forty-nine, two hundred and fifty, two hundred and fifty-one and two hundred and fifty-two, of the Act respecting the Municipal Institutions of Upper Canada, chapter fifty-four of the Consolidated Statutes for Upper Canada, shall apply to the Unorganized Tracts of Country in Upper Canada, as shall also sections two hundred and fifty-four, two hundred and fifty-five and two hundred and fifty-six of the same Act; but the share of the penalties imposed in the said sections which is thereby given to any Municipality, shall in the said Unorganized Tracts belong to the Crown,—and the word "County," in the said sections, shall, in applying them to any such Unorganized Tract, be construed as meaning such Tract.

Certain provisions to apply in U. C.

6. In the Unorganized Tracts of Country in Lower Canada, the provisions of the Act fourteenth and fifteenth Victoria, chapter one hundred, as amended by the Acts sixteenth Victoria, chapter two hundred and fourteen, and twentieth Victoria, chapter

Certain provisions to apply in L. C.

chapter forty-six, shall be in force so far as they are consistent with the provisions of this Act, except such parts thereof as fix the duties to be paid for Licenses, or the conditions on which Licenses shall be granted, which shall not be in force in any such Unorganized Tract,—and except also that any penalty incurred under either of the said Acts in any such Tract, may be sued for by any person, and shall be applied in the manner hereby provided as to penalties incurred under this Act;— and no penalty shall be incurred in any such Tract for keeping a temperance hotel without a License, or for retailing without License any fermented liquor for retailing which no license is required by this Act.

Bonds required by Governor in Council to be valid.

7. Any bond which the Governor in Council may direct to be taken from any person obtaining a License under this Act, conditioned for the due observance of the law and of all regulations to be made under this Act, shall be valid and may be enforced according to its tenor.

Interpretation.

8. The expression "Spirituous Liquors" in this Act includes any intoxicating liquor of any kind whatever, and the expression "Unorganized Tract of Country" includes any temporary or provisional judicial District.

C A P . V I I .

An Act to establish a Standard Weight for Hay and Straw.

[Assented to 23rd April, 1860.]

Preamble.

WHEREAS Standard Weights have been established for grain and vegetables, and it is expedient that they should also be established for Hay and Straw: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Standard Weights for Hay and Straw.

1. From and after the passing of this Act, the following shall be and are hereby declared to be the Standard Weights for Hay and Straw:

A ton of Timothy, Clover or other Hay....	2000 lbs.
A ton of Straw.....	2000 "
A bundle of Timothy, Clover or other Hay with a Timothy band.....	15 "
A bundle of Timothy, Clover or other Hay bound with a withe.....	16 "
A bundle of Straw.....	12 "

To apply to all future contracts.

2. In every contract entered into after this Act comes into force for the sale or delivery of hay or straw, and on every sale and delivery of Hay or Straw, the above weights, shall be the only weights used, unless it is made to appear that the parties have agreed to the contrary.

Act limited to L. C.

3. This Act shall apply to Lower Canada only.

C A P. V I I I .

An Act to amend the Chapter Seventeen of the Consolidated Statutes for Upper Canada, as regards the appointment of Constables.

[Assented to 23rd April, 1860.]

WHEREAS by the tenth section of Chapter Seventeen of the Consolidated Statutes for Upper Canada, Courts of Quarter Sessions in Upper Canada are required, in the month of March in each year, to appoint a High Constable and a sufficient number of Constables in the several places in their respective Counties; and whereas the annual appointment of Constables is attended with much expense and inconvenience, and it is expedient, that the said provision should be repealed, and the Constables should be placed in a more permanent position than heretofore: 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 day next before the first general Quarter Sessions of the Peace, to be holden in the year of Our Lord, one thousand eight hundred and sixty-one, the tenth section of the Act cited in the preamble shall be repealed.

Preamble.
Section 10 of cap. 17 of Con. Stat. U. C., repealed.

2. The Magistrates at the first general Quarter Sessions of the Peace to be holden in each County in Upper Canada in the said year one thousand eight hundred and sixty-one, shall appoint a sufficient number of fit and proper persons to act as Constables, in each Township, Incorporated Village, Police Village and place within their respective Counties.

J. P. in Quarter Sessions in 1861. to appoint Constables.

3. The persons, so appointed as Constables, shall, before entering on the duties of office, take and subscribe the following oath, which any Justice of the Peace may administer:

Constables to be sworn.

“ I, _____, having been appointed Constable for the County of _____, (or United Counties of _____, as the case may be,) do solemnly swear that I will truly, faithfully and impartially perform the duties appertaining to the said office, according to the best of my skill and ability. So help me God.”

The Oath.

4. Every such Constable, so appointed, and having taken the aforesaid oath, shall continue in office at least one year, and shall further continue in office from year to year without re-appointment, unless he shall claim exemption from serving as such Constable, in which case he shall be released at any time after the end of the first year, when he shall legally claim, and be entitled to, such exemption; Provided always that the Magistrates, at any time in General Quarter Sessions of the Peace

Continuance in office.

Proviso: for dismissal and

Peace

appointment
from time to
time.

Peace assembled in any County, may dismiss any person from the office of Constable, and may at any time appoint such additional number of Constables as they, in their discretion, may consider necessary.

Act limited
to U. C.

5. This Act shall apply only to Upper Canada.

C A P . I X .

An Act to consolidate the Debt of the County of Middlesex.

[Assented to 23rd April, 1860.]

Preamble.

WHEREAS the Corporation of the County of Middlesex have, by petition, set forth that their indebtedness, by outstanding Debentures of the said County, amounts to eight hundred and seventy-nine thousand one hundred and fourteen dollars, which they desire to consolidate and discharge by the issue of new Debentures, in such sums, and payable at such periods and places, as they may deem advisable, and it is expedient that the prayer of the said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Council authorized to raise a certain amount by loan.

1. The Corporation of the County of Middlesex may raise, by way of loan upon the credit of the Debentures hereinafter mentioned, from any person or persons, body or bodies corporate, in this Province or in Great Britain or elsewhere, a sum of money not exceeding eight hundred and seventy-nine thousand one hundred and fourteen dollars.

And to issue Debentures for the purpose.

2. The said Corporation, from time to time, in such manner as the Council thereof shall by By-law direct, may cause to be issued Debentures of the said County under the Corporate Seal, signed by the Warden, and countersigned by the Treasurer, in such sums, not exceeding in the whole eight hundred and seventy-nine thousand one hundred and fourteen dollars, and payable at such periods, as the Council thereof shall direct, and the principal sum or sums secured by such Debentures, and the interest accruing thereon may be made payable either in this Province, or in Great Britain or elsewhere, as the said Council shall deem expedient.

How the money so raised shall be applied.

3. So much of the said loan, as shall be necessary for the purpose, shall be applied by the said Corporation, to the redemption of the now outstanding Debentures thereof and to no other purpose whatever, and the Treasurer of the said County, on receiving instructions so to do, from the said Council, may call in such outstanding Debentures, and discharge the same with the funds raised under this Act, or may substitute therefor Debentures issued under this Act, as may be agreed between the

the said Corporation and the holders of such outstanding Debentures.

4. For the payment, satisfaction and discharge of the Debentures to be issued under this Act, the said Council, by any By-law to be passed authorizing the issuing of Debentures as aforesaid, shall impose a special rate per annum to be called the Consolidated Debenture Rate (over and above and in addition to all other rates to be levied in each year), sufficient to form a sinking fund of two per centum per annum for that purpose.

Special rate for the redemption of the Debentures.

5. The Treasurer of the said County shall, from time to time, invest all moneys raised by special rate for such sinking fund, either in the Debentures to be issued under this Act, or in any Debentures issued by the Government of Canada, or in such other securities as the Governor shall, by order in Council direct and shall apply all dividends or interest on such sinking fund to the extinction of the Debentures to be issued under this Act.

Investment of money raised by special rate as a Sinking Fund.

6. The Council, after having called in and paid such now outstanding Debentures, may repeal all By-laws concerning the same.

Repeal of former By-laws.

7. Any By-law, passed under this Act, authorizing the issue of the said new Debentures or any part thereof, shall not be repealed until the debt created thereby and the interest thereon, shall be paid and satisfied.

But only after satisfaction of the debt.

8. It shall not be necessary to obtain the assent of the Electors of the said County to the passing of any By-law under this Act, or to observe the formalities in relation thereto prescribed by the two hundred and twenty-third and two hundred and twenty-fourth Sections of Chapter fifty-four of the Consolidated Statutes for Upper Canada.

Assent of Electors need not be obtained to By-laws under this Act.

9. This Act shall be deemed a Public Act.

Public Act.

C A P . X .

An Act to divide the Township of Windsor, in the County of Richmond, into two distinct Municipalities.

[Assented to 23rd April, 1860.]

WHEREAS it is expedient to separate the Township of Windsor, in the County of Richmond, into two distinct Municipalities, inasmuch as such division of the said Township will greatly promote the welfare and convenience of its inhabitants : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

New Township constituted out part of Windsor.

1. Upon, from and after the first of January, one thousand eight hundred and sixty-one, the first, second, third, fourth, fifth and sixth ranges of the said Township of Windsor shall constitute a separate Township or Municipality, by the name of the Township of St. George de Windsor, and the said Township of St. George de Windsor shall hereafter be deemed to be such separate Municipality for all Municipal, School, Judicial and other purposes whatsoever, in the same manner to all intents and purposes as though the said Township had always been distinct from, and had never formed part of said Township of Windsor, and shall enjoy all the rights and privileges appertaining to other Townships in Lower Canada; and the remainder of said Township shall be a Township of itself by the name of the Township of Windsor, and until other provision in that behalf be duly made, shall, with the Township of Stoke, be known as and shall form the Municipality of Windsor and Stoke.

Remainder to be a Township with Stoke.

Division of the debts of the old Township.

2. All and every the assets and debts of the present Municipalities of Windsor and Stoke shall be divided between the respective Municipalities of Windsor and Stoke on the one hand, and St. George de Windsor on the other, by a By-law to be passed by the County Council to that effect; and as soon as the said debts shall have been divided as aforesaid, each of the said Municipalities shall be bound to the payment of the share of the said debts which shall have been so assigned to it as aforesaid, as though such share of the said debts had been incurred by such Municipalities respectively.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . X I .

An Act to remove doubts as to the validity of Marriages solemnized in Lower Canada by the Religious Society of Friends commonly called Quakers, and for other purposes.

[Assented to 23rd April, 1860.]

Preamble.

WHEREAS doubts have arisen as to the validity of certain Marriages solemnized in Lower Canada between persons professing the Religious Faith of the Society of Friends commonly called Quakers, and it is necessary to remove all such doubts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Quakers marriages in L. C. declared valid.

1. All Marriages heretofore solemnized in Lower Canada according to the rites, usages and customs of the Religious Society of Friends commonly called Quakers, and all Marriages hereafter to be solemnized in Lower Canada between persons professing the Faith of the said Religious Society of Friends,

Friends, commonly called Quakers, or of whom one may belong to that denomination, shall be held, and are hereby declared to be valid to all intents and purposes whatsoever.

2. All the provisions of the Act of the Parliament of Lower Canada passed in the thirty-fifth year of the Reign of King George the Third and chaptered four, and of the Legislature of Lower Canada passed in the second year of Her Majesty's Reign and chaptered four, amending the Act first mentioned, in so far as the same are applicable, are hereby extended to, and declared to be binding upon the said Religious Society of Friends commonly called Quakers.

Acts of L. C., 35 G. 3, c. 4, and 2 V. c. 4, declared binding on Quakers.

3. The Registers, directed to be kept by the said first mentioned Act, shall be kept, and the Births, Marriages and Burials, required to be enregistered therein, shall be so registered by the Clerk of the Monthly Meeting, and in his absence by the Clerk of the Preparatory Meeting of the Members of the said Religious Society of Friends, as the case may be, under the penalties in the said Act provided.

Registers to be kept by Clerk, &c. Penalty.

4. Any act or duty, or other matter or thing, apart from the act of celebrating Marriage, required in and by the said Act to be done or performed by any Priest or Minister, shall be done and performed by the said Clerk of the Monthly, or Preparatory Meeting as aforesaid.

And certain other things to be done by him.

5. This Act shall be deemed a Public Act.

Public Act.

C A P . X I I .

An Act to incorporate the Compton High School.

[Assented to 23rd April, 1860.]

WHEREAS Arba Stimson, James Doak, W. R. Doak, R. Rugg and R. S. Mayo, all of the Township of Compton, Esquires, have, by their petition, prayed that a High School may be incorporated in the Township and Village of Compton; and it is expedient to incorporate the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Arba Stimson, James Doak, W. R. Doak, R. Rugg and R. S. Mayo, and all other persons who may, by virtue of this Act, replace or be united with them, shall be and are hereby constituted a body politic and corporate, under the name of the "Compton High School," and shall by that name have perpetual succession and a common seal, with power to alter, renew or change such seal at pleasure, and power to sue and be sued in all Courts of law or equity; and shall have power at all times hereafter to purchase, hold, possess, and enjoy such lands and

Certain persons incorporated. Corporate name and powers. Power to hold property.

and tenements as may be necessary for the actual occupation of the said High School, and the same to sell, alienate and dispose of, and others in their stead to purchase, and hold for the use and purposes aforesaid.

Whole revenue to be devoted to education.

2. All the revenues of the said Corporation shall be devoted exclusively to the maintenance of said Corporation, and furtherance of education, and to no other purpose whatever.

Administration of affairs.

3. The said Corporation shall have power to administer their affairs by such and so many directors and other officers, and under such restrictions, in respect to their powers and duties, as by By-law in that behalf they may from time to time ordain; and they may assign to such officers such remuneration as they may deem requisite; Provided always that no person shall be entitled to vote for directors or other officers, unless he is a subscriber to the funds of said Corporation, for the then current year, to the amount of one dollar or more.

Officers.

Proviso: who only to vote.

4. 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, with such details and other information as the Governor or either branch of the Legislature may require.

Corporation to account to Legislature, &c.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . X I I I .

An Act to incorporate the Art Association of Montreal.

[Assented to 23rd April, 1860.]

Preamble.

WHEREAS the Right Reverend Francis Fulford, Lord Bishop of Montreal, the Reverend William T. Leach, and William H. A. Davies, Thomas D. King, and John Leeming, Esquires, and others, have by petition set forth, that they and others have lately formed themselves into an Association for the encouragement of the Fine Arts by means of the establishment and maintenance, in so far as may be found practicable, of a Gallery or Galleries of Art, and the establishment of a School of Design, in the City of Montreal, and otherwise; and that they are desirous of being enabled so to carry out the objects of such Association by means of a Charter of Incorporation, under the name of the "Art Association of 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 said Francis Fulford, William T. Leach, William H. A. Davies, Thomas D. King and John Leeming, 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 "Art Association of Montreal," for the ends aforesaid; and under the said name may acquire, by any legal title whatever, such real estate as they may require for their actual occupation as such Association, and may sell and alienate any real estate held by them, and acquire other instead thereof for the purposes of this Act; and may acquire any other real estate or interest therein, by gift, devise or bequest, and may hold such estate for a period of not more than five years, but the same or any part or portion thereof or interest therein, which may not within the said period have been alienated, shall revert to the party from whom the same was acquired, his heirs or other representatives.
- The petitioners and others incorporated.*
- Corporate name and powers.*
- Property for actual use.*
- Proviso: as to real estate not required for actual use of the Corporation.*
2. The Corporation shall have power to administer their affairs by such and so many Councillors 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 of such officers such remuneration as they may deem requisite.
- Administration of affairs of Corporation.*
3. The Corporation may make all such By-laws, not contrary to law, as they shall deem expedient, for the government thereof,—the maintenance and due regulation of any and every Gallery of Art, School of Design, Museum, Library, Reading Room or other subsidiary undertaking of the like description, which they may find practicable and conducive to the encouragement of the Fine Arts,—the raising of capital by the issue of transferable shares or otherwise,—the conditions under which such shares shall be issued, and may be transferred or forfeited, 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.
- Power to make By-laws for certain purposes.*
- General purposes.*
4. 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 undertakings as aforesaid, and to the acquisition, improvement and repair of the buildings and other real estate required to that end, and to no other purpose whatever.
- Revenue to be applied solely to certain purposes.*
5. The Corporation on the one hand, and the University of McGill College, or any other educational or literary or scientific Institution on the other, may at all times enter into and carry out any agreement which they may deem expedient, with a view to co-operation in the care or use of their respective Galleries,
- Corporation may co-operate with other institutions for like purposes.*

Galleries, Schools, Museums, Apparatus, or other Collections, or otherwise to the furtherance of the objects of the Corporation.

To make returns to the Legislature.

6. 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, 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.

7. This Act shall be deemed a public Act.

C A P . X I V .

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

[Assented to 19th May, 1860.]

Preamble.

WHEREAS it is expedient further to continue the Acts and Ordinances 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 :

Acts of Canada continued.

8 V. c. 27.

10, 11 V. c. 1.

11 V. c. 7.

14, 15 V. c. 92.

16 V. c. 205.

Acts of L. C.

2 G. 4, c. 8.

1. The Act of the Parliament of this Province, passed in the eighth year of Her Majesty's Reign, and intituled : " An Act to amend the Act and Ordinance therein mentioned, relative to the Registration of Titles to, and incumbrances upon, Real Property in Lower Canada ;" 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 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 said Parliament, passed in the eleventh year of Her Majesty's Reign, and intituled : " An Act to provide for the Inspection of Butter in Quebec and Montreal ;" the Act passed in the Session, held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled : " An Act to provide a more summary and less expensive process for Proprietors of Real Property in Lower Canada to acquire possession thereof, when illegally detained from them in certain cases," as amended by the Act passed in the sixteenth year of Her Majesty's Reign, and intituled : " An Act to amend the Act fourteenth and fifteenth Victoria, chapter ninety-two, relating to the illegal detention of Real Property in Lower Canada," and the said last mentioned Act ; 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

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 Seigniorie of the Baie Saint Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said common, and for other purposes appertaining to the same;" the Act of the said Parliament, passed in the ninth year of the same Reign, and intituled : "An Act to provide for the more effectual extinction of secret incumbrances on lands than was heretofore in use in this Province;" the Act of the said Parliament, passed in the same year of the same Reign, and intituled : "An Act to prevent fraudulent Debtors evading their creditors in certain parts of this Province;" the Act of the said Parliament, passed in the same year of the same Reign, and intituled : "An Act to facilitate the proceedings against the Estates and Effects of Debtors in certain cases;" the Act of the said Parliament, passed in the same 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;'" the Act of the said Parliament, passed in the first year of the Reign of His late Majesty King William the Fourth, and intituled : "An Act to encourage the destruction of Wolves;" the Act of the said Parliament, passed in the third year of the same Reign, and intituled : "An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time the provisions of two other Acts therein mentioned, for more effectually ascertaining the damages on protested Bills of Exchange, and for determining disputes relating thereto, and for other purposes;" the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled : "An Act to provide for the Medical Treatment of sick Mariners," as amended by the Act of the Parliament of Canada, passed in the eighth year of Her Majesty's Reign, and intituled : "An Act for the relief of Shipwrecked and destitute mariners in certain cases therein mentioned," and by the Act passed in the sixteenth year of Her Majesty's Reign, and intituled : "An Act to exempt certain Vessels from the duty imposed by the Act to provide for the Medical Treatment of sick Mariners," and both the said last mentioned Acts ; —shall be, and all and every of the said Acts and Ordinances are hereby continued to the first day of January, one thousand eight hundred and sixty-one, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

2 G. 4, c. 10.

4 G. 4, c. 26.

9 G. 4, c. 20.

9 G. 4, c. 27.

9 G. 4, c. 28.

9 G. 4, c. 32.

1 W. 4, c. 6.

3 W. 4, c. 14.

6 W. 4, c. 35.

8 V. c. 12.

16 V. c. 166.

The said Acts
 continued to
 1st January,
 1861, &c.

Acts of Canada.

7 V. c. 10.

9 V. c. 30.

12 V. c. 18.

13, 14 V. c. 20.

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-one, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Acts of L. C.

6 W. 4, c. 19.

Continuation.

Proviso.

3. The Act of the Parliament of the late Province of Lower Canada aforesaid, passed in the sixth year of the Reign of His late Majesty King William the Fourth, and intituled: "An Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes, as Clerks or Bailiffs in certain cases," shall be and is hereby continued to the said first day of January, one thousand eight hundred and sixty-one, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer; Provided always, that in the several Judicial Districts of Lower Canada, so much of the said Act as relates to the Fees to be granted to persons acting as Clerks to Country Magistrates, shall cease to have any force in any of the said Districts respectively, if or so soon as a Tariff of Fees shall have been promulgated in such District, under the provisions of chapter one hundred and three of the Consolidate Statutes of Canada, intituled: "An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders."

Cap. 103, Con. Stat. Canada.

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

4. 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 or Ordinances hereinbefore mentioned and continued, nor shall continue any provision or part of any of the Acts or Ordinances in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

5. 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, 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-one, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Periods limited by 12 V. c. 97.

9 V. c. 12.

10, 11 V. c. 38.

Extended to 1st January, 1861, &c.

C A P . X V .

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1860, and for certain other expenses connected with the public service, and also for raising a Loan on the credit of the Consolidated Revenue Fund.

[Assented to 19th May, 1860.]

MOST GRACIOUS SOVEREIGN :

WHEREAS by Messages from His Excellency Sir Edmund Walker Head, 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, laid before both Houses of the Provincial Parliament, it appears that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province and of the Public Service thereof, for the year one thousand eight hundred and sixty: May it therefore please Your Majesty that it 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,—

Preamble.

1. From and out of the Consolidated Revenue Fund of this Province, there shall be and may be paid and applied a sum not exceeding in the whole the sum of two million five hundred and seventy thousand two hundred and two dollars, and

\$2,570,202 30
cts. appropriated for charges of Civil Govern-
thirty

ment, &c., for 1860.

thirty cents, for defraying the several charges and expenses of the Civil Government and Public Service of this Province for the year one thousand eight hundred and sixty, and other purposes set forth in the Schedule to this Act.

Loan of \$1,000,000 authorized.

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, of a sum not exceeding one million 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.

How such loan may be raised.

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 said Consolidated Revenue Fund of this Province.

Rate of interest limited.

Accounts to be laid before Parliament.

4. Accounts in detail of all moneys received and paid under this Act, and of the Debentures issued and the interest thereon, and of the redemption of the whole or any part of such Debentures, and of all expenses attending the collection and payment of the sums of money collected, received or paid under the authority of this Act, shall be laid before both Houses of the Legislature of this Province at each Session thereof.

Account to Her Majesty.

5. The due application of the moneys raised and 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.

SCHEDULE.

SUMS GRANTED TO HER MAJESTY BY THIS ACT, AND THE PURPOSES FOR WHICH THEY ARE GRANTED.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Civil Government.</i>				
Governor General's Secretary's Office.....	810	00		
Provincial Secretary's Office.....	13246	76		
Provincial Registrar's Office.....	4817	50		
Receiver General's Office.....	11125	00		
Finance Minister's Department.....	14100	90		
Do Customs Branch.....	11975	00		
Do Audit Branch.....	5400	00		
Executive Council Office.....	9244	00		
Department of Public Works.....	18075	20		
Bureau of Agriculture.....	6100	00		
Post Office Department.....	22580	00		
Crown Land do.....	40570	50		
Attorney and Solicitor General, East.....	2110	00		
Do West.....	3550	00		
Contingencies of Public Department.....	45000	00	208703	86
<i>Administration of Justice, East.</i>				
To meet the deficit of Law Fee Fund, L. C.....	10863	30		
Do additional Salaries, Vice Admiralty Court...	1111	14		
Do Contingent Expenses of the Administration of Justice in L. C., not otherwise provided for.	115400	00	127374	44
<i>Administration of Justice, West.</i>				
Salaries, Court of Chancery.....	4108	88		
Do Court of Queen's Bench and Common Pleas..	5060	00		
Salary, Clerk of the Surrogate Court.....	1600	00		
To meet the deficit of the Fee Fund, U. C.....	5566	32		
Do Contingent Expenses of the Administration of Justice, U. C., not otherwise provided for.	26700	00	43335	20
<i>Police.</i>				
Amount required to meet the expenses of the Water Police, Quebec, for the present year.....	3000	00		
Do For the expenses of the River Police, Mont- real, for 1860, \$11200, of which to be borne by the Harbour Commissioners \$3700, balance required.....	7500	00		
Do To meet the Pay and Contingencies of the Montreal Police Force, for December, 1859.	1000	00	11500	00
<i>Carried over</i>			390913	50

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>			390913	50
<i>Penitentiary, Reformatories and Prison Inspections.</i>				
For support of Provincial Penitentiary at Kingston....	33901	00		
Do Reformatory Prisons.....	24000	00		
To meet balance due on account of Reformatory Prison, C. W., at end of 1859.....	1789	13		
For support of Rockwood Establishment.....	12034	00		
Erection of Rockwood Buildings.....	21141	00		
Inspection of Prisons and Asylums.....	6500	00	99865	13
<i>Legislation.</i>				
For Expense of Printing and Binding the Laws.....	15000	00		
Do distributing do.....				
Do Printing for the Commission for the Revision of the Statutes.....	20000	00		
Grant to Parliamentary Library.....	4000	00	39000	00
<i>Legislative Council.</i>				
Salary of the Clerk.....	2000	00		
Do Assistant Clerk and French Translator..	1600	00		
Do Law Clerk.....	1000	00		
Do Chaplain and Librarian.....	800	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.....	70000	00	77380	00
<i>Legislative Assembly.</i>				
Salary of the Speaker, (Part).....	1200	00		
Do Clerk.....	2000	00		
Do Assistant Clerk.....	1600	00		
Do Law Clerk and English Translator.....	2000	00		
Do Clerk of the Crown in Chancery.....	640	00		
Contingencies of do do.....	400	00		
Salary of the Sergeant at Arms.....	400	00		
Contingent Expenses.....	190000	00	198240	00
<i>Education.</i>				
Additional sum for Common Schools, Upper and Lower Canada.....	160000	00		
(\$6000 of which out of the Lower Canada share to be applied to Normal Schools.)				
<i>Carried forward</i>	160000	00	804898	63

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>	160000	00	804898	63
Aid towards Superior Education Income Fund, Lower Canada.....	\$20000	00		
Do do Upper Canada....	20000	00	200000	00
<i>Distributed as follows: in 1859</i>				
Victoria College, Cobourg.....	\$5000	00		
Queen's College, Kingston.....	5000	00		
Regiopolis College, do.....	3000	00		
St. Michael's College, Toronto.....	2000	00		
Bytown College, Ottawa.....	1400	00		
Grammar School Fund, Upper Canada....	3200	00		
L'Assomption College, Sandwich.....	400	00		
	\$20000	00		
<i>Literary and Scientific Institutions.</i>				
Aid to Medical Faculty, McGill College, Montreal...	1000	00		
Do do Victoria College.....	1000	00		
Do School of Medicine, Montreal.....	1000	00		
Do do Kingston.....	1000	00		
Do do Toronto.....	1000	00		
Do Canadian Institute, do.....	1000	00		
Do Natural History Society, Montreal.....	1000	00		
Do Historical Society, Quebec.....	1000	00		
Do Canadian Institute, Ottawa.....	400	00		
Do Athenæum do.....	400	00		
Observatory, Quebec, to defray expenses of.....	2400	00		
Do do to enable Director to proceed to the coast of Labrador to observe Eclipse of the Sun.....	500	00		
Observatory, Toronto, to defray expenses of.....	4800	00		
Do Kingston, do.....	500	00		
Do Isle Jesus, do.....	500	00		
Do do for purchase of instruments..	500	00	18000	00
<i>Hospitals and Charities.</i>				
Aid to the Toronto Hospital.....	8000	00		
Do do for County Patients.....	6000	00		
Do Toronto House of Industry.....	2800	00		
Do Protestant Orphans' Home and Female aid Society, Toronto.....	800	00		
Do Roman Catholic Orphan Asylum, Toronto.....	800	00		
Do Lying-in-Hospital, Toronto.....	600	00		
Do Deaf and Dumb Institution, Toronto.....	1000	00		
Do Public Nursery for Children of the Poor, Toronto.	400	00		
Do House of Providence, Toronto.....	400	00		
<i>Carried over</i>	20800	00	1022898	63

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>	20800	00	1022898	63
<i>Hospitals and Charities.—Continued.</i>				
Aid to Marine and Emigrant Hospital, Quebec,.....	6000	00		
Do Indigent Sick at Quebec,.....	4000	00		
Do Asylum of the Good Shepherd, Quebec,.....	600	00		
Do Hospice de la Maternité, do	600	00		
Do Roman Catholic Orphan Asylum, do	600	00		
Do Managers of Protestant Female Orphan Asylum, Quebec,	400	00		
Do Finlay Asylum, Quebec	400	00		
Do Male Orphan Asylum, Quebec,.....	400	00		
Do Destitute Emigrant Institution, Quebec,.....	400	00		
Do Protestant Orphan Asylum, do	400	00		
Do Canada Military Asylum for Widows and Orphans, Quebec,	200	00		
Do Indigent Sick, Montreal,.....	4000	00		
Do Corporation of General Hospital, Montreal,.....	5000	00		
Do St. Patrick's Hospital, Montreal,	2000	00		
Do Sœurs de la Providence, do	1400	00		
Do General Hospital des Sœurs de la Charité, Montreal,	1000	00		
Do Bonaventure Street Asylum, Montreal,.....	1000	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,	1000	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, (L. of Bon Pasteur,) Montreal.	400	00		
Do Eye and Ear Institution, Montreal	400	00		
Do Montreal Dispensary	400	00		
Do Montreal Home and School of Industry,	400	00		
Do Kingston General Hospital.....	6000	00		
Do Indigent sick at Kingston..	3000	00		
Do Hôtel-Dieu Hospital, do	1000	00		
Do Orphan Asylum, do	800	00		
Do Hamilton Hospital	6000	00		
Do Orphan Asylum, Hamilton.....	800	00		
Do Roman Catholic, do do	800	00		
Do Indigent sick, Three-Rivers	2800	00		
Do London Hospital	3000	00		
Do Protestant Hospital at Ottawa	1500	00		
Do R. C., do do	1500	00		
Do St. Hyacinthe Hospital	400	00		
<i>Carried over</i>	83600	00	1022898	63

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>	83600	00	1022898	63
<i>Hospitals and Charities—Continued.</i>				
Aid to Lunatic Asylum, Toronto, for 1860.....	70000	00		
Do do Malden, for 1860.....	23000	00		
Do Lunatic Asylum, Malden, to meet balance of Expenditure, for 1859.....	14306	94		
Do Beauport do Quebec.....	60000	00	250906	94
<i>Militia and Enrolled Force.</i>				
Salaries of two Deputy Adjutants General U. and L. C., at \$2240, each.....	\$4480	00		
Salary of Chief Clerk and Accountant.....	1800	00		
Salaries of two Clerks, at \$1200, each.....	2400	00		
Do three do at \$1000, each.....	3000	00		
Do House Keeper and Messenger...	500	00		
	12180	00		
Salaries of two Inspecting Field Officers, U. and L. C., at \$1600, each.....	3200	00		
Do 8 Storekeepers of Armouries, at \$300 each..	2400	00		
Care of Arms, rent of Armouries, Drill Rooms, Gun Sheds and Magazines, and pay of Storemen and Care-takers of Armouries of the Active Force..	5000	00		
Fuel for established Armouries and harness rooms throughout the Province during Winter.....	800	00		
Maintenance and Drill of the Active Volunteer Force:				
10 Troops of Cavalry, 6 days drill for 30 men per Troop, including pay of Drill In- structors.....	\$1890	00		
7 Field Batteries, 12 days drill for 70 men, and 36 horses per Battery, including pay of Sergeant Majors.....	10304	00		
50 Foot Artillery and Rifle Corps, 6 days drill for 30 men per Corps, including the pay of the Drill Instructors.....	9450	00		
	21644	00		
Contingent Expenses for Postages, Stationery, Printing, Ammunition for Field Batteries, repairs of Arms and Accoutrements, Transport of Arms and Stores, travelling expenses of Inspecting Field Officers and all other expenses incidental to the Active Force.....	8000	00		
Salary of Provincial Aid-de-Camp.....	1840	00		
Compensation to Pensioners in lieu of land.....	12410	00		
For the purchase of 4000 new great coats, at \$3 each.	12000	00		
To assist in providing new clothing for Volunteer Force.	12260	00		
For Musketry Instruction.....	2500	00		
Extraordinary Expenses of the Militia in connection with the visit of H. R. H. The Prince of Wales.	12500	00	106734	00
<i>Carried over</i>			1380539	57

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>			1380539	57
<i>Arts, Agriculture and Statistics.</i>				
Aid to the Board of Arts and Manufactures, Upper and Lower Canada, \$2000 each	4000	00		
Towards the holding of a Great Exhibition of the Products of Canadian Industry in 1860.....	20000	00	24000	00
<i>Agricultural Societies.</i>				
Aid to Boards of Agriculture, Upper and Lower Canada, at \$4000 each.....			8000	00
<i>Emigration</i>				
Aid towards Emigration Expenses for the present year.....			10000	00
<i>Pensions.</i>				
William Ginger, as late Sergeant at Arms to the Legislative Council, Lower Canada.....	\$266	66		
Samuel Waller, as late Clerk of Committees, to do do.....	400	00		
John Bright, as late Messenger of do.....	80	00		
Louis Gagné, do Legislative Assembly, do do.....	72	00	816	66
G. B. Faribault, as late Assistant Clerk of the Legislative Assembly.....	\$1600	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	2980	00
<i>Indian Annuities.</i>				
New Indian Annuities.....	4400	00		
Aid to Indians, Lower Canada, in addition to the Parliamentary Grant under Act 14 & 15 Vic., Cap. 106	400	00	4800	00
<i>Roads and Bridges.</i>				
Colonisation Roads, U. C.....	12500	00		
Do L. C.....	12500	00	25000	00
<i>Ocean and River Steam Service.</i>				
Tug Service, between Montreal and Kingston.....			24000	00
<i>Carried over</i>			1480136	23

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>			1480136	23
<i>Light-houses and Coast Service.</i>				
Salaries of two Keepers of Depots for provisions at Anticosti, for the relief of Ship-wrecked persons for 1860, at \$200 each.....	400	00		
Do do for half year ended 31st December, 1859.....	200	00	600	00
For providing provisions for such Depots.....			1400	00
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	00
Proportion of the expenses of keeping up Light-houses, on Isles of St. Paul and Scatterie, in the Gulf..			3000	00
<i>Fisheries.</i>				
Expenses of protecting the Fisheries, in the Gulf.	5000	00	5000	00
<i>Miscellaneous Items.</i>				
For subscription to, and advertising in the Official Gazette.....	5000	00		
For miscellaneous printing.....	5000	00		
To pay claims arising out of boundary line as determined by Ashburton Treaty.....	2400	00		
For expenses of Speaker of Legislative Assembly, on his visit to England.....	2000	00		
To meet miscellaneous petty expenses of the Public Service.....	6000	00		
Expenses of Commissioners appointed to enquire into matters connected with the Public Service, under Act 9 Vict., Cap. 38.....	6000	00		
Towards expenses of Indian Department.....	3000	00	29400	00
			1519936	23
To make good various incidental expenses incurred during the year 1859, as detailed in Statement, No. 57, part 2nd of the Public Accounts, laid before the Legislature.....			281122	07
Total.....		\$	1801058	30

SCHEDULE—Continued.

SERVICE.	AMOUNT.	
	\$	cts.
DEPARTMENT OF PUBLIC WORKS.		
<i>Welland Canal.</i>		
Continuation of Contract for deepening to Lake Erie level and constructing Guard Lock at Thorold and to cover Balance of expenditure in excess of last year's Estimate.....	90000	00
Raising Piers at Ports Colborne and Maitland, and facing and Strengthening Banks of Canal.....	12500	00
<i>St. Lawrence Navigation.</i>		
For nine pairs of new Lock Gates partly under contract; stone and materials for protecting Banks : construction of Head Gates for supply of water power : Breakwater off Grosse Point : completing Pier, Booms and Basin Store for Canal property, Lock Keepers Houses and towards deepening and enlarging rock cut at Lachine and St. Gabriel basin.....	110000	00
<i>Chambly Canal.</i>		
By Wash at Woods Creek.....	4000	00
<i>St. Ours Lock and Dam.</i>		
Building protection Wall.....	2800	00
<i>Ordnance Canals.</i>		
Rebuilding Lock at Lower Brewers—Building Bridge at New Boro. Taking down and rebuilding Lock No. 1. Carillon and Grenville.....	9025	00
<i>Union Suspension Bridge.</i>		
Reconstructing Roadway.....	3500	00
<i>Ottawa Survey.</i>		
To close final accounts of three surveying parties under Messrs. Clark, Gallwey and Perry, and balance due Mr. Clark on completing Report.....	12,850	
To cover Balance due since 1857 on Mr. Shanly's Report.....	2,150	00
	15000	00

SCHEDULE—Continued.

SERVICE.	AMOUNT.	
	\$	cts.
<i>Ottawa Works.</i>		
For construction of Boom at the Chenaux Rapides.....	4500	00.
<i>Inland Lake and River Lights.</i>		
Houses for Keepers at Cole's Shoal, Lindoe Island, Point Peter, Burnt Island, and Port Maitland. Rebuilding and securing works at Spectacle Shoal, Point Peter, Pelee Island, Gull Island, and Port Maitland, and constructing Light Houses at Michipicoten Island and Thunder Bay, and balance due on Light-Houses, Lake Huron.....	20765	00.
<i>Light Houses, Lower St. Lawrence.</i>		
Towards erection of two first class Lights and second class Lights at Brandy Pots, Pilgrims, Island of Kamouraska, Bellechasse, and Father Point.....	40000	00.
<i>Burlington Bay Canal.</i>		
Balance to cover cost of reconstruction of Piers.....	15447	00.
<i>Tug service, Lower St. Lawrence.</i>		
To cover advance to Contractor on transfer of steamers in August last.....	60,000	
Do. payment to discharge mortgage on Vessels	93,544	
	153544	00.
To cover performance of service of Trinity House. Taking up and laying down Buoys, and supplying the Light Houses in Gulf and River St. Lawrence. Postal service to Lower Ports. Protection of Fisheries and services connected with the new Light Houses proposed to be erected.....	40000	00
<i>Trent Works.</i>		
Securing Dam.....	1000	00
<i>Roads.</i>		
Metapedia, North and South.....	12,000	
Matane and Cap Chats.....	4,000	
Grande Baie and St. Agnes	2,000	
	18000	00

SCHEDULE—Continued.

SERVICE.	AMOUNT.	
	\$	cts.
<i>Toronto Mechanics Institute.</i>		
Completing Building under Contract of 1854	13863	00
<i>Public Buildings.</i>		
Rents and Repairs thereof and charges connected with maintenance and protection of Public Property.....	45000	00
<i>Parliamentary Buildings Quebec.</i>		
Additions thereto.....	5000	00
<i>Governor General's Residence.</i>		
Required in consequence of burning of Spencer Wood..	10000	00
<i>Beauharnois Canal.</i>		
To meet awards in respect of damages.....	20000	00
<i>District of Algoma.</i>		
Erection of Buildings in new judicial District of Algoma.	4000	00
<i>Arbitrations and Awards.</i>		
Surveys and Inspections: and to make good damages occasioned by Public Works, and towards keeping up and repairs of existing works.....	30000	00
<i>St. Lawrence Navigation.</i>		
To meet interest and expenditure in improving Navigation, by deepening Ship Channel between Quebec and Montreal, and for the completion of this Work...	64000	00
<i>Communication with Red River.</i>		
Aid towards opening communication with Red River, and for conveyance of Mails.....	20000	00
	751944	00

SCHEDULE—Continued.

SERVICE.	AMOUNT.	
	\$	cts.
To George Benjamin, Esquire, for Supervision of Public Printing and Contracts for 1859... \$2000 00		
Printing Patents of Bureau of Agriculture... \$1200 00		
Red River communications—		
To close final accounts for Red River Expedition,..... \$14000 00	17200	00
	\$ 769144	00

C A P . X V I .

An Act to amend the Members' Indemnity Clauses of the Act forming Chapter Three of the Consolidated Statutes of Canada.

[Assented to 19th May, 1860.]

IN amendment of the Members' Indemnity Clauses of the Act Preamble. containing special provisions concerning both Houses of the Provincial Parliament: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Section nineteen of the said Act shall be so amended as to read as follows:—"A deduction at the rate of five dollars per day shall be made, from the said Sessional Allowance, for every day on which the Member does not attend a sitting of the House of which he is a Member, or of some Committee thereof, provided the House sits on such day; but each day during the Session, after the first on which the Member attends as aforesaid, on which there has been no sitting of such House in consequence of its having adjourned over such day, or on which the Member was in the place where the Session was held, but was prevented by sickness from attending any such sitting as aforesaid, shall be reckoned as a day of attendance at such Session, for the purposes of the Act hereby amended and of this Act; and a Member shall, for the purposes aforesaid, be held to be at the place where the Session is held, whenever he is within ten miles of such place."

Section 19 of cap. 3, of Con. Stat of Canada amended.

No deduction to be made for days on which the House does not sit.

Less than 31 days attendance not to entitle to Sessional allowance.

2. A Member shall not be entitled to the said Sessional Allowance for less than thirty-one days' attendance reckoned as aforesaid, but his allowance for any less number of days shall be six dollars for each day's attendance.

Case of Member for part only of a Session provided for.

3. If any person is, from any cause, a Member of either House for a part only of any Session, then, provided he is a Member for upwards of thirty days during such Session, he shall be entitled to the Sessional allowance last mentioned, subject to the deduction aforesaid for non-attendance as a Member, and also to a deduction of five dollars for each day of such Session before or after he was a Member; but if he is a Member for only thirty days or less, then he shall be entitled only to six dollars for each day's attendance at such Session, whatever be the length thereof.

New form of declaration.

4. The form of declaration in the Schedule annexed to this Act is hereby substituted for that annexed to the Act hereby amended, and shall have the same effect; and the Clerk or Accountant of the proper House shall thereupon calculate and pay the sum due to the Member; and such declaration may be made before any Assistant to the Accountant or before any Justice of the Peace, or before the Clerk or Accountant as provided by the said amended Act.

Act to apply to present Session.

5. This Act shall apply to the present Session of the Provincial Parliament.

SCHEDULE.

FORM A.

I. A. B., (*name of member*) one of the Members of the Legislative Council (*or Assembly*), solemnly declare,—

That I reside at _____, in _____,—which is distant _____ miles from _____, where the Session of the Provincial Parliament, which began on the _____ day of _____, one thousand eight hundred and _____, was held:

That the first day during the said Session on which I was present at _____, where the said Session was held, was the _____ day of _____, one thousand eight hundred and _____:

That on the said day and on each day of the said Session after the said day on which there was a sitting of the said House, I attended such sitting, or a sitting of some Committee thereof, *except only on _____ days, **on _____ of which I was prevented

prevented by sickness from attending as aforesaid, though I was then present at ***.

(Signature)

A: B.

Declared before me at this day of
one thousand eight hundred and

C. D.,

Clerk (or Accountant or Assistant
Accountant), of the Legislative
Council (or Assembly), or Justice
of the Peace for the of
as the case may be.

If the Member attended a sitting of the House or of some Committee on every sitting day after the first on which he so attended, omit the words from * to *** ;—and if his non-attendance was not on any day occasioned by sickness, omit the words from ** to ***.

If the person making the declaration became or ceased to be a Member after the commencement of the Session, vary the form, so as to state correctly the facts upon which the sum due to the Member is to be calculated.

C A P. X V I I .

An Act for the more effectual prevention of corrupt practices at Elections.

[Assented to 19th May, 1860.]

WHEREAS corrupt and demoralizing practices are frequently resorted to at elections by candidates, their agents and others ; and whereas the laws at present in force intended for the prevention of such practices have not been found effectual, and it is expedient that more stringent enactments be adopted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Sections eighty-two and eighty-three of chapter six of the Consolidated Statutes of Canada, are hereby repealed, and the following provisions substituted therefor :

The following persons shall be deemed guilty of bribery, and shall be punishable accordingly :—

1. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give

Preamble.

Sections 82 and 83 of Con. Stat. of Canada, repealed.

Certain acts to be bribery by Candidates, &c.

Giving money &c., to voters.

give or lend, or shall offer, promise, or promise to procure or endeavour to procure any money, or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any election ;

Procuring office, &c., for or to voters.

2. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure or offer, promise or promise to procure, or to endeavour to procure any office, place or employment to or for any voter or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any voter having voted or refrained from voting at any election ;

Or to or for persons who can influence voters.

3. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in parliament, or the vote of any voter at any election ;

Corruptly influencing voters.

4. Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise or endeavour to procure the return of any person to serve in parliament or the vote of any voter at any election ;

Advancing or paying money for bribery purposes.

5. Every person who shall advance or pay or cause to be paid any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or re-payment of any money wholly or in part expended in bribery at any election ;

Offence to be a misdemeanor. Penalty.

Proviso.

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of two hundred dollars to any person who shall sue for the same, with full costs of suit ; Provided always, that the actual personal expenses of any candidate, his expenses for actual professional services performed, and *bonâ fide* payments for the fair cost of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

Certain acts by voters to be bribery.

2. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly :

1. Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election ;

Contracting to vote for money, &c.

2. Every person who shall, after any election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration, on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any election ;

Receiving money to vote, &c.

And any person so offending shall be guilty of a misdemeanour, and shall also be liable to forfeit the sum of two hundred dollars to any person who shall sue for the same, together with full costs of suit.

Penalty on bribers.

3. And whereas doubts may arise as to whether the hiring of teams and vehicles to convey electors to and from the Polls, and the paying of Railway Fares and other expenses of voters, be or be not according to law, it is declared and enacted, that the hiring or promising to pay or paying for any horse, team, carriage, cab, or other vehicle, by any candidate, or by any person on his behalf, to convey voters to or near or from the Poll or from the neighborhood thereof, at any election, or the payment by any candidate or by any person on his behalf of the travelling or other expenses of any voter in going to or returning from any election, shall be illegal acts, and the person so offending shall forfeit the sum of thirty dollars for each offence, to any person who shall sue for the same, together with full costs of suit ;--And any elector who shall hire any horse, cab, cart, waggon, sleigh, carriage, or other conveyance, to any candidate or to any agent of a candidate for the purpose of conveying electors to or from the polling place or places, shall *ipso facto* be disqualified from voting at such election, and for every such offence shall forfeit the sum of thirty dollars to any person who shall sue for the same.

Hiring vehicles to convey voters to polls, &c., to be illegal.

And in Elections as well as Candidates.

4. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence or restraint, or inflict, or threaten the infliction by himself or by or through any other person, of any injury, damage, harm or loss, or in any manner practise intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with the free exercise of the franchise of any voter, or shall thereby compel, induce, or prevail upon any

Persons using violence or intimidation at elections to be guilty of undue influence.

Penalty.

voter either to give or refrain from giving his vote at any election, shall be deemed to have committed the offence of *undue influence*, and shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of two hundred dollars to any person who shall sue for the same, together with full costs of suit.

Persons not excused from answering before Committees, &c., on the ground that answers may criminate them.

5. No person shall be excused from answering any question put to him in any action, suit, or other proceeding in any Court, or before any Judge, Commissioner, or Select Committee, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate him, shall be used in any criminal proceeding against such person, other than an indictment for perjury, if the Judge, Commissioner, or Chairman of the Committee shall give to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answers, to the satisfaction of the Judge, Commissioner, or Committee.

Contracts arising out of elections to be void.

6. Every executory contract or promise or undertaking, in any way referring to, arising out of, or depending upon any Parliamentary Election, even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law; but this provision shall not enable any person to recover back any money paid for lawful expenses connected with such election.

Short Title of this Act.

7. This Act may be called and cited as "The Corrupt Practices Prevention Act, 1860."

C A P. X V I I I.

An Act respecting certain Duties of Customs.

[Assented to 19th May, 1860.]

Preamble.

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

Certain duties repealed.

Cap. 17 of Con. Stat. Canada.

1. So much of chapter seventeen of the Consolidated Statutes of Canada, intituled: *An Act respecting Duties of Customs, and the Collection thereof*, and of the table of Duties of Customs inwards, thereunto annexed, as imposes any duty on printed books, periodicals and pamphlets, not being reprints of British copyrights, nor blank account books, nor copy books, nor books to be written or drawn upon, nor school or other books which

now

now are or hereafter may be printed in this Province, is hereby repealed;—Provided always, that copies of such school and other books, shall be deposited with the Customs' Branch of the Department of the Finance Minister, before duty shall be levied upon the same:

2. Notwithstanding any thing in the said Act or Table of Duties, all articles imported *bonâ fide* for the use of any Consul of a foreign country, being an alien, and a subject or citizen of the foreign country he represents, and not engaged in commercial business or professional pursuits, shall be admitted free of duty.

Articles for certain purposes to be free.

3. This Act shall be construed as one Act with that above cited.

Construction of this Act.

C A P . X I X .

An Act respecting Trade with Foreign Countries.

[Assented to 19th May, 1860.]

IN order to promote a direct Trade with Foreign Countries, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The Governor in Council, whenever he finds it expedient in order to promote such Trade as aforesaid, may, by Proclamation, reduce the duty of Customs on the Articles hereinafter mentioned, to the rates also hereinafter mentioned, that is to say :

Governor in Council may reduce the duty on certain articles.

On Wine of all kinds, to twenty per cent. *ad valorem* ;

On Brandy, to thirty per cent. *ad valorem* ;

On Dried Fruits, Currants, Figs, Almonds, Walnuts and Filberts, to twenty per cent. *ad valorem* ;

And such reduction shall take place at such time, and be subject to such regulations and conditions, as may be prescribed in the Proclamation by which it is made ; Provided that the said regulations and conditions may from time to time be altered by the Governor in Council.

When such reduction shall take effect. Proviso.

2. This Act shall be construed as one Act with chapter seventeen of the Consolidated Statutes of Canada, intituled : *An Act respecting duties of Customs and the collection thereof*, and to any Proclamation made under this Act, the enactments and provisions of the said Act as to Regulations made under it by Orders in Council, shall apply.

This Act to be construed as part of cap. 17 of Con. Stat. of Canada.

C A P . X X .

An Act respecting Free Ports of Entry.

[Assented to 19th May, 1860.]

Preamble.

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

Governor in Council may constitute two Free Ports.

1. The Governor in Council may, whenever he deems it expedient, constitute, by Proclamation, a Free Port at some place on the Gulf of St. Lawrence,--and may, in like manner, by another Proclamation, and when he deems it expedient, constitute a Free Port at Sault Ste. Marie.

And define their limits and privileges, &c.

2. The limits and privileges of each of the said Free Ports respectively, and of any district to be attached thereto, shall be defined by the Proclamation by which such Free Port is constituted, which may also contain such Regulations and provisions as the Governor in Council may deem it expedient to make for the protection of the Revenue and for preventing any abuse of the privileges conferred on such Free Port ; Provided that the said regulations and provisions may from time to time be altered by the Governor in Council.

Proviso.

Act to be construed as one Act with cap. 17 of Con. Stat. of Canada.

3. This Act shall be construed as one Act with chapter seventeen of the Consolidated Statutes of Canada, intituled : *An Act respecting Duties of Customs and the collection thereof*,--and to any Proclamation issued under this Act, the enactments and provisions of the said Act, as to Regulations made under it by Orders in Council, shall apply, except that no such Proclamation shall be revoked or altered, as regards the establishment of the Port and its limits, at any time within ten years from the date thereof, unless by Act of the Provincial Parliament.

C A P . X X I .

An Act respecting the Line of Division between Upper and Lower Canada.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS, on the twenty-fourth of August, seventeen hundred and ninety-one, His late Majesty King George the Third was pleased, by and with the advice of His Privy Council, to order that the then Province of Quebec should be divided into two Provinces, to be called the Province of Upper Canada and the Province of Lower Canada, by separating the said two Provinces according to a certain line of division ; and whereas, by reason of certain inconsistencies and inaccuracies in the description of the said line of division in the Order in Council

Council in that behalf, doubts have arisen as to the true course and situation on the ground of the said line of division; and whereas such doubts, and the consequent uncertainty as to the limits of electoral, judicial, municipal, territorial and other divisions on each side of the said line have been, and still are, notwithstanding the re-union of the said Provinces, productive of great inconvenience, loss and injury, and of serious impediments to the due administration of justice, and the exercise and discharge of political and civil rights and duties; And whereas it is expedient and highly desirable to remove such doubts, by correctly describing and defining the said line of division, and providing for its being laid down and marked in the field, and to apply a remedy to the evils to which such doubts have given rise; and whereas Commissioners were appointed to enquire into and report upon the said Line and the said Commissioners, being the Honorable Frederick Auguste Quesnel, of the City of Montreal, and Thomas Kirkpatrick Esquire, of the City of Kingston, have, in accordance with their commission in that behalf, made their report to His Excellency the Governor General upon the matters into which they were so commissioned to enquire, which Report bears date the sixteenth February, 1860: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

1. The said Province of Upper Canada was separated from the said Province of Lower Canada by a line of division which may now be described as follows, that is to say: commencing at the water's edge on the North shore of Lake St. Francis, at a point where the prolongation of a line connecting the two stone monuments now existing at the cove West of Pointe au Baudet strikes the water of the said lake; thence along the line run in a north-westwardly course by Hyacinthe Lemaire St. Germain, sworn Land Surveyor, for the South-Western limit of the Seigniory of New Longueuil, and now bounding certain lots in the said Seigniory, and following the road between part of the Fifth Concession of the Township of Lancaster and the said Seigniory to a point at the distance of three leagues from the site of the former stone monument now under the waters of Lake St. Francis, being the westernmost angle of the said Seigniory; thence northwardly in a straight line to the monument planted by Colonel Bouchette, Surveyor General of Lower Canada, at the extremity of the line surveyed and prolonged by him agreeably to and connecting the five stone monuments now standing, planted by Louis Guy and Pierre Remy Gagnier, sworn Land Surveyors, near Point Fortune, on the Ottawa River, to mark the commencement and course of the Western limit of the Seigniory of Rigaud; thence along the said line, so prolonged, to the Bank of the Ottawa River; thence to the middle of the main channel of the said River; thence ascending along the middle of the said main channel of the said River into the

Line between
Upper and
Lower Canada
described.

Lake

Lake Temiscaming; thence through the middle of the said Lake to the head thereof; and thence by a line drawn due North to the Northern Boundary line of the Province, in accordance with the said Report of the said Commissioners.

Commissioner of Crown Lands to cause the said Line to be surveyed and marked out by an officer of the Department.

2. The Commissioner of Crown Lands shall cause the said Line of Division to be surveyed and run from the North Bank of Lake St. Francis to the South Bank of the River Ottawa, by a Land Surveyor duly admitted to practise as such in and for Upper Canada and Lower Canada, and being an Officer of the Surveying Branch of the Department of Crown Lands, who shall mark the course of the same between those waters by monuments of cut stone, or other sufficient boundary marks, at short intervals, including one on each bank, one at every point where the course of the line is changed, and one at every other conspicuous or otherwise appropriate point, and shall make a plan and report of such survey, in which the position of each of such monuments and marks shall be shown, as well as the positions and distances and bearings from the line of any trees, streams, or other fixed objects, natural or artificial, serving to mark the said portion of the said line or its course or situation in whole or in part; which line so marked on the ground shall be taken to be the true boundary between Upper and Lower Canada, and such plan and survey, on being approved by the Governor in Council, shall be deposited and remain of record in the said Department of Crown Lands, and shall govern in all questions relating to the said boundary:

And the Line so marked shall be the true boundary.

Penalty for removing or defacing the marks.

1. Any person, who shall remove or wilfully damage or deface any of such monuments or marks, shall be guilty of a misdemeanor and may be prosecuted therefor in any Court of competent jurisdiction in Upper or Lower Canada, and on conviction thereof shall be liable to fine or imprisonment, or both, in the discretion of the Court.

Compensation for lands patented as in Upper and Lower Canada.

3. In case any land granted by Letters Patent under the Great Seal of the late Province of Upper Canada, or granted by Letters Patent under the Great Seal of this Province as being in Upper Canada, or sold by the Crown as being in Upper Canada and not yet under patent, is found under this Act to be either wholly or partly in Lower Canada, and there be nothing in such Letters Patent to exclude a claim to the compensation hereinafter provided for, it shall be lawful for the Governor in Council to make compensation, either in money or land or in land scrip or certificates to be taken in payment for public lands, to the grantee or his heir or legal representative, for such land or so much thereof as may be lost to him by reason of this Act, unless the same be still in the possession of the Crown, in which case Letters Patent for the same may be issued in his favor.

4. And whereas persons entitled to compensation under the foregoing clause, may have in good faith occupied and improved partly or wholly in Lower Canada the land therein referred to as intended to be granted to them, and other persons owning lands upon or near the said line may have extended their improvements across the said line, on either side thereof, in good faith, believing they had a right so to do, and may be in possession thereof, and it is right to confirm every such person in his possession at his option; every person who shall, by the Commissioners hereinafter referred to, be found to be so in possession of any land which, by the said line, as it shall be finally marked on the ground, shall be found to be in Upper or Lower Canada, may retain possession of such land on making compensation therefor, in manner hereinafter mentioned, to the person who shall hold the legal title thereto, and who, under this Act, shall be dispossessed thereof:

Recital.

1. The Governor may appoint two or more Commissioners, who shall inquire into and report upon the amount of compensation to be paid under this and the preceding section, and the manner in which it shall be paid to the parties entitled thereto, and who shall also inquire, determine and report what persons, if any, are entitled to exercise the option given by this section, and the quantity of land which each such person is entitled by the exercise of such option to retain possession of hereunder, and shall cause the same to be described by metes and bounds; and on compensation being made as herein provided for such parcels of Land, the Commissioner of Crown Lands shall issue to each person who shall be then entitled thereto an instrument under his hand and seal, declaring that such person is entitled under this Act to retain possession of such parcel of land; and the person receiving the same, and his heirs and assigns, shall thenceforward hold such parcel of land as owners thereof in fee simple, or *en franc-alleu*, as the case may be;

Commissioners for inquiring into claims for compensation in certain cases.

2. The compensation provided for under this Act shall be in lieu of all claims against the Crown and the Seigniors of Lands affected by the said Division Line, and against all persons owners of lands affected by the said line, or who having owned any such lands have sold the same in good faith;

Compensation to be in lieu of claims.

3. In the case of minors or persons under any legal disability, the Judge of the County Court for the County in which the land lies, if in Upper Canada, or a Judge of the Superior Court, if in Lower Canada, may, on the application of the Commissioner of Crown Lands, and upon such notice and such proceedings had as according to the Laws of each section of the Province in that behalf are required in such cases, appoint a guardian for such minor or person under other legal disability, whose acts shall be as effectual and binding as if the party for whom he is such guardian was competent and had himself performed such Acts;

As to persons under age, &c.

Powers of Commissioners. Con. Stat of Canada, cap. 13.

4. The Governor may confer upon the Commissioners appointed under this Act the powers authorized by the thirteenth Chapter of the Consolidated Statutes of Canada to be conferred upon Commissioners appointed under that Act; and the subsection of the first section of the said Act, numbered two, shall then apply.

Indemnity to persons who have acted in L. C. and U. C., respectively, under powers granted for the other section, —in consequence of the uncertainty of the Line of Division.

5. Every person who has heretofore acted in any official capacity in any place in which, according to the provisions of this Act, he was not entitled to act in such capacity, although, by reason of uncertainty as to the said line of division, he might reasonably suppose himself to be so entitled, and every person who has heretofore omitted to act in any official capacity in any place in which, according to the provisions of this Act, he was bound to act in such capacity, although, by reason of uncertainty as to the said line of division, he might reasonably suppose that he was not so bound, is hereby indemnified, freed and discharged from and against all damages, penalties and forfeitures incurred or recoverable for or by reason of his having so acted or omitted to act; and in case any action, suit, bill of indictment or information, shall, after the passing of this Act, be brought, carried on or prosecuted against any person hereby meant to be indemnified, freed and discharged from and against any damages, penalty or forfeiture whatsoever incurred, or recoverable, for or by reason of any such act or omission, such person may plead the general issue, and upon his defence give this Act and the special matter in evidence upon any trial to be had thereupon.

The same as to persons who, for like reason, have omitted to act, in L. C. or U. C., respectively.

6. Every person who has heretofore done, or omitted to do, any act whatsoever, which, according to the provisions of this Act, it was not lawful for him to do, or omit to do, but which, by reason of the uncertainty as to the said line of division it was reasonable for him to suppose he might lawfully do, or omit to do, is hereby indemnified, freed and discharged from and against all damages and penalties incurred or recoverable, for or by reason of his having done, or omitted to do, the same; and in case any action, suit, bill of indictment, or information shall, after the passing of this Act, be brought, carried, or prosecuted against any person hereby meant to be indemnified, freed and discharged, from and against any damages or penalty whatsoever incurred, or recoverable, for or by reason of his having done, or omitted to do, any such act, such person may plead the general issue, and upon his defence, give this Act and the special matter in evidence upon any trial to be had thereupon.

Act not to affect sect. 6 of cap. 3 of Con. Stat of Canada.

7. Nothing in this Act contained shall be construed to vary or repeal any of the provisions of the sixth section of the third chapter of the Consolidated Statutes for Upper Canada.

C A P . X X I I .

An Act respecting certain Ordnance Land Reserves
in Upper Canada.

[Assented to 19th May, 1860.]

WHEREAS, by the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, Chaptered forty-five, now forming part of Chapter twenty-four of the Consolidated Statutes of Canada, certain lands referred to in Schedule two of the said Act as Reserves at Fort Erie, Amherstburg and Boisblanc Island, and Penetanguishene, excepting those portions of the said Reserves then located by enrolled pensioners, and that portion at Penetanguishene then under license of occupation to Major Ingall, were vested in Her Majesty for the purposes of the Province; and whereas the said enrolled pensioners have agreed, in lieu of their claims, to take certain portions of the said Reserves respectively, and the same have been set apart for them accordingly, evidenced by Location Tickets under the hand of the Commissioner of Crown Lands, and delivered to the said pensioners respectively entitled thereto, and it hath been agreed to issue Letters Patent under the Great Seal of the Province, granting in fee to the said pensioners, their heirs and assigns respectively, the said last mentioned portions of land, so soon as the same can be legally issued: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.
19, 20 V. c. 45.
Con. Stat. of
Canada, cap.
24.

1. Subject to the said agreements with the said enrolled pensioners, the said lands, so excepted in the said Schedule as located by the enrolled pensioners, shall be and are hereby vested in Her Majesty, for the purposes of the Province, as other lands referred to in the sixth section of the said first mentioned Act are vested.

The said lands
vested in the
Crown.

2. That part of the original allowance for road between the first and second Concessions of the Township of Tay, extending from the Southerly angle of the Reformatory Prison Farm, in the second Concession of the said Township, to the waters' edge of the Penetanguishene Harbour, shall cease to be an original allowance for road, and shall be and form part of the said Reformatory Prison Farm.

A certain al-
lowance for
road to become
part of the
Prison Farm.

C A P. X X I I I .

An Act respecting the Boards of Arts and Manufactures.

[Assented to 19th May, 1860.]

Preamble.

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

Boards to have power to borrow money.

1. The Board of Arts and Manufactures for Upper Canada, and the Board of Arts and Manufactures for Lower Canada, respectively shall have power to borrow money on the security of the real or immoveable property held by them, and to mortgage or hypothecate the same for the payment thereof.

C A P. X X I V .

An Act respecting Foreign Judgments and Decrees.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS it is expedient to amend the laws of Upper and Lower Canada respecting Foreign Judgments and Decrees and to assimilate the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Suit upon Foreign Judgment, and defence thereto.

1. In any suit brought in either section of the Province upon a Foreign Judgment or Decree (that is to say, upon any Judgment or Decree not obtained in either of the said sections, except as hereinafter mentioned) any defence set up or that might have been set up to the original suit may be pleaded to the suit on the Judgment or Decree.

Suit upon Judgment in one section of the Province, where service was personal.

2. In any suit brought in either section on a Judgment or Decree obtained in the other section in a suit in which the service of process on the defendant or party sued has been personal, no defence that might have been set up to the original suit can be pleaded to that brought on the Judgment or Decree.

Service of process on Corporations.

3. In case of a suit against a Corporation, service of process on the officer or officers thereof named in the Act incorporating such Corporation, or in case there be no officer named in the said Act, then service of process according to the law of the section of the Province where the process is served, shall be held to be personal service under this Act.

Suit upon judgment in one section of the Province, where the service was not personal.

4. In any suit brought in either section on a judgment or decree obtained in the other section in a suit in which personal service was not obtained and in which no defence was made, any defence that might have been set up to the original suit may be made to the suit on such judgment or decree.

C A P .

C A P . X X V .

An Act to exempt certain articles from seizure in satisfaction of Debts.

[Assented to 19th May, 1860.]

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

1. Chapter twenty-eight of the Ordinances of the Legislature of the late Province of Lower Canada, passed in the second year of Her Majesty's reign, is hereby repealed. Ordinance L. C., 2 V. c. 28, repealed.

2. So much of Section one hundred and fifty-one of Chapter nineteen of the Consolidated Statutes for Upper Canada as exempts certain chattels from seizure under writs of execution issued under the provisions of that Act, is hereby repealed, and in lieu thereof the following words are substituted, and shall be read immediately after the word "excepting" in the said section, namely, "Those which are by law exempt from seizure." Part of sect. 151 of c. 19, Con Stat. U. C., repealed.

3. Section two hundred and fifty-four of chapter twenty-two of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor, namely: Sect. 254 of cap. 22, Con. Stat. U. C., repealed.

"254. The goods and chattels exempt by law from seizure, shall not be taken in execution under any writ from either of the said Superior Courts, or from any County Court." New provision.

4. The following chattels are hereby declared exempt from seizure under any Writ issued out of any Court whatever in this Province, namely: Certain chattels exempt from seizure.

1. The bed, bedding and bedsteads in ordinary use by the debtor and his family; Bedding.

2. The necessary and ordinary wearing apparel of the debtor and his family; Apparel.

3. One stove and pipes, and one crane and its appendages, and one pair of andirons, one set of cooking utensils, one pair of tongs and shovel, one table, six chairs, six knives, six forks, six plates, six teacups, six saucers, one sugar basin, one milk jug, one tea pot, six spoons, all spinning wheels and weaving looms in domestic use, and ten volumes of books, one axe, one saw, one gun, six traps, and such fishing nets and seines as are in common use; Furniture.

4. All necessary fuel, meat, fish, flour and vegetables, actually provided for family use, not more than sufficient for Provisions.

for the ordinary consumption of the debtor and his family for thirty days, and not exceeding in value the sum of forty dollars;

Animals.

5. One cow, four sheep, two hogs, and food therefor, for thirty days ;

Tools.

6. Tools and implements of or chattels ordinarily used in the debtor's occupation to the value of sixty dollars.

Exception.

5. Nothing in this Act contained shall exempt from Seizure in satisfaction of a debt contracted for such identical chattel, of any article enumerated in Sub-sections three, four, five or six of Section four of this Act.

Debtor may select chattels.

6. The debtor may select out of any larger number the several chattels exempt from Seizure under this Act.

C A P. X X V I .

An Act concerning the Inspection of Flour and Meal.

[Assented to 19th May, 1860.]

Preamble.

IN amendment of the Act respecting the inspection of Flour and Meal, chapter forty-seven of the Consolidated Statutes of Canada : Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Inspector of Flour and Meal at Toronto to be authorized to appoint one or more assistants.

1. The Inspector of Flour and Meal in the City of Toronto, shall have authority to appoint one, or as many more Assistants, as the Board of Trade of the said city may from time to time direct, in like manner as the Inspectors of Flour and Meal for Quebec and Montreal may respectively appoint Assistants, under section ten of the said recited Act ; and the said section shall read and be construed as if after the word " Montreal," in the second line, the words " and the Inspector for the City of Toronto," were therein introduced ; and the said Act shall, in all respects, apply to the Inspector for the said city of Toronto, and to his Assistant or Assistants, in like manner, as if he and they were throughout respectively named therein.

Part of section 17 of cap. 47 of Consol. Statutes of Canada, repealed.

2. That portion of section seventeen of the said recited Act, commencing on the third line thereof, with the words " that of a very superior quality as," down to, and including the word, " Pollards," in the twelfth line thereof, is hereby repealed, and there shall be inserted instead thereof, and be read as if the same were actually contained in the said recited section, after the end of the second line thereof, the following words, that is to say :

That

That of a very superior quality, by the word "Superior Extra;"

How flour, &c., shall hereafter be classified and branded.

That of the second quality, by the words "Extra Superfine;"

That of the third quality, by the words "Fancy Superfine;"

That of the fourth quality, by the word "Superfine;"

That of the fifth quality, by the words, "Superfine, No. 2,"

That of the sixth quality, by the word "Fine;"

That of the seventh quality, by the words, "Fine Middlings;"

That of the eighth quality, by the words "Ship Stuffs" or "Pollards."

3. Notwithstanding any thing to the contrary in the eighteenth section of the said recited Act, the Board of Trade for any of the Cities named in the said section, may renew the samples of any quality of Flour or Meal at any time between the fifteenth day of August and the fifteenth day of October in any year, subject always to the provisions and requirements of the said section.

Time for renewing samples extended.

4. The sections, lines and words, of the said Act referred to in the foregoing provisions, are those in the copies thereof printed by the Queen's printer, in the year one thousand eight hundred and fifty-nine.

Interpretation clause.

C A P . X X V I I .

An Act respecting Trade-Marks.

[Assented to 19th May, 1860.]

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

Preamble.

1. It shall be a misdemeanor to mark any goods with the known and accustomed trade-mark, name or device of any manufacturer,—or to pack any goods in any package bearing the known and accustomed trade-mark, name or device of any manufacturer, or in any package which has been used for packing goods manufactured by him,—or knowingly to sell or offer for sale goods so marked or packed,—unless such goods were really manufactured by such manufacturer, or his express consent to use such trade-mark, name, device or package was first obtained,—provided such trade-mark, name, package or device be so used with intent to deceive, and so as to induce persons to believe that such goods were manufactured by such manufacturer, and the goods are sold as being manufactured by him.

Using trade-marks of others with intent to deceive, to be a misdemeanor.

Imitation of
rade-marks.

2. For the purposes of this Act the use of any trade-mark, name, package or device, either identical with that of any manufacturer or so closely resembling it as to be calculated to be taken for it by ordinary purchasers, shall be held to be a use of the trade-mark, name, package or device of such manufacturer.

Suit may be
maintained by
the owner of
the mark, &c.

3. A suit may be maintained by any manufacturer against any person using his trade-mark, name, package or device, or any imitation thereof,—or selling goods bearing such trade-mark, name or device, or any imitation thereof, or packed in packages being or purporting to be his, contrary to the provisions of this Act; and in such suit any special damages sustained by such manufacturer by reason of any such act as aforesaid may be recovered,—and if no special damages be proved the plaintiff shall recover nominal damages and costs.

How the Act
shall be con-
strued.

4. Nothing in this Act shall be construed as a declaration that any act hereby made a misdemeanor, was or was not a misdemeanor before its passing,—or that any such suit as aforesaid could or could not heretofore be maintained in either section of the Province;—nor shall any thing herein prevent any offence being dealt with as forgery, or as a fraud or other offence, if without this Act it could be so dealt with.

C A P. XXVIII.

An Act to make further Provision for the Safety of Passengers by Steamboats.

[Assented to 19th May, 1860.]

Preamble.

IN amendment of the Forty-fifth Chapter of the Consolidated Statutes of Canada, “respecting the inspection of Steamboats, and for the greater safety of Passengers by them;” Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Board of
Steamboat In-
spection may
require cer-
tain Steamers
to be provided
with masts
and sails, &c.

1. It shall be lawful for the Board of Steamboat Inspection, from time to time, by regulations to be framed and approved and to come into force as provided for by the Third Section of the said Act, to require that all or any description of Steamboats navigating all or any of the waters of this Province from the City of Kingston upwards (that is, Lakes Ontario, Erie, St. Clair, Huron and Superior, and the rivers and waters connecting the same, to the head of navigation on Lake Superior), and from Grosse Isle or Quarantine Station downwards, at all or any seasons or season of the year, shall be provided with masts, and sails, and to prescribe the dimensions of such masts and sails, respectively, or the proportion the same, or any of them, must bear to such steamboats, respectively, whether

whether as respects size, or tonnage, or power, or all of these together, and the materials of which the same must be made, and how they must be rigged.

2. The provisions of the thirty-third, thirty-fourth and thirty-fifth Sections of the said Act shall apply to all cases of non-observance, or contravention of regulations, or Orders in Council, made under this Act, and the penalties thereby incurred.

Sects. 33, 34, 35 of Con. Stat. Canada, cap. 45, to apply.

C A P . X X I X .

An Act in amendment of the Railway Act.

[Assented to 19th May, 1860.]

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

Preamble.

1. The Justices of the Peace for any County in Upper Canada, assembled at any General Quarter Sessions of the Peace, and any Judge of the Court of Queen's Bench, or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Inspector and Superintendent of Police, in Lower Canada, on the application of the Board of Directors of any Railway Company whose Railway passes within the local jurisdiction of such Justices of the Peace, Judge, Clerk, or Inspector and Superintendent of Police, as may be, on the application of any Clerk or Agent of such Company thereto authorized by such Board, may, in their or his discretion, appoint any persons recommended to them for that purpose by such Board of Directors, Clerk or Agent, to act as Constables on and along such Railway ; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say :

Constables may be appointed to act on the line of any Railway, and how.

" I, A. B., having been appointed a Constable to act upon and along (*here name the Railway*), under the provisions of (*here insert the Title of this Act*), do swear that I will well and truly serve our Sovereign Lady the Queen, in the said office of Constable, without favor or affection, malice or ill-will, and that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law. So help me God."

Oath of office.

Such oath or declaration shall be administered in Upper Canada by any one such Justice, and in Lower Canada, by any such Judge, Clerk, or Inspector and Superintendent of Police ; And every Constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full

By whom to be administered.

Powers of such Constables, and to what full

localities they shall extend. full power to act as a Constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts, on such Railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to such Company, whether the same be in the County, City, District or other local jurisdiction within which he was appointed, or in any other place through which such Railway passes or in which the same terminates, or through or to which any Railway passes, which may be worked or leased by such Railway Company, and in all places not more than one quarter of a mile distant from such Railway or Railways; and shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any Constable duly appointed has within his Constablewick; and it shall be lawful for any such Constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or By-laws affecting any such Railway, before any Justice or Justices appointed for any County, City, District or other local jurisdiction within which any such Railway may pass; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction.

Duties of such Constables.

Dismissal of any such Constable.

2. Any two Justices of the Peace in Upper Canada, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Inspector and Superintendent of Police, in Lower Canada, may dismiss any such Constable who may be acting within their several jurisdictions; and the Board of Directors of such Railway Company, or any Clerk or Agent of such Company thereto authorized by such Board, may dismiss any such Constable who may be acting on such Railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a Constable for such Railway, without the consent of the authority by which he was dismissed.

Record of appointment of each Constable to be kept.

3. Every such Railway Company shall cause to be recorded in the office of the Clerk of the Peace, for every County, City, District, or other local jurisdiction wherein such Railway or Railways may pass, the name and designation of every Constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such Constable, the date thereof and the authority making the same, within one week after the date of such appointment or dismissal, as may be; and every such
Clerk

Clerk of the Peace shall keep such record in a book to be open to public inspection, charging such fee or fees only as the Governor in Council may from time to time authorize, and in such form as the Governor in Council may from time to time direct.

Fees.

4. Every such Constable who shall be guilty of any neglect or breach of duty in his office of Constable, shall be liable, on summary conviction thereof within any County, City, District or other local jurisdiction wherein such Railway may pass, to a penalty of not more than eighty dollars, the amount of which penalty may be deducted from any salary due to such offender, if such Constable be in receipt of a salary from the Railway Company, or to imprisonment, with or without hard labor, for not more than two months, in the Gaol of such County, City, District or other local jurisdiction.

Punishment of Constables guilty of neglect of duty.

5. Every person who shall assault or resist any Constable appointed as aforesaid, in the execution of his duty, or who shall incite any person so to assault or resist, shall, for every such offence, be liable, on like summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labor, for not more than two months, in such gaol as aforesaid.

And of persons resisting them.

6. Every person who shall bore, pierce, cut, open, or otherwise injure any cask, box, or package containing wine, spirits, or other liquors, or any case, box, sack, wrapper, package, or roll of goods, in, on or about any car, waggon, boat, vessel, warehouse, station-house, wharf, quay, or premises of or belonging to any such Railway Company, with intent feloniously to steal, or otherwise unlawfully to obtain or to injure the contents or any part thereof, or who shall unlawfully drink, or wilfully spill or allow to run to waste any such liquors or any part thereof, shall, for every such offence, be liable, on like summary conviction, to a penalty of not more than twenty dollars, over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labor, for not more than one month, in such gaol as aforesaid.

Punishment of persons boring or cutting casks or packages on Railway.

7. For any offence against the provisions of this Act, punishable by summary conviction, it shall be lawful to proceed against the offender, either in the manner provided by this Act, or according to the provisions of the Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders, forming the one hundred and third chapter of the Consolidated Statutes of Canada, in regard to any acts and offences in such Act mentioned; and it shall be lawful to use, pursue, and adopt any or all of the forms, directions, modes of procedure, remedies and proceedings, (as well in regard to witnesses and parties as others,) mentioned or provided in such Act in all complaints, prosecutions, convictions, levies and proceedings for offences against this Act.

Proceedings against any such offender. Con. Stat. Canada, cap. 103.

Appeal in
such cases.

8. In all cases of complaint by summary proceeding before a Justice of the Peace in Upper Canada, against any person for a violation of any of the provisions of this Act, all decisions, convictions and orders made by such Justice shall be subject to appeal, in the manner and under the provisions prescribed in the Act "*respecting appeals in cases of summary conviction,*" forming the one hundred and fourteenth chapter of the Consolidated Statutes for Upper Canada.

Railway may
be required to
repair any
level crossing
out of repair.

9. Whenever any level crossing on any Railway shall be out of repair, the Warden, Mayor, Reeve or other Chief Officer of the Municipality having jurisdiction over the Railway so crossed, may serve a notice upon the Company in the usual manner, requiring the repair to be forthwith made; and if the Company shall not forthwith make the same, such officer may transmit a copy of the notice so served to the Inspector of Railways; and thereupon it shall be the duty of said Inspector, with all possible despatch, to appoint a day when he will examine into the matter; and he shall by mail give notice to such Warden, Mayor or Reeve, and to the Company, of the day he shall so fix; and upon the day so named he shall examine such crossing; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Inspector shall determine that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the Company to make the same; and the Company shall thereupon, with all possible despatch, comply with the requirements of such certificate; and in case of default, the Municipality, within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the Company in any Court of competent jurisdiction, as money paid to the Company's use; Provided always that neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such Company in the premises.

Inspector's
certificate to
be conclusive.

Proviso.

Provision
when the
County Judge
is interested
in lands re-
quired for any
Railway.

10. Whenever any Judge of a County Court in Upper Canada is interested in lands taken or required, within the County in which he is such Judge, by any Railway Company, for Railway purposes, any Judge of any of the Superior Courts at Toronto shall, on application of such Company, exercise in such case all the powers given to such Judge of a County Court by the eleventh section of the Railway Act, in cases in which he, such Judge of a County Court, is not interested.

Extent of Act.

11. The provisions of this Act shall apply to every Railway made or to be made in this Province.

Short Title.

12. This Act shall be cited as "*The Railway Act Amendment Act of 1860.*"

C A P . X X X .

An Act to amend the Act respecting Joint Stock Companies for Manufacturing and other purposes.

[Assented to 19th May, 1860.]

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

1. Section one of the sixty-third chapter of the Consolidated Statutes of Canada is hereby amended and extended by the addition of the words, "or for the purpose of carrying on a general express business in the transportation of Parcels and other Freight," which words are hereby incorporated in that section and shall be read as part thereof immediately after the word "fisheries," where such last mentioned word occurs in the Section for the last time. Amendment to sect. 1, of cap. 63 of Con. Stat. Canada.

2. The following shall constitute an additional Section of the sixty-third chapter of the Consolidated Statutes of Canada, and shall be read as the sixty-second section thereof : Additional section to cap. 63.

"Notwithstanding any thing in this Act contained, any Company, formed under this Act, shall be at liberty to purchase, and hold, and sell stock in any of the incorporated Banks in this Province."

C A P . X X X I .

An Act respecting the Judicial Incorporation of Joint Stock Companies for certain purposes.

[Assented to 19th May, 1860.]

WHEREAS it is expedient to provide for the Incorporation, by Judicial Decree, of joint Stock Companies for the several purposes hereinafter set forth : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. Any five or more persons, who desire to form an Incorporated Company for the carrying on of any kind of manufacturing, ship-building, mining, mechanical or chemical business, or for the erection and maintenance of any building or buildings to be used in whole or part as a Mechanics' Institute, or Public Reading or Lecture Room, or as a place for holding Agricultural or Horticultural Fairs or Exhibitions, or as a place for Educational, Library, Scientific or Religious purposes, or as a Public Hotel, or as a place for Baths and Baths-houses, or for the opening and using of Salt or Mineral Springs, or for Formation of Companies, and purposes for which they may be formed.

carrying on of any Fishery or Fisheries in this Province, or in the waters thereto adjacent, or in the Gulf of St. Lawrence, and the building and equipping of vessels required for such Fishery or Fisheries, or for the carrying on of any general forwarding business and for the construction, owning, chartering or leasing of ships, steamboats, wharves, roads or other property required for the purposes of such forwarding business, may make and sign a Declaration in writing, in which shall be set forth:

Declaration, and what to contain.

Name.

1. The proposed corporate name of the Company, which shall not be that of any other known Company, incorporated or unincorporated, or any name liable to be unfairly confounded therewith, or otherwise on public grounds objectionable;

Purpose.

2. The object for which it is proposed to form the same;

Place of operation.

3. The place or places, correctly and sufficiently designated, in which the operations of the Company are to be carried on; with special mention, if there be two or more such places, of some one of them as the chief place of business of the Company;

Capital.

4. The amount of the Capital Stock of the Company;

Shares.

5. The number and value of the Shares, into which such Stock is to be divided; and

Names of Stockholders, &c.

6. The names in full, and the address and calling, of each of the persons making the Declaration, with special mention,—*firstly*, of the amount of Stock taken by each, the aggregate thereof not being less than one-half of the total amount of the Stock of the Company,—and *secondly*, of the names of not less than three nor more than nine of such persons, who are to be the first Directors of the Company, and who must be resident in this Province, and subjects of Her Majesty, by birth or naturalization.

First Directors.

2. Such Declaration may further have embodied therein any provision which otherwise under this Act might be embodied in any By-law of the Company, when incorporated.

Further provisions in it.

Before whom to be acknowledged, &c.

3. The parties signing the Declaration shall acknowledge the same in duplicate, before the Registrar or Deputy Registrar of the City, County or Division, wherein the operations of the Company are to be carried on,—or, if such operations are to be carried on in more than one City, County or Division, then before the Registrar or Deputy Registrar of the City, County or Division, wherein its chief place of business is situate; and such Registrar or Deputy Registrar shall receive such acknowledgment, and grant a certificate thereof.

4. One of the duplicates of the Declaration shall be filed by such Registrar, or Deputy Registrar, and a transcript thereof shall be made by him in a Book to be kept for that purpose ; and the other of the duplicates, with a proper certificate of the acknowledgment, filing and registration thereof, endorsed thereon, shall forthwith be transmitted to, and filed in the office of the Prothonotary of the Superior Court in and for the District wherein such registration has been made, if in Lower Canada,—or of the Clerk of the County Court of the County wherein such registration has been made, if in Upper Canada.

Duplicates to be filed of record, and where.

5. If the operations of the Company are to be carried on in any City, County or Division, other than that wherein its chief place of business is situate, a copy of the duplicate so registered as aforesaid, duly certified by such Registrar or Deputy Registrar, shall be transmitted to, and in like manner filed and registered by, the Registrar or Deputy Registrar of every other such City, County or Division ; and a proper certificate of such filing and registration shall be transmitted to and filed in the office of the said Prothonotary or Clerk, as the case may be, with the other duplicate aforesaid.

Further provisions as to place of filing.

6. Upon such filing in the office of such Prothonotary or Clerk, public notice thereof, under his signature, in the form of Schedule A, annexed to this Act, shall, during two months, be kept conspicuously posted in his office, and shall also, three several times during the same two months, be inserted in the *Canada Gazette*, and in some newspaper published in the District or County wherein the office of such Prothonotary or Clerk is situate, or (in default of such newspaper, then) in some newspaper published as near thereto as may be ; and all such notices, if required to be posted in Lower Canada, shall be so posted as well in French as in English, and shall be inserted in the *Canada Gazette* in both languages, and shall also (within Lower Canada) be inserted in each language in a newspaper published in such language.

Public notice by Prothonotary, &c., with whom the declaration is filed.

7. On the day signified in such notice, or within such delay thereafter as the Court may ordain, summary application may be made by the signers of the Declaration, for a Decree of Incorporation in terms thereof,—and the Attorney or Solicitor General for Lower or Upper Canada, as the case may be, and all other parties claiming interest, may appear and put in such written Opposition to the granting of the Decree, as they may see fit.

Application for decree of incorporation, &c.

Oppositions to decree.

8. Whether any Opposition be put in or not, the Decree shall not be granted, unless, upon examination, the application made and the proceedings incident thereto are found by the Court to be in all things correct and according to law ; nor yet unless it is made to appear to the Court, that the parties applicant, and more especially the Provisional Directors named, are persons of sufficient reputed means to warrant such application.

Proceedings on such application.

Proceedings
on such appli-
cation.
Evidence.

9. No formal written pleading shall be put in, as touching any Opposition; but the Court may order the taking of evidence on such points and in such manner as it may deem requisite,—and if it see fit, may allow the Declaration to be withdrawn, and an amended Declaration, acknowledged by the parties applicant before the Prothonotary or Clerk, to be substituted therefor, without further notice, or with such further notice only as it may specially ordain; and after finally hearing the parties, it shall either grant or refuse the Decree prayed for.

Appeal from
grant or re-
fusal of de-
cree.

10. During one month after the granting or refusal of the Decree, the Attorney or Solicitor General for Lower or Upper Canada, whether at the instance of a private opposant or otherwise, in the one case, or the parties applicant in the other case, by filing in the office of the Prothonotary or Clerk, a summary petition to that effect, together with a certified copy thereof for communication to the parties applicant in the one case, or to each party opposant in the other case, may appeal to the Court of Queen's Bench for Lower Canada, or to either of the Superior Courts of Common Law for Upper Canada, according as the decision in question may be that of the Superior Court for Lower Canada, or of a County Court in Upper Canada.

Transmission
of record.

11. On the filing of such petition, the Prothonotary or Clerk shall forthwith transmit the same, together with the whole of the Record in question, to the Court thereby appealed to.

Proceedings
in appeal.

12. No formal written pleading shall there be put in; but the Court if it see fit, may allow the substitution of an amended Declaration, acknowledged before the Clerk of the Court, in like manner as the Superior or County Court may; and after due examination of the Record, and hearing of the parties, it shall finally grant or refuse the Decree, in its discretion, and shall remit the Record, with such its judgment, to the Court appealed from.

Filing decree
with Provin-
cial Secretary.

13. On the granting of such Decree in appeal, or (if there have been no appeal, then) at the expiration of one month after the granting of such Decree by the Superior Court for Lower Canada, or by a County Court in Upper Canada, the parties applicant may require and cause an authentic copy thereof, and of the Declaration whereon the same is based, to be filed and recorded in the Office of the Provincial Secretary, —and a notice to that effect, in the form of Schedule B, annexed to this Act, under the signature of the Provincial Secretary, to be inserted in the *Canada Gazette*; and thereupon, from the date of such filing, the persons named in such Declaration, and their successors, shall be a Body Politic and Corporate by the name mentioned therein.

Notice by Se-
cretary.

14. Any Company so incorporated may, in its corporate name, acquire, hold, alienate and convey, any real estate, mills, machinery and buildings whatsoever necessary or requisite for the carrying on of its operations, as set forth in its Declaration so judicially confirmed as aforesaid; and shall have every attribute and power whatsoever necessary or requisite to the carrying on of such its operations, to all intents as though incorporated by a special Act of Parliament making it by such name a Body Politic and Corporate, and embodying all the provisions of this Act, and of such Declaration, and of such Decree,—and this, notwithstanding any possible irregularity, or defect whatsoever, in the terms of such Decree, or in any document or proceeding whatsoever antecedent thereto, or in the filing thereof, or in the notice of such filing.

General corporate powers of Company.

15. In any action, suit or other legal proceeding, whether by or against the Company, it shall not be requisite to set forth the mode of incorporation of the Company, otherwise than by mention of the Court by which such Decree was granted, and of the dates of the granting and of the filing thereof, as aforesaid; and the notice, by the Provincial Secretary in the *Canada Gazette*, of such filing, shall be *prima facie* proof of the name of the Company, and of the granting and filing of the Decree, and of the observance of every formality required in order thereto; and a copy of the Decree and of the Declaration whereon the same is based, being certified by the Prothonotary or Clerk having custody thereof, or by the Provincial Secretary, shall conclusively establish every clause, matter and thing, therein set forth.

How decree may be referred to in legal proceedings, &c.

Proof of Decree.

16. The affairs of every Company incorporated under this Act, shall be managed by a Board of not less than three nor more than nine Directors.

Board of Directors.

17. The persons named as such, in the Declaration of the Company, shall be the Directors of the Company, until replaced by others duly named in their stead.

First Directors.

18. No person shall be elected or named as a Director thereafter, unless he is a Shareholder, owning Stock absolutely in his own right, and not in arrear in respect of any call thereon, nor yet unless he is resident in this Province, and a subject of Her Majesty, by birth or naturalization.

Qualification of elective Directors.

19. The after Directors of the Company shall be elected by the Shareholders, in general meeting of the Company assembled, at such times, in such wise, and for such term, not exceeding two years, as the Declaration, or (in default thereof) the By-laws of the Company may prescribe.

Election.

20. In default only of other express provisions in such behalf, by the Declaration or By-laws of the Company,—

As to elections, when not otherwise provided for.

- To be yearly.** 1. Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election ;
- Notice.** 2. Notice of the time and place for holding general meetings of the Company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the office or chief place of business of the Company ;
- Votes.** 3. At all general meetings of the Company, every Shareholder shall be entitled to as many votes as he owns Shares in the Company, and may vote by proxy ;
- Ballot.** 4. Elections of Directors shall be by ballot ;
- Vacancies.** 5. Vacancies occurring in the Board of Directors may be filled for the unexpired remainder of the term, by the Board, from among the qualified Shareholders of the Company ;
- President and Officers.** 6. The Directors shall from time to time elect from among themselves a President of the Company ; and shall also name, and may remove at pleasure, all other officers thereof.
- Provision in case of failure of election.** **21.** If at any time an election of Directors be not made or do not take effect at the proper time, the Company shall not be held to be thereby dissolved ; but such election may take place at any general meeting of the Company duly called for that purpose, and the retiring Directors shall continue in office until their successors are elected.
- Powers of Directors.** **22.** The Directors of the Company shall have full power in all things to administer the affairs of the Company ; and may make or cause to be made for the Company any description of contract which the Company may by law enter into ; and may from time to time make By-laws not contrary to law, nor to the Declaration of the Company, nor to this Act, to regulate the allotment of Stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of Stock, the forfeiture of Stock for non-payment, the disposal of forfeited Stock and of the proceeds thereof, the transfer of Stock, the declaration and payment of dividends, the number of the Directors, their term of service, the amount of their Stock qualification, the appointment, functions, duties and removal, of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration and that (if any) of the Directors, the time at which and the place where the Annual Meetings of the Company shall be held, the calling of meetings, regular and special, of the Board of Directors, and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by By-law, and the conduct in all other particulars of the affairs
- of

of the Company; and may from time to time repeal, amend or re-enact the same; but every such By-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a General Meeting of the Company duly called for that purpose, shall only have force until the next Annual Meeting of the Company, and in default of confirmation thereat, shall, at and from that time, cease to have force; Provided always that one fourth part in value of the Shareholders of the Company shall at all times have the right to call a Special Meeting thereof for the transaction of any business specified in such written requisition and notice, as they may issue to that effect.

Proviso: calling special meetings for any purpose.

23. A copy of any By-law of the Company, under their seal, and purporting to be signed by any Officer of the Company, shall be received as *prima facie* evidence of such By-law in all Courts of Law or Equity in this Province.

Proof of By-laws.

24. The Stock of the Company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act or by the Declaration or By-laws of the Company shall be prescribed.

Stock to be personalty. Transfer of Stock.

25. If the Declaration of the Company makes no other definite provision, any shares of Stock not thereby allotted shall be allotted when and as the Directors, by By-law or otherwise, may ordain.

Allotment of shares.

26. The Directors of the Company may call in and demand from the Shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments, as the Declaration of the Company, or as this Act may require or allow; and interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of any unpaid call from the day appointed for payment of such call.

Calls on Stock.

Interest.

27. Not less than ten per centum upon the allotted Stock of the Company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the Company; and for every year thereafter, at least a further ten per centum shall in like manner be called in and made payable, until the whole shall have been so called in.

Amount of calls limited.

28. The Company may enforce payment of all calls and interest thereon by action in any competent Court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the Defendant is a 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 amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action

Enforcing payment of calls: what it shall suffice to allege and prove.

hath

hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any Officer of the Company, to the effect that the Defendant is a Shareholder, and that so much is due by him and unpaid thereon, shall be received in all Courts of Law and Equity as *prima facie* evidence to that effect.

Forfeiture for non-payment of calls.

29. If, after such demand or notice, as, by the Declaration or By-laws of the Company, may be prescribed, any call made upon any share or shares be not paid within such time, as, by such declaration or By-laws, may be limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the Company, and may be disposed of as by By-law or otherwise they shall ordain.

Calls must be paid before transfer.

30. No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

Shareholders in arrear not to vote.

31. No Shareholder being in arrear, in respect of any call, shall be entitled to vote at any meeting of the Company.

Provision for increase of capital.

32. The Directors of the Company, if they see fit at any time after the whole Capital Stock of the Company shall have been allotted and paid in, but not sooner, may make a By-law for increasing the Capital Stock of the Company, to any amount which they may consider requisite in order to the due carrying out of the objects of the Company; but no such By-law shall have any force or effect whatever, until after it shall have been sanctioned by a vote of not less than two-thirds in amount of all the Shareholders, at a general meeting of the Company duly called for the purpose of considering such By-law.

Two-thirds of the Shareholders must vote for it.

By-law to contain certain provisions.

33. Any By-law, for increasing the Capital Stock of a Company, shall declare the number and value of the Shares of the new Stock, and may prescribe the manner in which the same shall be allotted; and in default of its so doing, the control of such allotment shall be held to vest absolutely in the Directors.

Supplementary declaration as to new Stock.

34. Upon the passing, in the manner hereby required, of a By-law for increasing the Capital Stock of a Company, the persons entitled to become holders of the new Stock, whether in terms of such By-law or by reason of the allotment thereof made by the Directors, may (with the Directors, or the major part of them) make and sign in duplicate a Supplementary Declaration setting forth:

1. The names, address and calling of each of them;

2. The number of Shares of the new Stock taken by each of them ; amounting, in the aggregate, to not less than one-half of the total amount of such new Stock.

35. A copy of such By-law, duly authenticated, and having one duplicate of such Supplementary Declaration appended thereto, may thereupon be filed by the Company, in the Office of the Prothonotary or Clerk of the Court having custody of the Decree of Incorporation of the Company ; and when so filed, the same shall be attested before such Prothonotary or Clerk, by the oath of at least one credible witness to every signature thereto set ; and the Court, on summary application by the Company, shall thereupon examine such By-law and Supplementary Declaration, and shall allow or disallow the same, according as they are found to be regular and sufficient, or otherwise.

Copy of new Stock By-law to be filed, and subject to approval by the proper Court.

36. On such allowance thereof, the Company may require and cause an authentic copy of the Order of the Court to that end, and of the By-law and Supplementary Declaration so allowed, to be filed and recorded in the Office of the Provincial Secretary, and a notice to that effect, in the form of Schedule C annexed to this Act, under the signature of the Provincial Secretary, to be inserted in the *Canada Gazette* ; and thereupon, from the date of such filing, the Capital Stock of the Company shall be and remain increased, to the amount, in the manner, and subject to the conditions, set forth by such By-law, and the new Stock shall become subject to all the provisions of this Act, in like manner, (so far as may be) as though the same had formed part of the Stock of the Company originally subscribed.

Proceedings, if it is allowed. Public Notice.

37. The Company shall cause a book or books to be kept by the Secretary, or by some other Officer specially charged with that duty, wherein shall be kept recorded :—

Books to be kept. What to contain.

1. A correct copy of the Decree of Incorporation of the Company, and of the Declaration whereon the same is based,—as also of any and every By-law and Supplementary Declaration for increasing the Capital Stock thereof, and of all Orders of Court allowing the same ;

Copy of decree, By-laws, &c.

2. The names, alphabetically arranged, of all persons who are or have been Shareholders ;

Names of Shareholders.

3. The address and calling of every such person, while such Shareholder ;

Addresses.

4. The number of shares of stock held by each Shareholder ;

Number of shares.

5. The amounts paid in, and remaining unpaid, respectively, on the stock of each Shareholder ;

Calls paid, &c.

Transfers. 6. All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and—

Directors past and present. 7. The names, addresses and calling of all persons who are or have been Directors of the Company; with the several dates at which each ever became, or ceased to be such Director.

Directors may disallow transfer of Stock in certain cases. 38. The Directors may refuse to allow the entry, into any such book, of any transfer of Stock whereof the whole amount has not been paid in; and whenever entry is made, into such book, of any transfer of Stock not fully paid in, to a person not being of apparently sufficient means, the Directors, jointly and severally, shall be liable to the Creditors of the Company, in the same manner and to the same extent as the transferring Stockholder, but for such entry, would have been; but if any Director present, when such entry is allowed, do forthwith, or if any Director, then absent, do, within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minute book of the Board of Directors his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

Effect of transfer limited until allowed. 39. No transfer of Stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferer, to the Company and their Creditors,—until entry thereof has been duly made in such book or books.

Books to be open to Stockholders and creditors of Company. 40. Such books shall, during reasonable business hours of every day, except sundays and statutory and obligatory holidays, be kept open for the inspection of Shareholders and Creditors of the Company, and their personal Representatives, at the office or chief place of business of the Company; and every such Shareholder, Creditor or Representative, may make extracts therefrom.

Their effect as evidence. 41. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any shareholder.

Penalty for making untrue entries. 42. Every Director, Officer or Servant of the Company who knowingly makes or assists to make any untrue entry in any such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, shall be guilty of a misdemeanor, and, being convicted thereof, shall be punished accordingly.

43. Every Company neglecting to keep such book or books open for inspection as aforesaid, shall forfeit the corporate rights acquired under this Act.

Forfeiture of rights for not keeping proper books.

44. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the shareholder, in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to trust on shares.

45. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made drawn or endorsed, on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the By-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the Seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any By-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party, therefor; Provided always, that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a Bank.

Contracts, bills, notes, &c., by the Company, how to be executed.

Proviso: no Company to issue bank-notes.

46. No Company shall use any of its funds in the purchase of Stock in any other Corporation, unless in so far as such purchase may be specially authorized by the Act creating such other Corporation.

As to holding Stock in other Corporations.

47. Each Shareholder, until the whole amount of his Stock has been paid up, shall be individually liable to the Creditors of the Company, to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor, before an execution against the Company has 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.

Liability of Shareholders defined and limited.

48. The Shareholders of the Company shall not, as such, be held responsible for any act, default or liability whatsoever, of the Company, or for any engagement, claim, payment, 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.

Further limitation of liability of Shareholders.

As to Stock held by persons in a representative capacity.

49. No person, holding Stock in the Company as an Executor, Administrator, Tutor, Curator, Guardian, or Trustee, shall be personally subject to liability as a Shareholder, but the estates and funds in the hands of such person shall be liable in like manner, and to the same extent, as the Testator or Intestate, or the Minor, Ward or Interdicted person, or the person interested in such trust fund, would be, if living and competent to act, and holding such Stock in his own name; and no person, holding such Stock as collateral security, shall be personally subject to such liability, but the person, pledging such Stock, shall be considered as holding the same, and shall be liable as a Shareholder accordingly.

Voting on such Stock.

50. Every such Executor, Administrator, Tutor, Curator, Guardian or Trustee, shall represent the Stock in his hands at all meetings of the Company, and may vote accordingly as a Shareholder; and every person, who pledges his Stock, may nevertheless represent the same at all such meetings, and may vote accordingly as a Shareholder.

Penalty for paying dividends when Company is insolvent, &c., or which diminish its capital.

51. If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual Shareholders and Creditors thereof, for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office, respectively; but if any Director, present when such dividend is declared, do forthwith, or if any Director, then absent, do, within twenty-four hours after he shall become aware thereof, and able so to do, enter on the minutes of the Board of Directors his protest against the same, and do, within eight days thereafter, publish such protest, in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

Penalty on Directors or Officers lending money of the Company to Stockholders.

52. No loan shall be made by the Company to any Shareholder; and if such be made, all Directors and other officers of the Company, making the same, or in any wise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan,—and also to third parties, to the extent of such loan, with legal interest,—for all debts of the Company contracted from the time of the making of such loan to that of the re-payment thereof.

Liability of Directors to labourers and servants of the Company : Condition.

53. The Directors of the Company shall be, jointly and severally, liable to the laborers, servants and apprentices thereof, for all debts, not exceeding one year's wages, due for service performed to the Company whilst they are such Directors respectively; but no Director shall be liable to an action therefor unless

unless the Company has been sued therefor, within one year after such debt became due, nor yet unless such Director is sued therefor within one year from the time he ceased to be a Director, nor yet before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the Directors.

54. Any description of action may be prosecuted and maintained between the Company and any Shareholder thereof; and no Shareholder, not being himself a party to such suit, shall be incompetent as a witness therein.

Shareholders may be parties or witnesses, when Company is a party.

55. Service of all manner of summons or writ whatsoever upon the Company may be made by leaving a copy thereof at the office or chief place of business of the Company, with any grown person in charge thereof, or elsewhere with the President or Secretary thereof, or if the Company have no known office or chief place of business, and have no known President or Secretary, then, upon return to that effect duly made, the Court shall order such publication, as it may deem requisite to be made in the premises, for at least one month, in at least one newspaper, and such publication shall be held to be due service upon the Company.

Service of process, &c., on the Company, how to be made.

56. The Judges of the Court of Queen's Bench for Lower Canada, or the major part of them, and the Judges of the Superior Courts of Common Law in Upper Canada, or the major part of them, may from time to time establish, for Lower and Upper Canada respectively, such rules as they may deem expedient, as to the practice to be followed for the obtaining of Decrees of Incorporation and orders of Court under this Act, whether before the Court of First Instance or in Appeal; and, also, as to the awarding of costs in proceedings under this Act.

Judges to make rules or practice under this Act.

57. The Governor in Council, at the instance of such Judges, or otherwise, may from time to time, by Proclamation, fix and regulate the Fees to be taken by all Registrars, and by all Officers of Courts, for the discharge of their respective functions under this Act.

Governor in Council to make tariffs of fees, &c.

58. Nothing in this Act contained shall be construed to repeal the Act chaptered sixty-three of the Consolidated Statutes of Canada, or to prevent any Company from becoming incorporated under the same, as before the passing of this Act.

Act not to repeal cap. 63 of Con. Stat. of Canada.

59. Whenever this Act is referred to, it shall be sufficient in citing the same to use the expression, *The Joint Stock Companies' Judicial Incorporation Act.*

Short Title of Act.

SCHEDULE A.

Public notice is hereby given, that under *The Joint Stock Companies' Incorporation Act*, there has been filed in the Office

Office of the undersigned (Prothonotary or Clerk, as may be), of (here designate in full the Court), a Declaration signed by (here give the names, address, and calling of each signer), and duly certified to have been filed and registered in (here designate each Registry Office wherein such filing and Registration is certified to have taken place).

Also, that on the day of , application will be made to such Court for a Decree to incorporate such signers, for the purpose of (here state the object of the Company), by the name of ; on which day all parties, claiming to oppose such Decree, are hereby notified to appear before such Court, as by the said Act is provided.

Dated at my said office, this day of .

A. B.,
Prothonotary, (or Clerk, as may be.)

SCHEDULE B.

Public notice is hereby given, that under *The Joint Stock Companies' Judicial Incorporation Act*, there has been this day filed in the Office of the undersigned, Provincial Secretary, an authentic copy of a Decree, granted by (here designate the Court), on the day of , to incorporate (here insert the name of the Company), and also of the Declaration whereon the same is based.

Dated at my said office, this day of .

B. C.,
Provincial Secretary.

SCHEDULE C.

Public notice is hereby given, that under *The Joint Stock Companies' Judicial Incorporation Act*, there has been this day filed in the Office of the undersigned, Provincial Secretary, an authentic copy of a certain By-law and Declaration, for increasing the Capital Stock of (here name the Company), and also an Order granted by (here designate the Court), on the day of , allowing the same.

Dated at my said office, this day of .

B. C.,
Provincial Secretary.

CAP. XXXII.

An Act to extend to Parish and Township Municipalities the Acts authorizing the establishment of Joint Stock Gas and Water Companies.

[Assented to 19th May, 1860.]

WHEREAS it is expedient to give increased facility for the establishment of incorporated Joint Stock Gas and Water Companies, and to declare valid the formation of such companies as have been organized within the limits of certain parish, township or other municipalities, to which the above mentioned Acts do not apply: 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 forming the sixty-fifth chapter of the Consolidated Statutes of Canada, and all and every the provisions of the said Act, shall extend and apply and shall be deemed to have extended and applied, to parish and township corporations, and to all other municipal corporations which are not included in the provisions of the said Act, in the same manner as if the said corporations had been therein specially mentioned.

Cap. 65 of Con. Stat. of Canada to apply to certain local municipalities.

2. All companies organized within the limits of any parish, township, or other municipality, in conformity with the provisions of the Act mentioned in the preceding section, (or before the coming into force of the said Consolidated Statutes under the provisions of the Acts sixteenth Victoria, chapter one hundred and seventy-three, and eighteenth Victoria, chapter ninety-four,) for the purpose of supplying such municipality or any portion thereof with gas and water, are hereby declared to have been legally organized; and all proceedings of such companies as well as all by-laws, proceedings and acts of the councils of such parish, township or other municipalities, and of their officers, and all other proceedings had in virtue of the chapter of the Consolidated Statutes or of the Acts hereinbefore mentioned, for the purpose of establishing such companies, shall be deemed valid and shall have the same force and effect as if such companies had been formed within the limits of municipalities specially included in the provisions of the said Chapter or Acts.

Companies organized in such municipalities, before the passing of this Act, legalized.

3. Any notice required by the said Chapter to be given by any Company formed under it, in a newspaper printed in the city, town or village where the operations of the company are carried on, may, in any case where there is no newspaper so printed, be given by posting up such notice on the door of the church or churches, or other place or places of public Worship, or if there be no church, then at the most public place, in the municipality in which the operations of the company are to be

How notices required by the said Act may be given in places where there is no newspaper.

How reports shall be published in such case.

carried on and by publicly reading the notice at such place,—and in Lower Canada such notice shall be so posted and read in the English and in the French languages ;—and any report required to be published of any such company in a newspaper printed as aforesaid, may, if there be none so printed, be published in a newspaper printed in some adjoining county or district ;—such notice being so given as that the proper delay shall intervene between the publication and the doing of the thing to which the notice relates, and such report being published at the time required by the said Chapter of the Consolidated Statutes.

Error in the french version of the said Act corrected.

4. And whereas there is an error in the French version of the fiftieth section of the said chapter of the Consolidated Statutes, the English version whereof is correct,—therefore the French version of the said section shall be amended in the manner mentioned in the French version of this section so as to make it correspond with the English version.

C A P . X X X I I I .

An Act in relation to Fire Insurance Companies not incorporated within the limits of this Province.

[Assented to 19th May, 1860.]

Preamble.

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

Foreign Fire Insurance Companies must be licensed by the Finance Minister.

1. It shall not be lawful for any Fire Insurance Company, not incorporated by any Statute of this Province, or of either of the late Provinces of Upper or Lower Canada, to take any risk or transact any business of Insurance of any description within this Province, without first obtaining a license from the Minister of Finance of this Province to carry on such business.

Security to be given by any Company before such license can be granted to it.

2. The Minister of Finance of this Province shall issue such license as aforesaid as soon as he shall be furnished with satisfactory evidence that the Company or agent, applying for such license, has either invested in Provincial Government Debentures, chargeable on the general revenue, or in the Consolidated Municipal Loan Fund, or in the stocks of one or more of the Chartered Banks of this Province, the sum of fifty thousand dollars, together with a statement, to be filed of record in the office of the said Minister of Finance, shewing how the said sum of fifty thousand dollars is made up, which statement shall be verified by the oath of the Agent of the Company applying for such license, and shall be accompanied by a certificate from the Manager or Chief Officer of some chartered Bank or Banks of this Province, stating that such securities as aforesaid, with the amount thereof, are deposited by such Company in such

Bank

Bank or Banks, or are invested in the stock thereof, or that the agent or person, applying for such license, shall have given security by the actual investment or deposit of ten thousand dollars in like stocks or securities, that the Company for which the license is sought will retain seventy-five *per cent* of all premiums to be received or risks effected within this Province until such percentage shall, with the said sum of ten thousand dollars, amount to the like sum of fifty thousand dollars, and such deposit and security of ten thousand dollars shall be liable to be and be forfeited to Her Majesty on the breach, by the Company or Agent, of any of the conditions hereinafter required to be performed.

3. The agent of every Company, which may not have deposited the said sum of fifty thousand dollars, shall send in yearly, within thirty days after the first day of January, of each year, returns as hereinafter provided, under oath, of the amount of premiums received by him or risks effected in this Province, and after deducting twenty-five per cent therefrom, and the net amount of losses actually paid, shall, with such statement, deposit and invest, as provided in the second clause of this Act, the balance of such premiums, until the amount thereof, together with the sum of ten thousand dollars, shall be equal to the sum of fifty thousand dollars.

Returns to be made by agents of Companies which have not deposited the \$50,000 mentioned in section 2.

4. It shall not be lawful for any Company, obtaining such license as aforesaid, to withdraw such deposits or investments from the Bank or Banks where the same have been placed, without a warrant from the Minister of Finance for that purpose; and no such Bank or Banks shall permit the withdrawal of such deposits or investments without the production of such warrant; nor shall the Minister of Finance issue such warrant until fifteen months after the day on which the Company may have given notice that they have ceased to carry on business in this Province, and in case of the insolvency of any such Company, the sum, so deposited as aforesaid, shall be applied *pro rata* towards the payment of all claims duly authenticated against such Company alike as to losses and premiums on risks unexpired, or on Policies issued in this Province, such Company being deemed insolvent upon failure to pay undisputed losses insured against within this Province for the space of Ninety days after being due, or for Ninety days after final judgment; and the distribution of the deposits or investments may, if applied for in Upper Canada, be made by order in chancery, or, if applied for in Lower Canada, may be made by allotment or execution by Judgment or order of distribution in due form of law.

Investments forming the security not to be withdrawn without warrant of Finance Minister.

Conditions of granting warrant.

Application of deposit in case of insolvency of Company.

Evidence of insolvency.

5. Every Insurance Company obtaining such license as aforesaid shall, before the transaction of any business of Insurance, file, in the office of either of the Superior Courts of Law or Equity in Upper Canada, if having its chief Agency

Company, obtaining license, to file a copy of their Charter in Canada, in and where;

And a power of Attorney to their agent to receive service of process on the Company.

in Upper Canada, or if the chief Agency be in Lower Canada, with the Prothonotary of the Superior Court of the District wherein such chief Agency is established, a certified copy of the Charter, Act of Incorporation or Articles of Association of such Company, and also a Power of Attorney to the principal Agent or Manager of such Company in this Province, under the seal of such Company, signed by the President and Secretary thereof, and verified as to its authenticity by the oath of the principal Agent or Manager of such Company in this Province, which Power of Attorney must expressly authorize such Agent, Manager or Sub-Agent, so far as respects risks taken by such sub-agent, to receive process in all suits and proceedings against such Company in this Province for any liabilities incurred by such Company herein, and must declare that service of process on such Agent or Manager, or Sub-Agent, for such liabilities, shall be legal and binding on such Company to all intents and purposes whatever, and waiving all claims of error by reason of such service.

Proof of such Charter and power of Attorney.

6. After such certified copy of the Charter and such Power of Attorney are filed as aforesaid, any process in any suit or proceeding against such Company, for any liability incurred in this Province, may be served upon such Manager, Agent or Sub-Agent, in the same manner as process may be served upon the proper officer of any Company incorporated in this Province, and all proceedings may be had thereupon to judgment and execution in the same manner and with the same force and effect as in proceedings in any civil suit in this Province.

Execution against any such Company may be levied on its deposit money.

7. On any judgment recovered against any such Insurance Company, execution may be levied upon such deposit or investment made by such Insurance Company as aforesaid, and if the amount of such judgment be not paid within thirty days after such deposit or investment is seized on execution, or the amount of such deposit or investment shall be reduced by the sale of any portion thereof on execution, such Insurance Company shall cease to transact any business of Insurance, and the license therefor shall be withdrawn and returned to the Minister of Finance until such judgment be paid, or such deposit or investment restored to the amount of fifty thousand dollars; and such affidavit and certificate shall be required for the renewal of such license as are required for obtaining an original license.

Notice to be published by a Company obtaining a license.

8. Every Insurance Company obtaining such license as aforesaid shall forthwith give due notice thereof in the Official Gazette, and in at least one newspaper in the County, City or place where the principal Manager, Agent or Sub-Agent of such Company transacts the business thereof, and shall continue the publication thereof for the space of one calendar month, and the like notice shall be given when such Insurance Company shall cease or notify that they cease to carry on business within the Province.

9. No Insurance Company or Agent, or Agents of any Insurance Company, incorporated beyond the limits of this Province, shall transact any business of Insurance in this Province, unless such Insurance Company is possessed of at least one hundred thousand dollars of paid up and unimpaired capital, invested in stocks of at least par value, or in bonds or mortgages on real estate worth double the amount for which the same is mortgaged.

Conditions required of foreign Companies doing business in Canada.

10. Any person, who shall deliver any Policy of Insurance, or collect any premium of Insurance, or transact any business of Insurance on behalf of any such Insurance Company as aforesaid, without such license as aforesaid, or if such license has been withdrawn, without the renewal thereof, or without filing the copy of the Charter, Act of Incorporation or Articles of Association of the Company, or a Power of Attorney, as in this Act mentioned, shall be liable to a penalty of one thousand dollars for each violation of this Act, which penalty shall be sued for and recovered in the name of any informer suing as well for Our Lady the Queen as himself; and one-half of such penalty shall be paid to the Crown, and the other to the informer; and in case of the non-payment of such penalty in one month after such judgment, the person so offending shall be liable to imprisonment in any gaol or prison for the space of three months.

Penalty for delivering policy, &c., in contravention of this Act.

11. Every such Insurance Company as aforesaid shall, in addition to the statements required by the third section of this Act, annually, in the month of January, file, in the office of the Minister of Finance, a statement, verified by the oath of the President, Manager, or Managing Agent of such Company, in this Province, showing its assets and liabilities, the amount of the capital stock, how much has been paid thereon, of what the assets of the Company consist, the amount of the losses due and unpaid, losses adjusted and not due, losses in suspense and waiting for further proof, and losses the payment of which is resisted, and for what cause, and all other claims against the Company, together with the amount of the premiums earned and unearned for the past year—such statement to be made up to the first day of July next preceding; and a copy of such statement shall be published in at least one newspaper in the County, City or place where the principal office or place of business of such Company is situated, and another copy shall be laid before each branch of the Legislature within thirty days after the commencement of each session of Parliament; and any Insurance Company failing to comply with the provisions of this section shall forfeit and pay to the Crown the sum of one thousand dollars, to be recovered on information to be filed by the Attorney General in that behalf.

Further returns to be made by foreign Companies doing business in Canada.

Publication.

Penalty for non-compliance.

12. This Act shall commence and take effect on the first day of January next.

Commencement of this Act.

C A P. X X X I V .

An Act to amend Chapter fifty-eight of the Consolidated Statutes of Canada, as regards the investment of money by Insurance Companies.

[Assented to 19th May, 1860.]

Preamble.

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

Insurance Companies may take any rate of interest not exceeding 8 per cent.

I. Notwithstanding any thing in Chapter fifty-eight of the Consolidated Statutes of Canada, intituled : *An Act respecting Interest*, any Insurance Company, incorporated by Act of the Legislature of this Province, or of either of the late Provinces of Upper or of Lower Canada, or by Charter or Act of the Imperial Government or Parliament of Great Britain and Ireland, may hereafter stipulate for, allow and exact, on any contract or agreement whatsoever, any rate of interest or discount which may be agreed upon, not exceeding eight per cent per annum; but subject to the right to take such increased rate of interest the said Act shall continue to apply to all such Companies.

But to be otherwise subject to cap. 58 of Con. Stat. of Canada.

C A P. X X X V .

An Act to extend the Act respecting the investigation of accidents by fire, to the Country Parts.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS it is expedient to extend to the country parts the provisions of the Act forming chapter eighty-eight of the Consolidated Statutes of Canada, intituled : *An Act respecting the investigation of accidents by fire*, which has hitherto extended only to Cities and incorporated Towns and Villages: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Cap. 88 of Con. Stat. of Canada extended to Country Parts.

I. The Act cited in the Preamble shall, after the passing of this Act, extend and apply as well to places not lying within any City, incorporated Town or incorporated Village, as to places within the same, and the Coroners shall have the same powers and duties with regard to fires occurring in such places as with regard to fires in Cities or incorporated Towns and Villages; But in the case of an investigation concerning any fire occurring in any place to which the said Act is hereby extended, the allowance to the Coroner shall be paid by the person or persons requiring such inquiry; and such allowance shall not, in the Country Parts to which the said Act is hereby extended,

Proviso: as to payment and amount of allowance to Coroner.

extended, be that fixed by the said Act for Cities, Towns and incorporated Villages, but shall be five dollars for the first day, and should the inquiry extend beyond one day, then, four dollars for each of two days thereafter, and no more.

C A P . X X X V I .

An Act to amend Chapter Ninety-five of the Consolidated Statutes of Canada, intituled: "An Act respecting Lotteries."

[Assented to 19th May, 1860.]

WHEREAS the provisions of Chapter ninety-five of the Consolidated Statutes of Canada, intituled: "An Act respecting Lotteries," if understood to apply to the case of raffles for prizes of small value, such as are in general use at Bazaars held for charitable objects, are calculated to interfere prejudicially with such objects; And whereas it was not the intention of the Legislature to include such raffles in the prohibition contained in the said Act, and it is expedient at once to remove doubt in this respect, and to provide against any possible abuse which otherwise might result from such legislative declaration: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.
Con. Stat. of
Canada cap.
95.

1. The said Act does not apply to any raffle for prizes of small value, at any Bazaar held for any charitable object; Provided, however, that to entitle any such raffle hereafter to the exemption hereby declared, permission to hold the same must be obtained from the City or other Municipal Council, or from the Mayor, Reeve or other Chief Officer of the City, Town or other Municipality, wherein such Bazaar is held, and the articles so thereat to be raffled for, must be such only as have thereat first been offered for sale, and must none of them be of a value exceeding fifty dollars.

The said Act
not to apply
to raffles at
Bazaars for
charitable
purposes.
Proviso.

C A P . X X X V I I .

An Act for the further protection of Growing Timber.

[Assented to 19th May, 1860.]

WHEREAS no adequate protection is now given by law to the owners of land, for the preservation of trees and timber growing thereon: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. If any person steals or cuts, breaks, roots up, or otherwise destroys or damages, with intent to steal, or unlawfully carry away,

Cutting, des-
troying or
away,

stealing trees, &c., to be a misdemeanor.

Punishment.

Application of pecuniary penalty.

Purchasing trees, &c., unlawfully obtained to be a misdemeanor.

Act not to affect any civil proceeding against the offender.

Proviso.

Proviso.

Nor any criminal proceeding now authorized.

away, or procures any person or persons to steal or to cut, break, root up, or otherwise destroy or damage, with intent to steal or unlawfully carry away, any tree or sapling, standing growing, or being on the lands of any other, the injury done to such other person thereby being in amount more than ten dollars, every such offender being convicted thereof shall be guilty of a misdemeanor, and shall be punished at the discretion of the Court by fine, not exceeding the sum of one hundred dollars, or by imprisonment in any common gaol, for a term not exceeding six months, or by both; and the said fine, or any portion thereof, the Court may, in its discretion, award to the person injured.

2. If any person receives or purchases any tree or sapling, trees or saplings, or any timber made therefrom, exceeding in value the sum of ten dollars, knowing the same to have been stolen, or unlawfully cut or carried away, such receiver or purchaser shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the principal offender has or has not been convicted, or be or be not amenable to justice, and shall be liable to the same punishment as the principal offender.

3. Nothing in this Act contained, nor any proceeding, conviction or judgment to be had or taken thereupon, shall prevent, lessen or impeach any remedy at Law or in Equity which any party aggrieved by any of the said offences would have had, if this Act had not been passed; but nevertheless the conviction of the offender shall not be received in evidence in any action at law or suit in equity against him; and no person shall be convicted of either of the offences aforesaid, by any evidence disclosed by him on oath, in consequence of the compulsory process of a Court of Law or Equity in any action, suit, or proceeding, instituted by any party aggrieved.

4. Nothing in this Act contained shall prevent the adoption of any other criminal proceedings, which before the passing of this Act might have been had.

CAP. XXXVIII.

An Act to amend the ninth chapter of the Consolidated Statutes of Canada, intituled: "An Act respecting Civilization and Enfranchisement of certain Indians."

[Assented to 19th May, 1860.]

Preamble.

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

Sect. 3 of cap. 9 of Con. Stat. of Canada, repealed.

1. The third Section of the ninth chapter of the Consolidated Statutes of Canada, intituled: "An Act respecting civilization and enfranchisement of certain Indians," is hereby repealed.

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

New section substituted.

“No person shall sell, barter, exchange, or give to any Indian man, woman or child, within Canada, any kind of spirituous liquors, in any manner or way, or cause or procure the same to be done for any purpose whatsoever; and if any person so sells, barter, exchanges, or gives any such spirituous liquors to any Indian man, woman, or child, as aforesaid, or causes the same to be done, he shall, on conviction thereof, by a Justice of the Peace, upon the evidence of any one credible witness, other than the informer or prosecutor, be fined, not exceeding twenty dollars for every such offence, one moiety of every such sum to go to the informer or prosecutor, and the other moiety thereof to be paid to Her Majesty, and to be part of the Consolidated Revenue Fund of this Province; but no such penalty shall be incurred by the furnishing to any Indian, in case of sickness, any spirituous liquor, either by a medical man, or under the direction of any such medical man.”

No spirituous liquors to be furnished to Indians in any part of Canada.

Penalty and how to be recovered and applied.

Proviso.

CAP. XXXIX.

An Act to amend “An Act respecting the Territorial Division of Upper Canada.”

[Assented to 19th May, 1860.]

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 County of Lennox shall be incorporated with the County of Addington, and they shall together form one County, for all purposes whatever, by the name of “the County of Lennox and Addington,”—which County shall be united with the County of Frontenac, as the Counties of Lennox and Addington now are, and shall form the Junior County of the two United Counties of Frontenac, and Lennox and Addington.

Lennox and Addington to form one county.

2. The Townships of Miller, Canonto, otherwise called North and South Canonto, shall be added to and form part of the County of Frontenac, for all purposes whatever.

New townships attached to Frontenac.

3. The Townships of Effingham, Abinger, Ashby and Denbigh, shall be added to and form part of the County of Addington, for all purposes whatever.

New townships attached to Addington.

4. The Townships of Raglan, Lyndoch, Radcliffe and Brudenell shall be added to and form part of the County of Renfrew, for all purposes whatever.

New townships attached to Renfrew.

5.

Act not to affect seats in Parliament, &c.

5. Nothing in this Act shall alter the boundaries of the Electoral Divisions of Trent and Cataraque, or affect the Seat of any Member of either House of the Provincial Parliament; and the County of Lennox and Addington shall be represented by one Member in the Legislative Assembly, as the Counties of Lennox and Addington now are; nor shall any thing in this Act affect any suit or proceeding, civil or criminal, or the private rights of any person or party whatever.

C A P. X L.

An Act to amend the Act respecting the representation of the People in the Legislative Assembly, and the Act respecting the Territorial Division of Upper Canada.

[Assented to 19th May, 1860.]

Preamble.

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

North Riding of Waterloo, defined.

1. The second paragraph of sub-section number thirteenth of the eighth section of Chapter two of the Consolidated Statutes of Canada, is hereby amended so as to read as follows : "The North Riding shall consist of the Townships of North Waterloo, Woolwich and Wellesley, the Town of Berlin and the Village of Waterloo."

Express mention of certain towns or villages as included in any county not to exclude others not mentioned but within its limits.

2. The express mention, in the said chapter as hereby amended, or in chapter two of the Consolidated Statutes for Upper Canada, of certain Towns and Villages as being included in certain Counties or Ridings in Upper Canada, in which they would have been included respectively without such express mention, under the general provisions in that behalf contained in the said chapters, shall not prevent the application of such provisions to the cases of Towns and Villages not expressly mentioned in either of said chapters.

Error in description of townships in North Riding of Simcoe, corrected.

3. And whereas by error the Township of "Morrison," in the North Riding of the County of Simcoe, has, in both the said Acts, been called the Township of "Robinson," therefore the enumeration of the Townships, included in the North Riding of the said County, in the tenth sub-section of the eighth section of the Act first above cited, and the enumeration of the Townships, included in the said County, in the twentieth sub-section of the first section of the Act secondly above cited, shall be respectively amended by striking out of each of them the word "Robinson" and inserting in lieu thereof the word "Morrison."

CAP. XLI.

An Act respecting the Ninety-Sixth Chapter of the Consolidated Statutes for Upper Canada, respecting the apprehension of fugitive offenders in Foreign Countries.

[Assented to 19th May, 1860.]

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

1. The Act intituled : "An Act respecting the apprehension of fugitive offenders from Foreign Countries and delivering them up to Justice" and being chapter ninety-six of the Consolidated Statutes for Upper Canada, is hereby repealed. Cap. 96 of Con. Stat. U. C., repealed.

CAP. XLII.

An Act to repeal certain provisions of "The Common Law Procedure Act."

[Assented to 19th May, 1860.]

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

1. The two hundred and fourth, two hundred and fifth, three hundred and twenty-sixth, and three hundred and twenty-seventh sections of "The Common Law Procedure Act," and the third section of "An Act respecting Absconding Debtors," are hereby repealed, save only so far as may be necessary for upholding and continuing writs issued or proceedings had thereunder before the passing of this Act, and any further proceedings necessary to be taken for the completion of the same. Certain sections of U. C. Stat. caps. 22 and 25, repealed.
Exception.

2. The following section shall be substituted for the repealed two hundred and fourth section of the first mentioned Act, and shall, in lieu thereof, be read as the two hundred and fourth section of the said Act :— New section substituted for section 204 of cap. 22.

"The party entering any such Record shall endorse thereon whether it be an assessment, an undefended issue or a defended issue ; and the Deputy Clerk of the Crown shall make two Lists, and enter each Record in one of the said Lists, in the order in which the Records are received by him ; and in the first List he shall enter all the assessments and undefended issues, and in the second List all defended issues, and the Judge at *Nisi Prius* may call on the causes in the first List, at such time and times as he finds most convenient for disposing of the business."

Indorsement on the record, —Deputy Clerk of Crown to make lists, &c.

New section substituted for section 205 of cap. 22.

3. The following section shall be substituted for the repealed two hundred and fifth section of the said Act, and shall, in lieu thereof, be read as the two hundred and fifth section of the said Act :

As to records in Town Causes.

“ In Town causes the Records shall be entered with the Clerk of Assize, who shall, for the purpose of receiving and entering the same, attend at the Court House on the Commission or opening day, from nine in the morning until noon, after which he shall not receive any record without the order of the presiding Judge, who shall have the same power, in this respect, as set forth in the two hundred and third section, and the Clerk of Assize shall make two Lists, as aforesaid, which shall be regulated and the business disposed of as in Country causes.”

Certain cases in the Superior Courts of Law may be sent to be tried at the County Court.

4. In any action depending in any of Her Majesty's Superior Courts of Common Law in Upper Canada, in which the amount of the demand is ascertained by the signature of the defendant, and in any action for any debt in which a Judge of either of the said Superior Courts shall be satisfied that the case may safely be tried in the County Court, any Judge of either of the said Superior Courts may order that such case shall be tried in the County Court of the County where such action was commenced, and such action shall be tried there accordingly and the record shall be made up as in other cases ; and the order directing the case to be tried in the County Court shall be annexed to the record ; and the trial shall take place in such County Court in the same way as ordinary cases are tried therein ; and judgment may be entered in any such action on the fifth day after verdict rendered, unless the Judge, who tries the case, shall endorse on the record under his hand a certificate that the case is one which, in his opinion, should stand for motion in the Court in which it was brought, in which case no judgment shall be entered until the fifth day of the term of the Superior Courts next following the date of the certificate.

Proceedings in such case.

CAP. XLIII.

An Act to extend the Jurisdiction of the County Courts.

[Assented to 19th May, 1860.]

Preamble.

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

Jurisdiction in certain cases of ejectment.

1. The several County Courts in Upper Canada shall have jurisdiction and hold plea in actions of ejectment, for the recovery of corporeal hereditaments, (where the yearly value of the premises, or the rent payable in respect thereof, does not exceed two hundred dollars) in the following cases, namely :

1. Where the term and interest of the tenant of any such corporeal hereditament shall have expired, or been determined by the landlord or the tenant, by a legal notice to quit;

2. Where the rent of any such corporeal hereditament shall be sixty days in arrear, and the landlord shall have right by law to re-enter for non-payment thereof.

2. The fifteenth chapter of the Consolidated Statutes for Upper Canada and this Act shall be read as one Act, as if the provisions of this Act had been incorporated with the said chapter fifteen. How this Act shall be construed.

3. The provisions of the Act chapter twenty-seven of the Consolidated Statutes for Upper Canada shall, so far as applicable, extend and apply to actions and proceedings under this Act, and to the said County Courts, in reference to such actions and proceedings. Cap. 27 of Cons. Stat. U. C., to apply.

4. The several County Courts, in the exercise of the jurisdiction given by this Act, shall have and exercise the same powers as belong to, and may be exercised by the Superior Courts of Common Law, in and in respect to actions of ejectment. Powers of County Courts in cases under this Act.

5. The Judges of the Superior Courts of Common Law, acting under the three hundred and thirty-ninth Section of "The Common Law Procedure Act," may alter the mode of procedure prescribed by the said Act, chapter twenty-seven, so far as relates to actions of ejectment in the County Courts under this Act. Judges may alter mode of proceeding.

6. The term "landlord" as used in this Act, shall be understood to mean the person entitled to the immediate reversion of the lands, or if the property be holden in joint tenancy, co-parcenary or tenancy in common, shall be understood to mean any one of the persons entitled to such reversion. Term "Landlord," defined.

7. Every action under this Act must be brought in the County Court of the County in which the premises, sought to be recovered, lie. In what county actions shall be brought.

C A P. X L I V.

An Act to regulate the removal of causes from County Courts.

[Assented to 19th May, 1860.]

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

1. No cause or suit instituted in any County Court in Upper Canada shall be removed or removable from such County Court, In what cases and on what Court,

conditions
causes shall
be removable.

Court, by writ of *certiorari* or otherwise, into either of the Superior Courts of Common Law, unless the debt or damages claimed amount to upwards of one hundred dollars, and then only on affidavit and by leave of a Judge of one of the said Superior Courts, in cases which shall appear to the Judge fit to be tried in one of the Superior Courts, and upon such terms as to payment of costs, giving security for debt or costs, or such other terms as he shall think fit.

C A P . X L V .

An Act to amend the Law of Replevin in Upper Canada.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS it is expedient to amend the law relating to Replevin, so as to prevent the same being perverted to purposes of injustice: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

On what conditions only the Writ of Replevin shall issue.

1. No Writ of Replevin shall issue,—

Allegations in affidavit.

1. Unless an order is granted for the Writ, on an affidavit by the person claiming the property, or some other person, showing to the satisfaction of the Court or Judge, the facts of the wrongful taking or detention which is complained of, as well as the value and description of the property, and that the person claiming it is the owner thereof, or is lawfully entitled to the possession thereof (as the case may be);

Further allegations in affidavit.

2. Or unless the affidavit for the Writ states, in addition to what is required by the fourth section of the Act relating to Replevin, that the property was wrongfully taken out of the possession of the claimant, or was fraudulently got out of his possession, within two calendar months next before the making of the affidavit, and that the deponent is advised and believes that the claimant is entitled to an order for the Writ, and that there is good reason to apprehend that unless the Writ is issued without waiting for an order, the delay would materially prejudice the just rights of the claimant in respect to the property;

If the property was distrained for rent or damage feasant.

3. Or, in case the property was distrained for rent or damage feasant, the Writ of Replevin may issue without an order, if the affidavit states, in addition to what is required by the fourth section of the Act relating to Replevin, that the property was distrained and taken under color of a distress for rent or damage feasant, and in such case the writ shall state that the defendant hath taken and unjustly detains the property, under color of a distress for rent or damage feasant (as the case may be).

2. In case the Writ issues without an order, the Sheriff shall take and detain the property, and shall not replevy the same to the claimant without the order of a Judge or a rule of the Court in that behalf; but may, within fourteen days from the time of his taking the same, re-deliver it to the defendant, unless in the mean time the claimant obtains and serves on the Sheriff a rule or order directing a different disposition of the property; but this section shall not apply in case of a distress for rent or damage feasant, under the third sub-section of the first section of this Act.

What the Sheriff shall do when the Writ issues without a Judge's order.

Proviso.

3. When an application for an order is made, the Court or Judge may proceed on the *ex parte* application of the claimant, or may grant a rule or order on the defendant to show cause why the writ should not issue; and may, on the *ex parte* application, or on the return of the rule or order to show cause, grant or refuse the writ, or direct the Sheriff to take a bond in less or more than treble the value of the property, or may direct him to take and detain the property until the further order of the Court, instead of at once replevying the same to the plaintiff; or may impose any terms or conditions in granting the Writ, or in refusing the same, (on the return of a rule or order to show cause,) as, under the circumstances in evidence, appear just.

Discretionary power of the Court or Judge when an application for an order is made.

4. In case a Writ of Replevin is issued, whether with or without an order, or in case any rule or order is made under the preceding section, the defendant may, at any time, or from time to time, apply to the Court or Judge, on affidavit or otherwise, for a rule or order on the plaintiff to show cause why the writ, or why the rule or order respecting the same, should not be discharged, or why the same should not be varied or modified, in whole or in part, as therein specified, or why all further proceedings under the writ should not be stayed, or why any other relief, to be referred to in the rule or order so applied for, should not be granted to the defendant, with respect to the return, safety or sale of the property or any part thereof, or otherwise; and the Court or Judge may make such rule or order thereon, as, under all the circumstances, best consists with justice between the parties.

Defendant may apply for a rule to show cause why the Writ, &c., should not be discharged, &c.

5. Before the Sheriff acts on any Writ of Replevin, he shall take a bond, conditioned not only to the effect mentioned in form B, appended to the above cited Act, but also that the plaintiff do pay such damages as the defendant shall sustain by the issuing of the Writ of Replevin, if the plaintiff fails to recover judgment on the suit; and further, that the plaintiff do observe, keep and perform all rules and orders made by the Court in the suit.

Further conditions of the bond to be taken by the Sheriff before acting on the Writ.

6. In case the value of goods or other property or effects distrained, taken or detained, does not exceed the sum of forty dollars, the Writ may issue from the Division Court for the

In cases under \$40, Writ may issue from

Division
Court.

the Division within which the defendant or one of the defendants resides, or carries on business, or where the goods or other property or effects have been distrained, taken or detained.

Procedure in
Division
Court.

7. But the matter shall be disposed of without formal pleadings, and the powers of the Courts and Officers, and the proceedings generally in the suit shall be, as nearly as may be, the same as in other cases which are within the jurisdiction of Division Courts; and this Act and the Act relating to Replevin shall, so far as any such suit is concerned, be read as if they formed part of the Act respecting Division Courts. (Consolidated Statutes for U. C., chapter nineteen.)

Goods taken
under process
from Division
Court not re-
pleviable.

8. The Act relating to Replevin shall not hereafter authorize the replevying or taking out of the custody of any Bailiff any personal property seized by him under any process issued out of a Division Court in Upper Canada.

Certain sec-
tions of Com-
mon Law
Procedure
Act to apply.

9. So far as relates to proceedings in the Superior Courts of Law and in the County Courts, the sections of the Common Law Procedure Act, numbered respectively from three hundred and thirty-three to three hundred and forty-one, shall be deemed to apply to this Act as if this Act had been incorporated with the said Common Law Procedure Act, but it shall not be necessary to lay before Parliament the rules, orders, or regulations made by the Judges for the purposes of this Act.

Act limited to
U. C.

10. This Act applies to Upper Canada only.

C A P. XLVI.

An Act to amend *An Act respecting the Law Society of Upper Canada.*

[Assented to 19th May, 1860.]

Preamble.

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

Sect. 8 of cap.
33 of Con.
Stat. U. C.,
repealed.

1. The eighth section of the thirty-third Chapter of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting the Law Society of Upper Canada*, is hereby repealed.

New section
substituted.

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

Certain offi-
cers to collect
fees and ac-

“The Clerks of the Crown and Pleas, and the several Deputy Clerks of the Crown, the Clerk of the Process, the Clerks of Assize, the Registrar of the Court of Chancery, the Clerk of the

the Court of Appeals, the Surrogate Clerk and the Clerk of the Heir and Devisee Commissioners, shall severally collect the sums by this Act imposed on the writs, process and proceedings herein mentioned, and render quarterly Accounts of the same to the Minister of Finance, and every such Account shall be signed by the Officer rendering the same, and be declared by him before any Judge or Justice of the Peace, and such Officer shall pay the same to the account of, or to the Receiver General, at such time as the Governor in Council may direct.”

count for them
quarterly.

CAP. XLVII.

An Act to amend “An Act respecting Barristers at Law.”

[Assented to 19th May, 1860.]

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

Preamble.

1. The provisions of the second sub-section of the first section of the thirty-fourth chapter of the Consolidated Statutes for Upper Canada, intituled : *An Act respecting Barristers at Law*, shall not apply to any person who may have been, from and after the first day of March, in the year one thousand eight hundred and sixty, or may, at any time after that period, be admitted into the Law Society of Upper Canada, and stand on the books of the said Society as a Student of Laws.

Certain provisions of cap. 34 of Con. Stat. U. C., not to apply to Students admitted after 1st March, 1860.

2. The following section shall be taken and read as an additional sub-section to the said first section of the said Act :

Addition to sect. 1 of cap. 34.

“Any person who, subsequently to the first day of March, in the year one thousand eight hundred and sixty, has been or who may, at any time after that period, be admitted into and stand on the books of the Law Society for Upper Canada as a Student of the Laws for three years, and has conformed himself to the rules of said Society, and has, prior to the date of his admission to the said Society and to the books of the said Society as a Student, actually taken and had conferred upon him the Degree of Bachelor of Arts or Bachelor of Law in any of the Universities of the United Kingdom of Great Britain and Ireland, or of any University or College in Canada, having power to grant Degrees, may be admitted to practise at the Bar in Her Majesty’s Courts of Law and Equity in Upper Canada.”

Such Students may, on certain conditions, be admitted after three years’ study.

CAP. XLVIII.

An Act to amend "An Act respecting Attorneys at Law."

[Assented to 19th May, 1860.]

Preamble.

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

Certain provisions of sec. 2, cap. 35 of Con. Stat. U. C., not to apply to Students entered after 1st March, 1860.

1. The provisions of the second sub-section of the second section of the thirty-fifth chapter of the Consolidated Statutes for Upper Canada, intituled : "An Act respecting Attorneys at Law," shall not apply to any person who may have been from and after the first day of March, in the year one thousand eight hundred and sixty, or may, at any time after that period, be bound by contract in writing to a practising Attorney or Solicitor in Upper Canada to serve him as a Clerk.

Addition to that section.

2. The following section shall be taken and read as an additional sub-section to the said second section of the said Act :

Such Students may, on certain conditions, be admitted after 3 years' Clerkship.

"Any person who has actually taken and had conferred upon him the Degree of Bachelor or of Master of Arts, or of Bachelor or of Doctor of Laws, in any of the Universities of the United Kingdom of Great Britain and Ireland or of this Province, having power to grant Degrees, and has, after having taken and had conferred upon him such Degree, been bound by contract in writing after the first day of March, in the year one thousand eight hundred and sixty, to a practising Attorney or Solicitor in Upper Canada to serve him as a Clerk for three years."

CAP. XLIX.

An Act to amend the Upper Canada Common School Act.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS it is expedient to amend the Law respecting Common Schools in Upper Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

COMMON SCHOOLS.

Penalty on teacher refusing to deliver up School Register, &c.

1. Any teacher wilfully refusing, on the demand of the majority of the Trustees of the School Corporation employing him, to deliver up any School Register or School House Key or other School property in his possession, shall be deemed guilty of a misdemeanour and shall not be deemed a qualified Teacher until

until restitution be made, and shall also forfeit any claim which he may have against the said Trustees.

2. On the incorporation of a part of any School section within the limits of a Village, the Municipal Council of the Township, within the limits of which such School section is in whole or in part situated, shall have authority forthwith to attach the part or parts of such school section, not included within the limits of the Village Corporation, to an adjacent School section or School sections, or form them into a separate and distinct section or sections.

As to remainder of School section of which part is incorporated in a Village.

3. The seventeenth section of the Upper Canada Common School Act, chapter sixty-four of the Consolidated Statutes for Upper Canada, shall be amended so as to read as follows:— No person shall be entitled to vote in any School section for the election of Trustee or on any School question whatsoever, unless he shall have been assessed and shall have paid School rates as a freeholder or householder in such section; and in case an objection be made to the right of any person to vote in a School section, the chairman or presiding officer at the meeting shall, at the request of any rate payer, require the person whose right of voting is objected to, to make the following declaration :

Section 17 of Con. Stat of U. C. cap. 64, amended.

Who may vote at School elections or on School questions.

Declaration may be required.

“ I do declare and affirm that I have been rated on the assessment Roll of this School section as a Freeholder (or Householder, *as the case may be*) and that I have paid a public School tax due by me in this School section imposed within the last twelve months, and that I am legally qualified to vote at this meeting.”

Form.

Whereupon the person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person refuses to make such declaration his vote shall be rejected; And if any person wilfully makes a false declaration of his right to vote, he shall be guilty of a misdemeanour and upon conviction, upon the complaint of any person, shall be punishable by fine or imprisonment in the manner provided for in the said Upper Canada Common School Act.

Penalty for false declaration.

4. The poll at every election of a School Trustee or Trustees shall not close before eleven of the clock in the forenoon, and shall not be kept open later than four of the clock in the afternoon; In school sections the poll shall close on the same day the election is commenced; in cities, towns and incorporated villages the same time shall be allowed for the election of School Trustees which is allowed for the election of Municipal Councillors in such municipalities.

Time and hours for school elections.

5. The forty-fifth and forty-sixth sections of the said Upper Canada Common School Act, shall be amended so as to read as follows: “ Under the conditions prescribed in the fortieth section

Sections 45, 46, amended.

Formation of
Union School
sections.

section in respect to alterations of other school sections, union school sections, consisting of parts of two or more townships or parts of a township and any town or incorporated village, may be formed and altered by the Reeves and Local Superintendent or Superintendents of the townships out of parts of which such sections are proposed to be formed,—or in the case of a union section of parts of a township or townships and a town or incorporated village, by the Reeve and Local Superintendent of the township, and the Board of Common School Trustees of the town or village, at a meeting appointed for that purpose by any two of such Reeves, or by the Board of Common School Trustees of such town or village, of which meeting the other parties authorized to act with them shall be duly notified; and each union school section, composed of portions of adjoining townships or portions of a township or townships and a town or incorporated village, shall, for the purposes of the election of Trustees under their control, be deemed one school section, and shall be considered in respect to superintendence and taxation for the erection of a school house, as belonging to the township, town or village in which the same is situated.”

Effect of such
Union.

In what cases
only a School
Trustee may
contract with
his School
Corporation.

6. It shall not be lawful for any Common School Trustee to enter into a contract with the corporation of which he is a member or have any pecuniary claim on such corporation, except for a school site, or as collector of school rates, and then only when he shall be appointed and the warrant to him signed by the other two members of the corporation, with the seal of the same.

Proceedings
of School
Corporation
not valid un-
less adopted at
regular meet-
ings.

7. No Act or proceeding of a School Corporation shall be deemed valid or binding on any party which is not adopted at a regular or special meeting, of which notice shall be given by the Secretary to all the trustees by notifying them personally or by sending a written notice to their residences, and the proceedings of such Trustee meetings shall be entered in a book of the corporation kept for that purpose, and signed by the Senior or presiding Trustee; Provided always, that a majority of the Trustees, at a meeting thus called, shall have full authority to perform any lawful business.

Proviso.

Appointment
of Auditors of
School ac-
counts by
annual School
Meetings and
Trustees.

8. In order that there may be accuracy and satisfaction in regard to the school accounts of school sections, the majority of the freeholders and householders present at the annual school meeting shall appoint a fit and proper person to be auditor of the school accounts of the section for the then current year, and the Trustees shall, before the first day of December in each year, appoint another auditor; and the auditors thus chosen or either of them shall forthwith appoint a time before the day of the next ensuing annual school meeting for examining the accounts of the school section, and it shall be the duty of the Trustees or their secretary-treasurer in their behalf to lay all their accounts before the auditors or either of them together
with

with the agreements, vouchers, &c., in their possession, and to afford to the auditors or either of them all the information in their power as to their receipts and expenditures of school moneys in behalf of their school section; And it shall be the duty of the auditors to examine into and decide upon the accuracy of the accounts of such section and whether the Trustees have truly accounted for and expended for school purposes the moneys received by them, and to submit the said accounts with a full report thereon at the next annual school meeting; and if the auditors or either of them object to the lawfulness of any expenditures made by the Trustees, they shall submit the matters in difference to such meeting, which may either determine the same or submit them to the Chief Superintendent of Education, whose decision shall be final, and the auditors shall remain in office until their audit is completed; The auditors or either of them shall have the same authority to call for persons and papers and require evidence on oath and to enforce their decisions as have arbitrators appointed under the authority of the eighty-fourth, eighty-fifth and eighty-sixth sections of the said Upper Canada Common School Act; and it shall be their duty or that of either of them to report the result of their examination of the accounts of the year to the annual school meeting next after their appointment, when the Annual Report of the Trustees shall be presented and the vacancy or vacancies in the Trustee corporation be filled up, as provided by law; And if the Trustees omit to call such public meeting by notice issued not later than the twenty-second day of December, the same may be called by any two qualified electors and if the Trustees neglect to appoint an auditor or appoint one who refuses to act, the local superintendent shall appoint one for them, and if the Trustees, or their secretary in their behalf, refuse to furnish the auditors or either of them with the papers or information in their power and which may be required of them relative to their school accounts, the party refusing shall be guilty of a misdemeanor and upon prosecution by either of the auditors or any rate-payer be punished by fine or imprisonment, as provided by the one hundred and fortieth section of the said Upper Canada Common School Act; Provided that the auditors, appointed for the year one thousand eight hundred and sixty-one, shall also audit the accounts for the year one thousand eight hundred and sixty.

Duties of School Trustees.

Powers and duties of Auditors, &c.

Auditors' report.

If the Trustees fail to call the meeting.

Penalty on Trustees refusing information, &c., to Auditors.

Proviso.

9. If the Trustees wilfully refuse or neglect, for one month after publication of award, to comply with or give effect to an award of arbitrators appointed as provided by the eighty-fourth section of the said Upper Canada Common School Act, the Trustees so refusing or neglecting shall be held to be personally responsible for the amount of such award which may be enforced against them individually by warrant of such Arbitrators within one month after publication of their award; and no want of form shall invalidate the award or proceedings of Arbitrators under the School Acts.

Penalty on Trustees refusing to comply with award of Arbitrators under sect. 84 of the said Act.

School Trustees may dispose of School sites not required.

10. It shall be lawful for any School Trustee Corporation to dispose by sale or otherwise of any School site or School property not required by them in consequence of a change of School site and to convey the same under their corporate seal and to apply the proceeds thereof for their lawful School purposes; And all sites and other property given or acquired or which may be given or acquired for Common School purposes shall vest absolutely in the Trustee Corporation for this purpose; and in like manner, and for like purpose, it shall be lawful for any United Board of Grammar and Common School Trustees to dispose by sale or otherwise of any School site or School property, belonging to the United Board, or to the Grammar School or Common School Trustees respectively.

Like power to United Board of Grammar and Common School Trustees.

Qualification of School Trustees.

11. No person shall be eligible to be elected or serve as School Trustee who is not a resident assessed freeholder or householder in the School section for which he is elected;—nor shall any teacher, or local superintendent, hold the office of Trustee; and a continuous non-residence of six months from his School Section by any Trustee shall cause the vacation of his office.

Certain persons disqualified.

Trustees' agreement with Teachers to be in writing and under seal.

12. All agreements between Trustees and Teachers to be valid and binding shall be in writing signed by the parties thereto and sealed with the corporate seal, and may lawfully include any stipulation to provide the Teacher with board and lodging.

Local Superintendent to decide complaints about elections.

13. It shall be the duty of a Local Superintendent of Schools to receive, investigate and decide upon any complaints which may be made in regard to the election of School Trustees or in regard to any proceedings at School meetings; Provided always, that no complaint, in regard to any election or proceeding at a School meeting, shall be entertained unless made in writing within twenty days after the holding of such election or meeting.

Proviso.

Chief Superintendent to decide all appeals and all questions not otherwise provided for.

14. The Chief Superintendent shall have authority to decide upon all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any Local Superintendent or other School officer.

Allowance to Local Superintendents and Arbitrators.

15. Arbitrators appointed under the authority of the School Acts and Local Superintendents engaged in investigating and deciding upon School complaints and disputes, shall be entitled to the same remuneration *per diem* for the time thus employed as are members of the Municipal Council of their County for their attendance at Council meetings; Provided always, that the parties concerned in such disputes shall pay all the expenses incurred in them, according to the award or decision of the Arbitrators and Local Superintendents respectively.

Proviso: who shall pay expenses.

16. Each County or Circuit Board of Public instruction shall meet half-yearly, and each of its members shall be entitled to the same recompense for his time and expenses as are members of the County Corporation for their attendance at County Council meetings; and the incidental expenses, attending the meeting of such County or Circuit Board, shall include the recompense to its members, the stationery, room, fuel, light, printing of notices, examination papers and certificates, and such remuneration to the Secretary of such Board as the Board may deem just and expedient.

Meetings of and allowance to Members of County Board of Public Instruction;— and for expenses.

17. Every Saturday shall be a holiday in all the public Schools.

Saturday to be a holiday.

18. Every person elected as Trustee, and who is eligible and liable to serve as such, shall make the following declaration of office before the chairman of the School meeting, "I will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of school trustee to which I have been elected." And if any person elected as Trustee shall not make such a declaration within two weeks after notice of his election, his neglect to do so shall be sufficient evidence of his refusing to serve and of his liability to pay the fine as provided for in the twenty-third section of the said Upper Canada Common School Act.

School Trustees to take declaration of office.

Fine for default.

19. Any Chairman who neglects to transmit to the local Superintendent, a copy of the proceedings of an annual or other School section meeting, over which he may preside, within ten days after the holding of such meeting, shall be liable, on the complaint of any rate-payer, to a fine of not more than five dollars to be recovered as provided in the one hundred and fortieth section of the Upper Canada Common School Act aforesaid.

Fine on Chairman not transmitting proceedings of School meeting to Chief Superintendent.

20. Trustees shall not be liable to any prosecution or the payment of any damages for acting under any By-law of a Municipal Council before it has been quashed.

Trustees not liable for acting under a By-law, &c.

21. Collectors of school rates shall have the same powers, and be under the same liability and obligations in their respective school municipalities, as Township Collectors have and are liable to in their respective municipalities and shall give such security as may be satisfactory to the Trustees.

Powers and liabilities of Collectors of School rates.

22. A Local Superintendent shall have the same authority to suspend for the time being a provincial certificate of teacher's qualifications, and report the same forthwith to the Chief Superintendent, as he has to suspend a county certificate, notifying in writing to the teacher, whose certificate is suspended, the reasons of it; and the Chief Superintendent shall finally decide upon the case.

Local Superintendent may suspend a Provincial Teacher's certificate.

Chief Superintendent may refer certain questions to Superior Courts.

23. It shall be competent for the Chief Superintendent of Education, should he deem it expedient, to submit a case on any question arising under the Grammar or Common School Acts, to any Judge of either of the Superior Courts for his opinion and decision, or, with the consent of such Judge, to either of the Superior Courts for their opinion and decision.

Inconsistent enactments, repealed.

Section 95 of cap. 64, amended.

24. So much of the said Upper Canada Common School Act as is inconsistent with the provisions of this Act, is hereby repealed; and in the second line of the ninety-fifth section of the said Upper Canada Common School Act, the phrase "The County Council shall divide" shall read, "The County Council shall have authority to divide," &c.

C A P . L .

An Act to amend An Act respecting the Municipal Institutions of Upper Canada.

[Assented to 19th May, 1860.]

Preamble.

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

Sect. 377 of Con. Stat. U. C., cap. 54, repealed.

1. 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.

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

Sessions of Recorder's Court.

"The Recorder's Court shall hold four Sessions in every year, and such Sessions shall commence on the second Monday in January, and on the first Monday in the months of April and July, and on the third Monday in the month of November."

C A P . L I .

An Act to amend the tenth sub-section of the ninth section of the fifty-fifth chapter of the Consolidated Statutes for Upper Canada, respecting the Assessment of Property in Upper Canada.

[Assented to 19th May, 1860.]

Preamble.

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

The said section amended.

1. From and after the passing of this Act, the tenth sub-section of the ninth section of the fifty-fifth chapter of the Consolidated Statutes for Upper Canada, shall be read and construed as if the words "or Horticultural," were inserted therein, after the word "Agricultural."

C A P. L I I.

An Act respecting the Application to Cities of certain provisions of the Assessment Act applicable also to Counties.

[Assented to 19th May, 1860.]

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

1. The several clauses and provisions contained in the Assessment Act, relating to the lands of non-residents, and the funding of the taxes levied and raised therefrom, and the issuing of Debentures on the credit of the fund so created, and all other matters and things contained in the said Act relating to the said lands of non-residents, applicable to the several Counties and County Councils and Wardens of Counties in Upper Canada, have extended and applied, and do and shall extend and apply to all Cities and City Councils and Mayors of Cities in Upper Canada. Certain clauses respecting non-residents, declared to apply to Cities as well as Counties.

C A P. L I I I.

An Act to diminish the number of licenses issued for the sale of Intoxicating Liquors by retail.

[Assented to 19th May, 1860.]

WHEREAS the number of Tavern Licenses is larger than the necessities of the community require, and it is therefore expedient to reduce the same : 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, it shall not be lawful for any Municipal Council to grant or issue any tavern license, unless upon petition praying for the same, signed by at least thirty of the resident Municipal Electors of the Municipality within which the same is to have effect ; and no new license shall be granted, unless the same shall be for a tavern provided with such accommodations as are hereinafter prescribed ; and the word tavern in this section shall be held to include any inn, alehouse, beerhouse, or other house or place of public entertainment, in which spirituous, fermented or other manufactured liquors are sold to be drunk on the premises. Conditions previous to granting a license.

2. From and after the passing of this Act, no Municipality shall grant tavern licenses in a proportion greater than one for every two hundred and fifty souls resident therein, as shown Proportion of Taverns to population.
by

Proviso.

by the last census, or by a special enumeration taken by order of the Municipal Council concerned; Provided, that no Town incorporated by Act of Parliament shall be considered as having less than the number of inhabitants required by the Act respecting the Municipal Institutions of Upper Canada, to entitle a place to be incorporated as a Town.

Accommodation for Travellers.

3. Every tavern hereafter licensed shall contain, in addition to what may be needed for the use of the family of the tavern-keeper, not less than four bedrooms, with the suitable complement of bedding and furniture, and (except in Cities and Incorporated Towns) there shall also be attached to it proper stabling for at least six horses.

Exception as to a certain number in Cities and Towns.

4. In cities and towns the Municipal Corporation may exempt a certain number of persons having, or entitled to have, a tavern license, from the necessity of having all the tavern accommodation required in the third section of this Act; that is to say:

In cities, a number not exceeding six;

In towns, a number not exceeding three.

Municipalities may impose further conditions.

5. This Act shall not be construed to prevent Municipal Councils from imposing additional terms and conditions, or making further regulations or further limiting the number of tavern licenses, or from passing any other By-laws under the two hundred and forty-sixth section of the Act respecting the Municipal Institutions of Upper Canada, provided such By-laws do not conflict with this Act.

Penalty for issuing licenses contrary to this Act.

6. Any officer of a Municipality, or person authorized to issue licenses by the Municipality, 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.

Act limited to U. C.

7. This Act shall apply to Upper Canada only.

C A P . L I V .

An Act to amend chapter forty-nine of the Consolidated Statutes for Upper Canada, respecting Joint Stock Road Companies.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS it is just that Road Companies or Municipal Councils, allowing their roads to get out of repair, and not the free-holders complaining of such want of repair, should pay

pay the expense of an official examination of any such road, under the Act hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Whenever the County Engineer, or any other Engineer, has, under the provisions of the eighty-fifth section of chapter forty-nine of the Consolidated Statutes for Upper Canada, been directed by the Judge of the proper County Court, to examine any road, such County or other Engineer shall, before proceeding to make such examination, be sworn before such County Judge, or some Justice of the Peace for the County, carefully and impartially to examine into the state of such road, without favour or affection for either party; and such County Judge or Justice of the Peace shall grant a certificate that such Engineer has been so sworn before him, which certificate shall be evidence that such Engineer has been so sworn.

Engineer acting under sec. 85 of cap. 49 of Con. Stat. U. C. to be sworn, &c.

2. If, upon examining the road, the Engineer finds it to be in good repair, the costs attending the requisition to the County Judge, and the examination of the road, shall be paid by the freeholders who made the requisition; but if, upon such examination, the road is found so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the requisition, then the Engineer shall proceed in the manner directed by the said Act;—but at the expiration of the time limited for the repairing of the road in his written notice left with any of the keepers of toll-gates, as required by the said Act, the Engineer shall again examine the road, and if he finds the same repaired in a good and efficient manner to his satisfaction, he shall certify the same if required by the Directors of the Road Company or by the Municipal Council having the management of the Road;—but if he does not find it so repaired, he may, in his discretion, by a permission in writing, allow further time for repairing the same without discontinuing the taking of Tolls, as provided in the said Act; or if he does not think proper to grant such permission, or if having granted it, he does not find the road properly repaired at the expiration of time limited in such permission, then the provisions of the eighty-seventh and eighty-eighth Sections of the said Act shall apply, and the Company or Municipal Council (as the case may be) shall not demand or take any toll from any person travelling with or without any beast or vehicle, for passing through the nearest toll gate on or on either side of the portion or portions of road so notified as out of repair, under the penalty mentioned in the said eighty-eighth Section, until the Engineer has again examined the road, and certified it to be in good and efficient repair.

Costs of unnecessary examination by whom to be paid.

Proceedings if the road is found to be out of repair.

3. If the Engineer, on his first examination of the road, finds it to be out of repair as aforesaid, the costs of the requisition to the County Judge, and of the visits and examination of the

If the road is found out of repair, costs to be paid by the

the Company or Municipality.

the Engineer, and all subsequent costs and expenses, shall be borne by the Company or Municipality bound to repair the road, and shall be recoverable from such Company or Municipality, either by the Engineer or by the freeholders making the requisition to the County Judge, if they have paid the same to the Engineer; and such costs shall include a fair remuneration to the Engineer for his services, and all his necessary disbursements.

Another Engineer may be appointed in certain cases.

4. If the County Engineer, or the Engineer first appointed by the County Judge becomes, from any cause, unable to make or complete the examination, or to do or complete any proceeding required of him by this Act or the Act above cited, in relation to such requisition as aforesaid, then the Judge of the proper County Court, being satisfied thereof, may, upon the application of any of the parties interested, appoint some other Engineer to make or complete such examination, or do or complete such proceeding, act or thing, as effectually to all intents and purposes as the County Engineer or the Engineer first appointed might have done, and the costs and disbursements of the Engineer so appointed may be recovered in like manner.

Formation of Companies for purchasing roads.

5. Any number of persons, not less than five, may form themselves into a Company for the purpose of purchasing any planked, macadamized or gravelled road, not less than two miles in length, constructed by any Company in, along or over any public road or highway or allowance for road, or on, along or over any other land, and also any bridges, piers, or wharves connected therewith constructed by any Company.

Conditions of incorporation.

6. No Company shall be incorporated under this Act—

Amount of subscription.

1. Until the Stockholders have subscribed for Stock in amount sufficient in their judgment to purchase the whole of the work or works for the purchase of which the Company is formed;

Declaration in Form required by the said Act.

2. Nor until they have executed an instrument to the purport of the form A, annexed to the said Act, with the necessary alteration in the statement of the purpose of the Company and with the addition of references to the provisions of this Act;

Payment on account of the Stock subscribed.

3. Nor until the Company, or some one of their number, or the Directors named in the said instrument, have paid to the Treasurer of the Company six per cent upon the amount of the Capital Stock mentioned in such instrument, and have registered such instrument, with a receipt from the Treasurer of the Company for such payment or instalment, by leaving the original instrument and receipt with the Registrar of any one County in which such road or other work connected therewith is wholly or partly situated.

Registration of declaration and receipt for Stock paid.

7. Thenceforward all and every the provisions of the said Act, relating to Companies formed under the same, and to the incorporation thereof and to the instruments executed by the Stockholders thereof, shall extend and apply to such Company and to the incorporation of such Company and to the instrument executed by the Stockholders thereof.

The said Act thereafter to apply to the Company.

8. It shall be lawful for any Company, formed and duly incorporated under the said Act, to sell the road and works constructed by them to any Company formed and duly incorporated under this Act, and such latter Company shall, after such purchase or after any purchase of such road or works under any power granted by such former Company or under any legal process against such former Company, stand in the place and stead of such former Company, and possess all such powers and authority as such former Company theretofore possessed and exercised in respect to such road and works, and be subject to all and every the provisions of the said Act; and the seventieth section of the said Act shall apply to all such sales.

Companies under the said Act may sell their roads, works and privileges.

9. This Act shall apply to Upper Canada only.

Act limited to U. C.

C A P . L V .

An Act for the better protection of Game in Upper Canada.

[Assented to 19th May, 1860.]

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 Act intituled : "An Act respecting Game Laws of Upper Canada," chaptered sixty-one in the Consolidated Statutes for Upper Canada, shall be and the same is hereby repealed.

Cap. 61 of Con. Stat. U. C., repealed.

2. No Deer or Fawn, Elk, Moose or Cariboo shall be hunted, taken or killed between the first day of January and the first day of September in any year.

Time for killing Deer, &c.

3. No Wild Turkey, Grouse, Partridge, or Pheasant shall be hunted, taken or killed between the first day of February and the first day of September in any year.

Turkeys, Grouse, &c.

4. No Quail shall be taken or killed between the first day of February and the first day of October in any year.

Quail.

5. No Woodcock shall be taken or killed between the first day of March and the fifteenth day of July in any year.

Woodcocks.

Water-fowl.

6. No Wild Swan, Goose, Duck, Widgeon or Teal shall be hunted, taken or killed between the first day of April and the first day of August in any year.

Trapping
Wild-fowl for-
bidden.

7. No Wild Turkey, Grouse, Partridge or Pheasant, Quail or Woodcock shall be trapped or taken by means of traps, nets, snares, springes, or other means of taking such birds, other than by shooting, at any time whatever; nor shall any trap, net or snare be made, erected or set either wholly or in part for the purpose of such trapping or taking.

Trapping
Deer forbid-
den.

8. No Deer shall be trapped or taken by means of traps or snares at any time whatever; nor shall any traps be set or erected for the purpose of such trapping or taking.

Having game
in possession
during the
close season
forbidden.

9. No person or persons shall have in their possession any of the animals or their hides, or any of the birds hereinbefore mentioned within the periods above respectively prohibited, without lawful excuse, the proof whereof to be on the party charged, nor shall any sale of any of the game mentioned in this Act take place save within fourteen days from the termination of the several periods hereinbefore respectively fixed for the killing thereof, nor shall any possession for the purpose of sale be deemed lawful save within such period of fourteen days.

Eggs not to be
taken wanton-
ly.

10. No eggs of any kind of the birds above enumerated, and hereby declared to be Game, shall be wantonly destroyed at any time.

Punishment
of offences
against this
Act.

11. Every offence against any provision of this Act shall be punished summarily on information and conviction before a Justice of the Peace, by a fine not exceeding fifty dollars, nor less than five dollars, in the discretion of such Justice, with costs, or in default of payment, by imprisonment in a common goal for a term not exceeding two months or by imprisonment in any common goal for a period not exceeding three months without fine; one half of the fine to go to the Municipality and the other half to the informer.

Appropriation
of penalty.

12. In all cases confiscation of the Game shall follow conviction, and the game so confiscated shall be given to some charitable institution or institutions at the discretion of the convicting Justice.

And of Game
confiscated.Traps, &c.,
may be des-
troyed.

13. Any person may destroy traps, nets or snares set or erected, either wholly or in part, in contravention of any provision of this Act.

Beaver, Musk-
rats, &c., not
to be killed at
certain sea-
sons.

14. And whereas it is desirable to prevent the destruction of certain animals at seasons of the year when their furs are of little or no value; It is further enacted, that no Beaver, Muskrat, Mink, Sable, Otter or Fisher shall be trapped, hunted, taken

taken or killed, nor shall any trap or snare be laid for the same or any of them, between the first day of May and the first day of November in any year; and all persons violating this section of this Act shall be liable to the same proceedings and penalties, to be enforced and recovered in the same way as are above declared with respect to Game.

15. This Act shall apply to Upper Canada only.

Act limited to
U. C.

C A P . L V I .

An Act respecting the Consolidated Statutes for Lower Canada.

[Assented to 19th May, 1860.]

WHEREAS it has been found expedient to revise, classify and consolidate the Public General Statutes which apply exclusively to Lower Canada, including as well those passed by the Legislature of the late Province of Lower Canada and of the former Province of Quebec, as those passed by the Parliament of Canada; And whereas such revision, classification and consolidation have been made accordingly; And whereas it is expedient to provide for the incorporation therewith of the Public General Statutes passed during the present Session, in so far as the same affect Lower Canada exclusively, and for giving the force of law to the body of Consolidated Statutes to result from such incorporation: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The printed Roll attested as that of the said Statutes so revised, classified and consolidated as aforesaid, under the signature of His Excellency the Governor General, that of the Clerk of the Legislative Council, and that of the Clerk of the Legislative Assembly, and deposited in the office of the Clerk of the Legislative Council, shall be held to be the original thereof, and to embody so much of the several Acts and parts of Acts mentioned as to be repealed in the Schedule A thereto annexed, as was in force at the commencement of the present Session; but the marginal notes thereon, and the references to former enactments at the foot of the several sections thereof form no part of the said Statutes, and shall be held to have been inserted for the convenience of reference only, and may be omitted or corrected; and any mis-print or error, whether of commission or omission, or any contradiction or ambiguity, in the said Roll, may also be corrected, in the roll hereinafter mentioned, so that the latter may truly embody the Acts and parts of Acts aforesaid, as amended by the said Acts of the present Session.

Original Roll
of Statutes
revised, &c.,
to be certified
and deposited.

As to marginal
notes, mis-
prints, &c.

2. The Governor may select such Acts and parts of Acts passed during the present Session as he may deem it advisable to

Governor may
cause the le-

to

gislation of this Session to be incorporated with the Statutes in the said Roll.

to incorporate with the said Statutes contained in the said first mentioned Roll, and may cause them to be so incorporated therewith, through the Law Clerk of the Legislative Assembly, adapting their form and language to those of the said Statutes (but without changing their effect), inserting them in their proper places in the said Statutes, striking out of the latter any enactments repealed by or inconsistent with those so incorporated, altering the numbering of the chapters and sections, or their order, if need be, and adding to the said Schedule A a list of the Acts and parts of Acts of the present Session so incorporated as aforesaid.

Certified Roll, including the legislation of the present Session, to be deposited and serve as the original thereof.

3. So soon as the said incorporation of such Acts and parts of Acts, with the said Statutes, and the said addition to the said Schedule A has been completed, the Governor may cause a correct printed Roll thereof, attested under his signature and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Legislative Council, which Roll shall be held to be the original thereof, and to embody so much of the several Acts and parts of Acts mentioned as repealed in the amended Schedule A thereto annexed, as was in force when the said Roll was made; any marginal notes, however, and references to former enactments which may appear thereon being held to form no part of the said Statutes, but to be inserted for convenience of reference only.

Proclamation for bringing the Consolidated Statutes into force on a certain day.

4. The Governor in Council, after such deposit of the said last mentioned Roll, may, by Proclamation, declare the day on, from and after which the same shall come into force and have effect as law, by the designation of "The Consolidated Statutes for Lower Canada."

On and after that day, they shall be in force—and the enactments embodied in them repealed. Exception.

5. On, from and after such day, the same shall accordingly come into force and effect as and by the designation of "The Consolidated Statutes for Lower Canada," to all intents as though the same were expressly embodied in and enacted by this Act, to come into force and have effect on, from and after such day; and on, from and after the same day, all the enactments in the several Acts and parts of Acts in such amended Schedule A, mentioned as repealed, shall stand and be repealed,—save only as hereinafter is provided.

Saving as to transactions, &c., anterior to the repeal.

6. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them; nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or parts of Acts, or of any Act or provision of law formerly in force,—to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

Certain matters anterior to the repeal not to be affected by it.—

7. The repeal of the said Acts and parts of Acts shall not affect,—

1. Any penalty, forfeiture or liability, civil or criminal, incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal,— Penalties, &c.

2. Nor any indictment, information, conviction, sentence or prosecution had, done, completed or pending at the time of such repeal,— Indictments, &c.

3. Nor any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever respecting the same, had, done, made, entered, granted, completed, pending, existing, or in force at the time of such repeal,— Actions, &c.

4. Nor any act, deed, right, title, interest, grant, assurance, descent, will, registry, contract, lien, charge, matter or thing, had, done, made, acquired, established or existing at the time of such repeal,— Acts, Deeds, Rights, &c.

5. Nor any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal,— Offices, &c.

6. Nor any marriage, certificate or registry thereof, lawfully had, made, granted, or existing before or at the time of such repeal,— Marriages, &c.

7. Nor shall such repeal defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal ; Any other matters, &c.

8. But every such

Penalty, forfeiture and liability, and every such

But the same to remain valid, &c.

Indictment, information, conviction, sentence and prosecution, and every such

Action, suit, judgment, decree, certificate, execution, process, order, rule, proceeding, matter or thing, and every such

Act, deed, right, title, interest, grant, assurance, descent, will, registry, contract, lien, charge, matter or thing, and every such

Office, appointment, commission, salary, allowance, security and duty, and every such

Marriage, certificate and registry, and every such other matter and thing, and the force and effect thereof, respectively,

And may be enforced, &c., and under what laws.

May and shall remain and continue as if no such repeal had taken place, and, so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under the said Consolidated Statutes and other the Statutes and Laws having force in Lower Canada, in so far as applicable thereto, and subject to the provisions of the said several Statutes and Laws.

Consolidated Statutes not to be deemed new laws.

8. The said Consolidated Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the said Acts and parts of Acts so repealed, and for which the said Consolidated Statutes are substituted.

How construed if in any case they differ from the repealed Acts, &c.

9. But if upon any point the provisions of the said Consolidated Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Consolidated Statutes take effect, the provisions contained in them shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail.

As to references to repealed Acts in former Acts, &c.

10. Any reference in any former Act remaining in force, or in any instrument or document, to any Act or enactment so repealed, shall, after the Consolidated Statutes take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the Consolidated Statutes having the same effect as such repealed Act or enactment.

Effect of insertion of an Act in Schedule A.

11. The insertion of any Act in the said Schedule A shall not be construed as a declaration that such Act or any part of it was or was not in force immediately before the coming into force of the said Consolidated Statutes.

Copies by Queen's Printer to be evidence.

12. Copies of the said Consolidated Statutes printed by the Queen's Printer from the amended Roll so deposited, shall be received as evidence of the said Consolidated Statutes in all Courts and places whatsoever.

Interpretation of the said Statutes.

13. The Interpretation Act contained in the Consolidated Statutes of Canada, shall apply to the Consolidated Statutes for Lower Canada, and to this Act;—and in construing this Act or any Act forming part of the said last mentioned Statutes, unless it be otherwise provided, or there be something in the context or other provisions thereof indicating a different meaning or calling for a different construction,—

Extent of enactments.

1. The enactments in such Act apply to the whole of Lower Canada;

2. The law is to be considered as always speaking; and whenever any matter or thing is expressed in the present tense, the same is to be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof according to its spirit, true intent and meaning; Law to be construed as speaking at the time when the case arises.
3. The word "shall" is to be construed as imperative, and the word "may" as permissive; "Shall" and "may."
4. Whenever the word "herein" is used in any section of an Act, it is to be understood to relate to the whole Act and not to that section only; "Herein."
5. When any act or thing is required to be done by more than two persons, a majority of them may do it; "Quorum."
6. The word "Proclamation" means a Proclamation under the Great Seal, and the expression "Great Seal" means the Great Seal of the Province of Canada; "Proclamation."
7. When the Governor is authorized to do any act by Proclamation, such Proclamation is to be understood to be a Proclamation issued under an order of the Governor in Council; but it shall not be necessary that it be mentioned in the Proclamation that it is issued under such order; and this provision shall not prevent the validity of any Proclamation heretofore issued by the Governor, which shall be valid though not under the Great Seal; Proclamation.
8. The word "County" includes two or more Counties united for the purposes to which the enactment relates. "County."
14. If upon any point there be a difference between the English and French versions of the said Statutes, that version which is most consistent with the Acts consolidated in the said Statutes shall prevail. As to English and French versions.
15. The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Consolidated Statutes, but the same shall be distributed in such numbers and to such persons only as the Governor in Council may direct. As to distribution of copies.
16. This Act shall be printed with the said Consolidated Statutes and shall be subject to the same rules of construction as the said Consolidated Statutes;—And any Chapter of the said Statutes may be cited and referred to in any Act and proceeding whatever, Civil and Criminal, either by its title as an Act,—or by its number as a Chapter in the copies printed by the Queen's Printer,—or by its short title. This Act to be printed with the said Statutes. How they may be cited.

CAP. LVII.

An Act concerning the Administration of Justice in Lower Canada.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS it has become necessary to make further provision for the administration of justice in Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Section 111 of 20 V. c. 44, extended, and the title to the District Court House and Gaol in any District of L. C. vested in the Sheriff thereof.

1. So much of the provisions of the one hundred and eleventh section of *The Lower Canada Judicature Act of 1857*, as relates to the title to the Court House and Gaol in and for each of the New Districts respectively, and the one hundred and twelfth section thereof shall, notwithstanding any law to the contrary, be extended and shall apply to all the Districts of Lower Canada, so that hereafter the title to the District Court House and Gaol at or near the *chef-lieu* in and for each and every District of Lower Canada and to the Court House and Gaol at each of the *chefs-lieux* in the District of Gaspé, to wit: in the Counties of Gaspé and Bonaventure, so long as separate judicial officers shall exist in each of those Counties, shall be vested in the Sheriff of such District or County, as the case may be, for the time being, and his successors in office for ever, and he and each of his successors in office shall be a Corporation sole for the purpose of holding the same, but without power to alienate, charge or incumber the same; and it shall be the duty of every Sheriff to keep the Court House and Gaol therein insured against loss by fire, for an amount and by an Insurance Company to be approved by the Commissioner of Public Works, and in case of loss by fire the Sheriff may recover under the policy, and the amount recovered shall be applied to repair or re-construct the building destroyed or damaged.

His powers and duties.

As to insurance against loss by fire.

But so long as the Commissioner of Public Works shall insure any Court and Jail erected or repaired under the Act twelfth Victoria, chapter one hundred and twelve, the Sheriff, in whom the title to any such Court House or Jail is vested, shall not be bound to insure the same; And the Commissioner of Public Works may insure against loss by fire each and every Court House and Jail, for the construction or repair of which Debentures have been issued under the authority of that Act, until the principal and interest on such Debentures are fully paid; and any insurance already effected on any such Court House or Jail in Lower Canada shall in no way be affected by this section.

Section 113 of 20 V. c. 44, extended to the Old Dis-

2. All the provisions of the one hundred and thirteenth section of *The Lower Canada Judicature Act of 1857* shall be extended and shall apply to the Districts of Quebec, Montreal,

Montreal, Three-Rivers, Gaspé, St. Francis, Kamouraska and Ottawa, so that, for the keeping in good repair the District Court Houses and Gaols in those Districts, and for paying the Petit Jurors in criminal cases in the same, there shall be, in and for each such District, a Fund, to be called "The Building and Jury Fund for the District of _____" (as the case may be,) which shall consist of the several items mentioned in the said section; provided, however, that each of the local municipalities or corporations of the Cities of Quebec, Montreal and Three-Rivers, and the Town of Sherbrooke, shall contribute yearly to that fund the following amounts, that is to say :

districts, and a fund created for keeping the Court Houses and Gaols therein in repair in each.

Contributions to such fund.

The local Municipalities or corporations of the Cities of Quebec and Montreal shall each contribute double the aggregate amount to be contributed under the seventh paragraph of the above one hundred and thirteenth section, by the several local municipalities within the Districts of Quebec and Montreal, respectively ;

By Cities of Quebec and Montreal.

The Local Municipalities or corporations of the City of Three-Rivers and the Town of Sherbrooke shall each contribute a sum equal to one fifth of the aggregate amount to be contributed under the seventh paragraph of the above one hundred and thirteenth section, by the several local municipalities, within the Districts of Three-Rivers and St. Francis respectively.

By Three-Rivers and Sherbrooke.

The yearly contribution to be made by the Municipalities, under this Act, or under *The Lower Canada Judicature Act of 1857*, shall not be payable in any District in which the other sources of revenue, constituting the building and jury fund, shall be found sufficient without such contribution to pay the Petty Jurors of the District in which such Municipalities are situated, nor shall that contribution be paid by any local Municipality which shall make known to the Governor, through the Provincial Secretary, and to the Sheriff of the District, their wish that the Petty Jurors summoned in any such Municipality, should not be paid for their services.

Contribution not payable if other sources are sufficient.

3. Each of the Counties of Gaspé and Bonaventure shall, for the above purposes, be deemed a separate and distinct District, and "The Building and Jury Fund for the District of Gaspé" shall be called "The Building and Jury Fund for the County of Gaspé" (or "Bonaventure" as the case may be,) so long as separate judicial officers shall exist in each of those Counties.

Counties of Gaspé and Bonaventure to have each a separate fund.

4. The one hundred and fourteenth and one hundred and fifteenth sections of the Act last cited shall apply to the above named Districts, and with regard to the District of Gaspé, to each of the Counties of Gaspé and Bonaventure, so long as separate judicial officers shall exist in each of those Counties ;

Sections 114 and 115 of 20 V. c. 44, to apply to the Old Districts and to the said

but

Counties. Proportion of contribution by the said Cities and Towns.

but the contribution from each of the Local Municipalities or Corporations of the Cities of Quebec, Montreal, and Three-Rivers, and Town of Sherbrooke, under the one hundred and fifteenth section, shall be in the same proportion as the yearly contribution of the same to "The Building and Jury Fund," as explained above.

Section 116 of 20 V. c. 44, extended.

5. The power given by the one hundred and sixteenth section of the said Act shall apply to the Local Municipalities in the above named Districts, and in the Counties of Gaspé and Bonaventure.

Certain fines payable under sect. 35 of cap. 105, and sect. 14 of cap. 106 of Con. Stat. of Canada to form part of the said fund.

6. All fines now payable to the Prothonotary under the provisions of the thirty-fifth section of the one hundred and fifth chapter, and the fourteenth section of the one hundred and sixth chapter of the "Consolidated Statutes of Canada," shall be hereafter paid to the sheriff and shall, together with any sums in the hands of the Prothonotary, collected under the authority of either of those sections, or under any Act or Acts consolidated under those Chapters, form part of "The Building and Jury Fund," for the District, or for the County of Gaspé, or Bonaventure, as the case may be, so long as separate judicial officers shall exist in each of those Counties; and the jurisdiction and powers conferred upon and vested in the Sheriff of any District in Lower Canada, (other than the Districts of Quebec and Montreal,) are hereby conferred upon and vested in any Sheriff in the District of Gaspé, in and for the Counties of Gaspé or Bonaventure, as the case may be, so long as separate judicial officers shall exist in each of those Counties, and upon and in the Deputy of any such Sheriff.

Powers vested in certain Sheriffs.

Section 6 of 12 V. c. 112, extended to all Districts in L. C.

7. The sixth section of *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*, (12 Vict. cap. 112), shall be extended and shall apply to all the Districts of Lower Canada, and all the moneys arising from the sources therein mentioned shall be paid over to the Sheriff, to form part of "The Building and Jury Fund,"—and out of that fund payment shall be made of the price or value of the ground on which any Gaol or Court House at or near the *chef-lieu* in any District is erected, which may yet remain unpaid for.

Salaries payable under 13, 14 V. c. 37,—16 V. c. 196, and 18 V. c. 98, discontinued, except in Districts of Quebec and Montreal.

8. On, from and after the first day of January next, the fixed salaries allowed to certain officers of justice by "An Act to assign fixed annual salaries to certain officers of Justice in Lower Canada, and to form a special fund out of the Salaries, Fees, Emoluments and Pecuniary Profits attached to their offices," (13 & 14 Vict., cap. 37) as amended by "An Act to amend the acts assigning fixed annual salaries in lieu of Fees, to certain officers of justice in Lower Canada," (16 Vict., cap. 196) and by "An Act to provide temporarily for the payment of Petty Jurors in Lower Canada, and to make better provisions

" for

"for the payment of certain judicial officers in that part of the Province," (18 Viet. cap. 98) shall be discontinued, except with respect to those officers at the *chefs-lieux* of the Districts of Quebec and Montreal; and thenceforth the ninety-sixth section of "The Lower Canada Judicature Act of 1857," shall be extended and shall apply to the officers of Justice at the "chefs-lieu" in the above named Districts, except those of Quebec and Montreal, and to the officers of Justice at the "chefs-lieux" of the District of Gaspé, that is, to those of the Counties of Gaspé and Bonaventure, as the case may be, so long as separate judicial officers shall exist in each of those Counties, and the fund in each of the said Counties at the "chefs-lieux" shall be called "The County of Gaspé, (or Bonaventure, as the case may be,) Officers of Justice Fee Fund;" but the above shall not affect the present incumbents of the offices mentioned in the above Acts, who, so long as they enjoy such offices, shall continue to receive the salary assigned or to be assigned to them under the above Acts, and shall pay over and account for the fees received by them in the manner thereby prescribed; and any surplus of the fees collected by the Sheriff of the District of Quebec or Montreal, by the Prothonotary of the Superior Court in either of those Districts, or by the Clerk of the Circuit Court for either of them, remaining after the payment of the salaries of the officers and the contingencies of those offices, shall, at the close of every year, be paid over to the Sheriff, to form part of "The Building and Jury Fund" of the District; and this provision shall apply also to the fees collected by the Clerk of the Crown and the Clerk of the Peace in those two Districts, if there be any excess of income over the expenditure of their respective offices.

And sect. 96 of 20 V. c. 44, to apply in all other Districts.

Exception in favour of present incumbents.

Surplus of certain fees in Quebec and Montreal to form part of Building and Jury Fund.

9. Notwithstanding the provisions of the said ninety-sixth section of "The Lower Canada Judicature Act of 1857," the officers therein mentioned may, by order of the Governor in Council, be exempted from paying over to the Receiver General the fees collected by them, on accounting to him for the same, but they shall pay over to the Receiver General such portion of those fees as shall, by the order of the Governor in Council, be from time to time directed to be paid to meet any contingencies, or any portion of them that may by any such order be directed to be reserved to form part of "The Building and Jury Fund," in any District.

Governor in Council may exempt certain Officers from paying over fees, or order a portion only to be paid over

10. The Governor in Council may, from time to time, fix the amount that shall be paid to the Clerks of the Crown and Clerks of the Peace in all the Districts of Lower Canada, (except those of Quebec and Montreal, to whom the existing enactments respecting their remuneration shall continue to apply,) for services performed by them, and for and in lieu of fees payable to them by the Crown, and any amount so ordered shall be paid accordingly.

Governor in Council may fix amount to be paid to Clerks of the Crown and Peace in lieu of fees.

Governor in Council to fix the site of any Court House or Gaol to be built or rebuilt.

11. Whenever it shall become necessary to build or rebuild any Court House or Gaol in any District of Lower Canada, such Court House or Gaol may be erected at or near the *chef-lieu* of the District, at such place as the Governor in Council shall direct, and so soon as it shall be ready, it shall be used for all the purposes of the administration of justice.

Sheriff may provide temporary accommodation, in case of such re-building.

12. In any case in which it shall become necessary to rebuild a Court House or Gaol, the sheriff in any District may, during its reconstruction, procure temporarily at or near the *chef-lieu* at a place to be approved by the Governor in Council, a building suitable for a Court House or Gaol, or both, as the case may be, which shall be used, for the purposes of the administration of Justice in Civil and Criminal matters, in the same manner and with as legal effect as a permanent Gaol and Court House.

Sections 100 to 104 of 20 V. c. 44, to apply to Gaspé.

13. All the provisions of the one hundredth, the one hundred and first, the one hundred and second, the one hundred and third and the one hundred and fourth sections of *The Lower Canada Judicature Act of 1857*, shall be extended and shall apply to the District of Gaspé, for the purpose of repairing and enlarging the Gaols and Court Houses at the *chefs-lieux* of that District in the Counties of Gaspé and Bonaventure.

Chef-lieu of Gaspé County may be changed on certain conditions.

14. So soon as the Council of the County of Gaspé shall have furnished at Gaspé Basin a site suitable for a Gaol and Court House, and such means as, added to the Building and Jury Fund for that County, will suffice to build a Gaol and Court House, the Governor may order the building of a Gaol and Court House thereat; and so soon as such Gaol and Court House shall be completed at Gaspé Basin, the Governor may make known the fact by proclamation, and by such proclamation may fix, for all the purposes of the administration of justice, Gaspé Basin as the "*chef-lieu*" instead of Percé, in the said County.

Funds for re-building, &c., any Gaol or Court House may be raised by Provincial Debentures: re-payment provided for.

15. The Governor may, by Order in Council, authorize the Receiver General to raise, from time to time, and upon such terms and conditions as may be deemed proper, such sum or sums of money as may be required to meet the expense of re-building, repairing, or enlarging any Gaol or Court House in any District of Lower Canada, by the issue of Provincial Debentures, and any Debentures so issued shall be the first charge on and be paid out of the Building and Jury Fund for the District (or for the County of Gaspé or Bonaventure) as the case may be.

Court Houses and Gaols not required may be sold.

16. If in any District in Lower Canada any Court House or Gaol is no longer required for the use of such District, the Commissioner of Public Works may cause the same and the site on which it is situate, to be sold and the

the proceeds of such sale shall form part of the Building and Jury Fund for the District (or for the County of Gaspé or Bonaventure, as the case may be).

17. All the provisions of "An Act to provide means to recover, from the Corporation of the City of Montreal, part of the expense incurred in guarding the Common Gaol at that place" (14 & 15 Vict. cap. 129) shall be extended and shall apply to the Corporation of the City of Quebec, in as full and ample a manner as if that Act contained the word "Quebec" wherever the word "Montreal" occurs therein; but the sum of money to be required and received from the Council of the City of Quebec, under that Act, shall not, in any one year, exceed the sum of sixteen hundred dollars.

14, 15 V. c. 129, extended to Quebec.

Proviso.

18. All the parts of *An Act to provide temporarily for the payment of Petty Jurors in Lower Canada, and to make better provisions for the payment of certain Judicial officers in that part of the Province* (18 Vict. cap. 98) relating to the payment of Petty Jurors, are hereby repealed.

So much of 18 V. c. 98, as provides for payment of Jurors, repealed.

19. Notwithstanding the provisions of the ninety-ninth section of *The Lower Canada Judicature Act of 1857*, it shall be lawful for the Judge holding any Court of Criminal Jurisdiction in any District, provided the building and Jury Fund of the District (or of the County of Gaspé or Bonaventure, as the case may be,) will admit of it, to fix from time to time an allowance to be paid to each person serving as a Petty Juror before such Court and whose usual residence is within the limits of the City or Town or of the Parish or Township in which such Court is held, but such allowance shall not exceed one half of the allowance to be paid, under that section, to Petty Jurors residing beyond such limits.

Provisions of sect. 99 of 20 V. c. 44, as to payment of Petit Jurors, modified.

20. The Word "Judge" in the next preceding section and in the ninety-ninth section of *The Lower Canada Judicature Act of 1857*, shall mean any Judge of the Court of Queen's Bench, or any Judge of the Superior Court sitting in the Court of Queen's Bench; and the allowance fixed from time to time by any such Judge, in any district, shall be the allowance to be paid to each person serving as a petit juror before any other Court having criminal jurisdiction, (if any there be) in such District.

Word "Judge" in the said sect. 99, explained.

21. All the provisions of the ninety-eighth section of *The Lower Canada Judicature Act of 1857* shall be extended and shall apply to the Districts of Three-Rivers, Gaspé, St. Francis, Kamouraska and Ottawa, and to the Counties of Gaspé and Bonaventure, so long as there shall be a separate Sheriff in each of those Counties; but all jury Lists now made shall continue valid,—until others be made under those provisions.

Section 98 of 20 V. c. 44, extended to certain districts.

Proviso.

This Act not to affect 12 V. c. 112.

22. The coming into operation of this Act shall not in any way invalidate the provisions of "An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada," (12 V. c. 112,) but all the provisions of that Act shall remain in full force with respect to the Districts therein mentioned, and until the objects of that Act have been fully carried out.

Governor in Council may impose a tax on certain proceedings in any District to form part of Building and Jury Fund: Act 12 V. c. 112, to apply.

23. It shall be lawful for the Governor, by any order or orders in Council, to be from time to time made for such purpose, to impose such tax or duty as he shall see fit on any proceedings had in any of the Courts, in any District of Lower Canada, and upon the closing of inventories, assemblies of relations and friends, insinuations or registrations in the offices of such Courts, the appointments of Tutors or Curators, affixing or taking off seals of safe custody, probates of wills or other like matters, also upon any proceedings at or before the Courts of Commissioners for the summary trial of small causes, and sittings of a Justice or Justices of the Peace, Inspectors and Superintendents of Police, and Sheriffs respectively, and all the provisions of "An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada," (12 V. c. 112) shall apply to the imposing, levying and payment of such tax or duty, and it shall be collected by such member of the Court or such officer or person as the Governor in Council shall appoint, and shall be paid over by him to the Sheriff to form part of the Building and Jury Fund, and every such person directed to collect such fees shall give such security as shall be fixed by Order in Council; and the Governor may, by order or orders in Council, from time to time, reserve such portion of the fees of the Clerk or Crier of the Circuit Court, held at any other place than the *chef-lieu* of a district, as he may deem proper to be appropriated for the payment of any contingencies for the maintenance of those Courts.

Provision for the maintenance of County Court Houses.

Tax under sect. 4 of 12 V. c. 112, or 20 V. c. 44 sect. 113, to be collected only under one Act.

Power under sect. 23 of this Act, not to be exercised in cases where tax is payable under 12 V. c. 112.

24. The sum of money to be collected in any district under the fourth section of *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*, (12 Vict. cap. 112,) or under the fourth paragraph of the one hundred and thirteenth section of *The Lower Canada Judicature Act of 1857*, shall be collected only once; and the power given by the next preceding section to impose a tax or duty, shall not be exercised, with respect to the places mentioned in the 12 Vict. cap. 112, with regard to such items, proceedings or documents upon which a tax or duty is now collected at those places as imposed under the authority of the fifth section of that Act, so long as that tax or duty shall continue to be collected at those places for the purposes of that Act; and any surplus of the above tax or duty collected at any of those places, remaining after payment of the principal and interest on the debentures issued under that Act for and in respect of

of any such place, shall form part of "The Building and Jury Fund" of the District in which such place is situate.

25. If at any time the ordinary funds of the Corporation of the City of Quebec or Montreal be insufficient to meet any contribution required to be made, under the provisions of this Act, or under the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-four, it shall be lawful for the Council thereof to impose for that purpose a special tax or assessment, over and above the amount for which such Council is now or may be hereafter authorized by law to impose rates or assessments,—and to appropriate for that purpose any part of the fees of the Recorder's Court, or to impose upon proceedings in that Court a special tax, to create a fund for the above mentioned purpose.

Corporation of Quebec or Montreal may impose a special rate for purposes of this Act or 14, 15 V. c. 129.

26. If at any time there shall be no Judge within the limits of a District, it shall be lawful for any person desirous of obtaining a writ of *Habeas Corpus*, to apply to any Judge qualified and authorized to grant such writ, in any adjoining District, or to any Judge at either of the Cities of Quebec or Montreal, according as cases in appeal from the District, in which the applicant is confined, are under the seventeenth section of *The Lower Canada Judicature Act of 1857*, to be heard and determined at either of those Cities; and any order given on any such application by a Judge out of the District, and all proceedings out of the District, had either before or after such application or order, shall be as good and valid as if given or had within the limits of the District in which the applicant is confined:

When there is no Judge in any District, *Habeas Corpus* may be obtained in another District.

2. And whenever the issuing of a Writ of *Habeas Corpus* is ordered in favor of a person confined beyond the limits of the District in which such order is made, it shall be competent for the Judge to direct that such person be brought before a Justice of the Peace in the District in which such person is confined, and to order such Justice of the Peace to admit to Bail the person so confined, himself and two sureties, each in respective sums to be specified in the said order in which there shall be stated the terms and conditions to be inserted in the Recognizance to be so entered into by the party accused and his sureties, and the Court, place and time before and at which the party accused shall appear to answer the charge brought against him; and upon such recognizance being entered into, to the satisfaction of such Justice of the Peace, he shall order the party accused to be released from custody, if detained for no other cause; and in any case in which the applicant is to be discharged without bail, the Judge's order to the Justice of the Peace shall require him to discharge such applicant from confinement.

Provision when the person confined is beyond the limits of the district where the order is made.

27. Whenever a writ of *habeas corpus* has been once refused by any one Judge, it shall not be lawful to renew the application

Habeas Corpus refused by one

application

Judge not to be granted by another,—but may be granted by Court of Q. B.

application before him, unless any new facts are stated, or before any other Judge, but application may, in any such case, be made anew to the Court of Queen's Bench, which is hereby authorized to entertain, hear, and determine such application, at its next sitting in appeal either in Quebec or Montreal, according as cases in appeal from the District, in which the applicant is confined, are under the seventeenth section of *The Lower Canada Judicature Act of 1857*, to be heard and determined at either of those Cities, and any order made by the Court of Queen's Bench, on any such application, and all proceedings had out of the District, either before or after such application or order, shall be as good and valid as if made or had within the limits of the District in which the applicant is confined :

Provision when the person confined is beyond the limits of the district where the order is made.

2. And whenever the issuing of a Writ of *Habeas Corpus* is ordered in favor of a person confined beyond the limits of the District in which such order is made, it shall be competent for the Judge or for the Court of Queen's Bench to direct that such person be brought before a Justice of the Peace in the District in which such person is confined, and to order such Justice of the Peace to admit to bail the person so confined, himself and two sureties in such respective sums as shall be specified in such order, in which there shall be stated the terms and conditions to be inserted in the recognizance to be entered into, by the party accused and his sureties, and the Court, place and time, before and at which the party accused is to appear to answer the charge brought against him; and upon such recognizance being entered into, to the satisfaction of such Justice of the Peace, he shall order the party accused to be released from custody, if detained for no other cause; and in any case in which the applicant is to be discharged without bail, the order to the Justice of the Peace shall require him to discharge such applicant from confinement.

Sheriff not to summon a second set of Petit Jurors in Quebec and Montreal, unless specially required.

28. Notwithstanding the provisions of the fourth paragraph of the third section of "An Act to amend the Act intituled : 'An Act to regulate the summoning of Jurors in Lower Canada,'" (14 and 15 Vict., Cap. 89,) the Sheriff, in the Districts of Quebec and Montreal, shall, before summoning petit jurors for the Courts of criminal jurisdiction therein, enquire of the Clerk of the Crown or of the Clerk of the Peace, as the case may be, whether the number of cases and the nature thereof, to be tried before the Court of Queen's Bench or before the Court of Quarter Sessions of the Peace, appear to justify the summoning of a second set of petit jurors, and shall not summon such second set of petit jurors, until he be notified by the Clerk of the Crown or the Clerk of the Peace, as the case may be, that they are required.

First set may serve to the

29. If the persons summoned as petit jurors to appear on the first day of the Session of the Court of Queen's Bench, or of the Court

Court of Quarter Sessions of the Peace, in the district of Quebec or Montreal, be required by reason of the absence of a second set of petit jurors, to serve beyond the number of days prescribed for their attendance by the fourth paragraph of the third section of the Act last above cited, they shall continue to serve as petit jurors, to all intents and purposes and with all legal effect, so long as the Court shall deem their services necessary.

end of the Term.

30. In all the districts, except those of Quebec and Montreal, the Sheriff, before summoning persons to serve as grand or petit jurors before the Court of Queen's Bench, or Court of General Sessions of the Peace, or any Court of criminal jurisdiction therein, shall enquire of the Clerk of the Crown or the Clerk of the Peace, as the case may be, whether there be any cases to be investigated or tried at the next session thereof, and he shall not summon any persons to serve as grand or petit jurors before any such Court, until he be notified by the Clerk of the Crown or the Clerk of the Peace, as the case may be, that such jurors are required; but every such Court shall nevertheless meet at the times fixed by law, and in case no grand or petit jurors shall have been summoned, and that the services of grand or petit jurors may appear to the Court to be necessary for the investigation or trial of any case that may come before such Court, the Court may direct the Sheriff to summon the usual number of persons to serve as grand or petit jurors before that Court on any day to which the Court shall be adjourned, and all proceedings had at and before such adjourned Court, shall be as valid as if they had taken place at or before such Court at the ordinary time of holding it, and any Judge or persons holding such adjourned Court shall adjourn the same from day to day, so long as there is any business before it; but the above provision shall in no way prevent the Court from proceeding, in the absence of grand or petit Jurors, for the despatch of such business as may not require the intervention of either of them.

In other Districts Jurors not to be summoned unless the cases to be tried make it necessary.

Court to meet, —and Jurors to be summoned if required.

31. Whenever any Court is adjourned, under the provisions of the one hundred and forty-seventh section of *The Lower Canada Judicature Act of 1857*—as amended by the sixty-sixth section of *An Act further to amend the Judicature Acts of Lower Canada*, (22 Vict., (1858,) Cap. 5,) it shall be lawful for such Court to take cognizance of, and proceed with any matters that shall be brought before it, whether the same were or were not commenced at the time of its adjournment; and any Judge or persons holding such adjourned Court shall adjourn the same from day to day, so long as there is any business before it.

Cases may be commenced after adjournment under sect. 147 of 20 V. c. 44, though not previously before the Court.

32. Any report of distribution prepared and filed by the Prothonotary of the Superior Court, or by the Clerk of the Circuit Court, or any part thereof, which has not been contested within the delay fixed by any rule of practice, may be homologated in

Uncontested reports of distribution may be homologated by the

Prothonotary or Clerk after the delay has expired.

in term or in vacation by the Prothonotary or Clerk of the Court, in which the case to which such report relates is pending; in the same manner as such report or part of report can now be homologated by such Court, and every judgment of homologation by a Prothonotary or Clerk shall be held to be the judgment of the Court, homologating such report, and shall be recorded as a judgment and executed accordingly:

If there is no opposition, or if all parties consent.

2. And should no opposition be filed within the delay prescribed by law and rules of practice, claiming the whole or any part of any moneys returned into any Court as having been levied under any writ of execution, or should any opposition or oppositions filed be discontinued by motion in term or in vacation, or should the interested parties consent in term or in vacation, to a distribution, without the formality of a Report of distribution, the Prothonotary or Clerk of the Court may order, in term or in vacation, upon motion made to that effect, payment of the moneys levied to the parties entitled thereto, and shall order any surplus to be paid over to the Defendant or party from whom the moneys were levied.

Interpretation of term "Local Municipality."

33. The term "Local Municipality" used in this Act and in the seventh paragraph of the one hundred and thirteenth section of *The Lower Canada Judicature Act of 1857*, shall include the Corporation of any Incorporated City or Town of Lower Canada.

Notarial minutes to be transmitted by the Prothonotary having custody thereof to the Prothonotary of the district where the Notary died, or ceased to practise.

34. In any case in which the Notarial Minutes, Repertories and Indexes and other Notarial documents and papers of any Notary, have been transmitted by the Board of Notaries in whose custody they were, to the Prothonotary of the Superior Court in a District not including the place where such Notary died or resided when he ceased to practise, or practised next before he left the Province or became incapable of acting as a Notary, or was interdicted or removed from office, such Prothonotary shall, within three months after the passing of this Act, transmit all such Notarial Minutes, Repertories and Indexes and other Notarial documents and papers of any such Notary, to the Prothonotary of the Superior Court in the District including the place where such Notary died or resided when he ceased to practise, or practised next before he left the Province or became incapable of acting as a Notary, or was interdicted or removed from office.

Governor may appoint Commissioners in the United Kingdom, to receive affidavits to be used in L. C.

35. It shall be lawful for the Governor from time to time to nominate and appoint fit and proper persons resident in any part of Great Britain or Ireland as Commissioners to administer oaths and take affidavits to be used in any Court of civil jurisdiction in Lower Canada, and all affidavits taken by any such Commissioner shall be of the same value and effect, and the same credence shall be given thereto in all Courts of civil jurisdiction in Lower Canada, as is now given to affidavits taken

before

before a Commissioner appointed by the Superior Court for Lower Canada or by any Judge thereof; Provided that no person but an Attorney or Solicitor practising in one of the Superior Courts of Great Britain or Ireland, and qualified by Law to act as Commissioner for similar purposes in Great Britain and Ireland, shall be appointed.

Proviso: qualification of Commissioner.

36. Whenever any subpoena or other process, opposition, judgment, order, rule, notice or proceedings emanating from the Superior or the Circuit Court, or from any Judge, or incident to any suit or action brought against any person residing in Upper Canada, under the provisions of the fifty-eighth section of *An Act further to amend the Judicature Acts of Lower Canada*, (22 V. (1858) c. 5,) in either of the said Courts, requires to be served upon any party or person residing or being at the time in Upper Canada, it shall be lawful for any Judge of the Superior Court, or for the Prothonotary of the Superior Court or Clerk of the Circuit Court at the place where the action is brought, to sign an order to be indorsed thereon in the following words, "this (*mentioning name of document*) may be served in Upper Canada, and "is to be returned into this Court within _____ days of "service," and may thereby fix the period within which such process shall be returnable; and all the provisions of the said section shall otherwise apply to any such subpoena or other process, opposition, judgment, order, rule, notice or proceedings, in the same manner as they apply to Writs of Summons issued under the authority of that section.

Provision for service of subpoenas and other documents in Upper Canada.

Section 58 of 22 V. c. 5, to apply.

37. Any party in the Superior Court, or in the Circuit Court in appealable cases, entitled to file an answer or reply, shall be bound to file the same within the delay prescribed by law, but shall be foreclosed from filing the same by the mere lapse of the delay, without being entitled to a demand of such answer or reply; and in the case of no answer or reply being filed within the delay prescribed by law, issue shall be deemed joined by the proceedings already filed.

Delay for filing answer or reply.

38. Every witness in any contested case in the Superior Court, and in every contested appealable case in the Circuit Court, shall be examined in the presence of a Judge of such Court, and such Judge shall be bound to take down himself, in writing, notes of the material parts of the evidence given by such witness, and of any objections insisted upon by any party and the adjudication thereon, whenever any party to such case shall, either verbally or in writing, require him so to do;—and a fair copy of such notes shall be made out by the Prothonotary or Clerk of the Court, and after being certified by the Judge, shall be filed of record in the cause, and shall, in case of appeal from the final judgment pronounced in any such suit or action, be transmitted to the Court of Appeals, as forming part of such record, and shall be considered for the purposes of such appeal,

Witnesses in contested cases to be examined in presence of a Judge, who shall take down their evidence, &c.

as

as forming a true record of the evidence adduced, and of all other proceedings mentioned therein.

Oral evidence
admissible up
to \$25.

Proviso.

39. Notwithstanding any provision contained in article Two of Title twenty of the Ordinance of one thousand six hundred and sixty-seventh, or in any other law, oral evidence shall be admissible in all matters in which the sum or value shall not exceed twenty-five dollars; but this provision shall not have the effect of restricting the proof by witnesses of any matters or of any fact in cases in which it is now admissible, when the sum or the value of the thing demanded exceeds twenty-five dollars.

*Articulation
de faits* to be
in a certain
form and de-
finite.

40. The statement of facts (*articulation de faits*) required by the provisions of the *Lower Canada Judicature Act of 1857*; shall be divided into distinct and separate items or articles, each of which shall be regularly numbered in succession, shall be submitted as categorically as *Interrogatories sur faits et articles*, and shall be in such an explicit interrogative form as to provoke an admission or denegation, and in so clear a manner as to afford an admission of the fact or facts, if the party does not answer.

Sect. 54 of 22
V. c. 5, ex-
tended to
Writs for
seizure of
moveables in
another dis-
trict.

By whom to
be executed,
how retired,
&c.

To apply to
Writs of *saisie
arrêt*.

41. The fifty-fourth section of *An Act further to amend the Judicature Acts of Lower Canada* (22 Vict., 1858, cap. 5) shall extend and apply to Writs of Execution for the seizure and sale of moveable property in a District other than that in which the Writ of Execution shall issue, and any such seizure and sale may be made by any bailiff of the Superior Court for the District in which such Writ of Execution shall issue, or by the Sheriff of such District, subject, however, to the provisions and restrictions of the above section, and every Writ so executed shall be returned into the Court at the place where the same shall have issued, according to the exigency of such Writ and to Law, and such Writ so returned shall be received, and the certificate of due service or execution shall be as authentic as if such Writ had been served or executed in the District from which it shall have issued; and the said section and the provisions of this section shall extend and apply to Writs of *saisie arrêt* before or after judgment, and their service and execution, whenever the parties or any of them to any such Writ reside in a district other than that in which any such Writ shall issue.

Service of pro-
cess, &c., on
parties leaving
L. C. after the
commence-
ment of a suit.

42. If any order, rule, notice or proceeding emanating from the Superior or Circuit Court, or from any Judge, or incident to any suit or proceeding in either of the said Courts, requires to be served upon any party to any cause or instance, who has left Lower Canada since the commencement of such cause or instance, or who is not domiciled in Lower Canada, the service of any such order, rule, matter or proceeding may be lawfully made upon such party at the office of the Prothonotary or of the Clerk of the Court in which such cause or instance is pending; and the return of the Bailiff stating that he has made diligent

diligent search and has not been able to find the party, and that to the best of his belief such party is not within the limits of Lower Canada, shall be *prima facie* sufficient to establish the fact of such absence.

43. Every Judgment rendered under the eleventh section of *An Act further to amend the Judicature Acts of Lower Canada* (22 Victoria, 1858, Chapter 5), shall, notwithstanding the provisions of that Act, be executory, without the formality of the service thereof, after the expiration of the usual delay; but whenever the first execution is issued upon any such judgment, and the effects of the defendant are seized, if the party seized upon wishes to contest the judgment, he shall do so within the delay intervening between the day of seizure and that fixed for the sale of the effects seized, and if the officer charged with the execution of the writ shall return a *procès-verbal de carence* (a return of *nulla bona*), the delay for filing such opposition shall extend to ten days only from the execution of the Writ, and the date of such *procès-verbal de carence*; and the filing of any opposition shall cause a suspension of the sale until such opposition shall be disposed of by a further order of the Court, in the manner prescribed by law; the Prothonotary or Clerk of the Court, in which such opposition is filed, shall grant, in duplicate, a certificate of the filing of such opposition, one of which shall be served upon the officer making the seizure, who shall acknowledge the receipt thereof, in default of which it shall be served upon him at his own cost, and every such seizing officer shall return into Court the Writ of Execution and his proceedings thereupon, together with the certificate so served upon him; if, upon any such judgment, a writ of *saisie-arrêt* issues, the delay to contest such judgment by opposition shall be ten days from the date of the service and execution of such writ of *saisie-arrêt*.

Judgments under sect. 11 of 22 V. c. 5, to be executory without service thereof.

Provision if defendant wishes to contest the judgment.

Opposition.

Certificate of Prothonotary to be served on Seizing Officer.

Delay in cases of *saisie arrêt*.

44. If any opposition as aforesaid be maintained, in whole or in part, all the costs of the execution and of the seizure shall be paid by the party at whose instance the seizure shall have been made.

Costs if opposition is maintained.

45. The hypothec arising from any such judgment as aforesaid, shall be reckoned from its date, subject to its being duly enregistered as any other Judgment.

Hypothec arising from the judgment.

46. Any defendant may, before the issue of execution on the judgment recorded against him, file such opposition as aforesaid with his exhibits in support thereof, in the office of the Prothonotary or Clerk of the proper Court, and deposit therewith the costs to be refunded to the plaintiff, with the copy of the opposition for him; but such defendant shall, in that case, give notice to the plaintiff of the day on which the opposition has been filed,—and the delay for pleading shall be reckoned from the service of such notice.

Defendant may file his opposition before execution issues.

Notice,—delay.

If no opposition be filed within the delay.

47. If no opposition be filed, at the Office of the Prothonotary or Clerk, within the delay allowed for that purpose, the facts, as alleged in the action or demand, shall be deemed to be acknowledged and confessed by the defendant, and duly proved.

Plaintiff may renounce such judgment.

48. Any plaintiff, having obtained any such judgment, may renounce the same at any time before the execution thereof,—and upon his renunciation, which shall be filed of record, he shall become entitled to proceed in the case in the manner provided with respect to cases by default or *ex parte* as if such judgment had never been rendered; and the costs of such judgment shall be borne by him.

Costs.

Parties may be summoned as witnesses in any cause.

49. Any party in a cause may be summoned and examined as a witness by any other party in the same cause, and the party, so summoned and examined, may be cross-examined as a witness by his own attorney, if he be so represented, and the evidence given by any such party may be made available to the party obtaining it, or not, as he may think proper, provided that he declare his intention, at the close of his *enquête*, to avail himself of such evidence or not; but no such evidence shall be turned to the advantage of the party giving it; and every party so summoned shall be taxed as any other witness.

Conditions.

One witness sufficient where oral evidence is admissible.

50. In matters of oral evidence, one witness shall be sufficient to establish a fact.

Relations of parties (except husband and wife,) may be examined as witnesses.

51. All the relations and connections of the parties, except husband and wife, may be witnesses in civil matters, to depose in favor of or against them, notwithstanding the eleventh article of the twenty-second title (*enquêtes*) of the Ordinance of one thousand six hundred and sixty-seven, which shall be expressly repealed, inasmuch as it regards degrees of relationship only; but notwithstanding the competency of any relation within the degree of first cousin (*cousin germain*) to give evidence, such evidence may have its weight with the Judge, according as he may deem the witness entitled to credibility; And any person who may be challenged as a witness on the ground of being interested, may give evidence in Courts of Justice, but the evidence of such witness shall have its weight with the Judge, according as he may be deemed intitled to credibility.

Or parties interested.

When insolvency is specially alleged as to party whose property is seized, no distribution to be made until creditors have been called in by notice.

52. No distribution of the moneys seized in the hands of a third party belonging to an insolvent person or of the proceeds of the sale of his effects, when such insolvency shall have been specially alleged by one of the parties, shall be ordered by the Superior Court or the Circuit Court, unless the creditors of the debtor whose effects have been seized shall have been previously called upon, under the authority of the Court, by a notice in the English and French languages, inserted twice in *The Canada Gazette*, to file their claims, and every such claim

claim shall be filed in the Court within fifteen days of the date of the first insertion of such notice, and the names, (christian and surname) vocation and residence of the creditor shall be expressed in every such claim which shall be accompanied by a statement or account with proper vouchers; The above provisions shall apply to any curator, administrator, *héritier bénéficiaire*, or other person who may desire to render an account *en justice* for and to distribute the moneys in his hands, and any such person shall, for such purpose, by petition, come into either of the above Courts which, according to the jurisdiction appertaining to each, are hereby authorized to entertain and dispose of any such petition, and to take or order any proceedings consequent thereon, and such person shall cause the above notice to be given to the Creditors.

Provision to extend to certain parties.

53. Any thing contained in any other Act, inconsistent with the provisions of this Act, is hereby repealed, and all the provisions of *An Act further to amend the Judicature Acts of Lower Canada* (22 V. (1858) c. 5,) relating to judgments rendered by default, under the eleventh section thereof, to the contestation of them by opposition, and to the appeal from them, and all the other provisions thereof not inconsistent with this Act, shall continue to remain in force.

Inconsistent enactments repealed.

54. It is hereby declared that any Judge of the Superior Court, in the vacation from the ninth of July to the first of September in every year, has power and jurisdiction to hear and determine any case relating to lessors and lessees under the Act eighteenth Victoria, Chapter one hundred and eight, and any other Act relating to the same matter.

Judge may hear cases under 18 V. c. 108, in the long vacation.

55. It shall be the duty of the Prothonotary or Clerk, to whom application is made for execution on behalf of any witness for the amount of his taxation, to verify whether any previous execution may have issued for such taxation either at the instance of the witness or of any party in the cause; and any new execution which may issue therefor, shall be null and void if the amount shall have been levied or paid to the party, or his attorney, under any previous execution, or on a Bill of costs duly recovered.

Duty of Prothonotary; when witnesses demand execution for their taxation.

56. Any cause or proceeding whatever may be discontinued in any stage thereof and at any time before judgment, even in vacation, but subject to costs in favor of the adverse party:

As to discontinuance of suits.

Such discontinuance may be effected in all cases by a motion filed in the office of the Court, previous notice thereof having been given to the adverse party in the ordinary manner;

Form.

The party so discontinuing any cause or proceeding may not again commence it, without having first paid the costs previously incurred.

Costs to be paid.

When certain sections of this Act shall come into force.

57. The seventeenth and eighteenth sections of this Act shall not come into force until the first day of August, one thousand eight hundred and sixty-one, and the yearly contribution required by the second section of this Act from the local Municipalities or Corporations of the Cities of Quebec, Montreal and Three-Rivers, and the town of Sherbrooke and the several local municipalities within the district of Quebec, Montreal, Three-Rivers, Gaspé, St. Francis, Kamouraska and Ottawa, respectively, shall not be payable until after that day.

C A P . L V I I I .

An Act to provide for Annual Statistical Returns of Judicial Matters.

[Assented to 19th May, 1860.]

Preamble.

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

Certain returns to be made yearly by—

1. Each year in the month of January, there shall be made, for the year ended the last day of December of the preceding year,—

Clerks of Commissioners' Courts.

1. By each Clerk of the Commissioners' Courts for the summary decision of Small Causes, a statement or return, showing :

The total number of Summonses issued ; the number of Cases returned into court ; the number of Judgments rendered ; the number of Executions issued, and the number of Oppositions filed ; (Form No. 1.)

Clerks of Circuit Courts.

2. By each Clerk of the Circuit Court in Lower Canada, a statement or return, showing :

The number of Writs issued, distinguishing the proportion of Appealable and non-Appealable cases, and showing how many of the latter were for sums of six pounds five shillings or under, and how many for sums above that amount ; the number of Writs returned into Court, distinguishing the Appealable from non-Appealable cases ; the number of actions in which default was made, distinguishing the Appealable from non-Appealable cases ; the number of Judgments given in default cases, distinguishing the Appealable from non-Appealable cases, and showing the proportion given in each class by the Court and by the Clerk ; the number of contested cases and the number in which Judgment has been given ; the number of Writs of Execution issued, distinguishing between those *de bonis* and *de terris* ; the number of oppositions filed, distinguishing the proportion of

Oppositions *afin d'annuler*
 “ *afin de distraire*
 “ *afin de charge*
 “ *afin de conserver*

and

and the number of each maintained, dismissed or undisposed of; the number of Writs of *saisie-arrêt* before Judgment; the number of Writs of *saisie-revendication*; the number of Writs of *saisie-gagerie*; and the number of applications for Writs of *certiorari*; (Form No. 2.)

3. By each Prothonotary or Clerk of the Superior Court, a return, showing: Prothonotaries.

The number of Writs of Summonses issued, distinguishing those for sums between fifty pounds and seventy-five pounds, between seventy-five pounds and one hundred pounds, between one hundred pounds and five hundred pounds, and those over five hundred pounds; the number of Writs returned into Court, with the above distinction; the number of default cases, with the above distinction; the number of Judgments given in default cases, with the above distinction, showing the proportion given by the Court and by the Clerk; the number of contested cases, and the number in which Judgment has been given; the number of Writs of Execution, distinguishing between those *de bonis* and *de terris*; the number of oppositions filed, distinguishing the proportion of

Oppositions *afin d'annuler*
 " *afin de distraire*
 " *afin de charge*
 " *afin de conserver*

and the number of each maintained, dismissed or undisposed of; the number of Writs of *saisie-arrêt* before Judgment; the number of Writs of *saisie-revendication*; the number of Writs of *saisie-gagerie*; the number of applications for Writs of *certiorari*, *mandamus*, *quo warranto* and *prohibition*, distinguishing the number of each granted and refused; the number of suits under the Law regulating the rights of "Lessors and Lessees;" the number of applications for ratification of titles, and the number of suits ordered to be tried by Jury; (Form No. 3.)

4. By the Clerk of Appeals, a return, showing:

Clerk of Appeals.

The total number of appeals in civil matters to the Court of Queen's Bench in Lower Canada; the number of cases in which Judgment has been rendered, distinguishing the number in which the Judgments appealed from have been confirmed or reversed; the number of cases *en délibéré* and the number of cases remaining unheard; also the number of reserved cases in criminal matters submitted to that Court; the number of those cases in which Judgment has been rendered, distinguishing the number in which the Judgments appealed from have been reversed, amended or confirmed; the number of cases *en délibéré* and the number of cases remaining unheard; also a statement, showing the number of each of the above classes of cases, and the same information with reference

to each before the above Court, sitting at Quebec and Montreal respectively, and exhibiting the localities with the name of the Court from which such appeals in civil matters, and the reserved cases in criminal matters were sent, giving, with respect to cases from each Court, all the information as above required, with reference to the total number of cases; (Form No. 4.)

Sheriffs.

5. By the Sheriff of each District in Lower Canada, a return, showing:

The number of Writs of Execution received by him, distinguishing the number against personal from those against real property, and the number in which sales took place; the value of the property sold by him under Writs of Execution, distinguishing the real from personal property; the number of prisoners in gaol during the year, with their ages and qualities; the offence and the number of times each prisoner has been in gaol; (Forms Nos. 5 and 5a.)

Clerks of Criminal Courts.

6. By the Clerk of every Court of Criminal Jurisdiction in Lower Canada, a return, showing:

The number of Bills of Indictment preferred, distinguishing the number of "true bills" and "no bills;" the number of each kind of offence, also showing in them the number in which a true bill has been found by the Grand Jury, or not, the number of convictions, distinguishing those on plea of "guilty" or after trial; the number of acquittals; the number of *nolle prosequi* filed and the number of cases untried; (Forms Nos. 6a and 6b.)

Inspectors or Superintendents of Police.

7. By each Inspector or Superintendent of Police in Lower Canada, and by each Recorder, a return of all prosecutions before them, showing:

The number of complaints made, the number of each offence, the number of convictions, commitments and discharges, and in cases of summary convictions, the punishments awarded, showing the number of sentences of each class; (Form No. 7.)

Registrars.

8. By the Registrar of each County or Registration Division of Lower Canada, a return, showing:

The number of documents registered in his office, distinguishing separately the number of Mortgages, Marriage Contracts, changes of properties and other documents; (Form No. 8.)

Justices of the Peace.

9. By each Justice of the Peace in Lower Canada, a return of prosecutions for offences of a public nature, or for the recovery of penalties for such offences, instituted before him, showing:

The

The number of complaints, the number of judgments rendered, and the amount of penalties imposed. (Form No. 9.)

2. The Governor may, by Order in Council, diminish or increase the amount of statistical information to be required from any of the officers mentioned in this Act, and may alter the forms accordingly; and he may also, by any Order in Council, require any other public officer to make annually or periodically any return to be prescribed by such Order in Council.

Governor in Council may alter the amount of information required in such returns.

3. The Provincial Secretary shall provide printed forms suitable for the return required, and shall furnish two copies thereof to each of the functionaries by whom they are to be made, at least fifteen days before the first day of the month of January of every year.

Provincial Secretary to provide printed forms.

4. Each of the officers making a return as above required from them, shall include therein a statement of the receipt and expenditure of his office, and such return shall be according to the form annexed to the present Act, or so altered as to contain any change that may be made in the returns required from him; and every such return shall be dated at the place where it is made, signed by the officer making the same, and be certified by him under oath; and any false statement in any such return so certified shall be perjury and punishable as such.

Returns to include receipts and expenditure of office.

5. The said Returns shall be forwarded to the Provincial Secretary by the officers making them, and any officer hereby required to make such Returns, who shall fail to make the same within the time hereinbefore appointed, shall be liable to a penalty of not less than ten nor more than fifty dollars, which shall be recoverable before any Court of competent jurisdiction, on the complaint of the Provincial Secretary or of any other person.

Transmission of returns.

Penalty for default.

6. It shall be the duty of the Provincial Secretary to prepare annually, within the delay above mentioned, a return of all cases in which the Royal prerogative shall have been exercised, during the preceding year, in behalf of persons sentenced in Lower Canada, containing the names of the criminals, the place and date of the sentence, the name of the Court before which the criminal has been tried, the nature of the offence, the sentence, the nature of the pardon granted whether conditional or unconditional, and in cases of conditional pardon the nature of the conditions and the reasons for granting such pardon or commutation of sentence. (Form No. 10.)

Return by Provincial Secretary of cases in which the Royal Prerogative of Mercy is exercised.

7. The Provincial Secretary shall publish abstracts of all such returns once in the *Canada Gazette* in the month of February of each year.

Abstracts of returns to be published.

FORMS OF RETURNS.

(No. 1.)

COURT OF COMMISSIONERS

FOR THE SUMMARY TRIAL OF SMALL CAUSES

for the (Parish, Township, &c.,) of
in the County of

STATEMENT FOR THE YEAR 186 .

Made under 23rd Vict. Cap.

Number of Summonses issued.		
do Cases returned into Court.		
do Judgments rendered.		
do Executions issued.		
do Oppositions filed.		

Amount of Fees, \$

Expenses of Office,

I, (A. B.) hereby certify that the above Statement is correct, and that nothing has been improperly inserted therein, or omitted therefrom.

A. B.

Clerk to the Commissioners.

Sworn before me, at }
this }
day of January, 186 . }

C. D.

J. P. for the District

of

(No. 2.)
CIRCUIT COURT.
 of _____
 (Name of Circuit Court)

STATEMENT FOR THE YEAR 186
 Made under 23rd Vict. Cap.

Total No. issued.	No. of non-appealable cases.		No. of Writs returned into Court.		No. of default cases.		No. of Judgts. in default cases.			No. of contested cases.		
	At £6 5 0 and under.	Over £6 5 0.	Appealable.	Non-appealable.	Appealable.	Non-appealable.	By Court.	By Clerk.	By Court.	By Clerk.	Total.	Judgments in.
Writs of Summons.												

WRITS OF

Saisie-Arrêt before Judgment.	Saisie-Revendication.	Saisie-Gagerie.	Certiorari.	EXECUTION.	
				De bonis.	De terris.

No. of
 (No. 2.)

(No. 2.)—CIRCUIT COURT—Continued.

OPPOSITIONS.

No. of.	<i>Afin d'annuler.</i>			<i>Afin de distraire.</i>			<i>Afin de charger.</i>			<i>Afin de conserver.</i>		
	Total.	Main- tained.	Dis- missed.	Undis- posed of.	Total.	Main- tained.	Dis- missed.	Undis- posed of.	Total.	Main- tained.	Dis- missed.	Undis- posed of.

Amount of Fees,
Expenses of Office,

\$

I, (A. B.) hereby certify that the above Statement is correct, and that nothing has been improperly inserted therein, or omitted therefrom.

Sworn before me, at }
this }
day of January, 186 . }

A. B.
Clerk of the above Circuit Court.

C. D.
J. P. for the District
of

(No. 3.)—Continued
APPLICATIONS FOR

No.	Certiorari.		Mandamus.		Quo Warranto.		Prohibition.		RATIFICATION OF TITLES.
	Granted.	Refused.	Granted.	Refused.	Granted.	Refused.	Granted.	Refused.	

OPPOSITIONS

No.	Afin de Annuler.			Afin de Distraire.			Afin de Charge.			Afin de Conserver.		
	Total.	Main- tained.	Dis- missed.	Undis- posed of.	Total.	Main- tained.	Dis- missed.	Undis- posed of.	Total.	Main- tained.	Dis- missed.	Undis- posed of.

SUITS

No.	Ordered to be tried by Jury.	Under Lessors and Lessees' Act.

Amount of Fees, \$
Expenses of Office,

I, (A. B.) hereby certify that the above Statement is correct, and that nothing has been improperly inserted therein, or omitted therefrom.

Sworn before me, at this }
day of January, 186 }
A. B. Prothonotary of Superior Court, in the District of
C. D. J. P. for the District of

(No. 4.)
COURT OF QUEEN'S BENCH.

APPEAL SIDE.

STATEMENT FOR THE YEAR 186 .
 Made under 23rd Vict. Cap.

Total No. of Appeals.	Judgments.			En. deliber.	Not heard.
	Total.	Confirmation.	Reversal.		

Appeals in Civil Matters.

Total No. of cases submitted.	Judgments.			En. deliber.	Not heard.
	Total.	Reversal.	Amendment. Confirmation.		

Reserved cases in Criminal Matters.

IN CIVIL MATTERS.

Superior Court.

Total No. of Appeals.	Judgments.				District of	Total.	Locality.			Not heard.		
	Total.	Confir- mation.	Reversal.	En <i>délibéré</i> .			Judgments.					
							Total.	Confir- mation.	Reversal.			
					Three-Rivers...							
					Quebec							
					Saguenay							
					Chicoutimi							
					Gaspé							
					Rimouski							
					Kamouraska							
					Montmagny							
					Beauce							
					Arthabaska							

Circuit Court.

Total No. of Appeals.	Judgments.				Name of Circuit Court.	Total.	Locality.			Not heard.		
	Total.	Confir- mation.	Reversal.	En <i>délibéré</i> .			Judgments.					
							Total.	Confir- mation.	Reversal.			

No. of Appeals.				
Total.	Judgments.			
	Total.	Confir- mation.	Reversal.	En <i>délibéré</i> .
				Not heard.

Sitting at QUEBEC.

IN CRIMINAL MATTERS.

COURTS BY WHICH RESERVED CASES WERE SENT, SHOWING THE NUMBER FROM EACH.

NO. OF RESERVED CASES SUBMITTED.

TOTAL.	JUDGMENTS.					NAME OF COURT.	JUDGMENTS.				Not heard.											
	TOTAL.	Reversal.	Amend-ment.	Confir-mation.	En <i>délivré</i> .		TOTAL.	Reversal.	Amend-ment.	Confir-mation.		En <i>délivré</i> .										

Sitting at QUEBEC.

IN CIVIL MATTERS.

Superior Court.										
Total No. of Appeals.	Judgments.			District of	Total.	Judgments.			En délibéré.	Not heard.
	Total.	Confir-mation.	Reversal.			Total.	Confir-mation.	Reversal.		
				Ottawa.						
				Montreal.						
				Terrebonne. ..						
				Joliette.						
				Richelieu.						
				St. Francis. ..						
				Bedford.						
				St. Hyacinth. .						
				Iberville.						
				Beauharnois.						

Circuit Court.										
Total No. of Appeals.	Judgments.			Name of Circuit Court.	Total.	Judgments.			En délibéré.	Not heard.
	Total.	Confir-mation.	Reversal.			Total.	Confir-mation.	Reversal.		

No. of Appeals.				
Total.	Judgments.			Not heard.
	Total.	Confir-mation.	Reversal.	

Sitting at MONTREAL.

IN CRIMINAL MATTERS.

No. OF RESERVED CASES SUBMITTED.		COURTS BY WHICH RESERVED CASES WERE SENT, SHOWING THE NUMBER FROM EACH.				
TOTAL.	JUDGMENTS.				NAME OF COURT.	TOTAL
	Reversal.	Amend-ment.	Confir-mation.	En delivéré.			Not heard.
Sitting at MONTREAL.						

Amount of Fees,
Expenses of Office,

\$

I, (A. B.) hereby certify that the above Statement is correct, and that nothing has been improperly inserted therein, or omitted therefrom.

Sworn before me, at
this
day of January, 186 .

A. B. Clerk of Appeals

C D.
J. P. for the District
of

(No. 5.)

OFFICE OF THE SHERIFF OF THE DISTRICT OF

STATEMENT FOR THE YEAR 186 .

Made under 23rd Vict. Cap.

	<i>De Bonis.</i>		<i>De Terris.</i>	
	Total.	No. of Sales.	Total.	No. of Sales.
Number of Writs of Execution.....				

AMOUNT REALIZED BY SALES.

Real Property..... \$
 Personal Property..... \$

Amount of Fees, \$
 Expenses of Office,

I, (A. B.) hereby certify that the above Statement is correct, and that nothing has been improperly inserted therein, or omitted therefrom.

A. B.

Sheriff of the District of

Sworn before me, at }
 this }
 day of January, 186 . }

C. D.

J. P. for the District
 of

(No. 5a.)

OFFICE OF THE SHERIFF OF THE DISTRICT OF

STATEMENT FOR THE YEAR 186 .

Made under 23rd Vict. Cap.

Total Number of Prisoners.	Names of Prisoners.	Trade or Calling.	Offence.	Age.	Number of times previously imprisoned.

(No. 6a.)

COURT OF QUEEN'S BENCH, (CROWN SIDE.)

Sitting in the District of

STATEMENT FOR THE YEAR 186
Made under 23rd Vict. Cap.

	TOTAL.	True Bills.	No Bills.	Convictions.		Acquit- tals.	No. of <i>nolle pro- sequi.</i>	Untried cases.
				On plea of "Guilty."	After Trial.			
Indictments pre- ferred.....								
Offences for which Bills of Indictment were preferred. (Offence as Murder, &c.)								

Amount of Fees,
Expenses of Office, \$

I, (A. B.) hereby certify that the above Statement is correct, and that nothing has been improperly inserted therein, or omitted therefrom.

A. B.
Clerk of the Crown for the District of

Sworn before me, at }
this }
day of January, 186 . }

C. D.
J. P. for the District of

(No. 6b.)

COURT OF QUARTER SESSIONS OF THE PEACE,
(or of OYER AND TERMINER,)

for the District of

STATEMENT FOR THE YEAR 186 .
Made under 23rd Vict. Cap.

	TOTAL.	True Bills	No Bills.	Convictions.		Acquit- tals.	No. of <i>nolle pro- sequi.</i>	Untried cases.
				On plea of "Guilty."	After Trial.			
Indictments pre- ferred.....								
Offences for which Bills of Indictment were preferred. (Offence as Larceny, &c.)								

Amount of Fees, \$
Expenses of Office,

I, (A. B.) hereby certify that the above Statement is correct, and that nothing has been improperly inserted therein, or omitted therefrom.

A. B.
Clerk of the Peace for the District of
or
Clerk of the above Court,
(as the case may be.)

Sworn before me, at }
this
day of January, 186 . }

C. D.
J. P. for the District of

(No. 7.)

OFFICE OF INSPECTOR AND SUPERINTENDENT OF POLICE
(or RECORDER) FOR THE

STATEMENT FOR THE YEAR 186 . . .

Made under 23rd Vict. Cap.

	TOTAL No. of Plaints.	Summary Convictions.*	Commitments.	Discharges.	
Offences complained of. { (Offence as Assault, &c.)					

* Sentences pronounced on summary convictions, showing the number of each kind of sentence.

Imprisonment for months. Do for do		
Fine of Do of		

Amount of Fees, \$

Expenses of Office,

I, (A. B.) hereby certify that the above Statement is correct, and that nothing has been improperly inserted therein, or omitted therefrom.

A. B.

Inspector and Superintendent
of Police (or Recorder) for the

Sworn before me, at }
this }
day of January, 186 . }

C. D.

J. P. for the District of

(No. 8.)

OFFICE OF THE REGISTRAR FOR THE REGISTRATION COUNTY
(or DIVISION) OF

STATEMENT FOR THE YEAR 186 .

Made under 23rd Vict. Cap.

Total No. of documents enregistered.	No. of Mortgages.	No. of Changes of Properties.	No. of Marriage Contracts.	No. of other documents.

Amount of Fees,

\$

Expenses of Office,

I, (A. B.) hereby certify that the above Statement is correct, and that nothing has been improperly inserted therein, or omitted therefrom

A. B.

Régistrar for the Registration
County (or Division) of

Sworn before me, at }
this }
day of January, 186 . }

C. D.

J. P. for the District of

(No. 9.)

(No. 9.)

STATEMENT FOR THE YEAR 186

MADE UNDER 23RD VICTORIA, CAP.

CASES BEFORE THE UNDERSIGNED JUSTICE OF THE PEACE.

No. of Complaints made.....	
No. of Judgments rendered.....	
Amount of Penalties imposed.....	\$

I, (A. B.), hereby certify that the above statement is correct, and that nothing has been improperly inserted therein, or omitted therefrom.

A. B.

Justice of the Peace for the District of

(Place.) (Date.)

(No. 10.)

OFFICE OF THE SECRETARY OF THE PROVINCE.

STATEMENT FOR THE YEAR 1860
Made under 23rd Vict. Cap.

Name of Applicants for pardon.	Offence committed.	CONDEMNATION.			Sentence pronounced.	Pardon granted or refused.	Pardon whether conditional or unconditional.	Date of pardon.	CONDITIONS.	Reason for pardon.
		Court.	Place.	Date.						
F. X Jubien ..	Murder,	Q. B.	Quebec,	July, 1860,	Death,	Granted,	Conditional,	Aug. 1860,	{ Imprisonment in Penitentiary for life.	
Thos: Gordon ..	Arson,	Q. B.	Montreal,	Oct. 1853,	10 years imp.	Refused,				
Wm. Kloff.....	Forgery,	Q. B.	Quebec,	Jan'y. 1859,	4 "	Granted,	Unconditional,	Jan'y. 1860,	{ Giving security for good behaviour during unexpired period.	
Will. Clearson.	Counterfeit'g	Q. B.	Sherbrooke	Sept. 1854,	7 "	Granted,	Conditional,	Feb'y. 1860,		
John Hyham ..	Bigamy,	Q. B.	Three Riv.	Sept. 1856,	5 "	Refused,				

Certified to be correct.

A. B. C.

Secretary of the Province.

January, 1860

ABSTRACTS OF RETURNS.

ABSTRACT OF STATEMENTS made under the provisions of *An Act to provide for Annual Statistical Returns of Judicial Matters* (23rd Vic. cap. .), for the year 186

COURT OF COMMISSIONERS FOR THE SUMMARY TRIAL OF SMALL CAUSES.
(No. 1.)

DISTRICT.	COUNTY.	Parish, —Township, &c.	Summ'ees issued.	Returned into Court.	Judgments rendered.	Executions issued.	Oppositions filed.	Amount of Fees.	Expenses of Office
QUEBEC	Portneuf	Parish of St. Casimir							
		do of Grondines							
	Quebec	Township of Gosford							
		do of Alton							
	Montmorency								
	Levis								
	Lotbinière								
		Total in District..							

ABSTRACT of STATEMENTS made under the provisions of *An Act to provide for Annual Statistical Returns of Judicial Matters* (23rd Vic. cap.) for the year 186

(No. 2.)

CIRCUIT COURT FOR LOWER CANADA.

DISTRICT.	Name of Circuit Court.	Total No. Writs of Summons issued.	No. of appealable cases.	No. of non-appealable cases.		No. of Writs returned into Court.		No. of default cases.	
				At £6 5 0 and under.	Over £6 5 0	Appealable.	Non-appealable.	Appealable.	Non-appealable.
QUEBEC.	District of Quebec.....								
	Portneuf Circuit.....								
	Lotbinière do								
	Total in District....								

ABSTRACT of STATEMENTS made under the provisions of *An Act to provide for Annual Statistical Returns of Judicial Matters* (23rd Vic. Cap. 58), for the year 1866.

(No. 2.)

CIRCUIT COURT FOR LOWER CANADA.—(Continued.)

DISTRICT.	Name of Circuit Court.	No. of Judgments in default cases.				No. of contested cases.		WRITS.			
		Appealable.		Non-appealable.		Total.	Judgments.	Saisie-Arret before judgment.	Saisie-Revendication.	Saisie-Gagerie.	Certiorari.
		By Court.	By Clerk.	By Court.	By Clerk.						
QUEBEC.....	District of Quebec.....										
	Portneuf Circuit.....										
	Lotbinière do										
	Total in District										

DISTRICT.

DISTRICT.	Name of Circuit Court.	WRITS.		OPPOSITIONS													
		Execution		TOTAL NO.	<i>Afin d'annuler.</i>			<i>Afin de distraire.</i>									
		<i>De bonis.</i>	<i>De terris.</i>		Total.	Maintained.	Dismissed.	Undisposed of.	Total.	Maintained.	Dismissed.	Undisposed of.					
QUEBEC.	District of Quebec..																
	Portneuf Circuit.....																
	Lotbinière do																
	Total in District..																

ABSTRACT of STATEMENTS made under the provisions of *An Act to provide for Annual Statistical Returns of Judicial Matters* (23rd Vic. Cap. 58), for the year 1866.

(No. 2.)

CIRCUIT COURT FOR LOWER CANADA.—(Continued.)

DISTRICT.	Name of Circuit Court.	OPPOSITIONS						Amount of Fees.	Expenses of Office.
		<i>Afin de charge.</i>			<i>Afin de conserver.</i>				
		Total.	Maintained.	Dismissed.	Undisposed of.	Total.	Maintained.			Dismissed.	Undisposed of.
QUEBEC.....	District of Quebec.....								
	Portneuf Circuit.....								
	Lotbinière do								
	Total in District.....								

ABSTRACT of STATEMENTS made under the provisions of *An Act to provide for Annual Statistical Returns of Judicial Matters* (23rd Vic. Cap.) for the year 186
(No. 3.)—SUPERIOR COURT FOR LOWER CANADA.

WRITS OF SUMMONS.

DISTRICT.	In cases.		No. of Writs returned into Court.		No. of default cases.		No. of judgments in default cases.	
	Between £50 and £75.	Between £75 and £100.	Between £75 and £100.	Between £100 and £500.	Between £50 and £75.	Between £75 and £100.	Between £50 and £75.	Between £75 and £100.
	Between £50 and £75.	Between £75 and £100.	Between £75 and £100.	Between £100 and £500.	Between £50 and £75.	Between £75 and £100.	Between £50 and £75.	Between £75 and £100.
	Over £500.	Over £500.	Over £500.	Over £500.	Over £500.	Over £500.	Over £500.	Over £500.
	Total No. issued.							
Québec								
Montreal								
Três-Rivers								
St. François								
Kamouraska								
Ottawa								
Gaspé								
Terrebonne								
Joliette								
Richelieu								
Saguenay								
Chicoutimi								
Rimouski								
Montmagny								
Beauce								
Arthabaska								
Bedford								
St. Hyacinth								
Iberville								
Beauharnois								
All Lower Canada								

(No. 3.)—SUPERIOR COURT FOR LOWER CANADA.—Continued.

DISTRICT.	WRITS OF SUMMONS.				WRITS OF				
	No. of judgments in default cases.		No. of contested cases.		Saisie-Arret before judgment.	Saisie-Revendication	Saisie-Gagerie.	Execution.	
	Between £100 and £500.	Over £500.	Total.	Judgments in.				De Bonis.	De Terris.
	By Court.	By Clerk.	By Court.	By Clerk.					
Quebec.....									
Montreal.....									
Three-Rivers.....									
St. Francis.....									
Kamouraska.....									
Ottawa.....									
Gaspé.....									
Terrebonne.....									
Joliette.....									
Richelieu.....									
Saguenay.....									
Chicoutimi.....									
Rimouski.....									
Montmagny.....									
Beauce.....									
Arthabaska.....									
Bedford.....									
St. Hyacinth.....									
Iberville.....									
Beauharnois.....									
All Lower Canada.....									

(No. 3.)—SUPERIOR COURT FOR LOWER CANADA.—Continued.

DISTRICT.	APPLICATIONS FOR						Trials by Jury, ordered.	Suits under Lessors and Lessees' Act.			
	Certiorari.		Mandamus.		Quo Warranto.				Prohibition.		Ratification of Titles.
	Granted.	Refused.	Granted.	Refused.	Granted.	Refused.			Granted.	Refused.	
Quebec											
Montreal											
Three-Rivers											
St. Francis											
Kamouraska											
Ottawa											
Gaspé											
Terrebonne											
Joliette											
Richelieu											
Saguenay											
Chicoutimi											
Rimouski											
Montmagny											
Beauce											
Arthabaska											
Bedford											
St. Hyacinth											
Iberville											
Beauharnois											
All Lower Canada											

(No. 3.)—SUPERIOR COURT FOR LOWER CANADA.—Continued.

DISTRICT.	OPPOSITIONS												Expenses of Office.	Amount of Fees.			
	Total No.	<i>Afin d'annuler.</i>				<i>Afin de distraire.</i>				<i>Afin de charge.</i>					<i>Afin de conserver.</i>		
		Total.	Maintained.	Dismissed.	Undisposed of.	Total.	Maintained.	Dismissed.	Undisposed of.	Total.	Maintained.	Dismissed.	Undisposed of.	Total.	Maintained.	Dismissed.	Undisposed of.
Quebec.....																	
Montreal.....																	
Three-Rivers.....																	
St. Francis.....																	
Kamouraska.....																	
Ottawa.....																	
Gaspé.....																	
Terrebonne.....																	
Joliette.....																	
Richelieu.....																	
Saguenay.....																	
Chicoutimi.....																	
Rimouski.....																	
Montmagny.....																	
Beauce.....																	
Arthabaska.....																	
Redford.....																	
St. Hyacinth.....																	
Iberville.....																	
Beauharnois.....																	
All Lower Canada.....																	

ABSTRACT of STATEMENTS made under the provisions of *An Act to provide for Annual Statistical Returns of Judicial Matters* (23rd Vic. cap.) for the year 186 .

(No. 4.)

(*A copy of Return.*)

ABSTRACT of STATEMENTS made under the provisions of *An Act to provide for Annual Statistical Returns of Judicial Matters* (23rd Vic. cap.) for the year 186 .

(No. 5.)

SHERIFF OF LOWER CANADA.

DISTRICT.	No. of Writs of Execution receiv'd.	De Bonis.		De Terris.		Am't of sales of property.		Amount of Fees.	Expenses of Office.
		Total.	No. of Sales.	Total.	No. of Sales.	Real.	Personal.		
Quebec									
Montreal									
Three-Rivers									
St. Francis									
Gaspé. { County Gaspé.....									
{ " Bonaventure.....									
Kamouraska									
Ottawa									
Terrebonne.....									
Joliette									
Richelieu									
Saguenay									
Chicoutimi									
Rimouski									
Montmagny									
Beauce									
Arthabaska.....									
Bedford									
St. Hyacinth.....									
Iberville									
Beauharnois.....									
All Lower Canada.....									

ABSTRACT of STATEMENTS made under the provisions of An Act to provide for Annual Statistical Returns of Judicial Matters (23rd Vic. cap.) for the year 1860 (No. 5a.)

SHERIFF OF LOWER CANADA.

DISTRICT.	Total No. of prisoners.	No. of each trade and calling.						No. of each offence						Various ages.						No. of previous imprisonments.					
		Blacksmith	&c.	&c.	&c.	&c.	&c.	Murder.	&c.	&c.	&c.	&c.	&c.	Under 14.	Between 14 and 20.	Between 20 and 30.	Between 30 and 40.	Between 40 and 50.	Between 50 and 60.	Above 60.	1	2	3	4	
Quebec																									
Montreal																									
Three-Rivers																									
St. Francis																									
Gaspé, { County Gaspé ..																									
{ " Bonaventure.																									
Kamouraska																									
Ottawa																									
Terrebonne																									
Joliette																									
Richelieu																									
Saguenay																									
Chicoutimi																									
Rimouski																									
Montmégny																									
Beauce																									
Arthabaska																									
Bedford																									
St. Hyacinth																									
Iberville																									
Beauharnois																									
All Lower Canada																									

ABSTRACT of STATEMENTS made under the provisions of *An Act to provide for Annual Statistical Returns of Judicial Matters* (23rd Vic. cap. 58) for the year 1860

(No. 6a.)
COURT OF QUEEN'S BENCH (CROWN SIDE.)

DISTRICT.	No. of indictm'ts preferred.		Offences for which Bills of Indictm't were preferred.										Convictions.		Acquittals.	No. of <i>non prosequi</i> .	Untried cases.	Amount of Fees.	Exp's. of Office.			
	True Bills.	No Bills.	Murder.	Arson.	Forgery.	Counterf.	Bigamy.	Larceny.	&c.	&c.	&c.	&c.	On plea of "Guilty."	After Trial.								
Quebec																						
Montreal																						
Three-Rivers																						
St. Francis																						
Kamouraska																						
Ottawa																						
Gaspé																						
Terrebonne																						
Joliette																						
Richelieu																						
Saguenay																						
Chicoutimi																						
Rimouski																						
Montmagny																						
Beauce																						
Arthabaska																						
Bedford																						
St. Hyacinth																						
Iberville																						
Beauharnois																						

ABSTRACT

ABSTRACT of STATEMENTS made under the provisions of *An Act to provide for Annual Statistical Returns of Judicial Matters* (23rd V. cap.) for the year 186 .

(No. 8.)

REGISTRARS OF LOWER CANADA.

REGISTRATION COUNTY OR DIVISION.	Total No. of Documents enregistered.	No. of Mortgages.	No. of Changes of Properties.	No. of Marriage Contracts.	No. of other Documents.	Amount of Fees.	Expenses of Office.
Quebec (as)							
Portneuf							
Montmorency							
Orleans (Island of)							
Dorchester, 2nd Registration Division.							
Lotbinière							
Montreal							
Chambly							
Huntingdon, 1st Registration Division.							
Laval							
Soulanges							
Vaudreuil							
Verchères							
Champlain							
Maskinongé							
Nicolet							
St. Maurice							
Richmond							
Sherbrooke							
Stanstead							
Bonaventure							
Gaspé							
Ste. Anne des Monts							
Magdalen Islands							
Kamouraska							
Rimouski, No. 1							
Ottawa							
Two Mountains							
Argenteuil							
Terrebonne							
Joliette							
Leinster							
Montcalm							
Richelieu							
Berthier							
Yamaska							

ABSTRACT of STATEMENTS made under the provisions of *An Act to provide for Annual Statistical Returns of Judicial Matters* (23rd Vic. Cap.), for the year 186 .

(No. 8.)

REGISTRARS OF LOWER CANADA.—*Continued.*

REGISTRATION COUNTY OR DIVISION.	Total No. of documents enregistered.	No. of Mortgages.	No. of Changes of Properties.	No. of Marriage Contracts.	No. of other Documents.	Amount of Fees.	Expenses of Office.
1st Division of Charlevoix & Saguenay.							
2nd Division of ditto							
Chicoutimi							
Rimouski, No. 2							
L'Islet							
Montmagny							
Bellechasse							
Beauce							
Dorchester							
Megantic							
Arthabaska							
Drummond							
Shefford							
Brome							
Missisquoi							
St. Hyacinth.							
Rouville							
St. Johns							
Napierville							
Rouville (4)							
Beauharnois							
Chateauguay							
Huntingdon							
All Lower Canada							

(No. 9.)

ABSTRACT of STATEMENTS made under the provisions of *An Act to provide for Annual Statistical Returns of Judicial Matters* (23rd Vic. cap. .,) for the year 186 .

	District.	Name of Magistrate.	Residence.	No. of Plaints.	No. of Judgments.	Amount of Penalties imposed.
Total.						

C A P . L I X .

An Act respecting Registry Offices, and Privileges and Hypothecs in Lower Canada.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the Laws providing for the registration of hypothecs are intended for the protection as well of those who comply with their requirements by effecting such registration, as of purchasers of the property subject to such hypothecs, and it is unjust that parties, who have lent money or allowed credit for the price of property sold, on the security of hypothecs duly registered, should be exposed to lose the same if they fail formally to oppose proceedings for or consequent upon the subsequent sale of such property, to which they are no parties, of which they receive no personal notice, and of which they may be wholly unaware ;--And whereas the risk of such loss discourages the introduction of capital into Lower Canada, and the loan thereof for the improvement of real property, and obstructs the sale of land on credit, and the reasons which formerly rendered such risk unavoidable, no longer exist :--Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Oppositions not required in certain cases of application for confirmation of title.

1. Subject to the provision hereinafter made as to pending cases,---it shall not, after the passing of this Act, be necessary in any case of application for a judgment of confirmation under the Act of the Parliament of Lower Canada, for the more effectual extinction of secret incumbrances on lands, (ninth George Fourth, chapter twenty,) that any opposition be filed in order to preserve any hypothec upon real property, duly registered under the Lower Canada Registry Ordinance, fourth Victoria, chapter thirty, and the Acts amending it, before the first publication of the Notice that such application is to be made, if the Registrar is bound to certify the registration of such hypothec in the certificate hereinafter mentioned.

Applicant to file a certificate from the Registrar.

2. The applicant for a judgment of confirmation, under the Act above cited, shall, at the time when he makes his application for such judgment, file in the office of the Court, a certificate of the Registrar of the proper County or Registration Division, shewing the hypothecs which are registered,--

What such certificate shall show.

1. Against the property to which the judgment is to apply, whenever any hypothec is so registered ; or

2. Against any party who, within ten years next preceding the date of the title sought to be confirmed, has been the owner of such property ; or

3. Against the immediate *auteur* of the party who owned the property at the commencement of the said ten years ;

And which do not appear by the books of such Registrar to have been wholly discharged ;

Such certificate shall state also the date of every instrument registered as creating or evidencing any such hypothec, the date of its registration, and the name of the Notary or Notaries before whom such instrument was passed, if it be notarial, and shall mention, as to each hypothec, any partial discharge registered, and the sum which appears to be due for principal and interest ; and if the registration of any such hypothec has been renewed, the certificate shall mention every such renewal and the date thereof.

Further particulars in certificate.

Or, if there be no such hypothecs as aforesaid registered in his office, or all of them so registered appear by his books to be wholly discharged, the Registrar shall state the same in his certificate, which shall be filed by the said applicant.

If there are no hypothecs registered.

3. If the Registrar cannot ascertain from the books and documents in his office, who were the owners of the property during the ten years aforesaid, or who was the *auteur* of the party who was owner at the commencement of the said ten years, he shall inquire diligently of the neighbouring proprietors and other parties well acquainted with the property, who shall give him such information as they are able to give, in writing and on oath or solemn affirmation to be made before the Registrar or some Justice of the Peace :

Provision where the Registrar cannot get all the information requisite from his books.

2. The Registrar shall, in his certificate, refer to the information so received, mentioning the parties who gave it ;—he shall take care that each fact, on which he founds any statement in his certificate, is attested by two witnesses at least, and he shall annex their affidavits to his certificate ; and the affidavits may be in the Form D hereunto annexed, or to the like effect ;

3. The certificate of the Registrar may be in the Form A hereunto annexed, or to the like effect.

4. The Municipality of every City, Town or other local Municipality, shall furnish every year, at its own cost, to the Registrar of the County or Registration Division in which it is situate, a certified copy of the Valuation or Assessment Roll in force in such Municipality for the then current year, and the Registrar shall keep the same in his office among the records thereof, and shall use the same for the purpose of making such certificates as aforesaid, and generally for the purpose of obtaining and furnishing correct information touching all property within his County or Registration Division, and of making the Index to Estates which he is bound by law to keep :

Registrar to have copies of or access to all assessment rolls.

What shall be deemed sufficient copies of rolls.

2. Provided always that any City or Town Municipality furnishing to the said Registrar a certified copy of that part of the said Valuation or Assessment Roll in force in such Municipality for the then current year, which shall show the names of the proprietors, tenants and occupants of real estate in the said Municipality,—the professions, trades or occupations of the said proprietors, tenants and occupants,—the real value of each separate lot or estate, the number of each house or lot or estate, and the name of the street on which each said house, lot or estate is situate, shall be considered as having and shall have complied with the requirements of this section ;

Registrar—free access to former rolls.

3. And every such Municipality shall allow every such Registrar free access during office hours to any Assessment or Valuation Roll heretofore made, and not required at that moment for the use of the Municipality, and shall allow him to make such extracts therefrom as he may think proper, and shall cause such extracts to be examined by the Municipal Officer having the custody of such Roll, and if found correct, to be certified by him in accordance with the rules of such Municipality ;—And such access, and the privileges hereby conferred on any Registrar, shall be used by him for the purposes for which the certified copies of Assessment or Valuation Rolls are hereinabove directed to be used by him.

Provision where the property has been in another Registration Division and the Registrar first applied has no transcript of the Books, &c.

5. If the property in question has been at any time during the ten years aforesaid in another County or Registration Division, any books, entries and documents whereof relating to such property, or a transcript thereof, have not been transmitted to the Registry Office of the County or Registration Division in which the property lies when the certificate is required, the Registrar's certificate shall state this fact, and in any such case the applicant for the Judgment of confirmation shall obtain from the Registrar of such former County or Registration Division, a certificate for the period during which the property was in his County or Registration Division, or in any other of which the books, entries and documents affecting such property, or transcripts thereof, have been transmitted to his office ; and such Registrar shall, as to such period, have the same duties and powers as the Registrar in whose County or Registration division the property lies at the time of the application for a judgment of confirmation.

Judgment subject to the hypothecs returned by the Registrar.

6. If the applicant is willing that the judgment of confirmation be rendered subject to the hypothecs mentioned in the Registrar's certificate, he shall file, in the Office of the Court, a declaration to that effect, and it shall be so rendered accordingly :

Proceedings if the applicant wishes to get

2. But if the applicant desires that the judgment of confirmation shall discharge the hypothecs upon the property, he shall, when he files such certificate, pay into Court the price (if

(if any) mentioned in the Title to be confirmed, or which he has made up by bidding in the manner allowed by the said Act; and if it appears by the Registrar's certificate filed as aforesaid, that there are no charges on the property, and if no opposition is filed, or maintained by the Court,—or if such price be sufficient to pay all the charges mentioned in the said certificate and in the oppositions (if any) filed in the case and maintained by the Court, and all costs,—the judgment shall, in either case, be pronounced purely and simply;

rid of the said
hypothechs.

Price to be
paid in.

3. But if such price be not sufficient to pay such charges and costs,—or if there be no price mentioned in the Title to be confirmed,—the Court or any Judge thereof shall, at the instance of the Applicant for the judgment, appoint two *Experts*, and the Applicant shall appoint one, and such three *Experts*, or a majority of them, shall value the property, and report the value thereof on oath, in writing under their hands, to the Court;

Valuation of
the property in
certain cases.

4. And if the value so reported be either less than or not greater than the price paid in by the Applicant as aforesaid, such price shall be deemed to be the value of the property, and the judgment shall be pronounced purely and simply;—but if the value so reported be greater than such price, or if there be no price mentioned in the title to be confirmed, the Applicant shall pay into Court the difference between the price and the value so reported or the whole of the value if there be no price, and the judgment shall then be pronounced purely and simply.

Price or value
to be paid in.

7. All life rents (*rentes viagères*) and any hypothec whatever payable in kind or otherwise than in money, found to be chargeable upon the property the title to which is to be confirmed, shall be valued in money, and the payment thereof to the party entitled thereto shall be secured, or otherwise dealt with according to law and the practice of the Court, in order to the distribution to be made in the case, as shall also any hypothec found to be so chargeable, but depending upon some contingency, event or condition which has not then occurred, or the amount of which is not fixed or valued, or which requires to be valued or ascertained in order to its being payable;—And any person or persons may be called into Court and made parties to the cause as hereinafter provided, for the purposes of this section.

Life rents,
and contin-
gent hypo-
thechs. &c.,
how dealt
with.

Calling par-
ties into
Court.

8. The price or value, so paid into Court, shall be distributed by the Court in due course of law, among the opposants (if any) and the privileged and hypothecary creditors mentioned in the Registrar's certificate, according to the order and rank of their respective hypothechs and claims, and as if each of them had filed an opposition according to the practice heretofore in use:

Distribution
of price or
value.

Effect of Registrar's certificate.

What may be pleaded against it, &c.

2. The Registrar's certificate shall be *prima facie* evidence of the facts therein mentioned; but any such fact, or any matter to which such certificate relates may be disputed, or the payment or part payment, prescription, or extinction in any way, and in whole or in part, or the non-exigibility for any cause or reason whatever of any hypothec mentioned in the Registrar's certificate, may be alleged and pleaded by any party interested, and the Court may then receive evidence contradicting or modifying any statement or the effect of any statement in such certificate and give judgment accordingly, and no notice of any such proceeding, to or upon any party not appearing in the case, shall be necessary unless specially ordered by the Court;

Notice to Registrar in certain cases.

3. But if it be objected that any statement of fact in the certificate is false in any particular involving error or fraud on the part of the Registrar or in his books, then the Registrar shall have notice of such objection and may appear and defend his certificate, and may obtain and file authentic copies of all deeds or other documents requisite to such defence, and if he is successful in defending his certificate, he shall have his full costs against the party disputing it;

Calling parties into Court.

4. And the Court may order any person interested to be called in (*mise en cause*) if the purposes of justice require it, and such person shall then be called in by service of such order personally or at his domicile, or by advertisement, as by law provided, if he be an absentee.

Collocation to non-opposants.

9. The collocation in favor of any non-opposant shall be to him and his legal representatives or *ayants cause*, and the amount thereof shall remain in the hands of the Prothonotary until he or they shall demand the same and give a valid discharge therefor.

Oppositions may be filed, and must be in certain cases.

10. Nothing in the foregoing provisions shall prevent any party from consenting that the judgment of confirmation be given subject to his claim, or from filing an opposition if he thinks proper; and he shall be bound to file an opposition, on pain of losing his claim by default to file the same, if such claim be founded on any hypothec or other thing which the Registrar is not bound to mention in his certificate.

Valuation not requisite in certain cases.

11. No valuation by *experts* shall be requisite where the title to be confirmed by the judgment relates to property taken by the Crown for purposes of public utility, or by any Corporation or other party under any law authorizing the taking of such property without the consent of the owner, provided the price or compensation has been settled by arbitration or *expertise* under such law.

12. No opposition shall be necessary in any case of Sheriff's Sale or Forced Licitation, in order to preserve the claim upon the price of the property in question under any hypothec which the Registrar is bound to include in his certificate :

Oppositions not necessary in Sheriff's Sales, &c.

2. But the Sheriff, having the execution, shall procure and file with his return to the writ,—or the party prosecuting such Licitation shall procure and file in the Office of the Prothonotary of the Court having the distribution of the proceeds of the sale, and before such distribution shall be made,—a certificate of the proper Registrar, such as is mentioned in the second and third sections of this Act and made up to the day of the sale, and the ten years mentioned in the said section shall be reckoned from the day of sale;

Sheriff, &c., to procure Registrar's certificate.

3. Such certificate shall have the same effect in preserving the claims founded on the privileges and hypothecs therein mentioned, as provided in the preceding sections with respect to judgments of confirmation of title, and shall be subject to the like incidents and provisions ;

Effect of certificate.

4. All the provisions hereinbefore made in section seven, with respect to life rents, and to contingent and other hypothecs, shall apply in cases of Sheriff's sale or Forced Licitation.

Life rents, &c.

13. Any provision of the Act first above cited, or of the Act eighteenth Victoria, chapter one hundred and ten to regulate proceedings on Forced Licitations, which is inconsistent with this Act, is hereby repealed ; but no provision of law not inconsistent with this Act shall be affected by it :

Inconsistent enactments repealed.

2. Such rules of practice, as may be requisite for carrying out the provisions of this Act in matters unprovided for, and such alterations in any form of notice, judgment, or otherwise, as they think necessary for that purpose, may be made by the Judges of the Superior Court ;

Rules of practice, &c.

3. The costs of any Registrar's certificate, in the case of the deposit of money in matters of confirmation of title, shall be reimbursed to the party having disbursed them, out of the money so deposited ; in the case of Sheriff's sales, they shall be paid out of the money levied by the Sheriff ; and in the case of *licitation forcée*, they shall form part of the costs and expenses consequent upon such licitation, and shall be paid as such other costs and expenses shall have to be paid.

Costs of Registrar's certificate, how paid.

14. The foregoing provisions of this Act shall not apply to any case in which proceedings for confirmation of title or for forced licitation have been commenced, or the property has been seized by the Sheriff before the coming into force of this Act.

Act not to apply to pending cases.

Act 9 G. 4, c. 20, made permanent as amended.

15. The said Act of Lower Canada, ninth George the Fourth, chapter twenty, as hereby amended, is hereby made permanent, and shall remain in force until repealed by the Legislature.

Any party may obtain the certificate mentioned in sects. 2 and 3, on certain conditions.

16. Any person may apply for and obtain from the Registrar of the proper County or Registration Division, a certificate to the effect of that mentioned in the second and third sections of this Act, on furnishing the said Registrar with such a description of the property with reference to which the certificate is demanded, as would, at the time such certificate is applied for, be, under the provisions of this Act, a sufficient description of the same property in a Sheriff's advertisement of the sale of such property under execution; but no Registrar shall be bound to deliver any such certificate until he is paid therefor such fees as may be fixed by the Governor in Council under this Act, and which may be so fixed at any time after the passing of this Act.

Judicial adjudication not to discharge servitudes.

17. No adjudication of any real property by the Sheriff, or in any case of Forced Licitation, shall remove or discharge any servitude to which the property was theretofore subject, and all servitudes in favor of any property so adjudged, shall pass with it and be enjoyed by the *adjudicataire* and his *ayants cause*, nor shall any opposition to preserve any such servitude be allowed, and if any be made, it shall be dismissed with costs.

Right of purchaser troubled or fearing trouble.

18. If the purchaser of any real property is troubled or has just cause to fear that he will be troubled by any hypothecary or revendicatory action, he shall be entitled to delay the payment of the purchase money until the vendor has removed such trouble, unless the vendor prefers to give security, or unless it was stipulated in the Contract of Sale that the purchaser should pay notwithstanding such trouble or the fear thereof.

General hypothec not binding hereafter until notice given of the special property affected.

19. No general, legal or tacit hypothec, created by or arising out of judgment rendered, or any instrument or document executed or any appointment made, or any act or thing done, happening or registered after this Act comes into force, in any of the cases in which alone such hypothec is allowed by the twenty-ninth section of the Registration ordinance aforesaid, shall bind or affect any real property, unless and until a notice has been filed in the office of the Registrar of the County or Registration Division in which such property lies, specifying and sufficiently describing such property, and stating it to be then in the possession of the party against whom such hypothec is registered, as his property :

By whom notice may be given and in what form.

2. Such notice may be filed either at or after the registering of such legal or tacit hypothec, and may be in the form B in the Schedule to this Act, or in any other form to like effect, and

and may be given by the party in whose favour the hypothec exists, or his attorney or legal representative, or if such party be the Crown then by any person holding office under the Crown,—or if such party be a married woman or a minor or interdicted then by the husband, curator, tutor or subrogate-tutor of each party, or in their default by any relation or friend of such party ;

3. Any notice so filed shall be registered at length in a Book to be kept for the purpose by the Registrar, and the volume and page, in or on which it is so registered, shall be referred to in the margin of the original registration of the hypothec ; Registering notice.

4. In any such notice, if the instrument or document, under which the hypothec arises, is registered in the same County or Registration Division, or is registered at the same time when the notice is given, it shall be sufficient to refer distinctly to it, in any way by which it can be clearly identified, without reciting it at length ; Reference to the instrument creating the hypothec.

5. The special hypothec, upon the property mentioned in any such notice, shall not, in any case, subsist or take rank as subsisting, before the filing of the notice in the office of the proper Registrar,—and if it be upon the real estate of a married man for securing the restitution and payment of any dotal sum of money, claim or demand which the wife has upon her husband, it shall not, by reason of such notice, subsist at or be accounted from any earlier period than is provided in such case by the twenty-ninth section of the Registration Ordinance, fourth Victoria, chapter thirty. From what time the special hypothec shall date.

20. The registration of any privilege or hypothec may be renewed at any time, and from time to time, by filing with the Registrar, in whose County or Registration the property charged with such hypothec is situate, a notice, in the form of the Schedule C, to this Act or to the like effect, and such notice shall sufficiently specify and describe the said property and shall be made in the manner required with respect to the notice mentioned in the next preceding section, and by the like parties and subject to the same conditions : Renewing Registration :
Notice.

2. Such notice shall also mention the name of the party in possession of the property affected by it, at the date thereof, and shall be registered in a book to be kept by the Registrar for the purpose, and the volume and page on which it is registered shall be referred to in the margin of the original registration of the hypothec itself ; Notice and Registration thereof.

3. Such renewal of registration shall not interrupt the prescription of the hypothec to which it relates, and if wrongfully made, shall be subject to be cancelled, in like manner as the original registration of a hypothec. Effect of renewal.

Index to notices.

21. An index to the Books used for the registration of notices, under the two next preceding sections respectively, shall be kept and written up daily by the Registrars, and every such notice shall be indexed under the name of the party in whose favor the hypothec subsists,—under the name of the party against whom it subsists,—and under the name of the owner of the property as mentioned in the notice.

And in order to facilitate the proof, for purposes of registration, of the execution before witnesses of titles to real estate, and of certificates of discharge :—

On what affidavit documents may be Registered under s. 40 of 4 V. c. 30.

22. The deeds, conveyances, wills and writings for the registration of which at full length provision is made in and by the fortieth section of the said Registration Ordinance, fourth Victoria, chapter thirty, may, if executed and published in any place in this Province, either within or without the Registration Division in which the lands therein mentioned lie, be registered at full length, if an affidavit, sworn before one of the Judges of the Court of Queen's Bench or Superior Court, or before any Commissioner for taking affidavits, either in Upper or Lower Canada, to be used in the Superior Court, or before a Judge of any of the Superior Courts of Law or Equity,—or any Judge of a County Court within his County, in Upper Canada,—be brought with such deed, conveyance, will or writing to the Registrar, wherein one of the witnesses to the execution of such deed, conveyance or writing, or to the signing and publishing of such will, swears that he saw the said deed, conveyance or writing executed, or such will signed and published by the testator ;—or if, when such deed, conveyance, will or writing, is brought to the Registrar's Office to be registered at full length as aforesaid, one of the witnesses to the execution of such deed, conveyance or writing, or to the signing and publishing of such will, makes oath before the said Registrar or his Deputy that he saw the said deed, conveyance or writing executed, or such will signed and published by the testator.

On what certificate satisfaction or part satisfaction of any registered hypothec may be registered.

23. When any mortgage, notarial obligation, judgment, judicial act or proceeding, recognizance, privileged or hypothecary right or claim is registered, if afterwards a certificate be brought to the said Registrar, signed by the mortgagee, the creditor, the plaintiff, the cognizee, or the hypothecary or privileged creditor, named in such judicial act or proceeding, privileged or hypothecary right or claim, his heirs, administrators or assigns, and attested by two witnesses, whereby it appears that the money due on such mortgage, notarial obligation, judgment, judicial act or proceeding, recognizance, privileged or hypothecary right or claim, has been paid in whole or in part, which witnesses shall, upon their oath before any one of the Judges of the Court of Queen's Bench or Superior Court, or before any Commissioner for taking affidavits, either

in

in Upper or Lower Canada, to be used in the Superior Court, or before a Judge of any of the Superior Courts of Law or Equity, or any Judge of a County Court, within his County, in Upper Canada, or before the Registrar or his Deputy, prove such moneys to be paid or in part paid, and that they saw such certificate signed by the party granting it,—then the Registrar shall make an entry in the margin of the Register, against the Registry of such mortgage, notarial obligation, judgment, judicial act or proceeding, recognizance, privileged or hypothecary right or claim, that such mortgage, notarial obligation, judgment, judicial act or proceeding, recognizance, privileged or hypothecary right or claim, has been wholly or in part satisfied, according to such certificate.

24. Any power of Attorney executed before witnesses in any part of this Province, or of Her Majesty's other dominions, or in any Foreign Country, under which any deed, conveyance or writing registered at full length by virtue of the provisions contained in the fortieth section of the said Registration Ordinance, fourth Victoria, chapter thirty, has been executed before witnesses, may be registered at full length at the instance of any person whomsoever, in the same manner and upon the same evidence, taken before the same official persons, as any such Deed, Conveyance or writing executed before witnesses in the same part of this Province, or of Her Majesty's other Dominions, or in the same Foreign Country, may be registered at full length under the said section, as amended by this Act, and the provisions of the said section shall apply to the same when so registered.

Registration of certain powers of Attorney.

25. It shall be imperative upon the Municipal Council of every Electoral County, which has not become a County for Registration purposes, by complying with the requirements of the first section of an Act passed in the eighteenth year of Her Majesty's Reign, and chaptered ninety-nine, to comply with the same before the first day of January, one thousand eight hundred and sixty-one :

Each Electoral County bound to become a Registration County before a certain time.

2. And if any County has not on the said day become a County for Registration purposes, the Governor may at any time thereafter issue a Proclamation declaring such County a County for Registration purposes, which it shall accordingly be from the day to be named for that purpose in such Proclamation; and if the Municipal Council of such County has not, before the said day, fixed the place at which its sittings shall be held, the Governor shall fix the same by such Proclamation, and the other provisions of the said Act shall apply to the place named in such Proclamation.

Provision if any County has not become a Registration County before that time.

3. And if there be not, on the said first day of January, one thousand eight hundred and sixty-one, at the *chef-lieu* or place where the Registry Office is to be kept in any such County

Provision if proper vaults, &c., for Registry Offices are

not built in any place before that time.

County as aforesaid, or in any County which has theretofore become a County for Registration purposes, under the said Act, or by virtue of any other Act, Proclamation or Law, a proper place for the County Registry Office, with a sufficient metal safe or fire-proof vault for the safe keeping of the Books and papers thereof,—the Governor shall direct the sum of three hundred pounds, appropriated by the one hundredth and sixth section of the Lower Canada Judicature Act of 1857, towards building or procuring a County Court House in such County, (or so much of the said sum as may then remain unexpended), to be applied towards the building or procuring of a proper place, with a metal safe or fire-proof vault, for the Registry Office of the County;—and may also, by order in Council, direct any portion of the Registrar's fees, or any fees which he may direct to be taken for such purpose on services performed by the Registrar, be paid into the hands of such Officer as he may direct, for the purpose of forming (with the moneys aforesaid) a fund for building or procuring such accommodation for the Registry Office of the County ;

Fund for payment of costs.

Governor to cause them to be constructed, &c.

4. And whenever the said Fund shall be sufficient for the purpose, the Governor may cause such proper building as aforesaid, with a metal safe or fire-proof vault, to be built or procured at the place where the Registry Office is to be kept, and may pay for the same out of the said Fund ; but if the Municipality of the County, or the Registrar thereof, shall have built or procured such building and accommodation as aforesaid, before they are built or procured by direction of the Governor, then the moneys forming the said Fund shall be paid over to such Municipality or Registrar (as the case may be), but if paid to the Municipality, they shall be applied towards building the County Court House, as provided by the Judicature Act of 1857.

Governor may cause separate books to be kept for the City and Country parts of the Registration Divisions of Quebec and Montreal.

26. The Governor may, by Proclamation, direct that the Registrars for the Registration Divisions of Quebec and Montreal, or either of them, shall, from and after a day to be named in the Proclamation, keep separate Registers and Books for the registration of deeds and instruments affecting real property lying within, and real property lying without the limits of the said Cities respectively, as bounded for Municipal purposes ; and such Registers and Books shall thereafter be kept by the Registrar or Registrars mentioned in any such Proclamation, and all the provisions of the Registry Laws shall apply to them and to the Registrars bound to keep them as if they were directed to be kept by the said Laws.

Governor may, by Order in Council, make tariffs of fees, &c.

27. The Governor in Council may, from time to time, by orders in Council, make Tariffs of fees to be taken by Registrars, for the several services and duties performed by them, and such fees shall then be substituted for those fixed by the laws now in force ; and may, in like manner, from time to time, alter the

the form of any Books, Indexes, or other official documents to be kept by Registrars, or direct new ones to be kept; and any form, thereby prescribed, shall be substituted for that now prescribed by law for the like purposes, or kept in addition to those now prescribed, as the case may be :

2. Such orders in Council, or any of them, may, from time to time, be amended or repealed and others made instead thereof, and any such order may apply to all the Registration Counties or Divisions or to one or more only, as may be therein provided ;

Amending such orders, &c.

3. Every such order shall be published in the *Canada Gazette*, and shall take effect from a day to be therein appointed, not being less than one month from the day on which it is so published.

Publication of such orders.

28. And whereas for the more effectual working of the Registry Laws, it is desirable that there should be in each Registry Office correct plans of the Cities, Towns, Villages, Parishes and Townships, or portions thereof, in the County or Registration Division to which such office belongs, which plans should show the sub-division of such localities into lots, and serve as a basis for the description of the property to which the deeds and instruments registered in such office relate, so that the Index to Estates required by the Registry Laws may be easily and correctly made and kept, therefore,—

Recital.

The duplicate of the Schedule of each Seigniority which, by the second section of the Seigniorial Amendment Act of 1859, (22 V. c. 48,) was directed to remain in the hands of the Commissioners until disposed of by the Governor in Council,—shall be deposited in the Office of the Commissioner of Crown Lands, as shall also all plans and maps and other like documents prepared under the direction of the said Commissioners, or which have come into their hands as such Commissioners.

Deposit of duplicate Seigniorial Schedules, maps, &c., in Crown Lands.

29. The Commissioner of Crown Lands shall cause to be prepared, under his superintendence, a correct plan of each City, Town, Incorporated Village, Parish, Township, or part thereof, in each County or Registration Division in Lower Canada, with a Book of Reference to such place, in which book shall be set forth—

Commissioner to have plans and books of reference made.

1. A general description of each lot or parcel of land shewn on the plan to which it refers ;

What they shall show.

2. The name of the owner of each separate lot or parcel of land or of any estate therein, so far as it can be ascertained ; and—

3. Every thing necessary to the right understanding of such plan for the purposes of this Act ;

4. And each separate lot or parcel of land, shewn on the plan, shall be referred to in the said book, by a number which shall be marked on it upon the plan, and entered in the said book, and the Commissioner may adopt any means he thinks proper to ensure the correctness thereof.

Plans, &c., to be made up to a date certain.

30. Each of the said Plans and Books of Reference shall be made up to some precise date, up to which it shall be corrected as far as possible, and this date shall be marked upon it—and it shall be signed by the said Commissioner, and remain of record in his office.

Copies to be deposited with Registrars.

31. A copy of each such Plan and Book of Reference, certified by the Commissioner of Crown Lands, shall be deposited in the Office of the Registrar in whose County or Registration Division the place to which they refer is situate, and shall there remain open to inspection of the public during office hours; They shall not be altered by the Registrar in any way, but if he ascertains that there was any error therein at the time at which they bear date, he shall report such error to the Commissioner of Crown Lands, who, on being satisfied thereof, and of the correction to be made, shall correct the original and the copy accordingly, certifying such correction under his hand:

His duty as to errors in them.

How corrections may be made.

2. Such correction shall not be so made as to alter the number of the lots or parcels of land on the plan or in the book of reference; but any lot or parcel of land found to have been omitted, shall be inserted and distinguished by a letter or some other device which will not interfere with the original numbering; nor shall any correction be made in consequence of any change of ownership or division of any lot happening after the date up to which they were made.

On what basis the plans, &c., shall be made,—in Seigniories.

32. In the Seignorial portions of Lower Canada, the Schedules made by the Seignorial Commissioners, and the plans made under their superintendence, shall serve as the basis for the plans and books of reference to be made under this Act:

In townships.

2. In the Townships, the Commissioner of Crown Lands shall use such maps or surveys, or cause such surveys to be made as he shall deem best adapted to ensure the correctness of the plans and books of reference to be made as aforesaid; but the original numbering of the lots and concessions shall always be preserved, and any sub-divisions thereof shall be distinguished, in the country parts, by letters or other devices, as parts of such original lots, and in Towns and Villages by subordinate numbers or other devices, but always as parts of the original lots, which shall be also referred to.

Commissioner may give certified copies.

33. The said Commissioner may grant certified copies of any such Seignorial Schedule, Plan or Book of reference as aforesaid,

aforesaid, or of any part thereof, or extracts therefrom, which shall be received as evidence, and have the same effect as the original Schedule, Plan or Book of reference would have, so far as regards the matters shewn or stated in such certified copy or extract.

34. The number of any lot or parcel of land on the plan and in the book of reference of any place, when deposited in the office of the proper Registrar, shall be the proper designation of such lot or parcel of land, and shall always be a sufficient description thereof, in any deed, instrument or document,---and any lot or parcel formed out of part of any such numbered lot or parcel, shall be properly designated as being part thereof, describing what part thereof it is,---and stating its boundaries and abuttals;---and if it is composed of parts of more than one such numbered lot or parcel, then it shall be properly designated as being so composed; mentioning what parts of each numbered lot it contains :---

Official number to be the proper designation of any lot.

2. It shall be the duty of Notaries passing *Actes* respecting lots or parcels of land, in any place with respect to which a plan and book of reference have been filed in the office of the proper Registrar, to describe them as far as practicable by reference as aforesaid to the numbers in such plan and book; and if any such lot or parcel does not comprise the whole of a lot bearing a number in such Plan or Book, then to state what part or parts of one or more such numbered lot it comprises; and it shall be the duty of the Registrar to ascertain as far as possible of what numbered lots or parcels of land every lot or parcel of land affected by any deed or instrument registered in his office, and not so described, is composed;

Notaries to refer to official numbers in their *Actes*.

3. If in any such *Acte* or other instrument or document to be registered, there is no description of the property to which it relates, by reference to a numbered lot or numbered lots on the Plan and Book of reference deposited in the Registry office of the County or registration division for the place in which such property is situate, it shall be the duty of the party, causing such *Acte*, instrument or document to be registered, to file, with the Registrar, a notice containing such description as aforesaid;---and the registration of such *Acte*, instrument or document shall not be deemed complete or affect the property therein mentioned, until such notice be filed, which notice shall be in the form E or to the like effect;

Provision if the official number is not mentioned in any registered *Acte*, &c.

4. And no description of any real property in any Notice of application for confirmation of Title, Sheriffs' notice of sale, or notice of sale by forced licitation, shall be held to be sufficient, unless it be such a description as is required by this section for the purposes of Registration.

Such number, &c., must be referred to in certain notices.

Governor to
appoint time
for plans, &c.,
to be in force.

35. Whenever the Plans and Books of reference, with respect to any County or Registration Division, have been deposited as aforesaid, in the office of the Registrar thereof, the Governor in Council may declare the same by Proclamation; and from and after the day to be appointed for the purpose in such Proclamation, but not before, the next preceding section shall be in force in such County or Registration Division, and with respect to real estate therein; and so soon as such Plans and Books of reference are deposited, the Registrar shall commence to prepare his Index to Estates.

Duty of Re-
gistrar after
such time.

36. From and after the day appointed in any such Proclamation as that on which the thirty-fourth section shall apply to any County or Registration division, the Registrar thereof shall make and write up regularly, day by day, the Index of Estates, entering under each lot or parcel of land separately mentioned in any Plan and Book of reference, deposited in his office, a reference to every entry thereafter made in his other Books affecting such lot or parcel of land, so as to enable him or any other person easily to ascertain all the entries affecting it, made after that time; and for any disobedience to or neglect of the requirements of this section, the Registrar shall incur a penalty of one hundred dollars, in addition to any other punishment or liability to which he may be subject therefor.

Penalty for
neglect.

Every regis-
tration of hy-
pothec to be
renewed with-
in a certain
time after the
plans are in
force.

37. Within eighteen months after the day appointed in any Proclamation as that on which the thirty-fourth section shall apply to any county or registration division, every hypothec registered therein shall be renewed in the manner provided by the twentieth section; and the description of the property in the notice of such renewal shall refer to the Plans and Books of reference kept under this Act, in the registry office of such county or registration division, and shall describe the property affected by such hypothec in the manner required by the thirty-fourth section; and if any such hypothec as aforesaid is not so renewed within the period above limited, it shall be of no effect against any subsequent purchaser or incumbrancer for valuable consideration, whether with or without notice, whose claim shall have been registered before the renewal of such hypothec as aforesaid, in the manner required by this Act; and the Proclamation first mentioned in this section shall call upon all persons having hypothecs registered in the county or registration division to which it relates, to renew the same within the period limited by this section, on pain of the forfeiture of priority herein provided.

In what Coun-
ty such re-
newal shall be
made.

38. The renewal of any hypothec under this Act shall always be made in the County or Registration Division in which the property, affected by such hypothec, is situate at the time of such renewal, but if the hypothec was originally registered in any other County or Registration Division, in
which

which such property then was, and no transcript of such Registration has been transmitted to such first mentioned County Registration Division, then the place, where the hypothec was so registered, shall be mentioned in the notice of renewal in addition to the other particulars therein required, but if a transcript of the original Registration has been transmitted to such first mentioned County or Registration Division, then such hypothec shall be considered as having been registered there.

39. The Governor in Council may direct an amended Plan and Book of reference to be made for any locality, and a certified copy thereof to be deposited with the proper Registrar, whenever the sub-division of lots in such locality appears to him to require it, and may, by Proclamation, declare that from a day to be appointed therein, such amended Plan and Book shall be used in conjunction with, and in aid of those theretofore in use;—and from and after such day the provisions of the four next preceding sections shall apply to such amended Plan and Book of reference as they did before to those theretofore in use; but every such amended Plan and Book of reference shall be based upon and refer to those originally deposited for the same locality, and new sub-divisions shall be distinguished by letters or other devices, as parts of the numbered lots in the original Plan and Book of reference.

Governor may cause amended plans to be made from time to time.

40. Whenever any lot of land shall be divided by the owner thereof into Town or Village lots, such owner shall file in the office of the Commissioner of Crown Lands, a correct plan and book of reference of such land, certified by the owner, (and describing such land by reference to the official numbers, if an official plan of the place in which it lies has been deposited under this Act,) on which plan the lots into which it is divided shall be shewn and designated by numbers; and such plan and book of reference shall be examined by the said Commissioner, and when found correct, shall be signed by him, and filed in his office, and he shall transmit a copy thereof, certified by him, to the Registrar of the County or Registration Division in which the lands are situate, there to remain for the same purposes for which the plans and books of reference, mentioned in the preceding sections, are to be used, and as if it were one of such plans and books of reference;—and for any default to file such plan in the office of the Commissioner of Crown Lands, the person who ought to have filed the same shall incur a penalty of one hundred dollars.

Plans of land divided into village lots to be deposited.

41. The word "hypothec," in this Act, includes privileges, mortgages, liens and all other charges or incumbrances affecting real estate;—And the expression "Registration Division," includes any County for Registration purposes, as well as any Registration Division.

Interpretation.

Inconsistent enactments repealed.

42. All the provisions of the Registration Ordinance, Fourth Victoria, Chapter Thirty, or of any other Act or law, inconsistent with those of this Act, are hereby repealed.

Commencement of this Act.

43. The foregoing provisions of this Act shall come into force and effect on the first day of September next after its passing and not before; except that the Governor in Council may, at any time after the passing of this Act, make Tariffs of Fees under section twenty-seven, to come into force on the said day, and may likewise cause the Plans and Books of reference herein mentioned to be commenced and made ready at any time after the passing of this Act, and that it shall be the duty of all Registrars and of all Municipal Councils to which it applies, to take such measures from and after its passing as may be requisite for carrying its provisions into effect so soon as they come into force.

SCHEDULES

Referred to in the foregoing Act.

FORM A.

CERTIFICATE OF THE REGISTRAR, REFERRED TO IN SECTIONS
2 AND 3.

Lower Canada,
County (or Registration Division) of }

Privileges and Hypothecs registered in my office, which do not appear by the books therein to have been wholly discharged, and of which I am, under the Act 23rd Victoria, chap. intituled: (*Title of this Act*) required to grant a certificate, at the instance of A. B. of , (Esquire, or as the case may be) the applicant named in the annexed Notice of application for confirmation of Title or of C. D., &c., Sheriff of the District of having the Execution of the annexed Notice of Sheriff's sale,—or of E. F., &c., the party prosecuting the Licitation mentioned in the annexed Notice, or of G. H. applying for such certificate under section sixteen of the said Act:—

First. Against the property to which the judgment of confirmation or the said Notice of Sheriff's sale—*or* the said Notice of Licitation is to apply, *or* described in the application of the said G. H.; the following, viz:—a hypothec (*or as the case may be*) created by a (*description of instrument*) between and (*names and qualities of parties*) bearing date the day of 18 , and registered on the day of 18 , passed
(if

(if the instrument be Notarial) before _____ Notary Public and his Colleague, at _____ as to which no discharge is registered (or as the case may be, mentioning any partial discharge registered,) and the sum which appears to be due for principal and interest secured by which hypothec appears to be \$ _____, and the registration of which has not been renewed (or was renewed on the _____ day of _____ 18 _____, as the case may be.) And so on in the same form for any other privileges or hypothecs registered against such property.

Secondly. Against parties who, within ten years next preceding the date of the title sought to be confirmed as aforesaid, or next preceding the date of the Notice of Sheriff's sale, or next preceding the date of the Notice of sale by Licitation (as the case may be), or next preceding the date of the application of the said G. H.—have been owners of the said property, the following, viz:—

A hypothec created, &c., (as under next preceding head.
Thirdly. Against G. H., of _____, &c., _____, the immediate auteur of the party who owned the said property at the commencement of the said ten years, the following, viz:

A (hypothec) created, &c. (as under preceding heads):

If there is no privilege or hypothec required to be certified under any one or more of the foregoing heads, the Registrar will, instead of the words, "the following, viz," insert the word "None."

Until plans and books of reference under this Act are in force in the County or Registration Division, the Registrar may omit the first head.

If the Registrar was not able to ascertain, from the books and documents in his office, who were the owners of the property during the ten years aforesaid, or who was the auteur of the party who was the owner thereof at the commencement of the said ten years, he will add:

And inasmuch as I was not able to ascertain, from the books and documents in my office, who all the owners of the property during the ten years aforesaid were (or who was the auteur, &c., stating the requisite fact or facts which he was not able to ascertain from the books or documents in his office),—I have, therefore, as required by the said Act, ascertained by the affidavits of _____ and _____, hereunto annexed, that _____ was the owner of the said property in the year 18 _____ (or, as the case may be, mentioning all the facts

facts so ascertained); all which I hereby certify to all whom it may concern. Witness my hand at this day of , 18 .

O. K.,

Registrar of the County or Registration Division of .

FORM B.

NOTICE REFERRED TO IN SECTION 19.

To the Registrar for the County (or Registration Division of .)

Sir,—I hereby notify you that the following real property lying in your County (or Registration Division) that is to say: (*describe the property sufficiently as then required by this Act, observing the requirements of section thirty-four, if it is then in force in such County or Registration Division*) is now in the possession of A. B., of , as his property; and I give you this notice to the end, that the said property may become bound and affected by the general hypothec on the lands and real property of , of , created by, (*describe the instrument as in form A.*) which is already registered (or herewith filed for registration) in your office, in favour of C. D., of (*party in whose favor the hypothec exists*) and may be indorsed by you as being so bound and affected.

Witness my hand this day of 18 .

E. F.

quality in which E. F. acts.

FORM C.

NOTICE REFERRED TO IN SECTION 20.

To the Registrar for the County (or Registration Division) of :

Sir,—Take notice that I hereby renew the registration of the hypothec created by the (*describe the Instrument as in form A.*) registered in your office, on the day of , 18 and binding and affecting the following property lying in your County (or Registration Division,) that is to say; (*describe the property as in form B.*) which property is now in the possession of C. D., of &c., as the owner thereof.

Witness my hand, this day of , 18 .

E. F.

quality in which E. F. acts.

FORM

FORM D.

REFERRED TO IN SECTION 2.

Lower Canada, }
 District of }

A. B. of _____, in the County (or Registration Division) (Farmer) maketh oath (or solemn affirmation) as follows :—

That to the personal knowledge of this deponent (or affirmant) A. B., of _____, was, in or about the year 18 _____ in possession as owner of the following property (*describe the property as in the foregoing Forms*), or if such party was so in possession of part only of the said property say, was in or about the year 18 _____ in possession as owner of (*describe the part*), forming part of the following property (*describe the property as in the foregoing forms*), and the deponent (or affirmant) hath signed

E. F.

Sworn (or solemnly affirmed) before me at
 this _____ day of _____, 18 _____
 L. M.

Registrar or Justice of the Peace for District of _____

The words of the foregoing are to be varied so as to meet the circumstances of the cases in which they are used.

FORM E.

REFERRED TO IN SECTION 34.

To the Registrar of the County (or Registration Division of _____).

Sir,—Take notice that the property mentioned in and affected by the (*describe the Instrument as in form A.*) filed for Registration in your office, on the _____ day of _____, 18 _____, is properly described under the thirty-fourth section of the Act passed in the twenty-third year of Her Majesty's Reign and intituled: (*Title of this Act*) as follows: (*Insert the description as required by the said section, showing clearly of what number or numbers, or what part or parts of any number or numbers in the proper plan and book of reference, such property consists* — and I give you this Notice under the requirements and for the purposes of the said Act.

Witness my hand at _____ this _____ day of _____ 18 _____
 A. B.

C A P.

C A P . L X .

An Act respecting the final abolition of Feudal Rights and Duties.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS it is expedient to provide for the final abolition of Seigniorial rights and duties, by making provision for the abolition thereof in certain Fiefs to which the existing Seigniorial Acts do not apply : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Seigniorial rights abolished in certain Fiefs and a *rente constituée* and commutation fine substituted.

1. In the *Fief Bellevue*, the *Fief St. Augustin*, the *Fief St. Joseph*, the *Fief Nazareth*, the *Fief de l'Hôtel-Dieu*, the *Fief Lagauchetière* and the *Fief Closse*, situate in the District of Montreal, *lods et ventes* and other casual dues, including *droit de banalité*, and all Seigniorial dues whatever, are hereby abolished ; and instead thereof, the *cens et rentes* shall be represented by a *rente constituée* of the same amount (in money or kind as the case may be), secured by the same privileges and payable at the same periods, until the capital thereof becomes payable as hereinafter provided,—and a commutation fine, equal to that to which the Seminary of St. Sulpice of Montreal is entitled in the City and Parish of Montreal, and to be calculated and ascertained in the manner prescribed by the Ordinance (3 and 4 Vict. cap. 30,) relating to the said Seminary, and by the fourteenth section of *The Seigniorial Amendment Act of 1859*, subject to the provisions hereinafter made in section eleven as to the rate of commutation according to the situation of the property, shall be payable to the respective Seigniors of the said *Fiefs*, or any portion of them, as follows :—
on the first mutation which would have created *lods et ventes*, of the ownership of any property, which shall happen in the *Fief Bellevue*, the *Fief Lagauchetière* or the *Fief Closse*, or in any portion of them, during the ten years next after the passing of this Act,—and on the first mutation which would have created *lods et ventes*, of the ownership of any property, which shall happen in the *Fief St. Augustin*, the *Fief St. Joseph*, the *Fief Nazareth* or the *Fief de l'Hôtel-Dieu*, or in any portion of them, during the twenty years next after the passing of this Act.

When such commutation shall be payable.

To be payable on all property not then commuted.

2. On the expiration of the above periods or delays, the commutation fine, calculated and ascertained in the manner hereinabove provided, shall become payable to the Seigniors of the said *Fiefs*, respectively, or of any portion of them, on all property therein not then commuted.

How secured.

3. The said commutation fine shall be secured by the same privileges and recoverable in the same manner as *Lods et Ventes* and other rights for which it is substituted now are, and the

the provisions of the Ordinance relating to the commutation of Seigniorial rights in the Seigniories belonging to the Seminary of St. Sulpice, as amended by the fourteenth section of the Seigniorial Act of 1859 and by other provisions of the said Act, shall apply to all cases in which such commutation fine becomes payable; but such commutation shall be payable immediately unless the parties otherwise agree, and if delay is given for the payment, such payment shall be secured by the privileges above mentioned; and if at the time of such commutation, the commuting party requires a delay of six months for the payment of the commutation fine, it shall be granted to him by the Seignior, but such party shall be obliged to pay the commutation fine with interest at the rate of six per cent.

A certain delay to be granted if the *Censitaire* wishes it.

4. The Seignior, of whom any land, the Tenure of which shall be commuted under this Act, was held, shall be maintained in his hypothecs and privileges on the land for the payment of all arrears of Seigniorial rights lawfully due at the time of such commutation, and in his right to demand *exhibition de titres* in order to ascertain such arrears.

Seignior's privileges for arrears.

5. The commutation of the *rente constituée* representing the *cens et rentes* on any property within any of the said *Fiefs*, shall be had and obtained on the payment of such sum of money as will represent the capital of the said *cens et rentes* reckoned at the legal rate of interest, and such commutation shall be payable at the same time as the commutation fine.

Commutation of the *rente constituée* representing the *cens et rentes*.

6. The *droit de quint* due by any of the Seigniors of any of the said *Fiefs* or of any part of any of them, to any *Seigneur dominant*, in consequence of the abolition of Seigniorial rights, shall be paid out of the Appropriation made by the *Seigniorial Act of 1854*, and such *droit de quint* due to any *Seigneur dominant* shall be ascertained by any Seigniorial Commissioner named under that Act and the Acts amending the same.

Droit de Quint how ascertained, &c.

7. If any Seignior of any of the above *Fiefs* or of any portion thereof, feels aggrieved by the above rate of commutation, he may, within four months, make the fact known to the Governor through the Provincial Secretary, and the Governor shall direct any Seigniorial Commissioner to make, in an equitable manner, a valuation of the amount of the commutation secured and reserved to any such Seignior under the foregoing provisions, taking into account in such valuation any loss of income or interest, and also a valuation of the amount of Commutation money for *Lods et Ventes* and casual rights, which such Seignior would have been entitled to under the *Seigniorial Act of 1854* aforesaid and the Acts amending the same, if they had applied to the case;—and in making the last mentioned valuation, every mutation of the ownership of any property theretofore commuted, which occurred during the ten years immediately preceding the passing of the Seigniorial

Valuation if any Seignior feels aggrieved by the foregoing provisions.

How such valuation shall be made.

Act of 1854, shall be taken into account in estimating the value of the said *lods et ventes*, (although such mutation may have happened after such commutation) if without such commutation it would have produced *lods et ventes*; and the commutation itself shall be reckoned as a mutation producing *lods et ventes*; but if in any case the commutation money has exceeded one full *lods et ventes*, the excess shall be deducted in estimating the value of the said *lods et ventes* and casual rights.

Provision if the valuation exceeds the commutation fine.

8. If the last mentioned valuation exceeds the amount of the commutation fine, under the provisions hereinbefore made, the difference shall be paid without delay to the Seigneur entitled thereto out of the appropriation made by the *Seigniorial Act of 1854*, but in such case, such Seigneur shall himself pay any *Droit de Quint* due to the *Seigneur dominant*, to be ascertained in the manner hereinbefore stated; but such *Droit de Quint* shall be paid only in proportion as the commutation fines become payable.

Section 1 of the Seigniorial Act of 1856, to apply in certain cases.

9. If in any of the said Fiefs or in any part thereof, the rule for determining the value of the *Lods et Ventes*, as prescribed by the *Seigniorial Act of 1854*, and the Acts amending it, cannot be applied, the provision of the first section of the *Seigniorial Act of 1856* shall apply.

Seignior not satisfied may have the valuation revised.

10. Any Seigneur not satisfied with the valuations made by any such Seigniorial Commissioner, shall have the right to have such valuations revised and made by three other Seigniorial Commissioners, in the same manner and under the same proceedings as have to take place by virtue of the *Seigniorial Act of 1854*, and the Acts amending the same.

Voluntary commutation before the delay above fixed.

11. If any *Censitaire*, in any of the said Fiefs, desires to commute the tenure of any land held therein by him, *à titre de cens et rentes*, before the expiration of the delay above mentioned, he shall be entitled to obtain a commutation of all Seigniorial Rights in the manner prescribed by the Ordinance relating to the commutation of Seigniorial rights in the Seigniories belonging to the Seminary of St. Sulpice and the fourteenth section of the *Seigniorial Amendment Act of 1859*, and at the rate thereby prescribed for property situate in the same manner, that is, within or without the City and Parish of Montreal, except that in the *Fief Bellevue* the rate shall be that fixed for property in the Parish of Montreal but without the City limits; and the amount of such commutation fine shall become payable immediately, unless the parties otherwise agree, and if delay is given for the payment, such payment shall be secured by the privileges mentioned in section three; and if at the time of such commutation, the commuting party requires a delay of six months for the payment of the commutation fine, it shall be granted to him by the Seigneur, but such party shall be obliged to pay the commutation fine with interest at the rate of six per cent.

Delay to be granted if the *Censitaire* requires it.

12. The unconceded lands, in any of the said Fiefs, and all landed property held by any Seigneur in his fief or his portion of a fief, shall be vested absolutely in the Seigneur in *franc-alleu roturier*.

Unconceded lands, &c., vested in the Seigneur.

13. And in order to provide for the earlier abolition of feudal rights and dues,—Whenever the schedule of any Seigniorship is prepared and made, although still subject to revision, any one of the Seigniorial Commissioners shall, within two months from the passing of this Act with regard to any Schedule now prepared and made, or within two months from the preparing and making of any Schedule prepared and made after the passing of this Act, give notice thereof in the *Canada Gazette*, stating that such schedule is prepared and made, and stating also—the total value of the *lods et ventes* in such Seigniorship,—the total value of the *droit de Banalité*, and the total value of all other casual Seigniorial dues,—as shown by the said schedule;—and also the value which has been therein put upon each article in which any rents or charges were payable to the Seigneur, as grain, fowls, and other provisions or fruits of the earth or articles of any kind,—or upon any *corvée* or feudal service of any kind;—And from and after the publication of such notice, with respect to any Seigniorship, every *Censitaire* therein shall, by virtue thereof, hold his land in *franc-alleu roturier*, free and clear of all Seigniorial rights and dues, except the *rente constituée* substituted for the *cens et rentes*; and the Seigneur shall thereafter hold his domain, and the unconceded lands in such Seigniorship, and all water-powers and real estate then belonging to him, in *franc-alleu roturier*;—so that, as regards the abolition of all feudal and Seigniorial rights and dues, and the payment of the *rentes constituées*, at the rates fixed by the said Seigniorial Acts and the said schedule, instead of the *cens et rentes*, the said notice shall have the same effect as the deposit of the schedule would have;—But such notice shall not prevent or affect any revision or application for revision of the said schedule; and if the rates fixed by the said schedule, or any of them, should be corrected in consequence of such revision, the *rentes constituées* payable under the schedule shall thereafter be corrected, and payable according to the result of such revision; and any *Censitaire* who has paid any such *rente constituée*, according to the schedule before correction, shall pay to the Seigneur or receive back from him the difference between the *rente* he has paid and the corrected *rente*, according as the correction increases or diminishes such *rente*; Provided, that if a notice is not given under this section with respect to any Seigniorship, this shall not prevent the abolition of the Seigniorial and feudal rights and dues therein, by the deposit of the schedule in the manner provided by the Seigniorial Acts and the notice of such deposit;—nor shall any notice given under this section prevent the effect of such deposit of the schedule of the same Seigniorship, and the notice thereof, as regards the effects of such deposit and notice, other than those provided for

Notice that the Schedule is made for any Seigniorship, with certain particulars, to have the effect of abolishing Seigniorial rights.

Such notice not to prevent revision of the Schedule.

Nor the effect of the final deposit of the Schedule.

Proviso: if the Commissioners neglect to give the notice.

in this section; Provided also, that if any Seignorial Commissioner shall fail to give the above mentioned notice within the said delay of two months, it shall be given by any Seignorial Commissioner within such time as the Governor may fix and determine by order in Council.

Act not to affect the Seignior's rights with respect to arrears.

14. Nothing in the preceding sections contained shall be interpreted as interfering or doing away with the rights or privileges of any Seignior, with regard to all arrears of *cens et rentes*, or any seignorial dues which may be due to him at the date of the giving of the above mentioned notice, and for the recovery of which he shall have all the rights and privileges secured to him by the *Seignorial Act of 1854*, and the Acts amending the same.

C A P. L X I.

An Act respecting Municipalities and Roads in Lower Canada.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS it is expedient to consolidate the provisions of the Lower Canada Municipal and Road Act of 1855, and the Acts amending the same, and certain other provisions relative to Municipalities in Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

DIVISION OF THIS ACT.

Act divided into four parts:—

This Act is divided into four parts, viz :

Part first.

The first part relating principally to municipal Corporations, their organization, powers and functions ;

Part second.

The second part relating principally to Roads, Bridges and other Public Works, and the manner of making and maintaining them ;

Part third.

The third part relating principally to the assessment of property, and the mode of collecting assessments ;

Part fourth.

The fourth relating principally to penalties, actions, appeals and comprising various declaratory, temporary and special provisions.

FIRST PART.

PRELIMINARY PROVISIONS.

EXTENT OF THIS ACT.

As to Roads and Bridges constructed by the Province.

1. This Act shall not apply to roads or bridges under the control of the Commissioner of Public Works; nor to roads in possession of any individual proprietor or company under any Act or By-law: Act not to apply to certain works unless ceded to municipalities.

2. But whenever any road or bridge, theretofore under the control of the Commissioner of Public Works, or of any trustees or other like authority, or of any incorporated company or individual proprietor, ceases to be under such control, such road or bridge shall thereupon be vested in the local municipality or municipalities in which it lies, as a public road, and shall be maintained and dealt with under the provisions of this Act. But shall apply after such cession.

As to Localities.

2. The provisions of this Act shall not extend to any City, Town or Borough incorporated under any special Act: Localities incorporated by special Acts.

2. To the several localities constituted municipalities, or as to which provision is made with respect to municipal matters, by special Acts,—the provisions of this Act shall apply in the manner provided by such Acts respectively. Localities specially constituted Municipalities.

REPEAL—AND EXCEPTIONS FROM REPEAL.

3. So much of the said Lower Canada Municipal and Road Act of 1855, or of any of the Acts amending the same, or of any other Act or Law,—as is inconsistent with this Act,—or makes any provision in any matter provided for by this Act, other than such as is hereby made,—shall be repealed from and after the passing of this Act,—except as to penalties or liabilities incurred, acts or proceedings begun and not completed or rights acquired before the passing of this Act. Repeal of all enactments inconsistent with this Act.

CITATION.

4. In citing this Act in any Act of parliament, or in any instrument, document or proceeding, it shall be sufficient to use the expression "The Lower Canada Municipal Act of 1860" and in any process for enforcing the remedies or penalties given or imposed by this Act, it shall be sufficient, without specifying more particularly the cause of complaint or offence, to refer by number, according to the copies of the Act printed by the Queen's Printer, to the section or sections under which the proceeding is taken. How this Act shall be cited.

INTERPRETATION.

INTERPRETATION.

Interpretation
clause.

5. The Interpretation Act applies to this Act; and the following terms, whenever they occur in this Act, have respectively the following meanings, that is to say:

Parish.

2. The term "parish" means not only any territory erected into a parish by civil authority, but applies, in like manner, to any part of a parish incorporated under this or any other Act, and also includes any extra-parochial place or part of a parish or part of a township annexed to a parish under this or any other Act, and the parish to which such extra-parochial place or part of a parish is annexed, conjointly,—and also includes a township annexed to a parish under this or any other Act, and the parish to which such township is annexed, conjointly;

Township.

3. The term "township" means not only any territory erected into a township, but applies in like manner to any part of a township incorporated under this or any other Act, and also includes any part of a township or parish annexed to a township under this Act, and the township to which such part of a township or parish is or shall be annexed, conjointly,—and applies also to two townships annexed to each other for municipal purposes conjointly;

Municipality.

4. The term "municipality" means any territory incorporated under this, or any other Act;

County municipality.

5. The term "county municipality" means a county incorporated under this, or any other Act;

Local municipality.

6. The term "local municipality" means any territory incorporated under this, or any other Act, except a county, and applies equally to parish, township, town and village municipalities;

County Council.

7. The term "county council" means the municipal council of a county, incorporated under this, or any other Act;

Local Council.

8. The term "local council" means the municipal council of a local municipality;

9. The term "chief officer" applies equally to the warden of a county and to the mayor of a local municipality;

Chief Officer.
County Councillor.

10. The term "county councillor" means a member of a county council;

Local Councillor.

11. The term "local councillor" means a member of a local council;

12. The term "owner" applies not only to an individual ^{Owner.} proprietor, but also to several co-proprietors and to any corporation or association of persons in whom the right of ownership in any real or personal property mentioned in this Act is vested ;
13. The term "road" means a public highway, and includes ^{Road.} all bridges upon it, and all ditches, fords and other works and things therewith connected ;
14. The term "public bridge" means any bridge of more ^{Public Bridge.} than eight feet in span ;
15. The term "lot" means not only a lot of land in any ^{Lot.} range or concession in its entirety, but signifies also any subdivision of such lot, and any parcel of land owned or occupied by any one person or by several persons conjointly, and includes all buildings and other improvements thereon ;
16. The term "public notice" means a notice given, or to ^{Public notice.} be given, to the inhabitants of the whole, or of any part or parts of any municipality or of several municipalities ;
17. The term "special notice" means a notice given or to ^{Special notice.} be given to any member or officer of any municipal council, or to any other person under this or any other Act relating to municipal purposes, or in pursuance of any by-law passed by any such council, for the purpose of informing him of any appointment or of any other fact, or of requiring him personally to attend, or be present at any particular place, or for any other object ;
18. The term "district" means a judicial district as ^{District.} established by law, for civil purposes ;
19. And the term "county" means not only each and every ^{County.} county as defined in the Parliamentary representation Acts, but also every Territory erected into a County for municipal purposes by this or any other Act.

NOTICES UNDER THIS ACT.

Public Notice.

6. Every public notice, under this Act, shall be given ^{Public notices.} in the manner following, that is to say :

2. The person required to give such notice shall cause the same to be drawn up, and shall give it, in the English and French languages, unless the use of either of the said languages be dispensed with in the manner hereinafter provided, and then in that one of the said languages which should be used ;

^{Mode in which public notices shall be given.}

How they shall be published.

3. After signing it, he shall publish it by causing a true copy thereof, certified by him, to be posted up on the front door of at least one church or chapel, or other place of public worship, if any there be,—and, whether there be or not any place of public worship, at some other place of public resort in the local municipality, or in each of the local municipalities, to the inhabitants of which such notice is addressed; and every Local Council may, from time to time, by by-law, indicate and determine the place where such publication shall be made as such place of public resort; and the Secretary-Treasurer of the Local Council shall give special notice to the Secretary-Treasurer of the County Council of every such By-law within eight days from the date thereof;

If in a parish.

4. If such notice be given within the limits of a parish, the person required to give the same shall cause it to be read at the door of every such church or chapel, at the issue of divine service in the forenoon, if any such service be celebrated, on the Sunday next following the day on which the same was published by posting, as aforesaid;

If it be to call a public meeting.

5. If such notice be for the purpose of announcing a public meeting, or the future adoption of any proceeding under this Act, the person required to give it shall specify therein the day, hour and place at which such public meeting is to be held, and the purpose or purposes for which it is convened, or the day, hour and place at which such proceeding is to be had;

Publication.

6. And every such notice shall be published by posting a copy thereof, as aforesaid, at least seven clear days before the day appointed for such public meeting or proceeding.

Special Notice.

Special notice.

7. Every special notice shall be given in the manner following, that is to say:

Mode in which special notices shall be given.

2. The person required to give such notice shall cause it to be drawn up in the language of the person to whom it is addressed, if such language be the English or the French, or if it be any other language, then, in either the English or the French language, and after having signed it, shall serve it on the person to whom it is addressed, by causing a true copy thereof to be delivered to him personally, or left with some grown person at his domicile;

Contents.

3. And in every such special notice, the person required to give the same shall mention distinctly the fact intended to be communicated to the person to whom it is addressed, the time and place at which he is required to attend or be present, or such other object as the notice is given for.

Notice

Notice to Absent Owners:

8. Every owner of land in any local Municipality, residing without its limits who shall appoint an agent residing therein, and shall signify such appointment to the Secretary-Treasurer by a letter in writing addressed to him through the Post Office or otherwise, shall be considered to have received due notice of any work to be done, or duty to be performed by him in respect of such land under the authority of this, or any other Act concerning Municipal matters, whenever special notice thereof be given to such agent :

Notice to absent owners who have resident agents.

2. From and after the first day of January one thousand eight hundred and sixty-one, every such absent owner of land shall be held to have received sufficient notice of any work to be done or duty to be performed by him in relation to any land held by him in any local Municipality whenever public notice thereof has been given, unless and until he shall have appointed a resident agent, and notified the Secretary-Treasurer of such appointment as provided in this section.

Public notices to be sufficient to those who have no resident agents.

Certificate.

9. The person required to give any notice, whether it be a public or a special notice, shall cause a certificate or certificates of the publication, or service, of such notice to be annexed to, or endorsed upon, the original notice, stating distinctly the manner in which, and the time or times, and place or places at which the same was so published or served :

Certificate of publication of service.

[Form D.]

2. The truth of the facts stated in every such certificate shall be attested on oath by the person making the same ; and the person required to give such notice shall deliver the original notice with such certificate or certificates to the secretary-treasurer of the council to the affairs of which it relates, and the secretary-treasurer shall file the same amongst the records of the council ;

Attestation of such certificate.

3. But nothing in this section shall prevent the secretary-treasurer of any council from giving or certifying any notice either public or special ; and whenever any such notice is given by the said officer, the certificate of the publication or service thereof shall be attested under his oath of office, if he has taken such oath, and if not, by a special oath ;

Notices by Secretary-Treasurer.

4. And no default, defect or informality of or in any notice, public or special, shall be available to any person who shall have acquiesced in the thing or things required by such notice, or who shall have otherwise acquired a knowledge of the tenor or object thereof.

PUBLICATION OF BY-LAWS.

Copies to be posted up and how.

10. Every municipal council shall publish each by-law made by it, by causing to be posted in the manner hereinbefore prescribed within fifteen days from the passing of such by-law a public notice certified by the Secretary-Treasurer, mentioning the date and object of such By-law, and the place where communication thereof may be had :

Reading at church doors in parishes.

2. In parishes, the council shall also publish all by-laws, by causing them to be read in the English and French languages, unless the use of either of the said languages be dispensed with, and then in that one of the said languages which should be used, at the door of the church of the parish to which they relate, immediately after divine service in the forenoon, if such service be celebrated, on each of the two Sundays next after the passing of such by-laws;

In newspapers.

3. And every such council may also cause all, or any, of such by-laws to be published in any newspaper printed in the district, or in any adjoining district.

LANGUAGE OF PUBLICATION.

Governor in Council may dispense with the use of either language in any place.

11. The governor may, by order in council, declare that the publication to be made under this Act of any notice, by-law or resolution, shall be made in one language only, in any municipality the council whereof have shewn that such publication may be so made without detriment to any of the inhabitants thereof; The Provincial Secretary shall cause a copy of every such order in council to be inserted in *The Canada Gazette*, and from the date of such insertion the publication of all such notices, by-laws and resolutions may be legally made in the municipality referred to in such order in council, in that language only which is thereby prescribed.

Copy of order to be published.

ORGANIZATION.

GENERAL ORGANIZATION OF MUNICIPALITIES.

What constitutes a Municipal Corporation.

Inhabitants of each county incorporated.

12. The inhabitants of every county shall be a corporation or body politic under the name of " The corporation of the county of _____ " (inserting the name of the county) :

And those of each parish or township.

2. The inhabitants of every parish and township shall be a corporation or body politic, under the name of " The corporation of the parish (or township or townships, or of the part of the parish or Township, (as the case may be) of _____ " (inserting the name of the proper parish or township) ;

3. The inhabitants of every town and village, being a body corporate on the first day of July, one thousand eight hundred and fifty-five, or being declared such by this Act, or for the incorporation of which the formalities hereinafter prescribed shall have been observed, shall be a corporation or body politic under the name of the corporation of the town (or village, as the case may be) of *(here insert the name of the town or village)*;

And those of certain towns and villages.

4. The Inhabitants of each of the places mentioned in the Schedule No. 1 to this Act annexed shall be, or continue to be, a separate and distinct Municipality, of the class assigned to it in such Schedule and shall be, or continue to be, a body corporate and politic under the name given to it in such Schedule; and its powers and limits shall be extended or limited as prescribed herein, whenever mention of any such extension or limitation is made in such Schedule.

Inhabitants of places mentioned in Schedule 1.

PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS GENERALLY.

Corporate Powers and Name.

13. Every such corporation shall have perpetual succession, and may sue and be sued under its corporate name in all courts of justice ; may acquire by purchase, donation, devise or otherwise, any real or personal property, and may hold or enjoy, or alienate the same ; may enter into all contracts necessary to or connected with the exercise of its functions, powers and authority ; and shall have all other collective rights and powers necessary for the performance of the duties imposed upon, and for the exercise of the authority vested in it.

General corporate powers.

Further general powers.

How they are to be represented.

14. Every such corporation shall be represented by a council, to be composed as hereinafter provided with special reference to county councils and local councils respectively ;—and all the powers, authorities, duties and obligations of every such corporation shall be exercised and performed by such council and its officers :

Corporation to act by a Council.

2. The council of a county municipality shall be called " The municipal council of the county of *(inserting the name of the county)* ;

Corporate name of Council of counties.

3. The council of a local municipality shall be called " The municipal council of the parish (or township or townships, or of the *part of the parish or township, or town or village, as the case may be)* of *(inserting the name of the parish, township, town or village)* ;

Of parishes, townships, towns or villages.

Composition of
County Councils.

4. The county council shall be composed of the mayors of the several local municipalities of the county, in which mayors have been elected or appointed ;

Of Local Councils.

5. Every local council shall be composed of seven councillors, to be elected or appointed in the manner hereinafter provided ;

Councillors not to be paid as such ; nor hold office under Council.

6. No councillor shall in any case receive, or be entitled to, any wages, allowance, profit or emolument whatever, for his services as such councillor ; nor shall any councillor hold any subordinate office under any municipal council, or become surety for the performance of the duties of any such officer ;

Oath of office to be taken by Councillors.

7. Each member of a council shall, immediately after his election or appointment, take an oath well and faithfully to perform the duties of his office ;

[Form N.]

Every municipality to have a common seal.

8. Every municipal corporation may have a common seal ; and every instrument or document in writing which should be signed by the chief officer of any such corporation shall be equally valid without his signature, provided the seal of the corporation and the signature of the secretary-treasurer, or other officer or person required to sign the same, be affixed thereto ; but no such instrument or document, made before or after the passing of this Act, shall be considered invalid by reason of the corporate seal of the municipality not having been affixed thereto.

SESSIONS.

SESSIONS OF MUNICIPAL COUNCILS.

Quarterly Session of County Councils.

15. Unless it be otherwise provided by any By-law made as hereinafter provided, —a general quarterly session of each county council shall be held on the second Wednesday in each of the months of March, June, September and December, at the place determined upon by the council, except the first general session, the time and place of holding which shall be appointed in the manner hereinafter prescribed :

Monthly Session of Local Councils.

2. Unless it be otherwise provided by any By-law made as hereinafter provided, —a general monthly session of each local council shall be held on the first Monday in each month, at the place determined upon by the council, except the first general session, the time and place of holding which shall be appointed in the manner hereinafter prescribed ;

Holidays.

3. But if any of the days so fixed be a holiday (*fête d'obligation*), such general session shall commence and be held on the day next following ;

4. A special session of any council may also be convened by the chief officer, or any two members of such council, after special notice, given to all the other members, by the person requiring such session ; And every session, whether general or special, shall commence at the hour of ten in the forenoon, unless otherwise determined by by-law, notice or adjournment ;
5. And such special sessions, as well as those appointed by law, shall, as far as possible, be held in the vicinity of the parish church, or of the most public and frequented place if there be no such church, and the office of the secretary-treasurer shall be established in the place where such sessions are held ; but the council may, from time to time, appoint the place where the secretary-treasurer shall hold his office ;
6. The chief officer of the council, or in his absence such one of the councillors as shall be chosen by a majority of votes of the councillors present,—or, in case of an equal division of votes, the senior in age of such councillors,—shall preside ;
7. All disputed questions shall be decided by a majority of the votes of the members present, including the chairman ; and when the votes are equally divided, the chairman shall give the casting vote ;
8. The chief officer of every council has, and always had, a right to vote upon all disputed questions which can only be decided by the votes of two-thirds of the members of such council ;
9. The sessions shall be held with open doors ;
10. Every council, and any two of its members, when there is not a quorum present, may adjourn any general or special session to a subsequent day, but no such adjournment shall be made until after the expiration of one hour from the failure of the quorum ;
11. No adjournment of the session of a county council shall be made to any time less than seven clear days after the day on which such adjournment is made,—and no adjournment of the session of a local council shall be made to any time less than two clear days after the day on which the adjournment is made, unless, in either case a *quorum* of the council is present when such adjournment is made ;—And special notice of every adjournment shall be given by the Secretary-Treasurer to all the members of the council who were not present at the time it was made, if there was not a *quorum* present at that time ;
12. No council shall be dissolved by the fact of any session thereof not having taken place.

Special Sessions of any Council.

Hour of meeting.

[Form L.]

Where such special sessions shall be held.

Office of the Secretary-Treasurer.

Who shall preside at meetings.

Questions, how decided.

As to two third votes.

Open doors.

Adjournments.

Further limitation as to adjournments.

[Form M.]

Notice of adjournment.

Failure of Sessions not to dissolve Council.

CHIEF

CHIEF OFFICER TO BE A JUSTICE OF THE PEACE.

Chief Officer to be *ex officio* a Justice of the Peace.

16. Every chief officer of a municipal council shall be *ex officio* a justice of the peace within the limits of the municipality wherein he has been elected or appointed, so long as he shall continue to act as such chief officer.

SESSIONS OF COUNTY COUNCILS,—ELECTION OR APPOINTMENT OF WARDEN, &C.

First session, when and where to be held, &c.

17. The first general session of every county council, in every county Municipality organized after the passing of this Act, shall be held at the time and place to be fixed for that purpose by the Registrar, who shall give notice thereof to each member of the council;—and every subsequent session, in every such Municipality, as well as every session in every county Municipality now organized, shall be held at the place appointed for that purpose by the county council :

Quorum of County Councils.

2. Five members of the county council in every county comprising seven or more local Municipalities, and three members of such council in every county comprising any number of local Municipalities less than seven, shall form a *quorum* ;

Who shall preside at first meeting.

3. The registrar, or in his absence, one of the members of the council present to be chosen for that purpose by a majority of votes,—or if the votes be equally divided, the senior in age of the members present,—shall preside at the first general session in every county Municipality organized after the passing of this Act ;

Election of Warden.

4. The members of the county council shall, at the said first session, choose from amongst themselves some fit and proper person, to be the Warden of the county ; and if the votes are equally divided, the person presiding at the said session, whether such person be a member of the council or the Registrar, shall give the casting vote ;—and such person shall cease to have the right to preside, so soon as the Warden so chosen has taken the oath of office ;

Warden to preside when chosen.

Governor to appoint Warden if none be elected.

5. If no election of a Warden is so made at the said first session of the council, then the Governor, upon the fact being notified to him either by the Registrar, the Warden, the person who presided at the first general session, or the Secretary-Treasurer, shall appoint without delay one of the members of the council to be Warden of the county ;

Term of office of Warden.

Removal of Warden by Council.

6. The Warden so elected or appointed shall hold his office until the next general election of councillors, and thereafter until another person is appointed in his stead ; unless such Warden, if elected by the county council, be removed before that time (as he may be) by a resolution sanctioned by

by a vote of two thirds of the members of the council, or unless such Warden, if appointed by the Governor, be removed (as he may be) by the Governor; but the Warden shall not be so removed unless the Council appoint another by the same resolution; If the Warden be removed by the Governor, another shall be appointed by the Governor.

His place, how to be filled.

SESSIONS OF LOCAL COUNCILS, ELECTION OR APPOINTMENT OF MAYOR, &C.

18. The councillors elected or appointed, as hereinafter provided, shall meet at the place, on the day, and at the hour determined upon for holding the first session of the council after their election or appointment; and shall attend all subsequent sessions of the council at the same place or at such other place as may be appointed for that purpose by the Council:

First meeting, &c.

2. Four members of the council shall form a *quorum*;

Quorum.

3. On the first day of every such first session of the council, the councillors then present shall elect one of their number to be the Mayor of the local municipality; and every such officer shall be designated as "the Mayor of the parish (or township or townships, or of the part of the parish or township, or town or village, as the case may be) of (inserting the name of the local municipality); and shall remain in office during the time he shall be a member of the Council, and thereafter until his successor is elected or appointed and duly installed;

Election of Mayor.

4. If no election of a Mayor takes place, as aforesaid, on the first day of the said session of the council, then the person who was elected councillor by the greatest number of votes, or the senior in age of any two of such councillors who have been elected by an equal number of votes (such number being greater than the number recorded in favor of any other of such councillors,) shall be the Mayor;—if any one or more of such councillors have been elected, and the others appointed by the Governor, that one of the persons so elected by the greatest number of votes shall be the Mayor;—if the councillors have been elected by acclamation, the senior in age of such councillors, as are duly qualified to hold that office, shall be the Mayor;—and if all the said councillors have been appointed by the Governor, then the councillor first named in the letter making their appointment known, shall be the Mayor;

Who shall be Mayor if no election is made on first day of session.

If all the Councillors are appointed by the Governor.

5. If any such person otherwise entitled under the provisions of this section to be Mayor, does not possess the literary qualification hereinafter required, then the person possessing such qualification, if there be but one of such Councillors, or the senior in age if there be several possessing such qualification, shall be Mayor;

If the person otherwise entitled has not the literary qualification.

Notice of election signified to Warden, &c.

[Form Q.]

6. The secretary-treasurer of the local council shall, immediately after the election or appointment of the Mayor, signify such election or appointment to the Warden of the county, or to the Registrar, if there be no Warden at the time of such election or appointment.

VACANCIES IN LOCAL COUNCILS.

Vacancies in the Council, how filled up.

19. Whenever any person disqualified or exempt, and claiming exemption, from serving as a councillor, is elected, and whenever any councillor dies, or has been absent from the local municipality, or has been incapable to act as such through infirmity, illness or otherwise, for two calendar months, the remaining councillors shall, at the next meeting of the council after such decease, or after the expiration of the said two months, choose from among the inhabitants of the municipality another councillor, who can read and write, in the stead of the person so disqualified or exempt, or of the councillor so deceased, absent or incapacitated :

Vacancy not to affect acts of other members.

2. But notwithstanding the decease, absence or incapacity to act of any such councillor or his exemption as aforesaid, the remaining councillors shall continue to exercise the same powers, and perform the same duties as they would have been required to exercise or perform, if the decease, absence or incapacity to act of such councillor had not occurred ;

If the person occasioning the vacancy be the Mayor.

3. If the councillor, in whose stead another has been elected as aforesaid, is the Mayor, then the members of the council shall, on the first day of the first session of the council next after the election of his successor to the office of councillor, elect another Mayor, duly qualified ;

Term of office of new Councillor.

4. Every Councillor so elected or appointed in the stead of another shall remain in office for the remainder of the period for which his predecessor had been elected or appointed, and thereafter until his successor shall have been installed, but no longer.

APPOINTMENT OF OFFICERS—THEIR DUTIES, &c.

Secretary-Treasurer.

20. Every council shall, at its first general session, or at a special session held within fifteen days from the first day of such first general session, appoint, if not already appointed, an officer who shall be called the " secretary-treasurer " of the municipal council of the county (or parish or township or townships, or of the part of the parish or township or town, or village, as the case may be,) of inserting the name of the municipality :

Duties of Secretary-Treasurer.

2. The secretary-treasurer of every council shall attend all sessions of the council, and shall enter all the proceedings thereof

thereof in a register to be kept for that purpose, and he shall allow persons interested therein to inspect the same at all reasonable hours ;

3. He shall be the custodier of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, *actes de répartition*, plans, maps, records, documents and papers kept or filed in the office of the council ;

To have custody of papers, &c.

4. Every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbal*, *acte de répartition*, plan, map, record, document or paper, certified by such secretary-treasurer, shall be deemed authentic ;

Copies certified by him to be authentic.

5. Every person appointed secretary-treasurer to a council, shall, before acting as such, give the security hereinafter mentioned ;

Secretary-Treasurer to give security.

6. He shall furnish two sureties, who shall be approved by a resolution of the council, before they shall be admitted as such ; all such sureties shall be bound jointly and severally with the secretary-treasurer, and their obligation shall extend to the payment of all sums of money for which he may at any time be accountable to the corporation, including principal, interest and costs, as well as for all penalties and damages to which he may become liable in the exercise of his office ;

How such security shall be given.

Two sureties required.

7. Every such security may be given by a bond executed before notaries, or before a notary and two witnesses, and accepted by the chief officer of the council,—or by bond under private signature in duplicate ;—The secretary-treasurer shall deliver a duplicate of such bond, if executed under private signature, or a copy thereof if executed before notaries or before a notary and two witnesses, to the chief officer who shall be the custodier thereof ; and another copy, or the other duplicate, shall be filed by such secretary-treasurer among the records of the council ;

Form of security ; deposit of bond, &c.

[Form O.]

8. Every such security-bond, when duly registered in the registry office for the county or registration division in which the secretary-treasurer resides, shall carry with it a hypothec (*hypothèque*) only on the immovable property therein designated ; And it shall be the duty of the chief officer of the council to cause it to be registered immediately on receipt thereof ;

Registration of bond and hypothec resulting from it.

Chief Officer to have it registered.

9. The secretary-treasurer of every council shall receive all moneys payable to the municipality ;—and he shall, whenever thereunto authorized by the council, pay out of such moneys all orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the municipality ;—but no such draft or order shall be

Duties of Secretary-Treasurer ;—Receipts and payments.

paid by the said secretary-treasurer, unless the same shows sufficiently the use to be made of the sum mentioned in such order, or the nature of the debt to be paid thereby ;

Accounts and books.

10. The secretary-treasurer shall keep, in due form, books of account, in which he shall enter each item of receipt and expenditure, according to its date, mentioning at the same time the names of the persons who have paid any moneys into his hands, or to whom he has made any payment, respectively ; and he shall keep all vouchers for expenditure ;

Rendering accounts.

11. The secretary-treasurer shall render to the council, on the thirtieth day of June and on the thirty-first day of December in each year, or oftener if required by such council, a detailed account of his receipt and expenditure attested by him on oath ;

Accounts to be open to members of Council.

12. The secretary-treasurer's books of account and vouchers shall be open for inspection at all reasonable hours, to the council, and to each of the members thereof, to the municipal officers by them appointed, and also to all persons liable to assessment in the municipality ;

Mode of compelling Treasurer to render accounts and pay, &c.

13. The secretary-treasurer, or any person who has filled that office, may be sued, in the name of the corporation of the municipality, by any person thereunto duly authorized by the council, before any court of competent jurisdiction, to compel him to render an account ; and in any such action he may be condemned to pay damages for having failed to render such account ; and if he renders an account, he shall be condemned to pay such balance as he acknowledges to have in his hands, together with such other sums as he ought to have debited himself with, or as the court thinks he ought to be held accountable for ;—And every judgment pronounced in any such suit, shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit ;

Judgment.

Interest.

Contrainte par corps to enforce judgment.

14. Every such judgment shall carry *contrainte par corps* against the secretary-treasurer, according to the laws in force in such cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the account ;

To keep a Repertory of registers, reports, &c.

15. The Secretary-treasurer shall keep a Repertory in which he shall refer in a summary manner, and as near as may be in the order of their dates, to all registers, reports, *procès-verbaux*, valuation rolls, collection rolls, judgments, resolutions, maps, plans, returns, notices, letters and papers whatsoever which may come into his possession in the exercise of his functions ;

To deliver certified copies of all documents in his hands.

16. He shall deliver to any person applying for the same a copy of any document in his possession or custody, or of record in his office, upon payment of such fees as shall be fixed by

by the council; and every such copy, certified by him as correct, shall be *prima facie* evidence of the contents thereof; and he shall allow all such documents to be inspected at reasonable hours by all persons interested therein;

17. And every Secretary-treasurer of every local Council shall, with all diligence, collect all the *procès-verbaux, actes de répartition* and By-laws in force in the municipality,—shall copy them into a register to be kept by him for that purpose, and to be called the Road Register,—shall certify the correctness of the register,—shall deposit it in his office amongst the records of the council,—and shall give public notice of the deposit of the said register as soon as it shall be made; he shall enter therein all new *procès-verbaux, actes de répartition* and By-laws relating to roads and bridges made after the deposit of such register, and he shall furnish the Inspectors of roads with such copies of, or extracts from, all *procès-verbaux, actes de répartition*, valuation rolls, collection rolls, and other documents in his possession as they may require for the performance of their duties in their respective divisions;

To collect *procès-verbaux, actes de répartition*, &c., in force in his Local Municipality—enter new ones, &c.

18. Every Council, at its first meeting, after being duly organized, shall appoint one or two Auditors, who shall examine and report annually upon all accounts affecting the Corporation or relating to any matter or thing under its control or within its jurisdiction;

Council may appoint auditors.

19. Every council may appoint such other officers as are necessary for carrying into effect the provisions of this Act, or of any by-laws or regulations of such council;

Council may appoint other officers.

20. No appointment of any municipal officer shall be held to be void solely by reason of its having been made after the period hereinbefore fixed for making such appointment; and any act done by any person previous to the appointment of a secretary-treasurer to any council, which might or should have been done by such officer if appointed, shall have the same force and effect as if the same had been done by such secretary-treasurer so duly appointed;

Appointments valid though made after the time fixed.

21. Every appointment of an officer by a municipal council shall be made by a resolution of such council; and the secretary-treasurer shall without delay give special notice thereof to the person appointed;

Appointments to be by Resolution. Notice. [Form P.]

22. Every officer so appointed, except a secretary-treasurer, shall remain in office for a period of two years from the date of his appointment, and thereafter until his successor has been appointed, but no longer, unless re-appointed;

Term of office.

23. Every such council may remove any officer appointed by it, and may also remove any officer appointed by the

Officer may be removed on

certain conditions.

Governor not being a member of such council, or a Valuator, provided another person be appointed in his stead by the same resolution proposing to remove such officer, but not otherwise.

APPOINTMENT OF COUNTY DELEGATES BY COUNTY COUNCILS.

There shall be three delegates for each county.

21. In every county there shall be three delegates to represent the interests of the county at every meeting of delegates held under the provisions of this Act, and to exercise and perform, in conjunction with delegates sent from another, or several other counties, as the case may be, the powers and duties hereinafter mentioned :

Warden to be one,—other two how appointed.

2. The Warden shall be *ex officio* one of the said delegates ;—the two other delegates shall be such two members of the county council as shall be appointed for that purpose at the first session held after the general election of local councillors, or at a special session held within fifteen days from the first day of such general session ;—and the said delegates shall hold their office as such during their tenure of office as county councillors, and thereafter until their successors are duly installed, but no longer ;

Term of office.

Vacancies how filled.

3. And whenever any one of such delegates dies, or is absent, or incapacitated to attend to his duties from sickness or any other cause, the county council shall appoint another delegate, or other delegates, in his or their stead.

APPOINTMENT OF CERTAIN OFFICERS BY LOCAL COUNCILS.

Certain other officers to be appointed.

22. In addition to the officers which every municipal council is required to appoint, every local council, at its first general session, or at a special session to be held within fifteen days from the first day of such general session, shall also appoint :

Road Inspectors, fence viewers and pound-keepers.

2. As many inspectors of roads and bridges, inspectors of fences and ditches, and pound keepers, as the council deems expedient ;

3. Every Local Council may appoint any person Inspector over any work towards which such person is bound to contribute, whether residing in or out of the Municipality ;

4. Every local council shall also appoint :

5. Three valutors ; each of whom shall be possessed of a property qualification equal to that required of municipal councillors by this Act ; and the appointment of any person not so qualified shall be null and void ; Each valuator shall, immediately after his appointment, take an oath well and faithfully to fulfil the duties of his office ;

Valutors ; their qualification and oath of office.

6. Every valuator shall remain in office until his successor is installed. Term of office of Valuators.

APPOINTMENTS BY THE GOVERNOR.

23. Whenever fifteen days have elapsed after the time when any chief officer of a municipal council, or any municipal councillor or councillors should have been elected either by the inhabitants of a municipality, or by a municipal council, or when any officer should have been appointed by any municipal council, under any of the provisions of this Act, the chief officer of such municipal council, or in his absence, or upon his default, the Secretary-Treasurer shall, by letter under his hand, addressed to the provincial secretary, inform the Governor of the fact, and the Governor shall thereupon appoint such councillor or officer;—And every such appointment shall be made known by a letter under the hand of the provincial secretary addressed to such chief officer or Secretary-Treasurer, who, upon receipt thereof, shall give special notice of such appointment to the person so appointed :

Governor to be informed by Chief Officer or Registrar of failure to elect or appoint any Councillor or Officer, and to appoint to the vacant office.

Appointment, how made.

[Form X.]

2. After the expiration of thirty clear days from the time when such election or appointment should have taken place under any of the provisions of this Act, the chief officer of the council (if there be any such officer) and the Secretary-Treasurer shall be held to be in default of giving such information, if neither of them has in the interval addressed and transmitted to the provincial secretary the letter required by the last paragraph;—And in such case the Governor shall make such appointment upon being informed of the vacancy required to be filled up, by any two persons qualified to vote, in the municipality;

How information may be given if Chief Officer or Registrar fail to give it.

Appointment by Governor.

3. The Governor may revoke any appointment by him made. Appointment by Governor may be revoked.

POWERS.

POWERS COMMON TO ALL MUNICIPAL COUNCILS.

24. Every council may make and, from time to time, amend or repeal, a By-law, or By-laws for all, or any, of the following purposes, that is to say :

All municipal Councils may make By-laws concerning—

[Forms I & J.]

2. For the maintenance of order and decorum during the sessions of the council, and for compelling the members thereof to attend such sessions and to perform their duties ; Order, &c., at Sessions.

3. For the purchase and acquirement of moveable or immoveable property for the use of the municipality, and for the sale and disposal of the same when no longer required ; Acquiring and disposing of property.

Constructing or leasing, &c., building.

4. For the construction, acquirement, leasing, or repairing of any building required by the municipality, either for the sessions of the council or for other municipal purposes within the scope of its functions ;

Construction, &c., of fences, ditches, &c.

5. For the erection, construction, widening, altering or repairing of such fences, ditches, drains or water courses as the interests of the inhabitants require to be so erected, constructed, widened, altered or repaired, at the expense of the municipality ;

Regulating ferries.

Licenses for ferries.

6. For regulating any ferry under its control,—for fixing the tolls to be charged for crossing the same,—for authorizing any officer to grant a license to keep such ferry,—and for fixing the sum to be paid for such license, and the other conditions on which such license shall be granted, and for imposing penalties on any ferryman or other person contravening such By-laws ;

Limitation as to period of licenses, &c.

But no such license shall be granted for more than one year, and no such By-law shall make the tolls payable by any of the inhabitants of any local municipality, or of any part of a local municipality, on any ferry, less than those payable by other persons, or give any undue advantage to any such inhabitants with respect to such tolls ;

Acquiring roads or bridges from Government.

7. For the acquirement from the government, gratuitously or for consideration, of any public road or public bridge made or erected at the expense of the province, or of the late province of Lower Canada, within the limits of the municipality, or of such portion of any such road or bridge as lies within, or partly within and partly beyond the said limits, with the lands and dependencies required for the use or management of the same ;

Raising and levying money by rates equally imposed.

8. For raising and levying any sums of money necessary for any purpose within the scope of the functions of such council ; such sums to be raised by rates equally assessed upon all the persons liable thereto, in proportion to the value of their assessable property ;

Aiding in construction of roads benefiting the municipality, though not in it.

9. For raising and levying moneys in aid of the construction, maintenance or repair of any road leading to the municipality, or of any bridge or other public work beyond the limits of the municipality, whereby the inhabitants thereof may, in the opinion of the council, be sufficiently benefited to warrant the granting of such aid ;

Borrowing money and issuing bonds and debentures, &c., for assisting in construction of Railways.

10. For borrowing any sum of money necessary for any of the purposes within the scope of the functions of the council,—or for giving assistance to the construction of any railroad under the provisions of "*The Railway Act*,"—or for taking stock in, or lending money to any incorporated railway, road or bridge company in whose railway, road or bridge the inhabitants of the

the municipality are; in the opinion of the council thereof, sufficiently interested to warrant them in taking such stock or lending such money for the advancement of such work; (the principal and interest of such sum payable either in this province or elsewhere, and either in the currency of this province or of the country where the same may be payable);—or for [Form M. M.] issuing debentures or bonds for any of the purposes mentioned in this section, every such debenture or bond being issued for a sum not less than one hundred dollars, and being payable in not less than five and not more than thirty years;—or for the management of any sinking fund provided by any such By-law; Managing Sinking Fund.

11. But no By-law made under this section shall have any force or effect—unless it be made for a sum not exceeding twenty per cent on the aggregate valuation of the property thereby affected according to the valuation rolls then existing,—nor unless it imposes a yearly rate sufficient, according to such valuation rolls, to pay the interest on the sum to be borrowed, and two per cent. over as a sinking fund;—nor unless it has been approved in the manner hereinafter provided; Total amount limited. Rate for interest and Sinking Fund.

12. Every such By-law must be approved in the manner provided by the Act intituled: *An Act respecting the Consolidated Municipal Loan Fund*, and all the provisions of the said Act shall apply to every such By-law, except in so far as they may be inconsistent with any of the provisions contained in this section; By-laws must be approved under Con. Stat. of Canada, cap. 83.

13. No such By-law shall be repealed, or altered, until the whole sum borrowed and the interest thereon have been paid off, except by some other By-law approved by the Governor in council, the repeal or alteration of which shall be subject to the like conditions; By-law not to be repealed, except, &c.

14. Whenever any such By-law is passed by a county council, the principal and interest of the loan shall be payable by all the local municipalities in the county;—And the secretary-treasurer of the county council shall in each year apportion the amount to be paid by each such local municipality according to the assessment rolls then in force in each respectively; Money borrowed by a county for Railway purposes as aforesaid, to be paid by local municipalities within it.

15. But nothing contained in the foregoing provisions of this section shall in any way relate to or affect any By-laws heretofore made under the authority of the Act passed in the sixteenth year of Her Majesty's reign, chapter twenty-two, as amended by the Act passed in the eighteenth year of Her Majesty's reign, chapter thirteen, respecting the said Consolidated Municipal Loan Fund; Nothing in above provisions of this section to affect By-laws made under 16 V. c. 22, and 18 V. c. 13.

16. The building of a town hall by a local or county municipality shall be one of the purposes for which the municipal loan Fund for Lower Canada may be applied, and the benefit thereof obtained; Building a Town Hall.

- Depositing money.** 17. For depositing the funds of the municipality or investing the same at interest, in any chartered bank or public security of the province ;
- Paying damages done by rioters.** 18. For indemnifying persons who have lost buildings or other property destroyed either wholly or in part by rioters within the municipality ;
- Paying officers.** 19. For the remuneration of the officers of the corporation in addition to any fees, penalties, or per centage, which they may be entitled to under the authority of this Act or of any other law ;
- Defining duties of officers and enforcing performance thereof.** 20. For defining the duties of all the officers appointed by the council or by the Governor, and imposing penalties upon the said officers for neglect of duty in cases in which such duties have not been sufficiently defined, or such penalties have not been determined by law ;—But no such fine or penalties shall in any case exceed the sum of twenty dollars for any one offence ;
- Taking securities from officers, contractors, &c.** 21. For requiring sufficient security in such manner and to such amount as the council thinks proper, from all persons accountable for the moneys of the municipality, and from all contractors with the council or its officers, whenever such security has not been specially regulated by law ;
- Imposing and collecting penalties.** 22. For imposing and collecting, by seizure and sale of the goods and chattels of the offender, any reasonable penalty not exceeding in any case twenty dollars, and for imposing reasonable punishment by imprisonment, not exceeding thirty days, for the breach of any of the by-laws or regulations of the Council ;
- Imposing imprisonment.**
- Other local regulations.** 23. For making such other local regulations, not contrary to law, as the good of the inhabitants of the municipality requires ;
- Number of general sessions.** 24. For limiting the number of its general sessions to not less than one in each year for a county council, and to not less than four in each year for a local council ;
- Maps and documents in the possession of individuals relating to public property.** 25. For obliging any person who has in his possession any maps, plans, titles, writings or other documents relative to any road, street, lane, public place or other property in the municipality, to give communication thereof to the said council, or to any of its officers, and to permit such officer, or other person appointed for that purpose by the principal officer of the municipality, to take a copy thereof ;
- Poor.** 26. For the maintenance or assistance of the infirm, aged, poor destitute ;

27. Every council may, by By-law, impose and levy upon the parties interested in any work undertaken either before or after the passing of this Act, for the benefit of the municipality, or of any part of the inhabitants of the municipality, a special tax to provide for the payment of such work, although the performance thereof has not been preceded or followed by the formalities required by law.

Special tax on parties interested in any public works.

SPECIAL POWERS OF COUNTY COUNCILS.

25. All the powers vested by the Act passed in the twelfth year of Her Majesty's reign, chaptered fifty-six, and intituled: *An Act to authorize the formation of Joint Stock Companies in Lower Canada, for the construction of Macadamized Roads, and of Bridges and other works of like nature*, in the municipalities and municipal councils therein mentioned, are transferred to and vested in the county councils constituted under this Act.

County Councils to have certain powers under 12 V. c. 56.

26. Every county council may make, and from time to time may amend or repeal, a By-law or By-laws for all or any of the following purposes, that is to say:

They may make by-laws concerning— [Form I.]

2. For appointing the place at which all sessions of the county council, after the first session, shall be held;—and every place so appointed shall thereafter be the county town (*chef-lieu du comté*); But if the first session of such council was held at a place which at the time of the passing of Lower Canada Municipal and Road Act, 1855, was the place of holding the meeting of the municipal council of a county or division of a county, the concurrence of two-thirds of the members for the time being of such council shall be necessary for the making of a By-law appointing any other place for holding the subsequent sessions of such council;

Place of sitting.

If the first meeting was held at a place where a County Council met at the time of the passing of 18 V. c. 100.

3. And whenever a registry office has been established, or a public edifice for the use of the county council has been provided, or is in course of construction, at a place appointed by By-law under the said Act for the sittings of such council, such sittings shall continue to be held at the place so appointed, until otherwise determined by the legislature;

Place of sitting of any County Council to be permanent when a Registry Office is built at it.

4. For the acquirement or construction and maintenance of a court house and lock-up house in the place lawfully appointed for that purpose, and for providing means in aid of the acquirement, construction or maintenance of any such buildings;

Construction, &c., of a Court House and Gaol.

5. For the acquirement or construction and maintenance of an office for the registration of deeds, either apart from or forming part of any court house situate within the county, and for the construction and maintenance therein of a fire-proof vault for the preservation of such deeds; and for providing means for the acquirement or construction and maintenance of such office,

Maintenance of an office for registration of deeds, &c.

office, and also for the transcription of any deeds which the council deems it expedient to transfer and deposit in such office, for the convenience of the inhabitants of the county ;

Placing mile-posts and guide-posts.

6. For causing mile-posts or mile-stones to be set up on the main road in the county, shewing the distance from the principal towns to which such roads lead, and they may cause guide-posts to be set up at the intersections of roads ; and the expenses incurred for those purposes shall be paid by the secretary-treasurer of the local municipalities respectively, in which such mile-stones or mile-posts, or guide-posts shall be set up, out of any moneys in the hands of the secretary-treasurer applicable to road purposes or to the general purposes of the municipality ;

Turnpikes.

Limitation.

Tolls to be equal in all.

7. For placing toll-bars, and for levying tolls on persons, animals and vehicles passing over any roads or bridges within the limits of the county and under their control ; But it shall not be lawful, by any such By-law, to make the tolls payable by any of the inhabitants of any local municipality or of any part of a local municipality, less than those payable by other persons for the use of the road or bridge therein mentioned, or to give any undue advantage to any such inhabitants with respect to such tolls ;

Fire in the woods, &c.

8. For determining the periods of the year during which fire may be applied to logs, brush and other wood for the purpose of clearing land within the limits of the county, and for compelling persons so applying fire to adopt such precautions as may be deemed requisite to prevent such fire from extending to adjoining forests, crops and other property ;

Regulating fees to special Superintendent or Treasurer.

9. For regulating the fees to be paid for the services rendered by the special superintendent or by the secretary-treasurer, either in making reports, *procès-verbaux* or *actes de répartition*, or in furnishing copies of documents at the request of any person or number of persons, whenever the county council, or any local council within the county, deems it just that such fees should not be made a charge upon any municipality in the county, but should be paid by the person or persons requiring such services ;

Sale of Spirituous Liquors.

County Councils may make By-laws concerning—

10. Every county council shall also have power to make, in the month of March of every year, By-laws for the following objects :

Sale of intoxicating liquors.

11. For prohibiting and preventing the sale of all spirituous, vinous, alcoholic, and intoxicating liquors, or to permit such sale subject to such limitations as they shall consider expedient ;

Restriction as to Licenses to sell the same.

12. For determining under what restrictions and conditions, and in what manner the revenue inspector of the district shall grant

grant licenses to shop keepers, tavern keepers, or others, to sell such liquors ;

13. For fixing the sum payable for each such license, but such sum shall in no case be less than the sum payable therefor, on the first day of July, one thousand eight hundred and fifty-six ;

Sum payable for license.

14. For the ordering and governing of all shop keepers, tavern keepers, or other retailers of such liquors, in whatever place they may be sold, in such manner as the council deems proper and expedient for the prevention of drunkenness ;

Governing persons so licensed.

15. And no revenue inspector shall grant any license for the sale of any such liquors aforesaid, in any Municipality where such sale has been prohibited by By-law, nor in any Municipality where a By-law determining the restrictions and conditions under which such licenses may be granted has been passed, otherwise than in conformity with the provisions thereof ; provided a copy of such By-law has been transmitted by the secretary-treasurer to such revenue inspector ;

Licenses not to be granted for places where sale of intoxicating liquors is prohibited.

Proviso.

Revision.

16. Every county council may revise, amend or annul all by-laws, reports, *procès-verbaux* or *actes de répartition*, made, passed, approved or homologated by any local council within the county,---except those made by town or village councils,---whenever the same are appealed from in the manner hereinafter provided ;

Power to revise and amend or annul By-laws, &c. of Local Councils.

Exception.

17. Every county council may, at any time, revise or amend the assessment-rolls of the several local municipalities in the county.

Assessment-Rolls.

POWERS COMMON TO ALL LOCAL COUNCILS.

27. The powers of each local council (in addition to the powers hereinbefore conferred upon all municipal councils) shall extend to the following objects :

Local Councils may make By-laws concerning—

2. To the opening, constructing, making, levelling, pitching, raising, planting, improving, preserving and maintaining of any new or existing highway, road, street, side-walk, crossing, alley, lane, bridge, ford or other communication within the municipality, and to the planting of trees along such highway or communication ; the stopping up, pulling down, widening, altering, changing, diverting or cleaning of any such highway, road, street, side-walk, crossing, alley, lane, bridge, ford or other public communication within such municipality, in conformity with the provisions of this Act relative to all such matters ; the taking possession of any land or real property required for any such purposes, and the making provision for the indemnity to be paid to the owners of such land or real property ;—

Opening, making and repairing roads, bridges, &c.

Proviso: as to roads leading to another Municipality.

property ;—But no local Council shall stop up any road leading into or from any other municipality unless the By-law be approved by the County Council ;

Macadamizing or gravelling roads.

3. To the macadamizing, gravelling or planking of any road or part of a road upon the petition of Proprietors holding at least two thirds of the lands fronting upon such road, or part of a road ;

Opening and adorning public squares, &c.

4. To the opening, enclosing and maintaining, at the expense of the municipality, such squares, parks or public places, as may be conducive to the health or convenience of the inhabitants ;—to ornamenting the same by planting trees therein or otherwise, and causing trees to be planted along any side-walk or footpath, at the expense of the municipality ;

Prevention of abuses prejudicial to agriculture.

5. To the prevention or removal of abuses prejudicial to agriculture and not specially provided for by law ;—the establishment of public pounds for the safe keeping of animals and poultry, found astray or doing damage on the public roads or bridges, or on the lands of others than the owners of such animals or poultry ;—the fees to be taken by the keepers of such pounds ;—the damages payable by the owners of such impounded animals or poultry ;—the manner in which such animals or poultry shall be sold, in the event of their not being claimed within a reasonable time, or in case the damages, penalties and expenses shall not have been paid according to law, or to any By-laws made for the said purpose ;

Pounds, &c.

Animals running at large.

Fees to Pound Keepers.

Damages by animals.

Pits and precipices.

6. To the making of regulations as to pits, precipices and deep waters, or other places dangerous to travellers ;

Dogs and tax on dogs.

7. To the imposition of a tax on the owners or harbourers of dogs ; the making of regulations, whenever the public peace and safety may require it, to keep dogs tied up and to prohibit them being at large, and for killing all dogs found at large contrary to such regulations ;

Public Exhibitions.

8. To the regulation of the manner in which any theatrical performance or other public exhibition shall be held, and the imposition of a tax, not exceeding twenty dollars, upon every such performance or exhibition,—which tax, if not paid on demand, may be levied out of the goods and chattels of all or any of the persons connected with such performance or exhibition, under a warrant of distress signed by the mayor of the municipality ;—and to the prohibition of any such performance or exhibition tending to endanger public safety or morality ;

Levying tax on them.

[Form W.]

Weight of bread.

9. To the regulation of the weight of bread, sold or offered for sale within the municipality, and to compel bakers to mark, with the initials of their respective names, the bread made by them, and to confiscate bread of insufficient weight or unwholesome quality ;

10. To the making or procuring of maps, plans or surveys of the municipality, whenever the council deems it expedient to make or procure the same;—but no such map or plan shall be procured at the expense of the municipality, unless it be drawn by a provincial surveyor upon a scale of at least four inches to the mile;

Maps, plans and surveys of the municipality.

11. To the dividing of the municipality into inspectors' divisions;

Dividing the municipality for road purposes.

12. To the making of the annual examination and revision of the assessment-roll;

Revision of assessment-roll.

13. Every local council shall accept from the school commissioners of any school municipality, situate within the limits of the local municipality, the collection roll for school rates, or a certified copy thereof, and shall, by resolution, declare that the collection of the rates shall be made at the same time and in the same manner as that of the municipal assessments;—and any secretary-treasurer, charged with the collection of such rates, shall hand over the entire amount, so soon as he shall have collected them, to the secretary-treasurer for schools entitled to receive the same;

School rates may be collected at the same time as the municipal assessments.

14. Every local council may make By-laws to prevent parties from driving or riding faster than an ordinary trot, in the streets, or public places comprised within a radius of one mile from the principal church in the local municipality;—and for preventing gambling and the keeping of gambling houses in the municipality;

Preventing fast driving—and gambling.

15. Every local council may, under the authority of a resolution, direct any inspector of roads to procure a snow plough, a roller and an iron or steel shod scraper, or either, to be used on the roads in his division, and to be carefully kept by such inspector, and by him handed over to his successor in office for the like purposes;—and when the same are so procured, the inspector shall use and work such snow plough, roller or scraper at the expense of the municipality, and shall require the persons bound to perform road work in his section to use and work such snow plough, roller or scraper (when necessary,) as part of the work they are so bound to perform;—And the cost of such snow ploughs, rollers and scrapers, and of using and working the same, (when so used and worked at the expense of the municipality) and of all necessary repairs thereto, shall be paid by the secretary-treasurer of the municipality;

Procuring and using a snow plough, roller and scraper.

How to be paid for.

Sale of Spirituous Liquors--Licenses to traders and others.

16. Every local council may make By-laws to prevent or prohibit the sale of all spirituous, vinous, alcoholic and intoxicating liquors, in any year when the county council has failed in the month of March to regulate by By-law such sale;

Local Council may prohibit the sale of intoxicating liquors in certain cases.

Licenses to pedlers, &c.

17. Every local council may from time to time make, alter or repeal By-laws for the granting of licenses to pedlers and other travelling traders and artists, carters and common carriers, and for preventing them from carrying on their traffic or practising their art or calling without being licensed thereto ;

Local Councils may oblige all traders to take and pay for a license.

18. Every local council may compel all traders, whether wholesale or retail, other than tavern-keepers and persons who sell only intoxicating liquors, to take out and to pay such council for a license to keep a shop or store, and may regulate the amount to be paid for such license ; but such amount shall not exceed twenty dollars.

SPECIAL POWERS OF TOWN AND VILLAGE COUNCILS.

Town and village Councils may make By-laws concerning—

28. In addition to the powers hereinbefore conferred upon all local councils, the municipal council of every town and village municipality may make By-laws for all or any of the following purposes, that is to say :

Markets.

2. For establishing markets or market places ;—for abolishing any market or market place within any such municipality, or for appropriating the whole or any part of the site of any market or market place for any other public use whatsoever ; reserving nevertheless to any person aggrieved by any act of such council respecting any such market or market place, any recourse which he lawfully has against the municipality for any damage suffered by him by reason of such act ;

Proviso.

Appointment, &c., of Clerks of markets, and other market officers, stalls, duties, sales of certain articles, &c.

3. For regulating and defining the duties and powers of the clerks of the markets within the municipality, and of all other officers employed on the said markets ; and for leasing stalls and stands for the sale, and offering for sale, of every description of articles or goods whatsoever upon the said markets ;—and for imposing duties or taxes on all persons vending upon such markets any provisions, vegetables, butchers' meat, grain, fowls, hay, straw, coal, salt, cord-wood, shingles, or any thing else whatsoever ;—for prohibiting the sale, or exposure for sale, by any person not resident within the municipality, of any such provisions or other thing elsewhere than upon such markets and in such other places as may be appointed for that purpose by any such By-law ;—and for regulating the conduct of all persons vending or purchasing upon the said markets ;

Duties on vehicles in which articles are brought to market.

4. For imposing duties upon wagons, carts, sleighs, boats, canoes and vehicles of all descriptions, in which articles are exposed for sale upon any such market, or in any street or upon any beach within the municipality, and for regulating the manner in which such vehicles shall be placed when used for any such purpose ;

5. For regulating the measuring of cord-wood, lumber, and shingles, brought within the municipality for sale ;— for regulating and determining whether any other articles purchased or sold within the municipality shall be weighed or measured, or both ;—and for appointing persons to weigh and measure any or all such things, and for fixing and determining the remuneration to be paid to such officers and the duties to be performed by them ; Weighing and measuring certain articles.
Fees.
6. For assessing the proprietors of real property for such sums as are at any time necessary to defray the expenses of making or repairing any common sewer under any public street or road within the municipality, and for regulating the manner in which such assessments shall be collected and paid ; Assessing for making sewers.
7. For obliging the proprietors of real property situate within the limits of the municipality to fence in and enclose such real property ; Fencing real property.
8. For directing and requiring, at any time, the removal of any door-steps, stairs, porches, railing or other projections into, or obstructions in, any public street or road within the municipality, by and at the expense of the proprietors of the real property in or connected with which such projection or obstruction is found ; Removing encroachments on streets, &c.
9. For establishing or altering the level of the foot-paths or side-walks in any street or road within the municipality, in such manner as the council shall deem conducive to the convenience, safety and interest of the inhabitants ; provided always, that the council may make compensation out of the funds of the municipality, to any person whose property shall be injuriously affected by any such alteration of the level of any foot-path in front thereof ; Altering level of side-paths, &c.
Compensation in certain cases.
10. For pulling down and removing, when deemed necessary, all old walls, chimnies or buildings in a state of dilapidation or decay ; and for fixing at what time, by what means, and at whose expense, the same shall be so pulled down and removed ; Pulling down decayed buildings.
11. For preventing accidents from fires,—and for regulating the conduct of persons present at any fire within the municipality ;—and (among other By-laws for the same purpose) for regulating the mode of placing stoves or stove-pipes, flues, furnaces or ovens, or the mode of keeping ashes ;—for obliging proprietors or occupiers of houses to provide themselves with proper fire-buckets, and to have ladders from the ground to the roofs of their houses, and from such roofs to the tops of the chimnies ;—for preventing any person from entering any stable, barn, shed or out-house, with a light not enclosed in a lantern, or from entering any such building with a lighted cigar Preventing accidents by fire, and making arrangements for extinguishing fires.

cigar or pipe, or from carrying into the same any fire not properly secured ;—for preventing any person from lighting or having any fire in any wooden shed or out-house or other wooden building, unless such fire be placed in a chimney or in a stove of iron or metal, or from carrying fire in or through any street or public place, garden or yard, unless such fire be confined in some metal vessel ;—and for compelling the proprietors or occupants of barns, lofts or other buildings containing combustible or inflammable materials, to keep the doors thereof closed when not necessarily required to be open ;

Obliging certain tradesmen to construct furnaces in a certain manner.

12. For preventing any baker, potter, blacksmith, brewer, manufacturer of pot ashes or pearl ashes, or other manufacturer or person, from building, making or having any oven or furnace, unless such oven or furnace communicates with, and opens into, a chimney of stone or brick, rising at least three feet higher than the top of the house or building in which, or in connexion with which, such oven or furnace is placed ;

Keeping and sale of gunpowder.

13. For providing that gunpowder be safely kept in boxes of copper, tin or lead ; for regulating the quantity which may be kept in each house or building not being a powder magazine, and for prohibiting the sale thereof after sun-set ;

Furnaces for lime and charcoal.

14. For preventing the erection of furnaces for making charcoal, and for regulating the manner in which quick lime may be kept or deposited ;

Discharging fire-works.

15. For preventing persons from throwing up fire works, firing off crackers (*pétards*), discharging fire-arms, or lighting fire in the open air, in any of the streets or roads, or in the neighborhood of any buildings, groves, hedges or fences within the municipality ;

Purchasing fire-engines, &c.

16. For defraying, out of the funds of the municipality, all such expenses as the council deems just to incur, for the purchase of engines, or any other kind of apparatus, or any article whatsoever necessary for the prevention of accidents by fire, and for facilitating the means of arresting the progress of fires ;

Preventing thefts, &c., at fires.

17. For preventing thefts and depredations at fires, and for punishing any person who resists, opposes or ill-treats any member or officer of the council while in the execution of the duty assigned to him, or in the exercise of any power or authority with which he is invested in virtue of any By-law made under the authority of this section ;

Compensating persons wounded or performing services at fires, or the families of persons killed.

18. For defraying, out of the funds of the municipality, any expense incurred by the council for assisting any person employed by such council, who has received any wound or contracted any sickness or disease while attending at any fire, or for assisting or for providing for the wants of the family of any person

person who has lost his life at any fire while so employed ;— and for granting rewards in money, medals or otherwise, to persons who have performed any meritorious action at any fire, or in saving persons from drowning or from other serious accidents ;

19. For investing the members of the council and such officers as shall be designated in such By-laws, with the power to cause to be blown up, pulled down, or otherwise destroyed, any building or fence which any such member, or any such officer, deems it necessary to direct to be pulled down or destroyed for the purpose of arresting the progress of any fire,— and for providing and paying an indemnity, when justly due, to the owners of any building or fence so blown up, pulled down or destroyed, or to any person sustaining any damage or injury from any such act ;

Authorizing the destruction of houses to stop fires, &c.

Compensation.

20. For regulating the conduct of apprentices, servants, labourers and hired persons and the conduct of masters and mistresses towards their said apprentices, servants, labourers or hired persons, in the municipality ;

Regulating masters, servants, &c.

21. For establishing a board or boards of health in the municipality, and for appointing the members of such board or boards,—and for securing the inhabitants of the municipality from contagious and pestilential diseases, or diminishing the danger resulting from the existence of such diseases ;

Preserving public health.

22. For compelling the proprietors or occupants of houses to clean all stables, outhouses, privies and yards connected therewith, at such times and in such manner as the council deems expedient ;

Compelling cleanliness in yards, &c.

23. For preventing the throwing, into any public street or road, of any sweepings, filth, dirt, rubbish or ordure, and for enforcing the removal thereof ; and for preventing and removing all encroachments and nuisances in or upon any street or road ;

Preventing the deposit of filth in streets, &c.

24. For authorizing such officers as may be appointed by the council for that purpose, to visit and examine at suitable times and hours to be fixed in and by such By-laws, as well the inside as the outside of all houses, buildings and real property of any description in the municipality, for the purpose of ascertaining whether the By-laws, to be made as aforesaid, have been duly observed,—and for obliging all proprietors, possessors or occupants of such houses, buildings or real property, to admit such officers and persons into and upon the same at the times and hours, and for the purposes aforesaid ;

Authorizing officers to inspect property to see that By-laws are complied with.

25. For providing, within the municipality, if there be no district gaol therein, a lock-up-house or other place for the safe keeping

Providing lock-up house in default of Gaol.

keeping of persons sentenced to any term of imprisonment not exceeding thirty days under any of the provisions of this Act, or of the Ordinance hereinafter mentioned ;

Providing for construction of Water Works, —and taking land for such purpose, and imposing taxes.

26. For the establishment, construction and maintenance of water works, for the purpose of providing wholesome water for the inhabitants of the municipality ;—for taking possession of any lands necessary for the purposes of such water works, or for the passage of the canals through which the water is to flow, whether such land be situate within or without the limits of the municipality, and whether or not the proprietors consent to such taking possession ;—and for imposing and raising by tax whatever amount the council deems requisite to ensure the construction and maintenance of such water works ;—But the amount of any indemnification for expropriation and for any damages caused by the construction or maintenance of any such water works, shall be determined in the manner provided for similar cases by this Act ;

Indemnity to be paid.

Levying assessments from persons outside the Municipality for certain bridges.

27. For levying assessments from persons residing or holding assessable property outside of the limits of the Municipality or for requiring from any such person the performance of labor, towards the construction or maintenance of any bridge within the limits of such Town or Village, in accordance with any *procès-verbal* or By-law, relative to the construction and maintenance of any such bridge or bridges, in force before the first day of July, one thousand eight hundred and fifty-five, or before the incorporation of such town or village.

PROVISIONS OF THE QUEBEC AND MONTREAL POLICE ORDINANCE,
RELATING TO DISORDERLY PERSONS EXTENDED TO TOWN
AND VILLAGE MUNICIPALITIES.

Certain Ordinances of Lower Canada 2 V. c. 2, as amended by 7 V. c. 21, and 9 V. c. 23, extended to towns and villages.

29. The eighth, ninth, tenth and eleventh sections of the Police Ordinance of the legislature of Lower Canada, passed in the second year of Her Majesty's reign, intituled : *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, as amended by an Act passed in the seventh year of Her Majesty's reign, intituled : *An Act to alter and amend certain provisions of the Ordinance of the Governor and Council of Lower Canada of the second year of Her Majesty's reign, intituled : 'An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal,'* and by an Act passed in the ninth year of Her Majesty's reign, intituled : *An Act to amend the Act amending certain provisions of the Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, does and shall extend to and have force of law in every town and village municipality created or existing under the provisions of this Act, of which the said sections shall be held to form part ; And in every case where, under any of the provisions contained in the said section of the said Ordinance so as aforesaid amended, a justice

To what place offenders may be committed.

of the peace may commit any person brought before him, in either of the cities mentioned in the said ordinance, to the common gaol or house of correction, any justice of the peace may commit any person brought before him in any such municipality to imprisonment for any term not exceeding thirty days, either in the common gaol of the district, or in any lock-up-house or other place provided by the municipal council for that purpose.

PROVISIONS CONSEQUENT ON THE ABOLITION OF THE OFFICE
OF COUNTY SUPERINTENDENT.

30. The office of County Superintendent having been abolished by the Lower Canada Municipal Road Amendment Act of 1857: Office of County Superintendent abolished.

2. All the powers and privileges, theretofore conferred upon the county superintendent, shall be exercised in the manner following: Powers of County Superintendent, how exercised hereafter.

In respect of any county works, by the county council ;

In respect of any local works, by the local council ;

In respect of any work in which several counties are interested, by the Warden of the counties in which the work was originally proposed, and the said Warden shall summon a meeting of delegates ; Work in which several Counties are interested.

3. Every council may, by resolution, appoint a Special Superintendent to prepare any *procès-verbal*, or perform any other duty devolving upon the council in respect of any such work, and every person so appointed shall be bound to fulfil all formalities required with regard to the matters entrusted to him, and subject to the same penalties as other municipal officers for any neglect of duty ; Appointment of special Superintendent, in place of County Superintendent.

4. The Secretary-Treasurer may be appointed as such Special Superintendent, and may discharge the duties of both offices ; Secretary-Treasurer may be appointed.

5. Every petition relative to any such work in which one or more counties are interested shall be addressed to the county council of the county in which the work was originally proposed ; every petition relative to more than one municipality in the same county shall be presented to the county council,—and every petition relative to any local work, shall be addressed to the local council ; and the petition shall be handed into the Secretary-Treasurer of the council to which it is addressed, who shall present it forthwith to the council if it is then sitting, or if it is not sitting, then at the next ensuing session. Petitions relative to such works, how dealt with.

PERSONS DISQUALIFIED OR EXEMPT FROM ACCEPTING OFFICE
AS MEMBERS OR OFFICERS OF MUNICIPAL COUNCILS.

Persons disqualified as members.

31. No person in holy orders, or a minister of any religious denomination, nor any member of the executive council, nor any judge of the court of Queen's bench, the superior court, or the court of vice-admiralty,—nor any sheriff,—nor any officer of Her Majesty's army or navy on full pay,—nor any tavern keeper shall be elected or appointed as a municipal councillor, nor appointed to any office under any municipal council :

Mayor must read and write.

2. No person shall be elected or appointed, or qualified to act as mayor of any municipality, unless at the time of such election, or appointment, he can read and write ;

As to contractors with the Council.

3. No person receiving any pecuniary allowance from the municipality for his services, nor any person having directly or indirectly, by himself or his partner, any contract, or any share or interest in any contract, with or on behalf of the municipality, shall be qualified to be elected or appointed or to act as a councillor of such municipality ;

What shall be a contract under this section.

4. Provided, firstly, that no person shall be disqualified from acting as municipal councillor, by reason of his being a proprietor or shareholder in any incorporated company which has any contract or agreement with any municipal council as aforesaid ; And, secondly, that the word "contract" in this section, shall not extend to any lease, sale or purchase of any lands, tenements or hereditaments, or to any contract for such lease, sale or purchase, or for the loan of money, or to any agreement for the loan of money only,—but any municipal councillor having any interest in any matter in this second proviso mentioned, shall not vote at any meeting of the municipal council, or of any committee thereof, of which he is such councillor as aforesaid, upon any question arising upon the matter in which he is so interested as aforesaid ;

Persons exempted from serving except by their own consent.

5. No member of the provincial legislature,—no person holding any civil appointment under the imperial or provincial government, or under either house of the legislature,—no practising physician, surgeon or apothecary,—no schoolmaster actually engaged in teaching,—no branch pilot,—no miller, being the only one employed in a mill,—no person over sixty years of age,—nor the clerk of any commissioners' court,—shall be bound to accept the office of municipal councillor or any office under any municipal council ;

Advocates or Notaries.

6. No advocate or notary shall be bound to accept any office under a municipal council ;

Persons having already served.

7. And any person having been, within the two years next preceding, a member of a municipal council, or an officer under any

any such council, and any person who has paid a penalty for refusal or neglect to accept of any such office, shall be exempt from serving in the same office during the two years next after such service or payment.

QUALIFICATION OF VOTERS.

32. The persons hereinafter mentioned and none other shall be entitled to vote at any election of members of any local council, that is to say :

Qualification of voters at municipal elections :

2. Every person of the male sex, of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, who, at the time of giving his vote at such election, is possessed, as proprietor, either in his own right or in the right of his wife, and for his own proper use and benefit, or for the use and benefit of his wife, of a real estate in the local municipality in which the election is held, in *fief*, in *censive*, in *franc-alleu*, or in free and common soccage, of the yearly value of at least eight dollars, or who holds, as a tenant or lessee, in such local municipality, an estate of the yearly value of at least twenty dollars, and who (in either case) has resided in such local municipality during at least the year next preceding the day of the opening of such election, and has paid all rates or local taxes due by him at any time before the election, whether the same were imposed for municipal or educational purposes.

As to property.

Residence.

Not being in arrear for taxes.

ELECTION OF COUNCILLORS.

33. A public meeting of the inhabitants qualified to vote shall be held in each local municipality on the second Monday in January, one thousand eight hundred and sixty, at the hours of ten in the forenoon, and on the same day and at the same hour in every second year thereafter, for the general election of local councillors ; and such meeting in any local municipality in which a village municipality is situate, may be held within the limits of the village municipality :

Meeting of qualified electors every second year.

2. Public notice of every such meeting shall be given, in every local municipality already organized, by the mayor or in his absence or default by the secretary-treasurer ; and in every municipality hereafter organized a like notice of the first of every such meetings shall be given by the registrar or in his absence or default by his deputy ;—and every such meeting shall be held whether previous notice thereof be given or not ;

Notice of meeting and by whom given in first instance.

[Form A.]

3. The said councillors may be chosen from among the inhabitants of the local municipality,—or, if the same be a parish or township municipality, from among the inhabitants of any town or village municipality within the limits of such parish or township— or partly from the inhabitants of such town or village and partly from the other inhabitants of such parish or township,—

From among whom Councillors may be chosen.

Who may be elected.

Qualification of Councillor.

township,—whether they be or be not qualified to vote at such election; But no person shall be so elected unless at the time of his election he is possessed, as proprietor, either in his own right or in the right of his wife, of a real estate held in *fief*, in *censive*, in *franc-allevu*, or in free and common soccage, in the municipality for which the election is held, of the value of four hundred dollars;

Who shall preside at such meetings.

4. In every local municipality hereafter organized the registrar, or in his absence or default his deputy, shall appoint a fit and proper person to preside at each of such meetings, and shall give to such person special notice of his appointment, and of the time and place at which the first session of the councillors elected at the meeting to be presided over by him, will be held;—and in every local municipality already organized the mayor shall preside at each of such meetings;

[Form C.]

Who shall preside in default of the person so appointed.

5. If on the day appointed for the general election of local councillors, the person, who should preside at the meeting, is absent therefrom, then the senior justice of the peace there present, or in the absence of a justice of the peace, any person chosen from amongst themselves by a majority of the persons constituting such meeting, shall preside thereat, and shall perform, in so far as regards the said election and the proceedings consequent thereupon, the duties required to be performed by the person who should have presided thereat;

Person presiding not disqualified.

6. No person shall be disqualified for election as a councillor because he presides at the election;

Powers of person presiding for preserving the peace.

7. The person presiding shall, during the election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying or convicting of violators of the law, as are vested in the justices of the peace, whether he does or does not possess the legal property qualification of a justice of the peace;

Such person may command assistance, swear in special constables, &c.

8. In order to maintain the peace and preserve order at every such election,—the person presiding thereat may command the assistance of all justices of the peace, constables and other persons residing in the county, and may also swear in as many special constables as he deems necessary; he may also commit to the charge and custody of any constable or other person, on view, for any period not exceeding forty-eight hours, any person whom he finds breaking the peace or disturbing public order at any such election, or he may, by a warrant under his hand, commit the offender to the common gaol of the district in which the municipality is situate, or to any lock-up house or other place established for the safe keeping of prisoners in any municipality within the county, for any period not exceeding ten days;

[Form U.]

[Form V.]

9. If there be more than seven candidates at any election, the person presiding shall take down, or cause to be taken down, the votes of the electors present, in a poll book kept for that purpose, and shall declare the seven candidates who have the largest number of votes in their favor, to be duly elected councillors;—and if an equal number of votes be polled for any two or more of the candidates, the person presiding may vote, but he shall vote in such case only; and he shall give his casting vote in favor of such candidate or candidates as he thinks fit, whether he is otherwise qualified to vote or not;—and whenever the election is not opposed by more than three persons qualified to vote thereat, the person presiding shall declare the candidates duly elected;

Poll book to be kept if more than seven candidates.

Casting vote of person presiding.

10. If the votes of all the electors present have not been polled by the hour of five in the afternoon of the first day of the said meeting, the person presiding shall adjourn the proceedings thereof to the hour of ten in the forenoon of the following day, when he shall continue to take down the votes; and he shall close the election at the hour of five in the afternoon of the said second day (whether any more votes remain to be polled or not), and shall then declare duly elected councillors such of the candidates as are entitled to be so declared elected;

Poll may be continued to second day if all votes not polled on first.

11. If, at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapses without any vote being polled, it shall be the duty of the person presiding, after the expiration of the said hour, to close the said election and declare duly elected as councillors such candidates as are entitled to be so declared elected, provided no person has been, within the last hour, prevented from approaching the poll by violence, and notice of his being so prevented has been given to the person presiding;

To be closed if no vote be offered for an hour.

Provided persons have not been prevented from voting by violence.

12. Every person tendering his vote shall, before voting, if required by the person presiding, or by any one of the candidates at the said election, or by any person representing any such candidate, or by any inhabitant qualified to vote at the said election, take the following oath before the person presiding:—

Voter may be required to take an oath.

“ I swear (*or* affirm) that I am entitled to take part in the proceedings of this meeting, that I am twenty-one years of age, that I am duly qualified to vote at this election, that I have paid all local rates or taxes due by me, and that I have not already voted at this election. So help me God;”

Oath.

13. The person presiding at every such election shall, within two days from the close of the election, give special notice of his election to each of the councillors so elected, and of the place, day and hour at which such councillor will be required to attend, for the holding of the first session of the council after such

Notice to be given to Councillors elected.

[Form E.]

Entry into office.

such election ;—the councillors so elected shall enter upon the duties of their office, as such, respectively, on the day of their election, and remain in office until the day of the next general election, and thereafter until their successors are installed in office ;

Notice to Warden or Registrar.

[Form F.]

14. The person presiding at every such meeting shall, within eight days after the day appointed for such meeting by a letter under his hand, inform the Warden or the Secretary-Treasurer of the County Council, or, if there be no such officers, the Registrar, of the result of such meeting, and (if an election took place,) of the names, occupation and residence of each of the councillors elected thereat ; and shall deliver up the poll book kept at such election, and certified by him, to the Warden, Secretary-Treasurer of the County Council, or Registrar ; And if such delivery be made to the Warden or to the Registrar, such Warden or Registrar shall give up to the Secretary-Treasurer of the county council, without delay, if there be then any such officer, and, if not, immediately after his appointment, all such letters and poll books ;

Delivering of poll books, &c.

Appointment of Councillors by the Governor, if they are not elected.

15. If any such meeting does not take place at the time appointed in the public notice or by law, or if it takes place and no election of councillors be made, or less than seven councillors be elected thereat, or if amongst the persons so elected there be not one at least who can read and write, the person who presided, or should have presided at such meeting, or the secretary-treasurer of the local council, so soon as the fact comes to his knowledge, shall notify the same to the provincial secretary, for the information of the Governor, who, if no election has taken place at such meeting, or if amongst the persons elected there be not at least one who can read and write, shall select and appoint seven councillors duly qualified as aforesaid, and who, if any number less than seven councillors have been elected at such meeting, shall appoint a sufficient number of councillors to complete the required number ; and the councillor or councillors, so appointed, shall have the same powers, perform the same duties, and be subject to the same penalties as if they had been elected ;

Their powers.

Entry into office.

16. The councillors so appointed shall enter upon the duties of their office as such, respectively, on the day on which special notice of their appointment is given to them by the person presiding at such election and remain in office until the day of the next general election, and thereafter until their successors are installed in office ;

Term of office.

Place and time of first session to be notified to them.

17. The person presiding at such election, in giving such special notice, shall also notify the councillors so appointed of the place, day and hour at which the first session of the council after such appointment is to be held ; and the said day shall be some day between the first and second Sundays after such notice.

CONTESTED ELECTIONS.

34. If the election of all, or of one or more, of the councillors of any local municipality be contested, such contestation shall be decided by the circuit court in and for the County, or of the District, within the limits of which County or District the place of election is situate: Circuit Court to decide them.

2. Every such election may be so contested by one or more of the candidates, or by any ten at least of the inhabitants qualified to vote at such election; Who may contest.

3. The said contestation shall be brought before the court, by a petition signed by the petitioner or petitioners, or by an attorney duly authorized, setting forth in a clear manner the grounds of such contestation; To be brought before Court by petition.

4. A true copy of the petition, with a notice stating the day on which the petition will be presented to the court, shall be first duly served upon the councillor or councillors whose election is contested, at least eight days before the day on which the petition is presented to the court; and a return of the service shall be drawn up and signed in due form upon the original of the petition by the person who made the service;— But no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case the petition may be presented on the first day of the second term, but not later;—nor shall any such petition be received unless security for costs be given by the petitioners; Service of copy of petition.

5. If the court is of opinion that the grounds set forth in the petition are sufficient in law to avoid the election, it shall order proof to be adduced, and the parties interested to be heard on the nearest day which it deems expedient, and shall proceed in a summary manner to hear and try the said contestation;— The evidence may be taken down in writing or given orally in whole or in part, as the court shall order; and if the trial of such contestation is not concluded at the close of the term of the court during which it began, the judge shall continue the same in vacation, and shall adjourn from day to day until he has pronounced his final judgment upon the merits of the same; and every such judgment so pronounced and all proceedings had in any such case in vacation, shall have the same effect as if the same had been pronounced or had in term; Time within which petition must be presented.

6. The court may, on such contestation, confirm the election, or declare the same to be null and void, or declare another person to have been duly elected, and may in either case award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, Adduction of evidence and hearing.

Trial may be continued in vacation, and judgment given.

What may be ordered and regulated by judgment.

means, as costs are taxed and recovered in actions of the first class brought in such circuit court; and the court may order its judgment to be served upon the Warden, or if there be no such officer, then upon the Registrar of the county, by such person as it shall appoint for that purpose, at the expense of the party condemned to payment of costs as aforesaid;

Service of judgment on Warden.

Irregularities in election, how to be considered.

7. If any defect or irregularity in the formalities prescribed for the election are set forth in any such petition, as a ground of contestation, the court may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the election;

Proceedings if the election be declared void.

8. If any such Circuit Court, or any Judge sitting therein, on any such contestation, or if the Superior Court, or any Judge thereof, upon any other proceeding, declare the election of any Councillor to be void, such Court or Judge shall, in and by the judgment in that behalf, name the day, not being sooner than fifteen nor later than twenty days from the date thereof, for which a public meeting of the inhabitants of the local municipality shall be called, in order to make another election, and the mayor, or the Secretary-Treasurer, or if there be no such officers, the registrar, so soon as he hath cognizance of the judgment, shall call a meeting of the inhabitants of the local municipality by giving public notice of the day so named for the election, and shall proceed to the election of another councillor or councillors in the stead of the councillor or councillors whose election has been so declared null and void; and the same formalities shall be observed at such election as are required to be observed at every general election of councillors;

New election.

[Form A 2,]

Election of Mayor or Warden may be contested.

Proviso.

9. The election of the Mayor of any local municipality or of the Warden of any county, may also be objected to and contested, and such contestation may be proceeded upon and decided in the same manner, and by the same means, as the contestation of the election of a councillor or councillors; but no such election of a Mayor or Warden shall be so objected to or contested by any other than a member of the council who elected him;

If election of Mayor be declared void.

10. If, by the judgment of the court, the election of a Mayor or of a Warden be declared null and void, then the council shall proceed to the election of a person to serve in his stead as such Mayor or Warden, within one month from the date of such judgment.

ANNEXATION OF PARTS OF PARISHES AND TOWNSHIPS AND OF EXTRA PAROCHIAL PLACES.

Territorial arrangements—Schedule 1.

35. For the purposes of this Act, subject to the exceptions mentioned in Schedule No. 1 annexed to this Act, the following territorial arrangements shall be made:

2. Every extra-parochial place shall be annexed to one of the adjoining parishes in such county; and such extra-parochial place shall thenceforth, for all the purposes of this Act, form part of the said parish;

Extra-parochial places.

3. Every parish shall of itself form a separate municipality, unless such parish be comprised and included in a tract of land erected into a township, in which case it shall not of itself form a separate municipality, but shall form a part of the municipality of such township;

Parishes to be Municipalities.
Exception as to parishes in townships.

4. Whenever a parish, or a township, lies partly in one county and partly in another, each part shall be annexed to some adjoining parish or township in the county within which it lies, unless there are at least three hundred souls therein, in which case the said part of such parish or township shall of itself form a municipality, under the name of "The corporation of the "north," "south," "east" or "west" part (*as the case may be*) of the parish or township of " (*inserting the name of the parish or township*);

Parishes, &c.. partly in one county and partly in another.

5. But whenever a township, or part of a township, in one county, is annexed to a tract of land in another county, to form a parish, then,—unless the population of such township or part of a township amounts to three hundred souls, in which case such township or part of a township shall form a separate municipality,—such parish shall be a separate municipality, and shall, for all municipal purposes, be held and considered as forming part of the county in which the remaining portion of the parish is situate;

Case of a parish extending into a township in another county provided for.

6. Every territory erected into a township beyond the lands comprised and included in fiefs and seigniories, and wholly situate in one and the same county, (whether such township is or is not wholly or in part erected into a parish) shall, except in the cases otherwise provided for, form a municipality under the name of the "corporation of the township of " (*insert here the name of the township*);

Every township to be a Municipality.

Exception.

7. When the population of a township does not amount to three hundred souls, such township shall not of itself form a municipality, but shall be annexed to some adjoining parish or township in the same county, and shall form part of the township or parish to which it is thus annexed;

Exception as to a township having less than 300 souls, which shall be annexed to another Municipality.

8. When a parish wholly situated in one and the same county includes any incorporated city, town, or village, or a township, no councillors shall be elected in that part which lies beyond the limits of such city, town, village or township, but such part of such parish shall be annexed to some adjoining parish or township, except when there is in such part a population of, at least, three hundred souls, in which case, the said part of the said parish

Parishes including town, village or townships.

Exception if it has less than 300 souls.

parish shall form by itself a municipality, under the name of "The Corporation for the "North" "South" "East" or "West" "Part of the parish of" (here insert the name of the parish);

How parishes shall be designated in certain cases.

9. But any parish of which an incorporated city, town or village forms part, shall be designated by the name of the "Municipality of the parish of" (insert the name of the parish) provided that the population of the said parish, not included within the limits of such town or village, exceeds three hundred persons;

County Councils may, upon proper application, unite two or more townships containing each less than 300 souls.

10. Whenever it is represented to a county council that the residents of any two or more townships, no one of which contains a population sufficient to constitute a municipality, are desirous of being united for the purpose of forming jointly a municipality, such county council may unite for that purpose so many of such townships, under the joint names thereof, as are necessary to make the joint population of such united townships amount to three hundred souls;—and from and after the first day of January next after the publication of the resolution declaring such annexation, the townships so united shall form a local municipality, and an election of councillors for such municipality shall take place in such month of January, in the manner prescribed by this Act, notwithstanding that such time be not the year and month fixed by this Act for holding the election; and the councillors so elected shall remain in office until the next general election of councillors; and further until their successors are installed in office;

Annexation of extra-parochial places, &c., how effected.

[Form K.]

11. Every annexation of an extra-parochial place, or of a parish or township, or part of a parish or township, to another parish or township, shall be made by a resolution of the county council;—and the secretary-treasurer of the council shall, immediately after the passing of every such resolution, give public notice of such annexation;

Separation when such place contains more than 300 souls.

12. But whenever it appears, by a general census, or by a special enumeration of the inhabitants, that any locality so annexed contains a population exceeding three hundred souls, the county council shall by another resolution declare that the resolution under which such locality was so annexed, shall be revoked from the first day of January then next;—and from and after the day so appointed for the revocation of the former resolution, the locality therein mentioned shall cease to be so annexed, and shall thenceforward form a separate municipality;

Enumeration to be made in certain cases.

13. And the county council may at any time, and shall, whenever required by any two or more persons resident in any locality so annexed, cause a special enumeration of the inhabitants thereof to be made by some municipal officer, or other person appointed by the council for the purpose;

14. But if it appears, from such enumeration, that the locality so annexed does not contain a population of three hundred souls, the persons requiring such enumeration shall reimburse to the council the costs thereof, for the payment of which costs the county council shall require security from such persons before causing the enumeration to be made ;

Costs of enumeration, how paid.

15. But notwithstanding the provisions of the next preceding paragraph, every parish, township, or part or parts of a parish or township, the inhabitants whereof were on the first day of July, one thousand eight hundred and fifty-five, entitled to elect two members of the county council, shall each continue to form a distinct municipality, unless and until its limits have been changed by virtue of some other provision of this Act ;

Certain places to continue to form distinct municipalities.

16. Every sub-division of a township, for which Councillors have been elected before the passing of this Act, shall be and continue to be, and shall be considered as having been, from the time of the first election of Councillors therein, to and for all intents and purposes a separate municipality, under the name of "The Corporation of the "North," "South," "East," or "West" part of the township of: " (here insert the name of the township) ;

Sub-divisions of townships for which Councillors have been elected, to continue to be Municipalities.

17. All persons liable to assessment in any Municipality the limits of which shall have been changed either in consequence of the civil erection of a new parish or otherwise, shall continue responsible for all debts, and for the performance of all duties with which they were charged towards the Municipality from which they shall have been separated as well as towards any other Municipality at the time of such change, and the first election of councillors for any new parish, shall be had and held and have effect in the manner provided for first elections in new towns or villages by the last paragraph of the next following section.

Alteration in Municipality not to discharge liability for debts.

ERECTION OF TOWNS AND VILLAGES.

36. The erection of any tract of land into a town or village municipality, shall take place in the manner hereinafter provided, that is to say :

Erection of town and village—how effected.

2. Whenever a petition is presented to any county council by thirty or more inhabitants qualified to vote at the election of local councillors, praying for the erection into a town or village municipality of any tract of land lying within the limits of the local municipality in which the petitioners reside, and clearly defined in such petition, the county council shall refer such petition to the person appointed as Special Superintendent, with an order to visit the said tract of land and to report on the said petition ;

Petition by thirty electors.

[Form R.]

Reference to special Superintendent.

His visit to the place.

[Form S.]

3. The Special Superintendent shall give public notice of the day and hour at which he will visit such tract of land and commence his examination thereof, and shall hear all interested parties who may appear, and require to be heard ;

If the number of houses be too few.

4. If there be not at least forty inhabited houses erected upon some part of such tract, within a space not exceeding sixty superficial arpents, the Special Superintendent shall report the fact to the county council, whose duty it will be in such case to reject the petition ;

And if the number be sufficient.

5. But if forty inhabited houses are erected on such tract within the said space of sixty superficial arpents, the Special Superintendent shall define in his report, and describe in a plan accompanying the same, the limits which, in his opinion, should be assigned to the said tract of land when erected into a separate municipality ;—and if the limits so defined and described are different from the limits mentioned in the said petition, he shall specify in his report the motives of such deviation ; And he shall also describe upon the said plan the several streets, and lots, distinguishing between the streets opened and projected, and the lots built upon and vacant ;

Limits to be assigned.

Streets and lots.

Deposit of report, &c.

6. After having made and signed such report, the Special Superintendent shall deposit a copy thereof and of the plan accompanying the same in the office of the county council ;

Homologation or amendment of report by County Council.

[Form T.]

7. The county council may homologate every such report, with or without amendment, after having caused public notice to be given to the inhabitants of the local municipality from which it is proposed to detach such tract of land, of the day and hour at which they will proceed to the examination thereof, and after having heard the Special Superintendent and the parties interested (if required to do so) upon the merits thereof ;

Presumed homologation, if no amendment.

8. If after the lapse of two months from the day of the deposit of a copy thereof in the office of the county council, no amendment has been made to the said report, it shall be considered as having been homologated by the county council ;

If amendment be made.

9. But if, before the expiration of that time, the said report be amended by the county council, the county council shall cause to be entered upon the original, or on a paper annexed thereto, all such amendments as they have made upon or annexed to the copy thereof ;

Copy to Provincial Secretary.

10. In either case the Secretary-Treasurer shall, after the expiration of the said period of two months, transmit to the provincial secretary a true copy of the said report and of any amendments which may have been made thereto, and of all plans and other documents connected therewith ;

11. The Governor may thereupon, by an order in council, approve or reject the said report, whether the same be amended or not by the said municipal council, or modify or amend the same in such manner as he deems expedient ;

Governor in Council may approve, reject or amend.

12. If, by the said order in council, the said report be approved, with or without amendments, then the Governor may issue a proclamation under his hand and seal, declaring the name to be given, and defining the limits to be ascribed, to such tract of land, as a separate municipality ;

Proclamation, if approved, with or without amendments.

13. From the first day of January next after the expiration of the two months immediately following the date of the said proclamation, the tract of land, the limits whereof have been so defined, shall be detached from the local municipality whereof it theretofore formed part, and its inhabitants shall be a corporation or body politic, to all intents and purposes whatsoever, by the name of "The Corporation of the Town or Village of (as the case may be) , " (insert the name of the town or village) ;

Effect of Proclamation and when it shall take effect.

14. The said proclamation shall be published in the *Canada Gazette*, and at least two copies of such proclamation, duly certified by the provincial secretary, shall be by him sent to the county council, whose duty it shall be to give public notice thereof ;

Publication of Proclamation.

15. No tract of land shall be erected into a town municipality unless it be shewn by the report of the Special Superintendent that there are at least three thousand inhabitants within such tract ;

Towns must contain 3,000 souls.

16. The Governor may, upon due proof that the number of inhabitants in any village, previously incorporated as such, amounts to three thousand souls, issue a proclamation creating such village a town municipality ;

Village containing 3,000 souls may be made a town.

17. The municipal council of any parish or township municipality may hold their sessions in any town or village within the limits of such parish or township after the erection of such town or village into a separate municipality, as well as before ;

Council of the parish, &c., may still be held in town or village.

18. Every town, borough or village, forming a separate municipality immediately before the first day of July, one thousand eight hundred and fifty-five, shall continue to exist as a separate municipality within the limits it then had, until the same are changed under the foregoing provisions ;

Towns and villages being municipalities when the Act 18 V. c. 101 was passed to continue such.

19. But upon a petition presented by at least two thirds of the assessable inhabitants of any town, borough or village, being on the day last aforesaid, or having been thereafter erected into a separate municipality, the Governor may issue a proclamation uniting such town, borough or village to some adjoining local municipality, if he is satisfied that such union will promote the interests of such town, borough or village ;

Union with another municipality, if necessary.

When the Proclamation under sub-section 18 shall take effect

20. But no proclamation for uniting a town or village municipality to some adjoining local municipality shall have any force or effect until the first day of January next after the expiration of the two months immediately following the date of such proclamation ;

Warden to cause Councilors to be elected, and Council organized.

21. The warden of the county in which any newly erected town or village municipality is situate, shall cause an election of councillors to be had, and shall organize the council thereof so soon as the proclamation erecting the same takes effect, notwithstanding that such time be not the year and month fixed by this Act for holding the general elections of local councillors ; but the councillors so elected shall remain in office until the next general election of councillors, and thereafter until their successors have entered into office and no longer.

UNINCORPORATED VILLAGES.

Formation of unincorporated villages by By-laws of the Local Councils.

37. Whenever there are, within the limits of a local municipality, at least forty inhabited houses erected within a space not exceeding sixty superficial arpents, the council of such local municipality shall, upon Petition of at least two thirds of the proprietors residing within such space, pass a By-law defining the limits of such tract and recognizing its existence as an unincorporated village, under such name as they may please to assign thereto ; and from and after the date of the publication of any such By-law, the local council shall have the same power and authority to make By-laws for such unincorporated village, as the council of any incorporated town or village, erected under this Act.

PROPERTY AND DEBTS OF FORMER MUNICIPALITIES.

Moneys to be paid over to Treasurer of new County Council, and how applied.

38. All moneys which on the first day of July, one thousand eight hundred and fifty-five, were or ought to have been in the hands of the secretary-treasurer of any municipality, and which belonged to any municipality which then ceased to exist, shall be paid into the hands of the secretary-treasurer of the county in which the place where the sittings of the council of such municipality were held is situate, and shall be at the disposal of the council of the said county, to be applied first to the discharge of the debts and expenses of the municipality which so ceased to exist, and afterwards to the discharge of those which the said county council may have itself contracted ; — saving the recourse of any other county of which any part may have been within the municipality so ceasing to exist, for a share of such moneys proportionate to the population of such part as compared with that of the whole municipality so ceasing to exist :

Recourse of any other County, saved.

Recovery of such money if not paid over.

2. The county council shall have a right of action, for the recovery and payment of all such moneys as aforesaid ; and the said moneys shall be afterwards employed or paid by the secretary-treasurer

secretary-treasurer according to the order which he receives from the county council, in pursuance of the provisions aforesaid;

3. All assessments or rates of any kind whatsoever, which, on the day last aforesaid, were due to any such municipality ceasing to exist, shall belong respectively and shall be paid to the local municipality within the limits of which they were imposed, in the same manner as if the said assessments or rates had been imposed in the said local municipality by and in virtue of this Act;

Assessments,
&c., due, &c.

4. From and after the first day of July, one thousand eight hundred and fifty-five, all the property, moveable as well as immovable, which then belonged to any municipality ceasing to exist, has belonged to the County municipality created by and in virtue of the Lower Canada Municipal and Road Act of 1855, within which the place, where the sittings of the council of the municipality ceasing to exist were held, is situate, in the same manner as if the said property had been acquired by the last mentioned county municipality; saving the recourse of any other county of which any part may have been within the municipality so ceasing to exist, for a share of the value of such property proportionate to the population of such part as compared with that of the whole municipality so ceasing to exist;

Transfer of
property of
old municipa-
lities to those
under this Act
and the Acts
consolidated.

5. The debts, contracts and agreements of any municipality which ceased to exist by the coming into force of the Lower Canada Municipal and Road Act of 1855, became thereafter the debts, contracts and agreements of and shall be recoverable or enforceable by or from the county in which the place where the sittings of the council of the municipality so ceasing to exist were held, is situate, in the same manner as if the said debts had been contracted by and the said contracts and agreements had been entered into by the latter municipality, saving the recourse of such county to recover from any other county within the limits of which any part of the municipality ceasing to exist was situate, a share of any sum paid in discharge of any such debt, proportionate to the population of such part of such municipality as compared with the whole population thereof;—And it shall be lawful for any county council to cause a rate or rates to be levied on the assessable properties in any locality within such county forming a separate municipality, or part of a municipality, or parts of several municipalities, for the payment of any debt or debts contracted or work or works done for the advantage of any such locality by any county or parish municipality heretofore existing, or upon the whole county if the debt or debts was or were contracted or such work or works performed for the benefit of the whole county;—and every such rate may be levied for the satisfaction of any equitable claim, whether such debts were contracted or such works performed according to the formalities required by law or not;

Recourse of
other municipa-
lities, saved.

Debts, con-
tracts, &c., of
municipalities
ceasing under
the Act 18 V.
c. 100, by what
municipality to
be paid or en-
forced.

Recourse a-
gainst other
municipalities.

Rates to be
levied for dis-
charging such
debts.

Population,
how deter-
mined.

6. The population referred to in this section shall be that established by the census taken in the year one thousand eight hundred and fifty-two.

DELIVERY OF PAPERS, &C.

Papers relative
to Road law to
be delivered;
and to whom.

39. Every person who formerly held the office of *grand voyer*, or any municipal office under any Act or law relating to the municipal or road system, and the heirs, testamentary executors or curators of any such officer who is dead or absent from Lower Canada, was bound to deliver to the secretary-treasurer of the municipal council of the county to which they relate, within fifteen days after the first of July, one thousand eight hundred and fifty five,—or if such secretary-treasurer was not then appointed, within eight days of his appointment,—all books, registers, *procès-verbaux répartition*s, assessment rolls, resolutions, copies of judgment, maps, plans, returns and other documents and papers in his or their possession, or under his or their control, relating to such office, to remain deposited and of record in the office of the council and in the custody of the secretary-treasurer :

Action to com-
pel such deli-
very.

2. The secretary-treasurer of each county council has had and shall have a right to take possession of all and every such books, papers and other things wherever he can find the same, in the event of their not being delivered to him by the proper officer or person within the delay hereintofore allowed, and has also had and shall have a right of action to recover, in the name of the Municipality, the same with damages, as indemnity to the Municipality, and costs, before any circuitcourt, by *saisie revendication* or otherwise from such officer or from his heirs, executors or curators, or from any other person having possession thereof:—And judgment in every such action by which delivery or the payment of damages or both has been ordered, may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, if by the declaration such *contrainte* is demanded ;

Enforcing
judgment in
such action.

Certain docu-
ments to be
furnished to a
new town or
village.

3. Any town or village municipality may demand from the council of the municipality from which such town or village has been separated, or from the council of any other municipality which has them in its possession, and such council shall, on such demand, give up to such town or village municipality, all documents or papers of any kind whatsoever, relating exclusively to the territory included in such village or town municipality, and shall allow the secretary-treasurer of such village or town municipality, or other officer appointed for that purpose, to take copies of such parts of all other documents as relate to such territory, without any further fee than for the certificate of the authenticity of such copies ;

4. Every municipal officer, whether elected or appointed, shall, within eight days from the day on which he ceases to hold such office, deliver to his successor in office, if then elected or appointed, or if not, within eight days after the election or appointment of such successor, all moneys, keys, books, papers and *insignia* belonging to such office;

Officer going out to deliver up every thing belonging to his office.

5. If any such officer dies or absents himself from Lower Canada, or removes his domicile out of the County without having delivered up all such moneys, keys, books, papers and *insignia*, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor in office within one month from his death, from his departure from Lower Canada, or from the removal of his domicile out of the County;

Obligations of his heirs or representatives.

6. And in every such case the Municipal Corporation shall, besides all other legal remedies, have a right of action before the circuit court, either by *saisie revendication*, or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or *insignia*, with costs and damages, for the benefit of the municipality;—and every judgment rendered in any such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force, in such cases, in Lower Canada, if by the declaration such *contrainte* is demanded.

Remedy of the Municipal Corporation in case of default.

SECOND PART.

ROADS, BRIDGES AND OTHER PUBLIC WORKS.

CLASSIFICATION AND GENERAL PROVISIONS APPLICABLE TO THEM.

40. Roads, bridges and other public works shall, for the purposes of this Act, be divided into three classes:

Roads, &c., to be classified.

2. Provincial works,—comprising all roads, bridges and other public works made and held by the provincial government;

Provincial works.

3. County works,—comprising all roads, bridges and other public works made or maintained at the expense of a county or of several counties, or of the inhabitants or any number of the inhabitants of more than one local municipality in a county; and

County works.

4. Local works,—comprising all roads, bridges and other public works made or maintained at the expense of any one local municipality, or of the inhabitants of any portion thereof;

Local works.

Roads further classified.

5. Roads are further distinguished as front roads and by-roads ;

Front roads.

6. Front roads are those whose general course is across the lots in any range or concession, and which do not lead from one range or concession to another in front or in rear thereof ;

By-roads or routes.

7. By-roads (*routes*) are those whose general course is lengthwise of the lots in any range or concession, or which lead from one range or concession to another in front or rear thereof, or to a *banal* mill, or to a bridge or ferry not on the line of a front road ; and all other roads not being front roads ;— But any council may, by resolution, declare any other road to be a by-road ;

Roads between two concessions.

8. A front road passing between two ranges or concessions is the front road of both, unless one of them only has another front road, in which case it is the front road of the range or concession not having another front road ;—but any council may, by resolution, declare any other road to be a front road ;

Front roads of any lot.

9. That part of the front road of any range or concession, which is upon, or in front of, any lot, is the front road of such lot ;

Width of Front road.

10. No front road, opened after the first day of July, one thousand eight hundred and fifty-five, shall be less than thirty-six feet French measure, in width, between the lines of the fences on each side thereof ;

Of by-roads.

11. No by-road and no road leading to a banal mill opened after the day last aforesaid, shall be less than twenty-six feet French measure, in width, between the lines of the fences on each side thereof ;

Different width made by order, by-law, &c.

12. Nothing herein contained shall be construed to prevent any road from being made wider than is above provided, if it is so ordered by *procès-verbal* or by-law ;

Ditches in ordinary cases.

13. Except where it is otherwise provided by some *procès-verbal* or by-law, there shall be, on each side of every road, a ditch three feet in width, properly constructed and having sufficient fall in the direction of its length, to carry off the water ; and there shall be small drains across the road at all places where the same are necessary for the free passage of the water from one ditch to the other ; these ditches and drains shall be held to be part of the road ;

May be dispensed with.

14. Ditches may be dispensed with or made of less width than is above provided, if the nature of the ground renders it advisable, and if it is so ordered by any *procès-verbal* or by-law ;

15. If, in order to convey the water from off any road, it is deemed necessary to make any water course upon or through the lands of any person, such necessity shall be declared by the *procès-verbal* or by-law which regulates the making and maintaining such water course, as part of the work belonging to the road ;

Water-courses conveying water from roads through lands of any person.

16. Every person, upon whose lands such water course has been directed to be made, shall allow the same, and shall also allow free access thereto for the purpose of making and maintaining it ; being first compensated (if he has not before received compensation) in the manner hereinafter provided ;

Water course allowed to be made.

Compensation.

17. No council shall direct the demolition of any mill-dam, on the ground that the same is an obstruction to a water course, but the right to erect any dam and the rights and liabilities of all parties in respect thereof, whether for damage or otherwise, shall be adjudicated on and determined according to the ordinary rules of law ;

Councils may not order the demolition of mill-dams.

18. The ground occupied by any road shall be vested in the local municipality in which it lies, and such road may be discontinued, or its position in any part may be altered by *procès-verbal*, but shall not otherwise be alienated ;—and whenever a road is discontinued, if the land on each side belongs to the same person, the said ground shall *pleno jure* become the property of such person,—or if the land on each side belongs to two different owners, then half the breadth of the road shall become the property of each of them, unless one of them has furnished land for a road in the place of that so discontinued, in which case the whole shall become his property.

Ground occupied by road, in whom vested.

And if the road be discontinued.

FERRIES AND FORDS.

41. Ferries, in cases where both sides of the river or water to be crossed lie within the same local municipality, shall be under the control of the municipal council thereof :

Ferries where both sides are in one locality.

2. Ferries, in cases where both sides of the river or water to be crossed lie within the same county, but not within the same local municipality, shall be under the control of the county council ;

In the same County but not in the same locality.

3. Ferries over any river, stream or water, the two banks of which are not situate in the same county, (excepting the ferry between the city of Quebec and the parish of Notre-Dame de la Victoire, and the ferries between the city of Montreal and the parish of Longueuil,) shall be under the control of the two local municipalities situated upon such river, stream or water where the Ferry is or is to be established ; But whenever the Councils of such municipalities do not agree, or refuse or neglect to grant any license when demanded, the Governor may grant the license and regulate the Ferry by order in Council ;

Ferries between County and County.

Except at Quebec and Montreal.

If the two Councils cannot agree.

Money arising from ferries, to whom to belong.

4. The moneys arising from any license for a ferry shall, if the ferry be under the control of a local municipality, belong to such municipality,—and if it be under the control of the county council, they shall belong one moiety to each of the local municipalities between which the ferry lies, whether granted by municipal authority or by the Governor; and such moneys shall be applied to road purposes;

Exclusive privileges saved.

5. Nothing herein contained shall enable any municipal council to authorize any person to keep a ferry within the limits for which an exclusive privilege has been granted by law to the proprietor of any toll-bridge;

To be kept even at bottom.

6. Fords over rivers shall be kept free from loose stones, and impediments, and the bottom shall be kept as smooth and even, as practicable, and such fords shall be properly marked out with poles or *balises*.

WINTER ROADS.

Fences to be taken down at certain seasons.

1. On or before the first day of December in each year, every owner or occupant of land shall take or cause to be taken down to within twenty-four inches of the ground (leaving only the upright posts standing above that height) all fences by the sides of roads, and all line fences or fences making an angle with a road, to the distance of at least twenty-five feet from it,—except only within the limits of villages, and in places where the fences stand at least twenty-five feet from the side of the highway, or where, in consequence of hedges, or fences not removeable without great expense having been erected, the local council or the inspector may permit them to remain, on such conditions as may be deemed proper; and the fences so taken down shall not be replaced until the first day of April, of the next following year, unless the local Council shall have passed a By-law fixing other periods for taking down and replacing such fences, or for dispensing with the removal of the same, either in the whole or in any part of the municipality:

Exception; villages, hedges, &c.

Site of road.

2. Winter roads shall be laid out in such places as the inspectors shall from time to time determine;

Through what property to be carried.

3. They may be laid out and carried through any field or any inclosed ground, except such as are used as orchards, gardens or yards, or are fenced with quick hedges or with fences which cannot, without great difficulty or expense, be removed or replaced, through which they shall not be carried without the consent of the occupant;

By whom to be kept up.

4. They shall be kept in order by the persons who are bound to keep the same roads (or the roads for which they are substituted) in repair in summer, including the municipality when it is so bound;

5. For the purpose of making and maintaining winter roads on the frozen surface of rivers, lakes and other waters flowing or lying between two or more municipalities, the powers, duties and authority of the councils of the several municipalities lying on each shore and of their officers respectively, shall extend beyond the ordinary limits of such municipalities, as far as the centre of every such river, lake or other water ;

Jurisdiction on rivers, &c., between two Municipalities.

6. Every such road shall be maintained by the local municipality through whose limits, as defined by this section, it passes, unless it has been substituted for a summer road, in which case, if parties other than the municipality were bound to keep the summer road in repair, the same parties shall maintain the winter road ;

By what Municipalities to be kept up.

7. Every such road leading from one local municipality to another (when such local municipalities are not situate fronting on the river St. Lawrence) shall be traced out and maintained at the joint expense of both municipalities, and under the joint direction of the inspectors of both municipalities ;

Joint expense in certain cases.

8. Every such road across the St. Lawrence shall be traced out and maintained at the joint expense of the two county municipalities immediately connected by such road, and under the joint direction of the Councils of both Counties ;

Roads across the St. Lawrence.

9. But when either end of such road across the St. Lawrence terminates at an incorporated city or town, or within two miles of the limits thereof, such city or town municipality shall bear one half, and the county municipality on the opposite side shall bear the other half of the expense of making and maintaining such road ;

When the road leads to a city, &c.

10. And the county municipalities, on the north shore of the St. Lawrence, having roads leading to the island of Montreal, shall be exempt from contributing towards the tracing out or maintaining of any such road leading to the island of Montreal ; but all such roads, except those terminating at, or within two miles of the city of Montreal, shall be traced out and maintained by the county municipalities respectively on the south shore of the said river from which they lead ;—and the winter roads leading to the island of Montreal from the county of L'Assomption, shall be traced out and maintained by that county ;

As to Municipalities on the north shore of the St. Lawrence having roads leading to the island of Montreal.

11. The proper council may, by resolution, order that any winter road may be made double, having a row of *balises* in the middle, and a track on one side thereof for vehicles going in one direction, and on the other for those going in the opposite direction ;—And the said council may, from time to time, make such other general or special orders concerning the mode of keeping the said roads as it may deem expedient, and such orders

Double track may be ordered.

orders shall be binding on the road officers and on all parties concerned ;

Balises, how placed and what kind.

12. All winter roads shall be marked by *balises* of spruce, cedar, hemlock, pine or other wood, of at least eight feet in length, fixed at a distance of not more than thirty-six feet one from the other, on each side of the road, if the road be single, and in the middle of the road, if it be double.

BY WHOM ROADS ARE TO BE MADE AND MAINTAINED IN THE ABSENCE OF ANY BY-LAW OR PROCÈS-VERBAL REGULATING THE MAKING AND MAINTAINING THEREOF.

By whom roads shall be made, &c.

43. If there be no valid *procès-verbal*, by-law or order, providing otherwise, then—

Front roads.

2. The front road of each lot shall be made and kept in repair by the owner or occupant of such lot ;—and if there be two or more owners or occupants, then by them jointly and severally, saving their recourse against each other ;—but the owner or occupant of any lot shall not be bound to make or repair more than one front road on the breadth of such lot, unless such lot be more than thirty arpents in depth ; and if there be more than one front road on any lot not exceeding that depth, and it be not regulated as aforesaid which of them shall be made and maintained by the owner or occupant thereof, then the inspector of roads for the division shall, on the application of such owner or occupant, declare which of such front roads shall be made and maintained by him, and the other or others shall be made and maintained as a by-road ;

If more than one within a certain distance.

What shall be understood to be the front of a lot.

3. The front of any lot shall be that designated or intended as such in the original title,—or which appears to be such front by the roads laid down on the original plan, if the lot is in a township,—although the owner of the lot has placed his dwelling-house on some other part of the lot, and even although the concession line should form the boundary between two municipalities or parishes ;

Fords and public bridges.

4. Every ford and every public bridge shall be made and maintained by all the owners or occupants of lots in the parish or township, on the front road upon which such ford or bridge is situate ;

By-roads.

5. Every by-road shall be made and maintained by the owners or occupants of the lots in the concession to which it leads from a front or older concession, in proportion to the value of the lots so occupied by them ;

To mills, ferries, &c.

6. Every by-road leading exclusively to a mill, ferry or toll-bridge, shall be made and maintained by the occupant of such mill, ferry or toll-bridge ;

7. Front roads on ungranted lands of the crown shall be made and maintained as by-roads ; Front roads on Crown Lands.

8. The work necessary for keeping in repair by-roads (or roads to be made as by-roads) and public bridges, shall not be done by the labour of the parties bound to maintain the same, but by contributions in money ;—And the inspector of roads for the division shall, after public notice, give out such work in the month of October for the ensuing winter, and in the month of March for the ensuing summer, to the lowest bidder, who shall give satisfactory security for the proper performance of the work ;—and the sum required to pay for such work shall be paid by the persons liable therefor, in the proportion above mentioned, when they are not liable for the whole amount of the expenses ; Work on By-roads, and public bridges, how to be done. Tender and contract. By whom paid for.

9. Streets in towns and villages shall be deemed roads, and made and maintained accordingly, unless the municipal authorities thereof provide for their being made and maintained in some other way ; Streets in towns, &c.

10. The burden of proving that any road is not subject to the foregoing provisions, shall always be upon the party claiming exemption from them. Exemption claimed, by whom to be proved.

PROCÈS-VERBAUX.

OLD PROCÈS-VERBAUX, BY-LAWS AND REPARTITIONS.

1. Every *procès-verbal*, by-law or order touching any road bridge, or water course, in force on the first day of July, one thousand eight hundred and fifty-five, and not since repealed, shall remain in full force until it be repealed or altered by competent authority : Procès-verbaux existing when 18 V. c. 100 passed, maintained.

2. Any apportionment of any work among the persons jointly bound to perform the same, legally made and in force on the day last mentioned, shall remain in force until the expiration of the time for which it was made, unless it has been altered, or until it be altered under this Act ; Also existing apportionments.

3. Every such *procès-verbal*, by-law or order as aforesaid, may be annulled, repealed or altered by a *procès-verbal* or by-law made under the authority of this Act ; But may be altered.

4. No *répartition* or apportionment of labor made under any *procès-verbal* or by-law, shall be set aside or declared void solely by reason of its having been made or calculated upon the superficial contents or the breadth of the lots to which it relates, although the law required it to be made according to the value of such lots ;—but every such apportionment shall be considered legal, and shall have full force and effect until it be set aside or altered by some *procès-verbal* or by-law homologated or passed under this Act. Repartitions calculated on breadth of lots only to be valid until altered.

NEW PROCÈS-VERBAUX AND REPARTITIONS.

New Procès-Verbaux.

Application by
petition.

45. Whenever a representation is made to any county or local council, by a petition addressed to it, by any person interested in the matter, or a resolution has been passed by any county or local council, to the effect that provision should be made for the opening, constructing, widening or maintaining of any road, or for any other public work within the county or local municipality, or partly within and partly beyond the limits thereof, such Council shall forthwith appoint by resolution a Special Superintendent to report on such petition.

Special Super-
intendent to be
appointed.

Notice by such
Officer of his
visit if he is or-
dered to make
one.

2. If by any such Resolution the Council orders the Special Superintendent to visit the places where such work is to be done, he shall, before making such visit, give public notice to the inhabitants interested in such work, of the day, hour and place at which he will hold a meeting of such of the said inhabitants, as may attend to be heard for or against the performance of such work, or with the view of communicating to him any information relating thereto, and he shall hold such meeting accordingly;

His report, and
procès-verbal,
if required.

3. If the Special Superintendent, whether he has visited the places where the work is to be done or not, considers that the work should not be done, he shall make a report thereon, stating the ground of his opinion; but if he is of opinion that the work should be performed, he shall draw up a *procès-verbal* or report accordingly;

What the *pro-
cès-verbal* shall
determine.

4. Every such *procès-verbal* shall determine—the position and description of the road, bridge or thing to which it relates,—the work to be done and the time within which it is to be completed,—the lands by the owners or occupants of which it is to be done, and under the superintendence of what officers it is to be performed;

When practic-
able, the share
of work to be
done by each
person, to be
defined.

Relief may be
granted to per-
sons whose
share of work
would other-
wise be exces-
sive.

5. When the nature of the work allows it, the portion of the road which is to be made by the owner or occupant of each lot respectively, shall be defined and described in the *procès-verbal*, that it may be afterwards marked out on the ground, by the Inspector,—and whenever it shall appear to the special Superintendent that, by reason of the nature of the ground over which the front road of any lot passes, or by reason of the oblique direction in which it passes, in crossing the breadth thereof, or from other circumstances, the quantity of work to be done by the owner or occupant of such lot would exceed by more than one half the average quantity of work on the front roads of other lots of like value in the same concession, the said officer may, by any such *procès-verbal*, relieve the owner or occupant of such lot from making or maintaining a certain described

described portion of such front road, and may order that the same be made by joint labour and contribution, as in the case of a by-road or public bridge.

43. It may be ordered by any such *procès-verbal*—

What *procès-verbal* may order.

2. That any public bridge be constructed of stone or brick, or other material, or partly of one and partly of another, and of certain dimensions, and according to plans and specifications attached to the *procès-verbal* and therein referred to, and which may be amended by the proper council or by a board of delegates, as forming part thereof ;

Construction of bridges.

3. That proper fences, hand-rails, and other like fences, be placed at the side of any road where it passes near or borders upon any precipice, ravine or dangerous place ;

Fences, hand-rails, &c.

4. That any part of a road through a swamp, or wet ground, be made with fascines of brushwood, or paved with square timber,—describing the mode of construction ;

Paving, &c., roads through swamps.

5. That any road be or be not raised in the middle, and that any specified kinds of materials shall or shall not be used in making or repairing it ;

Form and materials of road.

6. That the timber where the road passes through uncleared lands shall be cut down for the space of twenty feet on each side of it, except such trees as form part of a maple grove destined for the manufacture of sugar, or as may be reserved for ornament to the property ;

Clearing timber from along side of road.

7. And generally, the mode of constructing and repairing the road and the work may be ordained by any such *procès-verbal*, due regard being had to the situation of the road, the travel over it, the more or less advanced state of the settlements to and from which it leads, and the circumstances of the parties by whom it is to be made and maintained ;

Generally as to mode of construction.

8. The Special Superintendent shall, before the expiration of thirty days after the time of his appointment, report the work as aforesaid, deposit his report or *procès-verbal* in the office of the council by which he was appointed ; if such council is a local council, and the work to be performed is a county work, or a work in which the inhabitants, or part of the inhabitants of more than one county are interested, the Secretary-Treasurer of the local council shall transmit the *procès-verbal* to the Secretary-Treasurer of the county council, who shall deposit it in the office of such county council ;

Deposit of *procès-verbal* for revision.

9. The local council, if the work to be performed is a local work,—or the county council, if the work to be performed is a county work,—or the board of delegates hereinafter named, if the

What Council shall revise it.

the

the work is one which interests the inhabitants or part of the inhabitants of more than one county,—shall examine and revise the *procès-verbal*;

Public and special notices of time and place of revision.

[Form Y.]

10. Within three days from the date of the deposit of every such *procès-verbal*, the Secretary-Treasurer shall give special notice to the members of the Council, that a special session of the Council will be held on the day specified therein, which shall be not less than ten and not more than fifteen days from the date of such notice, for the purpose of examining or revising such *procès-verbal*; and shall also give public notice of such session to the inhabitants interested in the work to which such *procès-verbal* relates;

Notice to delegates when the P. V. concern inhabitants of more than one county.

11. And whenever the work to which any such *procès-verbal* relates concerns, or is to be made or maintained by the inhabitants or part of the inhabitants of more than one county, the warden of the county in which the work was originally proposed, shall, within fifteen days after the deposit of the *procès-verbal*, give special notice to the delegates appointed under this Act, in each of the counties interested in such work, of the day, hour and place at which they shall meet, to examine and revise such *procès-verbal*;—and he shall also give public notice of such intended meeting to the inhabitants of the several local municipalities interested in such work;

And publication in locality.

Delegates bound to attend—to be a Board.

12. The delegates so notified and the warden by whom such notice is given, shall attend at the time and place so appointed;—and the said delegates, when assembled, shall form, and be designated, as the board of delegates from the several counties interested in the work to which such *procès-verbal* relates;

Quorum for such revision.

13. Any number above the one half of the delegates, so notified to attend any such meeting of delegates, shall form a *quorum*; and some person, from among such delegates previously appointed by the county council for that purpose, shall preside at the meeting;

Who shall act as clerk of the delegates.

He shall keep a minute of proceedings.

14. The secretary-treasurer of the county council of the county in which the work was originally proposed, shall act as Secretary to the delegates during their meeting; and it shall be the duty of such secretary-treasurer to make a minute of their proceedings and to deposit the same in the office of the council of which he is secretary-treasurer, to form part of the records thereof;

Majority to decide.

Casting vote.

15. All disputed questions shall be decided by a majority of the votes of the delegates present, including the President; and when the votes are equally divided, the President shall give the casting vote;

16. Every such local council, county council or board of delegates, before deciding upon the merits of any *procès-verbal* so submitted for their examination or revision, shall hear the persons interested in the work to which such *procès-verbal* relates, and any person who may be in attendance at the time and place appointed for such examination and revision, may require to be heard ;

Parties to be heard.

17. Every such council or board of delegates may reject or homologate, either without alteration or with such amendments as they may deem just and expedient, any *procès-verbal* so submitted to their examination or revision ; and shall also, in every case, determine the amount of costs incurred, and order the same to be paid by all the parties interested, if the *procès-verbal* be homologated, and by the petitioner or petitioners, if the petition or *procès-verbal* be rejected ;

Procès-verbal may be homologated with or without amendments.

18. Every such *procès-verbal* shall remain in force, as so homologated or amended, from the day of the date of such homologation or amendment ;

When to be in force.

19. No *procès-verbal* shall be considered duly homologated unless it has been homologated with or without amendment by the council charged with the examination or revision thereof, or has remained deposited in the office of such council, without having been homologated or amended, during a period of thirty days after the time when the special session for such examination or revision was or should have been held, as hereinbefore provided ; but, at any time during the said thirty days, the council may examine or revise such *procès-verbal*, if they have not done so at the time fixed for the special session, as aforesaid ;

To be deemed homologated after remaining a certain time without amendment or homologation.

20. If the board of delegates, whose duty it is to examine or revise any such *procès-verbal*, fail to meet at the time appointed for such meeting, or having met, close such meeting, either formally or by adjourning *sine die*, without having amended or homologated the same, such *procès-verbal* shall be deposited in the office of the county council of the county in which the work was originally proposed ; and shall be considered as having been duly homologated, and shall be in force from the expiration of thirty days after the date of such deposit, unless, during the said thirty days, the delegates (as they may do) reject or homologate such *procès-verbal*, in the manner hereinbefore provided ;

Or if the delegates fail to meet or adjourn *sine die*.

47. Whenever any *procès-verbal* is homologated as aforesaid, the Special Superintendent shall, within fifteen days from the homologation thereof, make and deposit in the office of the Secretary-Treasurer, an *acte* of *répartition* or apportionment of the work to be made under such *procès-verbal* ;

Acts of apportionment of work.

What shall be set forth therein.

2. In every *acte de répartition*, after having mentioned the work to be done, and the lands by the owners or occupants whereof they shall be executed, the Special Superintendent shall determine the proportion of the work to be done by each, whenever some are more interested than others, and he shall indicate what part of the contribution shall be in money, and what part in work and materials, and to what officers, when, and where, such contribution shall be made or delivered :

Work to be apportioned according to the value not the quantity of lands owned by the parties liable.

3. In fixing the share of money, work or materials to be contributed by the owners or occupants of the several lots, regard shall be had to the value of such lots, and the buildings and improvements thereon, and not to their mere extent, such value being taken from the valuation roll, if any is in force when the *acte de répartition* is made, or if there is none, then according to the estimate of the Special Superintendent ; but the share so fixed shall not be affected by any subsequent valuation, unless the *procès-verbal* or the *acte de répartition* is altered ;

To be annexed to *procès-verbal*.

4. The Secretary-Treasurer shall annex every such *acte de répartition* to the *procès-verbal* to which it relates ;

When the *acte de répartition* shall be in force.

5. Every such *acte de répartition* shall be considered in force from the date of its deposit in the office of the Secretary-Treasurer as aforesaid ; but the Council may, at any time, at the request of any person interested therein, revise, amend or alter the same ; But no Council shall revise, amend or alter any *acte de répartition*, unless public notice be previously given to the persons interested, of the day, hour and place when the Council shall proceed to such revision, and unless they have heard any person requiring to be heard in relation thereto ;

It may be amended—but not without notice.

A copy to be delivered for each municipality interested.

6. The secretary-treasurer, having the custody of every *procès-verbal* homologated as aforesaid, shall deliver to the Secretary-Treasurer of the Council of every Municipality the Inhabitants or part of the Inhabitants of which are interested in the work it concerns, a copy duly certified by him of such *procès-verbal* as homologated and of the *acte de répartition* relating thereto ;

They may be repealed, &c., by others.

7. Any *procès-verbal*, made under this Act, may be repealed, altered, amended or explained at any time by another subsequently made in like manner.

POWERS AND DUTIES OF ROAD OFFICERS, &c.

Certain works to be maintained and repaired under the direction of the proper Council.

48. All municipal works, of which a *procès-verbal* has been homologated as aforesaid, shall be executed, maintained and repaired under the direction of the proper Council, or of the road inspector, or other municipal officers in the manner prescribed by this Act :

2. The Special Superintendent appointed for that purpose, by the proper council, or the inspector of roads, or any surveyor or person accompanying him, or authorized in writing by him, may enter, in the day time, upon the lands of any person, whether occupied or unoccupied, inclosed or uninclosed, for the purpose of making a survey for any road,—and may also enter upon any unoccupied land for the purpose of searching for timber, stone or other materials for making or repairing any road, or any bridge or work therewith connected, doing no wilful and unnecessary damage, and making compensation only for actual damage done; and such officer or person need not give any notice whatever before entering upon any land for any of the purposes above specified;

Power to enter on lands to make surveys, search for materials, &c.

[Form Z.]

Compensation for actual damage only.

3. Every Inspector of roads, superintending the making or repairing of any road or bridge or work therewith connected, may enter in the day time upon any unoccupied land to the distance of one arpent from such road, bridge or work, and take from off the same any stone, gravel, earth or materials requisite for making or repairing the road;—but he shall, as soon thereafter as may be, declare on oath before some justice of the peace, what he believes to be the damage done to such land by the taking of such materials;—And the amount so sworn to shall be set off against any road contribution, or penalty due in respect of such land, or by the owner thereof, or if such amount exceeds the sum so due, the balance shall be paid to such owner by the inspector, out of any moneys in his hands for defraying the cost of making or repairing such road, bridge or work, and if he has not sufficient, the money shall be raised by assessment as other moneys required for such purpose;

Inspectors may take materials off unoccupied lands.

Compensation and how set off, or paid.

4. Provided that if the amount of such damages exceed twenty dollars, the same shall be assessed by the valuator of the municipality or any two of them, in like manner as the value of ground taken for a road or other public work, and their award, or the award of any two of such persons as may be appointed in their stead, as hereinafter provided, shall be final;

Proviso if damages exceed \$20.

5. Every inspector, in every municipality not situate in a township, shall, upon all roads in his division, whether the Council has so ordered or not, cause to be traced at the beginning of every winter, and maintained during the whole season, a double track of twenty five feet in length, at distances of not more than four arpents from each other; and every such double track shall be separated by *balises*;

Inspectors to trace double tracks in winter.

6. Each inspector of roads, whenever required by the council, shall pass over and examine every road in his division or over which he has any authority or superintendence, and make notes of the state in which he finds each road or any work thereon, or therewith connected,—and he shall note every

Inspectors to examine roads in their divisions.

To note offences and prosecute offenders.

every case in which he finds any person to have neglected to perform any duty imposed on him by this Act, and shall prosecute any such officer or person in the name of the Municipality for such neglect ;

Inspectors to report to proper Council.

7. Each Inspector of roads shall, whenever required by the proper council, make a report in writing to such council, containing the substance of the notes he has made, and all the information he has obtained since his last report.

RELATIVE TO THE OBSTRUCTION OF PUBLIC WORKS.

Inspectors to cause obstructions to be removed.

49. Each Inspector of roads shall cause all obstructions or nuisances to be removed from off the roads, bridges, ferries or fords under his superintendence respectively, and shall report all encroachments thereupon to the proper council, to the end that such council may compel their removal, if the person making any such encroachment does not, on being thereunto required by the Inspector, desist from such encroachment :

What shall be deemed an obstruction.

2. It shall be deemed an obstruction to leave or place any thing upon a road or bridge or in any ditch or water-course therewith connected, or to make any trench or opening in the road, or to do any other act whereby, in either case, the free passage of vehicles or foot passengers, over any part of the road, may be obstructed, impeded or rendered inconvenient, or the free passage of the water prevented, unless the act be done in the course of some duly authorized work upon the road or bridge, or by the command or with the permission of some road officer, under the authority of some by-law of the proper municipal council ; and the anchoring or mooring of any vessel at the landing place of any Ferry so as to impede free approach to the beach shall also be deemed an obstruction ;

Anchoring vessels improperly.

Justice of the Peace may order removal of obstruction.

3. Any justice of the peace resident in the county may hear and determine any complaint of such obstruction or nuisance, and order the removal thereof at the expense of the offender, by such person as he shall by his warrant authorize to remove the same, and may tax the costs of such removal and cause the same to be levied with the penalty and costs of prosecution and by the same process ;

Encroachments defended to be tried by action.

4. Whenever a road, bridge or other public work is encroached upon, the local municipality may bring an action against the person so encroaching, to compel him to desist from such encroachment ;

Where such action shall be brought.

5. Such action shall be brought in the circuit court in and for the County, or of the District, in which County or District the local municipality or any part thereof lies, which shall have jurisdiction in all such cases, and with power, if the encroachment be proved, to adjudge that the property taken

taken by such encroachment be restored to the municipality ;— And if such judgment is not complied with within fifteen days after service of a copy thereof on the defendant, then any judge of the said court may, in term or out of term, on the application of the municipality, direct a writ of possession to any bailiff, commanding him to remove from the property in question all buildings or fences erected thereon, and give possession of such property to the said municipality, which such bailiff, taking with him sufficient assistance, shall accordingly do ;

Enforcing execution of judgment.

Writ of possession.

6. The costs in every such action shall be those allowed in actions of the first class in the said court, and the costs on the writ of possession and proceedings thereupon shall be taxed by a judge of the said court at such sum as in his discretion he thinks right, until they be regulated by a tariff of the court, under which the clerk of the court shall thereafter tax such costs.

Costs in such action.

COMPENSATION FOR LANDS TAKEN IN CONNECTION WITH PUBLIC WORKS.

50. Whenever any land is taken for a road or bridge, or for the site of any building required for municipal purposes or for any other public work, the owner thereof shall receive fair compensation for the same from the parties who, by the *procès-verbal* or by-law, are bound to pay the same, or from the municipality, if such work has been or is to be performed at the expense of the municipality, unless it be decided that such owner is not entitled to compensation :

Compensation to be made.

Exception.

2. In estimating the compensation, or deciding whether the owner of the land taken for a road is entitled to any, the advantages which he derives from the road, or from the change in the position thereof, or from his receiving any land no longer to be used as a road, as well as his liability to furnish land for road purposes or his exemption therefrom (as the fact is,) shall always be taken into consideration, and if they are equal to the damage sustained by the taking of the new land, then he shall be entitled to no compensation ;—nor shall he be entitled to any damage arising from his supposed affection for the land so taken (*prix d'affection*) ;—but in no case shall he be called upon to pay compensation ;

Mode of estimating amount of compensation.

No *prix d'affection*.

3. No compensation shall be allowed for the land itself taken for the first front road made upon it, nor for any road unless the quantity so taken exceeds the allowance for roads, made in the original grant or concession of such land from the crown ;

No compensation for first front road ; unless, &c.

4. The valuers of the local municipality in which the land is situate, or any two of them, shall ascertain the compensation (if any) to be paid, after public notice has been

Valuers to ascertain compensation after notice to parties interested.

previously given of the day and hour when they will attend upon the ground to hear the parties and estimate the compensation, which time shall be appointed by the proper council;

Two valuers may act.

Provision if any of them be disqualified.

5. Any two of the valuers may act in the absence of the third; and if any one or more of them be absent at the time appointed as aforesaid, or be disqualified by direct interest or by relationship to the party whose land is taken, or otherwise, or refuse or be unable to act, then the proper council shall appoint another person or other persons to act in his or their stead, and may for like cause and in like manner appoint a person to act instead of any person so appointed;

As to objection to valuers.

6. It shall not be an objection to any such valuator or person acting as aforesaid, that he is related to some one or more of the parties by whom the compensation is payable;—and every objection to the competence of any such valuator or person, must be made before the delivery of the certificate hereinafter mentioned, otherwise it shall not avail;

Certificate to be granted after hearing parties.

7. The valuers or persons acting in their stead, or any two of them, after examining the land and hearing the parties attending as aforesaid, shall, by one or more 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 certificates to the secretary-treasurer of the proper council, and the award made by such certificate shall be final and conclusive;

Award to be final.

What descriptions shall suffice in such certificate.

8. It shall suffice in any such certificate to mention the lot of which the land forms part, referring to the *procès-verbal* or by-law under which it is to be taken, and to state what compensation, if any, is to be paid for it;—but any lot may be described as being supposed to belong to, or as being in the possession of any person;

Land vested in municipality on payment of compensation, if any.

9. On delivery of any such certificate to the secretary-treasurer, if no compensation be awarded thereby, or on the payment of the compensation, if any, into the hands of the secretary-treasurer of the local municipality in which the land is situate for the benefit of the person entitled thereto, the land in question shall be vested in such local municipality as part of the roads thereof, if taken for a road or bridge; or in the municipality by whom the work is to be performed as part of its property, if taken for any other purpose; and the said certificate and the secretary-treasurer's receipt for the compensation (if any) shall be a sufficient title thereto, and shall not require registration to preserve it;

Registration not required.

Compensation to be paid clear of all deduction.

10. The compensation shall be paid by the secretary-treasurer, free of all deduction, to the person entitled to receive the same, at the expiration of three months from the time of its being

being paid to such secretary-treasurer, and the person in possession of the land as proprietor thereof at the time it was taken, shall be held to be entitled to receive the compensation from the secretary-treasurer, saving the recourse of any other person to recover the same from the person so receiving it; but if within the said three months there are contending claims, the secretary-treasurer shall keep the money in his hands, subject to the decision of the proper court;

Proceedings if it be claimed by more than one party.

11. Nothing contained in this Act shall give authority to mark out any new road, or turn or widen an old one, in such manner as that the same shall pass through any garden, or farm yard, enclosed with a wall, board or standing picket-fence or hedge, or through any orchard, unless it be at the distance of more than four hundred feet from the dwelling house of the owner or of the occupant of such orchard, or to demolish or injure any house, barn, mill or other building whatsoever,—or to prejudice any canal or mill dam, or to turn the course of the water thereof,—without the consent of the proprietor of the same.

New roads not to be made through certain property without consent.

ROAD WORKS.

51. It shall be the duty of each Inspector of roads, pursuant to the provisions of this Act and the orders and directions of the proper council,—to give notice to the inhabitants of his division of the time and place where and when any joint labour is to be performed or materials to be furnished, and the amount of labour, quantity and description of materials to be then and there furnished by each,—which notice may be given verbally to each of such inhabitants in person or left in writing at his residence, and shall specify the tools and implements (being those ordinarily used by farmers) which each person is required to bring with him :

Inspector to give notice of work to be on roads.

[Form Y.]

Tools to be brought by persons bound to work.

2. And if the nature of the work requires it, the Inspector may command any person having the same, to bring with him or to send with a man to work them, a horse or horses, an ox or oxen, with proper harness and a cart, waggon or plough;—And every day's labour of a horse or ox, with such harness and vehicle or plough as aforesaid, shall be credited to the person furnishing the same as one day's work ;

Horses or oxen, &c.

3. Each Inspector shall also superintend and direct the performance of joint labour on the roads,—he shall appoint the hour of commencing and leaving off, and the time to be taken for rest or meals, the day's work being ten clear hours of labour on the spot where the work is to be done,—he shall dismiss any man who shall not attend during the hours appointed for labour, or who is idle or refuses to obey his orders, or does not work faithfully, or hinders others from working;—

Inspector to superintend and certify performance of work.

Notice not required to compel any person to keep his front road in repair, &c.

4. No notice shall be required to compel any person to make or repair any front road which ought to be made or repaired by him alone ;

Inspector may cause unperformed work to be done and recover the costs from the party with 20 per cent. additional.

5. Whenever any road work which ought to be done or any materials which ought to be furnished upon, or for, any front road, by-road or bridge, in respect of any lot or by any person, remains unperformed or unfurnished after the owner or occupant of such lot or such person has been required as aforesaid to perform or furnish the same,—the Inspector of roads may cause such work to be done, or such materials to be furnished by some other person, and may recover, before any court of competent jurisdiction, the value of such work or materials from such owner or occupant or person in default, with twenty per cent in addition thereto and costs of suit, as a debt due to such Inspector ;

Or the Inspector may cause it to be done by the municipality, which shall recover the expenses and 20 per cent. additional.

6. Or the Inspector of roads may report to the council that any such work remains unperformed or any such materials unfurnished, and that the person who ought to perform or furnish the same has been by him required so to do, or that such person has no residence in the division ;—And on such report the council shall authorize such Inspector to cause the work to be done or the materials to be furnished by some person or persons to be employed by him for that purpose, and the sum expended shall be recoverable by the municipality from the person in default, with twenty per cent in addition thereto, as a penalty for such default and costs ;—and the sum actually expended shall be paid by the secretary-treasurer of the municipality to the order of the Inspector, out of any moneys in his hands applicable to road purposes, or to the general purposes of the municipality ; and if the amount of any judgment obtained against any person so in default be not recovered, the same may be levied with interest and costs, as arrears of taxes due to the municipality in the manner hereinafter provided ;

What shall be proof of the necessary facts in the foregoing cases.

7. The testimony of the Inspector that the formalities of the law were complied with, and that the work was done or the materials furnished, that the sum charged is the true value thereof, and that the defendant is the person liable for the same by law, shall be *prima facie* evidence of such facts, and if not controverted, shall be sufficient to maintain the claim and demand of the municipality or of such Inspector ;

The 20 per cent. to be in lieu of penalty.

8. In either of the cases last above mentioned, the person in default shall not be liable to a penalty, but the twenty per cent above mentioned shall stand in stead thereof ;

Occupant of land liable for road charges, and one year's arrears thereof.

9. The actual occupant of any lot shall always be liable for the work or contribution assigned to such lot, and for one year's arrears thereof, saving his recourse (if any) against any previous

previous occupant, or against the owner of the lot, or any other person;—And if any lot be divided after the making of the *procès-verbal*, or there be from any other cause more than one occupant thereof, they shall be jointly and severally liable, saving to each his recourse against the others;

10. Every person shall be liable for all damages arising from the non-performance of work he is bound to perform, and if any persons are jointly and severally so bound, they shall be jointly and severally liable;

Liability for damages for non-performance of work.

11. Each Inspector shall from time to time report to the Council of his division, the arrears of labour and materials remaining unperformed and undelivered in his division, and of penalties remaining unpaid, specifying the lands in respect of which the same are due, the owners or occupants of such lands, if known, and the value in money of such materials delivered at the place where they ought to have been delivered by the persons in default;—And it shall be the duty of the Inspector to sue for and recover the same in the name of and on behalf of the Municipality, from the persons liable.

Inspector to report arrears and to sue for the same.

WORKS BY CONTRACT.

52. It may be ordered by any *procès-verbal* or by any By-law or resolution, by any Municipal Council, that any work shall be submitted to public competition for a fixed price in money or partly in money and partly by means of materials, and days' labor, or either, to be furnished by the persons bound to contribute to such work:

Council may order work to be let out by contract.

2. For the purpose of obtaining tenders, the proper council shall cause public notice to be given, specifying clearly the work to be so given out, and the day on, or until which, tenders for the performance thereof will be received; and such notice shall be given in one or more newspapers published in the county or the district in which it is situate, or if there is no newspaper published therein, in an adjoining county or district;

Advertisement for tenders.

3. The contract for the said work shall be adjudged to the person tendering for the lowest price and on the most favorable terms, provided he fulfils the conditions and gives the security required for the execution thereof;

Work to be adjudged to the most favorable bidder giving security.

4. Every such contract shall be entered into with the proper Council in the name of the Municipality and shall be accepted by the chief officer of or by any other person specially authorized by such Council;

In whose name the contract shall be made.

5. Every such contract shall be binding on every Municipality interested in the work to which it relates;

Contract to be binding.

Enforcing the contract.

6. The Council of every such Municipality may sue, in the name of the Municipality which it represents, to enforce the performance of any such contract, in any Court of competent jurisdiction ;

Provision when more than one Municipality is interested.

7. But no Municipality shall bring any such action, when other Municipalities are interested in the work to which such contract relates, until the expiration of fifteen days after notice given to the Council who homologated or in whose office is deposited the original *procès-verbal* relating to such work, requiring such Council to prosecute such action ;

Good security to be given by contractor.

8. Every person, to whom any such work is adjudged, shall furnish good and sufficient security, to the satisfaction of the council, for the performance of the said work, and the payment of all damages, costs and interest in the event of his not fulfilling his contract ;

Inspectors to superintend performance of contract when required.

9. The proper Council may require any Inspector of roads, in the local municipality in which the said work or any part of it is to be executed, to superintend the performance thereof ; and every such Inspector shall obey all orders of such Council ;

Apportionment of the cost when the work is a county one.

10. Whenever the work is a County work the County Council, by whom the *procès-verbal* relating thereto was homologated or in whose office the original thereof is deposited, shall make an apportionment (*répartition*) among the different local municipalities interested, of the contributions required for the performance of the said work, establishing the proportion of the said contribution to be borne by each local municipality, or by such of the inhabitants thereof as are bound to bear the same, either in money, materials or days' labour ; and a certified copy of such apportionment (*répartition*) shall be deposited in the office of the municipal council of each county or local municipality interested.

PUBLIC WORKS MADE BY ASSESSMENT.

In certain counties and parts of counties, roads, &c., shall be made by assessment only.

53. In every municipality in each of the counties of Richmond, Compton, Stanstead, Shefford, Brome, Missisquoi, Huntingdon, in each of the local municipalities in the county of Bagot, composed of Townships or part of Townships, and in the municipality of the Town of Sherbrooke, all the roads, bridges and other public works, which the owners or occupiers of land in such municipalities are bound to make and maintain, shall, from and after the first day of January next, be made and maintained solely by moneys to be raised for that purpose by assessment :

Any local Municipality may enact the same provision by By-law.

2. The council of any local municipality may, by any by-law, to come into force on the first day of January next after the time of its passing, enact that the roads, bridges and other public

public works in such local municipality, or which the owners or occupiers of land in such local municipality, or any of them, are bound to make and maintain, shall thereafter be made and maintained solely by moneys to be raised for that purpose by assessment ;

3 From the time such by-law takes effect, and while it is in force, in any such municipality, and from the first day of January next, in all the municipalities in this section specially mentioned, the following provisions shall take effect ;

Effect of such By-law.

4. So much of any *procès-verbal*, as determines by the owners or occupants of what lands in such local municipality any road, bridge or other work shall be made or maintained, shall cease to have effect, nor shall the owner or occupant of any land therein mentioned be bound to make or maintain the front road of such land ;—but that part of any *procès-verbal*, which describes the work to be done and its nature and quality, shall remain in full force, and be binding on the municipality ; nor shall any power of the county or local council, or of any road officer, or any provision of this Act, be affected by such by-law, except only as by this section it is expressly provided ;

As to then existing *procès-verbaux*.

5. The municipality shall make and maintain all roads, bridges and other public works within the same, and also those beyond the limits thereof, which, without such by-law, any of the owners or occupants of lands within the Municipality would have been bound to make or maintain, and shall perform all road work for which any such owner or occupant would otherwise have been liable ;—And it shall be the duty of the Inspectors of roads, in their respective divisions, to see that the roads, bridges, and other public works, are made and maintained by the municipality, in the manner required by law and by the *procès-verbal* regulating the same, respectively, and to require the municipality so to make and maintain them, and to prosecute the municipality for any default so to do ;

Municipality bound to maintain certain roads, &c., thereafter.

Duty of road officers.

6. The municipality shall also make or cause to be made, under the superintendence of the Inspectors, or any other officer they think proper to appoint, by any persons obliged by *procès-verbaux*, by-laws or otherwise, any other road in the municipality, whether it be a front road or a by-road or a street or other road, in conformity with the *procès-verbaux* or by-laws relating to such roads and with the law ;

And cause others to be made by the parties bound.

7. The municipality shall be liable for all damages arising to any party from the non-performance of any obligation imposed on it by this section ; and shall be liable to the same penalty for neglect or refusal to perform such obligation, or to comply with any of the requirements of this Act, as any private person would be in the like case ;

Municipality liable for damages arising from non-repair.

Local Council may regulate manner of applying money and labour.

8. Any local council may make such by-laws and regulations as it deems necessary (not being inconsistent with any provision of this Act) for defining the manner in which the money, raised for road purposes, shall be expended and applied for the purpose of making and maintaining the roads which are to be made and maintained by the local municipality, and may enter into all contracts which they think necessary touching any work to be done to or upon the same ;

By-law containing such order may be repealed;—

Effect of such repeal.

9. Any such by-law may be repealed by another to come into force on the first day of January next after the time of its passing, and passed by a majority of two thirds of the members of the council ; and thenceforth all the provisions of any *procès-verbal*, by-law or order, or of this Act, which were suspended while the repealed by-law was in force, shall again revive and have effect ;

Money may be raised by assessment for roads and bridges.

10. The council of every municipality, upon the petition of a majority of the persons interested, shall raise, by assessment, any sum of money required for making or maintaining any road, bridge or other work therein, and may apply the sum so raised to that purpose in such manner as they think proper, notwithstanding any thing to the contrary in any *procès-verbal* or by-law contained ;

Recital of case of persons who have contributed largely to roads and bridges.

11. But inasmuch as in the cases provided for by this section, it would be unjust to compel persons, who for several years have made and maintained front roads or bridges, on or through properties held by them, as owners or occupants, at their own expense, to contribute equally with other owners and occupants of land in the same municipality towards works of a similar description, the following provisions shall apply and have effect in all the municipalities in this section specially mentioned, and in all others by the Council whereof a By-law requiring such works to be made and maintained by assessment, as hereinbefore provided, shall hereafter be enacted, so long as such By-law shall be in force :

Any such person may file a certain statement.

12. Any person may at any time deposit, in the office of the secretary-treasurer of the Council of any local municipality, a statement under oath, showing the amount expended by him or by his predecessors (*auteurs*) in making and maintaining a front road or bridge, or front roads and bridges, in front of, or through, any property held by him or his predecessors, as owner or occupant thereof, during ten years next preceding the first day of January, one thousand eight hundred and sixty-one, in all municipalities specially mentioned in this section, or next before the first day of January next after the passing of any By-law in any other municipality, requiring all such works to be made in future by assessment ;

13. The Secretary-Treasurer shall thereupon open an account between the Municipality and the person depositing such Statement in which he shall charge the Municipality with the amount mentioned therein, and shall credit such Municipality with all Assessments for roads and bridges, accruing upon the property therein specified, from time to time as they accrue, charging interest at the rate of six per centum per annum, from year to year, against the Municipality, upon the amount specified in such Statement and against the person depositing the Statement, upon all such Assessments from the day of their accrual, and the person filing such statement shall be exonerated from paying all such assessments in the Municipality until such account shall have been balanced ;

Account to be kept with such person.

14. Every person making any such statement under oath falsely, wilfully and corruptly, shall be guilty of perjury, and shall be liable to be punished accordingly.

False statement to be perjury.

ROADS THROUGH INDIAN RESERVES.

54. Whenever the Council of a County, in which any Indian Reserve is situate in Lower Canada, or the Council of any Local Municipality, surrounding or contiguous to any such Reserve, declares by Resolution that it is necessary that any land set apart for a public road by the original survey of such Indian Reserve, should be opened or kept open by such Municipality, such Council may, through their road officers, enter upon such road, and cause the same to be maintained :

Municipal Councils may cause such roads to be opened and maintained.

2. And whenever it is declared, by a Resolution of any such Council, that it is expedient to take any part of an Indian Reserve for the purpose of opening a new road, such Council may enter upon the same in the manner prescribed by this Act, and the price at which any such land is valued shall be paid to the Superintendent General of Indian Affairs, for the use of the Tribe of Indians for which such land is held in trust ;

May enter upon and take lands.

Compensation.

3. Any road in any Indian Reserve in Lower Canada, brought under the control of a Municipality by the preceding section, may be maintained by Statute Labour, to be performed by the Indians of such Reserve, according to a By-law or By-laws passed by any such Municipality, and approved by the Superintendent General of Indian Affairs.

Such Roads may be made by statute labour of Indians.

COLONIZATION ROADS.

55. The Commissioner of Crown Lands and every person employed by him in making roads and bridges by means of Legislative appropriations of public moneys, or partly by such appropriations and partly by private contributions, shall in respect of such works, have the same power and authority as every Inspector of Roads under this Act and all other Acts concerning

Commissioner of Crown lands to have powers of an Inspector, &c.

concerning municipal affairs, has or shall have in respect of roads made by municipal authority, and shall moreover have full power and authority to take from any lot through which any such road passes, all timber, fascines, stone, gravel, earth, sand and all other materials which may be required for the making of such roads or bridges, and to cut or cause to be cut down, all trees to the distance of thirty feet from the line of every such road on both sides thereof, without paying any compensation whatever.

THIRD PART.

VALUATORS AND VALUATION.

Valuation of property to be made by the valutors;

56. The valutors shall make the valuation of all the real and other assessable property in the local municipality for which they have been appointed, according to its true and real value, within two months after the date of their appointment, including in the said valuation the value of the houses and other buildings erected on such property :

Or a majority of them, and how.

2. A majority of the said valutors may make or complete the said valuation notwithstanding the absence of the other valuator; and such valuation may be made either at one time or at several times, the proceedings had at each meeting being signed or attested by the valutors who shall have assisted thereat ;

As to lots being partly in one municipality and partly in another.

3. But when any lot occupied by a tenant or lessee is situated partly within the limits of any city corporation and partly within any village or parish municipality, the capital of the rent received by virtue of the said lease shall be deemed to be the value of the said lot during the existence of the said lease, and the amount of the assessment shall be paid to such city corporation and village or parish municipality in proportion to the extent of ground lying in their respective limits, notwithstanding any thing in this Act to the contrary ;

They may require assistance of the Secretary-Treasurer of municipality or employ a Clerk.

4. In making the valuation, the valutors may require the services of the secretary-treasurer of the council, or employ any clerk whom they may appoint ;—And every clerk so employed shall be entitled to receive for his services, on the certificate of two of the valutors, a sum not exceeding one dollar for every day during which he has been necessarily employed, and such remuneration shall be paid out of the general funds of the local municipality ;

Valuation-roll to be made ;

5. A valuation-roll, setting forth such valuation, shall be drawn up and signed by the said valutors, or by such of them as have assisted in making the valuation, and shall be by them delivered to the mayor of the municipality within eight days from

from the making thereof;—and every such valuation-roll shall remain of record in the office of the council of such municipality;

[Form B. B.]
And recorded.

6. The valuator shall specify in the valuation-roll, not only the names and designation of all owners, tenants or occupants of real or other assessable property, but shall also designate the real property, the proprietors of which are unknown, by the number and concession, or by the limits and boundaries, in case such real property has no number generally known, and instead of the name of the proprietor shall insert the word “unknown;”

What it shall contain.

7. And the said valuation shall, so soon as the valuation-roll is delivered to the mayor, be binding on all parties concerned, and be considered as the basis of any apportionment, assessment or collection which may from time to time be made, of any sum to be levied, or of the quantity and kind of materials to be furnished, in the municipality, under this Act; subject however to such amendments as may be made thereto in the manner hereinafter provided;

Its effect and use.

Subject to amendment.

8. Every railway company shall annually transmit to the secretary-treasurer of every local municipality in which any part of the road or other real property of the company is situate, a statement describing the value of all the real property of the company other than the roadway, and also the actual value of the land occupied by the road in such local municipality, according to the average value of land in the locality; the secretary-treasurer shall communicate the same to the valuator, and the valuator shall enter the same in their valuation roll as the valuation upon which the property of the company in such municipality shall be assessed;

Railway Companies to transmit annual statements of value of their real property to Secretary-Treasurer of the municipality.

9. Such statement shall be transmitted by every railway company to the secretary-treasurer of the municipality, during the month of March in each year, and in default thereof the valuator shall make the valuation of the properties belonging to the company;

When such statement shall be furnished.

10. If the valuator appointed by the council have not made the said valuation, and transmitted the valuation-roll to the mayor within two months from the date of their appointment, the secretary-treasurer of the local council shall inform the Governor, by letter addressed to the provincial secretary, of the failure of the said valuator in that respect, and the Governor shall thereupon appoint three other valutors;

Governor to appoint valutors if valuation-roll be not made within a certain time.

11. The valutors, so appointed by the Governor, shall make the said valuation in the same manner as the valutors who ought to have made the same in the first place, and shall exercise the same powers and authority, perform the same duties, and be subject to the same penalties in the event of any failure or neglect on their part;

They shall proceed as the first valutors ought to have done.

Such valuation to be made at the cost of the valutors in default.

12. The valuation which the three last mentioned valutors, or the majority of them, shall make as aforesaid, shall be made at the expense of the former valutors who should have made the same; an allowance at the rate of three dollars shall accordingly be made to each of the said three last valutors, for each and every day during which he is employed in making the said valuation; the amount of the said allowance shall be determined and taxed by the mayor, whose certificate to that effect, stating the amount of the said allowance, shall be deemed an authentic document;

Taxing such costs.

Recovery of such cost.

13. Each valuator, so appointed by the Governor, shall have a right of action in any court of competent jurisdiction against the valutors who failed to make the valuation and transmit the valuation-roll as aforesaid, jointly and severally, for the recovery of the amount of the allowance so determined and taxed as aforesaid;

Owners of assessed property to pay assessments in proportion to its value.

14. The owners of assessable property, mentioned or described in the valuation-roll, shall respectively pay such sum or furnish such quantity and kind of materials, as they may be from time to time required to pay or furnish in proportion to the assessed value of such property, for their share of any apportionment or assessment authorized by this Act;

Assessments to be a special and preferable charge on the property not requiring registration.

15. And whenever any such sum of money, quantity or kind of materials, so apportioned or assessed, the said sum of money, or the price of the said materials, shall, from the day of their being so apportioned or assessed, be a special charge on the real property so assessed, which shall not require to be registered in any registry office established for the registering of privileges and hypothecs, and shall have, nevertheless, a preference over all other charges, excepting debts due to the Crown;

Council may revise and amend the valuation-roll.

16. The council of the local municipality, in respect of which such valuation-roll was made, may, at any time within thirty days next after the day on which it was delivered to the mayor, amend the valuation therein made, in the cases hereinafter mentioned and in the manner hereinafter provided; and any such council may also in like manner amend the valuation-roll yearly, or in any year after that in which it was made;

How such amendments may be made.

17. If the council are of opinion that the valuation of any real property has been made under its true value so as to prejudice the owners of other property, or above its value so as to prejudice 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;

Entry thereof.

18. All such amendments shall be entered upon the said valuation-roll or on a paper annexed thereto; the date thereof shall

shall be mentioned, and they shall be certified by the secretary-treasurer of the council;—and every such valuation-roll, so amended, shall continue to be binding to all intents and purposes, but only as amended, and as such, only from the date of the certificate of the said amendments;

To be binding
as amended.

19. Before any council proceeds to the examination or revision of any such valuation-roll, the secretary-treasurer of such council shall give public notice to the inhabitants of the local municipality, of the day on which the council will commence such examination or revision;

Notice to be
given before
revision.

[Form C. C.]

20. The secretary-treasurer shall, at all reasonable hours of the day, allow any person interested to take communication of the said copy of the valuation-roll;

To be open to
inspection.

21. The council, in proceeding as aforesaid, to the examination or revision of the said valuation-roll, shall hear the parties interested therein, as well as the valuers who have made the valuation, if required so to do;

Parties to be
heard.

22. If the period of thirty days, during which the said valuation-roll may be so amended, is allowed to elapse without the council amending the same, then the said valuation-roll shall remain in force as originally made by the valuers;

Valuation roll-
not amended
within a certain
period, to be
binding.

23. It shall be the duty of the mayor to cause a true copy of such valuation roll, with such amendments as may have been made thereto by the council, to be delivered to the warden of the county, on or before the seventh day next after the expiration of the said thirty days;

Copy to be
delivered to
Warden.

24. Every county council shall, at a special session to be holden for that purpose, at some period not later than the first day of June, in every year during which new valuation-rolls are made, examine the valuation-rolls of the different local municipalities in the county, and ascertain whether the valuation made in each bears a just relation to the valuation made in the others;—And thereupon the county council shall increase or decrease the valuations of all assessable property in any one or more of such local municipalities by adding or deducting such sums upon the hundred as are in their opinion necessary to produce a just relation between all the valuations in the county;—but no such council shall reduce the aggregate amount of the valuations made by the valuers in the whole county;

County Council
to examine the
several local
assessment-
rolls, and
amend them if
they do not
bear a just re-
lation to each
other.

Proviso.

25. A valuation-roll for every local municipality in Lower Canada shall be made triennially, reckoning from the present year one thousand eight hundred and sixty, notwithstanding that a valuation-roll may have been made in any local municipality within the period of three years immediately preceding the time so fixed for making such triennial valuation-roll.

Valuation-rolls
to be made
triennially.

ASSESSMENT OF BUSINESS OF MERCHANTS AND OTHER PERSONS, AND THE INCOMES OF PROFESSIONAL MEN.

Value of business of certain parties to be entered on the roll.

How calculated.

Municipal Councils may commute such assessments with certain parties,—or exempt such parties.

The same of practice of professional men and office holders.

Power to amend valuation-roll extended.

Public property or property used for public or charitable purposes.

57. Every merchant, manufacturer, trader and master artificer (*maitre ouvrier*), carrying on his trade, business or calling in a local municipality, whether resident therein or not, and whether he does or does not possess therein any real property, shall, by reason of such trade, business or calling, be liable, for all the purposes of this Act, to assessment;—and the value of his business shall be estimated by the valutors of the municipality as a distinct property, according to the average annual profits thereof, based upon the proceeds of the next two preceding years :

2. Any Municipal Council may, at any time, by agreement with any person carrying on, or proposing to undertake, any mining or manufacturing business or operations in the municipality, commute all assessments on all property held, or to be held, by any such person for any such purpose, and on such business, for a fixed sum payable annually during a period of not more than ten years, and may also, in view of the encouragement of such business or operations, wholly exempt any such property and business from assessment during a period of not more than five years ;

3. Every judge or other civil functionary, and every advocate, notary, physician, surgeon, civil engineer, or surveyor, residing in a local municipality, and performing the duties of his office, or practising his profession therein, shall be liable to assessment in like manner ; the value of such office or practice shall also be estimated by the valutors, for the same purposes and in the same manner, as a distinct property ;

4. The power vested in the council of each local municipality to amend the valuation-roll thereof, shall extend to the revision and amendment of such valuation with reference to the assessment of the business of merchants and other persons and the incomes of professional men.

EXEMPTIONS.

58. All public buildings intended for the use of the civil government, for military purposes, for the purposes of education or religious worship, all property belonging to Her Majesty, or held in trust by any officer or person for the use of Her Majesty, all parsonage houses, burying grounds, charitable institutions, and hospitals duly incorporated and the lands upon which such buildings are erected, shall be exempt from all assessments or rates imposable under this Act :

2. All persons who, by reason of their poverty or the scantiness of their means, are in any year, by a by-law of the municipality in which they reside, declared exempt from the payment of the said assessments or rates imposed during and for the said year, shall be thereby exempted from the payment thereof.

Indigent persons.

COLLECTION OF ASSESSMENTS.

DUTIES OF SECRETARY-TREASURER AND OTHER OFFICERS IN RELATION THERETO.

59. All assessments imposed under this Act shall be due and payable not only by the owner of the property upon which they are imposed, but also by the possessor or occupant of the said property as owner, and by the tenant or lessee of such property;—but the payment of such assessment by any such person shall discharge all others concerned :

Assessments to be payable either by owner or occupant.

2. In the event of the payment of any assessment by the tenant or lessee of any such property, he shall have a right of personal action against the owner of the property assessed, or the lessor, holder or occupier of the same as owner, as aforesaid, for the recovery, with interest and costs, of the amount of such assessment, or of the price or value thereof, paid or contributed by him ;

Recovery of payment by tenant paying against owner.

3. In such case, such tenant shall be fully substituted, without any formality whatsoever, in the rights and privileges of the municipality upon the property in question ;

He shall be subrogated to municipality.

4. The secretary-treasurer of the local council shall be the collector of all the assessments imposed within the limits of each local municipality and of all penalties imposed under this Act, except in any case in which the said assessments or penalties are required to be collected by any other officer or in any other manner ;

Secretary-treasurers to be collectors in their localities of assessments and penalties.

5. Every such secretary-treasurer, as assessment collector, may be sued by the mayor, in the name of the local municipality, or by the warden in the name of the county Municipality, as the case may require, before any court of competent jurisdiction, to compel him to render an account of the assessments levied by him ;

Treasurers, &c., may be sued for accounts, &c.

6. The said secretary-treasurer shall in every such suit be condemned to pay to the municipality interested, the amount of the assessments in money, and the price and value of the assessments in materials then due, unless he shews, to the satisfaction of the court, proof of sufficient diligence having been used by him for recovering the said assessments ;

Judgment in such cases.

If he renders an account.

7. And if he renders an account of such assessments, he shall be condemned to pay such sum as he acknowledges or as is declared to be in his hands, and such further sums as he ought to have received, or as the court thinks he ought to be held accountable for, for want of proof of sufficient diligence on his part for the recovery thereof ;

Interest to be recovered at 12 per cent.

Evidence.

8. Every judgment pronounced in any such action shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit ; and in every such action a certified copy of the collection-roll of the division shall, to all intents and purposes, be *prima facie* evidence against the said secretary-treasurer ;

Secretary-treasurer to make general collection-roll.

[Form D. D.]

It shall shew the amount payable by such person.

9. The secretary-treasurer of every local council shall, on or before the fifteenth day of May in each year, make out the general collection-roll for the municipality, and set down therein the name of each person assessed, whose name appears on the valuation-roll, the value of the real property of each such person, as specified in such valuation-roll, and the amount of personal property for which such person is assessable ; and he shall also calculate and set down the various assessments payable by such person under any by-law or otherwise, and the total amount with which each person is chargeable ;

As to years when a new valuation is made.

10. But in any year when a new valuation-roll is to be made, and such roll is not finally revised and homologated at least fifteen days before the said fifteenth day of May, the delay for completing the general collection-roll shall be extended to a period of fifteen days next after the date of such final revision or homologation, and any local council may, by resolution, order the secretary-treasurer to make the general collection-roll at any convenient period other than that mentioned in this section ;

Special collection-rolls in certain cases.

11. Whenever any special rate is imposed in the same year after the said fifteenth day of May, or after the day appointed for making the general collection-roll, he shall make out a special collection-roll in the manner prescribed by the next preceding section ;

Collection and general notice to rate-payers.

[Form E. E.]

12. The secretary-treasurer, upon completing his collection-roll, shall proceed to collect the assessments therein mentioned, and for that purpose shall, on the next following Sunday, give or cause to be given public notice that the collection-roll is completed and deposited in his office, and that all persons whose names appear therein as liable for the payment of any assessment, are required to pay the amount thereof to him at his office within twenty days of the publication of such notice ;

13. If at the expiration of the said twenty days any assessment remains unpaid, the secretary-treasurer shall leave at the usual place of residence or domicile of such person in arrear, or with him personally, a statement in detail of the various sums and the total amount of assessments due by such person, and shall at the same time, in and by a notice annexed to such statement, demand payment of the assessments therein mentioned, together with the costs of the service of such notice according to such tariff as the council has established ;

Special notice to rate-payers in default.

[Form F. F.]

Costs of such notice.

14. The provisions of the next sub-section shall not apply to persons residing without the limits of the municipality; the said persons shall be bound to pay their assessments within thirty days after the public notice mentioned in this section, without it being necessary that any demand should be made upon them either personally or at their domicile ;

Preceding paragraph not to apply to non-residents.

15. If any person, residing in the municipality, neglects to pay the amount of assessments imposed upon him, for the space of fifteen days after such demand made as aforesaid, the secretary-treasurer shall levy the same with costs, by warrant under the hand of the mayor of the municipality authorizing the seizure and sale of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same can be found with the local municipality ; and no Mayor shall incur any personal liability by signing any such warrant, but the municipality alone shall be responsible; and no claim of property, or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments and costs out of the proceeds thereof ;

In case of default by residents for 15 days assessments to be levied by seizure and sale.

[Form G. G.]

16. If the goods and chattels seized are sold for more than the whole amount of assessments levied for, and the costs attending the seizure and sale, the surplus shall be returned to the person in whose possession such goods and chattels were when the seizure was made ;—but if any claim for such surplus is previously made by any other person, by reason of any alleged right of property or privilege upon such surplus, and such claim is admitted by the person for whose assessments the seizure was made, such surplus shall be paid to such claimant ;—and if such claim be contested, the surplus money shall be retained by the secretary-treasurer, until the respective rights of the parties be determined by a competent tribunal ;

Surplus of proceeds under distress to be returned to owner.

As to claim to the same by contesting parties.

17. The secretary-treasurer shall give public notice of the day and place of sale, and of the name of the person whose goods and chattels are to be sold ;

Notice of sale.

[Form H. H.]

18. In every case in which any sum is to be levied for county purposes, the county council shall, by by-law, direct what portions

When sums are to be raised for

county purposes, Council to fix the sum to be raised in each locality.

[Form I. I.]

To be guided by collection-rolls.

[Form J. J.]

portions of such sum shall be levied in each local municipality;—and it shall be the duty of the secretary-treasurer of the county council, before the first day of May in each and every year, or at such other time as may be fixed by a resolution of the said council to that effect, to certify to the secretary-treasurer of each local municipality, the total amount which has been so directed to be levied therein in the then current year for county purposes;—And for the guidance of such county council, the secretary-treasurer of every local municipality therein shall, immediately after the final revision of the valuation-roll for the same, transmit to the secretary-treasurer of the county council, a statement of the aggregate value of all real property and of all assessable personal property appearing on such rolls as finally revised;

Return of doings on collection-rolls to secretary-treasurer of county: paying over moneys to him.

Certain particulars to be shown in each return.

19. On or before the fifteenth day of November in each year, the secretary-treasurer of each local municipality shall prepare a statement of all the assessments remaining due on the collection-rolls for the twelve preceding months, and of all the arrears due to the municipality, with the particulars thereof, including the amount of, or balance due, on all judgments pronounced against any of the inhabitants or owners of land, and other persons within the municipality, for contributions or penalties due or incurred under this Act, and in such statement he shall shew opposite to each separate debt, the reasons why he could not collect the same, by inserting the words "non resident" or "no personal property to seize," as the fact is, and a designation of the lots or parcels of land in respect of which such assessments or other debts are due, and he shall transmit a copy of such statement, duly certified, to the secretary-treasurer of the county;

School rates, &c., may be inserted in Secretary-treasurer's statement, and collected as taxes.

20. The secretary-treasurer shall insert in the statement annually prepared by him, all the other assessments, taxes and debts claimed either by the school commissioners, or by the Inspectors of water-courses, fences and ditches, or by any other person who has lawfully expended moneys for the payment of any such assessment, taxes or debts, or who has lawfully caused work to be performed for others on any lot described in the said statement;

Secretary-treasurer of county to prepare list of lands on which taxes &c., are not paid.

[Form L. L.]

Notice to be published containing certain particulars.

21. And on or before the first day of December in each year, the secretary-treasurer of the county council shall prepare a list of all lands in the county municipality upon which any assessments or other dues remain unpaid, stating opposite the lots or parcels of land respectively, the amounts due,—and shall cause to be inserted at least three times during the said month of December, in the *Canada Gazette*, and in at least one newspaper published within the district, (or in the adjoining district if there be none published therein), a notice in the English and French languages, containing a list of all lots or parcels of land respectively, on which any such assessments or other dues remain unpaid,

unpaid, shewing opposite or after the number or description thereof, the amount to be raised for the discharge of such assessments or other dues, including all costs and expenses, and announcing that all such lots or parcels of land will be sold on the first Monday of the month of February then next ensuing, at the place where the sittings of the county council are then held, for the payment of such assessments and other dues; and he shall also give public notice of every such sale in the manner provided by this Act;

Further notice of sale.

22. Every such notice shall specify the place, day and hour at which such sale will commence; each lot or parcel of land, if the same be situate in a township, shall be designated therein by its range and number, and if it be within the limits of a fief or seigniory, by its metes and boundaries; or by its number in the plan and book of reference for registration purposes, if any there then be;

Notice to specify place and time of sale, description of land, &c.

23. All the lots thus for sale in the municipality may be included in the same statement and in the same notice;

One notice may include all lots.

24. Every secretary-treasurer of a local council may, under the authority of such council, and at the expense of the municipality, employ one or more persons to assist him as collector of assessments and of other debts due to the municipality, but he shall be responsible for the acts and omissions of all persons so employed.

Secretary-treasurer of locality may employ assistants.

SPECIAL PROVISIONS AS TO ASSESSMENTS FOR COUNTY PURPOSES.

60. In any county municipality in which land has been offered for the building of a county court house, and accepted by the governor as the site thereof, and in which the council has by by-law ordered and directed the building of such court house on the said site, and has apportioned the sum payable by each local municipality for such purpose, such by-law shall be definitive, and the assessment so imposed shall be obligatory upon such local municipality, and thenceforward the sum therein mentioned shall be a debt of such local municipality:

County By-law fixing sum to be paid by each locality to be definitive, &c.

3. The secretary-treasurer of the county municipality, shall, immediately after the passing of any such by-law by such county municipality, transmit a copy thereof to the secretary-treasurer of each local municipality affected thereby, and the secretary-treasurer of such local municipality shall, within two months after the day on which he receives the same, prepare a special collection-roll or assessment-roll, as the case may be, based upon the valuation-roll for such local municipality, and he shall, in the usual manner, calculate and insert the several assessments payable by each contributor, and the total amount due by each person in such local municipality;

Copy to be transmitted to each local Secretary-Treasurer.

Duty of the latter.

He shall collect the required sum.

And account to the county.

This section to apply to all county assessments.

3. The secretary-treasurer of any Local Municipality affected by such by-law of a county municipality, after he has prepared the said collection-roll in the manner aforesaid, shall be the collector of the same, and it shall be his duty to raise the amount of the assessment so imposed, in the manner provided by this Act; and such secretary-treasurer shall render an account to the county municipality of the collection of such moneys in the manner and under the penalties and suits provided by this Act;

4. The provisions of this section shall apply to all assessments imposed by county municipalities upon any local municipality, in matters relating to county interests, or for the purpose of making provision for any county works.

SALES OF PROPERTY.

Sales to be by public auction.

No duty, &c.

61. All lands, goods and chattels, to be sold under the authority of this Act for the payment of taxes or other dues, shall be offered to public competition; but such lands, goods or chattels so publicly sold, shall be exempt from auction duty, and need not be sold by a licensed auctioneer:

Mode of sale.

In sales of real property so much only to be sold as will pay taxes and costs.

What part shall be sold first.

2. At the place, day and hour appointed for the sale of lands, the secretary-treasurer of the county council shall make known the amount of the sum to be raised as aforesaid upon each such property, to which amount he shall add the just proportion of the costs and expenses to be borne by each such property; the person who then and there offers to pay to the secretary-treasurer the amount of the said sum thus to be raised, with costs and expenses, for the smallest part, quantity or portion of the said property, shall be considered the purchaser, and such said part, quantity or portion of the said property shall be adjudged to him by the secretary-treasurer, who shall sell such portion of the property as appears to him best for the interest of the proprietor thereof;

If the purchaser fails to pay, another sale to be had in 8 days.

3. If any purchaser fails to pay on the day of sale the amount of his purchase, the secretary-treasurer shall adjourn the sale to any day not more than eight days distant, by giving all persons present notice of such adjourned sale, in an audible and intelligible voice; and on the day of such adjourned sale, the secretary-treasurer shall again put up the said property for sale, and shall sell the same, or any portion thereof, unless the first purchaser has in the meantime paid the full amount of assessments and charges due thereon;

Certificate to purchaser.

4. On payment by the purchaser of the amount of his purchase money, the secretary-treasurer shall give a certificate under his signature to such purchaser, specifying the particulars of such sale, and the purchaser may forthwith enter upon and take possession of such lot or parcel of land;

5. No such purchaser of any lot of land shall carry away any timber therefrom during the first year he is in possession thereof; and it shall be the duty of the former proprietor, before he can recover possession of his lot of land so sold, in addition to what he is bound to pay, to repay to the said purchaser all the taxes and the value of all public or vicinal work which he has paid or performed during the time the land was in his possession;

Purchaser not to carry away timber during his first year.

6. If, within two years from the day of such sale, the original owner of the lot, or any one on his behalf, pays to the secretary-treasurer the amount levied, together with twenty per cent. in addition to the same, then he shall be entitled to recover possession of the lot or parcel of land so sold, and the secretary-treasurer shall on demand pay to the purchaser thereof, his heirs, assigns or representatives, the amount so received by him, after deducting therefrom two and a half per cent. as his own fees; and thereupon (subject to the condition in the next following sub-section) the right acquired by the purchaser in the land shall thenceforth wholly cease and determine;

Owner may redeem within two years, paying price and 20 per cent. more.

7. Any person may redeem any such lot or parcel of land so sold, whether thereto authorized or not by the original proprietor, but for and in the name of such proprietor only;

Any person may redeem for the owner.

8. Whenever any such redemption is effected by a person not specially authorized, the secretary-treasurer shall mention in the receipt given by him for the redemption money, the name and designation of the person paying the same;

Special receipt in such case.

9. Every such receipt shall be made in duplicate; one duplicate shall be delivered to the person paying the redemption money, and the other shall remain of record in the office of the Secretary-Treasurer;

To be in duplicate, &c.

10. Every such receipt or a copy thereof, certified by the Secretary-Treasurer, shall be proof of the payment mentioned therein, and when registered in the proper Registry office, shall secure to the person therein mentioned, his heirs or assigns, a privilege and hypothec (*hypothèque*) over and prior to all other claims upon the lot or parcel of land so sold, except *cens et rentes*, or *rentes constituées* representing *cens et rentes*, as provided by the Seignorial Act of 1854, and by the Acts amending the same, for reimbursement of the sum therein mentioned, with interest at the rate of eight per centum per annum to be reckoned from the date of such receipt;

When registered to carry privileged hypothec.

11. If, at the expiration of two years from the time of such adjudication, the land so adjudged is not redeemed as aforesaid, then the secretary-treasurer, on demand by the purchaser, his heirs, assigns or representatives, and upon payment of the arrears

If the land be not redeemed, deed of sale to be given to purchaser: its effect.

arrears of any other assessments which, in the meantime, have become due thereon, shall execute a deed of sale in due form, conveying, in the name of the county municipality, the property so adjudged to such purchaser, his heirs, assigns or legal representatives;

Deed of sale to be a legal conveyance.

12. Such deed of sale shall be a legal conveyance of the said land, and shall not only transfer to the purchaser all rights of property which the original holder had therein, but shall also purge and disencumber such land from all privileges and hypothecs due thereon; except the right to *cens et rentes* or *rentes constituées* representing *cens et rentes*, as provided by the *Seignorial Act of 1854*, and by the Acts amending the same;

Exception.

As to lands sold before issue of patent for them.

13. But whenever any lot of land situate in any Township is sold before the issuing of Letters Patent from the Crown granting the same, such sale shall in no wise affect the rights of Her Majesty in such land, but shall solely have the effect of transferring to the purchaser such rights of pre-emption or other claims, as the holder of such land or any other person had acquired in respect of the same;

Form of deed of soccage lands sold by a municipality.

14. Any such deed of sale of land held in free and common soccage, may be made, sealed and delivered before two witnesses, or made and executed before one notary and two witnesses, or before two notaries;

Case where lands have been sold, and the locality in which they lie is detached from the county before deed.

15. Every deed of sale of a lot or parcel of land sold under the provisions of this Act, or of the municipal laws in force prior to one thousand eight hundred and fifty-five, which, during the interval between the sale thereof and the execution of such deed, has been detached from one county and attached to another, shall be executed by the secretary-treasurer of the council of the county in which such lot or parcel of land lies at the time when the purchaser becomes entitled to receive such deed, and exhibits to such secretary-treasurer the certificate specifying the particulars of his purchase.

FOURTH PART.

PENALTIES.

Penalty on persons elected or appointed to office and not accepting.

62. Every person who, being elected or appointed to any of the offices mentioned in the following list, and not being exempted by law and claiming such exemption, refuses or neglects to accept such office, or to perform the duties thereof during any portion of the period for which he was so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say:

The

The office of Warden of a county, forty dollars ;

The office of Mayor of a local municipality, thirty dollars ;

The office of Councillor of any municipal council, twenty dollars ;

2. Whenever the valuator of a local municipality neglect to make the valuation which they are required to make under this Act,—or neglect to draw up, sign and deliver the valuation-roll containing such valuation to the secretary-treasurer of the local council, within two months from the date of their appointment,—every such valuator shall incur a penalty of two dollars, for each day which elapses between the expiration of the said period of two months, and the day upon which such valuator's roll is so delivered, or upon which their successors in office are appointed ;

On valuator failing to perform certain duties.

3. Every member of any municipal council, every officer appointed by such council, every justice of the peace, and every other person, who refuses or neglects to do any act, or perform any duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding twenty dollars and not less than four dollars ;

On members of any Council, Justice of the Peace, &c., failing to perform any duty.

4. Any person appointed by the Registrar under this Act to preside at a public meeting of the inhabitants of any local municipality, who refuses or neglects to be present at such meeting, or to preside thereat, or to do any act or thing required by law to be done by him in consequence of such appointment, or who is guilty of any misfeasance, malfeasance or nonfeasance, in the official capacity conferred on him by such appointment, shall incur a penalty of forty dollars ;

Penalty in case of failure by person appointed by Registrar to preside at a meeting.

5. Every person who votes at any election of municipal councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty of twenty dollars ;

Unqualified persons voting.

6. Every Inspector of roads who refuses or neglects to perform any duty assigned to him by this Act, or to obey any lawful order of any municipal council or special superintendent, shall, for each day on which such offence is committed or continues, incur a penalty of not more than five and not less than two dollars, unless some other and heavier penalty is by law imposed on him for such offence ;

On Inspectors of roads failing to perform their duty.

7. Every person who refuses or neglects to obey any lawful order of any Special Superintendent, Inspector of Roads, or other Municipal Officer, relating to any thing done or to be done under the authority of this Act, shall incur a penalty of not more

On persons disobeying lawful orders of municipal officers.

more than five and not less than two dollars for every such offence ;

Placing *balises* in certain cases.

8. Every person who places *balises* on a public summer road after an Inspector of Roads has determined that the winter road shall be made to deviate from the line of such summer road, and run through any field or enclosed ground, shall incur a penalty of eight dollars ;

On persons neglecting to repair front roads.

9. Any person bound to make or repair any front road, who neglects to make and repair the same in the manner required by the *procès-verbal* regulating it, or by this or any other Act, shall incur a penalty of twelve dollars, whether notified to make or repair such road or not ; and if he neglects to make or repair any such road after having been notified to do so by the Inspector of Roads or any other Municipal Officer, he shall incur a penalty of not more than four dollars nor less than one dollar, for each day on which it remains unmade or out of repair after such notification ;

Such penalty to be paid to the Inspector.

10. Every penalty mentioned in the last sub-section shall be paid to the Inspector for the division, and applied to the same purpose for which the labour for the due performance of which it was incurred would have been applicable ;—and the payment of the penalty shall be set off in favor of the offender against the road labour for which he is liable, at the rate of one day's labour for each dollar of the penalty paid ;

May be paid without suit.

11. The penalty may be paid to the Inspector before any suit for it is commenced, and in that case it shall be payable without costs ;

Creating obstructions on highways, &c.

12. Every person who makes, or creates or causes any obstruction or nuisance in or upon any highway, ferry or ford, shall thereby incur a penalty of not more than ten, nor less than two dollars, and an additional penalty of not more than two dollars and not less than one dollar, for every day during which the same continues, over and above all costs, expenses and damages recoverable in the manner hereinbefore provided ;

Ferrying without license.

13. Every person who shall act as a ferryman at any ferry under the control of any municipal council, without a license from such council or from the Governor, or beyond the limits assigned to him by such license, shall incur a penalty of four dollars, for each person or thing so ferried over by him ;

On persons hindering the execution of this Act.

14. Every person who hinders or prevents or attempts to hinder or prevent any municipal officer in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, shall incur a penalty of twenty dollars for every such offence, over and above any damages for which he is liable ;

15. Every person who wilfully tears down, injures or defaces any advertisement, notice, or other document, required by this Act to be posted up at any public place for the information of persons interested, shall incur a penalty of eight dollars for every such offence ;

On persons wilfully tearing down notices, &c.

16. Every person who shall drive at any pace faster than a walk over any bridge exceeding twenty feet in length, unless such bridge is wholly of brick or stone ; and every person who shall cut, deface or injure any part of any bridge, rail or post, or any mile stone or mile post, or any inscription thereon, or any work or thing forming part of, or serving to the use of any road, or any trees lawfully planted on any side-walk, or shall in any way obstruct or render inconvenient or dangerous the use of any road, shall incur a penalty of not more than five dollars, nor less than two dollars ;

Fast driving over bridges : defacing bridges, posts, &c.

17. Every person who refuses permission to enter his house to any officer authorized by the council of any municipality to seize and sell the goods and chattels of such person, is guilty of *rebellion à justice*, and shall be punished therefor by the mayor or justice of the peace who signed the warrant, by imprisonment for any period not exceeding one calendar month, and such mayor or justice of the peace may moreover give an order to cause the doors to be opened, entrance through which has been refused, and the officer charged with such order may by virtue thereof cause any such doors to be opened in the presence of one or more witnesses, and may for that purpose avail himself of the assistance of such persons as he deems advisable, at the cost of the person who refused such entrance, which said costs, the said officer shall levy by virtue of the same warrant.

Punishment of persons resisting officers of a Municipal Council, &c.

RECOVERY OF PENALTIES, TAXES, &c.

63. All penalties imposed by this Act or by any by-law lawfully made under it, shall be recoverable before the circuit court in and for the County or the Circuit Court of the District, in which the local municipality or the major part thereof is situated, or before any justice of the peace sitting in the municipality or in any adjoining municipality ;—All the fines and penalties incurred by any one person may be included in the same suit ;—and the costs in any such suit, before a justice of the peace, shall be taxed according to the tariff of the court of commissioners for the trial of small causes ;

How penalties shall be recoverable.

2. Every judgment rendered in any such suit shall be so rendered with costs, and execution may issue thereon at the expiration of eight days from the date of the judgment ;

Costs and execution.

3. The secretary-treasurer of the local municipality in which such suit is brought, shall *ex officio* be clerk to the justice of the

Secretary-treasurer of local

the

municipality to
be Clerk of such
Justice.

the peace, in such suit, unless the justice appoints another clerk under the next following paragraph, and shall keep, in a faithful and correct manner, a separate register in which he shall enter the judgments of the justices of the peace in all such suits;—and the summons and every other proceeding relating to such suit shall remain of record in his office;

Justice of the
Peace may ap-
point his own
Clerk.

4. Any justice of the peace may appoint his own clerk in any such suit, but every clerk so appointed shall, within three days after the date of the judgment rendered in any such suit, transmit to the secretary-treasurer of the local municipality a duly certified copy of the proceedings therein;—and every such clerk shall be deemed to be a municipal officer in so far as relates to the duties imposed upon him by this Act;

Right of Justice
issuing the
summons to sit
in preference to
others.

5. On the day of the return of the summons, and at every other stage of the proceedings thereon, the justice of the peace who signed the summons shall have the right to sit in the case, in preference to, and to the exclusion of, any other justice of the peace present;

Delay between
service and
summons.

6. There shall be an interval of at least three clear days between the day of the service of the summons and the day of the return thereof;

Evidence.

7. Every such suit shall be decided upon the oath of any municipal councillor, or of any inspector or other municipal officer, or of any other credible witness;

Limitation of
suit for penal-
ties.

8. Every suit brought for the recovery of penalties under this Act must be commenced within six months of the day on which such penalty was incurred; and all penalties, paid either before or after such suit as aforesaid, shall belong, one half to the municipality with reference to which, or to the infraction of the by-laws of which, such suit is brought, and the other half to the prosecutor, unless such suit is instituted by the order of any municipal council or by any of its officers, in which case the whole of the penalty shall belong to such municipality.

Application of
penalties.

SUITS UNDER THIS ACT, AND DECLARATORY, TEMPORARY AND SPECIAL PROVISIONS.

Who may pro-
secute under
this Act.

64. Every person of the age of twenty-one years has and shall have a right to institute any prosecution authorized by the provisions of this Act:

Municipalities
may be sued for
neglect of duty.

2. Every municipality may be sued for any neglect in making or maintaining roads, bridges or other public works as required by this Act, or any other Act concerning municipal affairs, saving any legal recourse it may have against its officers, and all other persons;

3. And whereas doubts have arisen as to whether the value of any work required by law from any owner of land, under the provisions of the said Lower Canada Municipal and Road Act of 1855, and performed by any Inspector or Overseer of roads, in default of the person bound to perform the same, might be collected as taxes due to the municipality, without a suit being previously brought for the recovery thereof, and generally as to proceedings which may be adopted against persons liable to make and maintain front roads; it is hereby declared and enacted:

Recital: as to recovery of value of road work done in default of owner, &c.,

4. That, according to the true intent and meaning of the said Act, of the Acts amending the same, and of this Act, no lot, in respect of which any such work was or shall be so performed, or materials furnished, as aforesaid, could, or can hereafter, be legally sold for the recovery of the value of any such work or materials, unless the person bound to perform or furnish the same had, or shall have been, specially notified and required to perform such work or furnish such materials, or unless judgment had or shall have been obtained against him for the amount of such value; and no person bound to make or repair any front road was or shall be liable to any suit or action in respect of the making or maintaining of such front roads, except for the penalties imposed by the fifty-eighth section of the said Lower Canada Municipal and Road Act, and no part of the property of any such person was or shall be liable to seizure or sale on account of his default to make or maintain any such road, unless he had, or shall have, been specially notified and required by an Inspector or Overseer of Roads, or some other Municipal Officer, to perform such work and furnish such materials;

Lot cannot be sold for such work, unless owner, &c., he was specially notified, or judgment obtained against him.

No owner liable to any suit (except for penalties) for front road work unless he was specially notified.

5. But in every case in which any Municipality has at its own expense caused any work to be performed or materials to be furnished for the making or maintaining of any front or other road, in default of its being made or maintained by the owner of any land in the Municipality residing without its limits, and bound to make or maintain the same, no sale of such land, as for taxes, due the Municipality, is or shall be held void by reason of no previous notice having been given to such owner;

But sales heretofore made not void in certain cases.

6. No Election of Councillors nor any proceedings connected with such election, no By-law, resolution, *procès-verbal*, *acte de répartition*, contract, or any other Act or document whatever, performed or executed by a Municipal Council or by a Municipal Officer, Notary or other person, shall be considered null or annulable, solely for any error in the designation or corporate name of the Municipality; and no document of any kind shall be considered null or annulable, solely by reason of an error in the designation or title of such document;

Elections and proceedings not void for error in designating the municipality.

Recital.

7. And whereas the local councils of certain territories erected into townships and also wholly or partly into parishes, and which, under the thirty-third section of the said Lower Canada Municipal and Road Act of 1855, respectively form municipalities by the name of the corporation of such townships, or parts of townships, have by error passed by-laws under the name of the corporation of such parish,—no by-law heretofore passed by any such local council shall be null by reason of such erroneous designation therein assumed, but on the contrary every such by-law shall be judged of in respect of its validity, and shall be interpreted and acted on in all other respects, as though it had been passed in the name of such township or part of a township, and not of such parish ;

By-laws not null by reason of erroneous designation of municipality.

Recital.

8. And whereas doubts have arisen as to the mode of proceeding which should be adopted by any person whose property has been illegally sold for taxes under the provisions of the said Lower Canada Municipal and Road Act of 1855, and the Acts amending the same, it is declared and enacted, that no purchaser of land was, or is, under the said Acts, or shall be under this Act, liable to be dispossessed of the same, until after judgment of a competent tribunal is or shall have been pronounced against the Municipality the secretary-treasurer of which received, or was entitled to receive the purchase money, ordering such Municipality to repay the same, either with or without damages, or declaring the sale so made null and void ;

As to proceedings for disposing purchaser of lands illegally sold for taxes.

Persons doing lawful road work for others may recover the value.

9. Any person who, on the requisition or with the sanction of any municipal authority, road officer, or court of justice, has or shall have performed or paid for the performance of any public work required by law to be done in any municipality, has and shall have a right to recover from the person or persons bound by law to perform such work or from the municipality, before any court having competent jurisdiction, the value of such work with interest at the rate of six per centum from the time of completing such work or of paying for the same ;

Municipalities may sue in any Court.

10. Any municipality may sue for the recovery of any debt due to it before any court of competent jurisdiction ;

Electors not disqualified as witnesses.

11. In any case in which the rights of any municipal corporation are involved, no witness shall be inadmissible from the fact of his being an elector entitled to vote in such municipal corporation ;

Provisions in consequence of abolition of overseers.

12. The office of overseer having been abolished by this Act, every local Council shall, before the first day of January, one thousand eight hundred and sixty-one, make a new division of the Municipality into as many Inspectors divisions as they may deem expedient ; and so soon as such new division is made, the Council shall name as many Inspectors as may be required for all such divisions, but the Inspectors so named shall remain in office

office only until the next general election of Councillors, and thereafter, until their successors are installed into office ;

13. Any Chief Officer of any Municipal Council, who may have neglected to sign any document which by law he should have signed, may at any time before the first day of January, one thousand eight hundred and sixty-one, sign such document, which, until it is so signed and thenceforward, shall be as valid and effectual as if it had been signed by such Chief Officer at the time of its execution; Provided that, at such last mentioned time, the signature of some other Municipal Officer bound to sign the same was duly affixed thereto ;

Chief officers may sign documents they have omitted to sign.
Proviso.

14. Notwithstanding any provision in this Act, any Public Work begun wholly or partially by means of statute labour, shall be continued and completed in the same manner ;—but every *procès-verbal* relating to any works not yet begun, shall be altered without delay, by the proper Council, in such manner as to meet the changes effected by the provisions of this Act abolishing statute labour elsewhere than in Indian Reservations.

Works begun by statute labour may be completed. But *procès-verbal*, &c., may be altered for the future.

EXECUTION OF JUDGMENTS AGAINST MUNICIPALITIES.

65. Whenever a duly certified copy of a Judgment rendered against any Municipality is served upon the Secretary-Treasurer, he shall pay the amount thereof out of any funds then being at the disposal of the Municipality :

Secretary-treasurer to pay.

2. If there be no such funds, the Secretary-Treasurer shall forthwith call a special meeting of the Council at which such Council shall levy an assessment upon all the assessable owners and occupants of lands and other assessable persons, in the Municipality, sufficient to pay the amount of such judgment with interest and costs of suit, together with the costs of levying such assessment ; If, after the expiration of two months from the time of the service of such copy of judgment, the amount thereof, or any balance thereon, remains unsatisfied, the person in whose favor it was rendered may serve a copy thereof duly certified upon the Sheriff of the District in which such Municipality is situate enjoining him to pay the amount or balance thereof ;

If he has no funds, Council to levy assessment.
In default Sheriff to act.

3. Immediately upon receipt of any such copy of Judgment, the Sheriff shall proceed to levy a tax upon all the assessable owners and occupants of lands and other assessable persons, in the Municipality, sufficient to satisfy such judgment with interest and costs, or the balance thereof, together with his disbursements and five *per centum* in addition for his own fees and emoluments ;

Sheriff to levy a tax.

Rights of Sheriff for such purpose.

4. And for the purpose of levying such assessment, every such Sheriff shall have free access at all reasonable hours, to all registers, valuation rolls, collection rolls, and other documents deposited in the office of the Secretary-Treasurer, and shall have full power and authority to command the assistance of all Road Inspectors and other Municipal Officers, in the execution of his duty in that behalf.

APPEALS

FROM LOCAL TO COUNTY COUNCILS.

Special Session of County Council to revise By-law, &c., appealed from.

65. Whenever a majority of the persons interested, if they be less than ten in number, and whenever any number not less than five, of the assessable inhabitants of a local municipality, do, within fifteen days after the homologation of any valuation-roll or *procès-verbal*,—or after the expiration of the period within which such valuation-roll or *procès-verbal* is allowed to be revised and homologated by a local council,—or within fifteen days after the first publication of any by-law passed by the council of such local municipality, file in the office of any county council, a petition in appeal, praying for the revision or amendment of such valuation-roll or *procès-verbal*, or for the amendment or disallowance of such by-law, and setting forth the grounds or reasons for which such revision, amendment or disallowance is prayed for, the warden of the county shall convene a special session of the county council, and give public notice of such special session; and every such special session shall be held within twenty days from the date of the filing of such petition:

Decision of County Council, and its effect.

2. The county council at any such special session shall, after hearing the petitioners and the mayor, councillors or clerk of the local council, or any of such parties who require to be heard,—homologate without amendment, or amend and homologate as so amended, such *procès-verbal* or valuation-roll,—and shall confirm, amend or disallow such by-law as they deem expedient; And every *procès-verbal*, valuation-roll or by-law so amended, shall come into force as so amended from the day of the date of such amendment, and every by-law so disallowed shall become null and void to all intents and purposes, as if the same had never been passed;

Adjournment *sine die* without decision to operate confirmation.

3. But whenever any such county council closes such special session, or adjourns the same *sine die*, or for any period beyond ten days from the first day thereof, without having decided upon the merits of the petition in appeal, the *procès-verbal*, valuation-roll or by-law, to which such petition relates, shall be considered as having been homologated by such council;

4. Every by-law of a local council, when amended by the county council, shall be published as so amended in the manner hereinbefore provided, and every judgment of a county council disallowing any by-law passed by a local council shall be published in like manner ;

Publication of amended By-law.

5. No county council shall disallow or amend any by-law passed by the council of a town or village municipality ;—nor shall the mayor of any town or village municipality vote or take any part in the proceedings before a county council on appeals from other local councils ;

County Council not to disallow or amend a By-law of a town or village, &c.

6. No mayor of a local municipality shall sit or vote at any special session of the county council for hearing or deciding upon any petition of appeal praying for the revision or amendment of any valuation-roll or *procès-verbal*, or for the amendment or disallowance of any by-law in the matter of which he has any direct personal interest ;—and the county council shall decide whether such Mayor has or has not such direct personal interest ; but such mayor shall not have a right to vote on the question of his having or not having such interest ;

Mayors not to sit in a County Council in appeals in which they are personally interested.

7. Whenever two parishes jointly interested in the opening of a new road, the maintenance or improvement of an old road, or the making or maintenance of fences or ditches, cannot agree together as to the division of the work to be done, the matter shall be referred to the council of the county in which such two parishes are situate, which shall, by by-law, regulate all matters of difference relative to the opening or maintenance or improvement of such road, or the making or improvement of such fences and ditches, and shall order and prescribe the work to be done and the portion to be done by each Parish ;—and these powers shall belong to such county council, in addition to the other powers conferred by this Act ;

When two parishes jointly interested as to road cannot agree, County Council to decide.

8. Every county council shall, at a special session to be holden for that purpose, at some period not later than the first day of June, in every year during which new valuation-rolls are made, examine the valuation-rolls of the different local municipalities in the county, and ascertain whether the valuation made in each bears a just relation to the valuation made in the others ;—And thereupon the county council may increase or decrease the valuations of all assessable property in any one or more of such local municipalities by adding or deducting such sums upon the hundred as are in their opinion necessary to produce a just relation between all the valuations in the county ;—but no such council shall reduce the aggregate amount of the valuations made by the valutors in the whole county.

County Council to revise local assessment-rolls.

And make them bear a just relation to each other.

Provide.

APPEALS TO THE CIRCUIT COURT.

How appeal
may be made.

67. 1. Any person who deems himself aggrieved by any judgment rendered by virtue of this Act, (unless such judgment has been rendered in the first instance by the circuit or superior court), may appeal therefrom to the circuit court in and for the County, or of the District, in which such judgment was rendered, and such appeal shall be made in the following manner :

Security in ap-
peal.

2. Within ten juridical days after the judgment is rendered, the appellant shall give good and sufficient security, (by a surety who shall justify his sufficiency to the satisfaction of the clerk of the circuit court at the place at which the appeal is to be heard,) that the appellant will effectively prosecute the said appeal and will satisfy the judgment and pay the damages and costs, which may be adjudged by the circuit court, if the judgment appealed from be confirmed;—And the said clerk may administer to any person presenting himself as surety, the oaths required in similar cases, and put such questions as may be necessary to satisfy himself of his sufficiency; and the said surety shall justify his sufficiency to the amount of at least one hundred dollars;

Clerk may ad-
minister oath
to surety.

Surety to jus-
tify.

Copies of secu-
rity bond.

3. The said clerk shall deliver to any person applying therefor a copy of the security bond, and such copy, certified by the clerk to be a true copy, shall be deemed authentic;

Suspension of
execution.

4. If such security is furnished as above mentioned within the delay prescribed, execution of the judgment shall be suspended until the appeal has been decided; in default thereof the judgment rendered shall be carried into effect;

How appeal
shall be com-
menced.

5. The appeal shall be commenced by a petition in which it shall not be necessary to set out all the facts and proceedings in the cause, but it shall be sufficient, after stating the title of the cause, the date of the judgment, and that the security required by law has been duly furnished, to state in a summary manner, as though the proceedings in the cause had already been before the court in which the appeal is to be heard, and in the ordinary form of pleadings or complaints in appeal, the motives or reasons of the appeal, with conclusions analogous thereto, and to pray that the judgment appealed from be set aside, and that such judgment be rendered as the court or judge below ought to have rendered;

Copies of peti-
tion and secu-
rity to be served
on the respon-
dent.

6. A copy of the said petition certified by the appellant or his attorney, and a copy of the security bond, certified by the clerk who shall have received the same, shall be served upon the respondent, or his attorney, within twenty juridical days after the rendering of the judgment, together with a notice of the day on which the said petition will be presented to the

Circuit

circuit court, and the said petition shall be presented to the circuit court (in term) on the first juridical day of the said court immediately following the expiration of the twenty juridical days after the judgment has been rendered ;

7. The appellant shall file with his petition a certified copy of the security given by him, and also the notice of appeal, together with the return of a bailiff, setting forth the necessary services, and thereupon the appeal shall be heard and decided in a summary manner ;

Papers to be filed by appellant.

8. After a copy of the security bond, so given, has been served upon the judge, or one of the judges, or upon the clerk to the judge or judges, or of the court, who rendered or pronounced the judgment or conviction, the said judge or judges, before the day fixed for the presenting of the petition in appeal, shall transmit the record to the clerk of the circuit court, with a certificate, signed and sealed, certifying that the documents transmitted are all the papers, documents and evidence relating to the cause ; The above service must be made within fifteen days after the day on which the judgment was rendered ;

Transmission of record from Court below.

9. In any such appeal, no new evidence shall be adduced, and no judgment shall be set aside by reason of any trifling variance or informality, but only when any real injustice has been committed ;—and when objections are raised which do not affect the merits of the cause, the circuit court may, if necessary, order the clerk of the court to make any amendment to the procedure, which, as amended, shall be executed as though it had been regular in the first instance ;

Variance or informality not grounds for setting aside judgment.

10. The circuit court may adjudge the costs on such appeal, and if the judgment appealed from is fully confirmed, it may order that the record be transmitted to the judge or judges or court who pronounced the judgment or conviction, and such transmission shall be effected by the clerk of the circuit court, who shall annex to the record a copy of the judgment of the said court and a certificate of the costs allowed on the said appeal, and the said costs shall be levied by the same means, and in the same manner in which the judgment of the judge or judges below, or of the court below, is carried into effect according to law ;

Costs of appeal, how awarded and levied.

11. But if, on the other hand, the said judgment be modified or set aside, in whole or in part, the record and procedure on the judgment appealed from, and any procedure upon the appeal, shall remain to form part of the records of the circuit court, by which and under the authority of which, whatever shall have been adjudged, ordered, confirmed, modified or amended by the judgment of the said court shall be carried into effect, by the same means and in the same manner as the judgment appealed from would itself have been carried into effect ;

Provision if the judgment be modified or set aside.

Provision in case of failure to prosecute appeal.

12. Any appellant who neglects to cause a copy of the said petition to be served as aforesaid, or who, having caused it to be served, fails effectually to prosecute the said appeal, shall be deemed to have abandoned the said appeal,—and upon application of the respondent, the circuit court shall declare forfeited all the rights and claims founded on the said appeal, and shall allow costs to the respondent, and shall order that the record, (if it has been transmitted,) be sent back to the court or judge below ;—and if the record has not been transmitted, then, upon production of the copy of the petition served upon the respondent, the said respondent shall obtain such costs as the court may adjudge ;

Recourse against sureties.

13. The execution of the judgment against the party condemned shall not deprive the party who has succeeded, of his recourse against the sureties for the whole or any part of the costs of the appeal remaining unpaid, to the payment of which every surety shall be bound, under the penalty of seizure and execution, in the same manner and to the same degree as the principal party ;

No *certiorari* to be issued in cases appealable under this Act.

14. No judgment, rendered in virtue of this Act, shall be set aside by any other means than the appeal above prescribed ; and no writ of *certiorari* shall be issued and no judgment set aside upon a writ of *certiorari*.

SPECIAL PROVISION RELATING TO APPEALS.

By-laws, &c., not to be set aside in appeal, on ground of want of interest in persons applying for them.

68. No By-law, *procès-verbal*, or other act or proceeding, shall be declared void by any County Council, sitting in appeal thereon from the decision of any Local Council, or by any Court of Appeal, or other Court, solely by reason of the person or persons applying for the same not being interested ; every question as to the interest of such person or persons shall be decided by the Council before which such proceeding originates, if such question is raised before such Council ; and every such decision shall be final and conclusive ; and if not raised before such Council, it shall not be raised in appeal.

OATHS.

By whom to be administered.

69. Any oath required by this Act may be made before any warden or mayor, or justice of the peace :

Persons administering it to give certificate of its having been taken.

2. Any person before whom any oath may be made under this Act, is empowered and required to administer such oath, without payment, whenever called upon to do so, and to deliver to the person taking the same a certificate thereof ;—and the person taking such oath shall, without delay, deliver such certificate to the secretary-treasurer of the council in relation to the affairs of which such oath was made.

PUBLICATION OF THIS ACT.

70. The Governor may cause to be printed, in both languages, in such number and to be distributed in such manner as he shall deem most conducive to its publication in Lower Canada, this Act apart from the other Acts of the present Session, together with an index thereto or synopsis thereof, or both; and also a schedule of all Acts or parts of Acts making special provision for the erection of or relating to any Municipal Corporation in Lower Canada.

Governor to cause copies of this Act to be printed separately, &c.

FORMS.

71. The forms given in the Schedule to this Act shall suffice for the purposes for which they are given; but any other form to the like effect shall be sufficient, and any form shall be sufficient for such purposes or any other under this Act, if according to the ordinary construction of the language, the purport and intent thereof can be *bonâ fide* understood from the words used;—and no unnecessary or irrelevant allegations or expressions, in any such form, shall affect the validity thereof, if by passing them over as mere surplusage the remainder can be made to bear the sense required;—the rules of construction embodied in the Interpretation Act, and in this Act, shall apply as well to the forms here given and to any other such form as aforesaid, as to the allegations, statements, orders or directions therein contained; and no objections of mere form or founded on the omission of any formality shall be allowed to prevail in any action, suit or proceeding under this Act, unless substantial injustice would be done by not allowing such objection.

Forms in Schedule to be sufficient.

Interpretation of forms and proceedings under this Act.

Merely formal objections not to prevail, if the substance be not affected.

(SCHEDULE No. 1.)

Places specially erected into Municipalities by this or other Acts, and subject to the provisions of this Act wholly or in part.

Name and Description of Municipality.	Authority under which erected.
<i>The Municipality of the parish of Three-Rivers</i> , being that portion of the said parish not comprised in the City of Three-Rivers, with the several concessions upon the St. Lawrence, and in the rear of such concessions up to the tract comprised within the ministration (<i>desserte</i>) of the parish of Pointe-du-Lac, and as far as the <i>fief</i> (now <i>parish of</i>) St. Etienne.	18 V. c. 100, s. 4, par. 2-4.
<i>The Municipality of the Town of Sherbrooke</i> , as it was on the first day of July, 1855, as if the same had been erected into a Town Municipality, together with the Townships of Ascot and Orford, in the County of Compton.	18 V. c. 100, s. 4, par. 5.
<i>The Municipality of Ste. Anne-des-Monts</i> , as limited by Order in Council under the provisions of the 12 V. c. 126, with a Council having the powers of a local and County Council.	18 V. c. 100, s. 4, par. 6.
<i>The Municipality of the Magdalen Islands</i> , with a Council of five members, having the powers of a local and County Council.	18 V. c. 100, s. 4, par. 7.
<i>The parish of St. Anicet</i> , in the Township of Godmanchester, in the District of Beauharnois.	
<i>The parish of Ste. Julienne de Rawdon</i> , in the Township of Rawdon, in the District of Joliette.	
<i>The parish of St. Alphonse de Liguori</i> , in the County of Montcalm, in the District of Joliette.	
<i>The parish of St. Norbert d'Arthabaska</i> , in the Township of Arthabaska, in the District of Arthabaska.	
<i>The parish of St. Christophe d'Arthabaska</i> , in the Township of Arthabaska, in the District of Arthabaska.	18 V. c. 100, s. 33, par. 11.
<i>The Municipality of Mont Carmel</i> , being part of the parish of La Rivière Ouelle, in the District of Kamouraska.	
<i>The Municipality of St. Hugues</i> , comprising the 8th, 9th, 10th, 11th, 12th and 13th ranges of the Township of Upton, with the parish of St. Hugues.	
<i>The parish of St. Ephrem d'Upton</i> , in the Township of Upton.	
<i>The parish of St. Germain</i> , in the Township of Grantham, in the County of Drummond.	
<i>The Municipality of Grantham, Wendover and Simpson</i> , comprising the Townships of Wendover and Simpson, and that part of Grantham not comprised in St. Germain.	20 V. c. 41, s. 2, par. 2.
<i>The Municipality of North Winslow</i> being the north part of the Township of Winslow.	
<i>The Municipality of South Winslow</i> , being the south part of the Township of Winslow, with limits fixed by a By-law of the Council of the County of Compton.	
<i>The Township of St. Jean</i> , detached from the County of Chicoutimi, with a Council having the powers of a Local and County Council.	22 V. (1858), c. 101, s. 30.

(SCHEDULE No. 1.)—Continued.

Name and Description of Municipality.	Authority under which erected.
<i>The Municipality of Grande Baie</i> , in the Township of Bagot, in the County of Chicoutimi.	22 V. (1859), c. 69, s. 1.
<i>The Municipality of Bagotville, North-West Division of the Township of Bagot</i> , in the Township of Bagot, in the County of Chicoutimi.	
<i>The Municipality of Hébertville</i> , in the County of Chicoutimi, with a Council having the powers of a Local and County Council.	22 V. (1859), c. 70, s. 1.
<i>The Municipality of Roberval</i> , in the County of Chicoutimi, with a Council having the powers of a Local and County Council.	
<i>The Municipality of St. Aubert de Gallion</i> , comprising the Parish of St. Aubert de Gallion, with the first, second, third and fourth ranges of the Township of Shenley.	This Act.

F O R M S .

(A)

NOTICE OF PUBLIC MEETING FOR THE ELECTION OF LOCAL COUNCILLORS.

To the municipal electors of the (township, parish, &c., *here insert name of municipality.*)

Public notice is hereby given that a public meeting of the inhabitants of the local municipality of the (parish, township, &c., *here insert name of municipality*) qualified to vote for municipal councillors, will be held at *(here describe the place, public room, house, &c.,)* in the said municipality, on _____ day, the _____ day of _____ instant (*or next*) at _____ of the clock in the noon, for the purpose of then and there electing seven councillors for the said municipality, pursuant to the provisions of "The Lower Canada Municipal Act of 1860."

Dated at _____ this _____ day of _____, one thousand eight hundred and _____

A. B.
Mayor, Secretary-Treasurer, *or* Registrar,
(*or* Deputy Registrar of _____ as the
case may be.)

(A 2)

(A 2)

NOTICE OF PUBLIC MEETING FOR THE ELECTION OF COUNCILLORS, IN PLACE OF THOSE WHOSE ELECTION HAS BEEN DECLARED NULL AND VOID.

To the municipal electors of the (township, parish, &c., *here insert name of municipality.*)

Public notice is hereby given that a public meeting of the inhabitants of the local municipality of the (parish, township, &c., *here insert name of municipality*) qualified to vote for municipal councillors, will be held at *(here describe the place, public room, house, &c.)* in the said municipality, on _____ day, the _____ day of _____ instant (*or next*), at _____ of the clock in the _____ noon, for the purpose of then and there electing _____ councillor for the said municipality, in stead of (A. B. and C. D. *as the case may be*) whose election has been declared null and void, pursuant to the provisions of "The Lower Canada Municipal Act of 1860."

Dated at _____ this _____ day of _____, one thousand eight hundred and _____

A. B.

Mayor, Secretary-Treasurer, *or* Registrar, (*or* Deputy Registrar of *as the case may be.*)

(B)

CERTIFICATE OF THE PUBLICATION OF A PUBLIC NOTICE TO BE ANNEXED TO OR ENDORSED ON THE ORIGINAL NOTICE.

I, A. B., residing at the (township, parish *or* place, *here insert residence.*) being duly sworn on the Holy Evangelists, do hereby certify and return that I did publish the within original notice, by posting a true copy thereof on the front door of _____ (*here describe the churches or chapels on the door of which and the other public place where the notice was so posted*) on _____ day, the _____ day of _____ instant, (*or last*) between the hours of _____ in the _____ noon and _____ in the _____ noon, (*if it be within a seigniority or fief, add*) and by reading the same at the door of the said church, at the close of divine service in the forenoon, on the _____ day of _____ last (*or the instant,*) being the Sunday next following the _____ day

day on which the same was published by posting a copy thereof as aforesaid.

Dated at this day of one thousand eight hundred and

Sworn before the undersigned, Warden of the municipal council of the county of (here insert name of county), or Mayor of the municipal council of the (parish, &c., here insert name of municipality,) or one of her Majesty's Justices of the Peace for the district of (here insert name of district, as the case may be.)

B. C.

C D.

(C)

SPECIAL NOTICE TO THE PERSON APPOINTED TO PRESIDE AT A PUBLIC MEETING FOR THE GENERAL ELECTION OF LOCAL MUNICIPAL COUNCILLORS FOR A NEW MUNICIPALITY.

Registry office,

(Place.) (Date.) 18

Sir,

Hereby take notice, that pursuant to the provisions of "The Lower Canada Municipal Act of 1860," in that behalf made, I have this day appointed you to preside at a public meeting of the inhabitants of the local municipality of the (parish, township, &c., here insert name of municipality,) to be held at in the said municipality, on day, the day of instant, (or next) at the clock in the noon, for the election of municipal councillors for the same; And that I do hereby fix (here describe the house and place,) as the place at which, and day, the day of (instant or next,) as the day and hour on and at which the first session of the council of the said municipality of shall be held. And I do hereby require you to make known the said place and time of such session, to each of the persons who shall be elected councillors as aforesaid.

D. E.

Registrar (or Deputy Registrar) of the county of, or of the registration division of, as the case may be.

(D)

(D)

CERTIFICATE TO BE ANNEXED TO OR ENDORSED ON EVERY
SPECIAL NOTICE.

I, A. B., residing at the (parish, township *or* place, *here insert residence*), being duly sworn on the Holy Evangelists, do hereby certify and return, that on _____ day, the _____ day of _____, in the year of

Our Lord, one thousand eight hundred and _____ at the hour of _____ of the clock in the _____ noon, in the parish, township *or* place), in the county of _____, I did serve the within original special notice on the person (s) therein named to be notified, at his (*or* each of their, *as the case may be*) domicile (s), by leaving a true copy thereof with (*here mention the manner in which the service is made, either adding the said _____ personally, or, a reasonable person of his family,*) and then and there exhibiting to him (*or her*) the said original special notice.

Dated at _____, this _____ day of _____, one thousand eight hundred and _____

Sworn before the undersigned, Warden of the municipal council of the county of (*here insert name of county,*) *or* Mayor of the municipal council of the (parish, &c., *here insert name of municipality,*) *or* one of Her Majesty's Justices of the Peace for the district of (*here insert name of district, as the case may be*).

E. F.

F. G.

(E)

SPECIAL NOTICE TO MUNICIPAL COUNCILLOR INFORMING HIM OF
HIS ELECTION AND OF THE DAY OF THE FIRST SESSION.

(Place.) (Date.) 18 .

Sir,

I hereby notify you that at a public meeting of the electors of the municipality of (*here insert name of municipality,*) convened and held in conformity to the provisions of "The Lower Canada Municipal Act of 1860," at the said (parish, &c.,) on the _____ day of _____ (instant *or* last past,) you were then and there duly elected a municipal councillor for the said municipality of (*here insert name of municipality,*) and you are hereby required to attend the first session

session of the said council which will be held at (*here describe place of first meeting,*) on _____ day, the
 day of _____ instant (*or next,*) at the hour of _____
 of the clock in the _____ noon

G. H.
 President of election.

To H. I.
 Municipal Councillor.

(F)

NOTICE FROM PRESIDENT OF ELECTION TO WARDEN OR REGISTRAR, OR THE SECRETARY-TREASURER OF THE COUNTY COUNCIL, WHEN AN ELECTION HAS TAKEN PLACE FOR A NEW MUNICIPALITY.

(Place.) (Date.) 18 .

Sir,

I hereby inform you that at the public meeting of the inhabitants of the municipality of the (parish, township, &c.,) of (*here insert name of municipality,*) held at _____ on
 day, the _____ day of _____ instant
 (*or last past*) :

NAME.	RESIDENCE.	OCCUPATION.
A. B.	Quebec,	Carpenter,
C. D.	do.	do.
E. F.	do.	do.
G. H.	do.	do.
J. K.	do.	do.
L. M.	do.	do.
N. O.	do.	do.

were elected councillors for the said municipality, (by acclamation, they being the only candidates, *if such be the case,*) or they having the largest number of votes, as appears by the poll-books, duly certified by me and herewith transmitted.

I. J.
 President of election.

To J. K., Esquire,
 Warden or Registrar or Secretary-
 Treasurer of the county of

BY-LAWS

BY-LAWS AND RESOLUTIONS.

(I)

COUNTY COUNCIL BY-LAW.

Corporation of the }
County of }

At a general quarterly session of the municipal council of the county of *(here insert the name of county)** held at _____, in the said county, on _____ day, the _____ day of _____, in the year of Our Lord, one thousand eight hundred and _____, in conformity to the provisions of "The Lower Canada Municipal Act of 1860,"† at which meeting are present, A. B., Mayor of the *(parish &c.,)* C. D., Mayor of the *(parish, &c.,)* E. F., Mayor of the *(parish, &c.,)* the said *(three Mayors, or more, as the case may be,)* forming a *quorum* of the said council, the said A. B. presiding (as Warden of the said council, *if such be the case,)* ‡ the said council doth hereby ordain and make the following by-law, to wit :

A BY-LAW.

(Here give a heading to the by-law concisely indicating the purport of such by-law.)

I. That, &c., &c.

(Seal)

A. B.

Warden *(or Chairman, as the case may be.)*

Attested, C. D.,
Secretary-Treasurer of the said Council.

* *(If it be a special meeting of the council, the following head should be substituted) :*

At a special session of the municipal council of the county of *(here insert the name of county)*, duly convened by special notice given to all the members of the said council by (the warden of the said council, *or by* A. B. and C. D., two members of the said council, *as the case may be,)* and, &c.

(J)

(J)

LOCAL COUNCIL BY-LAW.

Corporation of the }
 (Parish, Town- }
 ship, &c.,) of }

At a general monthly session of the municipal council of the (parish, &c.,) *here insert the name of municipality* * held in the said (parish, &c.,) on _____ day, the _____ day of _____, in the year of Our Lord, one thousand eight hundred and _____, in conformity to the provisions of "The Lower Canada Municipal Act of 1860," † at which meeting are present A. B., C. D., E. F., &c., (*here insert the names of the councillors present*) members of the said council, and forming a *quorum* thereof, the said A. B. presiding (as mayor, *if such be the case*,) ‡ the said council doth hereby ordain and make the following by-law, to wit :

A BY-LAW.

(*Here give a heading to the by-law concisely indicating the purport of such by-law.*)

I. That, &c., &c.

(Seal.)

A. B.

Mayor (*or Chairman, as the case may be.*)

Attested, C. D.,
 Secretary-Treasurer of the said council.

* (*If it be a special meeting of the council, the following head should be substituted*) :

At a special session of the municipal council of the (parish &c.) of (*here insert the name of parish, &c.,*) duly convened by special notice given to all the members of the said council by (the Mayor of the said council, *or* by A. B. and C. D., two members of the said council, *as the case may be,*) and, &c.

† (*If the meeting of any council be continued by adjournment, add*) :

And adjourned from the said day to _____ day, the _____ day of _____ in the (said) year, (*if further adjourned and thence unto, &c.*)

(K)

(K)

PUBLICATION OF A RESOLUTION OF A MUNICIPAL COUNCIL.

(When by any part of this Act a resolution of a municipal council is ordered to be published, the above heading of by-laws may be used in the public notice as far as †, after which, add, It was resolved, and for the words "are present" substitute "were present.")

(L)

NOTICE FOR SPECIAL MEETING OF A MUNICIPAL COUNCIL.

Office of the municipal council of the (county, parish, &c.)

(Place.) (Date.) 18 .

Sir,

Hereby take notice that a special session of the municipal council of the (county, parish, &c., *as the case may be,*) will be held on _____ day, the _____ day of _____ instant (*or next*), at the hour of _____ of the clock, in the _____ noon, at the usual place of meeting.

P. Q.

Warden, *or* Mayor, *or* members of the municipal council of the (county, Parish, &c.)

To Q. R.

(M)

NOTICE FOR AN ADJOURNED MEETING OF A MUNICIPAL COUNCIL TO BE SERVED ON MEMBERS ABSENT AT THE TIME OF ADJOURNMENT.

Office of the municipal council of the (county, parish, &c.)

(Place.) (Date.) 18 .

Sir,

You are hereby notified that the session of the municipal council of the (county, parish, &c.) stands adjourned from _____ day, the _____ day of _____ instant, to _____ day, the _____ day of _____ instant (*or next*), on which latter day the said council will meet at the usual place and at the hour of _____ of the clock, in the _____ noon.

R. S.

Secretary-Treasurer of the municipal council of the (county, parish, &c.)

To Q. R.

(N)

(N)

OATH OF OFFICE.

I, A. B., having been elected *or* appointed (*as the case may be*) Councillor, Mayor, *or* Warden of the municipal council of the (county, parish, &c.) do sincerely and solemnly swear, that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability.

Sworn before the undersigned, Warden of the municipal council of the county of (*here insert name of county*), Mayor of the municipal council of the (Parish, &c., *here insert name of municipality*), or one of Her Majesty's Justices of the Peace of the district of (*here insert name of district, as the case may be*).

S. T.

T. U.

(O)

SECRETARY-TREASURER'S SURETY BOND, WHEN GIVEN UNDER PRIVATE SEAL.

PROVINCE OF }
CANADA. }

Know all men by these presents, that We, A. B., (*here insert name of secretary-treasurer*), of the (parish, &c.) of _____, in the district of _____, and (*here insert names, residences and occupations of two sureties*), are jointly and severally held and firmly bound to the corporation of the (county, parish, &c., *as the case may be*), in the sum of _____ dollars, of good and lawful money of this province, to be paid to and for the use of the said corporation, for which payment well and truly to be made, we jointly and severally (*solidairement*) bind ourselves and our respective heirs, executors and administrators, firmly by these presents, and do hereby especially hypothecate the properties hereinafter mentioned, to wit: the said A. B. (*here insert name of secretary-treasurer, if he has real property*) a certain (*description of property hypothecated*) and the said (*here insert separately the name of each surety, together with description of the property hypothecated*), signed in duplicate by our respective hands, sealed with our respective seals, and dated at _____, the _____ day of _____, in the year of our Lord, one thousand eight hundred and _____, in presence of (*here insert names of witnesses*), the subscribing witnesses.

WHEREAS

WHEREAS the said bounden (*here insert the name of secretary-treasurer elect*) hath been elected (*or appointed*) secretary-treasurer of the municipal council of the (county, parish, township, &c.); and whereas in accordance with the provisions of "The Lower Canada Municipal Act of 1860," the said bounden (*here insert names of sureties*) have been approved by a resolution of the said council as sureties for the payment of all sums of money for which he the said (*insert name of secretary-treasurer*) so elected (*or appointed*) secretary-treasurer, may as such secretary-treasurer at any time be accountable to the said corporation, including principal, interests and costs, as well as all penalties and damages to which he the said (*insert name of secretary-treasurer*) as such secretary-treasurer shall become liable in the exercise of his office.

Now the condition of the above written obligation and recognizance is such, that if the above named (*insert name of secretary-treasurer*) do faithfully discharge the duties of the office of secretary-treasurer as aforesaid, to which he has been elected (*or appointed*) so as aforesaid, and do well and truly account for and pay over to the said corporation, or to such person or persons as under the said Act shall be authorized to demand and receive the same, all sums of money for which he the said (*insert name of secretary-treasurer*) as such secretary-treasurer shall be accountable to the said corporation, including principal, interest and costs, as well as all penalties and damages to which the said (*insert name of secretary-treasurer*) as such secretary-treasurer shall become liable in the exercise of his office, for and during the time the said (*insert name of secretary-treasurer*) shall continue to hold the said office of secretary-treasurer, then this obligation to be void and of none effect, otherwise to be and remain in full force and virtue.

A. B., Signature of secretary-treasurer. (Seal.)
 C. D., } Signatures of (Seal.)
 E. F., } Sureties. (Seal.)

Witnesses, (*names of witnesses*) { G. H.
 { J. H.

(P)

SPECIAL NOTICE OF APPOINTMENT OF A MUNICIPAL OFFICER.

Office of the municipal council of the (county, parish, &c.)
 of

(Place.) (Date.)

Sir,

You are hereby notified, that at a _____ session of the
 municipal council of the (county, parish, &c., *as the case may*
be,)

be,) of held on the day of instant (or last past), you were, by a resolution of the said council, duly appointed to the office of (*here insert name of office*).

U. V.
Secretary-treasurer of the municipal council of the (county, parish, &c.,) of

To V. W.
(*Address.*)

(Q)

NOTIFICATION OF ELECTION OR APPOINTMENT OF MAYOR.

Office of the municipal council of the (parish, township, &c.,)

(*Place.*) (*Date.*)

Sir,

You are hereby notified that (A. B., *here insert name of councillor*) was on the day of instant (or last), duly elected (or appointed, *as the case may be*), Mayor of the said (parish, township, &c.)

W. X.
Secretary-treasurer of the said council.

To X. Y.
Registrar of the county
of or secretary-treasurer of the council
of the county of

(R)

PETITION FOR ERECTION OF A VILLAGE.

To the municipal council of the county of

The petition of the undersigned Inhabitants of the (parish, township, &c.,) of qualified to vote at the election of local councillors—

Respectfully sheweth :

That they are desirous that the hereinafter described tract of land be erected into a separate village (or town) municipality, under such name as may be given thereto by His Excellency the Governor, under the provisions of "The Lower Canada Municipal Act of 1860."

That the said tract of land lies within the limits of the municipality of the said county of and is bounded as follows,

follows, to wit : (*here give boundaries and description of the said tract*), and contains at least forty inhabited houses within the space of sixty superficial arpents. (*If for the incorporation of a Town, add,—*And that there are at least three thousand inhabitants within the said tract.)

Wherefore the said Petitioners, resident within the said tract, pray that the municipal council of the said county of _____ will order on their said petition as in and by the said Act prescribed.

(Place.) (Date.)

(Signatures.)

(*not less than thirty.*)

(S)

PUBLIC NOTICE TO BE GIVEN IN RELATION TO THE ERECTION OF A TOWN OR VILLAGE.

(Place.) (Date.)

Public Notice is hereby given, that in pursuance of an order to me given by the municipal council of the county of _____, I shall, on _____ day, the _____ day of _____ instant (*or next*), at the hour of _____ of the clock in the _____ noon, visit the tract of land mentioned and described in the petition of certain inhabitants of the municipality of the (parish, township, &c.) of _____ presented to the municipal council of the county of _____, on the _____ of _____ instant (*or last past*), praying for the erection of the said tract of land into a town (*or village*) municipality; and all parties interested who may be desirous of being heard in relation to that petition are hereby notified to present themselves then and there before me for that purpose.

Y. Z.

(T)

PUBLIC NOTICE TO BE GIVEN BY A COUNTY COUNCIL BEFORE THE HOMOLOGATION OF A REPORT IN RELATION TO THE ERECTION OF A TOWN OR VILLAGE.

Office of the municipal council of the county of _____

(Date.)

Public Notice is hereby given, that on _____ day, the _____ day of _____ instant, (*or next*) at the hour of _____ of the clock in the _____ noon, the municipal council of the county of _____ after having heard the parties interested, will

will proceed to the examination of the report on the petition of certain Inhabitants of the municipality of the (parish, township, &c.,) of _____ praying for the erection into a separate town (or village) municipality of a certain tract of land therein mentioned.

V. U.

Secretary-Treasurer of the municipal
council of the county of _____ .

(U)

OATH TO BE ADMINISTERED TO SPECIAL CONSTABLES.

I, A. B., do swear that I will well and truly serve Our Sovereign Lady the Queen in the office of special constable for the _____ of _____, without favor or affection, malice, or ill will; and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law: So help me God.

(V)

WARRANT OF COMMITMENT ON VIEW.

PROVINCE OF CANADA,
Municipality of the (parish, }
township &c.) of _____ }

To all or any of the constables and peace officers in the district of _____ and to the keeper of the (house of correction, lock-up house, &c.) at _____, in the said district of _____

WHEREAS A. B. (*here describe the person*) hath this day, during the election for the municipal councillors for the municipality of the (parish, township, &c.) of _____ broken and disturbed the public peace and tranquillity (*here describe the manner*), in the presence and within view of the undersigned duly appointed to preside and presiding at the said election; and whereas I have adjudged the said A. B. for the said offence to be imprisoned in the (house of correction, lock-up house, &c.) for the time and space of _____ days.

These are therefore to command you the said constables or peace officers, or any one of you, in Her Majesty's name, forthwith to convey the said A. B. to the (house of correction, lock-up house, &c.) at _____, and there deliver him into the custody of the keeper thereof, together with this precept; And

And I hereby require you, the said keeper, to receive the said A. B. into your custody in the said (house of correction, lock-up house, &c.) and there safely keep him until the expiration of the said period of imprisonment.

Given under my hand and seal, }
 this day of , one }
 thousand eight hundred and , }
 t in the municipality }
 aforesaid. }

Z Y.

(W)

DISTRESS WARRANT in virtue of any by-law made under
 section 27, par. 8.

PROVINCE OF }
 CANADA. }

The corporation of the (parish, township, &c., *as the case may be,*) to wit :

To all or any constables and peace officers in the district
 of

WHEREAS in and by a certain by-law made and passed by the municipal council of the (parish, township, &c., *as the case may be,*) at a (general monthly) session of the said council of the (parish, township, &c., *as the case may be,*) held at
 , on day, the day of ,
 in the year of Our Lord, one thousand eight hundred and ,
 in conformity to the provisions of "The Lower Canada Municipal Act of 1860," it was provided (*here insert part of by-law made in virtue of the eighth paragraph of the twenty-seventh section of this Act.*)

And whereas certain person did lately, to wit : on the day of (instant or now last past,) hold (*here state the nature of performance or exhibition,*) and whereas A. B. being (the proprietor, &c., *as the case may be,*) (*here insert the connection such person may have with the performance or exhibition,*) hath been required by the secretary-treasurer of the said municipal council, to pay into his hands for and on behalf of the said municipal council, the sum of , being the amount of duty imposed on every such (performance or exhibition) under and in virtue of the said law and of the said by-law ; And whereas the said A. B. hath neglected and refused to pay unto the said secretary-treasurer, on his said demand, the said sum of , so as aforesaid, lawfully imposed on the said (performance or exhibition). These are therefore to command you forthwith to make distress of the goods and chattels of the said A. B., and of all and every

every the goods and chattels appertaining to the said (performance *or* exhibition,) or of all or any of the persons connected with such (performance *or* exhibition); and if within the space of _____ days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the secretary-treasurer of the said municipal council, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under my hand and the seal
of the said corporation, this
day of _____, in the year of Our
Lord _____, at _____, in
the district aforesaid.

Y. X.
Mayor of the said
Corporation.

(X)

SPECIAL NOTICE TO BE GIVEN TO ANY PERSON APPOINTED BY
THE GOVERNOR GENERAL,

Office of the municipal council of the
county (*or* parish, &c.,) of

(Place.) (Date.)

SIR,—You are hereby notified that you have been appointed by the Governor General to the office of _____ in the municipality of the (county, parish *or* township, &c.,) of _____ (if it be addressed to a councillor, add) _____ and that the first (*or* next) session of the municipal council of the said (county, parish, township, &c.,) will be held at (*here describe place*) on _____ day, the _____ day of _____ instant (*or* next) at the hour of _____ of the clock of the _____ noon.

W. U.
Warden, Mayor, *or* Secretary-
Treasurer of the County (*or*
parish, &c.,) of _____ .

To A. B., &c.
Address.

(Y)

PUBLIC NOTICE OF THE EXAMINATION OF ANY PROCES-VERBAL.

Office of the municipal council of the (county, parish, township, &c.) of

(Place.) (Date.)

Public notice is hereby given to all parties interested, that pursuant to the provisions of "The Lower Canada Municipal Act of 1860," on day, the day of instant (*or next*), at the hour of of the clock in the noon, at (*here describe the place*) the municipal council of the (county, parish, township, &c.) of will proceed to the examination or revision of the (*Special Superintendent's*) *procès-verbal* relative to the (*here give the nature of the work, &c.*)

B. F.

Secretary-treasurer of the municipal council of the (*county, &c.*) of

(Z)

SPECIAL NOTICE BEFORE ENTERING ON OCCUPIED LAND FOR THE PURPOSE OF SURVEY.

SIR,—Hereby take notice that on day, the day of instant (*or next*), I shall enter on the land occupied by you, situate in (*here describe the land*) for the purpose of then and there making a survey for a certain road, viz: (*here describe road by its direction, &c.*)

C. F. *Special Superintendent.*

(AA)

PUBLIC NOTICE OF INTENTION TO EXAMINE ROADS IN LOCAL MUNICIPALITY.

(Place.) (Date.)

Public notice is hereby given that on day, the day of (January *or* June, *as the case may be*), I shall visit the (parish *or* township, *here insert name of local municipality*), for the purpose of then and there examining the roads within the said municipality.

G. H., *Special Superintendent.*

(BB)-

(BB)

Valuation-Roll of the Municipality of the (Parish, Township, &c.) of (name of Municipality.)

Additional columns required by par. 2 of s. 9 of chapter 6, of "The Consolidated Statutes of Canada."

TAXABLE PERSONS.			ASSESSABLE PROPERTY.										Additional columns required by par. 2 of s. 9 of chapter 6, of "The Consolidated Statutes of Canada."							
Owner of Real Property.		Occupant of Real Property.		Real.						Profession or Business.		Other items according to By-law, &c., of Municipality.		Actual value of real property.		Annual value of real property.		Names of		Occupant other than owner, tenant or usufructuary.
Name.	Designation.	Name.	Designation.	Concession in a Territory.	Range in Township.	Lot or part.	Name of street.	No of House.	Value of Property.	Profession or Business.	Other items according to By-law, &c., of Municipality.	Actual value of real property.	Annual value of real property.	Owner.	Tenant.	Occupant other than owner, tenant or usufructuary.				
John Brown.	Notary.	John Brown.	Notary	1	2	E 10.			\$ cts. 450 00	\$ cts. 800 00		\$ cts. 450 00	\$ cts. 27 00	Brown.						
Isaac Smith.	Physician.	Wm. Jones.	Advocate	4	3	12.	St. James	4	600 00	900 00		600 00	86 00	Smith.	John Brown.					

A. B. } Valutors for the said Municipality of the (Parish,
C. D. } Township, &c.) of

(CC.)

(CC)

PUBLIC NOTICE OF THE REVISION OF A VALUATION-ROLL.

Office of the municipal council of the (parish, township,
&c.,) of

(Place.)

(Date.)

Public notice is hereby given to the inhabitants of the municipality of the (parish, township, &c.,) of that on day, the day of instant, (or next) at the hour of of the clock in the noon, the municipal council of the said (parish, township, &c.,) will proceed to the examination or revision of the valuation-roll for the said municipality.

F. G.

Secretary-treasurer of the said council.

(DD)

(DD)
Collection-Roll of the Municipality of the (parish, township, &c.) of (name of Municipality.)

ASSESSABLE PROPERTY.

TAXABLE PERSONS.	Designation.	Real.				Personal.		Total value of assessable Property.	Amount of tax cents in the dollar.	Other items according to By-law, &c., of Municipality.	Total amount of Tax payable.		
		Concession.	Range.	Lot or part.	If in a Town or Village.	Name of Street.	Value of Property.					Nature of.	Value of.
John Brown...	Notary.	1	2	E 10	.....	.....	.....	.....	.....	.....	.....
Isaac Smith...	Physician.	4	3	12	.....	.....	.....	.....	.....	.....	.....
Wm. Roe...	Merchant.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
John Jones...	Printer.	5	4	18	.....	.....	.....	.....	.....	.....	.....
Robt. Snow...	Farmer.	5	5	19	.....	.....	.....	.....	.....	.....	.....
Thos. Silk...	Carter.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
					St. John.	2	600	00	.....	60	00	.....
							\$	cts.		\$	cts.		
					Profession.		200	00		350	00		
					Do.		300	00		500	00		
					Trade.		500	00		800	00		
					Do.		100	00		200	00		
						
						
						

(Here insert columns according to circumstances.)

F. H.
Secretary-Treasurer of the Municipality of the (parish, township, &c.) of

(EE)

PUBLIC NOTICE TO BE GIVEN BY A SECRETARY-TREASURER OF
THE COMPLETION OF HIS COLLECTION-ROLL.

Public notice is hereby given that the collection-roll of the municipality of the (*parish, township*) of (*name*) is completed and is now deposited in the office of the undersigned. All persons whose names appear therein, as liable for the payment of any assessment, are hereby required to pay the amount thereof to the undersigned at his said office, within twenty days from this day, without further notice.

A. B.

Secretary-Treasurer of the Muni-
cipality of*(Place.)**(Date.)*

18

(FF)

(FF)

SECRETARY-TREASURER'S NOTICE FOR THE PAYMENT OF ASSESSMENT.

MUNICIPALITY OF THE (parish, township, &c.)

Mr.

(Copy Account.)

\$

Notice served. (here insert date of notice.)

Costs

(G Notice.....\$ (G G)

MUNICIPALITY OF THE (parish, township, &c.) (Date of delivery.)

Dr. To the Corporation of the (parish, township, &c.)

\$ cts.

Assessment on your (here mention the property, as house, land, &c.) valued at \$, at (1/2 ct.) in the \$.... (Here add the various other items of taxation).....

Total.....

Sir,—Take notice that having failed to pay the above mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from the date hereof, to pay the same to me at my office, together with the costs of this notice and service thereof as below, in default whereof, execution will issue against your goods and chattels.

A. B. Secretary-Treasurer.

Costs.

Notice.....\$

(GG)

DISTRESS WARRANT FOR ASSESSMENTS DUE.

PROVINCE OF }
CANADA. }

The corporation of the (parish, township, &c., *as the case may be,*) to wit :

To all or any of the constables and peace officers in the district of

WHEREAS A. B., (*name and designation of debtor,*) hath been required by the secretary-treasurer of the municipal council of the (*name of municipality,*) to pay into his hands for and on behalf of the said municipal council, the sum of being the amount due by him to the said municipality, as appears by the collection-roll of the said municipality for the year 18 ; And whereas the said A. B., hath neglected and refused to pay unto the said secretary-treasurer, within the period prescribed by law, the said sum of ; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B. ; and if within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do on such day as shall be indicated to you by the said secretary-treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the secretary-treasurer of the said municipal council, that he may apply the same as by law directed, and may render the over-plus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under my hand and the seal }
of the said corporation, this }
day of , in the year of Our }
Lord , at in }
the district aforesaid. }

Y. X.
Mayor of the said
corporation.

(HH)

NOTICE OF THE DAY AND PLACE OF SALE OF GOODS AND CHATELS SEIZED FOR TAXES.

PUBLIC NOTICE is hereby given that on day, the day of instant (*or next*) at the hour of of the clock in the noon, at (*here describe the place*), the goods and chattels of A. B. (*name of person*) now under seizure for non-payment of municipal assessments (*or other dues, as the case*

case

case may be), will be sold by public auction at (*here name place*)
 on day, the day of instant (*or next.*)

(*Place.*) (*Date.*)

D. B.

Secretary-Treasurer of the municipal
 council of the

(II)

CERTIFICATE OF A SECRETARY-TREASURER OF A COUNTY COUNCIL
 OF AMOUNT REQUIRED FROM A LOCAL MUNICIPALITY.

Office of the municipal council of the county of

(*Place.*) (*Date.*)

SIR,—I hereby certify to you that under and by virtue of a
 by-law passed by the municipal council of the county of (*here*
insert name of county), on the day of
 instant (*or last past*), intituled : A by-law (*insert title of by-law*)
 the sum of (*insert sum*) is therein directed to be levied in the
 municipality of the (parish, township, &c., *insert name of local*
municipality) for the county purposes mentioned in the said
 by-law.

G. F.

Secretary-Treasurer of the municipal council
 of the county of

(JJ)

STATEMENT OF VALUE OF ASSESSABLE PROPERTY.

Office of the municipal council of the (township, parish, &c.)
 of

(*Place.*) (*Date.*)

SIR,—In conformity to the provisions of "The Lower Canada
 Municipal Act of 1860," I transmit you the following state-
 ment of the value of the assessable property in the municipality
 of the (township, parish, &c.,) according to the last assessment-
 roll as finally revised :

NATURE OF PROPERTY.	VALUE.
Real Property.....	\$100,888 00
Personal Property.....	\$80,424 00

K. M.

Secretary-treasurer of municipal
 council of

To Z. H.

Secretary-treasurer of the municipal council
 of the county of

(KK)

(KK)

STATEMENT OF LANDS TO BE SOLD FOR TAXES, AND NOTICE OF SALE.

Office of the municipal council of the county of

I do hereby give Public Notice, that the lands hereinafter mentioned will be sold by Public Auction, at the (*here insert name of place*), on Monday, the _____ day of February next, at _____ of the clock in the _____ noon, for the assessments and charges due to the municipalities hereinafter mentioned upon the several lots hereinafter described, unless the same be paid with costs at least two days before the above day.

DESCRIPTION OF LAND.					AMOUNT DUE
Name of Municipality.	Concession.	Range.	Lot.	Extent.	ON
					EACH LOT.
	1	2	7	100 acres.	\$3 75
	3	1	6	175 do.	3 50
	5	3	8	200 do.	4 25
	6	4	11	200 do.	4 30

If in a Seignior, give Boundaries or Number in Plan and Book of Reference for Registration purposes, if any.

P. Q.

Secretary-treasurer of the municipality of
the county of

(LL)

FORM OF DEBENTURE.

Municipality of the (*as the case may be.*)

No.

£

Cy. or Stg.

This debenture witnesseth, that the municipality of (*name of municipality*), under the authority of a by-law passed by the council of the said municipality in conformity to the provisions of "The Lower Canada Municipal Act of 1860," intituled: A by-law, &c., (*insert title of by-law,*) have received

received from (name) of (domicile, profession, or occupation,) the sum of (insert sum at full length), as a loan, to bear interest from the date hereof at the rate of _____ per centum per annum, payable half yearly on the _____ day of _____ and _____, at _____, which sum of (insert sum at full length) the said municipality, as a municipal corporation, hereby binds and obliges itself to pay on the day of _____, at _____, to the said _____ or to the bearer hereof, and to pay the interest thereon half yearly, as aforesaid, according to the coupons or interest warrants hereto attached.

In testimony whereof I, _____, (Warden or Mayor of the said municipality), being hereunto duly authorized, have signed these presents, and have hereunto affixed the common seal of the said municipality, at _____, in the county of _____, on this _____ day of _____, in the year of Our Lord, one thousand eight hundred and _____.

(Signature of Warden or Mayor.)

Countersigned by

(Secretary-treasurer.)

[Seal.]

C A P. L X I I .

An Act to remove all doubts as to the validity of certain By-laws or *Procès-Verbaux* passed under the authority of Inspectors of Fences and Ditches.

[Assented to 19th May, 1860.]

WHEREAS doubts exist as to the legality of certain *procès-verbaux* and proceedings by Inspectors of Water Courses, appointed in virtue of the Lower Canada Municipal and Road Act of 1855, the said *procès-verbaux* and proceedings having been passed and taken by the said Inspectors after the expiration of their term of office, their successors not having been appointed; And whereas it is expedient to remove all doubts as regards the validity of the said *procès-verbaux* and proceedings: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. In the Municipalities of Lower Canada in which the Inspectors of Water Courses, whose term of office having expired, continued to act in that capacity, in default of the appointment of their successors, the *procès-verbaux* and proceedings passed and taken by such Inspectors, which have been duly homologated, and which would have been legal and valid, within the meaning of the Act cited in the preamble to this Act, if they had

Preamble.

Procès-verbaux made by Inspectors whose term of office had expired, made valid.

had not been passed and taken by the said Inspectors as herein-before mentioned, are hereby declared to be valid and effectual, to all the intents and purposes of the said Act.

Pending cases
not affected.

2. No provision of this Act shall affect causes pending before any Court of Justice in Lower Canada, instituted before the passing thereof.

C A P . L X I I I .

An Act further to protect timber in the forests of Lower Canada.

[Assented to 19th May, 1860.]

Preamble.

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

Any person found near any wood in possession of any tree, must give a satisfactory account of it to the owner of such wood.

1. Any person found either in a forest reserved chiefly for fire wood or for the making of sugar or for other purposes, or on any road in its vicinity, in Lower Canada, and having in his possession any tree or part of a tree, who shall, on being thereunto required by any person having a right of property or the right to cut wood in any such forest, or part thereof, whether divided or undivided, or by any one acting on behalf of such person, or by any keeper of such forest or part thereof, refuse to give a satisfactory account of the manner in which he became possessed of any such tree or part of a tree, may be carried, by the party interrogating him, before any Justice of the Peace, and if such person shall not satisfy the Justice that he came lawfully by the said tree or part of a tree, he shall, on conviction by such Justice, forfeit and pay, over and above the value of such tree or part of a tree so found, any sum not exceeding eight dollars; and every such fine shall form part of the building and jury fund for the district in which it is imposed.

Penalty in default.

Act to extend to Indian Reserves.

2. The foregoing provisions shall extend to any Indian Reserve in Lower Canada, and to any person who shall purchase either within or without the limits of an Indian Reserve, any tree or part of a tree from an Indian, and to any Indian who shall sell the same; and the Chief of any Tribe or any person authorized to take charge of a Reserve, or portion thereof by competent authority, may act under the provisions of the foregoing section.

C A P . L X I V .

An Act to amend the "Lower Canada Game Act."

[Assented to 19th May, 1860.]

WHEREAS it is expedient to amend the Lower Canada Game Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. In the third section of the said Act, the words "the first day of February" are substituted for the words "the first day of March," and the use of spring guns, spring traps and snares for hunting, killing or destroying any kind of Game mentioned in the said Act, is hereby prohibited at all times. Section 3 of 22 V. c. 103, amended.

2. It shall not be lawful to buy, sell, expose, offer for sale, or have in possession any kind of game referred to in the said Act, after the expiration of ten days from the commencement of the close season for such Game, notwithstanding that the same may have been killed during the time permitted by law. Having game in possession during close season.

3. All offences against this Act shall be punished in the manner provided by the said Lower Canada Game Act. Punishment of offences against this Act.

C A P . L X V .

An Act to amend the Act eighteenth Victoria, chapter one hundred and fifteen, respecting the registration of the articles of Law Students and for other purposes therein mentioned.

[Assented to 19th May, 1860.]

WHEREAS by the provisions contained in the eighteenth Victoria, chapter one hundred and fifteen, it is declared that the time of the Clerkship of the Law Student shall only be reckoned from the day of the registration of his articles; and whereas cases have occurred in which students, who have *bonâ fide* served a regular Clerkship, have not been admitted to practice neither could be on account of the non-registration of their articles; and whereas it is expedient to relieve persons who may be sufferers from such circumstances: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.
18 V. c. 115.

1. Any Law Student, whose articles shall not have been registered as provided by the second section of the aforesaid Act, and by the Acts amended by the same, may, nevertheless, be admitted to practice, provided the said Law Student produce a certificate from his *Patron* or *Patrons* shewing that Students, whose certificates were not registered in due time, may be admitted such

on a certain
certificate.

such Law Student has *bonâ fide* served and continued his Clerkship in conformity with the provisions of the said Act to incorporate the Bar of Lower Canada, and that his articles were registered at least six months before the time of his application to be admitted to practice.

C A P. L X V I.

An Act to amend the Laws respecting the Notarial Profession.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS it is expedient to amend the laws respecting the Notarial Profession, so as to render certain provisions thereof more precise and explicit, and for other purposes: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Registration
of articles.

1. The articles and transfers of articles of Notarial Students executed before Notaries, the registration of which has not been effected in conformity to law, may be registered within a period of one year, to be computed from the day of the passing of this Act.

Term of
Clerkship.
10, 11 V. c. 21.

2. Except in the cases provided for by the Act of 1856, nineteenth and twentieth Victoria, chapter fifty-six, the term of clerkship to be served by any candidate for admission to the profession of Notary, is fixed by law at five consecutive years, or at four years, if the candidate shall have gone through the regular and complete course of study prescribed by the fourteenth section of the Act of 1847, tenth and eleventh Victoria, chapter twenty-one.

Term reduced
in certain
cases.
22 V. c. 8.

3. The term of clerkship is lessened by one year and reduced to four years or three years, as the case may be, if the candidate has gone through the course of legal studies prescribed by the Act of 1858, twenty-second Victoria, chapter eight.

Recital.

4. And whereas doubts have arisen respecting the interpretation of the seventeenth Section of the Act of 1847, tenth and eleventh Victoria, chapter twenty-one, and of the fourteenth Section of the Act of 1850, thirteenth and fourteenth Victoria, chapter thirty-nine, the last mentioned section of the Act of 1850 is repealed and the following substituted:—

Course of clas-
sical study,
defined.

The regular course of classical study referred to in the seventeenth Section of the Act of 1847, above cited, shall include the branches of education taught during five years in the seminaries or colleges referred to in the fourteenth Section of the said Act of 1847; and the said branches of education must have been regularly studied and followed by the candidate

candidate during five years, either in some one of the incorporated colleges, seminaries or universities of Lower Canada, or in any other public establishment for education, recognized as affording an equivalent education, or in any other manner approved by the Board of Notaries, before which the candidate shall present himself.

5. In addition to the examination required by law, any Board of Notaries may, from time to time, by by-laws homologated by the Superior Court at any sitting thereof, and on the petition of such Board of Notaries, subject the candidates for admission to practise the Notarial Profession to one or more examinations on the study and practice of law, during their term of service; But such additional examinations shall not be extended to Notarial Students, who, at the time of their examination for admission to the Notarial Profession, shall be entitled to avail themselves of the above cited Act of 1853, twenty-second Victoria, chapter eight.

Additional examinations.

6. Notwithstanding any thing in the Act of 1852, sixteenth Victoria, chapter three, Aldric Laporte, gentleman, now residing at L'Assomption, in the District of Joliette, and Pierre Zephyrin de Lottinville, gentleman, of the Parish of St. Antoine de la Baie du Febvre, in the District of Richelieu, Notarial students, may be admitted to the practice of the Notarial Profession, upon their proving to the satisfaction of the Board of Notaries under whose jurisdiction they are, when they present themselves for examination, that they have been under articles, and have studied as Notarial Students for a period equivalent to five or four years of clerkship, regard being had to the course of classical studies, which they may have followed.

Certain persons may be admitted to practise.

On what conditions.

7. Each Board of Notaries may, by By-law of the Board, change and fix, from time to time, the day and hour for the holding of the General Annual Meeting of the Notaries belonging thereto, ordered by the eighth section of the Act of 1853, sixteenth Victoria, chapter two hundred and fifteen; and in the event of any Board of Notaries making such change, the next general election of the Members of such Board shall take place on the day so fixed the nearest to the expiration of the term, for which the then Members of such Board are elected, and such then Members shall remain in office until their successors are appointed; and every such By-law shall be published in two consecutive issues of the *Canada Gazette*, before it shall have the force of law.

Day of annual meeting may be changed.

Publication of By-law.

8. And whereas since the first day of March, one thousand eight hundred and fifty-eight, the Board of Notaries for the District of Kamouraska have proceeded to transact business, with less than the number of members required for a *quorum*; and whereas since that period Notaries and Students have been by them admitted to practise and to study the profession

Recital.

Proceedings of
Kamouraska
Board de-
clared valid.

of a Notary ; the proceedings of the said Board of Notaries for the District of Kamouraska are hereby declared to be as legal and valid as if the said Board had proceeded with a *quorum* of its members, and the Notaries and Students admitted by the said Board, under the circumstances above mentioned, to the practice and study of the profession of Notary, shall be held to be legally so admitted.

Recital.

9. And whereas the Notaries within the jurisdiction of the said Kamouraska Board of Notaries, have not proceeded to the election of members to compose the same as by law provided, the Governor in Council is hereby authorized to appoint new members in the room of those whose term of office has expired ; and in future the members of all Boards of Notaries shall remain in office until others shall have been elected in their room, in conformity with the law in that behalf.

Appointment
of new mem-
bers.

Every Board
of Notaries to
have the pow-
ers given by
sect. 3 of 13,
14 V. c. 39.

10. Every Board of Notaries, established in virtue of the Act of 1853, sixteenth Victoria, chapter two hundred and fifteen, or under any other subsequent Act, shall have the powers granted to the Board of Notaries of Three Rivers by the sixth paragraph of the third section of the Act of 1850, thirteenth and fourteenth Victoria, chapter thirty-nine, as regards the alteration of the *quorum* for the purposes therein mentioned.

Public Act.

11. This Act shall be deemed a Public Act, and shall apply to Lower Canada only.

C A P. L X V I I .

An Act to regulate the Presidency at *Fabrique* Meetings in the Catholic Parishes of Lower Canada.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS doubts have arisen as to the person who ought by law to preside at general parish or *fabrique* meetings for the election of church-wardens and other purposes for which parish and *fabrique* meetings in the Catholic parishes of Lower Canada are by law required, and it is expedient to remove these doubts, by establishing one uniform mode in which such meetings shall hereafter be presided over in all the Catholic parishes : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Who shall
hereafter pre-
side at such
meetings.

1. Hereafter every general *fabrique* and parish meeting for the election of church-wardens and other purposes for which the law requires general meetings of the parishioners and members of *fabriques* in the Catholic parishes of Lower Canada, shall be presided over by the *Curé* of the parish, or the priest administering the same ; and every proceeding at such meeting shall be

be entered in the register of proceedings of such parish in the usual manner and form, notwithstanding any usage or custom to the contrary which may have been introduced into any parishes.

2. Every such parish meeting shall be summoned in the manner usual in the parish. Calling meetings.

3. The only persons who shall be entitled to vote at such parish meetings shall be the resident parishioners, being householders. Voters.

4. Whenever two persons present qualified to vote demand that the votes shall be recorded on any question before such parish meeting, it shall be the duty of the chairman to cause to be recorded the votes of the resident parishioners qualified to vote and present at the time of such demand, and who shall be desirous of voting. Recording votes in certain cases.

5. This Act shall not affect *fabrique* and parish meetings which may have been held and presided over contrary to the provisions thereof, and any proceedings which may have been or shall be instituted in consequence of such meetings, shall be decided as though this Act had not been passed. Act not to affect meetings heretofore held.

C A P . L X V I I I .

An Act for the protection of the Quebec Water Works.

[Assented to 19th May, 1860.]

WHEREAS the Mayor, Councillors and Citizens of the City of Quebec have, by petition, prayed for more ample powers for the protection of the Water Works of the said city, and whereas it is expedient to grant them the said powers: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. It shall be lawful for the Corporation of the Mayor, Councillors and Citizens of the City of Quebec to appoint one or more Inspectors, who shall have the right to enter, at all reasonable hours, every house or building provided with water from the Water Works of the said city, and examine all cocks, service pipes, conduits, cisterns or reservoirs placed in the said houses or buildings or their appurtenances, the said entries and visits to be made in accordance with any By-law which the said Corporation may make and pass for the protection of the said Water Works, the present Act authorizing the said Corporation to pass such By-law, and conferring moreover on the said Corporation, as to such By-law, the same powers which the said Corporation possesses for the passing of other By-laws and providing for their execution. Corporation may empower Inspectors to examine buildings supplied with water from the Water Works.

2. This Act is a Public Act.

CAP. LXIX.

An Act to amend the Act eighteenth Victoria, chapter one hundred and sixty, respecting the Quebec Turnpike Roads.

[Assented to 19th May, 1860.]

Preamble.

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

Foot-toll at
Dorchester
Bridge.

1. The Quebec Turnpike Road Trustees shall exact one half penny from every foot passenger crossing the Dorchester Bridge.

Exemptions
from toll abo-
lished.

2. All exemptions from Tolls authorized by any Act or Ordinance are abolished, and all horses, animals or vehicles whatsoever, shall on every occasion be subject to the Tolls fixed by the third section of the Act eighteenth Victoria, chapter one hundred and sixty ; but every horse, animal, or vehicle, forming part of any funeral procession, shall be exempt from Toll.

Exception.

3. Hereafter the Quebec Turnpike Road Trustees shall not have the power of commuting the tolls at the gates and bridges on the Quebec Turnpike Roads, any former law to the contrary notwithstanding.

Commutation
forbidden.

New roads not
to be opened.

4. The North Shore and South Shore Trustees shall not hereafter open any new Roads.

Winter tolls
may be dimi-
nished.

5. The Trustees may, with the consent of the Governor in Council, diminish, during the winter, the tolls payable on the Quebec Turnpike Roads.

CAP. LXX.

An Act to restrict interments in a certain Burial Ground in the City of Quebec

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the Mayor, Councillors and citizens of the city of Quebec, have, by their petition, represented that the Burial Ground situate at the south-west angle of St. John and St. Augustin streets, in St. John's Suburb of the said city, and in the midst of a dense population, has become a serious nuisance, inasmuch as the numerous interments, one upon another, have raised, in a large portion of the said Burial Ground, the surface thereof above the level of the adjoining locality, which is thereby exposed, as well as the wells therein,

to

to receive the drainage from the said Burial Ground; and whereas it is expedient to comply with 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, it shall not be lawful to inter any dead body otherwise than in tombs or vaults now owned and possessed by individuals or families, in the Burial Ground above mentioned and known by the name of the English Burial Ground:

Certain burials only allowed hereafter.

Whereas the Trustees of the said Burial Ground will thereby be prevented from making use of a certain piece of ground situated at the south-west corner of the said Burial Ground, about ninety feet in length and seventy feet in width, purchased for the purpose of enlarging the said Burial Ground, the Corporation of the said city shall become responsible for the rent of thirty-six pounds currency, constituted on the said lot of ground, from and after the day on which the said Trustees shall have paid to the said Corporation the sum of one hundred pounds currency, and shall have transferred and conveyed the said piece of ground to the said Corporation by a notarial deed, and the said piece of ground shall thereupon cease to be part of the said Burial Ground, and the said Corporation shall then be authorized and entitled to disinter therefrom the bodies interred in the graves (nine in number) which have been made within the limits of the same, the consent thereto of the proprietors of the said graves being first obtained; Provided always that the said Corporation shall be bound to re-inter the said bodies in the old part of the said Burial Ground, or in any other Burial Ground of the said city, in which the said proprietors shall have acquired the land necessary for such reinterment; Provided always, that after the passing of the Notarial Deed mentioned in this section, the said Burial Ground shall be kept enclosed at the expense of the City of Quebec.

Recital.

Corporation responsible for rent of a certain part of the ground, on certain conditions.

Proviso.

Proviso.

2. No Municipal tax now due on the said Burial Ground shall be demanded from the said Trustees, nor shall any tax be hereafter imposable on them as proprietors of the said Burial Ground; but the Chapel thereon erected and the ground whereon it is built shall continue, as heretofore, to be subject to Municipal taxes; the said Trustees shall also, after the passing of this Act, cease to be obliged to remove the snow around the said Burial Ground, but they shall be bound to remove it from the road in front of the said Chapel, and the part of the said Burial Ground still remaining in charge of the said Trustees may hereafter be converted into a public square by the said Municipal authorities, with the consent of the said Trustees, but may never be applied to any other purpose.

The said Burial Ground exempted from Municipal taxes, &c.

Part of the Burial Ground may be made a public square, &c.

Penalty for
contravention
of this Act.

3. Each and every transgression of the prohibition contained in the first section of this Act shall be punished by a fine of two hundred dollars, recoverable with costs, by an action in the Recorder's Court of the city of Quebec, from the Trustees of the said Burial Ground.

Suits for pen-
alties, how
brought, &c.

4. Every action for the recovery of fines under this Act shall be brought in the name of the Mayor, Councillors and Citizens of the city of Quebec, and proof of the offence shall be made by the oath of one or more credible witness or witnesses; and the officers and servants of the said Mayor, Councillors and Citizens shall be competent witnesses in every such action.

Inconsistent
enactment
repealed.

5. Any provision of law inconsistent with this Act shall be and is hereby repealed.

Public Act.

6. This Act shall be a Public Act.

C A P . L X X I .

An Act to amend an Act passed in the present Session, intituled: "An Act to restrict interments in a certain Burial Ground in the City of Quebec."

[Assented to 19th May, 1860.]

Preamble.

Act of this
Session cap.
70, cited.

WHEREAS in and by the Act passed during the present Session, intituled: "An Act to restrict interments in a certain Burial Ground in the City of Quebec," certain provisions are made for the future management and disposal of a tract of land in the City of Quebec, known by the name of the English Burial Ground; and whereas it has been represented by petition that the right of property in a certain part of the said tract of land is claimed by Alexandre Thibaudière de la Ronde, and others, who have instituted a suit in the Superior Court at Quebec, for the recovery thereof from the Trustees in the said Act mentioned, which suit is now pending; and whereas it is not just that any thing in the said Act should affect any question of right as to such property so in litigation: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The said Act
not to affect
the rights of
certain par-
ties.

1. Nothing in the said Act shall in any way whatever affect the rights and claims of the said Alexandre Thibaudière de la Ronde and others, plaintiffs in the said cause, or the judgment or judgments to be rendered therein, but all such rights and claims shall remain and subsist, notwithstanding the said Act, to all intents as if the said Act had not been passed.

Public Act.

2. This Act shall be deemed a Public Act.

C A P. L X X I I .

An Act to amend the provisions of the several Acts for the Incorporation of the City of Montreal.

[Assented to 19th May, 1860.]

WHEREAS it is expedient to repeal the Act passed in the eighteenth year of Her Majesty's reign, and intituled : *An Act to amend the provisions of the several Acts for the incorporation of the City of Montreal*, and also to repeal in part, and to amend the provisions of other pre-existing Acts relating to the incorporation of the City of Montreal, and to vest certain further powers in the Corporation thereby constituted, and to remove certain doubts which have arisen as to the true intent and meaning of certain clauses in the said Acts : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.
18 V. c. 162,

1. The said Act passed in the eighteenth year of Her Majesty's reign, intituled : *An Act to amend the provisions of the several Acts for the incorporation of the City of Montreal*, shall be and the same is hereby repealed.

Act 18 V. c. 162, repealed

2. The second section of the Act made and passed in the Session held in the fourteenth and fifteenth years of Her Majesty's reign, and intituled : *An Act to amend and consolidate the provisions of the ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*, shall be, and is hereby amended by striking out the words "fifty-second and fifty-third," in the fifth and sixth lines thereof, and substituting the words "fifty-fourth and fifty-fifth" in their places respectively.

Sect. 2 of 14, 15 V. c. 128, amended.

3. The eleventh and twenty-fourth sections of the said last cited Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be, and the same are hereby repealed.

Sects. 11 and 24 of 14, 15 V. c. 128, repealed.

4. The Mayor and the Councillors of the said City of Montreal, at the periods hereinafter appointed, shall be chosen by the majority of the votes of the following persons, who may not be disqualified by law from voting, and whose names shall remain duly registered, on the revised voters' lists of the said City, as ordered to be made and revised by the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, that is to say :

By whom the Councillors shall be chosen.

Qualification
as voters.

Owners.

Proviso.

1. Every male person entered on the then last Assessment Roll, revised, corrected and in force in the said city, as the owner of real property within the Ward for which the Election shall be had, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars or upwards; Provided that when such property is owned by several persons *par indivis*, they may severally vote thereon, if their respective shares in the said property be assessed at not less than three hundred dollars value, or at a yearly value of not less than thirty dollars each;

Qualification
as voters.

Tenants or
occupants.

2. Every male person, being an inhabitant householder in the city, whose name shall be entered on the said last Assessment Roll, as the tenant or occupant of a dwelling house in the Ward for which the Election shall be held, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars or upwards; provided that every such person shall be possessed of the said dwelling house on the first day of January next preceding such Election, that he shall have been a resident householder in the said city from at least the first day of May next before any such Election, and that he shall have resided within the particular Ward for which such Election shall be had not less than three months next before the first day of January preceding such Election; and part of a dwelling house in which any such person, being a tenant as aforesaid, shall reside as a householder or occupier, but not as a boarder or lodger, and having a separate outer door by which a communication with the street may be afforded, shall be considered a dwelling house within the meaning of this enactment;

Qualification
as voters.

Tenants of
Warehouses,
Counting
Houses, &c.

3. Every male person, though neither a proprietor or householder, who shall have been resident in the said city, or within the parish of Montreal, from at least the first day of May next preceding any such election, and who, either individually or jointly, as a copartner with any other person or persons, shall have been entered on the said last Assessment Roll as the tenant or occupant of any warehouse, counting house, shop, office or place of business, within any of the said Wards of the city, during three months next preceding any such Election; Provided that the said warehouse, counting house, shop, office or place of business, when occupied by the said person individually, be assessed as aforesaid at not less than three hundred dollars value, or at a yearly value of not less than thirty dollars, or when occupied by him as a co-partner, that his proportion or share thereof be not assessed at less than the said last amounts respectively;

Proviso.

4. Provided, however, that no such Proprietor, Tenant or other person aforesaid shall be entitled to vote at any such election in the said city, unless he shall previously to the first day
of

of January next before the holding of any such Election, have paid the amount of all rates and assessments, and of every tax, duty or impost, (drain accounts excepted) lawfully imposed by any by-law, rule, regulation or order now in force, or that hereafter may be in force in the said city, that may be due and payable by him, in any capacity or way whatsoever, either as an occupant himself, or as the owner of property either vacant or in the possession of other parties, who may neglect to pay the assessment due on it, up to the first of January next before the holding of any such Election.

Previous pay-
ment of taxes

5. Every voter shall vote in the ward in which he is assessed, unless he be qualified to vote in more than one ward, then in the ward in which he shall reside; and each voter qualified to vote in one ward only shall vote in such ward, and each voter qualified to vote in more wards than one and resident without the limits of the city, shall declare at least one month before the election, in which ward he wishes to vote, and in default of so doing, the Board of Revisors shall determine in what ward he shall vote at such election; and no person shall be permitted to give more than one vote at any election.

In what Ward
they shall
vote.

No person to
vote more
than once.

6. And whereas doubts have arisen as to the true intent and meaning of that enactment of the fifteenth section of the Act last cited, whereby power is given to the Board of Revisors to correct any mistake, or supply any accidental omission made by the Assessors in the voters' lists: it is therefore declared and enacted, that the power so given shall not extend to the adding to, or erasing from, the said lists, or any of them of any voter's name, unless a request be made in writing to that effect, in the manner and within the delay prescribed by the fourteenth section of the said Act; Provided, however, that nothing herein contained shall prevent the said Board from erasing from any of the said lists the name of any person that may be proved to them to be dead at the time of the revision of the said lists, or of any person whose name may have been erroneously included in any one or more lists other than the voters' list of the ward in which, according to the provisions of the preceding section of this Act, he is alone entitled to vote; neither shall it prevent the said Board from correcting any mistake made in the Christian or first name of any voter whose name is inserted on any of the said lists, or in the spelling of the surname of any such voter, or from adding to, or removing from the said lists, any second or intermediate name or names that may have been erroneously omitted from, or added to, the name of any voter thereon, or from correcting any obviously clerical error in the name, residence, or occupation of any voter in the said lists.

Doubts as to
meaning of
sect. 15 of 14,
15 V. c. 128,
removed.

Proviso: Act
not to prevent
the exercise of
certain pow-
ers of the
Board of Re-
visors.

7. And whereas it is necessary to make provisions whereby a poll or contest may be avoided in certain cases where no division of opinion exists among the electors, in respect of the person

Recital.

person intended to be elected Mayor of the said City, or in respect of those intended to be elected Councillors in any or all of the wards thereof; and it is also necessary to provide that the candidates for any of the said offices shall be publicly known, and that none other but those named shall be or may be elected: Be it therefore enacted, that hereafter the twelfth day of February in each year, or if that be a holiday, then the next following not being a holiday, shall be, and the same is hereby fixed as the nomination day for all candidates for the offices of Mayor of the said City and of Councillors for the several wards thereof; and such Alderman or City Councillor as shall, at the last previous meeting of the City Council, have been named and appointed for that purpose, shall preside at each of the nominations of candidates for the offices of Mayor and of Councillors respectively, which shall be held in the open air; that for the office of mayor at the Bonsecours Market, and those for Councillors at such places in the several wards, to be fixed by the said Council, as that all the electors may have free access thereto; and at ten o'clock in the forenoon of the said day, the Alderman or Councillor appointed to preside at each such nomination shall proceed to the place where the same is to be held as aforesaid, and shall then and there require the electors there present to name the person or persons whom they wish to choose as Mayor, or as Councillor or Councillors, as the case may be, and any two duly qualified electors of the said city may openly and publicly address to the Alderman or Councillor presiding at the nomination for the office of Mayor, a demand or requisition that the person by them named be elected Mayor of the said City, for the next ensuing term of the said office of Mayor; and in the event of there being only one such demand or requisition made as aforesaid, or that all the demands or requisitions so made shall be for one and the same person, then the Alderman or Councillor presiding shall proclaim the said person duly elected Mayor of the said city for the next ensuing term of the said office; and any two qualified electors in any ward of the said city may, on the day aforesaid, openly and publicly address to the Alderman or Councillor presiding at the nomination for the office of Councillors in such ward, a demand or requisition that the person or persons named by them be elected Councillor or Councillors for the said ward in which the said requisitionists are electors as aforesaid; and if there be only one demand or requisition made for the election of a Councillor or Councillors in any ward of the said city, or if all the requisitions made in any such ward be for the election of the same person or persons as Councillor or Councillors for the said ward, then the said Alderman or Councillor presiding shall proclaim the said party or parties named in the said requisition or requisitions, (as the case may be,) duly elected Councillor or Councillors for the said ward for the next ensuing term of the said office or offices; and each and every such election made as aforesaid, without dissent or division therein, shall be forthwith published in at least one English and

How, when and where the elections of Mayor and Councillors shall be had and conducted.

Nomination of Candidates.

Proclamation if there be no contest.

and one French newspaper in the said city, and the said presiding Alderman and Councillors respectively shall in due course report the said elections to the Council of the said city; In the event of demands or requisitions being made by two or more duly qualified electors as aforesaid for the election of two or more persons as Mayor of the said city, or as Councillor or Councillors in any ward thereof, a poll shall be granted for each and every such election by the said presiding Alderman and Councillors respectively, and the said election shall be proceeded with in the manner heretofore and now done, in all cases of contested elections for the office of Mayor of the said city, or of Councillor or Councillors in any of the wards thereof; Provided, however, that no person may or shall be voted for at any such election, or may or can be elected thereat, for whose election a demand or requisition shall not have been made as aforesaid on the twelfth day of February aforesaid.

In what case a poll shall be granted.

Proviso.

8. If after the passing of this Act, any extraordinary vacancy shall occur in the office of Member of the Council of the said city, the Mayor of the said city, or in the event of his omission or refusal, the Council thereof shall fix a day and place for the nomination of candidates for the said office, to be made in the form and manner, and between the hours provided in the next preceding section of this Act; and the said Mayor or Council, (as the case may be,) shall at the same time fix a period, within which the election for the candidates to be named may subsequently take place, if necessary; and in the event of there being only one demand or requisition, made on the said nomination day, or of all the demands or requisitions made thereon, being for the same candidate, then the said party shall be proclaimed duly elected, in the form and manner already provided for; but in the event of their being two or more persons nominated for any such vacancy, a poll shall be granted, and the election shall be proceeded with in the manner provided for, in and by the said Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight.

Proceedings when a vacancy occurs in the office of member of the Council.

9. For and notwithstanding anything to the contrary contained in the said Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, the salary of the Recorder of the said city shall not be less than two thousand dollars per annum, payable monthly out of the funds of the said City, and so much of the said Act as provides that the Recorder of the said city shall be assisted in holding the Recorder's Court by one or more of the Aldermen or Councillors of the said city, or that in the absence of the Recorder from sickness or other causes, the Mayor or one of the Aldermen or Councillors of the said city shall preside in the said Court, shall be, and the same is hereby repealed; and it shall be lawful for the said Recorder, from time to time, by an instrument in writing under his hand and seal, to be deposited, filed and

Salary of Recorder fixed.

Recorder may appoint a Deputy and how.

and registered in the office of the Clerk of the said Recorder's Court, to nominate and appoint some fit and proper person, being an advocate of not less than five years' standing at the Bar of Lower Canada, to be and act as his Deputy in the event of his illness or necessary absence from the said city, and any such nomination and appointment from time to time to revoke and again to make, as circumstances may seem to him to require; and each and every person so nominated and appointed shall, for and during the period of time limited in the instrument containing his appointment, or if no period of time be therein limited, then from the date of the registration thereof as aforesaid until the revocation thereof, have, hold, use, occupy, possess and enjoy, and be vested with all and every the jurisdiction, rights, powers, privileges and authority, and be bound to discharge all the duties of the Recorder for the said city, to the exclusion, for the time being, of the person so nominating and appointing him as aforesaid; Provided, nevertheless, that the said Recorder's Court shall not at any time be deemed to have been illegally held, nor shall the acts of any Deputy Recorder of the said city be deemed invalid, by reason of the absence of the Recorder not being deemed to be necessary within the meaning of this Act.

Proviso.

City Council may make By-laws for certain purposes—

10 It shall be lawful for the said Council, at any meeting, or meetings of the said Council, composed of not less than two-thirds of the members thereof, to make By-laws, which shall be binding on all persons, for the following purposes:

For the preservation of peace and good order, the suppression of gaming and vice, &c., and as regards—

Riots.

Grog-shops.

Gaming.

Prostitution.

Shows.

Cock-fighting, &c.

Racing, &c.

1. For the preservation of peace and good order, and the suppression of vice in the said city;—for the benefit of the trade, commerce and health thereof;—to restrain and prohibit all descriptions of gaming in the said city, and all playing of cards, dice, or other games of chance, with or without betting, in any hotel, restaurant, tavern, inn or shop, either licensed or unlicensed, in the said city;—to prevent and punish any riot or noise, disturbance or disorderly assemblages;—to give power and authority to enter into all groceries, grog-shops, taverns, hotels, and all other houses or places of public entertainment, whether licensed or unlicensed in the said city;—to detect and arrest on view such persons as may be found gaming, playing at cards, dice, or other games of chance, or cock-fighting or dog-fighting therein, contrary to any By-laws restraining or prohibiting the same, or making, causing or creating any riot, noise, disturbance or disorder therein; to restrain and punish vagrants, mendicants, street-beggars, common prostitutes and disorderly persons;—to license, regulate or prohibit the exhibitions of common show-men, and shows of every kind, and the exhibitions of any natural or artificial curiosities, caravans, circuses, menageries and theatrical representations;—to prohibit or to punish cock-fighting, and dog fighting, and all other cruel sports in the said city;—and also to prevent and punish horse-racing and immoderate driving or riding

riding in the streets or highways thereof;---to prohibit and punish the flying of kites and every other game, practice or amusement in the public streets or elsewhere, having a tendency to frighten horses, or to injure or annoy persons passing in or along the highways of the city, or to endanger property ;---to compel all persons to remove the snow, ice and dirt from the roofs of the premises owned or occupied by them, and also from the side-walks in front of such premises, and to punish them for not so doing ;---to prevent the encumbering of the streets, sidewalks, squares, lanes, alleys or highways, with carriages, carts, sleighs, sleds, wheel-barrows, boxes, lumber, timber, fire-wood, or any other substance or material whatsoever ;---to prohibit and punish, or license, or regulate the sale or pedlery of fruits, nuts, cakes, refreshments, bread, jewellery and merchandize of all kinds, in and upon or along the wharves, streets, sidewalks, alleys, and public squares of the city ;---to compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap-factory, tannery, stable, barn, sewer, garden, field, yard, passage or lot of ground, or any other unwholesome or nauseous house or place whatsoever, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the said city ;---to prohibit any person from bringing, depositing or leaving, within the city limits, any dead body or any dead carcass, or other unwholesome or offensive substance, and to require the removal of any such substance, or of any article or thing about or liable to become unwholesome, by the owner or occupant of any premises on which the same may be ; and on his default, to authorise the removal or destruction thereof by some city officer, and to recover the expense thereof from the party or parties refusing or neglecting to remove or destroy the same ;

Flying kites, &c.
 Removing snow, &c.
 Encumbering streets.
 Peddling fruit, &c.
 Nuisances.
 Dead bodies, &c.

2. To prohibit, if deemed necessary, the erection, use, or employment in the said city of all steam-engines, soap and candle, or oil, or oil-cake factories, India-rubber or oil-cloth factories, slaughter-houses, dyeing establishments and other factories or establishments wherein work, operations or processes, is or are carried on, liable or having a tendency to endanger property, or to affect or endanger the public health or safety ; and the said Council shall have power also to permit such erection, use or employment, subject to such restrictions, limitations and conditions, as the said Council may deem necessary ;

Steam-engines, soap factories, &c.

3. To restrain and regulate the keeping and running at large of cattle, horses, swine, sheep and goats, and to authorize the distraining, impounding, and sale of the same for the penalty incurred, and cost of proceedings, as well as the expense of their keeping ; to regulate and prevent the running at large of dogs in the said city, and to authorize the destruction of all dogs running at large contrary to any By-law of the said city ;

Cattle, &c., running at large.

Confiscation of articles offered for sale for deficiency of weight, &c.

4. To authorize the seizure and confiscation of grain, flour, butter, potatoes and all other vegetables, articles and effects brought to the markets of the said city, for sale or otherwise, for or on account of deficiency in measure, weight or quality, or any other good and sufficient cause;—to regulate bakers in the said city, and persons in their employ;—to regulate the sale, weight, and quality of bread to be sold or exposed for sale in the said city, and to provide for the examination and weighing of all bread exposed for sale, and for the seizure, forfeiture and confiscation, and also the disposal after confiscation, of any and all such bread so exposed for sale contrary to the said by-laws, or that may be light or unwholesome; and for that purpose to authorize and empower proper officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread for the purpose of examining and weighing the same, and to do any other act or thing needful or necessary, or that may be deemed so for the public benefit and security, to carry out such purpose, or to enforce such by-laws;

Carters' licenses.

5. To authorize the granting of licenses to carters, and owners and drivers of public vehicles for hire, in and for the said city, and likewise for the better government of the owners and drivers thereof, and to establish rules and regulations in reference to carts, cabs, caleches, carriages, or other public vehicles for hire, in and for the said city, as well as to fix a tariff of rates and charges for the same; and further, it shall be lawful for the said Council to make all such owners responsible for the misconduct or negligence of their servants, drivers, or persons in their employ, or having charge of their horses or vehicles for the time being, and liable to the same fines and penalties as are or may be imposed by any By-law or By-laws of the said Council upon such servants or drivers, or other persons aforesaid, the actual offenders;

Cleaning and repairing of the streets, &c.

6. To regulate, clean, repair, amend, alter, widen, contract, straighten or discontinue the streets, squares, alleys, highways, bridges, side and cross walks, drains and sewers, and all natural water-courses in the said city; and to prevent the encumbering of the same in any manner, and to protect the same from encroachments and injury; and also to determine the course of all natural water-courses passing through private property in the said city, and to regulate all matters concerning the same, whether the said water-courses be covered or not; they shall also have power to direct and regulate the planting, rearing and preserving of ornamental trees, in the streets, squares and highways of the said city; the said Council shall also have power to cause such of the streets, lanes, alleys, highways and public squares, in the said city or any part or parts thereof, as shall not have been heretofore recorded or sufficiently described, or shall have been opened for public use during ten years but not recorded, to be ascertained, described and entered of record in a book to be kept for that purpose

by

by the City Surveyor of the said city, and the same, when so entered of record, shall be public highways or grounds; and the record thereof shall, in all cases, be held and taken as evidence for their being such public highways and grounds;

7. To regulate the management of the Water Works, Water Works. Aqueduct, Reservoirs, and other works connected therewith, and for the maintenance of order and cleanliness on the said works;

8. And whereas great inconvenience and loss has been experienced in the city of Montreal, in consequence of the sale of hay, coal, peat or turf, firewood and other woods, on streets, and other public places not allotted for that purpose, be it enacted that the said Council shall have power and authority to make and pass By-laws to regulate the sale of hay, coal, peat or turf, firewood and other woods, and the sellers thereof, and to prohibit, if deemed necessary, the sale of such hay, coal, peat or turf, firewood or other wood, in all places other than public markets, or public or private wood-yards, or such places as the said Council may allot or appropriate for that purpose. To regulate the sale of fuel, &c.

11. And the said Council shall have power to fix a tariff of fines and rates to be paid at Pounds, now or hereafter to be established in the said city, in lieu of those fines and rates now paid at the same; any law or custom to the contrary notwithstanding. Council may fix the fines to be paid at pounds.

12. And the said Council shall have full power and authority to pass by-laws for the better observance of the Lord's Day, commonly called Sunday, in the said city of Montreal, and for that purpose to prohibit the selling, vending or retailing, by store or shopkeepers, pedlers, hawkers, petty chapmen, hotel-keepers, tavern-keepers, or other persons keeping houses or places of public entertainment in the said city, and all other persons, on the said Lord's Day, of goods, wares, or merchandize, wines, spirits, or other strong liquors, or the purchasing or drinking thereof, in any hotel, tavern, or house or place of public entertainment in the city, by any person or persons; and also to enforce the closing of saloons and taverns from seven o'clock on Saturday evening until Monday morning; and the said Council may, by any such by-law, give power and authority to enter into all stores, shops, hotels, taverns, or other houses or places of public entertainment of any description whatsoever in the said city, for the purpose of arresting on view such parties or other persons suspected of so selling, vending or retailing, or offering or exposing for sale, or of purchasing or drinking, as aforesaid. May prohibit sales on the Lord's day.

Fines to enforce By-laws.

13. And by any such by-law, for any of the purposes aforesaid, the said Council may impose such fines not exceeding twenty dollars, or such imprisonment not exceeding thirty days, or both, as they may deem necessary, for enforcing the same.

Suits against non-residents.

14. Suits for assessments or taxes against non-residents may be brought in any Court of Justice having competent jurisdiction.

Completion of Assessment Rolls.

15. The Assessors shall complete the Assessment Rolls of the several wards of the city with proper diligence, and shall make out fair copies thereof to be left with one of their number, in their office in the City Hall of the said city; they shall also forthwith give public notice thereof in the order in which the said wards may be completed:

Notice of such completion.

1. Such notices shall set forth that the Assessors have completed their Assessment Roll of the ward or wards stated in the said notice, and that a copy thereof is left with one of their number at their office in the City Hall, where the same may be seen and examined by any person interested during the delay specified in the said notice, which delay shall in no case be less than fifteen days from the publication of the said notice; and that, after the expiration of that delay, at a day and hour to be stated in the said notice, the Assessors will meet, at their office aforesaid, to review their assessments of the real estate set down in the said Assessment Roll or Rolls; on the application of any person conceiving himself aggrieved, it shall be the duty of the said Assessors on such day to meet at the time and place specified, and to hear and examine all complaints in relation to such assessments of real estate that may be brought before them; and they are hereby empowered, and it shall be their duty to adjourn from time to time, as may be necessary, to hear and determine such complaints;

Hearing complaints.

Provision when any one seeks a reduction of his assessment.

2. Whenever any person, on his own behalf or on behalf of those whom he may represent, shall apply to the said Assessors to reduce the value of his real estate, as set down in any of the said Assessment Rolls, it shall be the duty of such Assessors (if they see fit) to examine such person touching the value of his or their real estate; and after such examination, they shall fix the value thereof at such sum as they may deem just; but if such person shall refuse to answer any question as to the value of his real estate, or the amount thereof, the said Assessors shall not reduce the value of such real estate; the examination so taken shall be written, and shall be subscribed by the person examined, and shall be filed in the office of the said Assessors;

Appeal to Recorder's Court against the

3. And any persons complaining as aforesaid to the said Assessors of their assessment on their real estate, and applying for a reduction of the same, who may think themselves aggrieved

aggrieved by the decision of the said Assessors on their said application, may, at any time within fifteen days' delay, complain thereof by petition to the Recorder's Court, which shall have exclusive jurisdiction in all cases of complaint against the judgments of the said Assessors on the applications made to them for a reduction of assessment on real estate; all such petitions shall be filed with the Clerk of the Recorder's Court, who shall, from time to time, give due and sufficient notice, by publication in one English and one French paper in the said city, of the days and hours when the said Recorder's Court will proceed to hear and determine the merits of such complaints generally, or any class or number thereof, respectively; and any party aggrieved by any decision of the said Recorder's Court with respect to any such complaint, may appeal therefrom, by summary petition, to any one of the Judges of the Superior Court for Lower Canada, sitting at Montreal, presented either in term or vacation, within a delay of eight days from and after the rendering of such decision, and thereupon it shall be lawful for such Judge to order that certified copies of the entry or entries in the assessment book complained of by the Petitioner, and of the decision of the said Recorder's Court on his complaint thereof, together with such complaint itself, be transmitted to him, and upon receipt thereof he shall, after having heard the Petitioner, either in person or by his attorney, make such order, in the premises as to law and justice may appertain;

decision of
Assessors.

Appeal from
decision of Re-
corder's Court.

4. When the Assessors, or a majority of them, shall have completed the Roll of any ward or wards, they shall deliver the same, duly certified, to the Treasurer of the said city.

Rolls to be de-
livered to City
Treasurer.

16. It shall be lawful for the said Council, by a by-law thereof, to allow such rate or rates of discount as may be considered expedient, on all assessments and taxes, including the water rates, paid within such delay or delays, after the completion of the assessment in each year, as the said Council shall fix upon and set forth in the said by-law; and the said Council may, by any such by-law, charge interest, not exceeding six per centum, on the amount of all assessments and taxes which may remain unpaid after such delay, from the completion of the assessment in each year, as the said Council may determine and fix upon in the said by-law.

Discount on
assessments in
certain cases.

17. For the purpose of enabling the said Council to pay off certain open accounts and outstanding debts which are not included in the consolidated debt of the said city, established by the Act sixteenth Victoria, chapter twenty-six; and also for the purpose of enabling the said Council to carry out such improvements, make such repairs, and generally to perform such works as are required in the said city, it shall be lawful for the said Council to borrow a further sum of money, not exceeding one hundred thousand pounds sterling, over

Council au-
thorized to ef-
fect a further
loan for cer-
tain purposes.

Bonds may be issued.

Certain provisions to apply.

New debt to form part of the Consolidated Debt of the City.

Constitution of Board of Revisors.

and above any sum or sums of money which the said Council may have been heretofore authorized, or is now empowered to borrow on the credit of the said city; which amount the said Council may borrow from time to time, and in such sum or sums as may be required, either in this Province or elsewhere; and the said Council may grant and issue bonds for the same, bearing interest not exceeding six per centum per annum, and having *coupons* annexed to them for the interest aforesaid, which coupons shall be signed by the Mayor and Treasurer of the said city, and shall be payable to bearer; and the said bonds may be made payable either in this Province or elsewhere, and either in the currency of Canada 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 bonds issued by the said Council, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

18. The new debt to be created and established under the authority of the preceding section of this Act, shall be added to, incorporated with, and form part of the Consolidated Debt of the said city, established by the said Act, sixteenth Victoria, chapter twenty-six, and shall be secured and paid by means of a sinking fund of two per centum per annum on the amount thereof, in the manner provided for, in and by the said Act; all and every the provisions of which said Act, to secure and provide for the payment of the Consolidated Debt therein mentioned, shall extend and apply to, and be held and deemed to be in force, and to be incorporated with, and form part of this Act, in regard to any debt that may be incurred under the authority of the said preceding section of this Act, the establishment of a sinking fund to repay the same, the authority given to the Treasurer to levy a rate to repay the same or any part of the principal and interest thereof, in the event of the moneys in his hands proving insufficient for the purpose, and the power given to the Sheriff, in the event of the contingency therein stated, to levy a rate for the payment of the said debt, or any part thereof, in the manner and form prescribed by the said Act.

19. Inasmuch as the Mayor of the said city is annually eligible to be re-elected, and so likewise are the members of the Council, whose term of office will expire in the next succeeding month of March, and neither the Mayor nor the said members of Council consequently form part of the Board of Revisors, established by the twentieth section of the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight; the said Board shall hereafter be composed of such five members of the Council, to be taken exclusively from among the Aldermen and Councillors thereof, whose term of office will not expire in the next succeeding month of March, as the said Council may annually choose to select and nominate in the manner otherwise specified in the said twentieth section of the said Act.

20. In addition to the persons already disqualified by law from voting at any election of Mayor or Councillor in the said city, no officer or servant in the pay of the said Council, nor any officer, constable, or other member of the Police Force of the said city, shall hereafter be qualified to vote at any such election.

Members of
Police force
may not vote.

21. All notifications, generally, which are required to be given by this Act, or by the Acts hereby amended, relating to the incorporation of the said city, and specially all notices in relation to the Water Works of the said city, or which are required to be given to the tenants of the Water Works of the said city, or the parties supplied with water from the said Works, or liable to assessment therefor, may hereafter be made and given by public advertisement thereof in at least one newspaper published in the English language, and one newspaper published in the French language in the said city; And such notifications shall in all cases have appended to them the name of the officer of the said Council or other person authorized to give the same; and they shall be published in each case for such periods of time as may be deemed reasonable and sufficient by the said Council, or by any Committee whose duty it may be to order the said publication thereof to be made.

How notices
shall be given.

How signed
and publish-
ed.

22. For the purpose of constructing and establishing Market Houses and Market Places, in the West, St. Anne's, St. Antoine, St. Lewis, St. James, and St. Mary's Wards of the said city, it shall be lawful for the said Corporation to effect a special loan of ten thousand pounds, sterling money of Great Britain, to be designated "The Market Loan," and to issue, under the hand of the Mayor and the seal of the said Corporation, Debentures or Corporation Bonds, to the said amount of ten thousand pounds sterling 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 shall be headed with the words or title "The Market 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 and 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 *coupon*, 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

Loan for erec-
tion of market
houses, &c.

Bonds.

said

said Corporation, as well as by a special privilege on the market houses and market places, to be constructed and established by means thereof.

Where and how such loan may be effected.

23. The amount which the said Corporation is empowered to borrow by the preceding section, 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 aforesaid, or in 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.

Market houses to be mortgaged for its re-payment.

24. The said market houses to be constructed and established by means of the special loan authorized to be made under this Act, and also the land to be acquired for the purpose thereof, and every matter and thing therewith connected, shall be, and they are hereby specially charged, pledged, mortgaged and hypothecated for the re-payment of any sum or sums which may be borrowed by the said Corporation, for the construction and establishment of the said market houses and places, as well as for the due and punctual payment of the interest on the money which may be so borrowed as aforesaid; and all, each and every of the holders of the debentures issued for the said loan, shall have a concurrent pledge, mortgage, hypothec, or privilege on the said market houses, and property appertaining thereto, for securing the payment of the said debentures and interest thereon.

Council may regulate the laying of railways and the passing of trains through the streets.

25. The said Council shall have power, whenever, in its opinion, public convenience requires it, to sanction and permit the track of any railroad to be laid in or along any street or public ground; and to regulate the use of locomotive engines, and of steam or any other motive power on any or every portion of any railroad within the city, and to prescribe and regulate the speed of cars upon any and every part of such railroad; and to enact by-laws in pursuance of the powers hereby granted, imposing a penalty of not more than four hundred dollars upon the proprietors or corporations owning any such railroad, or their servants for each and every violation of any such by-law.

By-laws to be public laws within the City.

26. The by-laws of the said Council shall be held and taken to be Public Laws within the limits of the said city; and as such shall be judicially taken notice of by all Judges, Justices, and other persons whomsoever, without being specially pleaded.

Licenses to carters and chimney-sweeps.

27. The said Council shall have full power and authority to suspend or revoke all licenses granted to carters and owners, or drivers of public vehicles, in and for the said city; to ferry-

men

men plying to and from the said city; to chimney sweeps, and generally all licenses whatsoever granted by the said Council, for any offence or cause of misconduct, or violation of any by-law relating to or concerning such persons, holding any such licenses--or their trade, occupation, or business in respect of the same.

28. And whereas it is expedient to extend the jurisdiction of the Recorder's Court of the said City of Montreal, to all matters, complaints or offences cognizable by one or more Justice or Justices, Commissioner or Commissioners of the Peace, or one or more Magistrate or Magistrates, the said Court shall have full power and authority to hear, try, and determine all matters, complaints or offences, which heretofore, by the laws and usages now in force, were cognizable by and within the jurisdiction of one or more Justice or Justices, Commissioner or Commissioners of the Peace, or one or more Magistrates, and further the forms of procedure, informations, complaints, summonses, warrants, recognizances, proceedings, orders, convictions, commitments, and all other orders, writs, warrants and proceedings generally, established in and by the Act forming chapter one hundred and three of the Consolidated Statutes of Canada, intituled: *An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to summary convictions and orders*, and set forth and contained in the Schedules of the said last mentioned Act, shall be and the same are hereby extended and applied to the said Recorder's Court, and *mutatis mutandis* may henceforth be used and employed in all cases of a like or corresponding nature in the said Recorder's Court; and further all and every the provisions of the said last cited Act, in regard to offences and the mode of prosecuting and punishing therefor, and all the proceedings, orders and convictions authorized and commanded to be made in and by the said Act, shall be incorporated with this Act, with such modifications as are necessary for their application to the said Recorder's Court.

Jurisdiction of Recorder's Court extended.

Forms in cap. 103 of Con. Stat. Canada to apply.

And other provisions of the Act

29. Any one or more joint owners or occupiers of any lot, house, or premises, or other real property in the said City, complained of for violation of any by-law of the said Council now or hereafter to be in force, bearing upon the said joint owners or occupiers, or upon the said lot, house or premises, or other real property, in any manner whatsoever, by reason of nuisances committed thereon, or other offences of what nature soever, may be sued alone, or conjointly, in the said Recorder's Court, as may be deemed advisable, as well as the agent or agents of the said joint owners or occupiers or of any one of them, and the oral testimony of such ownership or occupancy, whether sole or joint or of such agency, or that the parties complained of are reputed to be such owners or occupiers, either sole or joint, or such agents as aforesaid shall be deemed sufficient.

Suits against joint-owners of property for nuisances.

Maintenance of order at meetings of the Council.

30. The Mayor, or other officer for the time being presiding at any meeting of the Council, shall have power to enforce his authority, for the maintenance of order and decency, by causing to be forcibly put out of and excluded from the Council Chamber, until the adjournment of the meeting, any member of the Council, persisting in misdemeaning himself, after the Mayor, or officer so presiding, shall declare him to be out of order; Provided that upon a motion to that effect, it shall be resolved by a majority of at least three-fourths of the members present that the Mayor, or officer presiding, should enforce his authority in that behalf; and any motion to that effect shall always be held to be in order, and shall be put and decided upon without debate.

Proviso: as to exercise of powers of person presiding.

Section 86 of 14, 15 V. c. 128, repealed.

31. The eighty-sixth section of the said Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and is hereby repealed.

Loose and disorderly persons may be apprehended on view.

32. It shall be lawful for any police officer or constable of the said city during the time of his being on duty, to apprehend on view, all loose, idle and disorderly persons, that is, all persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, or whom he shall find lying, loitering or wandering, either by night or by day, in any field, highway, yard or other place, and all prostitutes or persons wandering by night or by day, or found lying down, loitering, lodging or sleeping in any barn, shed, out-house or other building, unoccupied, or in the open air, or under a tent, cart, waggon or other vehicle, not giving a satisfactory account of themselves, and all persons causing a disturbance in the streets or highways, by shouting or otherwise, and to deliver any person so apprehended into the custody of the officer or constable appointed under the said Act, who shall be in attendance at the nearest Police Station or Watch House, in order that such person may be so secured until he or she can be brought before the Recorder's Court of the said city, to be dealt with according to law, or the provisions of this enactment, or to give bail to such officer or constable for his appearance before the said Recorder's Court, the said Recorder, or his deputy, if such officer shall think fit to take bail in the manner prescribed by the said Act; And it shall further be lawful for the said Recorder's Court, or the said Recorder, or his deputy, by whom any such loose, idle or disorderly person shall be convicted of any of the said recited offences, by confession, or by the oath of one or more credible witnesses, to adjudge that such person shall pay a fine not exceeding twenty dollars, either immediately, or within such period as may be thought fit, and be imprisoned in the Common Gaol or House of Correction, at hard labor, for any time not exceeding two calendar months, or to adjudge that such person shall pay a fine of twenty dollars, either immediately or within such period as may be thought fit, and that in default of such payment, either

immediately

How such persons shall be dealt with.

Powers of Recorder's Court as to such persons.

immediately or within the time appointed as aforesaid, such person shall be imprisoned in the said Common Gaol or House of Correction, at hard labor, for any time not exceeding two calendar months; the imprisonment, however, to cease upon payment of the fine imposed.

33. The ninetieth section of the said last cited Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and the same is hereby amended with respect to that part thereof imposing fine and imprisonment; and it is hereby enacted that the said Recorder's Court shall have power and authority either to fine and imprison any person convicted before it of having assaulted or resisted any officer or constable appointed under the said Act, in the execution of his duty, or of aiding and inciting any person so convicted, to assault or resist, as declared by the said section, or to adjudge that the person or persons, so convicted as aforesaid, shall, for every such offence, forfeit and pay such sum not exceeding twenty dollars either immediately, or within such time as may be thought fit, and in default of such payment, either immediately or within the delay mentioned, such person or persons shall be imprisoned in the Common Gaol, or House of Correction, at hard labor, for a period not exceeding thirty days.

Sect. 90 of 14,
15 V. c. 128,
amended.

Powers of Re-
corder's Court.

34. The said Council shall have full power and authority in all cases of offences for the commission whereof fine and imprisonment are imposed by any by-law of the said Council, to proceed against and prosecute parties charged therewith, either by summons or by warrant issued upon affidavit taken before the Recorder of the said city, or his deputy, as may be thought more advisable for the attainment of justice.

Prosecution
for certain of-
fences under
By-laws.

35. And whereas it is enacted, in and by the seventy-fourth section of the said Act hereinbefore recited (fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight), that in all cases where the proprietors of the majority of the real estate in any street, square, or section of the city, that is to say, the proprietors of the larger part in value of the said real estate, and according to the then assessed value thereof, may apply to the said Council for any specific local improvement in and to the said street, square, or section, other than the repairing of the streets thereof, it shall be competent for the said Council to allow the same; and for the purpose of defraying and covering the cost of the said specific improvement, or any part thereof, which the said Council may determine to be borne by the parties interested in the same, the said Council is empowered to impose and levy, by by-law, a special rate, tax or assessment on all real estate in the said street, square, or section of the said city, benefited or to be benefited by the said improvement, according to the assessed value thereof, sufficient to cover the expense of the said improvement, in whole or in part,

Recital.
14, 15 V. c.
128, s. 74.

How property shall be assessed in respect of local improvements.

part, as the said Council may decide; but no provision is made in the said section to fix and determine what real estate in the said street, square or section of the said city is so benefited or to be benefited by the said improvement, or to apportion the said special rate, tax or assessment, on the said real estate, as nearly as may be in proportion to the benefits resulting or to result from the said specific improvement: It is enacted, that in all cases where land or property may have been taken and appropriated for any specific improvement by virtue of the said in part recited seventy-fourth section of the said Act, or where the same may hereafter be taken and appropriated by virtue thereof, the whole of the real estate in such street or streets, square, or section of street or streets, with the exception, on each occasion, of the lot or lots from which the land or property aforesaid may have been or shall hereafter be taken, shall be held to have been equally benefited by such improvement, and shall be equally rated, taxed, or assessed, to provide the expense of the said improvement, as nearly as may be, in whole or in part, according to the manner in which the said Council may have already decided, or shall hereafter decide, that the said expenses thereof were to have been, or shall be, borne by the said Proprietors; and so much of the said section as empowers the said Council to regulate and apply such rate, tax, or assessment, to and upon any such real estate to be so rated, taxed or assessed, and according and in proportion to the amount of benefit which will be conferred thereon by the said improvement, shall be and the same is hereby repealed; and the assessed value of all real estate in any such street or streets, square, or section of a street or streets, for the year in which any such aforesaid improvement may have been heretofore made, or in which any such aforesaid improvement may hereafter be made, under the said section, shall be held to be the assessed value thereof, for the purposes of the said improvement; Provided that no real estate in any such street or streets, square or section of street or streets, shall be exempted from being rated, taxed or assessed towards any such improvement except in the particular occasion of a part thereof being taken for the purposes of the said improvement, or to carry out the same; Provided further, that in case any real estate shall be situated on two or more streets or on one or two streets and a public square, the said Council, in passing such a By-law, shall determine what portion of the said real estate is benefited by the specific improvement made in the said street or square, and shall accordingly apportion the special tax or assessment to be levied on the said real estate, by reason of the said improvement.

Proviso.

Proviso.

In case property subject to any lease, &c., be taken by the Council.

36. In all cases where the whole or any part of any real estate, subject to any lease or other agreement, shall be taken by the said Council, under the said section of the said Act, all the covenants and stipulations contained in such lease or agreement, shall, upon the passing of a By-law by the said Council,
to

to impose and levy the special rate, tax or assessment, required for the purpose of defraying and covering the cost of any such specific local improvement, cease, determine, and be absolutely discharged; and in all cases where a part only of any real estate shall be so taken, the said covenants and stipulations shall be so discharged only as to the part so taken; and in passing such a by-law, the Council of the said city shall determine the rents, payments and conditions, which shall be thereafter paid and performed, under such lease or agreement, in respect to the residue of such real estate.

37. And whereas doubts have arisen as to the meaning of the words "Section of the City," contained in the said seventy-fourth section of the said Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, it is enacted, that the said words "Section of the City," shall mean and be taken as comprising any portion of the city, square or street, for which any such specific local improvement has been, or may hereafter be applied for, by any such petition as aforesaid.

Meaning of certain words in sect. 74 of 14, 15 V. c. 128.

38. In the lists and certificates of voters in the several wards of the said city, for Mayor and Councillors of the said city, there shall hereafter be stated and set forth, at full length, the Christian and Surnames of the said voters, their occupations, and the streets in which they reside, in the said city, or in which they have their places of business therein, whenever the right of vote arises out of the business carried on by the said voters.

Christian and surnames to be set forth in the list of voters.

39. And whereas it is necessary to amend the seventeenth section of the said Act, fourteenth and fifteenth Victoria, Chapter one hundred and twenty-eight, with respect to the formalities to be observed by the City Clerk, prior to the delivery to any person whose name shall be on the voters' list for any ward, for a certificate to the effect that the name of such person is on the voters' list, and that he is entitled to vote at the election to be held for Mayor of the said city, and for a Councillor or Councillors for such wards, it is enacted that the said City Clerk, or any person acting for him, shall have full power and authority, whenever deemed necessary, to administer to such person requiring such certificate, the following oath or affirmation, before delivering the said certificate, viz :

17th sect. of 14, 15 V. c. 128, amended.

City Clerk may require an oath of a voter.

" You swear (or solemnly affirm) that you are the person named and described in the certificate claimed by and now shown to you, (*reading to the said party, and at the same time, the name, occupation, and name of the street, set forth in full, in the said certificate.*) and that you are entitled to vote at the election to be held for Mayor of the City of Montreal, and for a Councillor (or Councillors, as the case may be) for the (*naming the ward*) ward of the said city. So help you God."

Form of Oath.

Punishment
of bribery at
City elections.

40. If any person, who shall have or claim to have any right to vote at any election of a Mayor or of a Councillor in the said city, shall, after the passing of this Act, ask or take any money or other reward by way of gift, loan or other device, or agree or contract for any money, gift or office, employment or other reward whatsoever, to give or forbear to give his vote in any such election, or if any person, by himself or by any person employed by him, shall, by any gift or reward, or by any promise, agreement or security, for any gift or reward, corrupt or procure, or offer to corrupt or procure, any person to give or forbear to give his vote in any such election, such person, so offending in any of the cases aforesaid, shall, for every such offence, forfeit the sum of forty dollars, to be recovered, with full costs of suit, by any one who shall sue for the same in the Circuit Court for the District of Montreal; and any person offending in any of the cases aforesaid, being lawfully convicted thereof, shall for ever be disabled to vote in any election in the said city.

Sect. 16 of 14,
15 V. c. 128,
repealed.

41. The sixteenth section of the said Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and the same is hereby repealed.

Upon completion of voters' lists, they shall be exposed in the City Hall and filed with the Clerk.

Rights of persons on such lists.

Proviso: certain oaths may be required of voters.

Persons refusing them shall not vote.

42. The voters' list for each ward of the said city, when settled and signed in the manner provided for in and by the last cited Act, 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; and every person whose name shall appear in such ward list, and who shall produce a certificate in the manner provided for by the said Act, shall be entitled to vote at the election for Mayor of the said city, and for a Councillor or Councillors, as the case may be, in the ward stated in his certificate, without any further inquiry as to his qualification; Provided that it shall be lawful for the said Mayor, or for any Alderman or Councillor of the said city, or for the Recorder or City Clerk thereof, to administer either, or both, of the following oaths, marked one and two, included in this section, to any party producing any such certificate, and claiming a right to deposit the same, and vote at the said election; and it shall be compulsory on the said Mayor, Alderman or Councillor, and upon the said Recorder or City Clerk, to administer either or both of the said oaths, upon the requisition to that effect of any candidate at the said election, or any duly qualified voter in the said city, and likewise in all cases where doubts are or may be entertained of the identity of the party desirous of voting, of his being of the full age of twenty-one years, or of his having received or been promised any consideration for his vote; and any persons required to take the said oaths, or either of them, and refusing so to do, shall be prohibited from voting, so long as he shall persist in his refusal, and until he shall have taken the said oath or oaths:

Oath Number One.

" You swear (or if he be one of the persons permitted by law to affirm in civil cases, you affirm) that you are the person named and described in the certificate now shown to you (reading to the said party, at the same time, the name, occupation, and name of the street, set forth in full, in the said certificate); and that you have not voted before at this election. So help you God." Form of Oath.

Oath Number Two.

" You swear that you verily believe you are of the full age of twenty-one years; and that you have not already voted at this election; and that you have not received any thing, nor has any other person, to your knowledge or belief, received any thing for you or on your account or behalf, either directly or indirectly; neither has there been any thing promised to you, or, to your knowledge or belief, to any other person for you or on your behalf or account, either directly or indirectly, in order to induce you to give your vote at this election, nor do you expect any remuneration, gift or reward, either directly or indirectly, for voting at this election. So help you God." Form of Oath.

43. Any person who shall swear or affirm falsely, upon the said prescribed oaths, numbered one and two, contained in the preceding section, or either of them, being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the pains and penalties of the said offence. False swearing to be perjury.

44. Hereafter no Auditor, elected or appointed under the said last cited Act, shall be required to take an oath that he is holder of real or personal estate, as one of the qualifications for holding such office; but the following oath shall be administered to such Auditor by the Mayor, or any Alderman or Councillor thereof, or the City Clerk, to wit: Oath to be taken by Auditor.

" You (*name of Auditor*), having been elected Auditor for the City of Montreal, do sincerely and solemnly swear that you will faithfully fulfil the duties of the said office according to the best of your judgment and abilities. So help you God." Form.

And no other oath shall be required of such Auditor.

45 The nineteenth section of the Act last cited (fourteenth and fifteenth Victoria Chapter one hundred and twenty-eight) shall be and the same is hereby amended, by substituting in the said nineteenth section the words "sixteenth section," in place of "fifteenth section." Sect. 19 of 14, 15 V. c. 128, amended.

Sect. 33 of said Act, repealed.

46. The thirty-third section of the Act last cited shall be and the same is hereby repealed.

48th and 49th sects. thereof, amended.

47. The forty-eighth and forty-ninth sections of the said last cited Act shall be and the same are hereby amended, in so far as respects the manner of appointing a Chairman at any meeting of the said Council, in the absence of the Mayor and Acting Mayor of the said city, so that the said Council shall have full power and authority hereafter, in the absence of the said Mayor and Acting Mayor, to choose any Alderman or Councillor to be Chairman at any such meeting.

56th section, repealed.

48. The fifty-sixth section of the Act last cited, fourteenth and fifteenth Victoria, Chapter one hundred and twenty-eight, shall be and the same is hereby repealed.

Tariff of rates to be fixed for water supply.

49. It shall and may be lawful for the said Council of the said city, when and so soon as they are prepared to supply the said city or any part thereof with water, to establish a tariff of rates for water supplied or ready to be supplied in the said city from the said Water Works, which said tariff of rates shall be payable at the times and in the manner to be established in the said By-law, by all proprietors, occupants or others supplied with water from the said works, or whom the said Council are prepared and ready to supply with water from the said works; which tariff of rates shall not, however, be made payable before the water is ready to be supplied to the said proprietors, occupants or others, by the said Council; the said tariff of rates shall and may be made payable by all such proprietors, occupants or others, as well by those who refuse as by those who consent to receive into their houses, stores, shops, offices, places of business, or other buildings, the water-pipe to supply the said water; but the said tariff of rates shall not be payable by the proprietors or occupants of any such house, store, shop, office, place of business, or building, until after the said Council shall have notified them that they are prepared and ready to supply such house, store, shop, office, or place of business or building, with water, and if, from the time of such notification to the next period appointed for the payment of such tariff of rates, there shall be any broken period, then such tariff of rates shall be payable *pro rata* for such broken period, as if accruing day by day; Provided that the expense of introducing the said water into the said houses, stores, shops, offices, or places of business, or other buildings, shall be borne by the said Council, and the work performed by the same; but the distribution of the water through the said houses, stores, shops, offices, places, of business, or other buildings, after being introduced into them, shall be borne by such proprietors or occupiers, if required by them; Provided that in every case where such proprietor shall refuse or neglect to make the expense required for the distribution of the said water, and that the said Council shall exact the payment of the water-rate imposed in and by the

When to become payable.

Proviso: as to cost of introducing water.

Proviso: as to payment by tenant.

the present section from the tenant, then, in every such case, such tenant may withhold from the said proprietor, out of the rents to be paid him for the property he occupies, the amount of water-rate thus paid by such tenant, unless such tenant be bound towards the said proprietor, by his lease or otherwise, to make the expense required for the distribution of the said water.

50. And whereas in cases where the said Council have purchased or taken and entered into property for the use of, or the improvement or extension of the Water Works of the said city, by virtue of the Act passed in the seventh year of Her Majesty's reign, intituled: *An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works*, and of the Act passed in the sixteenth year of Her Majesty's reign, intituled: *An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal to borrow a certain sum of money, and erect therewith Water Works for the use of the said city, and to extend and amend the provisions of any Act relating thereto*, doubts have been raised as to the authority or power of the said Council to grant mortgages (*hypothèques*) for the price of such property purchased, taken, or entered into, or any part thereof, remaining unpaid by the said Council: It is enacted, that in all such cases the said Council shall have power and authority to grant mortgages (*hypothèques*), on the property so purchased or taken, to the person or persons from whom such property may have been heretofore, or shall hereafter be purchased or taken, or to any other person or persons having a right to receive or accept the same, for the price or purchase-money thereof, or any part thereof, remaining unpaid and owing, in the like manner as any individual purchaser of the said property might or could have done, or may or can hereafter do.

Recital.

7 V. c. 44.

16 V. c. 127.

Doubts as to powers of Council to grant hypothecs, removed.

51. All the powers conferred by the sixty-eighth section of the said Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, upon Justices of the Peace residing in the city and town of Montreal, relative to the proceedings to be adopted in cases of expropriation, are hereby granted to and conferred upon the Inspector and Superintendent of Police for the said city of Montreal; and the said Superintendent of Police shall, on presentation of a petition for the purpose, and in the manner specified in the said section, adopt the proceedings which Justices of the Peace are required, in and by the said section, to adopt in such cases.

Certain powers conferred on Superintendent of Police.

52. All suits, actions or prosecutions that could, before the passing of this Act, be brought and commenced in the name of one of the Revenue Inspectors, in virtue of the forty-second section of the Act fourteenth and fifteenth Victoria, chapter one hundred, may hereafter be brought and commenced before the Recorder's

Certain suits formerly brought by Revenue Inspectors may be brought by Recorder's

Policemen and Recorder's Court.

Recorder's Court in the name of the said Corporation or of any member of the Police Force of the said city, provided they are brought for offences committed within the limits of the said city; and all and every the provisions of the said last cited Act in regard to said offences and the mode of prosecuting and punishing therefor, and all the proceedings, orders and convictions authorized and commanded to be made in and by the said Act, shall be incorporated with this Act, with such modifications as are necessary for their application to the said Recorder's Court.

Judgments of Recorder's Court may be registered summarily.

53. Notwithstanding any thing to the contrary contained in the Acts fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, and eighteenth Victoria, chapter one hundred and sixty-two, it shall not be necessary hereafter to enregister at length the proceedings and judgments of the Recorder's Court in cases respecting the recovery of assessments, taxes and other dues of the like nature, but such proceedings and judgments shall be enregistered summarily; and it shall not be necessary, in any summons or action before the Recorder's Court, to specify or recite the By-law under which such action is brought, but it shall be sufficient to state that it is in virtue of the By-law in that behalf made.

Sect. 45 of 14, 15 V. c. 128, amended.

54. The forty-fifth section of the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, is hereby amended so that the word "February," wherever it occurs in the said section, shall be replaced by the word "April."

Contrary enactments.

55. All the provisions of any law inconsistent with the provisions of this Act, shall be and the same are hereby repealed.

Act not to repeal any By-law.

56. Nothing herein contained shall be construed to repeal any By-law heretofore made under any Act or part of an Act or provision of law hereby repealed; and notwithstanding such repeal every such By-law now in force shall have the same force and effect as if this Act had not been passed unless and until the same be repealed or altered by virtue of this Act.

Public Act.

57. This Act shall be deemed a Public Act.

C A P . L X X I I I .

An Act to authorize the Corporation of the City of Montreal to acquire a site upon which to erect a Terminus for the Grand Trunk Railway of Canada.

[Assented to 19th May, 1860.]

WHEREAS "The Mayor, Aldermen and Citizens of the City of Montreal" have, by their petition, applied for authority to enable them to acquire in the said city a lot of land suitable for the erection of a terminus for the Grand Trunk Railway of Canada and to carry into effect an arrangement made between them and the Grand Trunk Railway Company, and it is expedient to grant them such authority : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The Corporation of "The Mayor, Aldermen and Citizens of the City of Montreal" is hereby authorized to acquire in the said city, at the foot of McGill street, on the West side of the said street, a lot of land which they shall be empowered to cede and give to the said Grand Trunk Railway Company, for the erection of a terminus ; provided the said Corporation does not pay for the said lot a sum exceeding fifty thousand dollars, and provided that the said cession and donation shall only be made to the said Company, subject to the conditions following, that is to say :

Corporation may acquire a certain lot and convey it to the Company for a Terminus, on certain conditions.

1. That the said Grand Trunk Railway Company shall construct and erect, on the lot so ceded and given, a freight station, adequate to the requirements of the commerce of the said city, and also a passenger depot ;

Station to be built.

2. That in the event of the said lot so ceded ceasing to be employed as a station or terminus of the said Grand Trunk Railway, the ownership thereof shall *pleno jure* revert to the said Corporation, who may forthwith take possession thereof and make use of it for municipal purposes, or dispose of it in any other way they may think proper ;

Reversion of lot when not used as a Station.

3. That the said Company, upon taking possession of the said lot, shall forthwith proceed to have a line of rails laid down to connect the said lot with the said Grand Trunk Railway, and with all possible diligence to erect on the said lot the buildings necessary for the said station.

To be used forthwith.

2. To enable the said Corporation to acquire the lot in question, they are hereby authorized to issue bonds or debentures to an amount not exceeding fifty thousand dollars, redeemable in five or ten years, and bearing interest at six per centum per annum.

Corporation may issue bonds at not more than 10 per cent. interest.

3. This Act shall be a Public Act.

Public Act.

C A P .

C A P. L X X I V .

An Act further to amend the Act Incorporating the City of Three-Rivers.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the Corporation of the City of Three-Rivers have, by their Petitions, prayed that the powers of the School Commissioners of the Municipality of the City of Three-Rivers may be transferred to the Council of the said City, and that further amendments may be made to the Act incorporating the said City; and whereas 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:

Powers of School Commissioners transferred to the City Council.

1. From and after the passing of this Act, all the powers and duties of the School Commissioners for the School Municipality of the City of Three-Rivers shall be vested in and devolve upon the Corporation of the said City, and the Mayor and Councillors of the said City, and their successors in office, shall be *ex officio* the School Commissioners for the said City for all the purposes whatsoever of the Schools in the said City; the Mayor shall be *ex officio* the Chairman, and their corporate name, when acting as such Commissioners, shall be "The School Commissioners for the City of Three-Rivers."

Corporate name,—and Chairman.

School Commissioners to hand over books, papers, money, &c.

2. So soon as this Act shall come into force, the School Commissioners then in office, and their Secretary-Treasurer, shall be bound to deliver over to the Secretary-Treasurer of the said City, all the books, papers, money and other moveable property, and also all the immoveable property, which the said School Commissioners may have in their possession, together with a statement in detail and under the oath of the Secretary-Treasurer of the said Commissioners, of all the moneys which have been collected and expended by them in the course of the two last School years, and of the balance they may have in hand; and upon failure by them so to do, they shall severally be liable to the fines and penalties and to the other provisions established by and contained in the Act nineteenth, and twentieth Victoria, chapter fourteen.

Penalty for default.

Rights of dissentient Schools, saved.

3. Nothing contained in this Act shall derogate from or affect the rights of dissentients or dissentient Schools, which shall continue and have force and effect in all respects as though this Act had not been passed.

Dissentient Councillors not to act as Commissioners.

4. No Councillor being a dissentient shall act as a School Commissioner, in case there shall be one or more dissentient Schools in operation in the said City; but the other members of the said Council shall act as such Commissioners.

5. In case the Mayor is a dissentient, the members of the said Corporation, qualified to act as such Commissioners, shall choose one from among their number to be the Chairman of the said School Commissioners.

Provision if the Mayor is a dissentient.

6. The right of granting licenses for ferries from one shore of the River St. Lawrence to the other, the place of arrival or departure being within the limits of the said City, shall be vested exclusively in the Corporation of the said City.

Corporation to grant ferry licenses.

7. No member of the said Corporation shall be entitled to vote on any question in which he may have any direct pecuniary interest, distinct from the common interests of all the inhabitants of the said City.

Councillors not to vote when interested.

8. The existence or legality of the Statutes or By-Laws passed by the said Corporation, and invoked in any action or judicial proceeding whatsoever, shall be taken to be admitted when so invoked, unless such existence or legality be specially called in question.

Legality, &c., of By-laws presumed if not specially questioned.

9. By the public notice required to be given for the holding of any election by the eighth section of the Act incorporating the said City, a meeting of the municipal electors of the said City shall also be summoned to be held at nine o'clock in the forenoon, at the City Hall, for the purpose of choosing a person to be the Mayor of the said City, and if but one candidate then and there offers himself or is proposed to the said electors, the Chairman of the said meeting shall proclaim such person to be duly elected Mayor; and if two or more persons present themselves, or are proposed as candidates, the election shall be held in the manner prescribed by the Act of Incorporation, in each Ward of the said City.

Mayor to be chosen by Municipal Electors: and when and how.

10. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X V .

An Act to incorporate the Town of Sorel.

[Assented to 19th May, 1860.]

WHEREAS the provisions of the Lower Canada Municipal and Road Act of 1855, and of the Acts amending the same, do not meet the present requirements of the town or borough of William Henry, or Sorel; and whereas it is necessary to make more ample provision for regulating the internal affairs of the said Town: 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 inhabitants of the Town of Sorel, as hereinafter described, and their successors, shall

Town of Sorel incorporated.

Corporate name and powers.

shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of "The Mayor and Council of the Town of Sorel," and separated from the County of Richelieu for all municipal purposes, and by the same name they and their successors shall have perpetual succession, and shall have power to sue and to be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and suits at law whatsoever, and shall have a Common Seal, with power to alter and modify the same at their will and pleasure; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said Town; of becoming parties to any contracts or agreements in the management of the affairs of the said Town; and of giving or accepting any notes, bonds, obligations, judgments or other instruments or securities, for the payment of, or securing the payment of any sum of money borrowed or loaned, or for the execution or guaranteeing the execution of any duty, right or thing whatsoever.

Real property.

Bonds, notes, &c.

Boundaries of the town.

2. The said Town of Sorel shall comprise all that portion or tract of land forming part of the County of Richelieu, bounded in front by the River Sorel, otherwise called the River Richelieu or Chambly, in the rear by a line running parallel to the east side of Royal Square, in the said Town of William Henry, at a distance therefrom of one hundred chains, measured perpendicularly, on the North side by the River St. Lawrence, and on the South side by a line parallel to the South side of Royal Square, in the said Town, at a distance therefrom of one hundred and twenty chains, the said limits corresponding with the limits of said Town, as already established by competent authority.

Mayor and six Councillors to be elected.

3. There shall be elected, from time to time, in the manner hereinafter mentioned, a fit and proper person who shall be and be called the Mayor of the Town of Sorel, and six fit persons who shall be and be called the Councillors of the Town of Sorel; and such Mayor and Councillors for the time being shall form the Council of the said Town, and shall be designated as such, and shall represent for all purposes whatsoever the Corporation of the Town of Sorel.

Qualification of Mayor.

4. 1. No person shall be capable of being elected Mayor of the Town of Sorel, unless he shall have been a resident householder within the said Town for one year before such election, nor unless he be possessed to his own use, in his own name or in the name of his wife, of real estate, within the said Town, of the value of one thousand dollars, after payment or deduction of his just debts:

Qualification of Councillors.

2. No person shall be capable of being elected a Councillor of the said Town, unless he shall have been a resident of the said

said Town for one year before such election, nor unless he be possessed to his own use, in his own name or in the name of his wife, of real estate, within the said Town, of the value of four hundred dollars, after deduction of his just debts ;

3. No person shall be capable of being elected Mayor or Councillor of the said Town of Sorel, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years ;

Further qualifications.

4. No person being in Holy Orders, or the Ministers of any religious belief whatever, the members of the Executive Council, nor Judges of the Court of Queen's Bench or of the Superior Court, Sheriffs or officers of any of the said Courts, nor officers on full pay in Her Majesty's army or navy, or salaried civil officers, nor any person accountable for the revenues of the said Town, or receiving any pecuniary allowance from the Town for his services, nor any officer or person presiding at the election of the Mayor or the Councillors, while so employed, nor any person who shall have been convicted of treason or felony in any Court of law within any of Her Majesty's dominions, nor any person having in person or through his partner any contract whatever, or interest in any contract with or for the said Town, shall be capable of being elected Mayor or Councillor for the said Town ; provided always, that no person shall be held incapable of acting as Mayor or Councillor for the said Town, from the fact of his being a shareholder in any incorporated Company, which may have a contract or agreement with the said Town ;

Who may not be Mayor or Councillor.

Proviso.

5. The following persons shall not be obliged to accept the office of Mayor or Councillor of the said Town, nor any office to be filled by the Council of said Town, viz : Members of the Provincial Legislature, practising Physicians, Surgeons and Apothecaries, Schoolmasters actually engaged in teaching, persons over sixty years, and the Members of the Council of the said Town, at the time of commencement of the present act, or who have been so within the two years next preceding, and the persons who shall have fulfilled any of the offices under such Council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such payment.

Who shall not be bound to accept the said offices.

5. The persons entitled to vote at the Municipal Elections of the said Town shall be the male inhabitant freeholders and householders of the age of twenty-one years, and residing therein, possessed at the time of real property in the said Town, of the yearly value of four dollars, and tenants of the age of twenty-one years, who shall have resided in the said Town, and paid rent during the year immediately preceding the election, on a dwelling-house or part of a dwelling-house therein, at the rate of not less than eighteen dollars per annum ; provided always,

Who may vote at municipal elections.

Proviso : voter must have

paid his taxes, and the receipt may be demanded.

always, that no person qualified to vote at any Municipal Election in the said Town shall have the right of having his vote registered, unless he shall have paid his Municipal and School taxes due before such election; and it shall be lawful for any candidate at the said election and for the person presiding over the said election to require the production of the receipts setting forth the payment of such assessments so due as aforesaid.

Present Mayor and Councillors to remain until elections are held under this Act.

Present By-laws to remain in force until altered, &c.

6. The Mayor and Councillors of the said Town, who are at present in office, shall remain in office, until the elections, which are to take place by virtue of this Act, and all by-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the Municipal Council of the Town of Sorel, shall continue to have full and entire force to all intents and purposes as though this Act had never been passed, and until such time as the said by-laws, agreements or engagements shall be formally rescinded, abolished or fulfilled, and the said Corporation, as constituted under this Act, shall succeed and be substituted for all purposes whatsoever, in the engagement, rights and trusts of Municipal Council of the Town of Sorel, as heretofore constituted.

When the municipal elections shall be held: notice thereof.

Who shall preside.

7. The municipal elections for the said Town, in virtue of this Act, shall be held in the month of January in each year, and public notice thereof shall be given at least eight days previous to such election in the French and English languages, by notices posted up at the doors of the churches, and in the market of the said Town, and read at the door of the Catholic Church in the said Town, at the issue of Divine service in the morning of the Sunday preceding the election; and the said notice shall be signed, for the first election in virtue of this Act, by the Registrar of the County of Richelieu, whose duty it shall be to preside at the said first election, and for all subsequent elections, the said notice shall be signed by the Mayor or the Secretary-Treasurer of the said Council, and shall specify the day, place and hour upon which the said elections are to take place.

Registrar to preside at the first election.

Mode of voting.

Mayor to be elected at the same time, &c.

8. It shall be the duty of the Registrar of the County of Richelieu to preside at the election which shall take place in the month of January next, and the poll shall be open for the reception and registration of votes from nine of the clock in the forenoon until four of the afternoon of the day appointed for the said election, provided the election shall not have taken place by acclamation; and at the said election each elector shall be entitled to vote for six councillors, and shall be entitled at the same time to vote for a Mayor of the said Town; and at the closing of the poll, the said Registrar shall declare the six persons who shall have obtained the greatest number of votes as Councillors to be duly elected Councillors of the said Town, and the person who shall have received the greatest number of votes as Mayor, to be duly elected Mayor of the said

said Town; and in case the Candidates have an equal number of votes, the Registrar shall give his casting vote :

Casting vote
in case of a
tie

2. If the votes of all the electors present have not been polled by the hour of four in the afternoon of the first day of the said meeting, the person presiding shall adjourn the proceedings thereof to the hour of nine of the forenoon of the following day, when he shall continue to take down the votes; and he shall close the election at the hour of four in the afternoon of the second day and shall then declare duly elected Councillors and Mayor, such of the candidates as shall be entitled to be so declared elected;

Voting may
continue two
days if one be
insufficient.

3. Provided always that if at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapse without any vote being polled, it shall be the duty of the person presiding to close the said election and declare duly elected as Councillors and Mayor, such candidates as shall be entitled to be so declared elected; Provided also, that no person shall have been, within the last hour, prevented from approaching the poll by violence, of which notice shall have been given to the person presiding;

Poll to be
closed if no
vote be given
for one hour.

Proviso.

4. The Mayor shall be elected for one year only, and shall remain in office until his successors shall have been appointed; the Councillors elected, at any of the municipal elections, shall remain in office during two years, except those who shall have been elected at the first election, of whom three shall retire from office at the expiration of the first year, and it shall be declared by lot in the manner established by the Council, which of the Councillors shall thus retire from office at the end of the first year;

Duration of
office of Mayor
and Council-
lors.

5. The subsequent annual elections of a Mayor and of three Councillors for the said Town shall take place in the same manner and within the same delays as the first, with the exception, however, that the said elections, instead of being presided over and conducted by the Registrar, shall be so by one of the members of the Council, who shall not retire from office, and who shall be appointed by the Council one month previous to the time fixed for the said election, and the said Councillor shall make a proclamation of the persons elected in the same manner, at the same hour, and in the same place as the Registrar for the first election, and the said Councillor, for all purposes relating to elections, shall have the same powers and the same duties as the Registrar for the first election;

How subse-
quent elec-
tions shall be
conducted.

6. The person, who shall preside at an election, shall, during such election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and

Powers of per-
son presiding
and his depu-
ties.

and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law and breakers of the Peace, as are vested in the Justices of the Peace, and this, whether the said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law, and it shall be lawful for the person so presiding to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary or be required so to do by five electors.

Notice of first meeting of Council.

9. 1. The person presiding at any such election shall, within two days from the closing of the election, give to the Mayor and each of the Councillors so elected, special notice of their said election, as well as of the place, the day, and the hour appointed by him for the first meeting of the Council to take place after their said election; the Mayor and Councillors so elected shall enter respectively into office as such at the said first meeting, and shall remain in office until the appointment of their successors :

Entry into office.

Poll books, &c., to be delivered up to the Secretary-Treasurer, &c.

2. The person, so presiding at any such election, shall deliver up immediately to the Secretary-Treasurer of the Town Council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the poll books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same, certified by the Secretary-Treasurer, shall be valid in any Court of Justice ;

First sitting : Mayor and Councillors to take oath of office.

3. The first session of the Council, after the first election, shall take place within eight days immediately following the said election, and at such meeting the Mayor and Councillors elected shall take the following oath before a Justice of the Peace :

The oath.

“ I, A. B., do solemnly swear faithfully to fulfil the duties of member of the Council of the Town of Sorel, to the best of my judgment and ability : So help me God.”

Majority then present may act, others to be fined.

And the members then present, provided they form a majority of the Council, shall be authorized to act as the Council, and all members absent without just cause shall be held to have refused the office, and shall be liable to the fine hereinafter provided for in like cases, unless they be persons who are exempted from serving ;

When the Mayor elected after first election shall go into office.

First meeting.

4. The Mayor and Councillors, elected at the elections subsequent to the first, shall enter office on the day of their nomination, and a meeting of the Council shall take place within eight days after, in the same manner as after the first election, and the Mayor and Councillors elected shall take the same oath, and those absent without just cause shall be held to have refused

refused the office, and shall be liable to the penalty hereinafter provided in such cases, unless they be persons who are exempted from serving; Penalty.

5. Four members of the Council shall constitute a quorum; Quorum.

6. The expenses of every election shall be defrayed out of the funds of the corporation. Expenses.

10. 1. In any case in which one of the persons elected shall refuse to act as Mayor or Councillor, or in case his election, being contested, shall be declared null, the electors of the Town shall proceed to a new election, and elect a person to replace the said Councillor within one month after the said refusal shall have been made known, or that the said election shall have been declared null; and if it be the Mayor who shall refuse to accept, or whose election shall have been declared null, the electors of the town shall proceed to a new election for such Mayor, within the same delay, and in that case the poll shall be held at the town hall, or office of the town only, and the said election shall be conducted in the same manner as annual elections: If the Mayor or Councillors refuse to act, or his election is contested.

2. In case of the death of the Mayor or a Councillor, or in case of his absence from the town, or incapacity of acting as such, either from infirmity, sickness, or any other cause, during three calendar months, the other Councillors, at the first meeting of the Council, which shall take place after such decease, or at the expiration of the said period of three months, shall appoint, from amongst the inhabitants of the town, another Mayor or Councillor to replace the Mayor or Councillor so deceased, absent, or rendered incapable, as above mentioned; Provided however that notwithstanding the decease, absence, or inability to act of the said Mayor, or the said Councillor, the remaining Councillors shall continue to exercise the same powers and fulfil the same duties which they would have had to exercise or fulfil, had not such decease, absence or inability to act on the part of the said Mayor or Councillor, taken place; If the Mayor refuses, &c.

3. Every Mayor or Councillor, so elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer. In case of the absence, death or incapacity of Mayor or Councillors.

11. Before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which any Justice of the Peace, residing in the said town, is hereby authorized to administer, that is to say: Proviso: remaining Councillors empowered to act.

“ I do solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties Presiding officer at election to take oath.

“ of The oath.

“ of Presiding Officer at the election which I am about to hold
 “ of a person or persons to serve as members of the Town
 “ Council of Sorel : So help me God.”

Presiding officer to examine candidates upon oath as to qualification, if required so to do.

12. The officer presiding at any election under this Act shall have authority, and he is hereby required, at the request of any persons qualified to vote at such election, to examine upon oath (or affirmation, when the party is allowed by law to affirm) any candidate for the office of member of the said Town Council, respecting his qualification to be elected to the said office ; and shall also have authority, and he is hereby required upon such request as aforesaid, to examine upon oath (or affirmation,) any person tendering his vote at any election, and the oath to be administered by the presiding officer in both cases shall be in the form following :

The oath.

“ You shall true answer make to all questions put to you by
 “ me in my capacity of Presiding Officer at this election, respect-
 “ ing your qualification to be elected a member of the Town
 “ Council, (or respecting your qualification to vote at this elec-
 “ tion, *as the case may be*) : So help you God.”

May put other questions.

And the presiding officer shall himself put the questions which he shall deem necessary.

Falseswearing to be perjury.

13. If any person, being examined upon oath or affirmation under this Act, as to his qualification to be elected or to vote, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and, on conviction thereof, shall be subject to the same penalties as in other cases of wilful and corrupt perjury.

Times and places of meeting of the Council.

14. The said Town Council shall meet at least once in each month for the transaction of the business of the said town, and shall hold their sittings in the Town Hall or in any other place in the said town which shall have been set apart for the purpose, either temporarily or permanently ; Provided always, that one or several members, not sufficient to form a quorum, may adjourn any meeting of the Council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members at the regular or adjourned meetings, and as aforesaid, and to impose such penalties upon such absent members for a repetition of the offence, as may be provided by any By-law of the said Town Council for that purpose.

Proviso : as to adjournments and penalties for non-attendance.

Mayor may call special meetings.

15. It shall be lawful for the Mayor of the said Town, whenever he shall deem it necessary or useful, to call special meetings of the said Council, and whenever two members shall be desirous of obtaining such special meetings, they shall apply to the Mayor to call such meeting, and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves,

And in case of his absence or refusal.

themselves, on stating in writing to the Secretary-Treasurer of the said Council, their object in calling such special meeting, and the day on which they are desirous that it shall be held; and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the Council.

16. 1. If the election of all, or of one or more of the Councillors be contested, such contestation shall be decided by the Circuit Court in and for the District of Richelieu : Decision of contested elections by Circuit Court.

2. Every such election may be so contested by one or more of the candidates, or at least ten of the electors of the said town ; Who may contest :

3. The said contestation shall be brought before the Court, by a petition signed by the petitioner or petitioners, or by any Attorney duly authorized, setting forth in a clear manner the grounds of such contestation ; And how.

4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Mayor, Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the Court ; and a return of the service shall be drawn up and signed in due form upon the original of the said petition, by the Bailiff who shall have made such service ; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later ; nor shall any such petition be received, unless security for costs be given by the petitioners in the presence of a judge of the Superior Court, or of the Clerk of the Circuit Court for the said District of Richelieu, or his Deputy ; Form of proceedings.
Time for contesting limited.
Security for costs.

5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to void the election, it shall order proof to be adduced, if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem expedient, and shall proceed in a summary manner to hear and decide the said contestation ; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order ; Court may proceed in a summary manner.
Evidence.

6. The Court may, on such contestation, confirm the election or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class, What may be declared by the judgment.

class, with right of appeal, brought in such Circuit Court; and the Court may order its judgment to be served upon the Secretary-Treasurer of the Council, at the expense of the party condemned to payment of costs, as aforesaid;

As to defects or irregularities.

7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the Court may admit or reject, according as such defect or irregularity may or may not have materially affected the election.

In case any annual municipal election shall not be held.

17. In case it shall at any time happen that an Annual Municipal Election shall not be held, for any reason whatever, on the day when, in pursuance of this Act, it ought to have been held, the said Town Council shall not, for that cause, be deemed to be dissolved, and it shall be the duty of such members of the said Council, as shall not have retired from office, to meet again, for the purpose of fixing, as early as possible, a day for the holding of such Annual Municipal Election; and in such case the notices and publications required by this Act shall be published and posted up not less than one clear day before the election; and if, within fifteen days after the day on which such election ought to have been held, the members of the said Council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty dollars each, and such election shall then be held by the Registrar; And if it be the first election which has not taken place, then it shall be the duty of the Registrar to have it take place within the shortest possible delay.

If it be the first election.

Power to Council to impose penalties and imprisonment.

18. The said Council shall have power to punish by imprisonment, not exceeding fifteen days, or by a fine which shall not exceed, but may be less than forty dollars currency, any Councillor who may be guilty of serious disturbance or violence during its sittings, either by action, by word or in any other manner whatsoever.

Meetings to be public.

19. All meetings of the said Council shall be public, excepting only when the said Council shall inquire into the conduct of any members of their own body, for any causes whatsoever, in which case it shall be lawful for the said Council to sit with closed doors; and the said Council shall determine the mode of their proceedings, and shall have power to cause order to be observed by persons present during their sittings, and to punish by fine and imprisonment, or by one or the two, any contempt committed by any such person present; Provided always that no such fine shall exceed the sum of twenty dollars currency, and that no such imprisonment shall exceed the period of fifteen days.

Certain other powers of Council.

Contempts. Proviso: fines limited.

Duties of Sheriff and Gaoler.

20. The Sheriff and Gaoler of the District of Montreal, and those of the district of Richelieu, when there shall be a Gaol in

in the latter District, shall be bound, and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said Town Council, or any member or officer thereof under the authority thereof.

21. The Mayor of said Town, if he is present, shall preside at the meetings of the Council, shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on all questions which shall be brought before the said Council ; Provided always that when the said Councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the Mayor shall decide the question by his vote, giving his reasons for it, if he thinks proper ; and neither the Mayor nor the Councillors shall receive any salary or emoluments from the funds of the town during the time they shall remain in office ; Provided also that whenever the Mayor shall not be present at any regular or special meeting of the said Town Council, the Councillors present shall choose one of their number to fill the place of the Mayor during the sitting.

Mayor to preside at Council meetings, and to have casting vote, but neither he nor the Councillors to have any pay as such.

Proviso.

22. 1. The Council, at its first general meeting, or at a special meeting, held within fifteen days, which shall follow the first day of such general meeting, shall appoint an officer, who shall be called the "Secretary-Treasurer of the Town of Sorel."

Secretary-Treasurer appointed.

2. The Secretary-Treasurer shall be the custodian of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the Council ; he shall attend all sessions, and shall enter, in a register kept for the purpose, all the proceedings of the Council, and he shall allow persons interested therein to inspect the same at all reasonable hours ; and every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbal*, plan, map, record, document or paper, certified by such Secretary-Treasurer, shall be deemed authentic ;

Duties of Secretary-Treasurer.

His certificate to make certain documents authentic.

3. Every person appointed Secretary-Treasurer shall, before acting as such, give the security hereinafter mentioned ;

Security to be given by him.

4. He shall furnish two sureties, whose name shall be approved by a resolution of the Council, before they shall be admitted as such ; all such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may at any time be accountable to the Corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office ;

Sureties, and for what bound.

Security bond. 5. Every such security bond shall be made by an Act before a Notary, and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same ;

To be registered : and its effects when registered. 6. Every such security bond, when duly registered in the registry office for the County of Richelieu, shall carry with it a hypothec (*hypothèque*) only on such immoveable property as shall have been therein designated ; and it shall be the duty of the chief officer of the Council to cause it to be registered immediately on receipt thereof ;

The Secretary-Treasurer shall receive and pay out the moneys of the Corporation. 7. The Secretary-Treasurer of the Council shall receive all moneys due and payable to the Corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the Municipality, whenever thereunto authorized by the Council, but no such draft or order shall be lawfully paid by the said Secretary-Treasurer, unless the same shall shew sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby ;

To keep the books. 8. The Secretary-Treasurer shall keep, in due form, books of account, in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure ;

To render attested accounts. 9. The Secretary-Treasurer shall render to the Council every six months, that is to say, in the months of June and December in each year, or oftener if required by such council, a detailed account of his receipts and expenditure, attested by him under oath ;

Books to be open to public. 10. The Secretary-Treasurer's books of accounts and vouchers shall, at all reasonable hours of the day, be opened for inspection, as well to the Council as to each of the members thereof, and the Municipal Officers by them appointed, or to any person liable to assessment in the town ;

He may be sued by the Mayor in the name of the Corporation. 11. The Secretary-Treasurer, or any other person who shall have filled the said office, may be sued by the Mayor in the name of the Corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account ; and if he renders an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with,

with, or as the Court shall think he ought to be held accountable for; and every judgment pronounced in any such suit shall include interest at twelve per cent on the amount thereof by way of damages, together with the costs of suit; Damages in such suit.

12. Every such judgment shall carry *contrainte par corps* against the said Secretary-Treasurer, according to the laws in force in like cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account; Contrainte par corps.

13. The Council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this Act, or of any By-law or Regulation of such Council; Power of Council to appoint officers.

14. Every Municipal officer, whether elected or appointed, shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such officer; Officers retiring—their duties.

15. If any such officer die or absent himself from Lower Canada, without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor within one month from his death, or from his departure from Lower Canada; In case of death or absence from Lower Canada,

16. And in every such case, the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any Court of Justice, either by *saisie revendication*, or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or insignia, together with costs and damages in favor of the Corporation; and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned according to the laws in force in such cases in Lower Canada, each time the said *contrainte* is demanded by the declaration. His successor to have a right of action for certain purposes.

17. The said Town Council shall have power, whenever they may deem it advisable, to appoint three assessors or valuers of property, and it shall be the duty of the said assessors to estimate the rateable property in the said town according to its real value, and in the manner and within the periods which shall be fixed by the said Town Council. Assessors to be appointed: their duties.

18. Every person so appointed assessor shall be bound, before proceeding to the valuation of any property in the said town, to take the following oath before the Mayor of the said town, or in his absence, before a Councillor, to wit: Assessors to take oath.

“I,

The oath.

" I, _____, having been appointed one of the assessors of the Town of Sorel, do solemnly swear, that I will diligently and honestly discharge the duties of that office to the best of my judgment and ability : So help my God."

Real property qualification of Assessors.

25. The assessors, who shall be appointed for the said town, shall be proprietors of real estate in the said town of the value of at least six hundred dollars.

Proceedings of Council upon deposit of assessment-roll

26. When the assessors shall have made a valuation of all the rateable property of the said town, they shall deposit the assessment roll with the Secretary-Treasurer of the said town, and notice of such deposit shall be given by the Secretary-Treasurer in the same manner as notice of an election of Councillors; And at the next ensuing meeting of the said Council, the said assessment roll shall be produced, and, if they desire it, examined by the Councillors; and the assessment roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting; and during that period it shall remain open to the inspection of all persons whose property shall have been estimated, or their representatives; and within that period, persons considering themselves aggrieved may give notice in writing to the Secretary-Treasurer of their intention to appeal to the said Town Council, complaining of any excessive valuation, and such appeal shall be tried by the said Council, at the first meeting which shall be held after the expiration of the month above mentioned; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just; and at the same meeting the said assessment roll shall be declared closed for two years; unless, however, from the number of appeals, the council shall be compelled to adjourn, in which case the said assessment roll shall not be declared closed until all the appeals shall have been heard and determined; Provided always, that if, after the said assessment roll shall have been declared closed as aforesaid, any property, in the said Town, should suffer any considerable diminution in value, either through fire, demolition, accident, or any other reasonable cause, it shall be lawful for the said Council, upon the petition of the proprietor, to instruct the assessors to reduce their valuation of such property to its then actual value; and provided also, that if any omission shall have been made in the said assessment roll, the said Council may order the assessors to value any property so omitted, in order to its being added to the roll; and provided also that the said assessors shall, when directed by the said Council, make a yearly valuation of the stocks of merchandise held in the said Town.

Proviso : as to diminution in value.

Proviso : as to omissions.

Proviso.

27. At the first meeting after each Annual Municipal Election, two persons shall be appointed by the said Town Council to be Auditors of the accounts of the said Council; and such Auditors shall take the following oath, before any one of the Justices of the Peace, residing in the said Town, that is to say:

Two Auditors of accounts to be appointed and sworn.

“ I, _____, having been appointed to the office of Auditor of the Town of Sorel, do hereby swear, that I will faithfully perform the duties thereof, according to the best of my judgment and ability; and I do declare that I have not, directly or indirectly, any share or interest whatever in any contract or employment with, by, or on behalf of the Town Council of the said Town of Sorel: So help me God.”

The oath.

28. It shall be the duty of the Auditors to examine, approve or disapprove of and report upon all accounts which may be entered in the books of the said Council or concerning them, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said Town Council, and may then remain unsettled; and to make their report to the Council of the said town, at least fifteen days before the day of the election.

Duty of Auditors.

29. The Auditors, who shall be appointed for the said Town, shall be proprietors of real estate therein of the value of at least four hundred dollars; Provided always, that neither the Mayor, Councillors, nor Secretary-Treasurer of the said Town, nor any person receiving any salary from the said Council, either for any duty performed under their authority, or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said Town.

Real property qualification of Auditors.

Proviso: certain parties disqualified.

30. The Mayor of the said Town shall, during the period of his office, be a Justice of the Peace for the said Town; Provided always, that he shall not be bound to take any other oath than the official one to act as such; any law to the contrary notwithstanding.

Mayor to be Justice of the Peace.

Proviso.

31. Every person holding the office of Councillor of the said town, who shall be declared a bankrupt, or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into holy orders, or become a minister of religion in any religious denomination, or who shall be appointed a Judge or Clerk of the Court of Queen's Bench, or of the Superior Court, or a member of the Executive Council, or who shall become responsible for the revenues of the Town, in whole or in part, or who shall absent himself from the said Town, without the permission of the said Council, for more than three consecutive months, or who shall not be present at the meetings of the said Council

In what cases Councillors shall become disqualified.

Council for a period of two consecutive months, shall, by virtue of any one of these causes, become disqualified, and his seat in the said Council shall become vacant, and such person shall be replaced in accordance with the provisions of this Act; Provided always, that the word "Judge" employed in any part of this Act shall not apply to a Justice of the Peace.

Vacancy to be filled.

Proviso.

Town Council may make By-laws for certain purposes.

32. It shall be lawful for the said Town Council, from time to time, to make such By-laws as may seem to them necessary or expedient for the internal government of the Town, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing and draining of the streets, public squares, and vacant or unoccupied lots; for the prevention or suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said Town.

May appoint and remove officers.

33. It shall be lawful for the said Town Council to appoint, remove, and replace, when they shall think proper, all such officers, constables and policemen, as they shall deem necessary for the due execution of the By-laws now in force, or to be by them enacted hereafter, and to require from all persons employed by them, in any quality whatsoever, such security as to them shall seem meet to ensure the due execution of their duties.

Council may levy taxes—

34. In order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several necessary public improvements in the said Town, the said Town Council shall be authorized to levy annually on persons, and on moveable and immoveable property in the said Town, the taxes hereinafter designated, that is to say :

Upon real property ;

1. On all lands, town lots, and parts of town lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one cent in the dollar on their whole value, as entered on the Assessment Roll of the said Town ;

And upon certain moveable property.

2. On the following moveable property, a sum not exceeding one-half of a cent in the dollar at the value herein specified :

Every horse, kept for covering mares, shall be rated at four hundred dollars ;

Every horse kept for hire or gain, at sixty dollars ;

Every horse above the age of three years, and kept for domestic purposes, at forty dollars ;

Every bull, at fifty dollars :

Every

Every ram, at twenty dollars ;

Every head of horned cattle, aged two years and more, at twenty dollars ;

Every covered carriage, with four wheels, at two hundred dollars ;

Every open carriage, with four wheels and two seats, at eighty dollars ;

Every curricule or light waggon, with one seat, at forty dollars ;

Every two horse sleigh, at eighty dollars ;

Every one horse sleigh, at forty dollars ;

Provided always, that every winter or summer vehicle, used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all farm stock, and all implements used for agricultural purposes, shall be exempt from any tax whatever ;

Proviso : certain personal property exempted.

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on shelves in shops or kept in store-houses, a tax of one-half per cent on the estimated average value of such stocks in trade ;

Upon merchandise.

4. On each tenant paying rent in the said Town, an annual sum equivalent to three cents in the dollar on the amount of his rent ;

Tenants.

5. On each male inhabitant of the age of twenty-one years, who shall have resided in the said Town for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar ;

Poll tax on male inhabitants.

6. On every dog kept by persons residing in the said Town, an annual sum of fifty cents ; provided always that there shall be no tax paid for dogs kept by farmers on their farms ;

Dogs.

7. And it shall be lawful for the said Town Council to fix, by a By-law or By-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on retailers of spirituous liquors ;—and on pedlers and itinerant traders selling, in the said Town, articles of commerce of any kind whatsoever ;—and on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, billiard-rooms, nine-pin alleys, or other places for games or amusements of any kind whatsoever ;—and on all auctioneers, grocers, bakers, butchers, hawkers, carters, livery stable keepers,

On certain professions, trades, &c.
Public houses.
Pedlers.
Places of amusement.
Auctioneers and other traders.

keepers, brewers and distillers;—and on all merchants and manufacturers, and their agents;—and on all proprietors or keepers of wood yards, or coal yards, and slaughter-houses, in the said Town;—and on all money changers or exchange brokers, pawn brokers, and their agents, and on all bankers and banks and their agents, and on all insurance companies or their agents;—and generally on all commerce, manufactures, callings, arts, trades, and professions, which have been or which may be exercised in or introduced into the said Town, whether the same be or be not mentioned herein and the workmen of all mechanical arts and trades exercised in the said Town, shall be divided into first and second classes, by the person appointed by the said Town Council to make the roll of moveable property, and shall be assessed at one dollar per annum for those of the first class, and at twenty-five cents for those of the second class; and every person in the said Town, practising the profession of a Lawyer, or of a Physician, or of a Land Surveyor, or of a Notary, or any other liberal profession, shall be assessed at the sum of three dollars annually; and the said Town Council may name a person or persons to make a roll of the persons and moveable property mentioned in the different parts of this section;

Bankers.
Insurance Companies.
All callings whatever.
Workmen to be taxed in classes.

Lawyers, Doctors, &c.

Roll to be made.

Commutation in respect to statute labor.

Proviso.

8. And the said Council shall also have the power to fix the amount of personal commutation, that is to say: of the sum to be payable by each person liable to assist in keeping the streets and sidewalks of the said Town in repair, and to refuse the labor of such person in keeping the same in repair, if the said Council should prefer to charge itself therewith; Provided always, that every such sum demanded for personal composition shall be equitably established in proportion to the work to be done, and that by arbitration, if the parties concerned require it.

Council may make By-laws with respect to—

Clerks of markets and their duties.

Weighing and measuring.

35. The said Council shall also have power to make By-laws:

1. For determining and regulating the duties of the Clerks of the markets in the said Town, and all other persons they may deem proper to employ to superintend the said markets; and for letting the stalls and other places for selling, upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling on any of the said markets any provisions or produce whatever; and for regulating the conduct of all such persons in selling their goods; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale on the said markets;

2. For amending, modifying or repealing all By-laws made by the Municipal Councils who have had the management of the internal affairs of the said Town ; Amending By-laws.
3. For regulating and placing all vehicles, in which any article shall be exposed for sale on the said markets ; Vehicles on markets.
4. For preventing persons bringing provisions of any kind into the said Town, from selling or exposing them for sale in any other place than the markets of the said Town ; Sales elsewhere than in markets.
5. For regulating the weighing and measuring of all cordwood, coals, salt, grain, lime and hay, bought or sold in the said Town, by strangers, or persons residing therein ; Cordwood, &c.
6. For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe, in the above matters, the By-laws which the said Council shall hereafter deem useful to establish ; Weights and measures.
7. For preventing obstructions of any nature whatsoever in streets ; Obstructions.
8. For preventing the sale on the public highway of any wares or merchandize whatsoever ; Sales on public highways.
9. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to such restrictions as they may deem expedient ; Sale of intoxicating liquors.
10. For determining under what restrictions and conditions the Revenue Inspector of the District of Richelieu shall grant Licenses to Merchants, Traders, Shopkeepers, Tavern-keepers and other persons, to sell such liquors ; Licenses.
11. For fixing the sum payable for every such License, provided that in any case it shall not be less than the sum which is now payable therefor, by virtue of the laws at present in force ; Sum payable.
12. For regulating and governing all Shop-keepers, Tavern-keepers and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness ; Regulation of shop-keepers.
13. For preventing the sale of intoxicating beverage to any child, apprentice or servant ; Sale of liquor to children, apprentices, &c.
14. For preventing the driving of vehicles at an immoderate pace in the said Town, or riding on horseback on the sidewalks of the said Town, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burdens of too great a weight ; Cruelty to animals.

- Bread.** 15. For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said Town ;
- Servants and apprentices.** 16. For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen, in the said Town, and also certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen ;
- Gaming houses.** 17. To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said Town ;
- Pounds.** 18. To establish as many public pounds as the said Council shall deem expedient to open, for the impounding of animals of any species which may be running at large in the said Town ;
- Police.** 19. For regulating, arming, lodging, clothing and paying a Police Force in the said Town, and for determining their duties ;
- Enclosures.** 20. To compel the proprietors of all land and real property within the said Town, or their agents or representatives, to enclose the same ; and to regulate the height, description and material of every such enclosure ; and to make footways, if the Council should think fit to do so ;
- Draining and fencing of lands.** 21. To compel the proprietors or occupants of lots of land in the said Town, having stagnant or filthy water upon them, to drain or raise such lands, so that the neighbors may not be incommoded nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said Town, it shall be lawful for the said Council to order the said lands to be drained or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed ; and the said Council shall have a like power, if the proprietors or occupiers of such lands are too poor, to drain, raise or fence in the same ; and in every case the sum expended by the said Council in improving such lands shall remain as a special hypothec on such land, and have privilege over all other debts whatsoever, without it being necessary to register the same ;
- Encroachments.** 22. To oblige all proprietors or occupants of houses in the said Town, to remove from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever ;
- Old and ruinous buildings.** 23. To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and to cause to be removed from the streets all sheds, stables, and other

other outbuildings erected on the level of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

24. For regulating the width of streets to be opened here- Width of streets.
after in the said Town ; for regulating and altering the height streets.
or the level of any street or side-walk in the said Town ; Pro- Proviso.
vided that if any person shall suffer real damage by the
widening, lenghtning or altering the level of any street in the
said Town, such damage shall be paid to such person, after
having been assessed by arbitrators, if any of the parties shall
require it ;

25. For defraying, out of the funds of the said Town, the Water and gas.
expenses of furnishing the citizens with water, and of light-
ing the Town with gas, or in any other manner, and for
obliging the proprietors of real property in the said Town to
allow the necessary works to be performed for such objects on
their respective properties, and for obliging all proprietors to
allow the necessary pipes, lamps and posts to be fixed upon
their houses ; Provided always, that in all such cases, the Proviso.
expense of all such pipes, lamps and other necessary works
shall be defrayed by the said Council ; And provided also, Proviso.
that the solidity of the buildings on and near to which they
shall be so placed, shall be in no wise affected, and that any
damage that may be caused shall be paid by the said Council,
and that every proprietor shall be indemnified by the said
Council ;

26. For assessing the proprietors of real property situate on Common sew-
ers.
any of the streets of the said Town, for such sum as shall be
deemed necessary for making or repairing any common sewer
in any of the streets of the said Town, such assessment being
in proportion to the assessed value of such property ; and for
regulating the mode in which such assessment shall be col-
lected and paid ;

27. For assessing, at the request of the majority of the citi- Sweeping and
watering, &c.
zens, residing in any of the streets or public squares of the said
Town, all the citizens residing in such street or public square,
in any sums necessary to meet the expense of sweeping,
watering and keeping clean such street or public square, and
for removing the snow from any such street, lane or public
place, such assessment being in proportion to the assessed
value of their property ;

28. To assess, over and above all other rates specially estab- Damages from
riots and tu-
mults.
lished by this Act, all the citizens of the said Town, to meet
the expenses of any indemnity which the said Council might
be obliged to pay to persons in the said Town, whose houses
or buildings of any description might be destroyed or damaged
by

by any riot or tumultuous assembly; and if the said Council shall neglect or refuse, within six months after such destruction or damages, caused to any property in the said Town, to pay a reasonable indemnity to be established by arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in any of the Courts of Justice of this Province of competent jurisdiction and sitting in the District of Richelieu;

Steam engines.

29. To fix the place for the erection of any manufactories or machinery worked by steam in the said Town;

Contagious diseases.

30. For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such Board of Health shall deem necessary for preserving the citizens of the Town from any contagious diseases, or for diminishing the effects or the danger thereof.

Prevention of accidents by fire.

36. For the better protection of the lives and property of the inhabitants of the said Town, and for more effectually preventing accidents by fire, the said Council may make By-laws for the following purposes, that is to say:

Chimneys.

1. For regulating the construction, dimensions, height and elevation of chimneys above the roofs, or even in certain cases above the neighbouring houses and buildings; and at whose costs such chimneys shall be raised, and within what delay they shall be raised or repaired;

Fire engines.

2. For defraying, out of the funds of the said Town, any expenses that the Council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires;

Thefts at fires.

3. For preventing thefts and deprivations which may be committed at any fire in the said Town, and for punishing any person who shall resist or maltreat any member or officer of the said Council, in the execution of any duty assigned to him by the said Council under the authority of this section;

Inquiring into causes of fires.

4. For establishing or authorizing and requiring to be established, after each fire in the said Town, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administered to them by any of the Members of the said Council or of such Committee;

Committee; and the said Council or Committee may also deliver over, to be imprisoned in the common gaol of the district, any person against whom well grounded cause of suspicion may be found, of his having maliciously originated the said fire;

5. For regulating the manner in which, and the periods of Sweeping of chimneys. the year when chimneys shall be swept, and for granting licenses to such number of chimney sweeps, as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said Town to allow their chimneys to be swept by such licensed chimney sweeps; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps; and for imposing a penalty of not less than one dollar nor more than five dollars on all persons whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any Justice of the Peace; and whenever any chimney, which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said Justice of the Peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shewn on proof before him;

6. For regulating the manner in which ashes or quick lime Ashes and quick lime. shall be kept in the said Town, and for preventing the inhabitants of the said Town from carrying fire in the streets without necessary precaution,—from making a fire in any street,—from going from their house to their yards and out-buildings, and entering therein with lighted candles not enclosed in lanterns; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire;

7. For regulating the conduct of all persons present at any fire in the said Town; for obliging idle persons to assist in Conduct at fires. extinguishing the fire, or in saving effects which may be in danger, and for obliging all the inhabitants of the said Town to keep at all times upon and in their houses, ladders, fire-buckets, battering rams and fire-hooks, in order the more easily to arrest the progress of fires;

8. For defraying out of the funds of the said Town any expenses which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wound or contracted any severe disease at any fire in the said Town; or in assisting or providing for the family of any person in their employ who shall perish at any fire; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said Town;

Demolition of buildings in certain cases.

9. For vesting in such members of the Council or in the Fire Inspectors, or either of them, to be designated in such By-laws, the power of ordering to be demolished, during any fire, any houses, buildings, outhouses, or fences, which might serve as fuel to the fire, and endanger the other property of the inhabitants of the said Town ;

Appointment of officers.

10. For appointing all such Officers as the said Council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire ; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said Town ;

Authorizing officers to visit and inspect buildings, &c.

11. For authorizing such Officers as the Council shall think fit to appoint for that purpose, to visit and examine, at suitable times and hours, both the inside and the outside of all houses and building of any description within the said Town, for the purpose of ascertaining whether the rules and regulations passed by the said Council, under the authority of this section, are regularly observed, and for obliging all proprietors, possessors or occupants of houses in the said Town, to admit such Officers for the purposes aforesaid.

Duty of Secretary-Treasurer upon completion of collection-roll.

37. The Secretary-Treasurer, when he shall have completed his collection roll, shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be given on the following Sunday, that the collection-roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments, are required by him to pay the amount thereof at his office, within the twenty days which follow the publication of the said notice ;

Duty with respect to arrears.

2. If, at the expiration of the said twenty days, there shall be any arrears of assessment, the Secretary-Treasurer shall leave, at the ordinary place of residence or domicile of each person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of assessments due by such person in arrears, and, at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the serving of the notice, according to such tariff as the Council shall have decided upon ;

Proceedings in case of neglect to pay.

3. If any person neglect to pay the amount of assessments imposed upon him, for a period of thirty days, after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found, within the limits of the said Town,

Town, addressed to one of the sworn bailiffs for the district of Richelieu, of the Superior Court for Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner; and no claim founded on a right or ownership or privilege upon the same shall prevent the sale or the payment of the assessments and expenses out of the proceeds of such sale.

38. Every tax or assessment imposed by virtue of this Act, upon any property or house in the said Town, may be recovered, either from the proprietor, tenant or occupier of such property or house; and if such tenant or occupier be not bound by lease or other stipulation to pay such tax or assessment, such tenant and occupier may and shall be entitled to deduct the sum so paid by him, out of the rent which he would have to pay for the possession of such property :

From what parties taxes may be recovered.

2. Whenever the Town Council shall have passed any By-law or By-laws directing work to be done within the said Municipality or in any part thereof, and any proprietor shall be unable from absence, poverty or any other cause, to perform the said work, it shall be lawful for the said Council to cause the work, which such proprietor may be bound under such By-laws to perform, to be done, and the sum so expended by the Council shall remain a lien upon the property, as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said Council, with interest at the rate of eight per cent.

Proceedings in case of non-performance of work ordered by Council.

39. In all cases where the persons, who shall be rated in respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property shall remain due and unpaid for the space of six years, then it shall be lawful for the said Town Council, after having obtained a judgment before the Circuit Court in and for the District of Richelieu, or any other Court of civil jurisdiction, to sell and dispose of such property by public sale, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs; and the Sheriff of the District of Richelieu is hereby authorized and required to advertise such sale to be made under the authority of this section, in a French newspaper, or in an English newspaper, published or circulated in the District of Richelieu, and the said Sheriff is also required to employ, for the purpose of effecting such sale, a bailiff residing in the said Town of Sorel, who shall be designated by the said Council; Provided always, that all owners of property sold under the authority of this section, shall be allowed to resume possession of the same, within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, and any necessary outlay which may

Case of absentee proprietor of vacant property provided for.

Proviso.

have

have been made on the said property by order of the said Council in virtue of this Act, on condition, however, that the said purchaser shall have kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate; together with the costs attendant upon such sale, and ten per centum besides interest both on the amount of the purchase money and of the said outlay; And provided also, that if, after such sale of property belonging to persons residing out of the Town, any surplus shall remain over and above the sum due to the said Council, for assessments and costs, the said Sheriff shall pay over such surplus to the said Town Council, to whatever sum the same may amount, and the said surplus shall be deposited in the funds of the said Town, as a loan, at the rate of six per cent. until called for and claimed by the party to whom it shall belong to whom the same shall be paid.

Proviso.

Assessment may be remitted in certain cases.

40. The said Council shall have power to remit a portion or even the whole of the amount due for assessment to indigent parties assessed under this Act, in certain cases of fire, long illness, or any other cause which the said Council shall deem reasonable and sufficient.

Penalties for infraction of By-law, how punishable.

41. If any person shall transgress any order or regulation made by the said Town Council, under the authority of this Act, such person shall, for every such offence, forfeit the sum specified in any such order, rule or regulation, with the costs to be allowed by the Justices of the Peace who shall try such offence, in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, and to be levied on the goods and chattels of the offender, and, in default of such goods and chattels, the offender shall be liable to be committed to the Common Gaol of the District, for a term not exceeding one month, but which may be less in the discretion of the Court; and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said Town of Sorel; Provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within one month next after the time of the offence committed; and provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than one dollar nor more than twenty dollars, and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said Town Council; and the said Council shall also have power to punish, by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the markets, or in the streets of the said Town, and infringing at the same time the By-laws of the said Council as regards the weight and quality of such goods, articles and provisions.

Proviso.

Proviso.

Exposing to sale, and infringing By-laws.

42. All the debts hereafter due to the said Town Council for all taxes or assessments imposed on moveable or immoveable property in the said Town, shall, by virtue of this Act, be privileged debts, and shall be paid in preference to all other debts, and the said Town Council shall, in all cases of distribution of moneys, be collocated in preference to all other creditors; Provided always, that this privilege shall only apply to assessments due for six years, and no longer; And provided also, that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

Taxes and assessments shall be privileged debts.

Proviso.
Proviso.

43. All the fines and penalties recovered under the provisions of this Act, shall be paid into the hands of the Treasurer of the said Town Council, and the proceeds of all licenses for the sale of spirituous liquors, and of all other licenses granted under this Act shall form part of the public funds of the said Town, any law to the contrary notwithstanding.

To whom penalties, &c., shall be paid.

44. Before any By-law of the said Town Council shall have force or be binding, such By-law shall be published in the French language and the English language, by reading the same at the door of the Catholic Church of the said Town on the Sunday next after the passing of such By-law, or by posting up a copy thereof in two of the most public places in the said Town.

By-laws, &c., to be published.

45. It shall be lawful for the said Town Council, from time to time, to borrow divers sums of money for effecting improvements in the said Town, for the purpose of building one or more market houses, or for draining the streets, or for furnishing the said Town with water, and generally for such purposes as the said Council shall deem useful or necessary.

Council may effect loans.

46. Whenever the said Council shall contract loans upon the credit of the said Town, they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the rate of ten per centum; and the said Council shall set aside a portion of their revenues for the payment of such interest; and the said Council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a Sinking Fund, which Sinking Fund shall consist of a deposit made in a Savings Bank, annually and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the Sinking Fund shall remain deposited in such Savings Bank, with interest which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off; Provided always, that when the interest and Sinking Fund united shall absorb one-half of the annual revenue of the said Council, then and in such case it shall not be lawful for the said Council to contract

Duties of Council with respect to loans.

Sinking Fund.

Proviso: in certain cases no new loan to be contracted.

contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and Sinking Fund of their loans, any sum exceeding half of their revenue; And provided also, that it shall be lawful for the said Town Council, if the lenders consent or require it, to deposit in the hands of such lenders, instead of in a Savings Bank, the annual sums which shall have been agreed upon to form the Sinking Fund; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid on account of interest, and what amount shall have been paid into the Sinking Fund.

Proviso.

Members of Council may order arrest of disorderly persons.

47. It shall be lawful for any one of the members of the said Town Council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the said Town, and to confine him in the Common Gaol of the District, or other place of confinement, in order that such person may be secured until he can be brought before the Mayor or a Justice of the Peace, to be dealt with according to law.

Powers of constables in certain cases.

48. It shall be lawful for any constable to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said Town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard, or other place, or shall be found loitering or idling in any such place, and shall not give satisfactory reasons for his conduct; and every such constable shall deliver such person into the custody of the constable who shall have the charge of the prison, or any other place of detention of the said Town, in order to the safe keeping of the said person, until he shall be brought before the Mayor or other Magistrate, to be dealt with according to law.

Persons assaulting constables in the execution of their duty, how dealt with.

49. Every person who shall assault, beat, or forcibly resist any constable or peace officer appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, every such offender shall, upon conviction thereof before the Mayor or a Justice of the Peace, be liable to a fine of from four to forty dollars or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary; Provided always, that it shall be lawful for the said Council or any other officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

Proviso.

Properties exempt from taxation.

50. The following property shall be exempt from taxation in the Town of Sorel:

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, office or person, in trust for the service of Her Majesty, Her Heirs and Successors ;

2. All Provincial property and buildings ;

3. Every place of public worship, presbytery and its dependencies, and every burying-ground ;

4. Every public school-house and the ground on which the same is constructed ;

5. Every educational establishment and the ground on which the same is constructed ;

6. All buildings, ground and property occupied or possessed by hospitals or charitable or educational establishments ;

7. Every Court House and District Gaol and the grounds attached thereto ; Provided always, that this exemption shall not extend to lots or to other buildings built upon lots leased or occupied by tenants under the Government, in the said town ; but such lands belonging to the Government or to the Ordnance Department occupied by tenants, shall be valued and assessed in like manner as other real property in the said town, and such rates or assessment shall be paid by the said tenants or occupiers thereof.

Proviso : exemption not to extend to Crown property leased to private parties.

51. From and after the passage of this Act, the said Town Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding ; and such certificates shall be signed by the Mayor and the Secretary-Treasurer of the said Council.

Certificates for tavern licenses to be granted by Council only.

52. If any action or suit shall be brought against any person for any matter or thing done by virtue or in pursuance of this Act, such action or suit shall be brought within four calendar months next after the fact committed, and not afterwards.

Limitation of actions for things done under this Act.

53. It shall be lawful for the said Town Council to order the Inspector of the said Town to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said Town, by means of houses, fences, buildings, or obstructions of any kind, to cause the removal of such encroachments or obstructions by giving to such persons a reasonable delay for the purpose, which delay shall be specified by the said Town Inspector in giving his notice ; and if such persons shall not have removed such encroachments or obstructions within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with

Encroachments on public streets or squares.

with him the assistance necessary for that purpose; and the said Council may allow to the said Inspector his reasonable expenses, and recover the same before any Court having competent jurisdiction, from any person making such encroachment or obstruction.

Penalty for granting false receipts for rent in order to lessen taxes.

54. From and after the passing of this Act, every proprietor or agent, who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant, who shall present to the assessors of the said Town such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of twenty dollars or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace.

Council may prevent re-erection of buildings in certain cases.

55. It shall be lawful for the said Council, whenever any house shall encroach upon any of the streets or public squares of the said Town, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house; and it shall be lawful for the Council to purchase any part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council and by the party they are desirous of dispossessing; and the said arbitrators, in case of difference of opinion, shall appoint a third; and the said arbitrators, after having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Council may acquire lands for certain purposes.

56. The said Council shall have full power to purchase and acquire, out of the revenues of the said town, all such lots, lands and real property whatsoever within the said Town, as they shall deem necessary for the opening or enlargement of any street, public square or market place, or the erection of any public building, or generally for any object of public utility of a municipal nature.

Arbitration in cases of disagreement as to the value of property taken for town purposes.

57. When the proprietor of a lot, which the said Council shall be desirous of purchasing, for any object of public utility of a municipal nature, shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots, or wives *sous puissance de maris*,
the

the said Council may apply to the Superior Court sitting in and for the District of Richelieu, or to any other Court, for the appointment of an arbitrator by the said Court, to make, conjointly with the arbitrator, appointed by the said Council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third; and when the said arbitrators shall have made their report to the said Council, at a regular meeting thereof, it shall be lawful for the said Council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the Prothonotary of the Superior Court in and for the District of Richelieu, for the use of the person entitled thereto; and if no person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such Prothonotary, to claim the sum so deposited, it shall then be lawful for the said Prothonotary, and he is hereby required, to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said town, and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Mayor and to the Secretary-Treasurer of the said town to pay the same.

58. Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office, or to perform the duties of such office, during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say :

The office of Mayor, thirty dollars ;

Mayor.

The office of Councillors, twenty dollars ;

Councillor.

2. Whenever the valutors neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the Secretary-Treasurer of the Council, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars for each day, which shall elapse between the expiration of the said period of two months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed ;

On valutors neglecting their duties.

3. Every member of the Council, every officer appointed by such Council, every Justice of the Peace and every other person, who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this Act, shall incur

Penalties for refusing to perform duties of office.

a penalty not exceeding twenty dollars, and not less than four dollars;

For voting without qualification.

4. Every person who shall vote at any election of Mayor or Councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding twenty dollars;

On Inspectors of roads for neglect of duty.

5. Every inspector or officer of roads, who shall refuse or neglect to perform any duty assigned to him by this Act, or by the By-laws of the Council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar, unless some other and heavier penalty be by law imposed on him for such offence;

Penalties for hindering officers in the performance of their duties.

6. Every person, who shall hinder or prevent, or attempt to hinder or prevent, any officer of the Council in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, or by any By-law or order of the said Council, shall incur a penalty of twenty dollars for every such offence, over and above any damages which he may be liable to pay;

Persons defacing notices, &c.

7. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document required by this Act or by any By-law or order of the said Council to be posted up at any public place, for the information of persons interested, shall incur a penalty of eight dollars for every such offence.

Penalties how to be recovered.

59. All the penalties imposed by this Act, or by any By-law made by the Council, may be recovered before the Circuit Court for the district of Richelieu, or before any Justice of the Peace residing in the said Town; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such Court.

Public Act.

60. This Act shall be held and deemed a Public Act.

SCHEDULE No. 1.

Public notice by the Secretary-Treasurer of the completion of his Collection-Roll.

Public notice is hereby given that the Collection-Roll of the Town of Sorel is completed and is now deposited in the office of the undersigned, and all persons whose names appear therein, as liable for the payment of any assessment, are required to pay the amount thereof to the undersigned, at his office, within twenty days from this day, without further notice.

SCHEDULE

SCHEDULE (No. 2.)

SECRETARY-TREASURER'S NOTICE FOR THE PAYMENT OF ASSESSMENT.

CORPORATION OF THE TOWN OF SOREL.

(Date of Delivery.)

Mr. , Dr.

To the Corporation of the Town of Sorel.

	\$	cts.
Assessment on you (<i>here mention the property, as house, land, &c.</i>) valued at \$, at () in the.....		
(<i>Here add the various other items of taxation</i>).....		
Total.....		

SIR,—Take notice that having failed to pay the aboved mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from the date hereof, to pay the same to me at my office, together with the costs of this notice and service thereof as below, in default whereof, execution will issue against your goods and chattels.

A. B.

Secretary-Treasurer.

Costs.

Notice.....\$

CORPORATION OF THE TOWN OF SOREL.

Mr.

(Copy of Account.)

\$

C A P . L X X V I .

An Act to incorporate the Village of Terrebonne as a Town.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS from the increase of the population of the Village of Terrebonne, the provisions of the Municipal Acts do not suffice to enable the inhabitants thereof to carry out the improvements which they are desirous of making, and whereas the Municipal Council of the said Village have represented that it is necessary that more ample provisions be made in that behalf, and that the said Village be incorporated as a Town under the name of "Terrebonne": Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Town of Terrebonne incorporated.

Corporate name and powers.

1. From and after the passing of this Act, the inhabitants of the Town of Terrebonne as hereinafter described, and their successors shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of "The Mayor and Council of the Town of Terrebonne," and separated from the County of Terrebonne for all Municipal purposes, and by the same name they and their successors shall have perpetual succession, and shall have power to sue and to be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and suits at law whatsoever, and shall have a Common Seal, with power to alter and modify the same at their will and pleasure; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said Town; of becoming parties to any contracts or agreements in the management of the affairs of the said Town; and of giving or accepting any notes, bonds, obligations, judgments or other instruments or securities, for the payment of, or securing the payment of any sum of money borrowed or loaned, or for the execution of any duty, right or thing whatsoever.

Real property.

Bonds, notes, &c.

Boundaries of the town.

2. The boundaries and limits of the said Town of Terrebonne shall be the same as those assigned to the Village of Terrebonne, by a proclamation dated at Quebec the twenty-second day of December, one thousand eight hundred and fifty-three, to wit: The Town of Terrebonne shall be bounded by the following limits, that is to say: In front by the river *Jésus*, from the west line of the *Terre Marrier* as far as the *Montée Roussil*; on the west and north-west by the said *Montée*, following the south side of the road to the bridge and stream "*Viger*;" thence, following the said stream, to the discharge of the first water-course, which falls into it, and following the said water course until opposite *St. Michel street*, at the north-west extremity of the said Village, including, moreover, a point of land touching the said *Ruisseau Viger*, on the north side, joining

on another side the Montée "Pain Court," on another side the depth line of the emplacement "Quevillon" and following this line to the said stream ; on the north by the foot of the said ridge which separates the good land (*terre franche*) from the black soil (*terre noire*) starting from the said St. Michel Street, and thence to the black soil (*terre noire*) ; on the east by the west line of the *Terre Murrier*, to the river Jésus ; including also *Isles St. Jean, du Moulin* and *Bourdon*, and four small islands opposite the said village.

3. There shall be elected, from time to time, in the manner hereinafter mentioned, a fit and proper person who shall be and be called the Mayor of the Town of Terrebonne, and six fit persons who shall be and be called the Councillors of the Town of Terrebonne ; and such Mayor and Councillors for the time being shall form the Council of the said Town, and shall be designated as such, and shall represent for all purposes whatsoever the Corporation of the Town of Terrebonne.

Mayor and six Councillors to be elected.

4. 1. No person shall be capable of being elected Mayor or Councillor of the Town of Terrebonne, unless he shall have been a resident householder within the said Town for one year before such election, nor unless he be possessed to his own use, in his own name or in the name of his wife, of real estate, within the said Town, of the value of four hundred dollars, after payment or deduction of his just debts :

Qualification of Mayor.

2. No person shall be capable of being elected Mayor or Councillor of the said Town of Terrebonne, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years ;

Further qualifications.

3. No person being in Holy Orders, or the Ministers of any religious belief whatever, the members of the Executive Council, nor Judges of the Court of Queen's Bench or of the Superior Court, Sheriffs or officers of any of the said Courts, nor officers on full pay in Her Majesty's army or navy, or salaried civil officers, nor any person accountable for the revenues of the said Town, or receiving any pecuniary allowance from the Town for his services, nor any other officer or person presiding at the election of the Mayor or the Councillors, while so employed, nor any person who shall have been convicted of treason or felony in any Court of law within any of Her Majesty's dominions, nor any person having in person or through his partner any contract whatever, or interest in any contract with or for the said Town, shall be capable of being elected Mayor or Councilman for the said Town ; provided always, that no person shall be held incapable of being elected Mayor or Councillor for the said Town, from the fact of his being a shareholder in any incorporated Company, which may have a contract or agreement with the said Town ;

Who may not be Mayor or Councillor.

Proviso.

Who shall not be bound to accept the said offices.

4. The following persons shall not be obliged to accept the office of Mayor or Councillor of the said Town, nor any other office to be filled by the Council of the said Town, viz: Members of the Provincial Legislature, practising Physicians, Surgeons and Apothecaries, Schoolmasters actually engaged in teaching, persons over sixty years, and the Members of the Council of the said Town, who have been so within the last two years and the persons who shall have fulfilled any of the offices under such Council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such payment.

Who may vote at municipal elections.

5. The persons entitled to vote at the Municipal Elections of the said Town shall be the male inhabitant freeholders and householders of the age of twenty-one years, and residing therein, possessed at the time of real property in the said Town, of the yearly value of four dollars, and tenants of the age of twenty-one years, who shall have resided in the said Town, and paid rent during the year immediately preceding the election, on a dwelling-house or part of a dwelling-house at the rate of not less than eighteen dollars per annum; provided always, that no person qualified to vote at any Municipal Election in the said Town shall have the right of having his vote registered, unless he shall have paid his Municipal and School taxes due before such election; and it shall be lawful for any candidate at the said election and the person presiding over the said election to require the production of the receipts setting forth the payment of such assessments so due as aforesaid.

Proviso: voter must have paid his taxes, and the receipt may be demanded.

Present Mayor, and Councillors to remain until elections are held under this Act

Present By-laws to remain in force until altered, &c.

6. The Mayor and Councillors of the said Town, who are at present in office, shall remain in office, until the elections, which are to take place by virtue of this Act, and all by-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the Municipal Council of the Village of Terrebonne, shall continue to have full and entire force to all intents and purposes as though this Act had never been passed, and until such time as the said by-laws, agreements or engagements shall be formally rescinded, abolished or fulfilled, and the said Corporation, as constituted under this Act, shall succeed and be substituted for all purposes whatsoever, in the engagement, rights and trusts of the Municipal Council of the Village of Terrebonne, as heretofore constituted.

When the municipal elections shall be held: notice thereof.

7. The municipal elections for the said Town, in virtue of this Act, shall be held in the month of January in each year, and public notice thereof shall be given at least eight days previous to such election in the French language, by notices posted up at the doors of the churches, and in the market of the said Town, and read at the door of the Catholic Church in the said Town, at the issue of Divine service in the morning of the Sunday preceding the election; and the said notice shall be signed for the first election in virtue of this Act,

Who shall preside.

by

by the Sheriff of the District of Terrebonne, whose duty it shall be to preside at the said first election, and for all subsequent elections, the said notice shall be signed by the Mayor or the Secretary-Treasurer of the said Council, and shall specify the day, place and hour upon which the said elections are to take place.

8. It shall be the duty of the Sheriff of the District of Terrebonne to preside at the election which shall take place in the month of January next, and the poll shall be open for the reception and registration of votes from nine of the clock in the forenoon until four of the afternoon of the day appointed for the said election, provided the election shall not have taken place by acclamation; and at the said election each elector shall be entitled to vote for six councillors, and shall be entitled at the same time to vote for a Mayor of the said Town; and at the closing of the poll, the said Sheriff shall declare the six persons, who shall have obtained the greatest number of votes as Councillors, to be duly elected Councillors of the said Town, and the person, who shall have received the greatest number of votes as Mayor, to be duly elected Mayor of the said Town; and in case the Candidates have an equal number of votes, the Sheriff shall give his casting vote :

Sheriff of Terrebonne to preside at the first election.

Mode of voting.

Mayor to be elected at the same time, &c.

Casting vote in case of a tie.

2. If the votes of all the electors present have not been polled by the hour of four in the afternoon of the first day of the said meeting, the person presiding shall adjourn the proceedings thereof to the hour of nine in the forenoon of the following day, when he shall continue to take down the votes; and he shall close the election at the hour of four in the afternoon of the second day and shall then declare duly elected Councillors and Mayor, such of the candidates as shall be entitled to be so declared elected :

Voting may continue two days if one be insufficient.

3. Provided always, that if at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapse without any vote being polled, it shall be the duty of the person presiding to close the said election and declare duly elected as Councillors and Mayor, such candidates as shall be entitled to be so declared elected; Provided also, that no person shall have been, within the last hour, prevented from approaching the poll by violence, of which notice shall have been given to the person presiding;

Poll to be closed if no vote be given for one hour.

Proviso.

4. The Mayor shall be elected for one year only, and shall remain in office until his successor shall have been appointed; the Councillors elected at any of the municipal elections shall remain in office during two years, except those who shall have been elected at the first election, of whom three shall retire from office at the expiration of the first year, and it shall be declared by lot in the manner established by the Council, which of the Councillors

Duration of office of Mayor and Councillors.

Councillors shall thus retire from office at the end of the first year;

How subsequent elections shall be conducted.

5. The subsequent annual elections of a Mayor and of three Councillors for the said Town shall take place in the same manner and within the same delays as the first, with the exception, however, that the said elections, instead of being presided over and conducted by the Sheriff, shall be so by one of the members of the Council, who shall not retire from office, and who shall be appointed by the Council one month previous to the time fixed for the said election, and the said Councillor shall make a proclamation of the persons elected in the same manner, at the same hour, and in the same place as the Sheriff for the first election, and the said Councillor, for all purposes relating to elections, shall have the same powers and the same duties as the Sheriff for the first election;

Powers of person presiding and his deputies.

6. The person, who shall preside at an election, shall, during such election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law as are vested in the Justices of the Peace, and this, whether the said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law, and it shall be lawful for the person so presiding to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary or be required so to do by five electors.

Notice of first meeting of Council.

9. 1. The person presiding at any such election shall, within two days from the closing of the election, give to the Mayor and each of the Councillors so elected, special notice of their said election, as well as of the place, the day, and the hour appointed by him for the first meeting of the Council to take place after their said election; the Mayor and Councillors so elected shall enter respectively into office as such at the said first meeting, and shall remain in office until the appointment of their successors:

Entry into office.

Poll books, &c., to be delivered up to the Secretary-Treasurer, &c.

2. The person so presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the Town Council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the poll books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same, certified by the Secretary-Treasurer, shall be valid in any Court of Justice;

First sitting: Mayor and Councillors to take oath of office.

3. The first session of the Council, after the first election, shall take place within eight days immediately following the said election, and at such meeting the Mayor and Councillors elected

elected shall take the following oath before a Justice of the Peace :

“ I, A. B., do solemnly swear faithfully to fulfil the duties
 “ of member of the Council of the Town of Terrebonne, to
 “ the best of my judgment and ability : So help me God.”

The oath.

And the members then present, provided they form a majority of the Council, shall be authorized to act as the Council, and all members absent without just cause shall be held to have refused the office, and shall be liable to the fine hereinafter provided for in like cases, unless they be persons who are exempted from serving ;

Majority then present may act, others to be fined.

4. The Mayor and Councillors elected at the elections subsequent to the first, shall enter office on the day of their nomination, and a meeting of the Council shall take place within eight days after, in the same manner as after the first election, and the Mayor and Councillors elected shall take the same oath, and those absent without just cause shall be held to have refused the office, and shall be liable to the penalty hereinafter provided in such cases, unless they be persons who are exempted from serving ;

When the Mayor elected after first election shall go into office.

First meeting.

Penalty.

5. Four members of the Council shall constitute a quorum ;

Quorum.

6. The expenses of every election shall be defrayed out of the funds of the Corporation.

Expenses.

10. 1. In any case in which one of the persons elected shall refuse to act as Mayor or Councillor, or in case his election being contested, shall be declared null, the electors of the town shall proceed to a new election, and elect a person to replace the said Councillor within one month after the said refusal shall have been made known, or that the said election shall have been declared null ; and if it be the Mayor who shall refuse to accept, or whose election shall have been declared null, the electors of the town shall proceed to a new election for such Mayor, within the same delay, and in that case the poll shall be held at the town hall, or office of the town only, and the said election shall be conducted in the same manner as annual elections :

If the Mayor or Councillors refuse to act or his election is contested.

If the Mayor refuses, &c.

2. In case of the death of the Mayor or a Councillor, or in case of his absence from the town, or incapacity of acting as such, either from infirmity, sickness, or any other cause, during three calendar months, the other Councillors, at the first meeting of the Council which shall take place after such decease, or at the expiration of the said period of three months, shall appoint from amongst the inhabitants of the town another Mayor or Councillor to replace the Mayor or Councillor so deceased, absent, or rendered incapable, as above mentioned ; And in case

In case of the absence, death or incapacity of Mayor or Councillors.

If the votes are equally divided.

Proviso: remaining Councillors empowered to act.

case the votes of the said Councillors are equally divided in the appointment of a person to replace the Mayor, the election shall proceed in the manner mentioned in the preceding paragraph; Provided however, that notwithstanding the decease, absence, or inability to act of the said Mayor, or the said Councillor, the remaining Councillors shall continue to exercise the same powers and fulfil the same duties which they would have had to exercise or fulfil, had not such decease, absence or inability to act on the part of the said Mayor or Councillor, taken place;

Duration of office.

3. Every Mayor or Councillor so elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Presiding officer at election to take oath.

11. Before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which any Justice of the Peace residing in the said town is hereby authorized to administer, that is to say:

The oath.

" I do solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of Presiding Officer at the election which I am about to hold for persons to serve as members of the Town Council of Terrebonne: So help me God."

Presiding officer to examine candidates upon oath as to qualification, if required so to do.

12. The officer, presiding at any election under this Act, shall have authority, and he is hereby required, at the request of any persons qualified to vote at such election, to examine upon oath (or affirmation, when the party is allowed by law to affirm) any candidate for the office of member of the said Town Council, respecting his qualification to be elected to the said office; and shall also have authority, and he is hereby required, upon such request as aforesaid, to examine upon oath (or affirmation,) any person tendering his vote at any election, and the oath to be administered by the presiding officer in both cases shall be in the form following:

The oath.

" You shall true answer make to all questions put to you by me in my capacity of Presiding officer at this election, respecting your qualification to be elected a member of the Town Council, (or respecting your qualification to vote at this election, as the case may be): So help you God."

May put other questions.

And the presiding officer shall himself put the questions which he shall deem necessary.

False swearing to be perjury.

13. If any person being examined upon oath or affirmation under this Act, as to his qualification to be elected or to vote, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and, on conviction thereof, shall be subject

subject to the same penalties as in other cases of wilful and corrupt perjury.

14. The said Town Council shall meet at least once in each month for the transaction of the business of the said town, and shall hold their sittings in the Town Hall or in any other place in the said town which shall have been set apart for the purpose, either temporarily or permanently; Provided always, that one or several members, not sufficient to form a quorum, may adjourn any meeting of the Council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members at the regular or adjourned meetings as aforesaid, and to impose such penalties upon such absent members for a repetition of the offence, as may be provided by any By-law of the said Town Council for that purpose.

Times and places of meeting of the Council.

Proviso: as to adjournments and penalties for non-attendance.

15. It shall be lawful for the Mayor of the said Town, whenever he shall deem it necessary or useful, to call special meetings of the said Council, and whenever two members shall be desirous of obtaining such special meetings, they shall apply to the Mayor to call such meeting, and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-Treasurer of the said Council, the object in calling such special meeting, and the day on which they are desirous that it shall be held; and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the Council.

Mayor may call special meetings.

And in case of his absence or refusal.

16. 1. If the election of all, or of one or more of the Councillors be contested, such contestation shall be decided by the Circuit Court in and for the District of Terrebonne:

Decision of contested elections by Circuit Court.

2. Every such election may be so contested by one or more of the candidates, or at least ten of the electors of the said town;

Who may contest;

3. The said contestation shall be brought before the Court, by a petition signed by the petitioner or petitioners, or by any Attorney duly authorized, setting forth in a clear manner the grounds of such contestation;

And how.

4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Mayor, Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the Court; and a return of the service shall be drawn up and signed in due form upon the original of the said petition, by the Bailiff who shall have made such service; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next

Form of proceedings.

Time for contesting limited.

Security for costs.

next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later; nor shall any such petition be received, unless security for costs be given by the petitioners in the presence of a judge of the Superior Court, or of the Clerk of the Circuit Court for the said District of Terrebonne, or his Deputy;

Court may proceed in a summary manner.

5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to void the election, it shall order proof to be adduced, if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem expedient, and shall proceed in a summary manner to hear and decide the said contestation; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order;

Evidence.

What may be declared by the judgment.

6. The Court may, on such contestation, confirm the election or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class, with right of appeal, brought in such Circuit Court; and the Court may order its judgment to be served upon the Secretary-Treasurer of the Council, at the expense of the party condemned to payment of costs, as aforesaid;

As to defects or irregularities.

7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the Court may admit or reject, according as such defect or irregularity may or may not have materially affected the election.

In case any annual municipal election shall not be held.

17. In case it shall at any time happen that an Annual Municipal Election shall not be held, for any reason whatever, on the day when, in pursuance of this Act, it ought to have been held, the said Town Council shall not, for that cause be deemed to be dissolved, and it shall be the duty of such members of the said Council as shall not have retired from office, to meet again, for the purpose of fixing as early as possible a day for the holding of such Annual Municipal Election; and in such case, the notices and publications required by this Act shall be published and posted up not less than one clear day before the election; and if within fifteen days after the day on which such election ought to have been held, the members of the said Council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty dollars each, and such election shall then be held by the Sheriff; And if it be the first election which has not taken place, then it shall be the duty of the Sheriff to have it take place within the shortest possible delay.

If it be the first election.

18. The said Council shall have power to punish by imprisonment not exceeding fifteen days, or by a fine which shall not exceed, but may be less than forty dollars, any Councillor who may be guilty of serious disturbance or violence during its sittings, either by action, by word or in any other manner whatsoever.

Power to Council to impose penalties and imprisonment.

19. All meetings of the said Council shall be public, excepting only when the said Council shall inquire into the conduct of any members of their own body, for any causes whatsoever, in which case it shall be lawful for the said Council to sit with closed doors; and the said Council shall determine the mode of their proceedings, and shall have power to cause order to be observed by persons present during their sittings, and to punish by fine and imprisonment, or by one or the two, any contempt committed by any such person present; Provided always, that no such fine shall exceed the sum of twenty dollars, and that no such imprisonment shall exceed the period of fifteen days.

Meetings to be public.

Certain other powers of Council.

Contempts.

Proviso: fines limited.

20. The Sheriff and Gaoler of the District of Montreal, and those of the District of Terrebonne, when there shall be a Gaol in the latter District, shall be bound, and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said Town Council, or any member or officer thereof under the authority thereof.

Duties of Sheriff and Gaoler.

21. The Mayor of said Town, if he is present, shall preside at the meetings of the Council, shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on all questions which shall be brought before the said Council; Provided always, that when the said Councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the Mayor shall decide the question by his vote, giving his reasons for it if he thinks proper; and neither the Mayor nor the Councillors shall receive any salary or emoluments from the funds of the town during the time they shall remain in office; Provided also, that whenever the Mayor shall not be present at any regular or special meeting of the said Town Council, the Councillors present shall choose one of their number to fill the place of the Mayor during the sitting.

Mayor to preside at Council meetings, and to have casting vote, but neither he nor the Councillors to have any pay as such.

Proviso.

22. 1. The Council at its first general meeting, or at a special meeting, held within fifteen days, which shall follow the first day of such general meeting, shall appoint an officer who shall be called the "Secretary-Treasurer of the Town of Terrebonne:"

Secretary-Treasurer appointed.

2. The Secretary-Treasurer shall be the custodian of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*,

Duties of Secretary-Treasurer.

verbaux, plans, maps, records, documents and papers kept or filed in the office or archives of the Council; he shall attend all sessions, and shall enter, in a register kept for the purpose, all the proceedings of the Council, and he shall allow persons interested therein to inspect the same at all reasonable hours; and every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbaux*, plan, map, record, document or paper, certified by such Secretary-Treasurer, shall be deemed authentic;

This certificate to make certain documents authentic.

Security to be given by him.

3. Every person appointed Secretary-Treasurer shall, before acting as such, give the security hereinafter mentioned;

Sureties, and for what bound.

4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such; all such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may at any time be accountable to the Corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office;

Security bond

5. Every such security bond shall be made by an Act before a Notary, and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same;

To be registered: and its effects when registered.

6. Every such security bond, when duly registered in the registry office for the County of Terrebonne, shall carry with it a hypothec (*hypothèque*) only on such immoveable property as shall have been therein designated; and it shall be the duty of the chief officer of the Council to cause it to be registered immediately on receipt thereof;

The Secretary-Treasurer shall receive and pay out the moneys of the Corporation.

7. The Secretary-Treasurer of the Council shall receive all moneys due and payable to the Corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the Municipality, whenever thereunto authorized by the Council, but no such draft or order shall be lawfully paid by the said Secretary-Treasurer unless the same shall shew sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby;

To keep the books.

8. The Secretary-Treasurer shall keep, in due form, books of account, in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure;

9. The Secretary-Treasurer shall render to the Council every six months, that is to say, in the months of June and December in each year, or oftener if required by such Council, a detailed account of his receipts and expenditure, attested by him under oath ;

To render attested accounts.

10. The Secretary-Treasurer's books of account and vouchers shall, at all reasonable hours of the day, be opened for inspection, as well to the Council as to each of the members thereof, and the Municipal Officers by them appointed, or to any person liable to assessment in the town ;

Books to be open to public.

11. The Secretary-Treasurer, or any other person, who shall have filled the said office, may be sued by the Mayor in the name of the Corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account ; and if he renders an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the Court shall think he ought to be held accountable for ; and every judgment pronounced in any such suit shall include interest at twelve per cent on the amount thereof by way of damages, together with the costs of suit ;

He may be sued by the Mayor in the name of the Corporation.

Damages in such suit.

12. Every such judgment shall carry *contrainte par corps* against the said Secretary-Treasurer, according to the laws in force in like cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account ;

Contrainte par corps.

13. The Council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this Act, or of any By-law or Regulation of such Council ;

Power of Council to appoint officers.

14. Every Municipal Officer, whether elected or appointed, shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office ;

Officers retiring—their duties.

15. If any such officer die or absent himself from Lower Canada, without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor within one month from his death, or from his departure from Lower Canada ;

In case of death or absence from Lower Canada.

His successor to have a right of action for certain purposes.

16. And in every such case, the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any Court of Justice, either by *saisie revendication*, or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or insignia, together with costs and damages in favor of the Corporation; and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, each time the said *contrainte* is demanded by the declaration.

Assessors to be appointed: their duties.

23. The said Town Council shall have power, whenever they may deem it advisable, to appoint three assessors or valuers of property, and it shall be the duty of the said assessors to estimate the rateable property in the said town according to its real value, and in the manner and within the periods which shall be fixed by the said Town Council.

Assessors to take oath.

24. Every person so appointed assessor shall be bound before proceeding to the valuation of any property in the said town, to take the following oath before the Mayor of the said town, or in his absence, before a Councillor, to wit :

The oath.

“ I, _____, having been appointed one of the assessors of the Town of Terrebonne, do solemnly swear, that I will diligently and honestly discharge the duties of that office to the best of my judgment and ability : So help me God.”

Real property qualification of Assessors.

25. The assessors who shall be appointed for the said town shall be proprietors of real estate in the said town of the value of at least six hundred dollars.

Proceedings of Council upon deposit of assessment-roll.

26. When the assessors shall have made a valuation of all the rateable property of the said town, they shall deposit the assessment roll with the Secretary-Treasurer of the said Town, and notice of such deposit shall be given by the Secretary-Treasurer in the same manner as notice of an election of Councillors; And at the next ensuing meeting of the said Council, the said assessment roll shall be produced, and, if they desire it, examined by the Councillors; and the assessment roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting; and during that period it shall remain open to the inspection of all persons whose property shall have been estimated, or their representatives; and within that period, persons considering themselves aggrieved may give notice in writing to the Secretary-Treasurer of their intention to appeal to the said Town Council, complaining of any excessive valuation, and such appeal shall be tried by the said Council, at the first meeting which shall be held after the expiration of the month above mentioned; and the said Council, after having heard the parties and

and their witnesses under oath, which shall be administered by the Mayor or presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just; and at the same meeting the said assessment roll shall be declared closed for two years; unless, however, from the number of appeals, the council shall be compelled to adjourn, in which case the said assessment roll shall not be declared closed until all the appeals shall have been heard and determined; provided always, that if, after the said assessment roll shall have been declared closed as aforesaid, any property, in the said Town, should suffer any considerable diminution in value, either through fire, demolition, accident, or any other reasonable cause, it shall be lawful for the said Council, upon the petition of the proprietor, to instruct the assessors to reduce their valuation of such property to its then actual value; and provided also, that if any omission shall have been made in the said assessment roll, the said Council may order the assessors to value any property so omitted, in order to its being added to the roll; and provided also that the said assessors shall, when directed by the said Council, make a yearly valuation of the stocks of merchandise held in the said Town.

Proviso: as to diminution in value.

Proviso: as to omissions.

Proviso.

27. At the first meeting after each Annual Municipal Election, two persons shall be appointed by the said Town Council to be Auditors of the accounts of the said Council; and such Auditors shall take the following oath, before any one of the Justices of the Peace, residing in the said Town, that is to say:

Two Auditors of accounts to be appointed and sworn.

“ I _____, having been appointed to the office of Auditor of the Town of Terrebonne, do hereby swear, that I will faithfully perform the duties thereof, according to the best of my judgment and ability; and I do declare that I have not, directly or indirectly, any share or interest whatever in any contract or employment with, by, or on behalf of the Town Council of the said Town of Terrebonne: So help me God.”

The oath.

28. It shall be the duty of the Auditors to examine, approve or disapprove of and report upon all accounts which may be entered in the books of the said Council or concerning them, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said Town Council, and may then remain unsettled; and to make their report to the Council of the said town, at least fifteen days before the day of the election.

Duty of Auditors.

29. The Auditors, who shall be appointed for the said Town, shall be proprietors of real estate therein of the value of at least two hundred dollars; Provided always, that neither the Mayor, Councillors, nor Secretary-Treasurer of the said Town, nor any person receiving any salary from the said Council, either

Real property qualification of Auditors.

Proviso: certain parties disqualified.

either for any duty performed under their authority, or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said Town.

Mayor to be
Justice of the
Peace.

Proviso.

30. The Mayor of the said Town shall, during the period of his office, be a Justice of the Peace for the said Town; Provided always, that he shall not be bound to take any other oath than the official one to act as such; any law to the contrary notwithstanding.

In what cases
Councillors
shall become
disqualified.

31. Every person holding the office of Councillor of the said town, who shall be declared a bankrupt, or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into holy orders, or become a minister of religion in any religious denomination, or who shall be appointed a Judge or Clerk of the Court of Queen's Bench, or of the Superior Court, or a member of the Executive Council, or who shall become responsible for the revenues of the Town, in whole or in part, or who shall absent himself from the said Town, without the permission of the said Council, for more than three consecutive months, or who shall not be present at the meetings of the said Council for a period of two consecutive months, shall, by virtue of any one of these causes, become disqualified, and his seat in the said Council shall become vacant, and such person shall be replaced in accordance with the provisions of this Act; Provided always, that the word "Judge" employed in any part of this Act shall not apply to a Justice of the Peace.

Vacancy to be
filed.

Proviso.

Town Council
may make By-
laws for cer-
tain purposes.

32. It shall be lawful for the said Town Council, from time to time, to make such By-laws as may seem to them necessary or expedient for the internal government of the Town, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing, and draining of the streets, public squares, and vacant or unoccupied lots; for the prevention or suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said Town.

May appoint
and remove
officers.

33. It shall be lawful for the said Town Council to appoint, remove, and replace, when they shall think proper, all such officers, constables, and policemen as they shall deem necessary for the due execution of the By-laws now in force, or to be by them enacted hereafter, and to require, from all persons employed by them, in any quality whatsoever, such security as to them shall seem meet to ensure the due execution of their duties.

Council may
levy taxes—

34. In order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several

several necessary public improvements in the said Town, the said Town Council shall be authorized to levy annually on persons, and on moveable and immoveable property in the said Town, the taxes hereinafter designated, that is to say :

1. On all lands, town lots, and parts of town lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one cent in the dollar on their whole value, as entered on the Assessment Roll of the said Town ; Upon real property ;

2. On the following moveable property, a sum not exceeding one-half of a cent in the dollar at the value herein specified ; And upon certain moveable property.

Every horse, kept for covering mares, shall be rated at four hundred dollars ;

Every horse kept for hire or gain, at sixty dollars ;

Every horse above the age of three years, and kept for domestic purposes, at forty dollars ;

Every bull, at fifty dollars ;

Every ram, at twenty dollars ;

Every head of horned cattle, aged two years and more, at twenty dollars ;

Every covered carriage, with four wheels, at two hundred dollars ;

Every open carriage, with four wheels and two seats, at eighty dollars ;

Every curricule or light waggon, with one seat, at forty dollars ;

Every two horse sleigh, at eighty dollars ;

Every one horse sleigh, at forty dollars ;

Provided always, that every winter or summer vehicle, used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all farm stock, and all implements used for agricultural purposes, shall be exempt from any tax whatever ; Provido : certain personal property exempted.

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on shelves in shops or kept in store-houses, a tax of one-half per cent. on the estimated average value of such stocks in trade ; Upon merchandize.

Tenants.

4. On each tenant paying rent in the said Town, an annual sum equivalent to three cents in the dollar on the amount of his rent ;

Poll tax on male inhabitants.

5. On each male inhabitant of the age of twenty-one years, who shall have resided in the said Town for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar ;

Dogs.

6. On every dog kept by persons residing in the said Town, an annual sum of one dollar ;

On certain professions, trades, &c.

Public houses.

Pedlars.

Places of amusement.

Auctioneers and other traders.

Bankers.

Insurance Companies.

All callings whatever.

Workmen to be taxed in classes.

Lawyers, Doctors, &c.

Roll to be made.

Commutation in respect to statute labor.

Proviso.

7. And it shall be lawful for the said Town Council to fix, by a By-law or By-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on retailers of spirituous liquors ;--and on pedlars and itinerant traders selling, in the said Town, articles of commerce of any kind whatsoever ;--and on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, billiard-rooms, nine-pin alleys, or other places for games or amusements of any kind whatsoever ;--and on all auctioneers, grocers, bakers, butchers, hawkers, carters, livery stable keepers, brewers and distillers ;--and on all merchants and manufacturers, and their agents ;--and on all proprietors or keepers of wood yards, or coal yards, and slaughter-houses, in the said Town ;--and on all money changers or exchange brokers, pawn brokers, and their agents, and on all bankers and banks and their agents, and on all insurance companies or their agents ;--and generally on all commerce, manufactures, callings, arts, trades, and professions, which have been or which may be exercised in or introduced into the said Town, whether the same be or be not mentioned herein ; and the workmen of all mechanical arts and trades, exercised in the said Town, shall be divided into first and second classes, by the person appointed by the said Town Council to make the roll of moveable property, and shall be assessed at one dollar per annum for those of the first class, and at twenty-five cents for those of the second class ; and every person in the said Town, practising the profession of a Lawyer, or of a Physician, or of a Land Surveyor, or of a Notary, or any other liberal profession, shall be assessed at the sum of three dollars annually ; and the said Town Council may name a person or persons to make a roll of the persons and moveable property mentioned in the different parts of this section ;

8. And the said Council shall also have the power to fix the amount of personal commutation, that is to say : of the sum to be payable by each person liable to assist in keeping the streets and sidewalks of the said Town in repair, and to refuse the labor of such person in keeping the same in repair, if the said Council should prefer to charge itself therewith ; Provided always,

always, that every such sum demanded for personal composition shall be equitably established in proportion to the work to be done, and that by arbitration, if the parties concerned require it ;

9. And the said Town Council may also provide by Resolution for the advantageous investment or deposit, either in savings banks or in public securities or otherwise, of any balances of money remaining in their hands, in order to create therefrom, a revenue for the said Town.

Investment of money in the hands of the Council.

35. The said Council shall also have power to make By-laws :

Council may make By-laws with respect to—

1. For the concession of emplacements, and for opening new streets in the Common of the said Town, to such extent as may, from time to time, be required, and upon such conditions as the Council may deem proper, any law to the contrary notwithstanding ;

Conceding building lots and opening new streets.

2. For determining and regulating the duties of the Clerks of the markets in the said Town, and all other persons they may deem proper to employ to superintend the said markets ; and for letting the stalls and other places for selling, upon and about the said market places ; and for fixing and determining the duties to be paid by any persons selling on any of the said markets any provisions or produce whatever ; and for regulating the conduct of all such persons in selling their goods ; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale on the said markets ;

Clerks of markets and their duties.

Weighing and measuring.

3. For amending, modifying or repealing all By-laws made by the Municipal Councils who have had the management of the internal affairs of the said Town ;

Amending By-laws.

4. For regulating and placing all vehicles, in which any article shall be exposed for sale on the said markets ;

Vehicles on markets.

5. For preventing persons bringing provisions of any kind into the said Town, from selling or exposing them for sale in any other place than the markets of the said Town ;

Sales elsewhere than in markets.

6. For regulating the weighing and measuring of all cordwood, coals, salt, grain, lime and hay, bought or sold in the said Town, by strangers, or persons residing therein ;

Cordwood, &c.

7. For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe, in

Weights and measures.

the above matters, the By-laws which the said Council shall hereafter deem useful to establish ;

- Obstructions 8. For preventing obstructions of any nature whatsoever in streets ;
- Sales on public highways. 9. For preventing the sale on the public highway of any wares or merchandize whatsoever ;
- Sale of intoxicating liquors. 10. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to such restrictions as they may deem expedient ;
- Licenses. 11. For determining under what restrictions and conditions the Revenue Inspector of the District of Terrebonne shall grant Licenses to Merchants, Traders, Shopkeepers, Tavern-keepers and other persons, to sell such liquors ;
- Sum payable. 12. For fixing the sum payable for every such License, provided that in any case it shall not be less than the sum which is now payable therefor, by virtue of the laws at present in force ;
- Regulation of shop-keepers 13. For regulating and governing all Shop-keepers, Tavern-keepers and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness ;
- Sale of liquor to children, apprentices, &c. 14. For preventing the sale of intoxicating beverage to any child, apprentice or servant ;
- Cruelty to animals. 15. For preventing the driving of vehicles at an immoderate pace in the said Town, or riding on horseback on the sidewalks of the said Town, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burdens of too great a weight ;
- Bread. 16. For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said Town ;
- Servants and apprentices. 17. For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said Town, and also certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen ;
- Gaming houses. 18. To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said Town ;
- Pounds. 19. To establish as many public pounds as the said Council shall deem expedient to open, for the impounding of animals of any species which may be running at large in the said Town ;

20. For regulating, arming, lodging, clothing and paying a Police. Police Force in the said Town, and for determining their duties ;

21. For fixing and regulating the places where burials may take place within the said Town ; for compelling the removal of bodies which shall have been interred contrary to this section ; Provided always that this section shall not extend to prevent burials in the churches of the said Town ;

22. To compel the proprietors of all land and real property within the said Town, or their agents or representatives, to enclose the same ; and to regulate the height, description and material of every such enclosure ; and to make footways, if the Council should think fit to do so ;

23. To compel the proprietors or occupants of lots of land in the said Town, having stagnant or filthy water upon them, to drain or raise such lands, so that the neighbors may not be incommoded nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said Town, it shall be lawful for the said Council to order the said lands to be drained or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed ; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same ; and in every case the sum expended by the said Council in improving such lands shall remain as a special hypothec on such land, and have privilege over all other debts whatsoever, without it being necessary to register the same ;

24. To oblige all proprietors or occupants of houses in the said Town, to remove, from the streets, all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever ;

25. To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and to cause to be removed from all streets all sheds, all stables, and other outbuildings erected on the level of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

26. For regulating the width of streets to be opened hereafter in the said Town ; for regulating and altering the height or the level of any street or side-walk in the said Town ; Provided that if any person shall suffer real damage by the widening, lengthening or altering the level of any street in the said Town, such damage shall be paid to such person, after having

having been assessed by arbitrators, if any of the parties shall require it ;

Water and
gas.

27. For defraying, out of the funds of the said Town, the expenses of furnishing the citizens with water, and of lighting the Town with gas, or in any other manner, and for obliging the proprietors of real property in or outside the said Town to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed upon their houses ; Provided always, that in all such cases, the expense of all such pipes, lamps and other necessary works shall be defrayed by the said Council ; And provided also, that the solidity of the buildings on and near to which they shall be so placed, shall be in no wise affected, and that any damage that may be caused shall be paid by the said Council, and that every proprietor shall be indemnified by the said Council ;

Proviso.

Proviso.

Common sew-
ers.

28. For assessing the proprietors of real property situate on any of the streets of the said Town, for such sums as shall be deemed necessary for making or repairing any common sewer in any of the streets of the said Town, such assessment being in proportion to the assessed value of such property ; and for regulating the mode in which such assessment shall be collected and paid ;

Sweeping and
watering, &c.

29. For assessing, at the request of the majority of the citizens, residing in any of the streets or public squares of the said Town, all the citizens residing in such street or public square, in any sums necessary to meet the expense of sweeping, watering and keeping clean such street or public square, and for removing the snow from any such street, lane or public place, such assessment being in proportion to the assessed value of their property ;

Raising mo-
ney for roads,
bridges, rail-
ways and riv-
er improve-
ments.

30. To raise all sums necessary for aiding in the construction, maintenance and repair of roads leading to the said Town, and of bridges and other public works outside the limits of the said Town ; and for taking stock in any railway or navigation companies from which the inhabitants of the said Town are, in the opinion of the said Council, likely to reap sufficient benefit ; and for making improvements in the navigation of the river *Jésus*, both within and without the limits of the said Town, and for appropriating to such purposes the moneys of the said Town, and any sums in their hands derived from the Municipal Loan Fund, for whatsoever purpose the same may be destined ;

Damages from
riots and tu-
mults.

31. To assess, over and above all other rates specially established by this Act, all the citizens of the said Town, to meet the expenses of any indemnity which the said Council might

be

be obliged to pay to persons in the said Town, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly; and if the said Council shall neglect or refuse, within six months after such destruction or damages, caused to any property in the said Town, to pay a reasonable indemnity to be established by arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in any of the Courts of Justice of this Province;

32. To fix the place for the erection of any manufactories or machinery worked by steam in the said Town; Steam engines.

33. For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such Board of Health shall deem necessary for preserving the citizens of the Town from any contagious diseases, or for diminishing the effects or the danger thereof. Contagious diseases.

36. For the better protection of the said town and of the lives and property of the inhabitants of the said Town, and for more effectually preventing accidents by fire, the said Council may make By-laws for the following purposes, that is to say: Prevention of accidents by fire.

1. For regulating the construction, dimensions, height and elevation of chimneys above the roofs, or even in certain cases above the neighboring houses and buildings; and at whose costs such chimneys shall be raised, and within what delay they shall be raised or repaired; Chimneys.

2. For defraying, out of the funds of the said Town, any expenses that the Council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires; Fire engines.

3. For preventing thefts and depredations which may be committed at any fire in the said Town, and for punishing any person who shall resist or maltreat any member or officer of the said Council, in the execution of any duty assigned to him by the said Council under the authority of this section; Thefts at fires.

4. For establishing or authorizing and requiring to be established after each fire in the said Town, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administered to Enquiring into causes of fires.

to them by any of the Members of the said Council or of such Committee; and the said Council or Committee may also deliver over to be imprisoned in the common gaol of the district, any person against whom well grounded cause of suspicion may be found, of his having maliciously originated the said fire ;

Sweeping of
chimneys.

5. For regulating the manner in which, and the periods of the year when chimneys shall be swept, and for granting licenses to such number of chimney sweeps as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said Town to allow their chimneys to be swept by such licensed chimney sweeps; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps; and for imposing a penalty of not less than one dollar nor more than five dollars on all persons refusing to allow their chimneys to be swept or whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any Justice of the Peace; and whenever any chimney, which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said Justice of the Peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shewn on proof before him ;

Ashes and
quick lime.

6. For regulating the manner in which ashes or quick lime shall be kept in the said Town, and for preventing the inhabitants of the said Town from carrying fire in the streets without necessary precaution,—from making a fire in any street,—from going from their house to their yards and out-buildings, and entering therein with lighted candles not enclosed in lanterns; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire ;

Conduct at
fires.

7. For regulating the conduct of all persons present at any fire in the said Town; for obliging idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and for obliging all the inhabitants of the said Town to keep at all times upon and in their houses, ladders, fire-buckets, battering rams and fire-hooks, in order the more easily to arrest the progress of fires ;

Persons
wounded at
fires.

8. For defraying out of the funds of the said Town any expenses which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wound or contracted any severe disease at any fire in the said Town; or in assisting or providing for the family of any person in their employ who shall perish at any fire ;

fire ; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said Town ;

9. For vesting in such members of the Council or in the Fire Inspectors, or either of them, to be designated in such By-laws, the power of ordering to be demolished, during any fire, any houses, buildings, outhouses, or fences, which might serve as fuel to the fire, and endanger the other property of the inhabitants of the said Town ;

Demolition of buildings in certain cases.

10. For appointing all such Officers as the said Council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire ; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said Town ;

Appointment of officers.

11. For authorizing such Officers as the Council shall think fit to appoint for that purpose, to visit and examine, at suitable times and hours, both the inside and the outside of all houses and buildings of any description within the said Town, for the purpose of ascertaining whether the rules and regulations passed by the said Council, under the authority of this section, are regularly observed, and for obliging all proprietors, possessors or occupants of houses in the said Town, to admit such Officers for the purposes aforesaid.

Authorizing officers to visit and inspect buildings, &c.

37. 1. The Secretary-Treasurer, when he shall have completed his collection roll, shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be given on the following Sunday, that the collection-roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments, are required by him to pay the amount thereof at his office, within the twenty days which follow the publication of the said notice :

Duty of Secretary-Treasurer upon completion of collection-roll.

2. If at the expiration of the said twenty days, there shall be any arrears of assessment, the Secretary-Treasurer shall leave at the ordinary place of residence or domicile of each person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of assessments due by such person in arrears, and, at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the serving of the notice, according to such tariff as the Council shall have decided upon ;

Duty with respect to arrears.

3. If any person neglect to pay the amount of assessments imposed upon him, for a period of thirty days, after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under

Proceedings in case of neglect to pay.

under the hand of the Mayor authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found, within the limits of the said Town, addressed to one of the sworn bailiffs for the district of Terrebonne, of the Superior Court for Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner; and no claim founded on a right or ownership or privilege upon the same shall prevent the sale or the payment of the assessments and expenses out of the proceeds of such sale.

From what parties taxes may be recovered.

38. 1. Every tax or assessment imposed by virtue of this Act, upon any property or house in the said Town, may be recovered, either from the proprietor, tenant or occupier of such property or house; and if such tenant or occupier be not bound by lease or other stipulation to pay such tax or assessment, such tenant and occupier may and shall be entitled to deduct the sum so paid by him, out of the rent which he would have to pay for the possession of such property :

Proceedings in case of non-performance of work ordered by Council.

2. Whenever the Town Council shall have passed any By-law or By-laws directing work to be done within the said Municipality or in any part thereof, and any proprietor shall be unable from absence, poverty or any other cause, to perform the said work, it shall be lawful for the said Council to cause the work which such proprietor may be bound under such By-laws to perform, to be done, and in all cases the sum so expended by the Council shall remain a lien upon the property, as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said Council, with interest at the rate of eight per cent.

Case of absentee proprietor of vacant property provided for.

39. In all cases where the persons, who shall be rated in respect of any vacant ground or other real property within the Town shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property shall remain due and unpaid for the space of six years, then it shall be lawful for the said Town Council, after having obtained a judgment before the Circuit Court in and for the District of Terrebonne, or any other Court of civil jurisdiction, to sell and dispose of such property by public sale, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs; and the Sheriff of the District of Terrebonne is hereby authorized and required to advertise such sale to be made under the authority of this section, in a French newspaper, and in an English newspaper, published or circulated in the District of Terrebonne, and the said Sheriff is also required to employ, for the purpose of effecting such sale, a bailiff residing in the said Town of Terrebonne, who shall be designated by the said Council; Provided always, that all

Proviso.

all owners of property sold under the authority of this section, shall be allowed to resume possession of the same, within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, and any necessary outlay which may have been made on the said property by order of the said Council in virtue of this Act, on condition, however, that the said purchaser shall have kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate, together with all the costs attendant upon such sale, and ten per centum besides interest both on the amount of the purchase money and of the said outlay; And provided also, that if, after such sale of property belonging to persons residing out of the Town, any surplus shall remain over and above the sum due to the said Council, for assessment and costs, the said Sheriff shall pay over such surplus to the said Town Council, to whatever sum the same may amount, and the said surplus shall be deposited in the funds of the said Town, as a loan, at the rate of six per cent. until called for and claimed by the party to whom it shall belong, to whom the same shall be paid. Proviso.

40. The said Council shall have power to remit a portion or even the whole of the amount due for assessment to indigent parties assessed under this Act, in certain cases of fire, long illness, or any other cause which the said Council shall deem reasonable and sufficient. Assessment may be remitted in certain cases.

41. If any person shall transgress any order or regulation made by the said Town Council, under the authority of this Act, such person shall, for every such offence, forfeit the sum specified in any such order, rule or regulation, with the costs to be allowed by the Justices of the Peace who shall try such offence, in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, to be levied on the goods and chattels of the offender, and, in default of such goods and chattels, the offender shall be liable to be committed to the Common Gaol of the District, for a term not exceeding one month, but which may be less in the discretion of the Court; and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said Town of Terrebonne; Provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within one month next after the time of the offence committed; and provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than one dollar nor more than twenty dollars, and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said Town Council; and the said Council shall also have power to punish, by forfeiture of their goods, articles and provisions, Penalties for infraction of By-laws, how punishable, &c.

Proviso.
Proviso.
Exposing to sale, and in-

fringing By-laws.

provisions, all persons exposing them for sale on the markets, or in the streets of the said Town, and infringing at the same time the By-laws of the said council as regards the weight and quality of such goods, articles and provisions.

Taxes and assessments shall be privileged debts.

42. All the debts hereafter due to the said Town Council for all taxes or assessments imposed on moveable or immovable property in the said Town, shall, by virtue of this Act, be privileged debts, and shall be paid in preference to all other debts, and the said Town Council shall, in all cases of distribution of moneys, be collocated in preference to all other creditors; Provided always, that this privilege shall only apply to assessments due for six years, and no longer; And provided also, that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

Proviso.

Proviso.

To whom penalties, &c., shall be paid.

43. All the fines and penalties, recovered under the provisions of this Act, shall be paid into the hands of the Treasurer of the said Town Council, and the proceeds of all licenses granted under this Act shall form part of the public funds of the said Town, any law to the contrary notwithstanding.

By-laws, &c., to be published.

44. Before any By-law of the said Town Council shall have force or be binding, such By-law shall be published in the French language, by reading the same at the door of the Catholic Church of the said Town on the two Sundays next after the passing of such By-law, or by posting up a copy thereof in two of the most public places in the said Town.

Council may effect loans.

45. It shall be lawful for the said Town Council, from time to time, to borrow divers sums of money for effecting improvements in the said Town, for the purpose of building one or more market houses, or for draining the streets, or for furnishing the said Town with water, and generally for such purposes as the said Council shall deem useful or necessary.

Duties of Council with respect to loans.

46. Whenever the said Council shall contract loans upon the credit of the said Town, they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Province; and the said Council shall set aside a portion of their revenues for the payment of such interest; and the said Council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a Sinking Fund, which Sinking Fund shall consist of a deposit made in a Savings Bank, annually and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the Sinking Fund, shall remain deposited in such Savings Bank, with the interest which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off; Provided always,

Sinking Fund.

Proviso: in certain cases

always, that when the interest and Sinking Fund united shall absorb one-half of the annual revenues of the said Council, then and in such case it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and Sinking Fund of their loans, any sum exceeding half of their revenues; And provided also, that it shall be lawful for the said Town Council, if the lenders consent or require it, to deposit in the hands of such lenders, instead of in a Savings Bank, the annual sums which shall have been agreed upon to form the Sinking Fund; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid on account of interest, and what amount shall have been paid into the Sinking Fund.

no new loan to be contracted.

Proviso.

47. It shall be lawful for any one of the members of the said Town Council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the said Town, and to confine him in the Common Gaol of the District, or other place of confinement, in order that such person may be secured until he can be brought before the Mayor or a Justice of the Peace, to be dealt with according to law.

Members of Council may order arrest of disorderly persons.

48. It shall be lawful for any constable to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said Town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard, or other place, or shall be found loitering or idling in any such place, and shall not give satisfactory reasons for his conduct; and every such constable shall deliver such person into the custody of the constable who shall have the charge of the prison, or any other place of detention of the said Town, in order to the safe keeping of the said person, until he shall be brought before the Mayor or other Magistrate, to be dealt with according to law.

Powers of constables in certain cases.

49. Every person who shall assault, beat, or forcibly resist any constable or peace officer appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, every such offender shall, upon conviction thereof before the Mayor or a Justice of the Peace, be liable to a fine of from four to forty dollars or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary; Provided always, that it shall be lawful for the said Council or any other officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

Persons assaulting constables in the execution of their duty, how dealt with.

Proviso.

50. The following property shall be exempt from taxation in the Town of Terrebonne:

Properties exempt from taxation.

1.

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, officer or person, in trust for the service of Her Majesty, Her Heirs and Successors ;

2. All Provincial property and buildings ;

3. Every place of public worship, presbytery and its dependencies, and every burying-ground ;

4. Every public school-house and the ground on which the same is constructed ;

5. Every educational establishment and the ground on which the same is constructed ;

6. All buildings, grounds and property occupied or possessed by hospitals or charitable or educational establishments ;

Proviso : exemption not to extend to Crown property leased to private parties.

7. Every Court House and District Gaol and the grounds attached thereto ; Provided always, that this exemption shall not extend to lots or to other buildings built upon lots leased or occupied by tenants under the Government, in the said town ; but such lands belonging to the Government or to the Ordnance Department occupied by tenants, shall be valued and assessed in like manner as other real property in the said town, and such rates or assessment shall be paid by the said tenants or occupiers thereof.

Certificates for Tavern licenses to be granted by Council only.

51. From and after the passing of this Act, the said Town Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding ; and such certificates shall be signed by the Mayor and the Secretary-Treasurer of the said Council, and sealed with the common seal of the said Council.

Limitation of actions for things done under this Act.

52. If any action or suit shall be brought against any person for any matter or thing done by virtue or in pursuance of this Act, such action or suit shall be brought within four calendar months next after the fact committed, and not afterwards.

Encroachments on public streets or squares.

53. It shall be lawful for the said Town Council to order the Inspector of the said town to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said town, by means of houses, fences, buildings, or obstructions of any kind, to cause the removal of such encroachments or obstructions by giving to such persons a reasonable delay for the purpose, which delay shall be specified by the said Town Inspector in giving his notice ; and if such persons shall not have removed such encroachments or obstructions within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with

with him the assistance necessary for that purpose ; and the said Council may allow to the said Inspector his reasonable expenses, and recover the same before any Court having competent jurisdiction, from any person making such encroachment or obstruction.

54. From and after the passing of this Act, every proprietor or agent, who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant, who shall present to the assessors of the said town such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of twenty dollars or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace.

Penalty for granting false receipts for rent in order to lessen taxes.

55. It shall be lawful for the said Council, whenever any house shall encroach upon any of the streets or public squares of the said town, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house ; and it shall be lawful for the Council to purchase any part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council and by the party they are desirous of dispossessing ; and the said arbitrators, in case of difference of opinion, shall appoint a third ; and the said arbitrators, after having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor ; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Council may prevent re-erection of buildings in certain cases.

56. The said Council shall have full power to purchase and acquire out, of the revenues of the said town, all such lots, lands and real property whatsoever within the said town, as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or the erection of any public building, or generally for any object of public utility of a municipal nature.

Council may acquire lands for certain purposes.

57. When the proprietor of a lot, which the said Council shall be desirous of purchasing, for any object of public utility of a municipal nature, shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots, or wives *sous puissance de maris*, the

Arbitration in cases of disagreement as to the value of property taken for town purposes.

the said Council may apply to the Superior Court sitting in and for the District of Terrebonne, or to any other Court, for the appointment of an arbitrator by the said Court, to make, conjointly with the arbitrator, appointed by the said Council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third; and when the said arbitrators shall have made their report to the said Council, at a regular meeting thereof, it shall be lawful for the said Council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the Prothonotary of the Superior Court in and for the District of Terrebonne, for the use of the person entitled thereto; and if no person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such Prothonotary, to claim the sum so deposited, it shall then be lawful for the said Prothonotary, and he is hereby required, to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said town, and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Mayor and to the Secretary-Treasurer of the said town to pay the same.

Penalties for refusal to accept office.

58. Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office, or to perform the duties of such office, during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say:

Mayor.

The office of Mayor, thirty dollars;

Councillor.

The office of Councillor, twenty dollars;

On Valuators neglecting their duties.

2. Whenever the valuator neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the Secretary-Treasurer of the Council, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars for each day, which shall elapse between the expiration of the said period of two months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed;

Penalties for refusing to perform duties of office.

3. Every member of the Council, every officer appointed by such Council, every Justice of the Peace and every other person, who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this Act, shall incur

a penalty not exceeding twenty dollars, and not less than four dollars ;

4. Every person who shall vote at any election of Mayor or Councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding twenty dollars ;

For voting without qualification.

5. Every inspector or officer of roads, who shall refuse or neglect to perform any duty assigned to him by this Act, or by the By-laws of the Council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar, unless some other and heavier penalty be by law imposed on him for such offence ;

On Inspectors of roads for neglect of duty.

6. Every person, who shall hinder or prevent, or attempt to hinder or prevent, any officer of the Council in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, or by any By-law or order of the said Council, shall incur a penalty of twenty dollars for every such offence, over and above any damages which he may be liable to pay ;

Penalties for hindering officers in the performance of their duties.

7. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document, required by this Act or by any By-law or order of the said Council to be posted up at any public place, for the information of persons interested, shall incur a penalty of eight dollars for every such offence.

Persons defacing notices, &c.

59. All the penalties imposed by this Act, or by any By-law made by the Council, may be recovered before the Circuit Court for the district of Terrebonne, or before any Justice of the Peace residing in the said Town ; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such Court.

Penalties how to be recovered.

60. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE No. 1.

Public notice by the Secretary-Treasurer of the completion of his Collection-Roll.

Public notice is hereby given that the Collection-Roll of the Town of Terrebonne is completed and is now deposited in the office of the undersigned, and all persons whose names appear therein, as liable for the payment of any assessment, are required to pay the amount thereof to the undersigned, at his office, within twenty days from this day, without further notice.

SCHEDULE (No. 2.)

SECRETARY-TREASURER'S NOTICE FOR THE PAYMENT OF ASSESSMENT.

CORPORATION OF THE TOWN OF TERREBONNE.

(Date of delivery,)

Mr. , Dr.

To the Corporation of the Town of Terrebonne.

	\$	cts.
Assessment on you (here mention the property, as house, land, &c.) valued at \$ at () in the		
(Here add the various other items of taxation).....		
Total.....		

Sir,—Take notice that, having failed to pay the above mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from the date hereof, to pay the same to me at my office, together with the costs of this notice and service thereof as below, in default whereof execution will issue against your goods and chattels.

A. B. Secretary-Treasurer.

CORPORATION OF THE TOWN OF TERREBONNE.

Mr

(Copy of Account.)

\$

Notice served.

(Here insert date of Notice).

Costs.

Costs.
Notice.....\$

Notice.....\$

CAP. LXXVII.

An Act for incorporating the Village of Victoriaville,
in the County of Arthabaska.

[Assented to 19th May, 1860.]

WHEREAS the Parish of St. Christophe d'Arthabaska, in the County of Arthabaska, is so divided into two parts by the Village of Arthabaskaville,—and the Village at the Station of the Grand Trunk Railway, situate in the smaller of such parts of the said Parish, has of late so augmented, and by reason of the construction of the Three-Rivers and Arthabaska Branch Railway promises to be so further augmented,—and the Roads and Bridges in such part of the said Parish are at once so important and so disconnected from those of the other part of the said Parish,—as to make it expedient that the part of the said Parish lying to the North-west of the said Village of Arthabaskaville, and wherein the said Station is situate, should be separated from the remainder of the said Parish, as a Village Municipality; and whereas a great number of the inhabitants interested have, by petition, prayed for the passing of an Act for that purpose: 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 day on which the Election hereinafter provided for shall have taken place, all that part of the Parish of St. Christophe d'Arthabaska, in the County of Arthabaska, lying to the North-west of a line drawn across the said Parish, between the sixth and seventh Lots of the several Ranges of the Township of Arthabaska comprised in the said Parish, shall, for all purposes of this Act only, be detached from the Parish of St. Christophe d'Arthabaska; and the inhabitants thereof shall be, and they are hereby constituted, a Corporation or Body Politic, under the name of "The Corporation of the Village of Victoriaville," for all Municipal purposes, to all intents as if the erection of such Village had on such day taken place in ordinary course under the provisions of the "Lower Canada Municipal and Road Act of 1855," and of the Acts amending the same.

Village of
Victoriaville
described—

And incorpor-
ated.

Name.

2. It shall be the duty of the Senior Justice of the Peace, residing within the said Parish, or in his default, then of any other such Justice of the Peace, as soon as may be after the passing of this Act, to appoint a place within the said future Village, and a day and hour within the three weeks next following the issue of his notice to that end, for the holding of the first election of a Municipal Council for the said Village, and to give due public notice thereof in manner and form as by law notice is required to be given for a Municipal election held

First election
of Council-
lors: meeting
to be called by
Senior Jus-
tice.

held in ordinary course, and to preside thereat, with all the powers and duties by the said Acts assigned to the person presiding at any such election.

Failure of such Justice to call the meeting.

3. In case of the absence from the meeting, so to be called, of the Justice of the Peace who called the same, any other Justice of the Peace there present, or in default of a Justice of the Peace, any person chosen from among themselves by a majority of the electors present, shall preside thereat, with all the powers and duties aforesaid.

Poll may be demanded : how taken.

4. At such meeting before such election is proceeded to, if any ten or more of the qualified electors present shall, in writing, demand the taking of a poll to decide the question whether or not the incorporation hereby provided for shall take effect, the person presiding shall immediately take down or cause to be taken down, the votes of the electors present upon such question in a poll book kept for the purpose, and if there be not a majority of such votes given in the affirmative, such election shall not be proceeded to, but if there be, such first election of a Municipal Council shall be proceeded to; and if necessary the meeting may be adjourned from day to day, until such election shall have been duly made whether with or without the taking of a poll therefor.

Adjournment of Poll to next day.

As to debts of the township.

5. Nothing in this Act contained, or which may be authorized by or done under this Act, shall in any wise discharge any lands within the Village hereby constituted, or any person, from any liability presently attaching to them under the said Acts, whether by reason of any assessment or penalty, or other matter whatsoever.

Public Act.

6. This Act shall be deemed a Public Act.

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

An Act to annex to the County of Lévis, for Registration purposes, that part of the Parish of St. Joseph de la Pointe Levy, formerly included, for Electoral purposes, in the County of Bellechasse.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS a great majority of the inhabitants of the portion of the Parish of St. Joseph of Point Levy, hereinafter designated, have, by petition, represented that they are now within the County of Lévis, for Electoral purposes, but are still within the County of Bellechasse, for purposes relative to the Registration of Deeds, and that they are thereby subjected to great inconvenience, and have prayed that the said portion of the said Parish may be attached to the County

of

of Lévis, for the purposes last aforesaid, 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. All that portion of the Parish of St. Joseph of Pointe Levy, which is now within the County of Lévis for Electoral purposes, but not for purposes relative to the Registration of Deeds and other documents affecting Real Property, shall, from and after the first day of July next, be attached to the County of Lévis, for the purposes last mentioned, and detached, for the said purposes, from the County of Bellechasse, and shall form part of the same Registration Division as the remainder of the said Parish.

The said portion of the parish attached to county of Lévis for registration purposes.

2. The Local Municipality of the said Parish, or the Municipality of the County of Lévis, or the two Municipalities together, after having provided the funds to meet the requisite expenses, may require from the Registrar of the County of Bellechasse, copies of the Registrations effected in his office, of all *actes*, judicial proceedings, judgments and other documents affecting real property situate in the said portion of the Parish of St. Joseph of Pointe Levy, or of such extracts from such documents so enregistered, as may be required.

Copies, &c., of certain documents may be procured from Bellechasse for the Registry Office.

3. Such copies or extracts shall be certified by the Registrar for the County of Bellechasse, and shall be transcribed, legibly and in order, in books suitably bound, to be provided by the said Municipalities, or such one of them as shall have required the same; and the said Registrar for the County of Bellechasse shall be bound to make and furnish the same upon being paid therefor out of the funds to be provided as aforesaid, at the rate of four pence currency for every hundred words of such copies or extracts, or such other sum as may be agreed upon between the said Registrar and the said Municipalities, separately or collectively.

How such copies, &c., shall be made and kept, and for what purposes.

4. The said Registrar for the County of Bellechasse, upon receiving payment as aforesaid, shall be bound to transmit the said copies or extracts to the Registry Office for the County of Lévis; and it shall be lawful thereafter for the Registrar for the County of Lévis to give copies and certificates, and to perform all such other official acts in relation thereto as he would do, and would be bound to do, if such deeds and other documents had been originally enregistered and made in his own Registry Office; and to demand and receive the same fees therefor; and such extracts, copies, certificates and acts shall *prima facie* have the same effect as though they had been given and executed by the Registrar for the County of Bellechasse, who had the custody of the books, entries and original documents to which they relate, saving, however, the right of any party to prove error therein, and the recourse of any party against

Registrar of Bellechasse bound to furnish such copies, &c.

Fees. Effect of such copies.

against the Registrar for the County of Bellechasse, if the error be found in the copies furnished by him to the Registrar for the County of Lévis.

Public Act.

5. This Act shall be a Public Act.

C A P . L X X I X .

An Act to erect the parochial sub-division of St. Hubert, in the parish of St. Antoine de Longueuil, in the county of Chambly, into a separate Municipality.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the new parochial sub-division (to be at an early period erected into a parish,) of St. Hubert, in the parish of Longueuil, in the county of Chambly, in the district of Montreal, composed of one hundred and fifty families, proprietors of real estate, has, for some months past, possessed a chapel of ease (*église succursale*), a presbytery, a post office, and a depot of the Grand Trunk Railway; and whereas the Lower Canada Municipal and Road Act of 1855, and the Common School Acts of Lower Canada, do not meet its requirements: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Boundaries of
the proposed
Municipality
of St. Hubert.

1. From and after the thirty-first day of December next, for all Municipal purposes, and from and after the first day of July next, for School purposes, the parochial sub-division or proposed parish of St. Hubert, bounded as follows, that is to say: On the south-west by the Grand Line Road and by that part of the Côte Noire Road, extending to the north-west as far as the line separating the property of Louis Lamarre, son of Alexis, from that of Michel Lamarre, the son of Louis, on the south-east by the parish of St. Joseph de Chambly, on the north-east by the parish of St. Bruno and by a part of the parish of Boucherville, as far as the *trait quarré* separating the property of François Tremblay from that of Luc Dubuc, on the north-west by the said *trait quarré* and the north-west *traits quarrés* of the other lands in the fifth range of the Fief Tremblay, which front on the road generally known as the Savanne Road, by the north-west *traits quarrés* of the lands of Augustin Dubuc and of the widow and heirs of Antoine Vincent, in the Barony of Longueuil, and by the south-west line of the said land of the widow and heirs of Antoine Vincent, from the said last *trait quarré* to the line separating the property of Louis Benoit, son of Laurent, and of Michel Delage, son of Louis, on the north-east side of the Longueuil and Chambly Turnpike Road, and thence following the said line, to the said road; on the south-west side of the said road, by the line separating the lands of Olivier Fournier and André Brossard, the son of Benjamin, thence
by

by the *trait quarré* between the lands in the range to the southwest of the last mentioned road and those in the range of the Côte Noire, as far as the line separating the lands of the said Louis Lamarre, son of Alexis, and of Michel Lamarre, son of Louis, and thence by the said line to the Côte Noire Road—shall be detached from the parish of St. Antoine de Longueuil, and form by itself a separate and distinct Municipality, under the name of the Municipality of St. Hubert.

2. The said Municipality of St. Hubert shall have all the powers conferred by the said Acts and the Acts amending them on parish Municipalities, and shall be organized by the appointment of officers, and the passing and adopting of By-laws, and shall, for all Municipal and School purposes, be a separate Municipality and be one of the Municipalities of the County of Chambly; and the remainder of the said parish of St. Antoine de Longueuil shall, from and after the said days respectively, form a separate and distinct Municipality, under the name of the Municipality of the parish of St. Antoine de Longueuil.

Powers, &c.,
of the Municipality.

Remainder of
St Antoine de
Longueuil to
be a Municipality.

3. From and after the said thirty-first December next, the said Municipality of St. Hubert shall, for all Municipal purposes, be governed by the Municipal and Road Laws now in force, and which may come into force hereafter; and from and after the said first day of July next, the said Municipality of St. Hubert shall, for all School purposes, be governed by the School Laws now in force or hereafter to be in force.

What laws
shall apply to
St. Hubert.

4. The said Municipality of St. Hubert shall be organized and may exercise all its powers and duties, even although there be not three hundred souls within its limits, and it shall be the duty of the Warden of the County of Chambly to organize the Council in conformity with the provisions of this Act, immediately after it shall come into force.

It need not
contain 300
souls.

5. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X .

An Act to annex the Local Municipality of *Notre-Dame du Portage* to the Municipality of the County of Témiscouata.

[Assented to 19th May, 1860.]

WHEREAS the Inhabitants of the Local Municipality of *Notre-Dame du Portage* have, by their petition, represented that the said Municipality is composed of a part of the Parish of St. Patrice de la Rivière-du-Loup, in the County of Témiscouata, and of part of the Parish of St. André, in the County of Kamouraska, and have prayed that the whole of the said Municipality, so situated, may, for Municipal purposes, be comprised

Preamble.

comprised within the County of Témiscouata, 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 :

Municipality
Notre Dame
du P. added to
Témiscouata.

1. From and after the first of July next the Local Municipality of *Notre-Dame du Portage* shall form part of the County Municipality of Témiscouata, for Municipal purposes.

But the part in
Kamouraska
to belong to
said county
for electoral
purposes.

2. That portion of the said Local Municipality of *Notre-Dame du Portage*, which is situated within the County of Kamouraska, shall continue hereafter to form part of the said County, as regards the election of a member of the Legislative Council to represent the Electoral Division of which the said portion of the said Local Municipality forms a part, and also as regards the election of a member of the Legislative Assembly for the Electoral County, of which the said portion of the said Local Municipality forms a part.

As to the
voters' lists
under 22 V.
c. 82.

3. Until an assessment-roll and alphabetical list of persons, who shall appear by the said roll to be qualified, under the clauses of the Act forming chapter six of the Consolidated Statutes of Canada, respecting the Registration of voters in Lower Canada, to vote at the election of members of the Legislative Council and Legislative Assembly, shall have been made in conformity with the said Act, for the said Local Municipality of *Notre-Dame du Portage*, that portion of the said Local Municipality, which is situated within the County of Kamouraska, shall continue to be entered on the assessment-roll and alphabetical list of the Local Municipality of St. André, of which it formed a part previous to the passing of this Act.

Where votes
to be given.

4. The electors of that portion of the said Local Municipality, which is situated within the County of Kamouraska, shall continue to vote at elections for members of the Legislative Council and Legislative Assembly, at the poll of the Parish of St. André.

Former pro-
ceedings of
Council legal-
ized.

5. All proceedings of the Council of the said Local Municipality of *Notre-Dame du Portage*, which are illegal and null, from the fact that the said Municipality has heretofore consisted solely of that portion thereof, which is situated in the County of Témiscouata, are hereby declared valid and legal, as if the said Municipality had included the full extent of territory within its limits.

Public Act.

6. This Act shall be deemed a Public Act.

C A P . L X X X I .

An Act to confer certain powers upon the Local Municipality of Grantham, Wendover and Simpson, in the County of Drummond, in respect of the Bridge at Drummondville, over the River St. Francis.

[Assented to 19th May, 1860.]

WHEREAS the Municipal Council of the Municipality of Grantham, Wendover and Simpson, in the County of Drummond, by petition, have prayed that the powers hereinafter set forth may be granted to that Municipality, in respect of the Bridge about to be constructed within and by the same, at Drummondville, across the River St. Francis, and have shown that such Bridge, from its magnitude, cost, importance and general utility, is of the nature of a County work rather than of a work to be undertaken by a Local Municipality; and whereas it is right and expedient to aid them in the premises, by granting 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 Municipal Council of the Municipality of Grantham, Wendover and Simpson, in the County of Drummond, shall have all the powers in respect of the said Bridge at Drummondville, across the River St. Francis, which the Municipal Council of the County of Drummond would have had, if such Bridge had been undertaken, built and maintained by the said Municipal Council of the County of Drummond; and more particularly, so soon as the same shall have been erected, and so long as it shall be maintained in an efficient state, but no longer, may by By-law place a toll-bar thereon, and levy tolls on persons, animals and vehicles passing over the same, and by such By-law may provide for the commuting of such tolls, yearly or otherwise, as to them may seem expedient.

Municipality to have certain powers as to the said bridge.

Levying tolls.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X I I .

An Act respecting the Indian Lands in the Township of Durham, in the County of Drummond.

[Assented to 19th May, 1860.]

WHEREAS, by the Act hereinafter mentioned, it was and is in effect provided, that certain descriptions of deed or instrument therein enumerated affecting any portion of the lands in the Township of Durham, in the County of Drummond, granted by Letters Patent in the year one thousand eight hundred

Preamble.

hundred

hundred and five to divers Indians, should be held valid, notwithstanding any thing in such Letters Patent to the contrary, provided a certain amount of ground rent should have been stipulated thereby, but no provision was made as to the validity of any other description of deed or instrument affecting such lands, or whereby any ground rent or other right thereon might have been, in whole or part, redeemed, ceded or released; and whereas it is expedient to remedy this omission, and in other respects to make better provision than by the said Act is made for assuring, so far as may be possible, the titles and rights of all the parties interested in such lands: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

19, 20 V. c. 4,
repealed.

1. The Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled: "An Act to change the tenure of the Indian Lands in the Township of Durham," is hereby repealed, but the repeal thereof shall not revive any Act thereby repealed.

Conveyances
of the said
lands not in-
valid for cer-
tain causes.

2. No deed or instrument in writing whatsoever, for the passing of title to such lands or any thereof, or in any wise affecting the same, or having reference to any ground rent or other right whatsoever, on, to or in respect of the same, whenever or by whomsoever executed, shall be held for null, either as a whole or as touching any stipulation or matter therein set forth, by reason of any restriction whatsoever in the premises imposed by the said Letters Patent granting the said lands, or of any provision or clause whatsoever in the said Letters Patent contained, or of any disability or supposed disability of the Indians, grantees thereunder, or of their heirs or other representatives, as being Indians, to contract in any wise in the premises.

Whenever In-
dians are par-
ties, Superin-
tendent to de-
cide.

3. Any contestation whatsoever between Indians, or whereto any Indian may be a party, as to, or arising out of, any such deed or instrument, may, by the parties, or by any Court seized of such contestation, be deferred for the decision of the Superintendent General of Indian Affairs; and his decision thereon shall be final and conclusive.

Superintend-
ent, if satis-
fied of title,
may accept
payment and
grant a certi-
ficate.

4. The Superintendent General of Indian Affairs, if satisfied of the right of property in any such land, under any such deed or instrument, of any person being in lawful possession of such land, may accept payment from such person, of the capital, or of any unredeemed remainder of the capital, of all ground rent which he may find to be secured thereon in favor of any Indian, calculated at the rate of six per centum per annum; and may thereupon grant to such person a certificate in the form of Schedule A, to this Act annexed; or, if satisfied further that there subsists thereon no such ground rent, may thereupon grant to such person a certificate in the form of Schedule B, to this Act annexed.

5. Every certificate granted under the foregoing Section, being enregistered in the Registry Office of the County of Drummond, within three months from the date thereof, shall absolutely cut off all adverse title or claim whatsoever to the land therein mentioned, or any part thereof, or to any rent or other right whatsoever affecting the same, whether by any Indian whomsoever or by any other person requiring to trace such title or claim through any Indian—and shall be *prima facie* proof of the title to such land of the person to whom the same is granted, as against all other persons; but if not so enregistered within such three months, the same shall thereafter be held for null.

Effect of certificate when registered.

6. Every receipt heretofore granted by the Superintendent General of Indian affairs, and duly enregistered in terms of the Act hereby repealed, shall remain of the same force and effect as though this Act had not been passed; and any such receipt not yet so enregistered, if enregistered in the said Registry Office within three months after the passing of this Act, shall also have the like force and effect, but otherwise, shall thereafter be held for null.

Former receipts to remain valid.

7. The Superintendent General of Indian Affairs shall keep an account of all sums received by him, whether under the Act hereby repealed or under this Act; and may pay over the same or any balance thereof, with interest, to any Indian or claimant under an Indian, of whose right thereto he may be satisfied; or, in his discretion, may, for so long as he shall see fit, simply pay over yearly the interest accruing on any such sum or balance.

Superintendent to keep certain accounts under this Act.

SCHEDULE A.

I, the undersigned A. B., Superintendent of Indian Affairs for the Province of Canada, do hereby certify, that I am satisfied of the right of property thereto, of _____, of _____, now in possession of the hereinafter described part of the lands in the Township of Durham, in the County of Drummond, which were granted by Letters Patent in the year one thousand eight hundred and five, to divers Indians, that is to say, of (*here describe the land*), and further that I have this day accepted payment from him of the sum of _____ being the capital (or the unredeemed remainder of the capital, *as may be*), of all ground rent which I find to be secured thereon in favor of any Indian.

Certified this _____ day of _____, in the year one thousand eight hundred and _____, under the Act passed in the twenty-third year of Her Majesty's reign, intituled: "*An Act respecting the Indian Lands in the Township of Durham, in the County of Drummond.*"

A. B.
SCHEDULE

SCHEDULE B.

I, the undersigned A. B., Superintendent of Indian Affairs for the Province of Canada, do hereby certify that I am satisfied of the right of property thereto, of _____, of _____, now in possession of the hereinafter described part of the Lands in the Township of Durham, in the County of Drummond, which were granted by Letters Patent in the year one thousand eight hundred and five, to divers Indians, that is to say, of (*here describe the land,*) and further, that I do not find that there is now any ground rent secured thereon in favor of any Indian.

Certified this _____ day of _____, in the year one thousand eight hundred and _____, under the Act passed in the twenty-third year of Her Majesty's Reign, intituled: "*An Act respecting the Indian Lands in the Township of Durham, in the County of Drummond.*"

A. B.

CAP. LXXXIII.

An Act to establish and confirm certain side lines of Lots in the Township of Clarendon, in the County of Pontiac.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS, by a Petition of the inhabitants of the Township of Clarendon, in the County of Pontiac, it appears that great inconvenience would result, should the existing side lines, as run parallel with the boundary line between the Townships of Bristol and Clarendon, be disturbed; And whereas the said inhabitants have prayed that the said lines may be established and confirmed on a course parallel with the said boundary line: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Notwithstanding any Act or Ordinance to the contrary, all the side lines between lots in the Township of Clarendon, which have been drawn from the posts planted at the front angles of the respective lots in the original survey of the Township, or (where such posts have been destroyed or lost), from the posts planted at the front angles of such lots, in conformity with the provisions of the forty-seventh section of the Act forming Chapter seventy-seven of the Consolidated Statutes of Canada, on a course parallel with the said boundary line, to the rear lines of such respective lots, are hereby established and confirmed, and all the side lines, in the Township of Clarendon, which shall hereafter be surveyed, shall be drawn in like manner; Provided that in case any party should, by reason of this Act, suffer any injury or damage, such party shall be compensated by the party or parties who may be benefited by

Lines which have been drawn in a certain manner confirmed.

Proviso: parties losing land by such lines to be

by such change; and the compensation so to be paid, and the persons to pay and receive the same, shall be ascertained by a Sworn Surveyor, appointed by the Commissioner of Crown Lands, and his decision, when approved by the Commissioner of Crown Lands, shall be final.

compensated by those gaining by them.

2. The front of each such lot, for all purposes of this Act, shall be taken to be that end or boundary thereof which is nearest to the River Ottawa.

What shall be the front of lots.

3. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X I V .

An Act to provide for the election of Officers and Directors of the County of Missisquoi Agricultural Society, for the year one thousand eight hundred and sixty.

[Assented to 19th May, 1860.]

WHEREAS doubts have arisen as to whether or not a valid election of Officers and Directors of the County of Missisquoi Agricultural Society was made at the Annual Meeting of that Society in the month of January last, and it is therefore expedient that the said Society should proceed anew to such election: 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 Society shall hold a meeting at the County House, at Bedford, in the said County, on Monday, the fourth day of June next, at eleven o'clock in the forenoon, and shall, at such meeting, elect a President, a Vice-President, a Secretary-Treasurer, and not more than seven Directors, all of whom shall form the Board of Directors for the said Society, for the remainder of the year, ending with the third week of the month of January next, and until the election of their successors, as fully and effectually to all intents and purposes as if they had been duly elected at an annual meeting of the Society in the third week of the month of January last.

Society to hold a meeting in June for such election.

Such election to be valid.

2. At such meeting as aforesaid, the President, or in his absence the Vice-President of the said Society, elected in the month of January, one thousand eight hundred and fifty-nine, or in the absence of both of these officers, the Warden of the said County of Missisquoi, shall preside.

Who shall preside.

3. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X V .

An Act to incorporate the President and Trustees of the Common of Berthier.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS divers inhabitants of the parish of Berthier, in the County of Berthier, interested in the Common known as the "Common of Berthier," consisting of *P'Isle Rondin*, or *Randin*, situated in the river St. Lawrence, within the limits of the said parish of Berthier, have, by their petition to the Legislature, represented that for want of an Act of incorporation to regulate the affairs of the said Common, they are exposed to serious inconvenience and losses: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

First meeting for the election of a President and four Trustees.

1. Within six months after the passing of this Act, it shall be lawful for the inhabitants interested in the said Common of Berthier to meet, after public notice of such meeting shall have been given by three or more of the parties interested in the said Common, and posted up and published during three consecutive Sundays at the door of the parish church of the said parish of Berthier, at the issue of divine service in the morning, which said notice shall contain the place, day and hour of such meeting, for the purpose of electing, by the majority of the votes of the parties interested in the said Common then and there present, a President and four Trustees to manage the affairs of the said Common, and the said President and Trustees, so elected at the said first meeting, or at any other subsequent meeting in virtue of this Act, shall be, and they are hereby declared to be a corporation under the name of the *President and Trustees of the Common of Berthier*.

Incorporation, — corporate name.

Who shall preside at first meeting.

Proviso: failure of first meeting.

Proviso: nullity of first meeting.

2. The said first meeting, to be held in virtue of this Act, and all other subsequent meetings shall be presided over by such person present as the meeting may select, by the majority of the votes of the parties interested in the said Common, then and there present; Provided always, that if the said first meeting be not held at the place, day and hour appointed in the said notice, for any reason whatsoever, another meeting of the parties interested may be called, presided over, held and conducted in the same manner and for the same purpose, either during the six or during the twelve months next after the passing of this Act; And provided also, that in case the election of the said President and Trustees, or of any one of them, be declared null by any competent judicial authority, it shall be lawful for the said parties interested in the said Common to meet again, after notice to that effect shall have been given in the form prescribed by the first section, for the purpose of replacing the President or Trustees, or Trustee whose election shall have been annulled as aforesaid.

3. The President and Trustees, elected in virtue of this Act, shall remain in office for two years from the time of their election, and at the end of that time they shall be replaced by an equal number of persons to be selected at a meeting of the parties interested in the said Common from amongst the parties so interested; and the said meeting shall be called by the retiring President by public notice, posted up and published in the manner provided in the first section of this Act.

Term of office
of President
and Trustees.

4. The President and Trustees, or the majority of them, shall draw up and prepare such By-laws as they shall think necessary in respect of the exercise of the rights of the parties interested in the said common; but such By-laws shall not take effect until they shall be approved by the Superior Court sitting for the district within which the said parish of Berthier is included; the application for the ratification and homologation of the By-laws shall be made to the said court in the name of the said corporation, after public notice duly given of such application, and posted and published at the door of the parish churches of the said parish of Berthier, during the three Sundays preceding the day of such application, at the issue of divine service in the morning, setting forth the day on which the said By-laws are to be submitted to the court for ratification, in order that any persons, having a right so to do, may then and there submit to the said court their reasons for opposing the homologation of the said By-laws; Provided always, that nothing contained in this Act shall be deemed to derogate from or prejudice the rights of the seigniors of the seigniori of Berthier, nor yet to give either to them or to the other parties interested in the said Common any greater rights than they now have respectively under the concession deeds of the said Common.

President and
Trustees to
make By-laws.

By-laws must
be ratified.

Proviso:
rights of
Seigniors.

5. The President and Trustees, or a majority of them, may, in and by the said By-laws, impose such penalties not exceeding ten dollars currency, as they shall deem just and expedient against all parties contravening the said By-laws; such penalties may be sued for and recovered by summary process before one or more Justice of the Peace, in the said county of Berthier, in the name of the said corporation, and shall be levied by a seizure and sale of the moveables of the offender and paid over to the President of the said corporation, who shall apply the same for the use and benefit of the said Common, and in default of payment of the said penalty within the period prescribed, or in case of insufficiency of moveable property to satisfy the said judgment, the said offender may be imprisoned for any period not exceeding one month.

Penalty for
contravention
of By-laws.

How levied
and applied.

6. The said President and Trustees, in addition to the powers hereinbefore accorded to them, may proceed in law in the name of the said Corporation, before any Court of competent jurisdiction, against any person or persons who shall encroach on the

Further powers
of President
and Trustees.

said

said Common, commit any act of violence therein, or who shall unlawfully claim the exercise of any right therein, for the recovery of damages from such persons or for the disallowance of any right claimed by them within the said Common.

Assessment for defraying expenses of management of Common.

7. Whenever it shall be necessary to incur expenses for the management, maintaining or improvement of the said Common, or for the doing of any act or thing, or the payment of any expenses in relation thereto, an estimate of such expenses shall be first drawn up by the said President and Trustees, or the majority of them; and they, or the majority of them, shall have power to impose and levy the amount of such estimate, and apportion the same among the proprietors or parties interested in the said Common in proportion to the rights or shares of each one therein; and in default of payment of any amount to be apportioned as aforesaid, the same shall be recoverable by summary process in the name of the President and Trustees of the said Common before one or more Justices of the Peace within the said County of Berthier; and such Justice is hereby authorized to try, hear and determine and decide the said action, and issue execution against the goods and chattels of the defendant, for the payment of the amount of the judgment and costs of suit, and other subsequent costs; Provided always that such execution shall not issue before the expiration of eight days at least from the rendering of the judgment.

How enforced.

Proviso.

Exhibition of titles to right in Common.

8. Whenever it shall be necessary to ascertain the persons who have, or pretend to have, a right in the said Common, and the rights or shares which each one now holds or hereafter may hold, for the purpose of making any apportionment of the costs and expenses which may be now or hereafter incurred, as provided in the foregoing section, or for any other object, it shall be lawful for the said President and Trustees, or the majority of them, to require all such persons to produce and exhibit their respective titles to such rights or shares, or to make known their rights as aforesaid, at the time and place which they shall appoint, public notice having been given by them for that purpose, and posted up and published on the two consecutive Sundays preceding the day so appointed, at the door of the Parish Church of the said Parish of Berthier, at the issue of divine service in the morning; and if any person interested in the said Common shall refuse or neglect to produce and exhibit his titles at the time and place mentioned, or to give information as to how and in what manner and under what title such rights or shares came into his possession, he shall incur a penalty of two dollars, or of twenty cents for each day on which he shall refuse or neglect (as the case may be) so to do; the said penalties to be sued for and recovered by the said President and Trustees in the manner prescribed in the fifth section of this Act.

Penalty for default.

9. If any person, who shall be lawfully called upon to accept any office or perform any duty, under this Act, shall refuse to accept such office or neglect to perform such duty, or shall in any manner contravene the provisions of this Act, he shall incur, for every such offence, whether of commission or omission, a penalty of eight dollars, which shall be recoverable by any person who shall prosecute, either in his own name or in the name of the said Corporation, in the manner prescribed in the fifth section of this Act, and one half of the said penalty shall belong to the prosecutor, and the other half to the Corporation, to be employed for the use and benefit of the said Common.

Penalty for refusal to accept office, &c.

10. In case of the death or absence for any period longer than three months from the County of Berthier, either of the President or of any of the Trustees, their office shall become vacant, and the President and remaining Trustees, or the remaining Trustees, as the case may be, shall select and appoint, by a vote of the majority, one from amongst the parties interested in the said Common, to replace the President or Trustee, as the case may be.

Vacancies by death or absence how filled up.

11. At each general election, the retiring President and Trustees shall, at the meeting called for the said election, and before the election of their successors, present a clear and detailed statement of their administration, showing the receipts and expenditure; and they shall hand over to their successors any balance remaining in their possession at that time, together with all books, titles, plans and papers whatsoever, having reference to the said Common, then in their possession, and if they fail to pay the said balance or to hand over the said books, titles, plans and papers, as aforesaid, they shall be liable to a prosecution before any Court of competent jurisdiction, jointly and severally by the said President and Trustees, their successors, in the name of the Corporation, in order that judgment may be obtained compelling them to pay the said balance to the Corporation, together with costs, and interest, or to deliver up as above the said books, titles, plans and papers.

Statement of the accounts by retiring President and Trustees.

12. This Act shall be deemed a Public Act.

Public Act.

CAP. LXXXVI.

An Act to remove doubts as to the validity of By-law number three hundred and nine of the Corporation of the City of Toronto, and of certain Debentures issued thereunder.

[Assented to 19th May, 1860.]

WHEREAS by petition of Thomas Galt, Esquire, of the city of Toronto, it is stated that the Petitioner was the holder of Debentures of the City of Toronto to the amount of one hundred

Preamble.

Case of T. Galt, recited.

hundred thousand pounds;—that under the provisions of Chapter seventy-one of the Statutes passed in the twenty-second year of Her Majesty's Reign, the Petitioner entered into an agreement with the said City for the redemption and exchange of the said Debentures—by which the City was to deliver to the Petitioner in exchange for certain of the said Debentures, amounting to fifty-seven thousand four hundred and twenty-six pounds provincial currency, certain other Debentures of the City, amounting to forty-seven thousand two hundred pounds sterling; that under such agreement the Corporation of the said City passed a By-law, number three hundred and nine, providing for the issue of Debentures to the amount of forty-seven thousand two hundred pounds sterling, for the purpose of delivering the same to the petitioner as aforesaid; that the Petitioner has been advised it is doubtful whether the Debentures which have been so issued are legal and binding on the City, and therefore he prays an Act may be passed declaring the said By-law to be valid, and that any Debentures issued thereunder are legal and binding on the City;

And whereas it is represented that the cause of the doubts of the validity of the said Debentures and By-law is that no sinking fund or any rate therefor is provided for in the said By-law; and whereas it is desirable to extend the relief prayed for to the petitioner: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The By-law and Debentures declared valid.

1. The said By-law and Debentures shall be and are hereby declared to be valid to and for all intents and purposes whatsoever.

Public Act.

2. This Act shall be deemed a Public Act.

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

An Act to amend an Act intituled: "An Act for the construction of Water Works in the City of Hamilton."

[Assented to 19th May, 1860.]

Preamble.

19, 20 V. c. 84.

WHEREAS the Water Commissioners for the City of Hamilton by petition have prayed for the amendments hereinafter set forth of the Act passed in the Session of Parliament, held in the nineteenth and twentieth years of Her Majesty's Reign, and intituled: "An Act for the construction of Water Works in the City of Hamilton;" 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:

1. The Water Commissioners for the City of Hamilton shall, in addition to the powers conferred upon them by the said Act, have full power and authority to levy and raise such a yearly or other rate or assessment or water rent on all and singular, the real property within the said city, whether owned by private individuals or bodies corporate, by, near or contiguous to which the water pipes may pass, and upon the stock in trade, household furniture and goods and chattels belonging to or in the possession of the owners or occupants of such real estate, (save and except always the real property and other effects of any Railway Company) as shall, in the opinion of the Commissioners, be sufficient to pay the yearly interest, at a rate not to exceed four per centum per annum, on the cost of the said Water Works and the yearly expenses thereof, or such portion of such interest and expenses as, in their judgment, should be levied and raised in each year, and be borne by such owners and occupants; and the Commissioners shall have power and authority, from time to time, to fix the rate or rates such owner or occupant, or both such owner and occupant, shall pay, having due regard to the advantages derived by such owner and occupant, or conferred upon him or her or their property by the Water Works, and the locality in which the same is situated; and so much of the said water rate or rent, as shall be assessed or levied upon the real estate, shall become a continuing lien, unless paid, upon such real estate, any thing in section ten of the said Act to the contrary notwithstanding; and the Water Commissioners shall also have power and authority, from time to time, to fix the rate or rent to be paid for the use of the water by hydrants, fire plugs, public buildings, and street watering.

Water Commissioners may fix a yearly rate on real and personal property to pay interest and expenses.

Rate to be a lien on real property.

2. The Commissioners shall have full power, from time to time, to make and enforce all necessary by-laws, rules and regulations for the collection of the said water rate and water rent, and for fixing the time and times when, and the places where, the same shall be payable, for allowing a discount for pre-payment; and, in case of default in payment, to enforce payment by shutting off the water, or by suit at law before any Court of competent jurisdiction, or by distress and sale of the goods or property upon which such rates shall have become a lien;—provided that such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of city taxes; and provided further, that the attempt to collect such rates by any process hereinbefore mentioned, shall not in any way invalidate the lien upon the said premises.

Water Commissioners may make By-laws for enforcing payment of such rates.

3. The Commissioners shall have power to employ collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices at the pleasure of the Commissioners, and shall give such security as the Commissioners shall from time to time require; and

They may employ Collectors and Assessors.

Their powers. such collectors and assessors shall have as full power as the collectors and assessors in the cities of Upper Canada do now possess and enjoy.

Penalty on persons fraudulently using the water. 4. If any person or persons shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main of the said Water Works, or in any way obtain or use any water thereof, without the consent of the Commissioners, he or they shall forfeit and pay to the Commissioners the sum of one hundred dollars, and also a further sum of five dollars for each day such pipe or main shall so remain; which said sum, together with costs of suit in that behalf, may be recovered by civil action in any Court of Law in the Province, having civil jurisdiction to that amount.

Penalty on persons fouling the water. 5. If any person shall bathe or wash, or cleanse any cloth, wool, leather, skins, or animals, or place any nuisance or offensive thing in any of the reservoirs, cisterns, ponds, sources or fountains, from which the water for the said Water Works is obtained,—or shall convey or cast, throw or put any filth, dirt, dead carcasses or other noisome or offensive things therein, or cause, permit or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any wise tainted, every such person shall, on conviction thereof before any Justice of the Peace, on the oath of one credible witness, be by such Justice adjudged and condemned to pay a penalty for every such offence, not exceeding twenty dollars, one half to be applied to the use of the Commissioners, and the other half to him or her who shall sue for the same; and in case the party suing for the same shall be the Commissioners themselves or any of their officers or servants, then the whole of the said penalty shall be applied to the uses of the Commissioners; and such Justice may also, in his discretion, further condemn such person to be confined in the Common Gaol for a space of time not exceeding one month, as to him may seem meet.

How recovered and applied. 6. It shall and may be lawful for the Commissioners, and they are hereby authorized and empowered, to make such By-laws as to them shall seem requisite and necessary for prohibiting, by fine not exceeding twenty dollars, or imprisonment not exceeding one month, (the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment, being always in the discretion of the Justice of the Peace before whom any proceeding may be taken for enforcement thereof,) any person being occupant, tenant or inmate of any house supplied with water from the said Water Works, from vending, selling or disposing of the water thereof, from giving it away or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than his, her or their own use and benefit, or from increasing the supply of water agreed for with the said

Power to make By-laws to prevent waste or fraudulent use of the water.

said Commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent and nature of the supply of water to be provided and supplied by the said Works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, the time and mode and circumstances of payment therefor, and each and every other matter or thing relating to or connected therewith which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the city a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the Commissioners with regard to the water so to be supplied.

7. The Mayor of the city, and the Chairman of the Finance Committee of the city for the time being, shall be *ex officio* Water Commissioners for the city, with all the powers of any other members of the Board.

Mayor and Chairman of Finance Committee to have seats at the Board, &c.

8. The revenue derived from the said works, after paying the expenses thereof, shall, from time to time, be paid to the Chamberlain of the said city, for the purpose of paying the interest on the debentures issued for the construction of the said Water Works, and for no other purpose.

Revenue to be paid over to City.

9. Any person may appeal from any decision or assessment of the Assessor, to the Water Commissioners, and from that body to the Judge of the County Court in the same manner, and on taking the same steps as are provided for on appeal in case of assessment for city taxes.

Appeal to persons aggrieved.

10. The Water Commissioners are hereby empowered to arrange with the Corporation or with individuals, for the extension of pipes in suburbs or partially-built portions of the city, by allowing a deduction from the price charged for the water, to such extent as the Commissioners shall see fit, on the cost of the said pipes when laid by the parties under the direction of the Commissioners, and subject to their approval; or the Commissioners may lay the pipes, charging the said parties, in addition to the usual water rate, a yearly interest upon the cost of such extension, which interest, or such portion as shall then be due, shall be paid at the same time and collected in the same manner as the water rates.

Provision as to extension of Water Works to suburbs, &c.

11. In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken, the Commissioners are empowered to lay the service pipe across such vacant space, and charge the cost of the same to the parties liable for the water rate for the premises, such charge to be payable with the first payment of water rates, and to be collected in the same manner.

Where there is a space between the street and any building.

Certain pipes, &c., to be under the control of the Commissioners.

12. The service pipe, from the line of the street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks, and apparatus placed thereon by the Commissioners, shall be under their control; and if any damage be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the Commissioners may repair the same, and charge the expense to the premises; the stop-cock placed by the Commissioners inside of the wall of the building shall not be used by the water tenant except in case of accident, or for the protection of the building or the pipes, and to prevent flooding of premises.

Taps, &c., subject to approval of Commissioners.

13. All parties supplied with water by the Commissioners shall be required to place only such taps for the drawing and shutting off the water as shall be approved of by the Commissioners.

No damages for shutting off water, &c.

14. Neither the Water Commissioners nor the Corporation of the City shall be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of the water to repair mains or tap the pipes, provided notice be given of the intention to shut off the water, when the same is shut off more than six hours at any one time.

Access allowed to Water Commissioners.

15. It shall be lawful for the officers of the Water Commissioners, and every person authorized by them for that purpose, to have free access, at proper hours of the day and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Penalty on unauthorized persons interfering with hydrants, &c.

16. If any person or persons, not being in the employment of the Water Commissioners, or not being a member of the Fire Brigade of the said city, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stop-cock, stop-cock chamber or hydrant chamber, by placing on it any building material, rubbish or otherwise, every such person shall, on conviction before any of Her Majesty's Justices of the Peace, forfeit and pay for each offence a sum not exceeding twenty dollars, or, in default of payment, be liable to be imprisoned in the gaol of the county for a term not to exceed thirty days; and each time the said hydrants are so interfered with, and each day said obstruction shall continue, shall be considered a separate offence.

Water Works property exempt from taxes.

17. The lands, buildings, machinery, reservoirs, pipes, and all other real and personal property connected with or belonging to the Water Commissioners, shall from henceforth be exempt from taxation.

Water watchmen to be constables.

18. The watchman and other officers of the Water Commissioners, when in discharge of their duty, shall be *ex officio* possessed

possessed of all the powers and authority of officers of the peace.

19. Notwithstanding any thing contained in the said Act, the Water Commissioners shall prepare a statement of their affairs up to the thirtieth day of June and the thirty-first day of December in each year, and such statements shall, within thirty days from those respective dates, be rendered to the Corporation of the city.

Half-yearly statements of Commissioners.

20. The Water Commissioners shall have full power and authority to supply any person or persons with water, although not resident within the City of Hamilton, and may exercise all other powers necessary to the carrying out of their agreements with such persons, as well within the Townships of Barton and Saltfleet as within the City of Hamilton; and they may also, from time to time, make and carry out any agreement which they may deem expedient for the supply of water to any Railway Company or manufactory.

Water may be supplied to parties without the City.

21. This Act shall be deemed a Public Act.

Public Act.

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

An Act to incorporate the Town of Ingersoll, and to divide the same into Wards.

[Assented to 19th May, 1860.]

WHEREAS a large number of the inhabitants of the Village of Ingersoll have prayed the Legislature to incorporate the same as a Town; and whereas, from the increasing population, and also increasing trade and business of Ingersoll, it is expedient and would tend to promote the benefit and convenience of the inhabitants if the prayer of the said petition were granted; Provided a majority of the rate-payers, entitled to vote at Municipal Elections, in the said village, declare in favor thereof, 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:

Preamble.

1. Subject to the fourth clause of this Act the Village of Ingersoll, as described and defined by limits under the Royal Proclamation, bearing date the twenty-seventh day of September, one thousand eight hundred and fifty-one, shall, upon, from and after the first day of January, in the year of Our Lord, one thousand eight hundred and sixty-one, be incorporated as a Town, with the rights, powers, privileges and liabilities of incorporated towns in general, and as if the said Town had been and was an incorporated Town under the provisions of the chapter number fifty-four of the Consolidated Statutes for Upper Canada, and all the rules, regulations, provisions

Ingersoll incorporated as a Town, from 1st January, 1861.

provisions and enactments contained in the said chapter shall apply to the said Town, except as regards the first election as hereinafter provided.

Divided into
three wards.

2. The said Town of Ingersoll shall be divided into three Wards, in the manner described in the Schedule to this Act; and to be named respectively : First Ward, Second Ward, and Third Ward.

Provision for
first election.

3. The Clerk, for the time being, of the Town of Ingersoll, shall be *ex officio* Returning Officer for the purpose of holding the first Municipal election under this Act and shall, on or before the twenty-first day of December next, after the passing of this Act, by his warrant, appoint a Deputy Returning Officer for each of the three Wards into which the said Town of Ingersoll is hereby divided, to hold the first Election therein ; and in discharge of their duties, each Deputy Returning Officer shall severally be subject to all the provisions of the said chapter fifty-four of the Consolidated Statutes for Upper Canada, applicable to the first elections in Towns incorporated under the said Act.

Act not to
take effect ex-
cept by con-
sent of a ma-
jority of mu-
nicipal elec-
tors.

Poll to be held
and when.

4. This Act shall not take effect unless and until a majority of the rate-payers, entitled to vote at Municipal Elections for the election of Councillors for said village, shall, by a vote to be taken on the thirtieth day of June next, at a poll to be open and held between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of that day, which poll shall be opened and held and the votes taken and recorded in the same manner and by the same officers as in the case of an election for Municipal Councillors of the said village, and the votes recorded at such election shall be duly certified by the Reeve of the said village to the Governor in Council, who shall, if there be a majority of such rate-payers in favor of this Act, by proclamation, declare the same to have effect.

Public Act.

5. This Act shall be deemed a Public Act.

SCHEDULE.

WARDS OF THE TOWN OF INGERSOLL.

First Ward :—The First Ward shall comprise all that part of the said Town, which is bounded as follows, that is to say : commencing at the point on the southern limit of the Town, where the centre line of Thames Street intersects the said southern limit ; thence, in a northerly direction, along the said centre line of Thames Street, to the centre of the bed of the River Thames ; thence, in a westerly direction, along the said centre of the bed of the River Thames, to the western limit of the said Town ; thence, in a southerly direction, along the said western limit, to the southern limit of the Town ; thence, in an easterly

easterly direction, along the said southern limit, to the place of beginning ;

Second Ward :—The Second Ward shall comprise all that part of the said Town, which is bounded as follows, that is to say : commencing at the point on the southern limit of the Town, where the centre line of Thames Street intersects the said southern limit ; thence, in a northerly direction, along the said centre line of Thames Street, to the centre of the bed of the River Thames ; thence, in an easterly direction, along the said centre of the bed of the River Thames, to the eastern limit of the Town ; thence, along the said eastern limit, to the southern limit of the Town ; thence, in a westerly direction, along the said southern limit, to the place of beginning ;

Third Ward :—The Third Ward shall comprise all that part of the said Town which is bounded as follows, that is to say : commencing at the point on the eastern limit of the Town, where the centre of the bed of the River Thames intersects the said eastern limit ; thence, in a westerly direction, along the said centre of the bed of the River Thames, to the western limit of the Town ; thence, in a northerly direction, along the said western limit, to the northern limit of the Town ; thence, in an easterly direction, along the said northern limit, to the eastern limit of the Town ; thence, in a southerly direction, along the said eastern limit, to the place of beginning.

C A P . L X X X I X .

An Act to incorporate the Town of St. Thomas.

[Assented to 19th May, 1860.]

WHEREAS the Municipal Council of the Village of Saint Thomas, in the County of Elgin, by Petition have represented that the said Village is now the County Town of the said County, and is a place of a large amount of trade and general business, and that, by vote of the ratepayers thereof, they are authorized to pray, as by such Petition they do pray, for the incorporation thereof as a Town ; and whereas 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 :

1. The tract of land, known as the village of Saint Thomas, shall upon, from and after the first day of January, in the year of Our Lord one thousand eight hundred and sixty-one, be incorporated as a Town, with all the rights, powers, privileges and liabilities of an incorporated Town, and as if the said Town had been and were an incorporated Town, under the provisions of the Chapter number fifty-four of the Consolidated Statutes

Preamble.

St. Thomas incorporated as a Town, with the usual powers.

Statutes

Statutes for Upper Canada, and all the rules, regulations, provisions and enactments, contained in the said Chapter, shall apply to the said Town, except as regards the first election as hereinafter provided.

Three wards. 2. The Town of St. Thomas shall be divided into three Wards, in the manner described in the schedule to this Act, to be named respectively St. Andrew's Ward, St. George's Ward, and St. Patrick's Ward.

First election provided for. 3. The Clerk, for the time being, of the Town of St. Thomas shall be *ex officio* Returning Officer for the purpose of holding the first Municipal Election under this Act, and shall, on or before the twenty-first day of December next after the passing of this Act, by his warrant, appoint a Deputy Returning officer, for each of the three wards into which the said Town of St. Thomas is hereby divided, to hold the first election therein; and in discharge of their duties, each Deputy Returning Officer shall be subject to all the provisions of the said Act respecting the Municipal Institutions of Upper Canada, applicable to the first elections in Towns incorporated under the said Act.

Powers of Deputy Returning Officer.

Public Act. 4. This Act shall be deemed a Public Act.

SCHEDULE.

1. St. Andrew's Ward shall comprise all that part of the said Town which lies West of the division line between lots numbers one and two in the eighth concession, and lots numbers one and two in the ninth concession, of the Township of Yarmouth;

2. St. George's Ward shall comprise all that part of the said Town which lies to the East of the said dividing line between lots numbers one and two, in the eighth and ninth concessions, of the said Township of Yarmouth, and North of Centre Street;

3. St. Patrick's Ward shall comprise all that part of the said Town, lying East of the said dividing line, between lots numbers one and two in the eighth concession of the said Township of Yarmouth, and South of Centre Street; the dividing line between St. George's Ward and St. Patrick's Ward to be considered to be the middle of Centre Street.

C A P . X C .

An Act to consolidate the Debt of the Town of Bowmanville.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the Corporation of the Town of Bowmanville, by their Petition, have represented that they have incurred debts and liabilities to the amount of forty-eight thousand six hundred

hundred and twenty-seven dollars and thirty-five cents, and have prayed that the said debt may be consolidated, and that they may be authorized to issue new Debentures for that purpose; And whereas it is expedient to grant the said prayer, and in order to provide against any loss on the said consolidation, it is expedient to enable the said Corporation to issue such new Debentures for a sum not exceeding in all fifty thousand dollars: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said Corporation may issue debentures under the Corporation seal, signed by the Mayor and countersigned by the Treasurer of the Corporation for the time being, in such sums not exceeding in the whole the said sum of fifty thousand dollars, as the Council may direct; and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain, or elsewhere, as the Council deems expedient. Corporation may issue debentures for \$50,000.
2. The Corporation of the said Town may raise, by way of Loan, upon the credit of the said debentures, in this Province, or in Great Britain or elsewhere, a sum of money not exceeding in the whole the sum of fifty thousand dollars. Corporation may borrow \$50,000.
3. The Treasurer of the Corporation shall, on receiving instruction so to do from the Council, call in such outstanding debentures and liabilities, and shall discharge the same with the funds raised under this Act, or may substitute therefore the said debentures or any of them above authorized to be issued under this Act, as may be agreed upon between the Corporation and the holders of such outstanding debentures, or other the said creditors of or claimants upon the Corporation. Treasurer may call in outstanding debts, &c.
4. The loan, to be raised as aforesaid, shall be applied by the Council to the redemption and payment of the outstanding debentures and other liabilities thereof, and to and for no other purpose whatsoever. Application of loan limited.
5. For payment of the debentures to be issued under this Act, the Council shall, and they are hereby required to impose a special rate per annum, (over and above and in addition to all other rates to be levied in each year, and over and above the interest to be payable on such debentures) which shall be sufficient to form a sinking fund of two per centum per annum for that purpose. Special rate for payment of the loan by a Sinking Fund.
6. The Council shall, and it shall be the duty of the Treasurer to invest, from time to time, all moneys raised by special rate for the sinking fund provided in this Act, either in the debentures to be issued under this Act, or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province may, by Order in Council, direct. Investment of Sinking Fund.

direct, and all dividends or interest on the said sinking fund shall be applied to the extinction of the loan authorized to be raised under this Act.

No further debt to be incurred.

7. It shall not be lawful for the Corporation to incur any further debt or liability than is provided for in this Act, excepting the yearly current expenses to be paid for out of the annual assessment, and any such contract or undertaking for increasing the debt or liability of the said Corporation contrary to this Act, shall be utterly void and of no effect.

By-laws respecting former debts may be repealed and when.

8. The Corporation, after having called in and pay their present outstanding debentures, may repeal the By-laws of the said Council, or of the Council of the late Village of Bowmanville, which authorized the levying of special rates for the purposes of satisfying the same.

Sect. 224 of cap. 54, of Con. Stat. U. C., not to apply.

9. The provisions of the two hundred and twenty-fourth section of chapter fifty-four of the Consolidated Statutes for Upper Canada, respecting Municipal Institutions, or any provision in the said chapter inconsistent with this Act, shall not apply to this Act, nor to any By-law or By-laws to be passed under the authority thereof.

Public Act.

10. This Act shall be deemed a Public Act.

C A P . X C I .

An Act to incorporate the Village of Merrickville, in the County of Grenville.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the inhabitants of the Village of Merrickville, in the County of Grenville, and of the Village of North Merrickville, in the County of Lanark, have, by their petition prayed, that the said Villages may be united as one and the same Incorporated Village, 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:

Merrickville and North Merrickville united and incorporated as the Village of Merrickville.

1. From and after the passing of this Act, the inhabitants of the said Villages shall be a body corporate apart from the Townships of Wolford and Montague, by the name of the Corporation of the Village of Merrickville, and shall have all such powers, privileges and liabilities as are now or shall be hereafter conferred or imposed on Incorporated Villages in Upper Canada.

Boundaries of the Village.

2. The said Village shall comprise and consist of the lots numbered seven, eight, nine and ten in the broken front concession A, in the Township of Wolford, the lots numbered seven, eight,

eight, nine and ten, in the broken front Concession B, in the Township of Montague, and the front halves of the lots numbered eight and nine, in the broken front Concession A, in the Township of Montague.

3. The Council of the Township of Wolford shall, within one month after the passing of this Act, appoint a Returning Officer for holding the first Municipal Election in and for the said Village under this Act, which Returning Officer shall appoint a time and place for holding such election within one month of his appointment, and shall give ten days notice of such time and place by notices posted in at least three conspicuous places in the said village.

Appointment of Returning Officer for first election.

4. The duties of the Returning Officer, and the qualification of the 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, &c.

5. The Township Clerks of the Townships of Wolford and Montague shall furnish to the Returning Officer, on demand made by him for the same, a true copy of the last revised assessment Rolls of the said Townships respectively, so far as the same relate to voters resident in the said village, and, so far as such rolls contain the names of the male freeholders and householders rated upon such rolls 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 rolls, which copies shall be verified on oath, or as now required by law.

Township Clerks, &c., of Wolford and Montague to furnish copies of rolls.

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

Oath of office.

7. Elections for Councillors for the said Village, after the year one thousand eight hundred and sixty-one, 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-one shall be held as is hereinbefore provided for the first election; copies of the rolls of the said Townships for the year one thousand eight hundred and sixty shall be furnished in the same manner as is required for the first election, and the Returning Officer for the said election for one thousand eight hundred and sixty-one shall be appointed by the Council of the said Village of Merrickville, at their last meeting, in the year one thousand eight hundred and sixty, held before the twentieth day of December in that year.

Annual elections after 1861.

For 1861.

Copies of rolls for Returning Officer, &c.

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.

Oaths of office.

Act not to affect debts of Wolford and Montague.

9. Nothing herein contained shall affect any taxes imposed for the payment of any debts contracted by the Townships of Woford and Montague, or either of them, but the Treasurer of the Village of Merrickville shall pay to the Treasurer of the Township of Woford, or the Treasurer of the Township of Montague, as the case may be, 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, heretofore part of the said Townships of Woford and Montague respectively, towards the payment of such debt, for the year one thousand eight hundred and fifty-nine, and the same shall be a debt against the said Village.

Provision as to debts of the said townships.

Taxes for 1860 to be collected by village, not by township officers, &c.

10. The Officers of the Councils of the said Townships of Woford and Montague shall not proceed to collect any rate or assessment imposed by either of the said Councils 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 assessor or assessors of the said Townships for the present year, and shall be collected by the officers to be appointed by the said village Council for that purpose; Provided always, that such portion of the amount assessed for County purposes as would have been levied for the present year upon the respective portions of the Townships of Woford and Montague, of which the said Village is composed, had this Act not been passed, shall be collected by the proper officer of the said Village, and be by the Treasurer thereof paid over to the Treasurers respectively of the said Townships of Woford and Montague; And it is further provided that nothing herein contained shall for the present year affect the school section or sections in which the said Village is now situate.

As to taxes for county purposes.

School sections not affected for 1860.

Clerks of Woford and Montague to furnish copies of rolls.

11. The Township Clerks of Woford and Montague respectively shall furnish to the Clerk of the said Village, on demand made by him therefor, a true copy of the Assessment Rolls of the said Townships for the present year, so far as the same contain the rateable property assessed within the said Village, and the names of the owners or occupiers thereof.

Recital touching the Town Hall.

12. And whereas the Corporation of the Township of Woford has built, within the limits of the said Village of Merrickville, a Town Hall, the expense of which has been, or is to be, paid out of the fund arising from Tavern Licenses, and whereas it is desirable that the said Town Hall should be transferred to the said Corporation of the Village of Merrickville; the said Corporation of the Village of Merrickville shall pay to the Corporation of the Township of Woford such sum of money as may be agreed upon by the Councils of the said Corporations; and in the event of their not agreeing upon the sum and terms of payment, the matter shall be settled by arbitration in the manner provided by chapter fifty-four of the Consolidated Statutes for Upper Canada.

Sum to be agreed upon or settled by arbitration—and paid by the village to the township of Woford for the Town Hall.

13. And whereas the United Counties of Lanark and Renfrew have borrowed from the Municipal Loan Fund a certain sum of money to assist in the construction of the Brockville and Ottawa Railway, and whereas the said Village of North Merrickville formed part of the said United Counties of Lanark and Renfrew, and whereas the said Counties may be called upon to pay the said sum of money so borrowed: be it enacted that, if the said United Counties of Lanark and Renfrew are called upon to pay such sum of money or any part thereof, the Corporation of the Village of Merrickville shall pay annually to the said United Counties of Lanark and Renfrew such sum or sums of money as the said Village of North Merrickville would have been liable to pay on the assessment of one thousand eight hundred and sixty for payment of its share of such sum or sums of money as the said United Counties of Lanark and Renfrew may be called upon to pay for such money so borrowed, until such sum or sums of money are fully paid and satisfied, and such sum or sums of money shall, by special rate or rates of assessment, be collected by the said Corporation of the Village of Merrickville from that part of the said Village which formerly constituted part of the said United Counties of Lanark and Renfrew.

Recital, liability of counties of Lanark and Renfrew for Brockville and Ottawa Railway Company.

That part of the village which was in the said counties to be liable to pay its part.

14. The Village of Merrickville hereby incorporated shall be attached to and form part of the County of Grenville.

Village to form part of county of Grenville.

15. This Act shall be deemed a Public Act.

Public Act.

C A P . X C I I .

An Act to amend the Act intituled: "An Act to incorporate the Village of New Hamburg, in the County of Waterloo."

[Assented to 19th May, 1860.]

WHEREAS the Municipal Council of the Village of New Hamburg, and others, have represented by their petitions, that a portion of a certain Farm Lot which is included within the limits of the said Village, as set forth in the Act mentioned in the title of this Act, and which was intended to form part thereof, is not mentioned in the said Act as among the lots and parcels of Land of which the said Village is thereby declared to consist, and that doubts have arisen as to the legality of the acts of the said Council touching the said parcel of land; and have prayed that the said parcel of land may be declared to form part of the said Village, and that the acts of the said Council relating thereto may be legalized: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Preamble.

A certain portion of lot 25 declared to be in New Hamburg.

1. That portion of lot number twenty-five, south of Bleam's road, on the north side of the river Nith or Smith's Creek, is hereby declared to have been and to be within the limits of the Village of New Hamburg, and to form part of the said Village, and is and shall be liable to all rates and taxes heretofore imposed or to be imposed on property in the said Village by the Corporation thereof.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. XCIII.

An Act to provide for the consolidation and liquidation of certain debts of the Town of Guelph not affected by the Act respecting the Consolidated Municipal Loan Fund.

[Assented to 19th May, 1860.]

Preamble

Debts of the said Town.

WHEREAS the Corporation of the Town of Guelph have, by their petition, set forth, that the said town was indebted under the law respecting the Consolidated Municipal Loan Fund to the amount of eighty thousand dollars, the principal whereof was not yet due.

That the said town was also indebted on ordinary debenture account to the amount of forty-eight thousand one hundred and thirty-two dollars, payable at various dates, and that there was in arrear thereof three thousand six hundred and sixty-seven dollars on account of principal, but that the interest had been paid in full and that there were no arrears thereof.

That the said town was also indebted on sundry other accounts to the amount of four thousand four hundred and seventy-five dollars, and that the said petitioners were of opinion that it would be for the interest of the said town and agreeable to the wishes of its inhabitants, if the said petitioners were authorized to consolidate and discharge part of those portions of the aforesaid debt unconnected with the said Consolidated Municipal Loan Fund, by the issue of debentures to the amounts and payable with interest at the times in the said petition contained, and have prayed for the bringing in of a Bill for effecting the purposes aforesaid and the passing of the same, 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:

Corporation may pass By-laws for the issue of debentures to

1. The Corporation of the said Town of Guelph may pass a By-law or By-laws for authorizing the issue of Debentures of the said Town not exceeding in the whole the amount of twenty-eight thousand dollars for the purpose of redeeming or discharging

discharging certain debentures now due and certain others now current, to be issued in the sums and in the years, and to be made payable and to be applied in the manner and the order set forth in the schedule A to this Act annexed. redeem debentures falling due at certain periods.

2. Every such By-law shall, except in so far as it may be inconsistent with this Act, be passed with the formalities, in the terms, with the proceedings, and subject to the assent of the municipal electors of the said town of Guelph, and to all and every other the enactments and provisions relating to By-laws for contracting debts or raising money upon the credit of an incorporated town in Upper Canada, not required for the ordinary expenditure thereof, and not payable within the same municipal year, as are now required by the Act respecting the Municipal Institutions of Upper Canada. Such By-laws to be passed with the formalities required by law.

3. It shall not be lawful for the Corporation of the said Town of Guelph, except as hereinafter provided, to deviate from, change or repeal the terms of the issue, or of the application of any such debentures issued under the authority of this Act. Application of debentures may not be changed.

4. Notwithstanding any thing herein contained, or in any such By-law to be contained, the Corporation of the said Town of Guelph may, from time to time, in their discretion, abstain from issuing any portion of such debentures, if the state of the finances of the said Town enable them so to do; but there shall not on that account be any diminution of the Sinking Fund, or Special Rate, under any such By-law. But if not required they need not be issued.

5. Nothing herein contained shall affect the claim of the Government against the said Corporation for or in respect of its indebtedness under the Municipal Loan Fund Act. Government claim not affected.

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

SCHEDULE A.

Year of Issue.	Time of Payment.	Sum.	Mode and order of application.
\$		\$	
1860—2800	1st Jan. 1871	2800	{ To redeem Debentures past due and unprovided for..... \$3667 { To pay arrears of former years..... 4473
2800	" 1872	2800	
2800	" 1873	2800	{ To redeem Debentures falling due 1st Jan. 1861 3060 { " " 1862, 2400 { " " 1863, 3200
2800	" 1874	2800	
1861—2800	" 1875	2800	
	29		

SCHEDULE A.—Continued.

SCHEDULE A.—Continued.

Year of Issue.	Time of Payment.	Sum.	Mode and order of application.
\$		\$	
1862—2800	1st Jan. 1876	2800	{ To redeem Debentures falling due 1st Jan. 1864 \$4000 " " 1865, 2000 " " 1866, 2000 " " 1867, 1600 " " 1868, 1600
1863—2800	" 1877	2800	
1864—2800	" 1878	2800	
1865—2800	" 1879	2800	
1866—2800	" 1880	2800	
\$28000		\$28000	\$28000

CAP. XCIV.

An Act to amend and extend the provisions of the Act twenty-second Victoria, Chapter seventy-four, relating to the Town of Dundas.

[Assented to 19th May, 1860.]

Preamble.

22 V. c. 74.

WHEREAS the Corporation of the Town of Dundas have by their petition set forth that they are desirous of issuing Debentures under the provisions of the Act passed in the twenty-second year of Her Majesty's Reign, Chapter seventy-four, and intituled: "An Act to enable the Municipal Corporation of the Town of Dundas to consolidate its debt, and to issue new Debentures for the redemption thereof," and that the said Corporation desire to have power to levy a special rate for the redemption of such amount only of the said Debentures as the said Corporation may, from time to time, actually issue and dispose of, 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:

Corporation may issue debentures under the said Act, and provide a Sinking Fund.

1. From and after the passing of this Act, it shall be lawful for the Corporation of the said Town of Dundas, from time to time, to pass one or more By-laws for the issuing of Debentures under the authority of the said Act twenty-second Victoria, chapter seventy-four, for the purposes mentioned and set forth therein, and in and by such By-law or By-laws respectively to provide for, impose and levy a special rate of two per cent. as a Sinking Fund, for the redemption of such only of the said Debentures, as the said Corporation shall, from time to time, actually issue and dispose of.

2. It shall not be necessary to obtain the assent of the Municipal Electors of the said Corporation to the passing of any By-law under the authority of this Act, or in relation thereto, to observe the formalities of or prescribed by the two hundred and twenty-third and two hundred and twenty-fourth sections of chapter fifty-four of the Consolidated Statutes for Upper Canada. Such BY-laws not subject to certain formalities.

3. This Act shall be deemed a Public Act.

Public Act.

C A P. X C V.

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.

[Assented to 19th May, 1860.]

WHEREAS a vote of the qualified Municipal Electors of the County of Peel has been taken on the question of the separation of the County of Peel from the County of York, in pursuance 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 a majority of votes recorded in favor of such separation; And whereas the Provisional Council of the said County of Peel have represented to the Legislature, that the selection of the County Town of the said County, made by the said Council, in pursuance of the fourth section of the said Act, is unsatisfactory to a large majority of the inhabitants of the said County, and have, by their petition, prayed that the selection so made be set aside, and some other means provided for the selection of the County Town of the said County; And whereas it is desirable that such selection be made by the Municipal Electors of the said County: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.
19, 20 V. c. 66.

1. The fourth section of the said recited Act, and all acts done and proceedings taken by the said Provisional Council on the authority thereof, shall be and the same are hereby repealed. Section 4 of 19, 20 V. c. 66, repealed.

2. The said Provisional Council shall, at some meeting to be hereafter called for that purpose by the Provisional Warden of the said Council, or at some adjournment thereof, proceed to pass a By-law for the purpose of taking a vote of the Municipal Electors of the said County of Peel, on the selection of one of the three following places, namely, Malton, Brampton and Streetsville, as the County Town for the said County. By-law to be made for a vote of electors to be taken as to County Town.

3. At least ten days notice of such meeting shall be given in some newspaper published in the said County of Peel, or if none Notice of meeting for such vote.

none be at the time published therein, then in some newspaper published in the adjoining County, and at least ten day's notice in writing shall also be given to each member of the said Provisional Council by being delivered to himself personally, left at his residence, or sent by mail to his usual Post Office address.

What the By-law shall provide. **4.** The said By-law shall provide for the taking of a vote of the Municipal Electors of the said County, on the selection of one of the three places hereinbefore named, as the County Town of the said County, in the same manner, as nearly as may be, as would be required on a By-law of the said Provisional Council requiring the approval of the Electors.

Cap. 54 of Con. Stat. U. C., to apply. **5.** All the provisions of the Act respecting the Municipal Institutions of Upper Canada, so far as the same relates to the taking of a vote of the Municipal Electors on a By-law of a County Council, shall, as nearly as may be, apply to the vote to be taken under this Act.

Casting vote in case of a tie. **6.** In case of an equality of votes on any two or more places, the Provisional Warden shall have a casting vote, and the place for which the greatest number of votes shall have been given, shall be the County Town of the said County of Peel.

Provisional Council to erect buildings at County Town. **7.** The said Provisional Council shall and may purchase or acquire land at the place so selected, and erect the necessary County Buildings thereon, and shall and may have and exercise all the rights, powers, privileges and duties conferred on Provisional Municipal Councils by law, and all the Laws in force in Upper Canada, respecting the separation of Junior Counties from Senior Counties to which they have been united, shall, so far as not otherwise provided for, apply to the separation of the said County of Peel from the County of York.

By-law for erecting buildings to be submitted to vote. **8.** Provided always, that the By-law providing means for purchasing or acquiring land, and for erecting the necessary buildings thereon, shall, before its final passing, be submitted to the Municipal Electors of the County, and a vote shall be taken upon the same in like manner as provided by the one hundred and ninety-third section of Chapter fifty-four of the Consolidated Statutes for Upper Canada.

Act to form one with 19, 20 V. c. 66. **9.** This Act, and the said first recited Act, shall be considered as one Act.

Public Act. **10.** This Act shall be a Public Act.

C A P. X C V I.

An Act to divide the Township of Sandwich, in the County of Essex, into two distinct Municipalities.

[Assented to 19th May, 1860.]

WHEREAS it is expedient to separate the Township of Sandwich, in the County of Essex, into two distinct Municipalities, inasmuch as such division of the said Township will greatly promote the welfare and convenience of its inhabitants: 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-one, all that portion of the said Township of Sandwich, which lies to the east of the Talbot and Windsor Road and the allowance for road between the Fourth and Fifth Concessions of Sandwich Petite Côte, shall constitute a separate Township or Municipality, by the name of the Township of Sandwich East; and the said Township of Sandwich East shall thereafter be deemed to be such separate Municipality for all Municipal, School and other purposes whatsoever, in the same manner, to all intents and purposes, as though the said Township had always been distinct from and had never formed part of said Township of Sandwich, and shall enjoy all the rights and privileges appertaining to other Townships in Upper Canada; and the remainder of said Township shall be a Township of itself by the name of the Township of Sandwich West.

Township of Sandwich East described and constituted.

Remainder of Sandwich to form Sandwich West.

2. All and every the assets and debts of the present Municipality of Sandwich shall be divided between the respective Municipalities of Sandwich East, on the one hand, and Sandwich West, on the other, in the same manner and by the same proceedings, as nearly as may be, as in the case of a separation of a junior Township from a senior Township, and as soon as the said debts shall have been divided as aforesaid, each of the said Municipalities shall be bound to the payment of the share of the said debts which shall have been so assigned to it as aforesaid, as though such share of the said debts had been incurred by such Municipalities respectively.

How the debts of the present township shall be paid.

3. The first Election of Municipal Councillors, for the said Townships, shall take place on the first Monday of January, in the year one thousand eight hundred and sixty-one:

First municipal election.

And the place for holding such Election, for the Township of Sandwich West, shall be where the last annual Election of Councillors for the Township of Sandwich was holden; and the Returning Officer at such Election shall be the Township Clerk of the present Township of Sandwich;

Place in Sandwich West.

And

In Sandwich East.

General provision for proceedings.

And the place for holding the Election, for the Township of Sandwich East, shall be at the School House, near the Pilette Road, on the Tecumseth Road, in the said Township; and the Sheriff, for the time being, of the County of Essex shall be the Returning Officer for the said Election; and the proceedings generally, in reference to such elections and to all matters not hereinafter specifically provided for, shall be the same as in the case of the separation of a Junior Township from a Senior Township under the Act respecting the Municipal Institutions of Upper Canada, and Sandwich West shall be deemed to have been the Senior Township, and Sandwich East shall be deemed to have been the Junior Township.

Copies of proper parts of assessment-rolls to be furnished to Returning Officers.

4. The Clerk of the said Township of Sandwich shall furnish to the Returning Officer of the Township of Sandwich East, before the said Election, a copy of the Assessment Roll of the Township of Sandwich for the present year one thousand eight hundred and sixty, so far as the same contains the rateable property assessed, and the names of the owners, tenants and occupants thereof, within that part of the said Township which is hereby constituted the Township of Sandwich East.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . X C V I I .

An Act relating to the Sale of Land for Taxes in the United Counties of Peterborough and Victoria.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the Treasurer of the United Counties of Peterborough and Victoria issued his Warrant, bearing date the twenty-fourth day of September, one thousand eight hundred and fifty-nine, to the Sheriff of the said United Counties, to sell certain lands, therein mentioned, for the non-payment of taxes; and whereas, in pursuance thereof, the Sheriff advertised the said lands for three months in the local paper, and by an inadvertency the same were advertised in the *Canada Gazette* for only thirteen weeks; and whereas doubts have arisen as to the sufficiency of the last mentioned notice, and it is expedient to set at rest such doubts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The said sales confirmed.

1. The said Notice in the *Canada Gazette* shall be held and taken to be a sufficient Notice, and the sales made under it shall be valid, any law to the contrary notwithstanding.

C A P. X C V I I I.

An Act to provide for the payment, by certain Municipalities in the United Counties of Northumberland and Durham, in which certain gravelled roads have been constructed by the said United Counties, of a fair amount for the construction of such roads, and to vest the roads in the said Municipalities.

[Assented to 19th May, 1860.]

WHEREAS the United Counties of Northumberland and Durham, by By-law number forty-three of the Council of the said Counties, borrowed from the Consolidated Municipal Loan Fund the sum of four hundred and sixty thousand dollars, and with portions thereof constructed the Roads, or portions thereof, in the said By-law numbered respectively Five, Seven, Eight, Nine, Ten, Eleven, and also a Road in the Township of Hope, upon the respective Municipalities, in which such Roads were constructed, agreeing to assume the said Roads respectively, at the cost price thereof, and also Road number Six in the said By-law, named upon the like agreement, by the Town of Bowmanville; And whereas all the said Roads were constructed within the respective Municipalities so agreeing to assume the same, except the said Road number Six, which passes through the Town of Bowmanville, the Township of Darlington, and part of the Township of Cartwright; And whereas difficulties have arisen between the said United Counties and the said Municipalities who so agreed to assume the said Roads, as to the amount to be paid therefor; and it is expedient to remove such difficulties; And whereas the said Road number Six directly benefits the Townships of Darlington and Cartwright, and it is just that those Townships should bear a fair proportion of the price thereof;

And whereas the sums set opposite the names of the respective Municipalities, hereinafter named, are deemed to be the fair sums which each such Municipality ought to pay for the construction of that portion of the said roads within their respective limits, over and above their proportion of any general rate to be levied in respect of the residue of the said sum of four hundred and sixty thousand dollars, that is to say:

Cartwright	....	....	....	\$ 6,000
Darlington	....	....	....	26,000
Bowmanville	....	....	....	16,000
Clarke	....	....	....	25,200
Newcastle	....	....	....	6,000
Cavan	....	....	....	26,400
Hope	....	....	....	8,000
Percy	....	....	....	33,600
				Cramahe

Sums to be paid by each local municipality.

Cramahe	....	....	....	26,764
Colborne	....	....	....	6,836
Brighton [Township]		....	....	23,488
Brighton [Village]	....	....		7,712
Murray	....	....	....	24,000

And whereas divers petitions have been presented from divers inhabitants and divers Townships of the said United Counties praying for relief in respect of the said matters; And whereas it is expedient to provide for the payment, by each such Municipality, of the sum such Municipality ought to pay as aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

8 per cent. on its debt to be raised yearly by each municipality.

1. Each of the said Municipalities, referred to in the preamble to this Act, shall be required to raise, in the year of Our Lord, one thousand eight hundred and sixty, and in each and every year thereafter, a sum equal to eight per centum on the amount therein set opposite the name of such Municipality, being six per centum for interest, and two per centum for a Sinking Fund, until the amount so set opposite the name of such Municipality is fully paid by such Municipality with interest.

When payable and how to be applied.

2. The amount to be so raised shall be paid over by each such Municipality to the Treasurer of the said United Counties, on or before the fourteenth day of December in each year, and shall be by him placed to the credit of such Municipality, in respect of the sum hereinbefore placed opposite the name of such Municipality.

In default County Treasurer to collect it as county rates.

3. In case any such Municipality shall fail to pay over to the said Treasurer the sum so to be raised by such Municipality at the time above limited for payment thereof, the said Treasurer shall forthwith issue his warrant therefor, and proceed to the collection thereof with interest in the same manner as for County Rates.

Liability of any municipal officer, councillor, &c., refusing or neglecting to do any thing requisite to the collection of the said rate.

4. Any Treasurer, Collector or other Municipal Officer or Functionary, or any Member of the Council of any of the said Municipalities, wilfully neglecting or refusing to perform or concur in performing any official Act requisite for the collection of the said rate,—or misapplying or being a party to the misapplication of any portion of the proceeds thereof, or neglecting or refusing to pay over the same to the Treasurer of the said United Counties, and his sureties, shall be personally liable to the United Counties of Northumberland and Durham, for any sum which, by reason of such neglect, refusal, misconduct or misapplication, shall not be paid to the Treasurer of the said United Counties at the time required by this Act, as for moneys received by such Member, Treasurer, Collector or other Municipal Officer or Functionary, for the use of the said United Counties.

5. From and after the passing of this Act, that portion of any of the said roads lying within the limits of any of the said Municipalities, shall be, and the same is hereby, vested in such Municipality, with full power to erect toll-gates, and collect tolls, in the same manner and subject to the same restrictions and provisions, and in as full and ample a manner as is prescribed by Chapter Forty-Nine of the Consolidated Statutes for Upper Canada, so far as the same applies to Municipalities.

Certain portions of roads vested in each municipality.

6. This Act shall be deemed a Public Act.

Public Act.

CAP. XCIX.

An Act to establish the Concession Line between Gore A and the Eighth concession of the Township of Grimsby.

[Assented to 19th May, 1860.]

WHEREAS the Council of the Township of Grimsby, in the County of Lincoln, has petitioned for the establishment of a certain Concession line within the limits of the said Municipality, and the Assistant Commissioner of Crown Lands has reported that the line so petitioned for is the true one : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The line between Gore A and the Eighth Concession of the Township of Grimsby aforesaid, as surveyed by the late George Rykert, Esquire, Deputy Provincial Surveyor, in the year one thousand eight hundred and thirty-two shall be, and the same is hereby confirmed and established, as the true line between the said Gore and the said Concession.

Line drawn by G. Rykert, confirmed.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. C.

An Act to confirm the present Side Lines and Side Roads in the Third, Fourth and Fifth Concessions in the Township of Beverly.

[Assented to 19th May, 1860.]

WHEREAS it is desirable and necessary to confirm and establish the present side lines and side roads in the third, fourth and fifth concessions of the Township of Beverly, in the County of Wentworth, in order to prevent litigation and disputes in reference to the metes and bounds of the several lots and concessions comprised within the same ;

Preamble.

And

And whereas at a General Meeting convened by public notice, of the owners and inhabitants residing in the said concessions, it was unanimously resolved to petition and they have petitioned Parliament to confirm the said side lines and side roads in the aforesaid concessions; and whereas it is just and 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:

Present lines confirmed.

1. From and after the passing of this Act, the several side lines and side roads in the third, fourth and fifth concessions of the Township of Beverly, as they are now known and exist, shall be confirmed and established as the unalterable boundaries of the said side lines and side roads of the said third, fourth and fifth concessions of the Township of Beverly.

Surveyor to be appointed to run the said lines and plant boundaries.

2. It shall be the duty of the Municipal Corporation of the Township of Beverly, within twelve months after the passing of this Act, to employ a Provincial Land Surveyor whose duty it shall be to define the precise position of the said side lines and side roads in the said third, fourth and fifth concessions of the Township of Beverly, as they now exist and are known, and to mark the same by permanent cut stone monuments, properly marked and planted at the front and rear of the angles of the said third, fourth and fifth concessions respectively, which shall be deemed and taken as the undisputed boundaries of the same; and such Surveyor shall deposit one copy of his Report and Plan of his Survey in the Crown Lands Department and another in the Registry Office for the County of Wentworth, and the said Corporation may levy a rate on the land owners in the said concessions to defray the cost of the said Survey, and copies of the Plan and Report, and the planting of the said monuments, to be assessed and levied as general municipal rates.

Copies of survey to be deposited.

Lots, as defined under this Act, to be deemed the original lots.

3. The several lots in the said Township respectively granted by Letters Patent, and described by numbers or otherwise, as certain lots in certain concessions, and heretofore intended to be bounded by lines drawn in accordance with the law respecting Surveys in Upper Canada, and the boundary lines of which are intended to be fixed by this Act, it is hereby declared shall be held to be the same several lots in the same several concessions, and shall be respectively represented by all the land contained between the limits thereof, as the same shall be correctly defined by this Act, whether the courses or distances of the said limits, as described in the Letters Patent granting the same, shall or shall not agree with the respective courses and distances of such limits as defined under this Act upon the ground.

Public Act.

4. This Act shall be deemed a Public Act.

C A P . C I .

An Act to declare the mode in which the side lines in the First Concession, old survey, of the Township of Cumberland, in the County of Russell, shall be run.

[Assented to 19th May, 1860.]

WHEREAS, by the Petition of the inhabitants of the first Concession, old survey, of the Township of Cumberland, in the County of Russell, it appears that great inconvenience has resulted from the running of the side lines between the lots parallel to the side lines of the Township, as required by the Act hereinafter mentioned; And whereas the said inhabitants have prayed that the said side lines may be run from post to post without regard to the course of the side lines of the Township, and it is expedient, under the circumstances aforesaid, to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Notwithstanding any thing to the contrary in the seventy-first and following sections of chapter seventy-seven of the Consolidated Statutes of Canada,—All the side lines between lots in the First Concession, old survey, of the said Township of Cumberland shall be so run, that the side line between every lot in the said Concession shall be a line run from the post at one end of the Concession to the post planted at the same side of the lot, bearing the same number, at the other end of the Concession as in the original survey; And any line so run shall be deemed to be the true side line of the lots between which it shall be run, subject, nevertheless, to the provisions of the said Act relative to the breadth of lots, and the mode of ascertaining such breadth where the original posts or monuments cannot be found, which provisions shall, in any such case, apply equally to the posts or boundaries at both ends of the Concession; Provided that in case any party should, by reason of this Act, suffer any injury or damage, such party shall be compensated by the party or parties benefited by such change; and the compensation so to be paid, and the persons to pay and receive the same, shall be ascertained by a sworn Surveyor, appointed by the Commissioner of Crown Lands, and his decision, when approved of by the Commissioner of Crown Lands, shall be final.

How side lines, between lots in the first concession of Cumberland, shall be run.

Provision in case any party suffers damage by reason of this Act.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . C I I .

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

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the Municipal Council of the Township of Vaughan have, by their petition, represented "That the greater number of the side road allowances between Lots in the said Township have been opened up and travelled, and statute labor and public moneys expended thereon for many years back,—that it has been discovered, upon recent and more correct surveys being made in the several Concessions, that few, if any, of the said side roads, as laid out formerly as aforesaid, and improved and travelled, are upon the true original allowances—that to alter the said lines of Road now, and place the same upon the proper allowances, would present serious objections both in consequence of the actual loss of labor and moneys expended upon the same, and also in consequence of the peculiar difficulties and uncertainties attendant upon the litigation of the question of highways and road allowances; that it is most desirable, therefore, that the side roads, where opened up and improved as aforesaid, should be confirmed and established for all future time upon the present lines,"—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:

Present side roads confirmed.

1. The several side roads in the said Township, as laid out and improved and travelled upon lines formerly drawn for the respective allowances for road, and as the same shall be hereafter defined on the ground under the provisions of this Act, shall be and the same are hereby declared to be the true and unalterable Government allowances for Road, one chain in width, between the several Lots, without regard to their direction as being parallel or not to the base of the Concession, any law or usage to the contrary notwithstanding.

Council of Vaughan to cause a survey to be made.

2. The Municipal Council of the Township of Vaughan, within twelve months after the passing of this Act, shall cause such a survey of the Township to be made by a Provincial Land Surveyor, as will result in the defining on the ground of the precise lines of the said side roads, as the same have been opened up and now exist as aforesaid, and to define the same by permanent cut stone boundaries, properly marked and planted at the front and rear angles of each Concession, and to deposit copies of the map and report of such survey, in the office of the Commissioner of Crown Lands, and in the Registry office for the County of York, respectively, and the Council may impose

impose and levy a rate upon the inhabitants of the said Township, to defray the expenses of such survey, maps, and reports, and of the planting of such monuments; which monuments so planted shall be deemed to be the true and original boundaries.

And to levy a rate to pay the expenses.

3. From and after such Survey being effected, and the Maps and Reports thereof being deposited as aforesaid, every Survey, which may be made of any line for side road allowance, which may not have been opened previous to the passing of this Act, or any division line or limit between lots in the said Township,—shall be drawn from the post or monument planted in the original Survey, at the front angle of such road allowance, or to mark the commencement of such line or limit; or should such original post or monument be lost, and no satisfactory evidence exist of the position of the same, the surveyor shall proceed as in other similar cases under the law in this behalf; the proper angle at the rear shall then be determined by giving the lots in that particular block between the monuments planted in the Survey provided in the second section of this Act to mark the side roads on either side thereof, the same width in proportion as they respectively possess on the front, as found in the manner above pointed out, and the required line of side road allowance or division line or limit shall be drawn through the Concession from point to point so found; and all lines for side road allowance or division lines or limits so determined shall be taken to be, and the same are hereby declared to be the true lines and limits thereof, any law or usage to the contrary in any wise notwithstanding.

How surveys shall there-after be made.

4. The boundaries or limits of any aliquot portion of a lot, in any Concession of the Township, shall be determined by giving such portion the proportionate length and width of the whole lot, as the latter shall have been ascertained in the manner pointed out in this Act.

Surveys of aliquot parts of lots.

5. No proceeding which may be taken under this Act shall be valid as against any Survey made and boundaries planted under the authority of the late boundary Commissioners—or against any Municipal Survey performed and boundaries planted under the provisions of the Chapter seventy-seven of the Consolidated Statutes for Upper Canada.

Act not to affect certain surveys.

6. The several lots in the Township granted by Letters Patent, and described by numbers or otherwise, as certain lots in certain concessions, and heretofore intended to be bounded by lines drawn in accordance with the law respecting Surveys in Upper Canada, and the boundary lines of which are intended to be fixed by this Act, shall be held to be the same several lots in the same several concessions, and shall be respectively represented by all the land contained between the limits thereof, as the same shall be correctly defined by this Act, whether the courses or distances of the said limits, as described in the

Lots as defined under this Act to be deemed the original lots.

Letters

Letters Patent granting the same, shall or shall not agree with the respective courses and distances of such limits as defined under this Act upon the ground.

Public Act. 7. This Act shall be deemed a public Act.

C A P . C I I I .

An Act relating to the Port Burwell Harbour.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS one Mahlon Burwell, on behalf of the President, Directors and Company of the Port Burwell Harbour, executed and registered an instrument purporting to be a Deed of surrender to Her Majesty of certain lands forming part of or contiguous to the Harbour of Port Burwell, bearing date the nineteenth of October, in the year one thousand eight hundred and forty, and surrendering certain lands situate in the Town of Port Burwell, in the Township of Bayham, in the County of Middlesex, containing by admeasurement six acres and two roods, more or less, and registered in the office of the County Registrar of the County of Middlesex, and which Deed was never accepted by the Crown; And whereas, under the Act of Parliament of this Province, passed in the ninth year of Her Majesty's Reign, and intituled: *An Act to amend the Law constituting the Board of Works*, the Port Burwell Harbour and Inner Basin was inadvertently included in the schedule annexed to the said Act, thereby vesting the said Port Burwell Harbour and Inner Basin in Her Majesty, Her Heirs and Successors; And whereas the said error was continued in the twenty-eighth Chapter of the Consolidated Statutes of Canada, intituled: "An Act respecting the Public Works," under which last mentioned Act and the schedule attached thereto, the said Port Burwell Harbour and Inner Basin now continues vested in Her Majesty, Her Heirs and Successors; And whereas it is expedient to annul the said instrument purporting to be a Deed of surrender and to repeal the words in the schedule attached to such last mentioned Act, relating to the Port Burwell Harbour and Inner Basin: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

9 V. c. 37.

Cap. 28 of Con.
Stat. of Ca-
nada.

Deed of sur-
render to Her
Majesty an-
nulled.

Cap. 28 of Con.
Stat. of Ca-
nada.

1. The hereinbefore recited instrument purporting to be a Deed of surrender to Her Majesty, Her Heirs and Successors, shall be, and the same is hereby annulled and cancelled, and so much of the schedule attached to the twenty-eighth Chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the Public Works*, as relates to the Port Burwell Harbour and Inner Basin is hereby repealed.

CAP. CIV.

An Act to amend the Act twenty-second Victoria, chapter ninety, in reference to the Niagara and Detroit Rivers Railway Company.

[Assented to 19th May, 1860.]

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

1. The period of one year in and by the fifth section of the Act twenty-second Victoria, chapter ninety, intituled: "An Act to consolidate and amend the several Acts relating to the Niagara and Detroit Rivers Railway Company, both before and since the amalgamation of the Companies forming that Company," limited as that within which after the passing of that Act at least two millions of dollars of the stock shall have been actually and *bonâ fide* subscribed, and ten per cent paid thereon into some of the Chartered Banks of this Province, to the credit of the Company, is hereby extended to the first day of June, in the year one thousand eight hundred and sixty-two, within which extended period such subscription of stock, and payment of percentage thereon shall be made as is required by the said fifth Section of the said Act. Period limited by 22 V. c. 90, s. 5, for certain purposes, extended.

2. This Act shall be deemed a Public Act

Public Act.

CAP. CV.

An Act relating to the Northern Railway of Canada.

[Assented to 19th May, 1860.]

WHEREAS the Northern Railway Company of Canada have by their Petition to the Legislature represented, that an Act was passed by the Legislature of this Province, in the twenty-second year of Her Majesty's Reign, and chaptered eighty-nine, which Act is in the following form and words, that is to say : Preamble.

"An Act relating to the Northern Railway Company of Canada.

Whereas it is expedient to make the provisions hereinafter contained, with respect to the Northern Railway of Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Act 22 V. c. 89, recited.

1. Upon and after the passing of this Act, and by the operation thereof, the Northern Railway of Canada, with all the appurtenances and appliances thereof, whether consisting of real or personal property, its Rolling Stock and Plant, and all the corporate rights and privileges of the Northern Railway Company of Canada, shall be and are hereby transferred to and vested in the Crown for the following purposes :

1. The Governor in Council may cause the said Railway, Rolling Stock and Plant to be put in working order and repair,—and may raise a sum for that purpose not exceeding sixty thousand dollars, by the issue of Provincial Debentures or otherwise ; and the sum expended for that purpose up to the time of the sale hereinafter mentioned, shall be added to the claim of the Province on the said Company and Railway, and be a first charge upon the proceeds of such sale ;

2. The Governor in Council may cause the Railway to be worked, either by the intervention of the said Company or by any other persons or parties ; but the surplus of the receipts, after the payment of all expenses of working and keeping the Railway, Stock and Plant in order, and the deduction of six per cent, per annum, on the total amount of the claim of the Province, shall from time to time be paid over to the Company ;

3. The said Railway, Appurtenances, Appliances, Stock, Plant, Rights and Privileges may, on the first day of August next after the passing of this Act, or on any day afterwards, be sold by Public Auction, in the City of Toronto, after such notice as the Governor in Council may direct ; and the proceeds of such sale shall be distributed among the Creditors of the Company, including the Province, in the order of the priority of their respective claims, those of equal rank as to priority being paid *pro rata*, if there be not enough to pay them in full ;

4. The Governor in Council may cause the said Railway and its Appurtenances and Appliances, Stock, Plant, Rights and Privileges to be purchased for the Province at such sale, for any sum not exceeding the amount of the Provincial claim.

2. The Governor in Council may treat and agree with the Company or its Bondholders, or both, for the transfer of the said Railway and Appurtenances, Stock, Plant, Rights and Privileges to the Company or to the Bondholders, or to both, and for permitting the parties to whom such transfer shall be made to raise, by preferential Bonds or otherwise, additional capital, not exceeding two hundred and fifty thousand pounds sterling, to be applied first, in the repair and improvement of the said Railway and Stock, and for the payment of the debts and obligations of the Company ; Provided always, that the sum

to be advanced for the repair of the Railway and Stock shall be first repaid to the Province out of the said moneys :

2. If such agreement be made, the Railway and Stock and the Rights and Privileges of the Company shall be transferred in pursuance of such agreement, by Order in Council, to such parties and subject to such conditions and directions as may be agreed upon ; and the terms and conditions and directions, in such order in Council expressed, shall be binding upon all persons having any interest in the present capital of the Company, whether as Stockholders, Bondholders or otherwise, or in what manner soever such interest may be secured ;

3. Any such Order in Council shall vest the property and rights therein mentioned in the parties therein mentioned, subject to such conditions and directions as aforesaid, as fully to all intents and purposes, as if such transfer were made by, and such conditions and directions were contained in an Act of the Provincial Parliament ; and the parties to whom the transfer shall be made shall thereby become and be held to be the Northern Railway Company of Canada ;

4. The Governor in Council may, by any such order, grant a priority of lien or of dividends on the Railway and Stock, for the said additional capital, and such portion of the present capital and the interest thereon secured by Bonds or Debentures of the Company, as may be found expedient ; and the Bondholders of the Company, in case the additional capital be raised by Bonds, may vote, either in person or by proxy, at meetings of the Company, and shall have respectively the same number of votes as they would have if instead of Bonds they held an equal amount of Stock ;

5. The Order in Council hereinbefore mentioned may prescribe the times and place for the general and special meetings of the Company, and the number, qualification and rotation of Directors to be thereafter elected,--and may authorize a certain number of such Directors to be resident in England,--and may provide for the establishment of registers of bonds,--and may authorize the Company to lease the said Railway to or to enter into arrangements for the working of the same with any other Company or persons,--and generally may make such rules and regulations for the management of the said Company and for carrying out and giving effect to the agreement upon which such Order is founded as may be deemed expedient ; and all such rules and regulations shall have the same effect as if they were contained in an Act of the Provincial Parliament, notwithstanding any thing in the former Acts incorporating or relating to the said Company, any provision in which inconsistent with such rules and regulations is hereby repealed.

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

Recital of order in Council of 4th May, 1859.

And Whereas the said Company have further represented, that the said Act was assented to by the Governor General in Her Majesty's name, on the fourth day of May, in the year one thousand eight hundred and fifty-nine, and that under the authority of the said Act, an order in Council was, on the twelfth day of May, in the year one thousand eight hundred and fifty-nine, made by His Excellency the Governor General by and with the advice of the Executive Council of and for this Province, in the form, words and figures following, that is to say :

“ That the whole property and franchises of the Northern Railway Company of Canada, as comprised and described in the said Act, be re-vested in the said Company on the following conditions :—

1st. The issue of Preference six per cent Bonds, of the nominal amount of one hundred pounds sterling each, and payable twenty years after the date of issue, be sanctioned to the amount of two hundred and fifty thousand pounds sterling, and that such Bonds, when issued, be the first charge, both as to security, and interest, on the said railway ;

2nd. That the advance of ten thousand pounds sterling, made to the Company by the Government in the months of June, July and August, 1856, together with the interest accrued due thereon, and such amount as may hereafter be expended by Government on repairs, be refunded to the Province out of the proceeds of the said Preference Bonds, either here, or to the financial agents in London, before the twenty-fifth of December next ;

3rd. That a subscription list of parties subscribing to the new Capital to the amount of one hundred thousand pounds sterling, shall be delivered to the Financial Agents of the Province, and shall be approved by them, on or before the first day of August next ;

4th. That fifty thousand pounds of the new Preference Bonds shall be withheld from sale, and, if required, be deposited with the Receiver General, to be held until the thirty-first December next, when the same shall either be delivered to the present creditors of the Company, or sold for their benefit, such creditors either giving receipts for their respective debts, or the Company producing acknowledgments that such debts have been satisfied ; provided that the Company have not, by a failure of the conditions imposed upon them, forfeited the benefit of the proposed arrangement, in which case the Creditors shall not be entitled to any portion of the said Preference Bonds, but will resume their present position under the said Act ;

5th. That the Company shall proceed to repair the Line, to complete the Rolling Stock, and the Station and Harbour accommodation, under the orders, and agreeably to the requirements of the Officers for this purpose to be appointed by the Government, the same to be done within the time, and in the manner specified in the said requirements, and thereafter, the said Railway shall be maintained and worked to the entire satisfaction of the Government :--the fulfilment of the whole of the said conditions being under the absolute forfeiture of all the advantages intended to be hereby conferred on the said Company and its present Bondholders, by the present order in Council ;

6th. That fifty thousand pounds sterling of second Preference Bonds, as hereinafter provided, shall be paid over to the Receiver General, on account of the Debt due by the Company to the Province for past interest on the Provincial claim ;

7th. That in consideration of the foregoing conditions being strictly and punctually fulfilled in every particular, the Government do grant priority of dividends over the Provincial claim, to the amount of the present Bond or Debenture debt of the Company, as follows :

£	s.	d.	Sterling		
180000	0	0	Sterling Bonds....	20 Years..	\$876,000
8500	0	0	do do	10.....	41,000 67
39500	0	0	Mortgage do.....		192,233 33
4643	16	8	Special Bonds.....		22,600 00
11095	17	10	Currency do.....		54,000 00
<hr/>					
£243,739	14	6	Stg.		<hr/> \$1,185,834 00 <hr/>

Provided that inasmuch as in the case of the Mortgage Bonds above referred to, it is notorious that the par value was not in all cases received by the Company for the same, such priority shall only extend to the amount which shall actually have been so received by, and applied to the purposes of the Company, the same being established to the satisfaction of the Board of Audit of the Province ; and on such of the second Preferential Bonds hereinafter provided, as shall be issued in lieu of the said Mortgage Bonds, there shall be endorsed a certificate of the Board of Audit of the amount to which each such Bond is entitled to the priority over the Provincial Lien hereby granted ; provided however that there be reserved to the holders of such Bonds their claim as against the Company, to the difference in value not allowed by the Board of Audit--such last mentioned claim being postponed to the entire claim of the Province, as it will ultimately exist when the conditions of this arrangement are fulfilled ;

8th. That any past due Interest on the present Bonded Debt of the Company, and the balance of the said past due Interest not herein provided for, owing to the Province, shall be postponed to, and rank next after the Provincial claim of four hundred and seventy-five thousand pounds sterling, and shall then rank as hereinafter provided by section twelve, subject nevertheless to the payment of the interest on the balance of the amount of the said Mortgage Bonds not allowed by the Bond of Audit, as hereinbefore provided, and subject also to the fulfilment of the conditions hereby imposed upon the Company ;

9th. That for the purpose of effecting the consolidation of the existing Bonded Debt of the Company, and also to provide for the required payment on the debt due to the Province for past Interest, the Company be authorized to issue second Preference six per cent Bonds, of the nominal amount of one hundred pounds sterling each, and payable in twenty-five years after their date of issue, for the amount of their present Bond Debt as finally settled under section seven to which priority is hereby given, and for the additional amount of fifty thousand pounds sterling, to be paid over, in such Bonds, to the Receiver General of the Province, as provided in section six ;

10th. That the Company be required to call in their existing Bonds, of all denominations, and that the same be cancelled, but that, in lieu thereof, a corresponding amount of the said second Preferential Bonds shall be issued to the several holders thereof: any fractional parts of any sum of £100 sterling, to which the holders of the present Bonds may be entitled, being adjusted amongst the holders of such Bonds, or paid in cash by the Company, as may be most convenient ; provided that no second preferential Bonds be issued in respect of any Bonds of the Company hypothecated as security for the payment of debts, and not absolutely sold to the holders thereof ; and provided also, that the priority over the Provincial Lien hereby granted shall only extend to the said second Preference Bonds hereby authorized in addition to the first Preference Bonds, and shall be forfeited by the holder of any of the present Bonds of the Company who shall not, within six months after notice that such new Bonds are prepared and ready for issue shall have been three times inserted in the "Canada Gazette," the Toronto "Colonist" and "Leader," the "Times" (London, England) and the "New York Herald," give up either in Toronto or in London, the Bonds now held by him, and accept such Preferential Bonds, to the extent hereby authorized, in lieu thereof, unless it be satisfactorily proved that such delay was caused by accident or oversight ;

11th. That any failure by the Company in its compliance with the conditions hereby imposed shall not be held to prejudice the rights of any *bonâ fide* holders of the new first Preference Bonds,

Bonds, provided that after the amount required for the said subscription list of £100,000 sterling shall have been issued, no further issue shall be made without the previous sanction of the Governor in Council ;

12th. That subject to the fulfilment of the conditions hereby recommended, the future earnings of the Railway shall be distributed as follows :

1st. In the payment of the expenses of working, repairing and managing the said Railway ;

2nd. In payment of the Interest as and from the day of the date thereof, on the First Preference Bonds ;

3rd. In payment of the Interest as and from the day of the date thereof, on so much of the second preference Bonds as are entitled to priority hereby granted ;

4th. In payment of the Interest on the Provincial Line of £475,000 sterling ;

5th. In payment of Interest on the arrears of Interest due to the Province ;

6th. In payment of the Interest on such portion of the Mortgage Bonds as may not be entitled to the priority hereby granted, and on the arrears of the Interest accrued and due on the present Bonded debt of the Company, up to the date of the second Preferential Bonds ; and

7th. In dividends on the share Capital of the Company ;

13th. That the Company be authorized, on the maturity of the first and second Preferential Bonds respectively, to borrow the sums of money requisite for the payment thereof, at any rate of interest not exceeding six per cent, and that the securities upon which such sums shall be raised, shall take the place of, and be entitled to the privileges and priorities hereby given to the Bonds, respectively, for the purpose of paying off which such sums of money shall be borrowed ; provided that the amount of money to be so borrowed shall not exceed the amount of the Bonds in respect of which it shall be so borrowed ;

That the Company be forthwith empowered to work the Railway, subject to the rules and regulations contained in their several Acts of Incorporation, but that the Government reserve the right of controlling and altering the same, for the purpose of effecting the immediate repairs required, which shall be carried out under the requirements and directions of the Officer to be appointed by the Government for that purpose ;

That

That no arrangement pledging the Company to any aid or grant to Steamboat lines shall be valid hereafter, unless confirmed by Order in Council ;

That the Company may sell the whole or any part of the lands now vested in them, and not required for the purposes of their undertaking, the sanction of a general meeting having previously been obtained ;

That it be declared and ordered that the present Board of Directors continue in office until the second Wednesday in August next, when they shall retire ;

That from and after the second Wednesday in August next, the number of Directors of the Company shall be nine, of whom two shall be nominated, as heretofore, by the Municipalities of the County of Simcoe and of the City of Toronto, and three may be elected and resident in England ; that the qualification of a Director shall be the holding, in his own right, or in right of his Wife, Bonds or Shares, or both, to the nominal amount of £200 sterling ;

That the Board of Directors, so to be elected on the second Wednesday in August next, shall hold office until the second Wednesday in February, 1860, when they shall retire, and on the same second Wednesday in February, and on the second Wednesday in February in every succeeding year, new Directors shall be elected, who shall hold office for one year ; That in case any vacancy shall occur during the year, the continuing Directors shall nominate some duly qualified person to fill such vacancy, and the person so nominated shall hold office until the second Wednesday in February succeeding his nomination ;

That two general meetings of the Company shall be held in each year ; one on the second Wednesday in February, and one on the second Wednesday in August, in each year--for the ordinary purposes of the Company ; and special meetings of the Company may be, at any time, convened, after due notice, by the Directors ; All meetings of the Company shall, in the first instance, be held in Toronto, but such meetings may be adjourned to such place and time as may be expedient ;

That the quorum for any general, or special meeting of the Company, shall be the presence, either in person, or by proxy, of the holders of Stock, or Bonds, or both, to the amount of £25,000 sterling, and that, at all meetings of the Company, the holders of the first and second Preferential Bonds hereby authorized shall be entitled to vote in the proportion enacted in the said Act, that is to say ;--every share of £5 currency, shall entitle the holder thereof to one vote, and every £5 currency of Bond capital, shall entitle the holder thereof to one

vote ;

vote ; Provided that the said municipalities shall not be entitled to vote in respect of any shares held by them, at any meeting of the Company, so long as they are represented by the two Directors as hereinbefore provided ;

It shall be the duty of the Directors to open, at their office in Toronto, and also in London, England, Registers of the holders of all the Bonds to be issued as aforesaid, and such Registers shall contain the numbers of the said Bonds and the amounts thereof, the names of the holders thereof, and the date of Registry, and all Transfers of such Bonds which shall hereafter be made ; and the Directors shall cause notice to be given to the holders of the said Bonds, to register the same, and that such Register will be closed on the first day of January in every year, and immediately after the closing thereof, certified copies of such Register shall be transmitted to and from London and Toronto, respectively ;

That the Company may lease the Railway to, or enter into arrangements or agreements for the working of the same, to or with any person or persons, Company or Companies, upon such terms and conditions as to the Directors may seem fit ; subject, however, to the approval of three-fifths of the votes given in person or by proxy, at a special general meeting convened for the purpose, (notice of the object of such meeting having been given,) and subject also to the approval of the Governor in Council ;

That all the expenses incurred in reference to the said Act, or this Order in Council, may be defrayed out of the moneys to be raised thereunder ; The Tariff of Tolls to be subject to the approval and sanction of the Governor General in Council ;

The Governor in Council reserves the complete control and direction of the Station and other ground in the City of Toronto, occupied by the said Company, as well as of the alignment and disposition of the Track of the said Railway leading into and within the said City, with the view of completing such arrangements as may be deemed expedient by the Government, for effecting proper connections with the other Provincial Railways in the said City ;

No shareholder shall be called upon or compelled to pay up any further portion of his stock or subscription therefor, or be liable to any further call ;

The Governor in Council to be the sole Judge of the performance or non-performance of the several stipulations, agreements and conditions on the part of the Company to be fulfilled---and to have the power, by Order in Council, to declare the rights and powers conferred on the Company by this Order in Council to be forfeited, and thereupon, the Railway, and all its appurtenances and appliances, and all the corporate rights of the
Company,

Company, shall be retransferred and vested in the Crown, according to the provisions of the Act of last Session, and as if this Order in Council had not passed.”

Recital of the fulfilment by the Company of the conditions of the said order in Council.

And whereas the said Company have further represented, that the sum of sixty thousand dollars, mentioned in the first section of the said Act, was expended by the Provincial Government for the purposes therein directed, and has since been re-paid to the Provincial Government by the said Company out of the moneys raised by them under the said order in Council, and in the manner therein directed; and that the advance of ten thousand pounds sterling made by the said Government to the Company in the months of June, July and August, 1856, was also repaid to the said Government as required by the second clause or condition of the said order in Council; and that a subscription list of parties subscribing to the new Capital of the Company to the amount of one hundred thousand pounds sterling, was delivered to the Financial Agents of the Province and approved by them, as required by the third clause or condition of the said order in Council; and that the said Company deposited the fifty thousand pounds of new Preference Bonds with the Receiver General, as required by the fourth clause or condition of the said order in Council; and that the said Company called in their then existing Bonds of all denominations, as required by the tenth clause or condition of the said order in Council, and otherwise complied with the same;—and that the said Company are now in possession of the Railway and property re-vested in them by the said order in Council, and are working the same;—and whereas the said Company have prayed that an Act may be passed reciting the said Act and order in Council, and the facts aforesaid confirming the said order in Council, and declaring it to be in force as law,—and inasmuch as the said Company have complied with all the requirements of the said Act and order in Council up to the present time, 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:

The said order in Council confirmed, and to be of the same effect as an Act of Provincial Parliament.

1. The order in Council herein above recited is hereby confirmed and shall have force and effect as law as if enacted by the Provincial Parliament, and the Northern Railway, with all the appurtenances and appliances thereof, whether consisting of real or personal property, its rolling stock and plant, and all the corporate rights and privileges possessed by the Northern Railway Company of Canada, immediately before and up to the time of the passing of the said recited Act, shall be and are hereby declared to have been, by the said order in Council, re-transferred to and re-vested in the said Company, subject to the conditions, clauses and provisions made in and by the said order in Council, which shall apply to and govern the said company in all matters and things therein provided for.

Public Act.

2. This Act shall be deemed a Public Act:

C A P .

C A P . C V I .

An Act to amend the Acts relating to the Hamilton and Port Dover Railway Company.

[Assented to 19th May, 1860.]

WHEREAS the Hamilton and Port Dover Railway Company have petitioned the Legislature for certain amendments in their Act of Incorporation, and the Act amending the same, and to allow the said Company to grant a Lease of their Railway to the Buffalo and Lake Huron Railway Company, or any other Company whose line of Railway intersects with the line of the Hamilton and Port Dover Company's Railway willing to lease the same, or to amalgamate with the said Buffalo and Lake Huron Railway Company, or such other Company, 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. It shall be lawful for the Hamilton and Port Dover Railway Company, in pursuance of any Resolution to that effect adopted at any Special General Meeting of Shareholders duly convened, with notice of the intended object, to grant, and for the Buffalo and Lake Huron Railway Company, or any other Railway Company, whose line of Railway intersects with the line of this Company's Railway, upon Resolutions to be adopted in like manner to accept, a lease of the Hamilton and Port Dover Railway, for such term, at such rent and upon such conditions as may be agreed upon,—or in like manner to amalgamate, connect or unite with, or become the purchasers of or jointly interested in the undertakings of the Company, or to aid in completing the construction and working thereof upon such terms and conditions as may be agreed on, and to provide and raise, if necessary, the capital required for such purpose; Provided always that no claim, lien, judgment or other security now held, owned, or possessed by any party or parties against this Company shall be affected or in any way altered by this Act but shall remain and may be enforced as if this Act had not been passed.

Company empowered to lease their Railway, &c.

Or unite with any other Company.

Proviso: as to debts, &c.

2. And whereas the Village of Caledonia was authorized under the Acts of the Parliament of this Province relating to Railways, to subscribe, and did in fact subscribe, the sum of ten thousand pounds towards the construction of the said Railway, for which Debentures have issued and have passed into circulation; And whereas doubts have arisen as to the sufficiency of the By-law authorizing the issuing of such Debentures, and inasmuch as the said Municipality was authorized to subscribe for the said Stock, it is just and expedient that all doubts as to the legality of such Debentures should be removed:

Subscription and debentures of village of Caledonia, confirmed.

Therefore,

Therefore, all Bonds or Debentures, issued under the authority of the said By-law, by the Village of Caledonia, shall be held to be and are hereby declared to be good and valid in the Law.

City of Hamilton and village of Caledonia may offer certain inducements to complete the road.

3. And whereas the City of Hamilton and Village of Caledonia have subscribed for Stock in the said Railway, and whereas the said Railway is incomplete and the Works thereon suspended, and whereas it may become desirable to offer inducement to Capitalists or other Railway Corporations to complete the said Road,—therefore the City of Hamilton and the Village of Caledonia, or either of them, may surrender or transfer the whole or any portion of the Stock held by them to any party or parties who shall undertake and guarantee the completion of the said Railway within three years.

Public Act.

4. This Act shall be deemed a Public Act.

C A P. C V I I.

An Act to amend the Acts relative to the Montreal and Champlain Railroad Company.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the Montreal and Champlain Railroad Company, by their Petition, have set forth, that under authority of the several Acts passed at divers times to regulate their corporate powers and their affairs generally, there have been issued and presently subsist several different descriptions of Debentures, having various terms to run, and secured with varying degrees of privilege, some on one and some on another part of the Railroad presently held by them, and have prayed that the said Acts might be so amended as to allow of the Consolidation of their Debenture debt, by the issue of new Debentures secured upon the whole of such Railroad, or otherwise; 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:

Power to raise a new loan.

1. The Company, at or after the expiration of three months from the date of the insertion, at their instance, in the *Canada Gazette*, and also in the *London Gazette*, of a notice in the form of Schedule A to this Act annexed, may raise, by way of loan, any amount not exceeding three hundred thousand pounds sterling, which, in terms of this Act, they may require to raise for the purposes in the next following three Sections of this Act limited, and not otherwise; and for assurance thereof may issue Debentures, in the form of Schedule B to this Act annexed, or in any other like form,—which debentures shall bear *hypothèque* over all the lands, wharves, buildings and real property whatsoever of the Company, including all rails and

Debentures and how secured.

and iron thereto affixed, and all other the appurtenances thereto belonging, and shall have priority (subject only to the limitations hereinafter expressly set forth) over all *hypothèques* or charges whatsoever, existing thereon or on any part thereof.

2. Out of the sum total which, by the foregoing Section, the Company is authorized to borrow, the Company shall specially reserve, appropriate and apply,--*firstly*, a sum equal to the amount of all the now outstanding Debentures issued under the Act passed in the sixteenth year of Her Majesty's Reign, intituled: "An Act to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad to consolidate their debt, and for other purposes," and which Debentures bear a first *hypothèque* upon that part of the Railroad of the Company which heretofore formed the Railroad of the said Company of Proprietors of the Champlain and St. Lawrence Railroad, to the payment of such Debentures, and to no other purpose whatever,--and *secondly*, a sum equal to the amount of all the now outstanding Debentures, issued under authority of the Act passed in the eighteenth year of Her Majesty's Reign, intituled: "An Act to amend and extend the Act incorporating the Champlain and St. Lawrence Railroad Company," and which Debentures bear a second *hypothèque* upon the same part of the Railroad of the Company, to the payment of such Debentures, and to no other purpose whatever; and such purposes being accomplished as hereinafter provided, or having lapsed and become effete, whether in whole or in part, the power to borrow so much of the said two sums as may not have been actually so applied, shall cease and become extinct, and the Debentures proposed to be issued for that purpose shall be cancelled, and shall not be thereafter issuable.

Appropriation of money so raised.

Firstly.
16 V. c. 78.

Secondly.
18 V. c. 177.

No loan for any other purpose.

3. At any time during the three months next after the publication of the notice hereinbefore provided for, any holder of any Debenture falling within either of the two classes of Debentures in the last preceding section referred to, may signify in writing, either at the office of the Company in Montreal, or at that of Messieurs Glyn, Mills and Company, in London, in England, his option, either *firstly*, to take in exchange therefor another Debenture or Debentures of like amount, issued under this Act, or *secondly*, to receive out of the moneys to be borrowed under this Act, the amount in cash of such now outstanding Debenture, with interest to the day of payment; and in the latter case such holder, notwithstanding such now outstanding Debenture may not have matured and become payable, may recover the amount thereof, with such interest, by suit against the Company, at any time not less than six months after signification of such his option, unless the Company show that they have not borrowed under this Act a sufficient sum to enable them to repay all the Debentures that may be so demanded, and that they have not applied any of the moneys so borrowed otherwise than as by this Act authorized; and every holder signifying

Option given to holders of former debentures.

They shall be bound by the option declared, &c.

Holders signifying no option.

Issue of debentures.

Cancelling remainder.

Paying off other debentures.

Surplus how applied.

Provision for another loan if that first mentioned be not raised.

Debentures, and how secured.

Application of money so raised.

Surplus.

signifying such option shall be bound by such signification, so that at the expiration of one month after tender made him by the Company in terms thereof, interest shall forthwith cease to run upon all Debentures thereby in effect called in, and the *hypothèque* borne by them shall be *ipso facto* postponed to that borne by the Debentures issued for assurance of the Loan aforesaid; and if any such holder do not signify his option as aforesaid, he shall be entitled to retain such now outstanding Debenture, with all the privileges and rights now appertaining thereto; and of the two sums reserved under the last foregoing section, Debentures representing so much only as such holders may elect to take by way of exchange of Debentures as aforesaid, whether within such term of three months or thereafter, as may be, shall be so issued,—and Debentures representing so much only as may suffice for such payments in cash as they shall elect to take as aforesaid, whether within such term of three months or thereafter, as may be, shall be otherwise issued,—and all the remainder of the Debentures representing such two sums shall be cancelled as aforesaid.

4. From and out of the proceeds of so much only of the said Loan as is not required to be so reserved as aforesaid, the Company may redeem and pay off, when, where, and in such manner as they may deem expedient, and as the conditions of the respective Debentures hereinafter in this section mentioned and referred to may allow, all their other now outstanding Debentures whatsoever, whether bearing *hypothèque* on any other part of their Railroad, or not bearing *hypothèque*,—and any surplus only of such proceeds, if such there be, may be applied to the payment of their existing liabilities not covered by Debenture.

5. If from any cause the Loan aforesaid be not raised, the Company may raise, by way of loan, any amount not exceeding eighty thousand pounds sterling, which they may require to raise for the purposes in this section limited, and not otherwise; and for assurance thereof may issue Debentures, in the form of Schedule C to this Act annexed, or in any other like form,—which Debentures shall bear *hypothèque* over all those lands, wharves, buildings and real property of the Company, forming that part only of their Railroad which heretofore belonged to the late Montreal and New York Railroad Company, or thereto appertaining, including all rails and iron thereto affixed, and all other the appurtenances of such part of their Railroad, and shall have priority over all *hypothèques* or charges whatsoever existing thereon, or on any part thereof; and with the first proceeds of such loan shall redeem and pay off all those of the now outstanding Debentures which affect, by way of *hypothèque*, either of the two sections of such part of their Railroad; and may apply any surplus, or remainder of such proceeds, to the payment of any other of their existing liabilities, not secured by Debentures bearing *hypothèque*.

6. And whereas the Company are engaged in litigation with certain contractors, touching a certain balance alleged by the one party, but not admitted by the other party, to be due for the grading and construction of a portion of that part of the Railroad of the Company, heretofore known as the Lake St. Louis and Province Line Railroad, it is hereby declared that such balance as by such litigation may be established as due, to an amount not exceeding twenty-five thousand dollars of principal, shall, until paid, have priority in so far as regards that part only of the said Railroad, over any and all Debentures issued under this Act; any thing herein to the contrary notwithstanding.

Priority for a certain sum now in litigation.

7. The Debentures hereby authorized may be issued for such sums in currency or sterling, at such rate of interest, and payable (principal and interest) at such place, as the Company may deem expedient; and may be made to mature and become payable, at any time not more than thirty years after the date thereof, and to bear interest payable semi-annually on such day as the Company may deem expedient; and the enregistration thereof, in the manner hereinafter set forth, in the Registry Office for the Registration Division of Montreal only, shall perfect the *hypothèque* thereby created, from the date of the presentation thereof for enregistration, irrespectively of the date of the execution or of the issue thereof, and this, though the same or any thereof be presented simultaneously for enregistration, and before the issue thereof, or even the contracting of the debt thereby evidenced; and every such Debenture, being enregistered and issued, shall be transferable by delivery, and binding to all intents against the Company, and all parties whomsoever, in favor of the bearer thereof.

Form and registration of debentures.

Registration.

8. The Company, in case of their requiring the enregistration of any of such Debentures, shall, at their own expense, furnish the Registrar of the Registration Division of Montreal with a book or books having a sufficient number of copies of the form of such Debentures 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 Registrar be received and kept as, and shall be, so many Registers of his office; and he shall certify such enregistration, and the date thereof, upon each Debenture, and for such certificate of and enregistration upon each Debenture, he shall be entitled to a fee of one quarter of a dollar, and no more.

Company may furnish book for registration.

9. If, after such enregistration, any such Debenture of the 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 Company, written across the face thereof, the said Registrar, on the receipt of a fee of one

Cancelling registered debentures.

one quarter of a dollar 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 the said Registry Office.

Resolutions
for carrying
this Act into
effect.

10. The Directors of the Company may pass and carry into effect all resolutions required to give effect to this Act, whether for the raising of either of the loans aforesaid, or the reserving or depositing of Debentures, or the cancelling thereof, or the giving of any notice, or the making of any tender, or otherwise.

Inconsistent
enactments
repealed.

11. So much of the Acts relative to the Company as may be, in any respect, at variance with this Act, is hereby repealed.

Public Act.

12. This Act shall be deemed a Public Act.

SCHEDULE A.

Notice is hereby given, in terms of the Act of the Parliament of Canada, passed in the twenty-third year of Her Majesty's Reign, and chaptered _____, a copy of the first, second, third and fourth sections whereof is hereto subjoined,—that the Montreal and Champlain Railroad Company purpose, at the expiration of the three months thereby limited, that is to say: on or after the _____, day of _____, to raise, under the said Act, the loan of not over Three hundred thousand pounds sterling thereby authorized, and to issue Debentures for assurance of such loan as thereby authorized.

SCHEDULE B.

MONTREAL AND CHAMPLAIN RAILROAD COMPANY.

No.

£ _____ sterling, (or \$ _____, as the case may be)

This Debenture witnesseth, that the Montreal and Champlain Railroad Company, under authority of the Statute of the Province of Canada, passed in the twenty-third year of Her Majesty's Reign, intituled: *An Act to amend the Acts relative to the Montreal and Champlain Railroad Company*, are indebted to the bearer hereof, in the sum of _____, 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 sum of _____ the said Company hereby bind themselves to pay on the _____ day of _____, in the year of _____ of

of Our Lord one thousand eight hundred and _____, to the bearer hereof, at _____, as 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 all the lands, wharves, buildings and real property whatsoever of the said Company, including all rails and iron thereto affixed, and all other the appurtenances thereto belonging, and this, with priority (subject only to the limitations in the said Act expressly set forth) over all *hypothèques* or charges whatsoever existing thereon, or on any part thereof.

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 _____.

(L. S.)

A. B.,

Countersigned and entered,
C. D., *Secretary.*

President.

I certify that this Debenture was duly presented for enregistration in the Registry Office for the Registration Division of Montreal, 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.

MONTREAL AND CHAMPLAIN RAILROAD COMPANY.

No.

£ Sterling (or \$, _____ *as the case may be.*)

This Debenture witnesseth, that the Montreal and Champlain Railroad Company, under authority of the Statute of the Province of Canada, passed in the twenty-third year of Her Majesty's

Majesty's Reign, intituled : " An Act to amend the Acts relative to the Montreal and Champlain Railroad Company," are indebted to the bearer hereof, in the sum of _____, 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 sum of _____ the said Company hereby bind themselves to pay on the _____ day of _____, in the year of Our Lord one thousand eight hundred and _____, to the bearer hereof, at _____, as also to pay the interest thereon half yearly as 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 all those lands, wharves, buildings and real property whatsoever of the said Company, forming that part only of their Railroad which heretofore belonged to the late Montreal and New-York Railroad Company, or thereto appertaining, including all rails and iron thereto affixed, and all other the appurtenances of such part of their Railroad, and this, with priority over all *hypothèques* or charges whatsoever existing thereon, or on any part thereof.

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 _____.

(L. S.)

A. B.,

Countersigned and entered,

President

C. D., *Secretary.*

I certify that this Debenture was duly presented for enregistration in the Registry office for the Registration Division of Montreal, 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.

CAP. CVIII.

An Act to amend and extend the Act to incorporate the Carillon and Grenville Railway Company.

[Assented to 19th May, 1860.]

WHEREAS the Carillon and Grenville Railway Company have, by their Petition, prayed for certain amendments to their Act of Incorporation, empowering them to extend their said Railway and to build certain branch Railways, and for other purposes, and it is desirable that such Petition 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. The several clauses of "The Railway Act" with respect to "Plans and Surveys" except as hereinafter limited; And the several clauses of the Railway Act with respect to "Interpretation," "Incorporation," "Powers," "Lands and their valuation," "Highways and Bridges," "Fences," "General Meetings," "Directors, their election and duties," "Shares and their transfer," "Municipalities," "Shareholders," "By-laws," "Notices &c.," "Working of the Railway," "Actions for Indemnity," "Fines and penalties and their prosecution," shall be incorporated with this Act.

2. In addition to the powers conferred upon the said Company by the said Act, the said Company shall have power to extend their Railway from Carillon so as to unite with the Grand Trunk Railway at Pointe Claire or at their option, over any part of the country lying between Carillon and any point on the northern bank of the River Jesus or of the Rivière des Prairies, so as to unite with the North Shore Railway or with any Railway connecting the Cities of Quebec and Montreal; and in the event of the Vaudreuil Railway Company, or any other Railway Company that may be incorporated during the present Session of Parliament, failing to commence a Railway uniting the cities of Ottawa and Montreal, within two years from the passing of this Act, the said Company shall also have the power to extend their Railway to any part of the City of Ottawa, with power to construct such branches as they may require not exceeding ten miles in length each, and to construct any such bridges as they may require over the River Ottawa and the River Jésus, and such other rivers as they may find it necessary to cross, at such places as may be deemed convenient; provided always, that they do not obstruct or impede the free navigation of any river, stream or canal, or interfere with the privileges of any Toll Bridge or Bridges now existing over such Rivers by the construction or adaptation of any Bridge for the passage of any person, animal or vehicle, within the exclusive limits attached to such Toll Bridge or Bridges, except with the consent of the proprietor

proprietor or proprietors of such Bridge or Bridges, nor by the construction of any Bridge for Railway purposes only except with his or their consent, or after paying or tendering to him or them such compensation as may be awarded to him or them in case of disagreement between him or them and the said Company, which compensation shall be established in the manner provided in the eleventh section of the said Railway Act, and they shall be bound to leave such openings between the piers of their bridges, and construct such swing bridges, and be subject to such regulations in respect thereof, as the Governor in Council shall see fit to appoint.

Capital Stock increased.

When only the said extensions may be commenced.

3. The Capital Stock of the said Company shall be increased by the sum of one million eight hundred thousand dollars, in shares of fifty dollars each; and neither of the said extensions shall be commenced until as much of the said additional stock shall have been subscribed, as shall be sufficient, according to the estimate of the Chief Engineer of the Company, for the completion of the extension to be commenced, and five per cent. thereof paid up, and both of the said extensions thereof shall not be commenced until the whole of the said additional stock shall have been subscribed, and five per cent. thereof paid up; and in order to facilitate the said Company in the completion of the said Railway, it shall be lawful for them to divide the said Railway into sections; and to receive subscriptions of stock therein, on condition that the sum subscribed for shall be applied upon any one or more of such sections to be indicated in such subscription; and any such subscriptions shall be exclusively applied to the making and completion of the section or sections indicated therein.

Name of Company may be changed.

4. As soon as the said Company shall be prepared to commence either of the said extensions, it shall be lawful for the Directors of the said Company to change the name thereof to that of the "Ottawa Valley Railway Company," and they shall cause a declaration to that effect, under the signature of the President, to be filed in the Registry office for the County of Montreal, and thereupon they shall be called and known by that name, to wit, the "Ottawa Valley Railway Company," and shall be a body corporate and politic in fact and in name, with all and every the powers hereinbefore and hereinafter granted and conferred; but such change of name shall not affect any of the rights or liabilities of the said Company, or of any person or persons contracting or having contracted therewith.

Company may borrow certain amounts on debentures in certain cases of extension. &c.

5. In the event of the said Company undertaking the extension of their said Railroad to Point Claire, or to the northern bank of the river Jésus, or of the Rivières des Prairies, they shall be authorized to borrow, on the debentures of the Company, money to the extent of the additional sum of four hundred thousand dollars, and in the event of their undertaking to construct the said Railroad from Carillon aforesaid to the City of

of Ottawa, to borrow on the debentures of the Company, money to the extent of the additional sum of five hundred thousand dollars, but no derogation shall be thereby permitted to any privileges or mortgages previously secured upon the Carillon and Grenville Railway, unless by the consent of the holders of such privileges and mortgages; and the debentures, in the event of such extension, may be in the form of the Schedule A annexed to the said Act, making the necessary changes in the name of the Corporation and the description of their immovable or real property; and the provisions of the Act incorporating the said Company applicable to the execution of such debentures, and to the manner, expense and effect of the Registration thereof and of the cancellation thereof, shall apply to the debentures issued under the provisions of this Act.

Form, &c., of debentures.

6. So soon as the whole of the said Railway, from Ottawa aforesaid to the point selected for its eastern terminus, shall be completed, such debentures, so issued under the last preceding section, shall have no rank or priority the one over the other, but shall have an equal lien and privilege upon the whole of the said Railway from Ottawa aforesaid to its extreme eastern terminus, saving only the privileges and mortgages on the Carillon and Grenville Railway, excepted in the last preceding section; but until such Railway is so completed, such debentures shall respectively have a first lien and privilege upon that portion of the said Railway in aid of which they shall be issued, by preference over the debentures issued in aid of any other portion thereof.

As to priority of such debentures.

7. In lieu of the deposit of a map or plan and book of reference, as provided by the Railway Act, the Company may deposit in the Offices, where by the said Act such maps, plan and book should be deposited, a declaration in writing, that they adopt the line or any and what section of the line indicated by the map or plan and book of reference heretofore deposited by the Montreal and Bytown Railway Company under the Railway Clauses Consolidation Act; and thereafter such map or plan and book shall have effect and be considered and referred to as regards the whole of such Railway or such section or sections thereof as the case may be, as if the same had been deposited by the Carillon and Grenville Railway Company in accordance with the Railway Act.

New maps, plans, &c., for completion of road not required: what plans, &c., shall serve.

8. No rights or claims of any party referred to in the nineteenth and twenty-first sections of the Act twenty-second Victoria, chapter ninety-six, respecting the Carillon and Grenville Railway Company, shall be in any manner prejudiced by any thing contained in the said Act, or in the present Act, save that any and all proceedings to question or set aside the Sheriff's sale therein referred to must be commenced within the time specified in the said twenty-first Section, after the lapse of which time no such proceedings will be valid, or in any way

Rights of certain parties, saved.

affect the said Sheriff's Sale, which shall then be held good and valid to all intents and purposes.

Amount of shares changed.

9. The sixth section of the said Act, twenty-second Victoria, chapter ninety-six, is hereby amended in the following particulars, to wit: the Capital Stock of the said Carillon and Grenville Railway Company shall be divided into Four Thousand Shares of fifty dollars each, and each of the subscribers to the said Capital Stock, before the passing of this Act, shall be entitled to two Shares of fifty dollars each for each Share of one hundred dollars subscribed.

Shares may be payable in work, &c., in certain cases.

10. Shares may be subscribed for on the Capital Stock of the said Railway, specially made payable in work or labor, or in land, or in materials, for the building thereof; and if such work and labor, land or materials, as the case may be, requisite in the opinion of the Engineer of the Company for the building of the said Railway, be tendered and furnished as the progress of the works may require, at the rate at which the same could be had for cash, the same shall be accepted in payment of the said shares of Capital Stock, otherwise the said Capital Stock shall be payable in money, the same as if it had not been so specially subscribed.

Privileges of the Company with regard to the said extensions.

19, 20 V.c. 112.

11. In the event of the said Company making the said extensions or either of them along the line of country adopted by the Montreal and Bytown Railway Company for their line, the Company shall have all the obligations imposed and all the rights and privileges conferred upon the Montreal and Bytown Railway Company, by the Act nineteenth and twentieth Victoria, chapter one hundred and twelve, intituled: "An Act to incorporate the Lake Huron and Quebec Railway Company."

Former Act to form part of this Act.

12. All and every the clauses of the said Act incorporating the said Company shall apply to this Act and to the extended lines of Railway herein provided for; and the said Act and this Act, in so far as their terms are not opposed, shall be construed and enforced as if they together formed but one Act.

Public Act.

13. The Interpretation Act shall apply to this Act, and it shall be a Public Act.

C A P . C I X .

An Act further to amend the Act incorporating the Brockville and Ottawa Railway Company.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the Municipalities of Brockville, Elizabethtown and Lanark and Renfrew, have loaned to the Brockville and Ottawa Railway Company, in aid of the construction of their Railway, certain moneys amounting in the whole

whole to three hundred and thirty-eight thousand five hundred pounds currency, raised by the said Municipalities upon the credit of the Consolidated Municipal Loan Fund of Upper Canada;

And whereas, by the provisions of the eighty-eighth and succeeding sections of the eighty-third chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the Consolidated Municipal Loan Fund*, the liability of the said Municipalities in respect of the said moneys has been reduced to an annual payment of five cents in the dollar on the assessed yearly value, or on the interest of the assessed value as the case might be, of the assessable property of the said Municipalities respectively, in manner as thereby provided;

Con. Stat. of
Canada cap.
83, ss. 88, &c.

And whereas the road and revenues of the said Company were pledged to the Municipalities to indemnify them against their liabilities in respect of the said loans; And whereas, although between sixty and seventy miles of the Railway of the said Company are now in operation, and although the whole of the remainder has been surveyed for location, and great expense incurred thereon, and considerable progress made towards completion thereof, yet the means at the present disposal of the Company are quite inadequate to complete the same, and it is desirable for the interest of all concerned, that the said Railway should be completed as soon as possible: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. No greater or earlier liability in respect of the said Municipality Loans shall hereafter exist on the part of the said Company to the said Municipalities respectively, than now exists on the part of the said Municipalities respectively, to the Government of this Province in respect of the said loans, and the mortgages and securities given by the said Company, to the said Municipalities, and recognized and sanctioned by the amended Act of Incorporation of the said Company in respect of the said loans, shall not be available or enforced against the Company, on the part or behalf of the said Municipalities, to any greater extent than the aforesaid reduced liability of the said Municipalities respectively, to the Government of this Province;—and so long as the said Company shall pay to the Government of this Province the annual liability of the said Municipalities respectively, in respect of the said loans in conformity with the provisions of the eighty-eighth and ninety-first sections of the eighty-third chapter of the Consolidated Statutes of Canada, the said Company shall be taken and considered to have complied with all its liabilities to the said Municipalities in respect of the said loans, and the conditions of the mortgages and securities aforesaid shall be deemed and taken to be fully performed, and the said mortgages and securities

Liabilities of
the Company
to the Muni-
cipalities li-
mited to mak-
ing good the
liability of
the Municipa-
lities to the
Government,
under sect. 83
of the Con.
Stat of Ca-
nada.

Proviso : as to liability of Municipalities.

securities shall in no case be enforced against the said Company to any greater extent than to compel the making of such annual payments as aforesaid ; Provided always, that nothing contained in this Act shall in any respect alter or diminish the liabilities of the said Municipalities in respect of the loans obtained by them under the Consolidated Municipal Loan Fund Acts.

Lien of the Municipalities not affected, except as aforesaid.

2. Nothing in this Act contained shall be held or construed to extinguish the lien of the said Municipalities respectively, or the liability of the said Company in respect of the loans aforesaid, to the extent of the said annual payment or liability of the said Municipalities respectively aforesaid, under the said eighty-eighth and ninety-first sections of the said Act limiting their liability as aforesaid, or any future Act of Parliament to be passed in that behalf ; and to the extent of such annual payment or liability, or any further liability to be enforced by law as aforesaid in the event of any default made in payment thereof, or of any portion thereof, the said Municipalities shall have the same benefit and advantage of their present lien and security in the property and revenues of the said Company, as if this Act had never been passed.

Recital.

3. And whereas the said Company, before the passing of the said Act, limiting the liability of the Municipalities, had authorized the issue of Debentures, in certain form, limited to three hundred and fifty thousand pounds sterling ; And whereas only a small portion of the said Debentures, that is to say, about one hundred and thirty thousand pounds sterling, has been issued ; And whereas, it would greatly assist the negotiability of the remainder of the said issue, if the form of the said Debentures were altered so as to show upon the face of them the reduced Municipality charge herein aforesaid : Therefore, the said Company may and they are hereby authorized to alter the form of the said Debentures so authorized to be issued as aforesaid, and to use, instead of the form heretofore used, the form given in Schedule A to this Act appended ; And no more Debentures shall be issued in the form heretofore used, and all Debentures hereafter to be issued shall be in the form authorized by this Act, and shall be deemed and held to be a portion of the issue of Debentures heretofore authorized and limited in issue to three hundred and fifty thousand pounds, as herein aforesaid, and those Debentures, already issued in the old form, may, on being surrendered by the holders thereof to the Company, be, from time to time, replaced by Debentures in the new form authorized by this Act.

New form for certain debentures which the Company are authorized to issue.

Company to expend a certain sum on a certain portion of the work.

4. The said Company shall expend, in completion of the said Railway, not less than two thirds of the amount that they may realize from the sale of the bonds that may hereafter be issued by the said Company, on that part of the line of the said Railway, which lies to the west of the river Madawaska.

Public Act.

5. This Act shall be deemed a Public Act.

SCHEDULE

SCHEDULE A.

Capital
£1,000,000, Stg.

CANADA.

Capital
£1,000,000, Stg.

The Brockville and Ottawa Railway Company.

DEBENTURE—TRANSFERABLE.

Issue authorized by Statute of Canada, 23 Vic. cap. limited to
£350,000, Sterling.

Whereas the Municipalities through which the said Railway will pass have loaned to the said Company certain moneys borrowed upon the credit of the Consolidated Municipal Loan Fund of Canada, which said moneys were directed to be the first charge and lien upon the said Railway; And whereas by the eighty-eighth and ninety-first sections of the eighty-third chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the Consolidated Municipal Loan Fund*, the liability of the said Municipalities in respect of the said loans has been reduced to an annual payment of five cents in the dollar of the assessed yearly value of the assessable property of the said Municipalities.

And whereas the road, tolls and revenue of the Company stand pledged to the said Municipalities for the payment of the said reduced annual charge, in preference to all other claims.

Subject, therefore, to the said annual charge or payment of five cents in the dollar, as aforesaid, to the Government of Canada on behalf of and towards payment of the said Municipality loans, and next thereafter, the lands, tolls, revenues and other property of the Company are, under the provisions of *The Railway Act*, and the Act of incorporation of the said Company, and the several Acts in amendment thereof, pledged and mortgaged for the due payment of these debentures, limited in issue as above.

The Brockville and Ottawa Railway Company hereby promise to pay to _____, or bearer, the sum of one hundred pounds sterling, twenty years from and after the day of _____, one thousand eight hundred and _____, and also interest thereon at the rate of six per centum per annum, to be paid on the first days of January and July in each year, upon presentation and surrender of the proper coupons, hereto attached, at the office of _____, in the City of London, England.

Signed and _____, at Brockville, the _____, day of _____, one thousand eight hundred _____

C A P .

C A P . C X .

An Act to amend the Act Twentieth Victoria, chapter one hundred and fifty-four, in reference to the Eastwood and Berlin Railway Company.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the Eastwood and Berlin Railway Company have, by their petition, prayed that an extension of time for the commencement of their work may be granted, 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:

Period limited by 20 V. c. 154, for constructing the Railway, extended.

1. The period of three years in and by the seventeenth section of the twentieth Victoria, chapter one hundred and fifty-four, intituled: *An Act to incorporate the Eastwood and Berlin Railway Company*, limited as that within which, after the passing of that Act, the works for the construction of the said Railway shall have been commenced, is hereby extended for a further period of three years, within which extended period such works of construction shall be made as is required by the said seventeenth section of the said Act.

Public Act.

2. This Act shall be deemed a Public Act.

C A P . C X I .

An Act to incorporate the Drummond and Arthabaska Counties Railway Company.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the persons hereinafter named have petitioned the Legislature for incorporation as a Company to construct the Railway hereinafter described, and it is expedient to grant their request: 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. The Honorable William Sheppard and Robert Nugent Watts, Christopher Dunkin, Valentine Cooke, Henry Keene Hemming, William Skrien Robins, Edward John Hemming, Joseph Boisvert, Robert James Millar, Théophile Brassard, William H. A. Davies, Charles W. Starnes, Thomas McCaig and Jesse D. Robinson, Esquires, with all such other persons and corporations as shall become shareholders in the Company hereby constituted, shall be, and they are hereby constituted a Body Corporate and Politic, by the name of "The Drummond and Arthabaska Counties Railway Company.

2.

2. All the provisions of "The Railway Act" shall be incorporated with this Act, save in so far as they may be inconsistent with any express enactment herein contained.

Cap. 66 of Con. Stat. to apply to this Act.

3. The Company may lay out, construct and finish a double or single Railway or Tramway from any point on the Grand Trunk Railway, either in the County of Bagot, or in the County of Drummond, to any point on the Three-Rivers and Arthabaska Branch Railway, now in course of construction; and also may lay out, construct and finish any Branch or Branches of the same, not exceeding ten miles in length in any case, from any Station or Depot thereof, under the conditions hereby established for the Main Line thereof.

Line and extent of Railway.

Branches.

4. The Company, for any of their Stations or Depots, at any place where such Station or Depot may be required for any of their works hereby authorized, may take land to the extent of twenty acres, without the consent of the proprietor thereof, but subject otherwise to the provisions of The Railway Act in that behalf.

Extra land for depots.

5. The Company may erect and construct such Bridges, for the purposes of their Railway or Tramway, or of any Branch thereof, over any part of any River, as they may deem necessary; and also may adapt such Bridges to the passage of horses, vehicles and passengers; and also may take, receive, and exact such rates of Toll upon all horses, animals, vehicles and passengers passing over any Bridge so adapted to the passage thereof, as by the Governor in Council shall from time to time be fixed and allowed; But the Company shall not commence the construction of any Bridge over any stream of a width, at flood water, exceeding fifty yards, until after the plans thereof, and of all works thereunto relating, shall have been submitted to, and approved by the Governor in Council.

Bridges may be adapted for general purposes and tolls taken.

Plans to be approved by Governor in Council.

6. The Capital Stock of the Company shall be the sum of eight hundred thousand dollars, to be divided into forty thousand shares of twenty dollars each, 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 passage of this Act, and for making the surveys, plans and estimates, connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, maintaining and working thereof, and the other purposes of this Act, and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said capital stock, the Municipality of any County, Town, Township, Parish or Village on the line of such works, may pay out of the general funds of such Municipality its fair proportion of such preliminary expenses, which shall thereafter be refunded to such Municipality from the Capital Stock of the Company, or be allowed to it in payment of stock.

Capital, and how to be raised and applied.

As to preliminary expenses.

Trading Corporations may take Stock.

7. All Manufacturing or Mining Corporations, carrying on their operations, in whole or part, any where within the limits of the Counties of Drummond, Arthabaska and Bagot, whether incorporated by Special Act, or under any General Act, by a vote of the Shareholders representing at least three fourths of the value of the stock, but not otherwise, may subscribe for, or otherwise acquire, and may hold, any number of Shares of the Capital Stock of the Company; and may dispose of the same at pleasure.

First Directors.

8. The said William Sheppard, Robert Nugent Watts, Christopher Dunkin, Valentine Cook, Henry Keene Hemming, William H. A. Davies and Jesse D. Robinson, are hereby constituted and appointed the first Directors of the Company; and, until others shall be named as hereinafter provided, shall constitute the Board of Directors of the Company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be Directors of the Company equally with themselves, 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, and with all such other powers as, under the Railway Act, are vested in such Board.

Vacancies.

Powers.

Stock books, &c.

First general meeting: when to be held, &c.

9. So soon as one-eighth of the Capital Stock shall have been subscribed, and one tenth thereof duly paid into some Chartered Bank (which shall on no account be withdrawn therefrom unless for the service of the Company) it shall be lawful for the said Directors, or a majority of them, by public notice, to be given at least thirty days previous in the *Canada Gazette*, and also at least fifteen days previous in at least one English and one French Newspaper, published in the City of Montreal, and in two of the nearest country papers, to call a first General Meeting of the Shareholders, at such time and place as they shall think proper; and at such meeting, and at every annual general meeting of the Company thereafter, there shall be elected not less than seven nor more than ten Directors, to serve until the next annual general meeting, and until their successors are appointed; and at every such meeting, each Municipal or other Corporation, holding stock to the amount of twenty thousand dollars or more, and not being in arrear for any call thereon, may either take part in such election as an ordinary Shareholder, or may abstain from so doing; and each such Corporation, as shall so abstain, may, either then or at any time thereafter, by By-law in that behalf, name one other Director, who need not himself be a Shareholder, to serve for the like term,—the thirty-fourth and seventy-eighth Sections of the Railway Act being in this behalf hereby superseded.

Election of Directors.

As to Municipalities and other Corporations holding stock.

Yearly general meetings.

10. The annual general meetings of the Company shall be held thereafter, on the first Wednesday in the month of May yearly

yearly, or on such other day as shall be appointed by any By-law of the Company, and at such place and hour as by such By-law shall be appointed; and public notice thereof shall be given at least thirty days previous in the *Canada Gazette*, and also at least fifteen days previous in at least one English and one French newspaper published in the City of Montreal.

11. No person shall be qualified to be elected such Director by the Shareholders, unless he be a Shareholder, holding at least ten shares of Stock in the Company.

Notice.

Qualification of Directors.

12. At all meetings of the Company, the Stock held by Municipal and other Corporations may be represented by such person as they shall respectively have appointed in that behalf by By-law, and such person shall, at such meeting, be entitled equally with other Shareholders to vote by proxy; and no Shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such Shareholder shall have been paid up, at least one week before the day appointed for such meeting.

Municipal stock, how represented.

No one to vote till all calls on his shares are paid up.

13. From and after the first general meeting of the Company, the Directors, so chosen by the Shareholders as aforesaid, and the Directors representing Corporations as aforesaid, shall form the Board of Directors of the Company; and if any vacancy shall occur, by death, resignation or otherwise, among the Directors of the former class, a majority of the remaining Members of the Board may elect any qualified Shareholder to fill the same; and if any vacancy shall occur among the Directors of the latter class, the Corporation interested may by By-law name another person to fill the same.

Board of Directors.

Vacancies—how filled.

14. Five Members of the Board of Directors of the Company shall be a *quorum* thereof for the transaction of business; and the Board may employ one or more of their number as paid Director or Directors.

Quorum.

Paid Directors.

15. With the approval of the Governor in Council, the Board of Directors of the Company may by By-law divide the main line of the work hereby authorized, into not more than four sections; and in that case, any one or more of such sections when completed, whether connecting with the Grand Trunk Railway of Canada, or with the Three Rivers and Arthabaska Branch Railway, shall (with any branch or branches thereof) be known as, and become the Railway or Tramway hereby authorized, although any other section or sections may not be completed; and the putting into operation of any one or more of such sections, within four years from the passing of this Act, shall secure the corporate existence of the Company, and its right thereafter to construct any remaining section or sections,—the one hundred and seventeenth section of the Railway Act being in that behalf hereby superseded.

Line may, with approval of Governor in Council be divided into sections.

Effect of such division.

Con. Stat. Can. cap. 66.

Conveyances to the Company to be in form of Schedule A.

16. All Deeds and Conveyances of lands to be conveyed to the Company for the purposes of this Act, may, in so far as the title to the said lands or the circumstances of the parties will admit, be made in the form of schedule A, to this Act annexed, in presence of two or more witnesses; and for the due enregistration thereof, the Company shall, at their own expense, furnish the Registrar of each County, traversed by the Railway, with a book or books having a sufficient number* of copies of such form therein printed, one on each page, leaving the requisite blanks to suit the various cases of conveyance, 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 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 half a dollar, 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.

Debentures to be in form B: registration thereof.

17. In the borrowing of money by way of loan, the Debentures of the Company may be in the form of Schedule B, to this Act annexed, 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 Registry Office for the County of Drummond only, shall perfect the *hypothèque* thereby created; and such *hypothèque* shall rank from the date of the presentment of such Debenture for enregistration, irrespectively of the date of the execution or of the issuing thereof, and this, even though the same be presented for enregistration before the issue thereof, and before the contracting of the debt thereby evidenced; and every such Debenture, being enregistered and issued, shall be transferable by delivery, and binding to all intents against the Company and all parties whatsoever, in favor of the bearer thereof, and shall hypothecate in his favor all the lands, wharves, buildings, and real property whatsoever of the Company, including all rails, and iron thereto affixed, and all other the appurtenances thereto belonging; and the Company, if at any time they shall see fit, may require the simultaneous enregistration of any number of such unissued Debentures, upon presentment of the same together to the Registrar with that view; and in such case, the Registrar shall receive and enregister the same, under date of the day and hour of such presentment thereof; and the same shall

Hypothec resulting therefrom.

Further provision as to registration.

shall thereupon bear equal *hypothèque*, as of such date, accordingly.

18. The Company, in case of their requiring the enregistrement of any Debentures as aforesaid, shall, at their own expense, furnish the Registrar 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 ordinary Registers are by law required to be authenticated; and such Book or Books shall by the 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 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 Debenture and for such enregistration of and Certificate upon each such Debenture, he shall be entitled to a fee of one quarter of a dollar and no more.

Company to furnish Registrar with a proper book, &c.

19. If after such enregistration any such Debenture 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 Company, written across the face thereof, the Registrar, on receipt of a fee of one quarter of a dollar 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 the said Registry Office.

Registration of cancellation of debentures.

20. In case of the service upon the Company of any writ of *saisie-arrêt*, or of the Company being required to answer to interrogatories *sur faits et articles*, or to take the *serment décisoire* or *supplétoire*, any officer of the Company, being thereto duly authorized by vote or resolution of the Directors thereof, may appear and make declaration to such writ, or answer to such interrogatories, or take such oath, as the case may be, for the Company; and such declaration, answers or oath, as the case may be, shall be taken as the declaration, answers or oath of the Company, to all intents whatsoever; and the production and filing in Court, by such officer, of a copy of such vote or resolution, certified by the Secretary of the Company under their seal, shall be conclusive evidence of his authorization as in and by such copy set forth.

Directors to appoint an officer to appear to certain process if served on the Company.

21. In case of neglect or refusal to pay the toll or freight due to the Company upon any goods of a perishable nature, or

Sale of goods on which

which

freight is not paid.

which cannot be kept as by the Railway Act is provided, without great deterioration or loss of value, the agents or servants of the Company, upon the written certificate of two disinterested and competent persons to that effect, and after giving one month's notice in the *Canada Gazette*, and in two newspapers published at, or as near as may be possible to the locality where such goods may be, may dispose of the same by public auction; and in such case, the proceeds shall thereafter be disposed of, in manner as in and by the Railway Act is provided in respect of any sale made as thereby authorized.

Company may be parties to notes, &c.

22. The Company may become a party to promissory notes and bills of exchange for sums of not less than one hundred dollars; and any such promissory note made or endorsed, and any such bill of exchange, drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary-Treasurer, or by the Secretary or Treasurer thereof, under authority of a quorum of the Directors, shall be binding upon the Company; and every such promissory note or bill of exchange, so made, drawn, accepted or endorsed, by the President or Vice-President of the Company, and countersigned by the Secretary-Treasurer, or by the Secretary or 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 Company affixed to such promissory note or bill of exchange; nor shall the officers of the Company, signing or countersigning the same or such acceptance or endorsement thereof, be thereby subjected individually to any liability whatever; but the Company shall not issue any note or bill payable to bearer, or intended to be circulated as money or as the notes of a bank.

Seal not required.

Company not to make Bank notes.

Company may enter into agreements with other Railway Companies for certain purposes.

23. The Company may enter into any agreement with any other Railway Company, whose line of operations may in any wise connect with the line of route of the Company, for the leasing of their Railway or any part thereof, to such other Company,—or for the leasing or hiring out to such other Company, of any Locomotives, Cars, Carriages, Tenders, or other moveable property of the Company, either altogether or for any time or times, occasion or occasions,—or for the leasing from such other Company, of any Railway or part thereof, or for the leasing or hiring from such other Company, of any Locomotives, Cars, Carriages, Tenders or other moveable property, either altogether or for any time or times, occasion or occasions,—or for the using of the whole or any part of the Railway, or moveable property of the Company, or of the Railway or moveable property of such other Company, in common by the two Companies,—or generally, may make any agreement or agreements with such other Company touching the use by one or other or both of such Companies, of the Railway or moveable property of either or both, or of any part thereof, or touching any

any service to be rendered by the one Company to the other, and the compensation therefor; But no such agreement as aforesaid shall be valid or binding for more than one year from the date thereof, unless in the course of such year it be ratified by the Shareholders of the Company, duly assembled at a general meeting thereof.

24. 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 (or as the case may be,) by "The Drummond and Arthabaska Counties Railway Company," 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 Railway; To have and to hold the said lands and premises, with all appurtenances thereto, to the said "Drummond and Arthabaska Counties Railway Company," 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 } the presence of	L. M.	} A. B.	L. S.
	N. O.		

SCHEDULE B.

DRUMMOND AND ARTHABASKA COUNTIES RAILWAY COMPANY.

No. £ sterling, (or \$ as the case may be.)

This Debenture witnesseth, that "The Drummond and Arthabaska Counties Railway Company," under authority of the Statute of the Province of Canada, passed in the year of Her Majesty's Reign, intituled: "An Act to incorporate the Drummond and Arthabaska Counties Railway Company," are indebted to the bearer hereof in the sum of _____ sterling, (or _____ 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 _____ as the case may be.)

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 *Coupon* 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 whole of their Railway, known as the "Drummond and Arthabaska Counties Railway," and all branches thereof, including all the lands, wharves, buildings and real property whatsoever of the said Company, and all rails and iron thereto affixed, and all other the 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 _____.

L. S.
Countersigned and entered.
C. D., Secretary.

A. B.,
President.

I certify that this Debenture was duly presented for enregistration in the Registry Office for the County of Drummond, 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 A P. C X I I.

An Act to extend the periods allowed to the Montreal Telegraph Company for extending their Line to the Atlantic Coast, and across the Atlantic.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the Montreal Telegraph Company have, by their Petition to the Legislature, prayed that the period allowed them for commencing and performing the work hereinafter mentioned may be extended, and it is expedient to grant the

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

1. The periods limited by the Proviso to the Second Section of the Act passed in the Twentieth year of Her Majesty's Reign, chaptered one hundred and seventy-five, are hereby extended, so that the said Company may and shall complete the extension of their Line of Telegraph to the Atlantic Coast, within three years from the passing of this Act, and may and shall complete their Line across the Atlantic, within six years from the passing of this Act, with the same privileges, and advantages, and rights, as if the said periods had been inserted in the said Proviso, instead of those limited in the same ; but if they do not commence and complete the said works respectively, within the periods limited by this Act, the privilege of establishing a Transatlantic Line shall lapse.

Periods limited by 20 V. c. 175, for the completion of the line, extended.
Proviso.

C A P . C X I I I .

An Act to amend the Act for the incorporation of the International Bridge Company.

[Assented to 19th May, 1860.]

WHEREAS by an Act passed in the twentieth year of Her Majesty's reign, chapter two hundred and twenty-seven, " for the incorporation of the International Bridge Company," the time for commencing the bridge is limited to three years from the time when the said Act came into force ; And whereas the Provisional Board of Directors have prayed for an extension of the aforesaid term, and it is expedient to extend the same : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.
20 V. c. 227.

1. The time limited in and by the twenty-first section of the said Act for commencing the International Bridge shall be extended to three years from the tenth day of October, eighteen hundred and sixty ; and the time therein and thereby limited for the completion of the said Bridge shall be extended to the tenth day of October, eighteen hundred and sixty-six.

Period limited for the completion of the bridge, extended.

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

C A P . C X I V .

An Act to incorporate certain persons under the name of the "Upper and Lower Canada Bridge Company."

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the construction of a Toll Bridge over the River Ottawa, from the Township of Litchfield, in the County of Pontiac, to the Township of Horton, in the County of Renfrew, would greatly tend to promote the welfare and intercourse of the inhabitants of the said Townships, and the public generally, and whereas George W. Osborne, George A. Purvis, D. F. McLaren, George E. White, Patrick F. Fox, Joseph Dolan, James Gordon, William Hill, William O'Meara, and others, have, by a Petition presented by them for that object, prayed to be incorporated by the name of the "Upper and Lower Canada Bridge Company," and to be authorized to construct a Toll Bridge over the said River, at the place above named: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

Corporate name and general powers.

1. The above mentioned persons and their heirs, executors and assigns, together with all such other persons as are now, or shall at any time hereafter, become Shareholders in the Company, are hereby incorporated by the name of the "Upper and Lower Canada Bridge Company," with power to construct, at their own cost and expense, a Toll Bridge over the Ottawa River, from the Township of Litchfield, in the County of Pontiac, to the Township of Horton, in the County of Renfrew, and a Toll House and Toll Gate, with other dependencies and approaches, at or upon such Bridge.

Subscriptions for stock: stock-book.

2. There shall be opened a book of subscription for shares in the capital stock of the Company, in which shall be inscribed the name, calling and residence of each Shareholder, and the number of shares taken by each; and if such book already exists, and such shares have been taken before the passing of this Act, such book and such shares shall be considered and held to all intents and purposes whatsoever, as having been made and taken in conformity with the provisions of this Act, and the subscribers thereto shall be Shareholders in the Company for the amount subscribed by them in such book.

Amount of capital and number of shares.

3. The capital of the Company shall be fifteen thousand dollars, and shall be divided into seven hundred and fifty shares of twenty dollars each, which shall be deemed personal estate and shall be transferable; and any party acquiring shares shall, on the production of the transfer thereof, to be deposited among the records of the Company, become a Shareholder therein.

4. The shares in the capital stock of the Company shall be assignable by the delivery of the certificates to be issued to the Proprietors of shares, and by transfer in the form to be established by a By-law of the Company, and by such assignment the party accepting it shall thenceforth become, with regard to such share or shares, a member of the Corporation, with the same rights and privileges, and subject to the same duties, charges, and obligations as the other Members or Shareholders of the Company; but no such transfer shall be valid or effectual, unless all the calls on the shares so transferred, have been wholly paid, nor unless such transfer has been approved and accepted by the Directors at one of their meetings; and every transfer so approved and accepted shall be entered in the subscription or stock book of the Company, or in any other book kept for that purpose.

Shares to be transferable.
Mode of effecting transfer.

Proviso: all calls must have been paid up.

5. The first general meeting of the Shareholders in the Company shall be held in the School House, in the Village of Portage du Fort, in the Township of Litchfield and County of Pontiac, after the expiration of one month from the day of the passing of this Act, of which meeting, fifteen days' notice shall be given in two newspapers published as near as may be to such School House; at which meeting there shall be elected five Directors, who shall be Shareholders in the Company, to manage the affairs thereof, who shall remain in office until the first Monday in the month of January then next ensuing; and at such meeting, the Shareholders may make such By-laws, Rules and Regulations, not inconsistent with law or with the provisions of this Act, as they shall deem expedient for the management and government of the affairs of the Company, and such By-laws, Rules and Regulations shall be entered in a Book to be kept for that purpose by the Company, and shall bind all parties interested in the Company, as effectually, as if they formed part of this Act, and shall be and remain in force until altered, amended, extended or repealed.

First general meeting.

Directors to be elected.

Shareholders to make By-laws.

6. Every Shareholder shall have as many votes as he holds shares in the Company, and may vote by proxy; and in case of an equal division, the President shall have a casting vote.

One vote for each share.

7. After the first meeting, to be held as aforesaid, a general meeting of the Shareholders shall take place on the first Monday of January in every year, for the election of Directors and for the transaction of the business of the Company generally; which meeting shall be called by the Secretary Treasurer of the Company in the manner provided for the calling of the first meeting.

Annual general meetings and proceedings at such meetings.

8. At the first meeting of Directors in each year, they shall elect among themselves a President of the Company; but any failure to hold the first General Meeting or any other meeting or to elect such Directors or President, shall not dissolve the Company,

Election of a President.

Failure to hold meetings or to elect Directors

not to dissolve
Company.

Company, but may be supplied by any special Meeting to be called by the Directors in office; and until such Election of new Directors or of a new President, as may be, those in office for the expired term shall continue to be the Directors or the President of the Company.

Directors may
be removed
and vacancies
filled.

9. At any general meeting, the Shareholders may remove any of the Directors and elect others in their stead; and may elect others in the room of any of the Directors who may die, resign or become incapable of acting through sickness or any other cause whatsoever, and may repeal, modify or amend any of the By-laws of the Company, and enact others in lieu thereof.

Amending
By-laws.

Instalments—
the amount
thereof, and
how and when
payable.

10. The Directors may call in instalments on the shares; but no instalment shall exceed four dollars on each share, nor be made payable at shorter intervals than two months, nor be demanded until after fifteen days notice thereof shall have been given by advertisement in two newspapers published in the vicinity, and if such instalments be not paid when due, the Company may sue for the amount thereof; Provided always, that in any action for the recovery of any instalment due, or of any balance due upon any instalment, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more shares in the Company (stating the number of shares) and that he is indebted to the Company in the sum of money to which the instalments in arrear shall amount, (stating the number and amount of such instalments,) whereby an action hath accrued to the Company by virtue of this Act; and it shall be sufficient to maintain such action, to prove by one witness that the defendant at the time of making such call was a holder of the number of shares mentioned in the declaration, and that notice thereof was given in conformity with this Act; and it shall not be necessary to prove the appointment of the Directors nor any other matter whatsoever, in order to obtain judgment in favor of the Company.

Recovery of
instalments
not paid:
what only
need be alleg-
ed and proved.

Directors may
appoint
agents, ser-
vants, &c.

11. The Directors may appoint such agents, officers, keepers and servants as they shall deem expedient for the interests of the Company, and may fix their salaries and remuneration.

Company may
take land on
both sides of
the river.

12. For the purpose of erecting, building, maintaining and supporting the said Bridge, and the approaches thereto from the nearest public road on each side of the said river, the Company shall have full power and authority to take and use the land on either side of the said river, and there to work up or cause to be worked up the materials and other things necessary for erecting, constructing or repairing the said Bridge and the approaches thereto accordingly, doing as little damage as possible, and making just and reasonable compensation for the damage so caused and the value of the land so taken or occupied as aforesaid.

13. After the expiration of fifty years from the passing of this Act, Her Majesty, Her Heirs and Successors may assume the possession and property of the said Bridge, Toll House, Toll Gate and dependencies, and the ascents and approaches thereto, upon paying to the Company the full and entire value of the same at the time of such assumption; Provided always, that nothing herein contained shall be construed to prevent the Provincial Government or any adjoining Municipality from assuming at any time the possession and property of the said Bridge, Toll House, Toll Gate and dependencies, and the ascents and approaches thereto, upon paying to the Company the full value thereof, with an addition of twenty-five per cent upon such value; and after such assumption of the said Bridge it shall become a free Bridge.

Her Majesty may assume the bridge.

Proviso.

And so may the Government or any adjoining Municipality.

14. When and so soon as the said Bridge shall be erected and built and made fit and proper for the passage of travellers, cattle, horses and carriages, it shall be visited and examined by three experts to be appointed by the County Council of the County of Pontiac, on the application of the Company stating the completion thereof, and on the completion thereof in a substantial and proper manner being certified by such experts to the said Council, it shall be lawful for the Company to ask, demand, receive, take, sue for and recover to and for their own proper use, benefit and behoof, for pontage, as or in the name of a toll or duty, before any passage over the said Bridge shall be permitted, the several sums following, that is to say;

Bridge to be certified as fit for use before tolls are taken.

Tolls to be taken.

For every carriage or other four wheeled vehicle, drawn by two horses, twenty-five cents;

The tolls.

For every vehicle, drawn by one horse, cart or calèche, or for every winter vehicle drawn by one horse, twelve and a half cents;

For every extra additional beast of draught, five cents;

For every horse, ass or mule, with its rider, six cents;

For every horse, mare, stallion, ass or mule, four cents;

For every ox, bull, cow or other head of horned cattle, five cents;

For every sheep, calf, lamb, goat or pig, three cents;

For every person on foot, five cents.

15. Provided always that no person, horse or carriage employed in conveying a mail or letters under the authority of Her Majesty's Post Office, nor the horses nor carriages laden or unladen, and drivers attending officers and soldiers of Her Majesty's

Proviso: certain parties are to be exempt from payment of tolls.

Majesty's forces or of the Militia, whilst upon their march or on duty; nor the said officers or soldiers, nor any of them, nor carriages nor drivers or guards, sent with prisoners of any description, as well going as coming, provided they are not otherwise loaded, shall be chargeable with any toll or rate whatsoever; Provided also that the Company may diminish the said tolls or any of them, and afterwards, if they see fit, again may augment the same or any of them so as not to exceed in any case the rates by this Act authorized to be taken; Provided also, that the Company shall affix or cause to be affixed in some conspicuous place, at or near the Toll-Gate or upon the said Bridge, a Table of the rates payable for passing over the said Bridge, and so often as such rates may be diminished or augmented they shall cause such alteration to be affixed in manner aforesaid.

Proviso: alteration of tolls.

Proviso: table of tolls to be posted up.

Fines for forcibly passing toll-gate, &c.

16. If any person shall forcibly pass through the said Toll Gate, or over or upon the said Bridge, without paying the said toll, or any part thereof; or shall interrupt or disturb the Company, or any person or persons employed by them for building or repairing the said Bridge, or making and repairing the way over the same, or any road or avenue leading thereto; or shall at any time drive faster than a walk on the said Bridge; every person so offending in each of the cases aforesaid, shall for every such offence forfeit a sum not exceeding eight dollars, or be imprisoned for a period not exceeding ten days in the common jail of the District.

No means of passage to be erected or used for hire within two miles of said bridge.

Penalty for contravention.

17. After the Bridge shall be and so long as it shall continue to be, passable and open for the use of the public, no person shall erect or cause to be erected any bridge or bridges, or maintain or cause to be maintained any ferry or ferries for the carriage of any person, cattle or carriage whatsoever, for hire or otherwise, across the said river, any where within the distance of two miles from the said Bridge; and if any person or persons shall erect a Bridge, or maintain a ferry over the said river within the said limits, he or they shall pay to the Company treble the tolls hereby imposed for all persons, cattle, horses and carriages which shall pass over such bridge or bridges, or be ferried over by such ferries.

Malicious damage to bridge.

18. If any person shall maliciously pull down, burn, destroy, or injure the said Bridge, or any part thereof, or the Toll House, Toll Gate, or other dependencies to be erected by virtue of this Act, every person so offending, and thereof legally convicted shall be deemed guilty of felony.

Period for completion of works.

19. The Company, to entitle themselves to the benefits and advantages to them by this Act granted, shall, and they are hereby required to erect and complete the said Bridge, Toll House, Toll Gate and dependencies, within four years from the day of the passing of this Act, and if the same shall not be completed

completed within the term last mentioned, so as to afford a convenient and safe passage over the said Bridge, the Company shall cease to have any right, title, or claim of, in, or to the tolls hereby imposed, which shall from thenceforward belong to Her Majesty, and the Company shall not, by the said tolls, or in any other manner or way be entitled to any reimbursement of the expense they may have incurred in and about the building of the said Bridge; And in case the said Bridge after its completion, shall at any time become impassable or unsafe for travellers, cattle, or carriages, the Company are hereby required, within two years from the time at which the said Bridge shall, by Her Majesty's Court of General Quarter Sessions of the Peace in and for the District of Ottawa, be pronounced to be impassable or unsafe, and notice thereof to them by the said Court be given, forthwith to cause the same to be made safe and commodious for the passage of travellers, cattle and carriages; and if within the time last mentioned, the said Bridge be not repaired or rebuilt as the case may require, then the said Bridge, or such parts thereof as shall be remaining, shall be, and be taken and considered to be the property of Her Majesty; and after such default to repair or rebuild the said Bridge, the company shall cease to have any right, title, or claim of, in or to the said Bridge, or to the remaining parts thereof, and the tolls hereby granted, and their and each and every of their rights in the premises, shall be wholly and forever determined.

If the bridge becomes unsafe.

20. The penalties hereby imposed shall be recoverable on information or complaint before any one or more Justices of the Peace; and one-half of such penalties, respectively, shall belong to Her Majesty, and the other half to the Company.

Recovery and application of penalties.

21. No Shareholder shall be individually liable or responsible for any debts, losses, or engagements of the Company, beyond the amount of his or her share or shares therein.

Liability of Shareholders.

22. The Bridge hereby authorized to be erected shall have an elevation under the principal arches of not less than seven feet above the level of the highest water; and the principal span shall not be less than one hundred and fifty feet, and the remaining spans not less than sixty feet each; and in the event of the river being made navigable, the company shall make a draw in their Bridge sufficient for the purpose of navigation, when required so to do by the Governor in Council.

Elevation of the arches of the bridge; draw-bridge, if necessary.

23. This Act shall be deemed a Public Act.

Public Act.

C A P . C X V .

An Act to authorize Joseph Ovide Rousseau to construct a Toll-Bridge over the River Nicolet, opposite the Church of the Parish of Nicolet, in the County of Nicolet.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the construction of a Toll-bridge over the River Nicolet, in the Parish of Nicolet, in the County of Nicolet, in the District of Three Rivers, opposite the Church of the said Parish, would greatly tend to promote the welfare and intercourse of the inhabitants of the said Parish and of the neighbouring Parishes and Townships, and of the public generally; and whereas Joseph Ovide Rousseau, of the said Parish of Nicolet, has, by a petition presented by him for that object, prayed to be authorized to construct a Toll-bridge on the said River Nicolet, at the place above mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

J. O. Rousseau empowered to erect a toll bridge across Nicolet river.

1. The said Joseph Ovide Rousseau is hereby authorized to erect and construct, at his own cost and expense, a solid and sufficient Toll-bridge over the said River Nicolet, in the said Parish of Nicolet, at the place aforesaid, and to erect and construct a Toll-house and Toll-gate, with other dependencies and approaches to or upon the said Bridge; and also to do and execute all such other matters and things as shall be necessary, useful or advantageous for erecting and constructing, keeping up and maintaining the said intended Bridge, Toll-house, Toll-gate and other dependencies, according to the true intent and meaning of this Act.

Power to take land.

2. For the purpose of erecting, building, maintaining and supporting the said Bridge, the said Joseph Ovide Rousseau shall, from time to time, have full power and authority to take and use the land on either side of the said river, and there to work up, or cause to be worked up, the materials and other things necessary for erecting, constructing or repairing the said Bridge accordingly, doing as little damage as possible, and making just and reasonable compensation for the damage so caused, and the value of the land so taken or occupied as aforesaid.

Bridge and dependencies to vest in J. O. Rousseau.

3. The said Bridge and the said Toll-house, Toll-gate and dependencies to be erected thereon, or near thereto, and also the ascents or approaches to the said Bridge, and all materials which shall, from time to time, be found or provided for erecting buildings, or maintaining and repairing the same, shall be vested in the said Joseph Ovide Rousseau for ever; Provided that,

Proviso: Her Majesty may

that, after the expiration of fifty years from the passing of this Act, it shall and may be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the said Bridge, Toll-house, Toll-gate and dependencies, and the ascents and approaches thereto, upon paying to the said Joseph Ovide Rousseau the full and entire value which the same shall, at the time of such assumption, bear and be worth; Provided always, that nothing herein contained shall be construed to prevent the Municipality of the Parish of Nicolet, or any number of inhabitants interested in the said Bridge, from acquiring, at any time, (as hereby it is expressly provided that they may do,) the said Bridge, Toll-house, Toll-gate and dependencies, and the ascents and approaches thereto, upon paying to the said Joseph Ovide Rousseau the full and intrinsic value which the same shall, at the time of such assumption, bear and be worth, with an addition of twenty-five per cent. upon such intrinsic value, and that, after such assumption of the said Bridge, it shall become a free Bridge, and shall for ever thereafter be vested in and maintained by the said Municipality, as such free Bridge.

assume the bridge, paying the value.

Or any number of inhabitants interested.

Indemnity to Rousseau.

4. When and so soon as the said Bridge shall be erected and built, and made fit and proper for the passage of travellers, cattle, horses and carriages, and the same shall have been published in each of the English and French languages, at the doors of the church of the Parish of Nicolet, it shall be lawful for the said Joseph Ovide Rousseau, from time to time, and at all times, to ask, demand, receive, take, sue for and recover, to and for his own proper use, benefit and behoof, for pontage, as or in the name of toll or duty, before any passage over the said bridge shall be permitted, the several sums following, that is to say:

J. O. Rousseau may take tolls when the bridge is completed.

	£	s.	d.
For every vehicle drawn by one horse or one ox	0	0	6
For every vehicle drawn by two horses - -	0	0	7½
For every vehicle drawn by three horses - -	0	0	10
For every vehicle drawn by four horses - -	0	1	0
For every vehicle drawn by two oxen - -	0	0	6
For every vehicle drawn by three oxen - -	0	0	6
For every vehicle drawn by four oxen - -	0	0	7½
For every horse, ox, cow, free - -	0	0	2½
For every sheep, pig, calf, stallion - -	0	0	1
For every horse with its rider - -	0	0	4
For every person on foot - -	0	0	1

But every person going to or returning from Divine Service, on Sunday or *fêtes d'obligation*, or going to or returning from a funeral, and all children on their way to attend their College classes or their Schools, shall be exempted from the payment of the above tolls; Provided, that in all cases such person and such children shall so pass free only on foot.

Exemptions from toll.

Power to diminish or increase the same.

Table of tolls to be posted up.

Tolls vested in J. O. Rousseau and his heirs, &c.
Proviso.

Penalty for refusing to pay toll.

For fast driving.

No new bridge to be erected within a certain distance.

5. Provided always that it shall be lawful for the said Joseph Ovide Rousseau to diminish the said tolls, or any of them, and afterwards, if he see fit, again to augment the same, or any of them, so as not to exceed in any case the rates by this Act authorized to be taken; Provided also that the said Joseph Ovide Rousseau shall affix or cause to be affixed in some conspicuous place at or near the said Toll-gate, or upon the said Bridge, a table of the rates payable for passing over the said Bridge, and so often as such rates may be diminished or augmented, he shall cause such alteration to be affixed in manner aforesaid.

6. The said tolls shall be, and the same are hereby, vested in the said Joseph Ovide Rousseau for ever; Provided that if Her Majesty shall, in the manner hereinbefore mentioned, after the expiration of fifty years from the passing of this Act, assume the possession and property of the said Bridge, Toll-house, Toll-gate, and dependencies, and the ascents and approaches thereto, then the said tolls shall, from the time of such assumption, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforward be substituted in the place and stead of the said Joseph Ovide Rousseau, for all and every the purposes of this Act.

7. If any person shall forcibly pass through the said Toll-gate, or over or upon the said Bridge, without paying the said toll, or any part thereof, or shall interrupt or disturb the said Joseph Ovide Rousseau, or any person or persons employed by him for building or repairing the said Bridge, or making or repairing the way over the same, or any road or avenue leading thereto, or shall at any time drive faster than a walk on the said Bridge, every person so offending in each of the cases aforesaid shall, for every such offence, forfeit a sum not exceeding forty shillings, currency, or be imprisoned for a period not exceeding ten days in the common gaol of the District.

8. As soon as the bridge shall be and for so long as it shall continue to be passable and open for the use of the public, no person shall erect, or cause to be erected, any bridge or bridges, nor use or cause to be used by way of ferry any vessel or vessels of any kind, for the carriage of any person, cattle or carriages whatsoever, for hire or otherwise, across the said river, within the distance of two miles above and two miles below the said bridge, measuring along the banks of the said river, and following its windings; and if any person or persons shall erect a toll-bridge or toll-bridges, or any free bridge or bridges of any kind, or establish any ferries of any kind, over or upon the said river, within the said limits, he shall pay to the said Joseph Ovide Rousseau treble the tolls hereby imposed for all persons, cattle, horses and carriages which shall pass over any such bridge or ferry.

9. If any person shall maliciously pull down, burn, destroy, or injure the said bridge, or any part thereof, or the toll-gate or toll-house, or other dependencies to be erected by virtue of this Act, every person so offending and thereof legally convicted, shall be deemed guilty of felony.

Penalty for
injuring the
bridge.

10. The said Joseph Ovide Rousseau, to entitle himself to the benefits and advantages to him by this Act granted, shall and he is hereby required to erect and complete the said bridge, toll-house, toll-gate, and dependencies within four years from the day of the passing of this Act; and if the same shall not be completed within the term last mentioned, so as to afford a convenient and safe passage over the said bridge, the said Joseph Ovide Rousseau shall cease to have any right, title or claim of, in or to the tolls hereby imposed, which shall from thenceforward belong to Her Majesty, and the said Joseph Ovide Rousseau shall not by the said tolls, or in any other manner or way, be entitled to any re-imbusement of the expense he may have incurred in and about the building of the said bridge; and in case the said bridge, after it shall have been erected and completed, shall at any time become impassable or unsafe for travellers, cattle or carriages, the said Joseph Ovide Rousseau shall, and he is hereby required, within two years from the time at which the said bridge shall, by Her Majesty's Court of General Quarter Sessions of the Peace, in and for the said District of Three Rivers, be ascertained to be impassable or unsafe, and notice thereof to him by the said Court shall have been given, cause the same to be made safe and commodious for the passage of travellers, cattle and carriages; and if, within the time last mentioned, the said bridge be not repaired or re-built as the case may require, then the said bridge, or such part thereof as shall be remaining, shall be, and be taken, and considered to be the property of Her Majesty; and after such default to repair or rebuild the said bridge, the said Joseph Ovide Rousseau shall cease to have any right, title or claim of, in or to the said bridge, or to the remaining parts thereof, and the tolls hereby granted, and his and each and every of his right in the premises, shall be wholly and for ever terminated.

Bridge to be
erected within
four years.

Provision in
case bridge
becomes im-
passable.

11. The penalties hereby inflicted shall, upon proof of the offence, respectively, before any one or more Justices of the Peace for the said District of Three Rivers, either by the confession of the offender, or by the oath of one or more credible witness or witnesses (which oath such Justice is hereby empowered and required to administer,) be levied by distress and sale of the goods and chattels of such offender, by warrant signed by such Justice or Justices of the Peace, and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned on demand to the owner of such goods and chattels, and one half of such penalties, respectively when paid and levied, shall belong to Her Majesty, and the other half to the person suing for the same.

How penalties
shall be le-
vied.

Height of arches above high water.

12. Provided always that the said bridge that is to be built on the river Nicolet shall have under its arches an elevation of at least seven feet above high water and a distance of at least seventy-five feet between the several piers thereof.

Certain persons not affected by this Act.

13. Provided also that neither the inhabitants and proprietors of the Ile à la Fourche, in the parish of Nicolet, nor any persons having business with such inhabitants or proprietors, shall in any way be affected by this Act.

Public Act.

14. This Act shall be deemed a Public Act.

C A P . C X V I .

An Act to amend and consolidate the Acts forming the Charter of the Gore Bank.

[Assented to 19th May, 1860.]

Preamble.

5 Wm. 4, c. 46.

2 V. c. 41.

12 V. c. 169.

WHEREAS the Corporation called and known as the President, Directors and Company of the Gore Bank was created and constituted by and under the Act of the Legislature of Upper Canada, passed in the fifth year of the reign of His late Majesty William the Fourth, and intituled: *An Act to incorporate sundry persons under the style and title of the President, Directors and Company of the Gore Bank*, which said Act was amended by the Act of the said Legislature passed in the second year of Her Majesty's reign and chaptered forty-one; and whereas by Act of the Legislature of this Province passed in the twelfth year of Her Majesty's reign and intituled: *An Act to amend the Act to incorporate the Gore Bank, and to increase the capital stock of the said Bank*, an increase of the Capital stock of the said Bank was authorized, and the charter and privileges of the said Bank were further amended, and extended; and whereas the said Corporation hath, by its petition, prayed that the provisions of the said Acts might be consolidated, and their duration extended, subject to such amendments as might be deemed requisite; 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:

Inconsistent enactments repealed.

1. So much of the Acts hereinbefore cited, as may be inconsistent with or repugnant to the provisions of this Act, or as makes any provision in any matter provided for by this Act, other than such as is hereby made, and also sections twenty-three and twenty-eight of the first cited of the said Acts, shall be and are hereby repealed.

The Corporation and power

2. The said Corporation of the Gore Bank shall, during the time this Act shall remain in force, continue to have all the

the rights, powers and authority, in and by the Acts hereinbefore cited or any of them, conferred upon or vested in it, subject always to the provisions of this Act; and for the convenient management of its business, but for no other purpose, may purchase, acquire and hold real or immoveable estate and property, not exceeding the yearly value of twenty thousand dollars, and may sell, alienate and dispose of the same, and purchase, acquire and hold others in their stead, not exceeding in the whole the yearly value aforesaid.

ers of the
Bank conti-
nued.

Real property.

3. The Capital Stock of the Bank, (the words "the Bank" meaning throughout this Act the Corporation aforesaid,) shall be eight hundred thousand dollars, divided into shares of forty dollars each.

Capital stock
and number of
shares.

4. The chief place or seat of business of the Bank shall be in the City of Hamilton, but the Directors of the Bank may open and establish in other Cities, Towns and Places in this Province, Branches or Agencies or offices of discount and deposit of the Bank, under such rules and regulations for the good and faithful management of the same, as to the said Directors shall, from time to time, seem meet, not being repugnant to any law of this Province, to this Act, or to the By-laws of the Bank.

Chief place of
business.

Branches and
agencies.

5. The stock, property, affairs and concerns, of the Bank shall be managed and conducted by seven Directors, one of whom shall be the President, who, excepting as hereinbefore provided for, shall hold their offices for one year, which Directors shall be Stockholders, and shall be subjects of Her Majesty, residing in this Province, and be elected on the first Monday in August in every year, at such time of the day, and at such place in the city of Hamilton aforesaid, as a majority of the Directors for the time being shall appoint; and public notice of such time and place shall be given by the said Directors, not more than sixty, nor less than thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the Stockholders of the Bank as shall attend for that purpose in their own proper persons, or by proxy; and all elections for Directors shall be by ballot; and the seven persons, who shall have the greatest number of votes at any election, shall be the Directors, except as it is hereinafter directed; and if it should happen at any election, that two or more persons have an equal number of votes, in such manner that a greater number of persons than seven shall, by a plurality of votes, appear to be chosen as Directors, then the Stockholders, hereinbefore authorized to hold such election, shall proceed to ballot a second time, and by plurality of votes determine which of the persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of seven; and the Directors, so soon as may be after the said election, shall proceed

Appointment
and number of
the Directors.

Notice.

Elections to be
by ballot.

Equality of
votes.

Election of
President.

proceed to elect one of their number to be their President and another to be Vice-President.

Directors may be re-elected.

6. Directors, retiring from office at the expiration of the year for which they have been elected, may be re-elected for the ensuing year.

Must be residents.

In case of vacancies among the Directors.

7. Stockholders, not residing within the Province, shall be ineligible as Directors; and if any Director shall move out of the Province, his office shall be considered as vacant; and if any vacancy shall at any time happen among the Directors by death, resignation, or removal from the said Province, the remaining Directors shall fill such vacancy by election from among the Shareholders, and each Director so elected shall be capable of serving as a Director until the next annual general meeting of the Shareholders, and if the vacancy also cause the vacancy of the office of President or of Vice-President, the Directors, at the meeting at which they shall have completed their number, or at their first meeting thereafter, shall choose from among themselves a President or Vice President to continue in office during the remainder of the same period; Provided always, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least twenty shares.

Proviso: qualification.

8. 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 shall not be deemed or taken to be thereby dissolved, but it shall be lawful, at any subsequent time, to make such election, at a general meeting of the Shareholders to be called for that purpose, and the Directors in office, when such failure of election shall take place, shall remain in office until such election shall be made.

Provision if any election should fail.

Scale of votes.

9. Each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, according to the following ratios, that is to say; at the rate of one vote for each share, not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten; Stockholders actually resident within the Province, and none others, may vote in election by proxy; no person, co-partnership or body politic, shall be entitled to more than fifteen votes at any one election.

Who may inspect the Bank books.

10. The Books, Correspondence and Funds of the Bank, shall, at all times be subject to the inspection of the Directors, and no Shareholder, not being a Director, shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the Bank.

11. At all meetings of the Directors, not less than five of them shall constitute a board or quorum for the transaction of business ; and at such meetings the President or in his absence the Vice-President, or in their absence one of the Directors present, to be chosen *pro tempore*, shall preside ; and the President, Vice-President or President *pro tempore*, so presiding, shall vote as a director, and if there be an equal division on any question, shall also have a casting vote.

Quorum of Directors.

Who to preside.

Casting vote.

12. The Shareholders of the Bank, who, at the time this Act shall come into force, shall be Directors thereof, shall become, and continue to be Directors thereof, until the first election of Directors under this Act, and shall then go out of office ; and shall, until the first election under this Act, have in all respects the rights, duties and powers assigned to the Directors of the said Bank by this Act, and be governed by its provisions, as if elected under it.

Present Directors continued—their powers, &c.

13. The Directors of the Bank may, from time to time, make and enact By-Laws, Rules and Regulations, (the same not being repugnant to this Act or to the Laws of this Province) for the proper management of the affairs of the Corporation, and, from time to time, may alter or repeal the same, and others make and enact in their stead ; but no By-law, Rule or Regulation so made by the Directors shall have force or effect until the same shall, after six weeks' public notice, (in which notice, however, it shall not be necessary to embody the proposed By-law,) have been confirmed by the Shareholders at an annual meeting or at a special general meeting called for that purpose ; and the By-laws of the Bank in force at the time when this Act shall come into force, in so far as they are not repugnant to this Act, or to Law, shall continue to be the By-laws thereof until others shall have been made and enacted and confirmed as provided for by this section.

Directors to make By-laws for certain purposes.

Proviso.

Proviso : as to present By-laws.

14. The Shareholders may, by By-law, appropriate a sum of money for the remuneration of the services of the President and Directors, as such ; and the President and Directors may annually apportion the same among themselves, as they may think fit ; No Director shall act as a Private Banker.

Payment of President and Directors, &c.

15. The Directors of the Bank may appoint a Cashier, Assistant Cashier and Secretary, and Clerks and Servants under them, and such other Officers as shall be necessary for conducting the business of the Bank, and may allow reasonable compensation for their services respectively, and may exercise such powers and authority, for the well governing and ordering of the affairs of the Corporation, as shall be prescribed by the By-laws thereof ; Provided always that before permitting any Cashier, Assistant Cashier, Officer, Clerk or Servant of the Bank, to enter upon the duties of his office, the Directors shall require him to give bond, with two or more sureties, to

Directors to appoint officers and servants.

Proviso : certain officers to give security.

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the satisfaction of the Directors, in such sums of money as the Directors shall consider adequate to the trust to be reposed in him, with conditions for good and faithful behaviour.

Directors to
make divi-
dends.

16. The Directors shall make half-yearly dividends of so much of the profits of the Bank as to them shall appear advisable, and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously; Provided always that such dividends shall not in any manner lessen or impair the Capital Stock of the Bank.

Proviso.

Annual state-
ment of affairs.

17. The general meetings of the Shareholders of the Bank, to be held annually as aforesaid in the City of Hamilton, for the purpose of electing Directors in the manner hereinbefore provided, shall be general meetings also for all other purposes touching the affairs and the management of the affairs of the Bank; and at each such annual general meeting, the Directors shall exhibit a full and clear statement of the affairs of the Bank.

Voting by
proxy.

18. Absent Shareholders may give their votes by proxy, such proxy being also a Shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank.

As to joint
Stockholders.

19. Where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by Letter of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly; and no Shareholder who shall not be a natural-born or naturalized subject of Her Majesty, or who shall be a subject or citizen of any Foreign Prince or State, shall, either in person or by proxy, vote at any meeting whatever of the Shareholders of the Bank, or shall assist in calling any meeting of the Shareholders.

Aliens not to
vote, &c.

Bank officers
not to vote.

20. No Cashier, Assistant Cashier, Bank Clerk, or other Officer of the Bank, shall vote, either in person or by proxy, at any meeting for the election of Directors, or hold a proxy for that purpose.

Special gene-
ral meetings,
now called.

21. Any number not less than twenty of the Shareholders of the Bank, who together shall be proprietors of at least one thousand shares of the paid up Capital Stock of the Bank, by themselves or their proxies, or the Directors of the Bank or any five of them, shall respectively have power, at any time, to call a Special General Meeting of the Shareholders of the Bank, to be held at their usual place of meeting in the City of Hamilton, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects

objects of such meeting; and if the object of any Special General Meeting be to consider of the proposed removal of the President or Vice-President, or of a Director or Directors of the Corporation, for mal-administration, or other specified and apparently just cause, then and in any such case the person or persons, whom it shall be so proposed to remove, shall, from the day on which the notice shall be first published, be suspended from the duties of his or their office or offices; and if it be the President or Vice-President, whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors, who shall choose or elect a Director to serve as such President or Vice-President, during the time such suspension shall continue or be decided upon.

If the object be the removal of a Director.

If the President or Vice-President.

22. The shares of the Capital Stock of the Bank shall be held to be personal estate, and shall be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the Bank, or at any of its branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall, from time to time, prescribe; but no assignment or transfer shall be valid and effectual unless it be made and registered in a Book or Books to be kept by the Directors for that purpose, nor until the person or persons making the same shall have previously discharged all his or their debts and liabilities to the Bank, which may exceed in amount the remaining Stock, (if any) belonging to such person or persons; and no fractional part or parts of a share, or other than a whole share, shall be assignable or transferable; and when any share or shares of the said Capital Stock shall have been sold under a writ of execution, the Sheriff, by whom the writ shall have been executed, shall, within thirty days after the sale, leave, with the Cashier of the Bank, an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts, due or owing by the original holder or holders of the said shares to the Bank, shall have been discharged as aforesaid) the President, or Vice-President, or Cashier of the Corporation, shall execute the transfer of the share or shares so sold to the purchaser, and such transfer, being duly accepted, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares.

Shares to be personal and how transferable.

All debts to Bank must be paid.

As to shares sold under execution.

23. Shares in the Capital Stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively transferable and payable at the Chief Office of the Bank in the City of Hamilton; and to that end, the Directors may, from time to time, make such rules and regulations, and prescribe such form, and appoint such agent or agents, as they may deem necessary; Provided, always, that at no time shall more than one-half of

Shares may be transferred and dividends paid in the United Kingdom.

the whole Capital Stock be registered in the book to be kept for that purpose in the United Kingdom.

By what declaration, &c., the transmission of shares, otherwise than by regular transfer, shall be authenticated.

24. If the interest in any share in the Bank become transmitted in consequence of the death, or bankruptcy, or insolvency of any Shareholder, or in consequence of the marriage of a female Shareholder, or by any other lawful means than by a transfer, according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration shall distinctly state the manner in which, and the party to whom such share 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, acknowledged before a Judge or Justice of a Court of Record, or before the Mayor, Provost, 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 acknowledged, shall be left with the Cashier, or other officer or agent of the Bank, who shall thereupon enter the name of the party, entitled under such transmission, in the Register of Shareholders; 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 share of the profits of the Bank, nor to vote in respect of any such share, as the holder thereof; 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 share of the Bank, 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 representatives 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, Cashier, or other officer or agent of the Bank, from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Provision as to declaration made in foreign parts.

As to transmission of shares by marriage, &c.

25. If the transmission of any Share of the Bank be by virtue of the marriage of a Female Shareholder, the declaration shall contain a copy of the Register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such Share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the Probate of the Will, or the Letters of Administration, or Act of Curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier, or other Officer or Agent of the

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the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders.

26. If the transmission of any share or shares in the Capital Stock of the Bank be by the decease of any Shareholder, the production to the Directors, and deposit with them, of any probate of the will of the deceased Shareholder, or of letters of administration of his estate, granted by any Court in this Province having power to grant such probate or letters of administration, or by prerogative, diocesan or peculiar Court or authority in England, Wales, Ireland, India or any other British Colony— or of any testament-testamentary or testament-dative expedé in Scotland,—or if the deceased Shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the Directors, of any probate of his will or letters of administration of his property or other document of like import, granted by any Court or authority having the requisite power in such matters,—shall be sufficient justification and authority to the Directors for paying any dividend or transferring or authorizing the transfer of any share, in pursuance of and in conformity to such probate, letters of administration or other such document as aforesaid.

Probate of will, &c., sufficient authority for payment of dividends.

27. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares of its Stock may be subject; and the receipt of the party in whose name any such share shall stand in the Books of the Bank, or if it stand in the name of more parties than one, the receipt of one of the parties shall, from time to time, be a sufficient discharge to the Bank for any dividend or other sum of money, payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt.

Bank not bound to see to trusts.

28. The Directors of the Bank shall invest, within six months from the passing of this Act and shall keep invested at all times in the debentures or public stock of this Province, payable within the same, or secured upon the Consolidated Municipal Loan Fund, one-tenth part of the whole paid up Capital of the said Bank, and shall make a Return of the number and amount of such debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the Bank, to the Minister of Finance, in the month of January in each year, under the penalty of the forfeiture of the Charter of the Bank, in default of such investment and return.

Bank to invest one tenth of the paid up capital in public securities.

29. The Bank shall not either directly or indirectly hold any lands or tenements (save and except such as by the second section of this Act it is specially authorized to acquire

Bank not to hold real property, except as limited in section 2.

To do only
Banking bu-
siness.

Proviso: may
hold mort-
gages, &c., as
additional se-
curity.

Discounts to
Directors
limited.

Bank may re-
tain interest
as discount,
&c.

May charge
notes, &c.,
against depo-
sit accounts.

Certain bonds,
&c., of the
Bank assign-
able by indor-
sement.

and hold) or any ships or other vessels, or any share or shares of the Capital Stock of the Bank or of any other Bank in the Province, nor shall the Bank, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the Bank, or of any goods, wares or merchandize; nor shall the Bank either, directly or indirectly, raise loans of money or deal in the buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of Banking; Provided always that the Bank may take and hold mortgages and *hypothèques* on real estate, ships, vessels and other personal property in this Province, by way of additional security for debts contracted to the Bank in the course of its dealings, and may also, for such purpose, purchase and take any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the Bank; and provided also that nothing in this Act shall have the effect of depriving the Bank of any of the powers and privileges conferred on Incorporated Banks by chapter fifty-four of the Consolidated Statutes of Canada.

30. The aggregate amount of discounts and advances made by the Bank upon commercial paper or securities bearing the name of any Director of the said Bank, or the name of any copartnership or firm in which any Director of the said Bank shall be a partner, shall not at any one time, exceed one twentieth of the total amount of discounts or advances made by the Bank at the same time.

31. The Bank may allow and pay interest not exceeding the legal rate in this Province, upon moneys deposited in the Bank; and in discounting promissory notes, bills, or other negotiable securities or paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; And the Bank may charge any note or bill held by and payable at the Bank against the deposit account of the maker of such note or acceptor of such bill, at the maturity thereof; any law, statute or usage to the contrary notwithstanding.

32. The bonds, obligations and bills obligatory or of credit of the Bank under its common seal and signed by the President or Vice-President, and countersigned by a Cashier (or Assistant Cashier) thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively,

successively, and to enable such assignee or assignees to bring and maintain an action or actions thereon in his, her or their own name or names; and signification of any assignment by indorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills or notes of the Bank, signed by the President, Vice-President, Cashier or other officer appointed by the Directors of the Bank to sign the same, promising the payment of money to any person or persons, his or their order or to the bearer, though not under the corporate seal of the Bank, shall be binding and obligatory upon it, in the like manner and with the like force and effect as they would be upon any private persons if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity; Provided always that nothing in this Act shall be held to debar the Directors of the Bank from authorizing or deputing from time to time, any Cashier, or Officer of the Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of any branch or office of discount and deposit of the said Bank, to sign the Bills or Notes of the Corporation intended for general circulation and payable to order or to bearer on demand.

Bills and notes valid though not under seal.

Proviso.

33. And whereas it may be deemed expedient, that the name or names of the person or persons entrusted and authorized by the Bank to sign Bank-Notes and Bills on behalf of the Bank, should be impressed by machinery, in such form as may, from time to time, be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively; And whereas doubts might arise respecting the validity of such Notes: Be it therefore further declared and enacted, That all Bank-Notes and Bills of the Gore Bank, whereon the name or names of any person or persons entrusted or authorized to sign such Notes or Bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose by or with the authority of the Bank, shall be and be taken to be good and valid, to all intents and purposes, as if such Notes and Bills had been subscribed in the proper hand-writing of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be Bank-Notes or Bills within the meaning of all Laws and Statutes whatever: and shall and may be described as Bank-Notes or Bills, in all indictments and other criminal proceedings whatsoever; any Law, Statute or usage to the contrary notwithstanding.

Recital.

Signature to bank notes may be impressed by machinery.

34. The Notes or Bills of the Bank made payable to order or to bearer and intended for general circulation, whether the same shall issue from the chief seat or place of business of the said Bank in the City of Hamilton, or from any of its branches, shall be payable on demand in specie at the place where they bear date.

Bank notes to be payable at the place of date.

Suspension of payment for sixty days to forfeit charter.

35. A suspension by the Bank, either at its chief place or seat of business in the said city of Hamilton, or at any of its branches or offices of discount and deposit at any other place in this Province, of payment on demand in specie of the Notes or Bills of the Bank payable there on demand, shall, if the time of suspension extend to sixty days, consecutively or at intervals within any twelve consecutive months, operate as, and be a forfeiture of its charter, and of all and every the privileges granted to it by this or any other Act.

Total amount of Bank notes limited.

36. The total amount of the Bank-Notes and Bills of the Bank, of all values, in circulation at any one time, shall never exceed the aggregate amount of the paid up capital stock of the Bank, and the gold and silver coin and bullion, and debentures or other securities, reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province, on hand; and of the Bank-Notes and Bills in circulation at any one time, not more than one-fifth of the said aggregate amount shall be in Bank-Notes or Bills under the nominal value of four dollars each; and no Bank-Note or Bill of the Bank, under the nominal value of one dollar, shall be issued or put in circulation.

Of notes under \$4 each.

Total liabilities of Bank limited.

37. The total amount of the debts which the Bank shall at any one time owe, whether by Bond, Bill, Note or otherwise, shall not exceed three times the aggregate amount of its Capital Stock paid in, and the deposits made in the Bank in specie and Government securities for money; and in case of excess, or in case the total amount of the Bills or Notes of the Bank payable to order or to bearer on demand and intended for general circulation, shall at any time exceed the amount hereinbefore limited, the Bank shall forfeit its charter and all the privileges granted to it by this or any other Act, and the Directors under whose administration the excess shall happen, shall be liable jointly and severally for the same, in their private capacity, as well to the Shareholders as to the holders of the Bonds, Bills and Notes of the Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators, or curators of them, or any of them and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt the Bank or its lands, tenements, goods or chattels, from being also liable for such excess; Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt do, within twenty-four hours after he shall have obtained a knowledge thereof, enter, on the minutes or register of the Bank, his protest against the same, and do, within eight days thereafter, publish such protest in at least two newspapers published in the City of Hamilton, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors, and administrators or curators,

Liability for excess.

And of Directors.

Proviso: how Directors may avoid liability,

curators, from the liability aforesaid, any thing herein contained or any law to the contrary notwithstanding; Provided always that such publication shall not exonerate any Director from his liability as a Shareholder. Proviso.

38. In the event of the property and assets of the Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the Shareholders of its Stock, in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their respective shares, that is to say, the liability and responsibility of each Shareholder to the creditors of the said Bank, shall be limited to a sum of money equal in amount to his stock therein, over and above any instalment or instalments which may be unpaid on such stock, for which he shall also remain liable and shall pay up; Provided always that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the said Bank hereinafter mentioned and declared. Liability of Shareholders limited.
Proviso.

39. Besides the detailed statement of the affairs of the Bank hereinbefore required to be laid before the Shareholders thereof, at their annual general meeting, the Directors shall make up and publish, on the first Monday in each and every month, statements of the assets and liabilities of the Bank, in the form of the Schedule A, hereunto annexed, shewing under the heads specified in the said form, the average amount of the notes of the Bank in circulation, and other liabilities at the termination of the month to which the statement shall refer, and the average amount of specie and other assets, that at the same times were available to meet the same; and the Directors shall submit to the Governor of this Province, if required, a copy of such monthly statements, and, if by him required to verify all or any part of the said statements, the said Directors shall verify the same by the production of the weekly or monthly balance sheets from which the said statements shall have been compiled; and furthermore, the said Directors shall, from time to time when required, furnish to the Governor of this Province such further reasonable information respecting the state and proceedings of the Bank, and of the several branches and offices of discount and deposit thereof, as such Governor of this Province may reasonably see fit to call for; Provided always that the weekly or monthly balance sheets, and the further information that shall be so produced and given, shall be held, by the said Governor of this Province, as being produced and given in strict confidence that he shall not divulge any part of the contents of the said weekly or monthly balance sheets, or of the information that shall be so given; And provided also that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them, to make known the private account or accounts of any person or persons whatever having dealings with the said Bank. Statement of affairs to be published monthly.
How verified.
Proviso.
Proviso.

Bank not to lend money to any foreign state.

40. The Bank shall not at any time whatever, directly or indirectly, advance or lend to or for the use of or on account of any Foreign Prince, Power, or State, any sum or sums of money or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth the said Corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages granted to it by this or any other Act, shall cease and determine.

Publication of notices under this Act.

41. The several public notices by this Act required to be given, shall be given by advertisement, in one or more of the Newspapers published in the City of Hamilton, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette for the publication of official documents and notices emanating from the Civil Government of this Province, if any such Gazette be then published.

Punishment of embezzlement by Bank officials.

42. If any Cashier, Assistant Cashier, Manager, Clerk or Servant of the Bank, shall secrete, embezzle 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 intrusted to him as such Cashier, Assistant Cashier, Manager, Clerk or Servant, whether the same belong to the Bank or belonging to any other person or persons, body or bodies politic or corporate, or institution or institutions, be lodged and deposited with the Bank, the Cashier, Assistant Cashier, Manager, Clerk or Servant, so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Imprisonment for over two years to be in Penitentiary.

43. Every person convicted of felony under this Act shall be punished by imprisonment at hard labor, in the Provincial Penitentiary, for any term not less than two years, or by imprisonment in any other Gaol or place of confinement for any less term than two years, in the discretion of the Court before which he shall be convicted.

Power to search for forged notes or machinery used in forging.

44. It shall be lawful to and for any Justice of the Peace, on complaint made before him, upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are or hath, or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same or any part thereof, by warrant under the hand of such Justice, to cause the dwelling-house, room, workshop, or outhouse or other building, yard, garden or other place, belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses,

How dealt with if found.

or other tools, instruments or materials, shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize, and he or they are hereby authorized and required to seize such false and counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses, or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District, (or, if more convenient, of the adjoining County or District,) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid, in some Court of Justice proper for the determination thereof, and the same, after being so produced in evidence, shall, by the order of the Court, be defaced or destroyed, or otherwise disposed of as such Court shall direct.

45. This Act shall be held to be a Public Act, and shall be known as the *Charter of the Gore Bank*. Public Act.
Short Title.

46. This Act shall be and remain in force until the first day of January, which will be in the year of Our Lord one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer. Duration of
this Act.

47. The foregoing sections of this Act shall have force and effect upon, from and after the day of the passing thereof, and the said sections only shall be understood, as intended, by the words "this Act," whenever, in any of them, the time when this Act shall be in force is mentioned. When this Act
shall come
into force.

SCHEDULE A.

Referred to in the Thirty-ninth Section of the foregoing Act.

Return of the Average Amount of Liabilities and Assets of the Gore Bank, during the period from the first _____, to _____, one thousand eight hundred and _____.

LIABILITIES.

Promissory Notes in circulation not bearing interest	-	-\$
Bills of Exchange in circulation not bearing interest	-	-\$
Bills and Notes in circulation bearing interest	-	-\$
Balances due to other Banks	- - - - -	-\$
Cash Deposits not bearing interest	- - - - -	-\$
Cash Deposits bearing interest	- - - - -	-\$
Total average Liabilities	- - - - -	\$

ASSETS.

not contrary to law, as may be deemed advisable, for the formation and maintenance, and for the application to such purposes respectively, of the said two funds, and for their investment and administration 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 widows and orphans, and of the Bank, 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 in the premises, whether of the Corporation or of the individual members thereof, or of such widows and orphans, or of the Bank, 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 with the like sanction, from time to time, they may 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.

General powers.

2. The security to be given by the Corporation to the Bank, by means of the said Guarantee Fund, as by such By-laws shall be provided, may, in all cases, be taken by the Bank, and shall enure to the benefit as well of the Bank as of the *employés* thereof, in lieu of the bond or other sufficient security required by the tenth section of the Charter of the Bank of Montreal.

Security by the Corporation to enure to the Bank, &c.

3. All the revenues of the Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance of the Corporation, and the furtherance of the objects aforesaid of the said two funds respectively, and to no other purpose whatever.

Exclusive application of funds.

4. 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.

Administration and officers.

5. 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.

Members may be witnesses, &c.

6. 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.

Returns to the Legislature.

7. This Act shall be deemed a Public Act.

Public Act.

C A P . C X V I I I .

An Act to repeal the Act intituled "An Act to incorporate the Sherbrooke Manufacturing Company," and to incorporate "The Sherbrooke Cotton Manufacturing Company."

[Assented to 19th May, 1860.]

Preamble.

WHEREAS Edward Hale, Richard W. Heneker and John Moore, have, by their petition to the Legislature, represented that the Act passed in the twentieth year of Her Majesty's reign, intituled: "An Act to incorporate the Sherbrooke Manufacturing Company," granted upon the petition of the above-mentioned persons, with others, hath not been made available for the purposes for which it was enacted, and no Company hath been formed thereunder and have prayed for the repeal of the said Act, and the incorporation of them, the petitioners, and others, becoming Stockholders, as "The Sherbrooke Cotton Manufacturing Company," 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:

20 V. c. 176.

20 V. c. 176,
repealed.

1. The Act passed in the twentieth year of Her Majesty's reign, intituled: "An Act to incorporate the Sherbrooke Manufacturing Company" is hereby repealed.

Incorporation
of Company.

2. The said Edward Hale, Richard W. Heneker and John Moore, with Benjamin Pomroy, Charles Brooks, William Ritchie, Richard D. Morkill and John Henry Pope, or such of them, and all such other persons as shall become Shareholders in the said Company, shall be, and are hereby constituted a body corporate and politic in law, by the style of "The Sherbrooke Cotton Manufacturing Company," and shall, by that name, be authorized and empowered to carry on, at the town of Sherbrooke, the business of manufacturing and working cotton in all its branches, and shall, for such purposes, be authorized to purchase or lease, hold and use such land, and water power, as may be necessary for properly carrying on such business, and also to erect and maintain the necessary mills and buildings, machinery and appurtenances thereof.

Name—pur-
poses and gen-
eral powers.

Capital and
shares.

3. The capital Stock of the Company shall be two hundred and fifty thousand dollars, and may be increased in the manner, and to the amount hereinafter provided, and shall be composed of shares of two hundred and fifty dollars each; and the Company may commence business, and avail themselves of the powers conferred by this Act, when two hundred thousand dollars of the said Stock shall have been subscribed for, and twenty-five per centum thereof paid in.

When the
Company may
commence bu-
siness

4. The said Edward Hale, Richard W. Hencker, John Moore, Charles Brooks and Benjamin Pomroy, shall be and are hereby constituted Provisional Directors of the Company, and shall hold office until Directors, under the provisions of this Act, shall be elected by the Shareholders, as hereinafter provided, and until that time shall constitute the Board of Directors of the Company, with power to open Stock Books, receive applications for shares, and to allot shares to and amongst the said applicants, and to receive deposits on the shares so allotted.
5. So soon as Stock to the extent of two hundred thousand dollars shall be subscribed for, the said Provisional Directors shall call a general meeting of such subscribers, to be held at such time and place as such Provisional Directors shall appoint, and notice of such meeting shall be given by circular letter, specifying the time and place, and addressed to each subscriber at his residence, as entered in the Stock Books of the Company, and forwarded by Post at least forty days before the day appointed for such general meeting.
6. The stock, property and concerns of the Company shall be managed by a Board of five Directors, of whom three shall form a quorum for the transaction of business, who shall be elected at the first general meeting, and no person shall be qualified to be elected or to sit and act as such Director, unless he shall hold at least ten shares in his own name.
7. The first Board of Directors shall remain in office until the next general annual meeting after their election, and thereafter, until their successors are elected, in the manner hereinafter provided.
8. A general annual meeting of the Stockholders of the Company shall be held once in every year, and of the time and place of the holding of every such general annual meeting notice shall be given to the Stockholders, by order of the Directors, by a circular addressed to each Stockholder at his place of residence, as entered in the Stock Books of the Company, and deposited in Her Majesty's Post Office at least forty days before such general annual meeting, and by such notification in the Newspapers as such Directors shall think advisable.
9. A Board of Directors shall be elected at every general annual meeting of the Stockholders; and if, from any cause, such election be not effected, it shall be the duty of the Directors to call a special general meeting of the Stockholders, at a day not more than sixty days subsequent to the time when such election ought to have taken place, when it shall be lawful to elect a Board of Directors, to continue in office thereafter till the next annual meeting of Stockholders, and notice of the time and place of holding such special general meeting shall be given

Provisional committee and their powers.

Subscription for shares.

First general meeting of Shareholders.

Notice.

Directors.

Quorum.

Qualification.

Continuance in office.

Annual general meetings.

Notice.

Election of Directors.

Special general meetings if election fail at yearly ones.

given by order of the Directors, in the manner provided in the previous section for signifying to the Stockholders the general Annual Meeting.

Elections to be by ballot, &c.

10. All elections of Directors shall be by ballot, and each Stockholder shall be entitled to as many votes as he owns shares in the Company, and the persons receiving the greatest number of votes shall be Directors; and when any vacancy shall happen by death, resignation, or incapacity from any cause to act, it shall be filled for the remainder of the year in such manner as may be provided by the By-laws of the Company.

Vacancies.

Directors to make By-laws for certain purposes.

11. The Directors for the time being, or the major part of them, shall, from time to time, have power to make such By-laws, Rules and Regulations, as to them shall appear needful and proper for the purposes of this Act, that is to say :

Conduct of business of the Corporation.

For the direction, conduct and government of the corporation, for the acquisition, alienation and disposal of the property thereof, as well real as personal, and for regulating and determining the general business of the corporation throughout the year, and for calling any special general meeting of the Stockholders when the exigencies of the Company shall require it ;

Officers.

For the appointment, regulation, and removal of a Secretary and Treasurer, Book-keepers, Accountants, and other subordinate officers, operatives, workmen or labourers, as may be necessary for the prosecution of the business of the Company ;

Duties and salaries, &c.

For determining what and how many Officers (other than Directors) the Company shall have, how such Officers shall be chosen, what shall be the respective duties of each, and how long they shall hold office, and what security shall be given for the faithful discharge of the duties of any such office, and how the same shall be taken, and the amount of salaries to be paid to such officers respectively ;

Transfer of shares.

For regulating the transfer of shares in the Capital Stock of the Company ;

Forfeited instalments on shares.

For declaring in what manner moneys paid upon shares in the Capital Stock of the Company, which may have been forfeited under the provisions of this Act, shall be applied and disposed of ;

Execution of contracts.

For regulating the mode in which all contracts to be entered into by the Company, of whatever nature, may be executed on behalf of the Company ;

General powers.

And finally, for doing every thing necessary to carry out the provisions of this Act according to their intent and spirit ;

Provided

Provided always that such By-laws shall have no force or effect until sanctioned by a majority of Shareholders present at a Special General Meeting or General Annual Meeting thereof, of which the Stockholders shall have had due notice in the manner hereinbefore provided ;

Proviso: By-laws must be confirmed.

And a certificate purporting to be signed by the Secretary of the Company, and under the Seal of the Company, shall be *prima facie* evidence of such By-laws, in all or any Court or Courts of Justice in this Province.

Proof of By-laws.

12. The Stockholders, at any Special General Meeting, or at any General Annual Meeting, shall have power to adopt any By-laws (not inconsistent with the provisions of this Act) other than those proposed by the Directors for carrying out the objects of this Act; provided that any Stockholder, who intends to propose the adoption of any By-law or amendment of existing By-laws, shall leave, with the Secretary of the Company, a notice of his intended By-law or amendment, at least sixty days before such Special General, or General Annual Meeting, of which notice a copy shall be sent to each Stockholder in the circular letter, notifying him of such Special General, or General Annual Meeting; And it shall be lawful for the Stockholders at any Special General, or General Annual Meeting, without previous notice thereof, to provide, by By-law, the means by which a Special General Meeting of the Stockholders may be called, in the event of failure or refusal of the Directors to call such Meeting.

Stockholders may adopt By-laws.

Notice.

As to special general meetings.

13. It shall be lawful for the Directors of the Company to call in and demand, from the Stockholders thereof, respectively, all sums of money by them subscribed, at such times and place, and in such payments or instalments, as such Directors shall deem proper; and if any Stockholder or Stockholders, after such call or demand shall have been made upon him or them, refuse or neglect to pay to the Directors or to the Secretary of the Company, the amount of such call upon the share or shares held by him or them, then such share or shares may, if so decided at any Special General, or General Annual Meeting of the Stockholders, become forfeited to the Company, together with the amount or amounts paid thereon; and a circular containing such call or demand, addressed to such Stockholders, by order of the Directors, at their respective places of residence, and deposited in Her Majesty's Post Office, and a publication of such call or demand, in a newspaper published at the town of Sherbrooke, for six successive weeks, shall, after the expiration of forty days from the depositing of such circular as aforesaid, and the completion of six weekly publications as aforesaid, be held and considered a sufficient demand to render the shares of any Stockholders, then in default, liable to be forfeited in the manner aforesaid.

Directors may make calls.

How enforced.

Forfeiture for non-payment.

Notice of calls.

What only
need be alleg-
ed and proved
in actions for
calls.

14. Any action or suit to recover any money, due upon any call, from any Stockholder, may be instituted by the Company against such Stockholder; and in such action 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 that he is indebted to the Company in the sum of money to which the call or calls in arrear shall amount, in respect of one call or more, stating the number and amount of each of such calls, whereby an action hath accrued to the Company; and it shall only be necessary to prove that the defendant is the owner of certain shares, and the call or calls thereon, and the notice required by this Act, and no other fact or thing whatsoever.

Transfer of
shares.

15. The Stock of the Company shall be deemed personal estate, and shall be transferable in such manner as shall be determined by the By-laws of the Company, but no share shall be transferable until all previous calls made thereon shall have been fully paid in, or until the same has been forfeited.

Directors may
vote by proxy.

16. The Directors of the Company may vote by proxy (such proxies being themselves Directors) appointed in the following form, or to the like effect:

Form.

"I hereby appoint _____, of _____, one of the Directors of the Sherbrooke Cotton Manufacturing Company, to be my proxy as Director of the Company, and as such proxy to vote for me at all meetings of the Directors of the Company, and generally to do all that I could myself do as such Director if personally present at any meeting.

A. B. (*Signature.*)"

Proviso.

but no Director shall be proxy for more than one other Director.

Shareholders
may vote by
proxy.

17. The Stockholders of the Company may vote at any General or Annual Meeting of the Stockholders, by proxy, such proxies being themselves shareholders, and appointed in the following form or to the like effect:

Form.

"I hereby appoint _____, of _____, one of the Stockholders of the Sherbrooke Cotton Manufacturing Company, to be my proxy, to vote for me at any General or Annual Meeting of Stockholders of the Company, and generally to do all that I could myself do as such Stockholder if personally present at any such meeting.

A. B. (*Signature.*)"

One vote for
each share.

And each Stockholder, whether acting in person or by proxy, shall be entitled to as many votes, in all matters submitted to the determination of the Stockholders at any meeting, as he may have shares in the Company whereon the calls have been fully paid in.

18. In all actions or suits at law, by or against the Company, or to which the Company may be a party, instituted in Lower Canada, recourse shall be had to the rules of evidence laid down by the laws of England, as recognized by the Courts in Lower Canada in commercial cases, and no Stockholder shall be deemed an incompetent witness, either for or against the Company, unless he be incompetent otherwise than as a Stockholder.

Evidence in suits by or against the Company.

19. The Company may become parties to Bills of Exchange or Promissory Notes, for sums of 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 or Vice-President of the Company, and countersigned by the Secretary or Treasurer thereof, under authority of a quorum of the Directors, shall be binding upon the Company; and every such Promissory Note or Bill of Exchange, so made, drawn, accepted or endorsed, by the President or Vice-President of the Company, and countersigned by the Secretary or 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 Company affixed to such Promissory Note or Bill of Exchange; nor shall the officers of the Company, signing or countersigning the same or such acceptance or endorsement thereof, be thereby subjected individually to any liability whatever; but the Company shall not issue any Note or Bill payable to bearer, or intended to be circulated or of a character to be circulated as money or as the Notes of a Bank.

Company may be parties to bills of exchange, &c.

Not to issue Bank notes.

20. The place of residence and calling of each Stockholder shall be entered in the Stock Book of the Company, when such Stockholder shall subscribe thereto, and shall be considered the residence of such Stockholder for the purposes of this Act; but on any transfer of shares or change of residence by Stockholders, such place of residence or calling shall be changed, from time to time, by the Directors, and the Stock Book amended at the request of the Stockholders interested.

Residences of Shareholders to be entered in book.

21. Each Stockholder shall be individually liable, to the creditors of the Company, for the debts and liabilities thereof, to an amount equal to the amount unpaid on the Stock held by him, but shall not be liable to an action therefor before an execution against the Company has been returned unsatisfied in whole or in part; and the amount, due on such execution, shall be the amount recoverable with costs against the Shareholders.

Liability of Shareholders.

22. The Capital Stock of the Company may be increased to any sum not exceeding five hundred thousand dollars in the whole, and the mode of providing for such increase of Capital Stock, allotment of shares in the increased Stock, and all

Increase of capital, how provided for.

matters connected therewith, shall be determined by By-laws, made and sanctioned under the provisions of this Act, in the same manner as By-laws respecting other matters are made and sanctioned.

President or Secretary may appear and answer to certain writs, &c.

23. The answer of the President or Secretary of the Company, to any writ of *saisie arrêt* served upon the Company, shall be received in all Courts of Justice in Lower Canada, as the declaration of the Company, without any special authorization of the Company to that effect; And it shall be lawful for the Directors, by vote or resolution entered among the minutes of their proceedings, to authorize the President or Secretary, or other officer of the Company, to answer upon *faits et articles* or the *serment decisoire* served upon the Company, and the answer on oath of such officer so authorized as aforesaid shall be held to be the answer of the Company.

Corporation of Sherbrooke may exempt the Company from taxes.

24. The Municipal authorities of the Town of Sherbrooke may exempt the Company from Municipal rates, or any portion of Municipal rates to which they might otherwise be liable, in the said town, for any term not exceeding seven years after the first election of Directors under this Act.

Special general meetings may be called by Directors.

25. A general meeting of the Stockholders may be called by the Directors at any time, by notice to the Stockholders of the day and place of such meeting, given in the manner provided for notifying any general annual meeting; Any business required to be done, and which could be done at a general annual meeting, may be transacted legally at such general meeting.

Public Act.

26. This Act shall be deemed a Public Act.

C A P . C X I X .

An Act to incorporate the British American Manufacturing Company.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS Ashley Hibbard, John R. Ford, James Bishop and Christopher Meyer, have petitioned for the incorporation of themselves and others as the British American Manufacturing Company, for the Manufacture of Cotton and other goods, 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:

Incorporation and corporate name.

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 British American Manufacturing Company.*

2. The Company may carry on the business of manufacturing goods and fabrics of all descriptions, that are capable of being produced from Cotton, as also such other goods of other materials and descriptions as they may judge it advisable to manufacture, whether of Wool, India Rubber, Gutta Percha, or any other material or commodity, and to employ all or any part of their capital and available means for the above mentioned purposes, after first paying out of the same all the costs incurred relative to the passing of this Act. What business the Company shall carry on.

3. The Company may acquire by purchase, lease or otherwise, and may hold absolutely or conditionally, any lands, tenements, real or immoveable estates, for the convenient conduct and management of their business, including water and other motive powers, not exceeding the yearly value of ten thousand dollars, and may sell, alienate, let, release and dispose of the same from time to time, and may acquire others in their stead not exceeding at any time the value aforesaid. What real property the Company may hold.

4. The capital of the Company shall be the sum of one million of dollars and shall be divided into shares of two hundred dollars each, which shares shall be held to be personal estate. Capital and shares.

5. The said Ashley Hibbard, John R. Ford, James Bishop and Christopher Meyer, shall be the Directors of this 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, and they shall call a meeting of the subscribers of shares, by notice in the manner hereinafter mentioned. First Directors and their powers.

6. The Directors, or any three of them, may take all necessary means for the opening of subscription books, and may receive the subscriptions 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. Opening subscription books and allotting shares.

7. The shares in the capital of the Company shall be transferable in such manner as may, from time to time, be prescribed by the By-laws; but no share shall be transferable until all calls previously made thereon shall have been paid, or until such share shall have been declared forfeited for non-payment of calls. Transfer of shares.
Condition of power to transfer.

8. The affairs of the Company shall be managed by a board of five Directors, to be elected annually from among the Shareholders at their annual meeting, each of which Directors must be proprietor of twenty-five shares in the capital stock of the Company; and they shall always remain in office, and be Directors, until their successors shall be elected. Elective Directors; qualification and term of term of office.

Annual general meetings of the Company.

Notice.

Vacancies between such meetings.

Each share to give a vote.

Proxies, &c.

By-laws as to proxies.

Majority of votes to decide questions.

President.

Secretary and other officers to be appointed.

Special general meetings how called, &c.

Notice.

9. An annual meeting of the Shareholders of the Company, for the transaction of the general business of the Company and the election of Directors, shall be held at such time and place, and under such regulations with regard to notice, as may be determined by the By-laws of the Company; and until it shall be otherwise so determined, the same shall take place on the first Wednesday in May of each year; and previous notice of the time and place of the holding of the first annual meeting shall be given in one or more public newspapers, by three of the Directors; and of subsequent annual meetings, a like notice shall be given under the hand of the Secretary of the Company, unless and until otherwise regulated by the By-laws thereof, and the latter provision, with regard to notice, shall apply also to special general meetings; 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 unexpired year, in such manner as may be prescribed by the By-laws of the Company.

10. Each share shall entitle the holder thereof to vote at all meetings of the Company, either personally or by proxy, such proxy being also a Shareholder and having a written authority; should the manner and form of voting by proxy be regulated by any of the By-laws of the Company, such By-laws will be required to be conformed to, and every Shareholder shall have a number of votes equal to the number of shares held by him, subject to any provision that may be made in the By-laws, with regard to the registration and payment of calls;—and all questions shall be determined by the majority of votes given in respect thereof.

11. The Company shall have a President, who shall be elected by the Directors from among themselves; the Directors shall also appoint a Secretary, and may appoint such other officers as they may from time to time judge expedient, and may require such officers and Secretary to give such security for the faithful performance of their duties as the Directors shall see fit to exact, and may pay and allow such Secretary and officers such salaries as may be agreed upon.

12. A special general meeting may at any time be called by the Directors; and they shall call such meeting whenever thereunto required by not less than fifteen of the Shareholders who together shall be proprietors of at least two hundred shares' and at least twenty days, notice, of every such meeting shall be given to the Shareholders by sending to each of them, by post or otherwise, a written or printed notice specifying distinctly the purpose or purposes for which such meeting is called; and no matter or business not so specified shall be discussed, concluded upon or settled at such meeting.

13. The Directors may make such calls upon the respective Shareholders, in respect to the shares subscribed or held by them respectively, as they may, from time to time, deem expedient; and may require the same to be paid with or without interest, and may impose penalties for failure of payment not exceeding ten per centum at any one time, on the amount of the call or calls made; and likewise, but not without six weeks' notice, either served personally or published in a public newspaper requiring payment of such calls, may declare forfeited all such shares as may be in arrear in respect of any call or calls, interest or penalty, and such shares shall, upon such declaration, be and become forfeited in favor of the Company, as well as the amounts paid thereon; and such shares may thereupon be sold and disposed of in such manner as the Directors see fit, and the net proceeds applied in deduction of the claims of the Company against the Shareholders who shall have respectively been in default in regard thereto, and who shall remain liable for and be bound to make good any deficiency in respect of their shares; or the Directors may, in their discretion, should they see fit, first proceed, by suit or action, for the recovery of any sum or sums due for a call or calls on such shares, with or without interest and penalties, or either, as the case may be, and may afterwards, if not recovered in full, proceed by forfeiture as above directed.

Directors to make calls and compel payment, &c.

Forfeiture of shares for non-payment.

Directors may proceed by suit.

14. In any action or proceeding which may be brought by the Company against any Shareholder for the recovery of any sum due on any call or calls, or for interest or penalties thereon, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more in the capital stock of the Company, and is indebted in the sum to which the arrears on the call or calls made on such share or shares amount (together with interest and penalties, if any,) and it shall only be necessary to prove that the defendant was proprietor of a share or shares, and that a call or calls had been made thereon, and notice thereof given to the defendant in the manner required by this Act.

What allegations and evidence shall suffice in any such action.

15. The Directors of the said Company may make By-laws for the determination of the *quorum* of Directors, for the management and disposition of the stock and business affairs of the Company, for the appointment of officers, and for prescribing their powers and duties and those of all artificers and servants, that may be employed for carrying on all kinds of business within the objects of the Company, for making Contracts relating thereto, and for carrying into effect all of the powers vested in the Company by this Act; and may amend or repeal any such By-laws, and make others in their stead; And any copy of such By-laws, or any of them, purporting to be under the hand of the Clerk, Secretary, or other officer of the Company, and having the corporate seal of the Company affixed to it, shall be received as *prima facie* evidence of such By-law or By-laws in all Courts of Law or Equity in this Province.

Directors to make By-laws for certain purposes.

Proof of By-laws.

May be parties of bills of exchange, &c.

16. The Company may become a party to Promissory Notes and Bills of Exchange for sums of not less than one hundred dollars; and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President or Vice-President of the Company and countersigned by the Secretary-Treasurer or by the Clerk, or Secretary, or Treasurer thereof, under authority of a Quorum of the Directors, shall be binding upon the Company; and every such Promissory Note or Bill of Exchange so made, drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary-Treasurer or by the Clerk or Secretary or 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 Company affixed to such Promissory Note or Bill of Exchange; nor shall the officers of the Company, signing or countersigning the same, or such acceptance or endorsement thereof, be thereby subjected individually to any liability whatever, but the Company shall not issue any Note or Bill payable to bearer, or intended to be circulated, or of a character to be circulated, as money, or as the notes of a Bank.

Seal not necessary.

Not to issue Bank notes.

Company may divide their business into departments.

May employ managers, &c.

May pay them a percentage on net profits, &c.

17. The business of the Company may be divided into and managed by separate departments, distinguished by the particular nature of the business which may be carried on in each, or otherwise as may be judged most expedient; and the Company may employ Superintendents, Managers, Agents and Servants for one or more of such Departments, at their pleasure, and may agree to remunerate them, in whole or in part, by a percentage on the net profits of any particular department, towards which such services may be rendered, or generally, as the Directors see fit, without thereby causing such Superintendents, Managers, Agents or Servants to incur any personal liability for the debts of the Company, or being in any manner held to be partners therein.

Liability of Shareholders limited.

18. 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 subscribed share or shares in the capital stock of the Company.

Company not to commence business until all the capital is subscribed, and 10 per cent. paid up.

19. The Company shall not establish any manufactory whatever, until the whole of the capital stock shall have been *bona fide* subscribed for, nor until an amount, equal to twenty per centum on the said sum of one million of dollars, shall have been paid up by the Shareholders, and placed at the disposal of the Directors for the purpose of carrying out the objects contemplated by this Act.

Public Act.

20. This Act shall be deemed a Public Act.

C A P . C X X .

An Act to incorporate certain persons under the name of "The Terrebonne and L'Assomption Navigation Company."

[Assented to 19th May, 1860.]

WHEREAS Paul Eloy Marier, Germain Raby, Joseph Varin, John Atkinson, Joseph Lambert, Louis Adolphe Lesieur, Etienne Mathieu, Adolphe Cadieux, Louis Normandin, Thomas Tiffin, L. H. Massue, J. N. Beaudry, Joseph Lévy and Louis B. Voligny, have, by their petition, represented, that an association was formed in October, one thousand eight hundred and fifty-five, in the districts of Montreal, Terrebonne, Joliette, and Richelieu, under the name of "The Terrebonne Navigation Company," in which they, with other persons, are stockholders and subscribers, with a view of providing for the inhabitants of the shores of the St. Lawrence, between the villages of Terrebonne and L'Assomption and the City of Montreal, and the intermediate ports, and for the convenience of commerce and travellers generally, the advantage of steam navigation; and that for the purposes aforesaid, the Company, besides the steamboat now owned by them called the "Terrebonne," now have in course of construction a steamboat to be called the "L'Etoile" and which will soon be ready for service between the ports above mentioned; and whereas Séraphin Leblanc, François Foucher, Cyriac Chaput, Jean Baptiste Racette, Alexandre Archambeault, Xavier Chevalier, François Forest, Zéphirin Archambeault, Jean Baptiste Forest, Camille Archambeault, B. Duhamel, Charles Dorion, François Xavier Dorion, A. Archambeault, N. Galarneau and Joseph Roy have further by their petition represented that an association hath been formed under the name of the "L'Assomption Navigation Company," with a view of providing for the inhabitants of the Counties of L'Assomption and Montcalm and the different localities between L'Assomption and Montreal the like advantages; and whereas the said petitioners have further shewn that by a Deed of amalgamation executed and passed between the said two Companies on the eleventh day of April now last past before Maître Mathieu who has retained a minute thereof, and his colleague, notaries, the said two associations have united their respective capital stocks, with the view of establishing a regular line adapted to the requirements of the public on the rivers Jesus, L'Assomption and St. Lawrence and have formed themselves into one Association by the name of "The Terrebonne and L'Assomption Navigation Company," and that they are desirous of being incorporated by that name on the terms hereinafter set forth; 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:

Company in-
corporated.

1. The said Paul Eloy Marier, Germain Raby, Joseph Varin, John Atkinson, Joseph Lambert, Louis Adolphe Lesieur, Etienne Mathieu, Adolphe Cadieux, Louis Normandin, Thomas Tiffin, L. H. Massue, J. N. Beaudry, Joseph Lévy, Louis B. Voligny, Séraphin Leblanc, François Foucher, Cyriac Chaput, Jean Baptiste Racette, Alexandre Archambeault, Xavier Chevalier, François Forest, Zéphirin Archambeault, Jean Baptiste Forest, Camille Archambeault, B. Duhamel, Charles Dorion, François Xavier Dorion, A. Archambeault, N. Galarnéau, and Joseph Roy, and all other persons who are now or who may hereafter become stockholders in the said Company, and their several heirs, executors, administrators and assigns, shall be a body politic and corporate, under the name of the "Terrebonne and L'Assomption Navigation Company;" All the property, rights and actions belonging to the association formed by the said amalgamation shall be, and they are hereby transferred to the Corporation hereby created, and from and after the passing of this Act, the Corporation shall be the proprietor thereof, and all the debts and obligations of the association shall be acquitted and performed by the Corporation, excepting the existing debts and obligations of the two amalgamated associations respectively, which shall be settled and paid by the stockholders of each respectively, but the debts contracted for the improvements which have been and are being made during the present year on the steamboats "Terrebonne" and "L'Assomption" shall be paid by the Corporation.

Corporate
name.

Transfer of
property and
liabilities of
former Com-
panies.

Proviso.

Business of
the Company
and where to
be carried on.

2. The Company may construct, acquire, charter and maintain, and navigate on the Rivers Jesus, L'Assomption, and St. Lawrence, and on the tributaries thereof, any steam or other vessels, for the purpose of carrying or forwarding, on such terms as they may deem advisable for their pecuniary profit or otherwise, goods, freight or passengers, between the village of L'Assomption, on the said River L'Assomption, and Terrebonne, on the River Jesus, and the City of Montreal, and *vice versa*, and between all or any other ports or places on the said Rivers Jesus and L'Assomption and River St. Lawrence and the tributaries thereof; and may carry and forward on such terms and conditions as to reward therefor, pecuniary profit or otherwise, as to the Company may seem advisable, on the said Rivers, any goods, chattels, freight or passengers whatever; and may tow and make voyages with the said steamboats elsewhere than over the course hereinabove mentioned upon the said River St. Lawrence and its tributaries, when and as often as the Company shall deem advisable, and this upon such conditions as the Company shall think proper for its pecuniary profit, and may carry and convey, upon such terms and conditions with respect to remuneration and pecuniary profit, as the said Company shall think proper, all merchandize, chattels, passengers and freight whatsoever; and may insure the property of the Company against all losses by accidents by fire, by perils of navigation or otherwise, as to the Company may

Insurance.

may seem expedient, and generally may carry on all such business and do all such matters and things as may be incidental to the carrying out the objects of the said Company, or the powers and authorities herein contained, or necessary or expedient to the more effectual or profitable prosecution thereof; and may sell, mortgage or dispose of the stock or property of the Company, or any part thereof, from time to time, when and as may be deemed expedient; and may enter into any contract or arrangement with any bodies politic or corporate, or other persons whomsoever, for the joint or better execution of such objects, powers or authorities, or otherwise for the benefit of the Company.

General powers.

Contracts.

3. The Company may purchase, take, hold and enjoy such lands, wharves, docks, warehouses, offices and other buildings as they may find necessary or convenient for the purposes of the Company, but not for any other purpose; and may sell, hypothecate, lease and dispose thereof, and may purchase and acquire others in their stead; Provided always that the value of such real estate, wharves, docks, warehouses, offices and other buildings, shall not exceed the sum of sixteen thousand dollars.

Real property.

Proviso.

4. The capital of the Company is fixed at thirty-six thousand dollars, divided into seven hundred and twenty shares of fifty dollars each; with power to increase the same at any general meeting of the Company to three thousand shares, or one hundred and fifty thousand dollars; The seven hundred and twenty shares which now constitute the capital of the Company belong to the shareholders named in the Deed of amalgamation hereinbefore cited, in the proportions therein mentioned; and Stock Books shall be opened for any increase of the capital stock which the Company may hereafter decide upon, and payment of such new Capital Stock shall be made by such instalments as the Company or the Directors thereof may ordain.

Capital and shares.

Power to increase.

Present shares.

Subscriptions for new stock.

5. The Capital of the Company shall be employed in the payment of the preliminary expenses incurred for the establishment of the said Company, and for the construction and equipment of their steamboats "L'Assomption," "Terrebonne" and "L'Etoile," and of such other steamboats as the Company may think fit to construct or acquire, and for the acquisition and construction of the lands, quays, warehouses, offices and other buildings which the Company may deem necessary, and for no other purpose or object whatsoever.

Application of capital.

6. The shares of the Company shall be deemed moveable property, and shall be transferable to others, by the persons to whom they belong; Provided always that the transferor shall be held personally responsible to the Company for all or any part of the shares by him subscribed, and which may be found to be due by him at the time of such transfer.

Shares to be personalty and how transferable.

Register of Shareholders.

7. The Company shall keep a book, to be called "The Register of Shareholders," in which shall be entered from time to time the names and occupations of the different persons who shall be shareholders in the Company, their places of residence respectively, and the number of shares to which the shareholders are severally entitled.

Certificates of stock.

8. The Directors of the Company shall, from time to time, issue to each of the shareholders respectively, certificates under the seal of the Company, signed by the President and Vice-President and countersigned by the Secretary-Treasurer, specifying the number of shares belonging to such stockholder; The certificates shall be in the form of Schedule A annexed to this Act, and they shall be transmitted back to the said Company whenever a transfer of shares shall take place, and new certificates shall be issued to the parties entitled thereto.

Transmission of shares.

9. The transmission of shares shall be effected by Deed of conveyance in form of Schedule B of this Act; The transfer shall be signed by the transferor and accepted by the transferee, and shall be delivered, with the certificate of the transferor, to the Secretary-Treasurer of the Company, who shall register the same in a book to be called the Register of Transfers, and a new certificate or new certificates shall be granted in the manner hereinabove mentioned.

Form.

Calls may be recovered by action.

10. It shall be lawful for the Company to sue for and recover any unpaid instalment, with interest, from any shareholder, by means of an action in any Court having jurisdiction to the amount claimed, and the Directors of the Company shall have the right, at the expiration of thirty days, after notice to that effect duly given to the party, to forfeit the shares of any stockholder who shall not have paid any instalment which may have fallen due, and this whether before or after judgment for the recovery thereof.

Forfeiture for non-payment.

Liability of Shareholders limited.

11. The shareholders, as such, shall not be held responsible for any claim, engagement, loss or payment, nor for any damage, transaction, matter or thing relating to or in connection with the Company, or any obligations, acts or defaults of the Company, beyond the amount of their shares respectively, or the amount still remaining unpaid thereon.

Qualification of Directors.

12. Every Director shall be the proprietor of at least four shares, which shares shall be inalienable so long as he shall continue to hold office.

General meetings.

13. The General Annual Meetings, and also the Extraordinary Meetings of the Company, shall be held alternately at the Villages of L'Assomption and Terrebonne.

14. The business of the Company shall be transacted and administered, and their powers exercised by a Board of nine Directors, to be chosen as follows: three in the County of Terrebonne, three in the Counties of L'Assomption and Montcalm, and three from among the other shareholders not residing within the said localities. Board of Directors.

15. The directors shall be elected and appointed every year at the annual general meeting of the Company, by the shareholders then present, in person or by proxy. Election of Directors.

16. The present directors and President of the Company shall remain in office as such until the next annual general meeting. Present Directors.

17. The Board of Directors shall meet yearly, within a fortnight after their election, and shall elect, from among its members, a President and Vice President, and shall appoint a Secretary-Treasurer. Meetings of Directors.

18. In case of the death, prolonged absence from the country or of the resignation of one of the Directors, or refusal on his part to accept the office, the Board of Directors shall appoint another in his place. Vacancies in Board.

19. At all meetings of the Directors, five of them shall constitute a quorum; the questions shall be decided by the majority of the Directors present, and in case of equal division the President shall have a casting vote. Quorum. Majority. Casting vote.

20. The President, or in his absence the Vice-President shall call meetings of the Directors whenever the occasion shall require, and in the event of their failure or neglect to do so, any two Directors may call a meeting; the meetings of Directors shall be summoned by circular letters, transmitted by post, at least eight days before the meeting. Calling meetings.

21. The Board of Directors shall appoint such agents, sub-agents, captains or other servants, as may be necessary for carrying on the business of the said Company, and shall remove the same, when they think proper and desirable; they shall appoint auditors for the auditing of the accounts, and shall fix the remuneration of the Secretary-Treasurer, and of all the servants of the Company, and the security to be taken, where any security is required, from any of them, for the faithful execution of their respective duties. Agents and servants. Auditors—security.

22. The Board of Directors may make By-laws for the conduct and administration of the affairs of the Company, which shall not be contrary to the laws of this Province, nor to the provisions of this Act, and which they shall deem useful and necessary, and may change, amend, revoke and revive them as they may deem expedient. By-laws.

Books of account, &c.

23. Books of account shall be kept at the office of the Company, in which shall be regularly entered and transcribed all the affairs and transactions of the Company, and books shall also be kept on board the steamboats, in which shall regularly and strictly be entered and transcribed all the receipts and expenditure by the servants of the Company on board thereof.

President and Vice-President.

24. The President shall superintend the administration of the affairs of the said Company, and shall preside at the general meetings, and at those of the Board of Directors; in his absence the Vice-President shall discharge his duties, and in the absence of both from the meetings, a temporary President shall be appointed.

Secretary-Treasurer.

25. The Secretary-Treasurer shall keep minutes of the proceedings of the Board of Directors, and of the general meetings of the Company, shall receive the moneys of the Company, and shall be responsible therefor, and shall keep the books of account and the other books of the Company.

Execution of contracts, notes, &c.

26. Every contract, agreement, engagement or bargain by the Company, or by one or more of the Directors, or by any agent or agents of the Company on behalf of the Company, and every promissory note made or endorsed, and every bill of exchange drawn, accepted or endorsed on behalf of the Company, by such Director or Directors, agent or agents, in general accordance with the powers to be devolved to and conferred on them respectively, under the said By-laws, shall be binding upon the Company; and in no case shall it be necessary to have the Seal of the Company affixed to any such contract, agreement, engagement, bargain, promissory note or bill of exchange, or to prove that the same was entered into, made or done, in strict pursuance of the By-law, nor shall the Agent be thereby subjected individually to any liability whatsoever; Provided always that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a Bank.

Proviso: not to issue Bank notes.

Office of Company.

27. The Board of Directors of the Company shall, from time to time, fix the place at which the office of the Company shall be kept, and may change the same whenever they shall think proper so to do.

Annual general meetings.

28. The annual general meetings of the Company shall be held between the first and the twentieth day of the month of February in each year, for the election of Directors, and for the general transaction of the business of the Company; the first general meeting shall be held at the village of L'Assomption.

Special general meetings.

29. Special general meetings of the shareholders may be called by the President, or by two or more of the Directors, or by

by at least twelve shareholders, for the consideration and trans-
 action of the affairs of the Company, whenever the affairs of
 the Company may render the same necessary, and notice thereof shall be given in a newspaper published in the locality, and if there be no such paper in the locality, then in the one published nearest thereto, or by circular letters, specifying the purpose of the meeting, forwarded by post at least eight days before such meeting. Notice.

30. The shareholders may be present and vote at general meetings, either in person or by proxy, the holders of the proxies being shareholders authorized in writing in the form of Schedule C. of this Act; All questions shall be decided, and the Directors shall be elected and appointed by a majority of the votes of the shareholders then present in person or by proxy, and the President shall have the right to vote at every meeting of the Board of Directors or of the Company, and in case of an equality of votes shall have the casting vote. Voting by proxy.
Majority to decide.
Casting vote.

31. Each shareholder shall be entitled to a number of votes, proportioned to the number of shares which he shall hold in his own name, at least one month before the period of voting, in the proportion following: one vote for any number of shares under four; two votes for four shares and less than eight; three votes for eight shares and less than twelve; four votes for twelve shares and less than sixteen; five votes for sixteen shares and less than twenty; six votes for twenty shares and over. Scale of votes.

32. The financial position of the Company shall be ascertained between the first and the twentieth days of December in each year; the Board of Directors, after the balance shall have been completed, shall declare such annual dividends of the profits of the Company as shall seem to them expedient; or shall ascertain the losses, if any, and shall submit them for the confirmation of the annual general meeting. Annual statements and dividends.

33. An exact and detailed statement shall be made each year of the affairs, debts, credits, profits and losses, which said statement shall be entered on the books of the Company, and the books shall be open to the inspection of all the shareholders. Statements to be laid before Stockholders.

34. The auditors of the Company shall every year, during the fifteen days preceding the annual general meeting, meet at the office of the Company, shall audit the accounts of the previous year, and shall make their report to the said meeting. Audit of accounts.

35. Any service effected at the office of the Company, or upon the President, shall be deemed sufficient in all Courts of Justice in this Province; any stockholder, not being in his individual capacity a party to a suit, shall be competent as a witness in such suit. Service of process.
Evidence.

Who shall appear to certain writs.

36. If any writ of *saisie-arrêt* be served upon the Company, the President, Secretary-Treasurer, or any agent thereof, may in such case appear in obedience to such writ, and make such declaration according to law, as the circumstances of the case may require; and such declaration shall be considered and received in all Courts of Law in Lower Canada as the declaration of the Company.

Village of Terrebonne may take stock.

37. The Corporation of the Village of Terrebonne shall be permitted, and it is hereby authorized, to take Stock in the Company to the amount of two thousand four hundred dollars, on condition that an equal amount is expended by the Company in the improvement of the navigation of the River Jesus, approaching as nearly as possible to the Village of Terrebonne.

Public Act.

38. This Act shall be deemed a public Act.

SCHEDULES REFERRED TO IN THE ABOVE ACT.

SCHEDULE A.

TERREBONNE AND L'ASSOMPTION NAVIGATION COMPANY.

Number

These are to certify that A. B., of _____, is proprietor of _____ shares in the Terrebonne and L'Assomption Navigation Company, subject to the rules, orders and regulations of the said Company; and that the said A. B., his heirs and assigns, are entitled to the profits and advantages of the said shares.

Given under the common seal of the said Company, on the _____ day of _____, in the year of our Lord _____.

SCHEDULE B.

TERREBONNE AND L'ASSOMPTION NAVIGATION COMPANY.

I, A. B., of _____, in consideration of the sum of _____, to me paid by C. D., of _____, do hereby assign and convey to the said C. D. _____ shares in the Terrebonne and L'Assomption Navigation Company, to be enjoyed by the said C. D., his heirs, and assigns, subject to the same conditions under which I held them.

And I, the said C. D., do hereby agree to accept and take the said shares, subject to the same conditions.

In testimony whereof, we have signed the present assignment, at _____, the _____ day of _____.

Witness:

SCHEDULE

SCHEDULE C.

TERREBONNE AND L'ASSOMPTION NAVIGATION COMPANY.

I, A. B., of _____, one of the shareholders of the Terrebonne and L'Assomption Navigation Company, do hereby appoint C. D., of _____, to be my proxy, to vote in my absence for me and in my name, on all matters whatsoever proposed at the meeting of shareholders of the said Company, to be held on the _____ day of _____ next, as the said C. D. shall deem expedient.

In testimony whereof, I have signed these presents, on the _____ day of _____.

Witness :

C A P . C X X I .

An Act to incorporate the Chambly Navigation Company.

[Assented to 19th May, 1860.]

WHEREAS the persons hereinafter named have, by petition, Preamble. represented, that for some years past they have been trading with others, under written articles of agreement, as an Association, by the name of the "Ligne du Peuple," for the conveyance of passengers and freight on the Rivers Richelieu and St. Lawrence, greatly to the accommodation of the Public; and have prayed, that to enable them to carry on their operations on an extended scale, and more to the public advantage, they might be incorporated by the name of the "Chambly Navigation Company;" and whereas it is expedient to grant their prayer to that end: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. John Fraser, Jean Chapdelaine, A. L. Fréchette, François Gervais, François Lamoureux, David Laurent, Jean Baptiste Monty, Jean Baptiste Maranda and Prudent Malot, Esquires, the Honorable Louis Renaud, and F. Voligny and John Yule, Esquires, together with all such other persons as shall, under the provision of this Act, become shareholders in the Company hereinafter named, and their respective heirs, administrators, executors, curators, and assigns, shall be, and they are hereby constituted a body politic and corporate, by the name of "The Chambly Navigation Company." Incorporation of the Company.
Corporate name.

2. The Company may construct, acquire, hold and charter, and may maintain and navigate on the Rivers Richelieu and St. Lawrence, and the Canals and tributaries thereof, any steam and other vessels, of any description, for the carriage or forwarding of passengers and freight of all kinds, to, from and between Business of the Company.

General powers for purposes of such business. between any places on or near the River Richelieu, and the Cities of Montreal and Quebec, respectively, and any intermediate places; and, as occasion shall require, may sell, mortgage, or otherwise dispose of any such steam or other vessels, or any other property or effects of the Company; and may carry and forward such passengers and freight, on such terms as they may deem advisable, to, from and between any such places; and may tow and make voyages with such steam and other vessels upon the Rivers Richelieu and St. Lawrence, and the canals and tributaries thereof, when and on such terms as they may deem advisable; and generally may carry on all such business, and do all such matters and things as may be incidental to the carrying out of the objects of the Company, or necessary or expedient to the effectual or profitable prosecution thereof; and may enter into any contract or arrangement with any bodies politic or corporate, or persons whomsoever, for the joint or better execution of any such objects, or otherwise, for the benefit of the Company.

Power to hold certain real estate. **3.** The Company may by any legal title acquire, take and hold all such wharves, docks, stores, warehouses, offices and other real estate whatsoever, as they may find necessary or convenient for the purposes of their traffic, but not for any other purpose; and may sell, hypothecate, lease and dispose of any such real estate whatsoever, and may acquire other instead thereof; Provided always that the yearly rental or value of such real estate, when acquired, shall not exceed two thousand dollars in the whole.

Proviso: value limited.

Capital and shares. **4.** The Capital Stock of the Company shall be eighty thousand dollars, divided into one thousand six hundred shares of fifty dollars each; and shall be applied wholly to the purposes of the Company, and to no other use whatsoever; and the Company may commence their operations under this Act with their present Capital Stock, amounting to ten thousand dollars, as now held in shares of fifty dollars each, and fully paid in; and the remainder of their Capital Stock, as hereby authorized, may be allotted, and payment thereon shall be made by calls on the subscribers thereto, when, where and as the Directors of the Company shall from time to time require,—in conformity always with such rules, as to notice or otherwise, as the By-laws of the Company may ordain; and interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of every unpaid call, from the day appointed for payment of such call.

Company may commence business on their present capital.

Calls.

Interest on unpaid calls.

Actions enforcing payment of calls. **5.** The Company may enforce payment of such calls and interest, by action in any competent Court of Law; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the Defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in

in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any Officer of the Company, to the effect that the Defendant is a Shareholder, and that so much is due by him and unpaid thereon, shall be received in all Courts of Law as *prima facie* evidence to that effect.

6. If, after such demand or notice as by By-law of the Company may be prescribed, any call made upon any share or shares be not paid within such time as by such By-law may be limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the Company, and may be disposed of as by By-law or otherwise they shall ordain.

Forfeiture of shares on which calls are not paid.

7. The Stock of the Company shall be deemed personal estate, and shall be assignable and transferable in such manner only, and subject to all such conditions and restrictions, as shall be prescribed by the By-laws of the Company.

Stock to be personalty.
How transferable.

8. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

No transfer till calls are paid.

9. At all meetings of the Company, every shareholder, not being in arrear in respect of any call, shall be entitled to as many votes as he holds shares in the Stock of the Company; and no Shareholder being in arrear shall be entitled to vote; and all votes may be given in person, or by proxy, provided always the proxy be held by a Shareholder not in arrear, and be in conformity with such requirements as the By-laws of the Company may prescribe, and not otherwise.

One vote for each share not in arrear.

Votes—proxies.

10. All the property and effects whatsoever, real and personal, of the said existing Association are hereby vested in the Company; and all the engagements and liabilities whatsoever of the Association are hereby transferred to and declared to be those of the Company.

Property of former Association transferred to Company.

11. The affairs of the Company shall be administered by a Board of fifteen Directors, being severally holders of at least two shares of Stock, who shall be elected at each Annual Meeting of the Company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and eight members of such Board, until otherwise provided by By-law, shall be a quorum thereof; and in case of the death, resignation, removal or other disqualification of any Director, such Board, if they see fit, may fill the vacancy

Board of Directors.

Quorum.

Vacancies.

until the next Annual Meeting of the Company, by appointing any qualified Shareholder thereto.

In case of failure of elections.

12. If at any time an election of Directors be not made or do not take effect at the proper time, the Corporation hereby constituted shall not be held to be thereby dissolved; but such election may take place at any General Meeting of the Company duly called for that purpose.

Provisional Directors—their powers until first election.

13. Until the first election of such Board under this Act, the members of the present Committee of Management of the Association shall be the provisional Board of Directors of the Company; with power to fill vacancies occurring therein, to make Provisional By-laws on any matters admitting of regulation under this Act by By-law, such provisional By-laws to have force until the first General Meeting of the Company, to convene such meeting, and to do all other acts requiring to be done in order to the organization of the Company under this Act, and the conduct of its affairs.

Powers of Directors.

By-laws for certain purposes.

14. The Board of Directors of the Company shall have full power in all things to administer the affairs of the Company;—and may make or cause to be made for the Company any description of contract which the Company may by law enter into;—and may from time to time make By-laws not contrary to this Act, nor to law, to regulate the making of calls on Stock, the payment thereof, the issue and registration of certificates of Stock, the forfeiture of Stock for non-payment, the disposal of forfeited Stock and of the proceeds thereof, the transfer of Stock, the declaration and payment of dividends, the appointment, functions, duties and removal, of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration, and that (if any) of the Directors, the time at which and the place where the Annual Meetings of the Company shall be held, the calling of meetings, general and special, of the Board of Directors, and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the site of their chief place of business, and of any other offices which they may require to have, the imposition and recovery of all penalties and forfeitures admitting of regulation by By-law, and the conduct in all other particulars of the affairs of the Company; and may from time to time repeal, amend or re-enact the same; but every such By-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a Special General Meeting of the Company duly called to that end, shall have full force until the next annual meeting of the Company, and no longer, unless confirmed thereat; and any copy of any By-law under the Seal of the Company, and purporting to be signed by any officer of the Company, shall be received as *prima facie* evidence of such By-law, in all Courts of Law.

By-laws must be confirmed by general meetings.

15. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the shareholder in whose name the same shall stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to trusts to which shares are subject.

16. The Shareholders of the Company shall not as such be held responsible for any act, default, or liability whatsoever of the Company, or for any engagement, claim, payment, 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.

Liability of Shareholders limited.

17. Every contract, agreement, engagement or bargain made, and every bill of Exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed, on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the By-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the Seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any By-law or special vote or order; nor shall the party so acting as agent, officer or servant of the Company be thereby subjected individually to any liability whatsoever to any third party, therefor; provided always that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a Bank.

Contracts with the Company.

Bills and notes.

Proviso: not to issue Bank notes.

18. Any description of Action may be prosecuted and maintained between the Company and any Shareholder thereof and no Shareholder, not being himself a party to such suit, shall be incompetent as a witness therein.

Suits to which Shareholders are parties.

19. This Act shall be deemed a public Act.

Public Act.

C A P . C X X I I .

Act to incorporate the "St. Lawrence North Shore Navigation Company."

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the persons, hereinafter named, have by petition declared that an Association was, on the twenty-fifth day of August, one thousand eight hundred and fifty-four, formed in the Parish of St. Barthélemi, under the name and title of the "St. Lawrence North Shore Navigation Company," of which Association they, with other persons, became and are stockholders, for the purpose of promoting the public interest, by securing to the inhabitants of Sorel, of the Chenail known by the name of the Chenail du Nord, of Berthier, and of the different intermediate ports between Montreal and the ports above mentioned, and of any other ports on the St. Lawrence and its tributaries, which the said Company might think fit to frequent, the advantages of steam navigation, as also by enabling them to avail themselves of the advantages afforded to the people of this Province interested in commerce and to traders between the ports above mentioned and any other place, by the construction of quays or wharves, on the line of the steamboat or steamboats belonging to the said Company; that the capital of the Company is at present twenty thousand dollars, divided into one hundred shares of two hundred dollars each; and that they are desirous of increasing it to the amount of fifty thousand dollars in shares of the same amount, for the purpose of acquiring new steamboats, as also of constructing such quays or wharves as the said Company shall consider necessary, for the better accommodation of the inhabitants of the ports frequented by the steamboats of the said Company, and for the purpose of associating with themselves other navigation companies; and that to facilitate and promote the inland navigation of this Province, and the better to realize the objects of the said Company, they require to be incorporated; and whereas it is expedient to grant their prayer to that effect: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

INCORPORATION OF THE COMPANY.

Company incorporated.

1. Théophile Chenevert, James S. Dixon, Pierre A. Dostaler, Isaie Fauteux, Casimir Gélinas, Pierre Silvestre, and Augustin St. Louis, Esquires, and all other persons who now are, or shall hereafter become subscribers or stockholders of the said Company, shall be, and are hereby constituted a body politic and corporate, for the purposes mentioned in the preamble to this Act, under the name of the "St. Lawrence North Shore Navigation Company;" and under that name may make, establish, and enforce, alter and repeal all such By-laws not being

Corporate name and general powers.

being contrary to the laws of this Province, nor to this Act, as they may judge to be useful and necessary for the administration of the affairs of the said Company; and all the property and rights whatsoever, moveable and immovable of the said Association, are, in virtue of this Act, transferred to the said Corporation, who, reckoning from the day of the passing of this Act, shall be proprietors thereof, as likewise of all the property which they may hereafter acquire; and all debts and obligations of the said Association, shall be discharged and fulfilled by the said Corporation.

Property and liabilities of former Company transferred.

2. The Stockholders of the Company, hereby incorporated, shall not be, as such Stockholders, held responsible for any claims, engagements, losses or payments, or for any damages, transactions, matters or things relating to or concerning the Company, nor for any obligations, acts or defaults of the Company, exceeding the amount of their respective shares, or what shall remain unpaid on the same.

Liability of Stockholders limited.

3. The Capital of the Company now fixed at twenty thousand dollars, divided into a hundred shares of two hundred dollars each, may, at any general meeting of the Company, be increased to the amount of fifty thousand dollars, in shares of the same amount.

Capital of Company and shares.

4. The Company may build, construct, acquire, hold and charter any steamboats and other vessels, may maintain and work the same for the purpose of carrying and transporting, on such conditions as the Company may find expedient, merchandise, or freight, or passengers, to all ports which the boats of the Company shall frequent; may tow and make voyages with such boats elsewhere on the River St. Lawrence and its tributaries, when and as often as they may consider it profitable so to do; may sell or hypothecate the capital or property of the Company or any part of the same, from time to time, or may dispose of the same when and in such manner as they may think expedient so to do; and may enter into and carry out any contract or arrangement whatsoever, with any body politic or corporate, or persons whomsoever, for the joint or better execution of the purposes and exercise of the powers and authority above mentioned or otherwise, for the benefit of the Company.

Business and general powers of the Company.

5. The Company may acquire and hold real property, for the construction of such wharves, sheds, offices, and other dependencies thereto, as they may require at the different ports and places at which the boats of the Company shall touch; and may, at all times, sell, exchange and alienate the same, and buy others for the same purpose; Provided always, that the Company may not, at any time, hold real property exceeding in value the sum of five thousand dollars.

Real property of the Company.

Its amount limited.

6. The Directors of the Company shall, from time to time, deliver to each of the Stockholders respectively certificates bearing the seal of the Company, signed by the President or Vice-President, and countersigned by the Secretary-Treasurer, specifying the number of shares belonging to such Stockholder; such certificates shall be made in the form of the Schedule A, annexed to this Act, and shall be surrendered to the Company whenever a share is transferred, and new certificates shall be issued to those entitled to receive the same; and a book shall be kept called the "Share Book," in which shall be entered, from time to time, the names and residences of the different persons who are Stockholders in the Company, and the number of shares which they hold.

7. The shares of the Company shall be held to be moveable property, and transferable to others by the persons to whom they belong; but the seller shall not be entitled to sell or transfer his shares or any portion of them, until he shall have paid to the Company all sums of money in which he may be indebted to them.

8. The transfer of shares shall be made according to the form of the Schedule B, annexed to this Act, and shall be signed by the seller and accepted by the purchaser; and the instrument of transfer shall be delivered, together with the certificate of the seller, to the Secretary-Treasurer of the Company, who shall register it in a book which shall be called the "Transfer Book," and a new certificate or new certificates shall be granted in the manner hereinbefore mentioned; but at least one week previously, notice shall be given by the seller of his intention to make such transfer to the Board of Directors of the Company, and the Board shall, during such week, have the right and privilege preferentially to accept the transfer of such share or shares at the price, and subject to the conditions demanded by the seller, according as the Board may judge such transfer to be advantageous or otherwise to the Company.

ANNUAL GENERAL MEETING.

9. The yearly general meeting of the Stockholders of the Company shall be holden at the Village of Berthier, or at Sorel, in the month of February in each year, for the election of Directors, and for the transaction, generally, of the affairs of the Company, and shall be convened by notice from the President or Vice-President, or in default of the two latter to issue the said notice, from two of the Directors, either addressed by mail to each of the Stockholders, or published in two Journals, one in the English and the other in the French language, at least eight days previously.

10. Special General Meetings shall be convened by the Board of Directors, for the consideration and transaction of the business

business of the Company whenever the affairs of the Company may require the same, and notice thereof shall be given in the same manner as notice is required to be given of the Annual General Meetings, stating the objects of the meeting.

Notice thereof.

11. Stockholders may attend the Annual General Meeting and Special Meetings, and vote either personally, or by proxy; the bearers of proxies being Stockholders, authorized in writing according to the form of the Schedule C, annexed to the present Act; all questions shall be decided, and Directors shall be chosen and appointed by the majority of votes of the Stockholders; and in case of an equality of votes, the President shall have the casting vote.

Stockholders' vote.

Proxies.

12 Every Stockholder shall have one vote only at General Meetings, whatever be the amount of the shares which he holds, provided he is a Stockholder under a transfer registered in the transfer book of the Company, at least one month before the time of voting, and not otherwise.

Each Stockholder shall have only one vote.

Proviso.

MANAGEMENT OF THE AFFAIRS OF THE COMPANY.

13. The affairs of the Company shall be conducted, and the powers thereof exercised by a Board of nine Directors, who shall be chosen and appointed yearly at the annual general meeting of the Company, by the Stockholders then present in person or by proxy, in the manner herein above prescribed; provided always, that every Stockholder who is the holder of twenty shares of one hundred dollars each in the capital of the Company, the amount of which shall have been previously paid up and discharged in full, shall be of right a member of the said board of Directors, the number of whom to be elected, as aforesaid, shall be so proportioned to that of such Directors by right, as that the said Board be not composed of more than nine members.

Number of Directors, and election.

Holders of 20 shares to be Directors, of course.

14. The Board of Directors shall meet every year within the fifteen days next ensuing after their election, and shall choose from the members thereof a President and Vice-President, and shall appoint a Secretary-Treasurer, who may be a Director; in case of the death or continued absence or the resignation of one of the Directors, or of his refusal to accept the said office, the Board of Directors may appoint another in his room.

Meetings of Directors.

Election of President, Vice-President and Secretary-Treasurer.

15. At all meetings of the Directors, five of them shall form a quorum; their decisions shall be passed by a majority of the members present, and in case of an equality of votes, the person who presides shall have a casting vote.

Quorum.

Casting vote.

16. The present Directors of the said St. Lawrence North Shore Navigation Company, as also their President, shall continue

Present Directors continued in office.

continue in office as such Directors until the next annual general meeting.

17. The President, or in his absence, the Vice-President shall convene meetings of the Directors whenever need requires, and at such place as he shall think fit, and shall preside thereat; and in their default, or refusal to do so, two of the Directors may convene meetings, and the Directors shall be convened to attend such meetings by letters sent to them by mail at least three days beforehand.

President may call meetings.

Also the Directors.

Appointment of agents, &c.

Auditors.

By-laws.

18. The Board of Directors shall appoint such Agents, Sub-Agents, and other employees as may be necessary for the transaction of the business of the Company, and dismiss the same when they think it expedient and advantageous so to do, shall appoint Auditors to audit the accounts, shall fix the remuneration of the Secretary-Treasurer and of the different employees of the Company, and shall make By-laws for the conduct and management of the affairs of the Company, provided they be not contrary to the laws of this Province, nor to the provisions of this Act, and shall alter, amend, repeal, and re-enact the same, as and whenever they shall think fit.

Audit of accounts.

19. Every year, within fifteen days next preceding the Annual General Meeting, the Auditors of the accounts of the Company shall, on notice being given to them by the Secretary-Treasurer, attend at the Office of the Company, examine the accounts of the last past year, and make a Report thereof to the General Meeting.

Division of profits and account.

20. The Directors shall declare such yearly dividends out of the profits of the Company, as they, or a majority of them, shall think fit; and an exact and detailed statement shall every year be made of their affairs, debts, profits, credits and losses,—which statement shall be entered on the books of the Company,—which books shall be open to the inspection of any Shareholder; and a copy of the said statement, attested by the President, or by two of the Directors, shall be annually transmitted to each of the three branches of the Provincial Legislature; and all Judges, Commissioners or Justices of the Peace, are authorized to administer the necessary oath.

Statement to be transmitted to Parliament.

Minutes of proceedings and accounts to be kept by Secretary.

21. The Secretary-Treasurer shall keep minutes of the proceedings of the Board of Directors, and of the General Meetings of the Company; shall receive the moneys of the Company, and be responsible therefor; and shall keep the account books and other books of the Company, in which all their affairs and transactions shall be regularly entered and recorded.

Books kept on boats.

22. Books shall also be kept on board of the steamboats belonging to the Company, in which shall be regularly and strictly

strictly entered and recorded all the moneys received and disbursements made by the employees of the Company.

23. The Board of Directors of the Company shall fix, and from time to time, as they shall think fit, change the place where the Office of the Company shall be kept. Office of Company.

24. All services executed or effected at the Office of the Company, at the place where the same shall be fixed, or on the President or Secretary-Treasurer, or at the domicile of either of the two latter, shall be sufficient for all Courts of Justice or Equity in this Province; and no Stockholder of the Company, unless in his individual capacity a party in any proceeding, shall be incompetent to give evidence as a witness in such proceeding. Service of process. Competency of Stockholders as witness.

25. If a Writ of *saisie-arrêt* be served on the Company, the President or the Secretary-Treasurer may make an appearance in obedience thereto, in order to make the declaration required by Law, as the case may require; and his declaration shall be held and received in all Courts of Justice in Lower Canada, as the declaration of the Company. Saisie-arrêt and answer thereto.

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

SCHEDULES

MENTIONED IN THE FOREGOING ACT.

SCHEDULE A.

ST. LAWRENCE NORTH SHORE NAVIGATION COMPANY.

This is to certify, that A. B., is the owner of Shares in the St. Lawrence North Shore Navigation Company, subject to the Rules, Orders and By-laws of the said Company; and that the said A. B., his heirs and assigns, have a right to the profits and advantages accruing from the said Shares.

Given under the Common Seal of the said Company, the day of , in the year of Our Lord,

SCHEDULE B.

ST. LAWRENCE NORTH SHORE NAVIGATION COMPANY.

I, A. B., in consideration of the sum of , paid to me by C. D., of , hereby make over and transfer to the said C. D., shares in the St. Lawrence North Shore Navigation Company, to be enjoyed by the said C. D., his heirs and assigns, subject to the same conditions on which

I held them ; and I, the said C. D., do hereby agree to accept and receive the said shares, subject to the same conditions.

In witness whereof, we have signed this present act of transfer, at _____, the _____ day of _____.

Witnesses.

SCHEDULE C.

ST. LAWRENCE NORTH SHORE NAVIGATION COMPANY.

I, A. B., of _____, one of the Stockholders of the St. Lawrence North Shore Navigation Company, hereby appoint C. D., of _____, to be my Attorney, for me and in my name in my absence, to vote on all matters whatsoever which may be moved at the meeting of the Stockholders of the said Company, to be holden on the _____ day of _____ next, in such manner as the said C. D. may think it expedient to vote.

In witness whereof, I have signed the present power of Attorney, at _____, the _____ day of _____.

Witnesses.

C A P . C X X I I I .

An Act to incorporate the Pilots for and below the Harbour of Quebec.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS it is necessary, for the interests of commerce and navigation, to protect the Branch Pilots for and below the Harbour of Quebec; and whereas the incorporation of the said Pilots would greatly tend to the obtaining of this object; and whereas the said Pilots have, by their petition, prayed to be incorporated: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. The Pilots for and below the Harbour of Quebec, now having Branches as such, or who may hereafter obtain Branches as such, according to the provisions of the Act in that behalf, shall be and constitute a body politic and corporate by the name of *The Corporation of Pilots for and below the Harbour of Quebec*; and the said Corporation shall have and possess all the powers granted to bodies politic and corporate by the Consolidated Statutes of Canada, chapter five, section six, paragraph twenty-four.

Corporate name and general powers.

2. The affairs of the said Corporation shall be managed and administered by a Board of Directors composed of six members of the Corporation, four of whom shall be a quorum. Board of Directors.

3. The first Board of Directors shall consist of the following persons, namely, François Xavier Lachance, the elder, Thomas Connell, Thomas Simard, Edouard Ancil, François Lapointe, the elder, and Robert Demers, all Branch Pilots for and below the Harbour of Quebec. First Board.

4. The duties and functions of the Board of Directors shall be from time to time to make, alter, modify and repeal, in whole or in part, By-laws for the management and administration of the property of the Corporation;—for maintaining discipline among the Pilots;—for establishing, from time to time, the order in which the Pilots, or any separate class or number of them, shall serve as such, each in his turn;—for prescribing the mode of filling up vacancies occurring among the Directors during their term of office;—for regulating the mode of proceeding at the meetings of the Board of Directors and at the general meetings of the Corporation;—for the division and distribution of the funds of the Corporation;—for ordering the duties of the Secretary and of the Treasurer of the Corporation;—for ascertaining and establishing the expenses of the said Corporation; and, lastly, concerning all matters and things necessary for the working of this Act; Provided that none of the said By-laws be contrary to the laws of this Province, or to the provisions of this Act. Duties of the Board.
By-laws for certain purposes.
General purposes
Proviso.

5. No By-law shall be binding until after it has been published at least twice a week, for three weeks, in French, in a newspaper published in the City of Quebec, in the French language, and at least twice a week, during the same space of time, in English, in a newspaper published in the English language in the said City, and has been approved by the Trinity House of Quebec fifteen days at least after the last publication. Publication of By-laws.
Approval by Trinity House.

6. The said Trinity House of Quebec shall approve or reject every such By-law, in whole or in part, or modify it, according as it may think just or reasonable: Trinity House may amend or reject.

2. Every By-law, as passed by the Trinity House, shall be printed, and every person may obtain a copy from the Secretary of the Corporation on payment of the price which shall be fixed by the Board of Directors; Copies of By-laws.

3. Every copy of a By-law, certified by the Secretary and sealed with the Seal of the Corporation, shall be evidence of its contents to all intents and purposes. Certified copies.

- First meeting of the Board.** 7. The first meeting of the Board of Directors, after the passing of this Act, shall be called by the Chief Superintendent of Pilots of the Trinity House of Quebec, by notice given by him in writing to each of the Directors, eight days at least before the day on which the meeting is to take place :
- Notice.** 2. This Notice shall indicate the place, the day and the hour of the meeting ;
- Who shall preside.** 3. The said Superintendent of Pilots shall preside at the meeting ;
- Chairman of Directors.** 4. The Directors present, if they are sufficient in number to form the quorum required by this Act, shall, by a majority of votes, elect one of themselves to be Chairman of the Board of Directors of the Corporation ;
- Secretary and Treasurer.** 5. They shall elect also, in the same manner, a Secretary and a Treasurer of the Corporation ; or they may, if they deem it more advantageous, elect one and the same person to perform the duties of Secretary and of Treasurer ; and in this case, the person so elected shall be called the Secretary-Treasurer of the Corporation, and shall perform the duties of those two offices thus united ;
- Treasurer to give security.** 6. In any case, the Treasurer, or the Secretary-Treasurer, shall give to the Corporation, before entering into office, good and sufficient security, to the amount of the sum of one thousand two hundred and fifty pounds currency.
- If the Chairman is absent.** 8. If, at any meeting of the Board of Directors, the Chairman is absent, the Directors present shall choose one of themselves to preside :
- Chairman's vote.** 2. The Chairman, or the person filling his place in his absence, shall have a right to vote only in case of an equal division of the votes.
- Temporary Chairman.** 9. When the Chairman is hindered by illness, or by any other lawful cause whatsoever, or by absence for more than fifteen days, from performing the duties of his office, the Board of Directors shall choose one of its members to perform the duties of Chairman during the absence of the said Chairman :
- New Chairman in certain cases.** 2. If the absence continues more than three months, then the Board of Directors shall proceed to elect another Chairman.
- Calling meetings of Directors.** 10. The Chairman, or any Director, may require the Secretary to call a meeting of the Board of Directors ; and this requisition shall be in writing, signed by the Secretary, stating the special purpose for which such meeting is convened ; and no other subject than that so stated shall be considered at such meeting.

11. The Directors appointed by this Act shall remain in office for one year, reckoning from their appointment, or until the day hereinafter appointed for the election of Directors : Term of office.

2. At the expiration of the said period the said Directors shall go out of office and shall be replaced in the manner hereinafter prescribed ; New election.

3. After each renewal of the Board of Directors, the Directors shall, at the first meeting after the election, choose one of themselves to be Chairman of the Board of Directors and of the Corporation. New Chairman.

12. The Directors going out of office, or any of them, may be re-elected. Re-election.

13. The election of Directors shall take place once in every year, beginning with the year one thousand eight hundred and sixty-one, on the twenty-fifth day of November in every such year, or on the next following day, if that day be a Sunday or an obligatory holiday : Yearly election.

2. The Secretary shall call a general meeting of the members of the Corporation for this purpose, by notice inserted for fifteen days, in the French language, in a newspaper published in French, in the City of Quebec, and during the same space of time in the English language, in a newspaper published in English in the said City ; Calling general meeting for election.

3. This notice shall contain the place, the day, the hour and the object of the meeting. Notice.

14. At the place, on the day and at the hour indicated by the said notice, the members of the Corporation then present shall proceed by ballot, and by the majority of votes, to the election of Directors to replace those going out of office : Election by ballot.

2. The Secretary, assisted by two members of the Corporation appointed by the meeting, shall scrutinize the votes, and the Chairman shall declare the members who shall have received the greatest number of votes, to be elected as Directors. Scrutinizing votes.

15. If, from any cause whatever, the election of Directors has not taken place on the day hereinbefore appointed, ten members of the Corporation may, by a writing signed by them, require the Secretary to call, without delay, a meeting of the members of the Corporation, to proceed to the said election : Provision in case of failure of election.

2. And this meeting shall be called in the manner and form prescribed by the thirteenth section of this Act. Meeting.

Presiding at meetings.

16. Every meeting of the members of the Corporation, called in virtue of this Act, shall be presided over by the Chairman of the Corporation, or, in his absence, by him who shall be chosen for that purpose by the majority of the members present :

Vote of Chairman.

2. The Chairman and, in his absence, he who shall occupy his place, shall vote only when the votes are equally divided.

Majority to decide.

17. Every matter or thing submitted to a general meeting shall be decided by the majority of the votes of the members present.

Calling special general meetings.

18. The Board of Directors may at any time call a general meeting of the members of the Corporation :

Requisition.

2. Such meeting may also be called on requisition in writing, signed by at least a third of the members of the Corporation, stating the object of the meeting, and addressed to the Secretary :

Notice.

3. In either case the meeting shall be called by notice given in the manner prescribed by the thirteenth section of this Act.

Account to be rendered by Directors.

19. At the general meeting, which shall be held on the twenty-fifth of November, or on the next following day, if that day be a Sunday or an obligatory holiday, the Board of Directors shall render an account of their management and administration during the year ending on the said day, and the Treasurer shall submit a detailed statement of the financial affairs of the Corporation and of the moneys by him received and paid, with vouchers, and the said Board shall cause a copy of such statement certified by the Chairman and Treasurer to be transmitted within ten days after such general meeting to the Trinity House of Quebec, and shall also, within a reasonable time after the same is demanded, furnish to the said Trinity House such further information in relation to such management, administration and affairs, as by the said Trinity House may be required ; and a failure to furnish such statement or further information as herein provided shall subject the said Corporation to a fine of two hundred dollars, to be recovered in the name of the said Trinity House before any Court of competent jurisdiction.

Information to Trinity House.

Penalty for default.

Auditors.

20. The meeting may, if it thinks necessary, appoint one or more competent persons to examine and audit the Treasurer's accounts.

Income of Corporation.

21. The income of the Corporation shall consist of all sums of money arising from the pilotage of all ships and vessels, required by law to take a Pilot, in and below the Harbour of Quebec, and from the other services rendered by the Pilots, and for which the Pilots' Tariff allows pay or remuneration.

22. Every Pilot, who pilots a vessel belonging to Her Majesty in any part whatsoever of the Port of Quebec, shall pay to the Treasurer of the Corporation, within twenty-four hours after his arrival at Quebec, after having so piloted the same, the sum he shall have received for such pilotage, on pain of being deprived of his Branch.

Pilots to pay over pilotage of H. M. vessels.

23. The master of every vessel (including Her Majesty's Transports) clearing outwards from the Port of Quebec, shall pay to the Treasurer of the Corporation the sum he shall owe to the Pilot who shall have piloted his vessel in any part of the Port of Quebec; and in addition, the amount of such pilotage from Quebec to Bic, if such vessel take a clearance for any port out of the Province; and further every other sum he may owe to a Pilot for services by him rendered in his capacity of Pilot, and for which the Pilots' Tariff allows pay :

Masters to pay pilotage to Corporation.

2. And the Collector or other Officer of Her Majesty's Customs at Quebec shall not grant any vessel a clearance outwards for any port out of this Province, unless the master of such vessel exhibits to him a certificate from the said Treasurer to the effect that he has paid the pilotage dues.

No clearance at Quebec until it is paid.

24. The master of every vessel (including Her Majesty's Transports) clearing from a port in Lower Canada other than that of Quebec, shall pay to the Collector or other Officer of Her Majesty's Customs at such port the pilotage of such vessel within the limits of the Port of Quebec, as well for the ascent as for the descent of the river St. Lawrence by such vessel, if the clearance is for a port outside of the Province, as well as every other sum due to any Pilot for and below the Harbour of Quebec for services rendered by him, and for which the Pilots' Tariff allows pay :

As to vessels clearing from other Ports.

2. And no Collector or other Officer of Her Majesty's Customs shall grant a clearance to such master of a vessel unless he have paid such pilotage or other dues or sums thus due.

No clearance until such payment.

25. The Collector or other Officer of Her Majesty's Customs, who shall receive any sum whatsoever by virtue of this Act, shall pay over the amount to the Treasurer of the Corporation on the first day of each month, and shall transmit at the same time a detailed statement of the sums so by him received.

Collector to pay over to Corporation.

26. If a Pilot runs a vessel aground, or if, by his fault, any accident happens to a vessel by which, according to law or to the By-laws of the Trinity House of Quebec, such Pilot forfeits his pilotage, the master or owner of such vessel shall be entitled to be reimbursed by the said Corporation the amount of pilotage paid by him; and on the refusal of the Treasurer of the Corporation to repay the same, he may recover the amount of the pilotage by action, complaint or information, before the Trinity House of Quebec, who shall proceed thereupon in the manner

Reimbursement of pilotage, if vessel runs aground &c.

manner prescribed for the prosecution of the complaints and informations, of which they are by law authorized to take cognizance.

Application of moneys.

27. Every sum received or due for pilotage or other services as aforesaid in virtue of this Act, shall belong to the Pilots' Corporation.

Recovery of moneys due to the Corporation.

28. Every sum due by virtue of this Act shall be sued for and recovered by the said Corporation before the Trinity House of Quebec in the manner and form prescribed for the prosecution of matters and things which the said Trinity House of Quebec may likewise take cognizance of and determine; and the judgment on such prosecution shall be executed in the manner and form observed before, the said Trinity House of Quebec.

Net income to be shared equally among members of the Corporation.

29. The net income of the Corporation, after deducting the expenses of administration and management and any fines and penalties incurred and paid by the said Corporation on its own account, in virtue of this Act, shall be shared and divided equally between the members of the said Corporation acting and practising as Branch Pilots for and below the Harbour of Quebec; and no Pilot, who shall be master or commander of a vessel other than that or those belonging to the said Corporation, shall be considered as a Branch Pilot for the purposes of this Act so long as he shall thus be master or commander of such vessel; and the said Corporation of Pilots shall have the right to own vessels and to register the same under any law now or hereafter to be in force in this Province, and all declarations and other acts required by any such law on the part of the owner or owners may be made by the Secretary of the Corporation constituted under this Act:

Corporation may own vessels.

When the income shall be divided.

2. The partition, division and payment of the said revenue to and among the members of the said Corporation, shall be made at the periods which shall be determined and settled by the Board of Directors.

Penalty on Pilots losing money to the Corporation

30. If a Pilot, by his act, his fault, or his negligence, loses the whole or part of the amount of any pilotage or of any other sum for services rendered by him as a Pilot, or occasions to the Corporation any damage or loss whatsoever, or if the Corporation, for any lawful cause whatsoever, is obliged to pay any sum of money for a Pilot, in all these cases the amount of the damage so caused or suffered, or the money so lost or paid, shall be deducted from the share of the income of the Corporation accruing to such Pilot.

Piloting Ocean Steamship Company's Vessels.

31. In case the Montreal Ocean Steamship Company shall, on or before the twentieth day of March, in any year, furnish the Secretary of the Corporation with a list or statement of the names

names of four members of the said Corporation, selected by the said Company to pilot their vessels, it shall be the duty of the Board of Directors to place the names of the said four members on a separate roster or roll of names, for and during the remainder of that year; and the said four members shall pilot the vessels of the said Company, each in his turn, according to such separate roster, and shall be exempt from piloting any other vessels, and shall not be liable to any forfeiture, fine or penalty, for refusing or neglecting to pilot in their turns, according to the general, or any other, roster or roll of names of the members of the said Corporation, or any By-law or Order of the Board of Directors, relating to the same, for and during the remainder of the said year.

32. Every Pilot shall report himself at the office of the Corporation within forty-eight hours after his arrival in Quebec, in charge of any Vessel, or after having piloted any Vessel down the river, and it shall be the duty of the Secretary, there and then, to place his name upon the roll or roster of the names of the Members of the said Corporation; and any Master of any Vessel, clearing outwards from the Port of Quebec, may, on or after taking his clearance, select any one of the members, not being a Director, of the said Corporation, whose name may then be upon the said roll or roster, and who has not been selected by the Montreal Ocean Steamship Company for the then current year, to pilot his vessel down the River; and upon his the said Master's notifying such selection to the Secretary of the said Corporation, either verbally or in writing, it shall become and be the turn of such member to pilot such vessel; and after having piloted such vessel accordingly, he shall be deemed to have piloted in his turn, the next time it comes to his turn to pilot a vessel according to any By-law or Order of the Board of Directors.

Pilots to report themselves at Corporation Office.

Masters of vessels clearing outwards may select a Pilot.

33. Every Pilot, who shall refuse or neglect to pilot in his turn, according to the provisions of this Act, shall forfeit, out of the share of the income of the Corporation accruing to him, a sum not exceeding ten pounds and not less than two pounds ten shillings currency for each refusal or neglect, as the Board of Directors may determine; and each such act of refusal or neglect shall make it the turn of the Pilot next for duty according to the same roster or roll of names, and subject him also to such forfeiture in case of his refusal or neglect to pilot.

Penalty on Pilots refusing to act.

34. Every Pilot interdicted or suspended according to law shall, during the continuance of his interdiction or suspension, cease to form part of the Corporation and to participate in the rights conferred by this Act:

Pilots suspended, &c., not to share in income.

2. At the expiration of the interdiction or suspension he shall be once more a member of the Corporation; but he shall not share in the income received by the Corporation during the continuance of his interdiction or suspension.

When suspension ceases.

Pilots losing their branches.

35. Every Pilot deprived of his Branch according to law shall cease to form part of the Corporation.

Rights of Trinity House saved.

36. Nothing in this Act contained shall prejudice the rights or powers conferred upon the Trinity House of Quebec by the Provincial Statute, twelfth Victoria, chapter one hundred and fourteen.

Corporation amenable to Trinity House.

37. The Corporation of Pilots for and below the Harbour of Quebec shall, as such, be amenable to the jurisdiction of the Trinity House of Quebec, and the members thereof shall be liable collectively, in their corporate capacity, for any breach of any By-law of the Trinity House of Quebec, committed by the said Corporation, or by the Board of Directors or any officer thereof, in the same penalty as would attach to the breach of such By-law by any one of them in his individual capacity, unless a different penalty for the breach thereof by the said Corporation, or by the Board of Directors or any officer thereof, be imposed by such By-law.

Trinity House may impose penalties on it.

38. The Trinity House of Quebec may attach any penalty, not exceeding two hundred dollars, to the breach by the said Corporation, or by the Board of Directors or any officer thereof, of any of their By-laws, made or to be made.

How such penalties shall be paid and applied.

39. All fines and penalties, which any member of the said Corporation shall be condemned by the Trinity House of Quebec to pay, shall be paid for him by the Treasurer of the said Corporation to the Treasurer of the Trinity House of Quebec; and all fines and penalties, which the said Corporation or the Board of Directors or any officer thereof shall be condemned by the Trinity House of Quebec to pay, shall be paid by the Treasurer of the said Corporation to the Treasurer of the Trinity House of Quebec; and all fines and penalties so paid shall form part of the Pilot Fund.

Enforcing payment of moneys by Corporation.

40. In case of the refusal of the Treasurer of the said Corporation to pay any sum of money which the said Corporation, or the Board of Directors or any officer or member of the said Corporation, has been condemned by the Trinity House of Quebec to pay, the Trinity House of Quebec may, by writ in the nature of a writ of *saisie arrêt*, attach in the hands of any Collector of Her Majesty's Customs any moneys to the amount thereof by him payable, or to become payable to the said Corporation, by virtue of this Act; and any such Collector may deduct any sum paid by him under any such writ from the amount payable by him to the Treasurer of the Corporation on the first day of the then next month, in virtue of this Act.

Interpretation of certain words.

41. In this Act the word "master" shall signify the captain, master, commander, or other person in charge of a vessel; the word "vessel" shall signify every sailing vessel or steam vessel

vessel obliged by law to take a Pilot within the limits of the Port of Quebec, and the words "Pilots' Tariff" shall signify the tables of rates of pilotage forming Schedule A. annexed to the said Act twelfth Victoria, chapter one hundred and fourteen.

42. This Act is a Public Act, and the Interpretation Act shall apply to it. Public Act,
&c.

43. This Act shall have force and effect upon, from and after the twenty-sixth day of November next. Commence-
ment of Act.

C A P . C X X I V .

An Act to revive and extend the Charter of the St. Lawrence Inland Marine Assurance Company.

[Assented to 19th May, 1860.]

WHEREAS the Directors and Stockholders of the late St. Lawrence Inland Marine Assurance Company have, by their petition to the Legislature, represented, that the Charter of that Company expired on the thirty-first day of December now last past, and that although the business of the Company has been discontinued since the year one thousand eight hundred and fifty-four, there still remain some accounts and claims of the Company unsettled, and that they are desirous of legally and properly settling all matters relative to the business of the Company; and they have prayed that for this purpose only their said charter may be revived and continued for a limited time as hereinafter provided, 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 incorporation and corporate powers of the said Company, and all the enactments and provisions of the Act of the Parliament of the late Province of Upper Canada, passed in the third year of the reign of King William the Fourth, and intituled: *An Act to incorporate certain persons under the name and title of the St. Lawrence Inland Marine Assurance Company*, and all by-laws and regulations of the Company in force immediately before the thirty-first day of December, one thousand eight hundred and fifty-nine, shall be and are hereby revived, and shall be held to have continued in force without interruption up to the time of the passing of this Act, and shall thenceforward continue in force until the first day of January, one thousand eight hundred and sixty-six, and no longer, for the purpose of settling the accounts and claims mentioned in the Preamble of this Act, and of winding up and finally closing the affairs of the Company, but not for the purpose of making any new Assurance or commencing any new business or transaction; and for the purposes of this Act the said Act shall be read, construed and have effect as if the time limited by the first section

The Act incorporating the Company revived and continued until 1st January, 1866, for certain purposes.
U. C. 3 W. 4, c. 19.

or any other part of the said Act for the continuance of the corporate powers of the said Company, had been the said first day of January, one thousand eight hundred and sixty-six, instead of the first day of January in the said section mentioned.

Public Act.

2. This Act shall be deemed a public Act.

C A P . C X X V .

An Act to enable the New City Gas Company of Montreal to increase their Capital Stock.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the New City Gas Company of Montreal have, by their Petition to the Legislature, represented that, under the provisions of the Act passed in the twelfth year of Her Majesty's Reign, and chaptered one hundred and eighty-three, they have increased their Capital Stock to the sum of three hundred thousand dollars, being the full amount to which they were authorized by the said Act to increase the same, but that a further extension of their works and increase of their capital is necessary, in order to enable them to meet the wants of the Public, and have prayed to be authorized further to increase their Capital Stock as hereinafter provided; 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:

Company may increase their capital to \$600,000 in shares of \$40 each.

1. Notwithstanding any thing in the Act above mentioned, or in the Act incorporating the said Company, the Capital Stock of the said Company may, by a vote of not less than two-thirds in amount of the Stockholders, to be present at a general meeting, to be called for that purpose, be increased by the sum of three hundred thousand dollars, or such less sum as may be resolved on, over and above the sum of three hundred thousand dollars, to which sum the present Capital Stock of the said Company amounts, making the entire amount, to which the said Capital Stock may extend, the sum of six hundred thousand dollars; and the said sum of three hundred thousand dollars shall be divided into seven thousand five hundred shares of forty dollars each, and may be raised either by the present Shareholders, by voluntary subscription among themselves or by the admission of new members, or in both those ways; and the said Stock shall be payable by such instalments, at such times and in such manner and after such notice, and with or without interest from the days on which payment is required, as the Directors of the said Company may see fit to direct; such calls, nevertheless, being subject to the restrictions and limitations contained in the eleventh section of the Act incorporating the said Company, as amended by the Act first above cited.

Instalments and calls.

2. The additional Capital Stock, to be so raised as aforesaid, shall be considered as part of the original Capital Stock of the said Company, and shall, as well as the subscribers therefor and the owners thereof, be subject to all and every the same provisions, enactments and penalties in all respects, as well with reference to the payment and enforcing the payment of calls as to the forfeiture of shares on non-payment of calls or otherwise, as are contained in the said Act incorporating the said Company, as amended by the Act first above cited; and each and every of the said enactments and provisions shall apply to the additional capital hereby authorized to be raised, and payment of the said calls, and the penalties incurred for non-payment, shall and may be enforced in all respects in the same manner as provided by the said Acts.

Additional capital to be considered part of original stock, and provisions of 10, 11 V. c. 79, and 12 V. c. 183 to apply.

3. The whole amount of the additional Capital Stock to be raised as aforesaid shall, after the payment of all necessary and incidental expenses, be expended in payment of any claims due by the said Company for any property or works now acquired or in progress, or shall be applied in extending and improving the works of the Company, or in erecting any new works that may be necessary, from time to time, for furnishing a supply of Gas to the City and Suburbs of Montreal, agreeably to the purposes of the Acts aforesaid.

Application of new capital.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . C X X V I .

An Act to incorporate the South-Eastern Mining Company of Canada.

[Assented to 19th May, 1860.]

WHEREAS the persons hereinafter named have, by Petition, represented that certain of them have acquired and hold divers valuable properties and mining rights, and have entered into contracts and made arrangements at much cost, for prosecuting researches for mineral ores, and locations favorable for mining, in the territory to the South-East of the River St. Lawrence, in Lower Canada, and that they are desirous, unitedly and with others, to prosecute such researches and carry on the business of Mining on an extensive scale, in such Territory, but cannot do so to advantage, unless by the aid of a Charter of Incorporation, and have, therefore, prayed for the passing of an Act to that end; and whereas it is expedient that such prayer 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. Henry Bancroft, Edward John Hemming, Strachan Bethune, William H. A. Davies, and Jesse D. Robinson, Esquires, together with all such other persons as shall become shareholders

Incorporation.

shareholders in the Company hereby constituted, shall be, and they are hereby constituted, a Body Corporate and Politic, by the name of "The South-Eastern Mining Company of Canada."

Corporate name.

Business of the Company.

2. The Company may engage in and follow the business of carrying on exploration for, and of mining for, finding and getting, copper, lead and other ores, metals and minerals, within the limits aforesaid, and of manufacturing, dealing in, and disposing of, such ores, metals and minerals; and may do all things necessary to such ends, consistently with the rights of other parties, and with the conditions of any title under which the Company may hold the lands in or upon which such things are to be done.

Real property.

3. The Company may, by any legal title, acquire and hold any land necessary or requisite for the carrying on of such business; Provided the total price or purchase money thereof, as held at any one time, do not exceed one hundred thousand dollars; and they may sell, lease or otherwise dispose of the same, as they shall see fit.

Limitation.

Capital and shares.

4. The Capital Stock of the Company shall be the sum of two hundred and fifty thousand dollars, divided into fifty thousand shares of five dollars each; and may be increased as hereinafter is provided.

Calls on shares.

5. All calls of money, upon the respective Shareholders in respect of such Stock, shall be paid when, where and as, the Directors of the Company shall from time to time require---in conformity, always, with such rules, as to notice or otherwise, as the By-laws of the Company may ordain; and interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of every unpaid call, from the day appointed for payment of such call.

Interest on calls unpaid.

Enforcing calls.

6. The Company may enforce payment of such calls and interest, by action in any competent Court of Law; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the Defendant is a 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 amount, in respect of one call or more upon one share or more, stating the number of such calls and the amount of each, whereby an action hath accrued to the Company under this Act; and a certificate under their Seal, and purporting to be signed by any Officer of the Company, to the effect that the Defendant is a Shareholder, and that such call or calls have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts of Law as *prima facie* evidence to that effect.

What only need be alleged and proved.

7. If, after such demand or notice as by By-law of the Company may be prescribed, any call made upon any share or shares be not paid within such time as by such By-law may be limited in that behalf, the Directors in their discretion, by vote to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made ; and the same shall thereupon become the property of the Company, and may be disposed of as by By-law or otherwise they shall ordain.

Forfeiture for non-payment.

8. The Stock of the Company shall be deemed personal estate, and shall be assignable and transferable in such manner only, and subject to all such conditions and restrictions, as shall be prescribed by the By-laws of the Company.

Stock to be personalty, how transferable.

9. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

Not transferable while calls are unpaid.

10. The Company, from time to time, after at least one-half of their Stock has been paid in, and not sooner, may borrow, in this Province or elsewhere, any sums not exceeding in all two hundred and fifty thousand dollars ; and may make the bonds, debentures and other securities they shall grant for such sums, payable in sterling or in currency, at such rate of interest, and at such place or places in this Province or elsewhere, as they shall deem advisable ; and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple endorsement or otherwise, and may be in such form, as to the Directors of the Company may seem fit ; and for assuring payment of any such sums and interest, the Company may thereby hypothecate their real estate, or any part thereof,—and in such case, the enregistration, in the proper Registry office, of such bond, debenture or other security, if not passed before Notaries, shall create the *hypothèque* thereby purporting to be declared.

Company may borrow money.

Debentures.

Registration of debentures.

11. If the said amount of Stock be found insufficient, the Company, by a vote of not less than two-thirds, at any General Meeting called for that purpose, may, from time to time, increase the same, either by admission of new Shareholders or otherwise, to a total amount of not more than one million of dollars ;—and in such case, the new Stock shall be paid in upon such conditions, at such times and place, and in such manner, as the Company at such meeting shall have ordained, or (in default of express provision to that end, then) upon such conditions, at such times and place, and in such manner, as the Directors thereafter, by By-law or otherwise, shall ordain, and such new Stock shall be in all respects part of the Capital Stock of the Company ; and upon such increase of their Capital Stock, the Company, for the purposes of their business only, may acquire and hold real estate to a proportionately increased

Increase of capital.

Consequence of such increase.

increased amount, with power always to sell, lease, or otherwise dispose thereof, as they shall see fit.

- One vote for each share. **12.** At all Meetings of the Company, every Shareholder, not being in arrear in respect of any call, shall be entitled to as many votes as he holds shares in the Stock of the Company, and no shareholder being in arrear shall be entitled to vote, and all votes may be given in person, or by proxy; Provided always the proxy be held by a Shareholder not in arrear, and be in conformity with such requirements as the By-laws of the Company may prescribe, and not otherwise.
- Proxies.
- Election of Directors. **13.** The affairs of the Company shall be administered by a Board of not less than five nor more than seven Directors, being severally holders of, at least, two hundred shares of stock, who shall be elected at the first general meeting, and thereafter, at each annual meeting, of the Company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and four members of such Board, until otherwise provided by By-law, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any Director, such Board, if they see fit, may fill the vacancy until the next annual meeting of the Company, by appointing any qualified Shareholder thereto.
- Quorum.
- Vacancies.
- Provision in case of failure of election. **14.** If at any time an election of Directors be not made or do not take effect at the proper time, the Corporation hereby constituted shall not be held to be thereby dissolved; but such election may take place at any general meeting of the Company duly called for that purpose.
- First Directors. **15.** Until the first election of such Board, the said Henry Bancroft, Edward John Hemming, Strachan Bethune, William H. A. Davies, and Jesse D. Robinson, shall be the Provisional Board of Directors of the Company, with power to fill vacancies occurring therein, to associate with themselves therein not more than two other persons, who, upon being so named, shall become and be Directors of the Company equally with themselves, to open stock books, to assign stock, to make calls thereon, and grant certificates and receipts therefor, to make Provisional By-laws on any matters admitting of regulation under this Act by By-law, such Provisional By-laws to have force until the first general meeting of the Company, to convene such meeting, and to do all other acts required to be done in order to the organization of the Company, and the conduct of its affairs.
- Powers.
- Provisional By-laws.
- Powers of elective Directors. **16.** The Board of Directors of the Company shall have full power in all things to administer the affairs of the Company, and may make or cause to be made any description of contract which the Company may by law enter into; and may from time to time make By-laws not contrary to law, to regulate the making
- By-laws for certain purposes.

making of calls on stock, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration, and that (if any) of the Directors, the time at which and the place where the annual and other meetings of the Company shall be held, the calling of meetings, general and special, of the Board of Directors, and of the Company, the quorum, the requirements as to proxies, and the procedure in all things, at such meetings, the site of their chief place of business, and of any other offices which they may require to have, the imposition and recovery of all penalties and forfeitures admitting of regulation by By-law, and the conduct in all other particulars of the affairs of the Company ; and may from time to time repeal, amend, or re-enact the same ; but every such By-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a special general meeting of the Company called for that purpose, shall only have force until the next annual meeting of the Company, and shall require to be confirmed thereat ; and every copy of any By-law under the seal of the Company, and purporting to be signed by any officer of the Company, shall be received as *prima facie* evidence of such By-law, in all Courts of Law.

Amending
By-laws.

Proof of By-
laws.

17. The Company may establish and have any place or places of business in Great Britain or in the United States of America ; and may, at any thereof, open books of subscription for their stock, and may receive there subscriptions for such stock, transferable there respectively, and may make all instalments thereon to be called in, and all dividends thereon to be declared payable there respectively ; and at any of such places of business they may name one or more agents for all or any of such purposes, and may remunerate them as they shall see fit ; and they may, by By-law and otherwise, in all things regulate and order the mode of transaction of all manner of business to be so done thereat, and may prescribe, as they shall find expedient, the mode in which shares of stock taken thereat may be assimilated to, or converted into shares of stock taken in this Province, and *vice versa*.

Places of bus-
iness of the
Company.

Dividends.

Agents.

Canadian and
other shares.

18. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares ; and the receipt of the person, in whose name the same shall stand in the books of the Company, shall be a valid and binding discharge to the Company, for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the Company ; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not
bound to see
to trusts which
shares are
subject.

Limitation of liability of Shareholders.

19. The Shareholders of the Company shall not as such be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their shares in the stock thereof.

Execution of contracts to which the Company is a party.

20. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed, on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the By-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any By-law or special vote or order; nor shall the party so acting as agent, officer, or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party therefor; provided always that nothing in this Act contained shall be construed to authorize the Company to issue any note of a character to be circulated as money, or as the note of a Bank.

Not to issue Bank notes.

Actions by or against Shareholders—evidence, &c.

21. Any description of action may be prosecuted and maintained between the Company and any Shareholder thereof; and no Shareholder, not being himself a party to such action, shall be incompetent as a witness therein.

When the Company may commence.

22. The Company shall not commence their operations under this Act, until at least ten per centum on the amount of their capital stock shall have been paid in.

Public Act.

23. This Act shall be deemed a Public Act.

C A P . C X X V I I .

An Act to amend the Act incorporating the Saint Lawrence Mining Company.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the Saint Lawrence Mining Company have, by their Petition, prayed for certain amendments to their Act of Incorporation, the better to enable them to go into operation, 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:

1. The third section of the Act of Incorporation of the said Company is amended to the effect that the Capital Stock of the Company is and shall be fifteen thousand pounds, divided into seven thousand five hundred shares; Provided always that the said Capital Stock may be increased to one hundred thousand pounds, in the manner provided by the said Act. Sect. 3 of 18 V. c. 50, amended.
Capital of the Company.
Proviso: for increase.
2. The nineteenth and twenty-fifth sections of the Act incorporating the said Saint Lawrence Mining Company, passed in the eighteenth year of Her Majesty's Reign, and known as Chapter Fifty, shall be and the same are hereby repealed. Sects. 19 and 25 of 18 V. c. 50, repealed.
3. The privileges conferred by the said Act of Incorporation shall be acquired by the said Corporation as soon as ten per centum of the capital shall have been actually paid into the hands of the Treasurer of the Company; provided always that such ten per centum be so paid in within three years from the date of the passing of this Act. When the Company shall become entitled to the privileges granted by this Act.
4. This Act shall be deemed a Public Act. Public Act.

CAP. CXXVIII.

An Act to amend the Act intituled: "An Act to incorporate the Montreal Mining Company."

[Assented to 19th May, 1860.]

WHEREAS the Montreal Mining Company have petitioned for an amendment of their charter, which Petition 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 Company may own and carry on farms and Agricultural, Mechanical or Manufacturing establishments, on any of their lands, in connection with and in aid of the business which they may now by law carry on, and may sell, lease, or grant lands for the said purposes; they may also employ, and from time to time acquire, and dispose of Steamboats and other vessels, which shall be used only for the purpose of trading to or from any port at or next to their present mining locations or any of them, and may trade on any such locations in connection with and in aid of their said business, and may establish, own, and carry on trading posts and establishments and fisheries on Lakes Huron and Superior. Company may own farms and vessels for certain purposes.

2. The thirteenth Section of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign intituled: "An Act to incorporate the Montreal Mining Company," is hereby amended, so that the Directors of the Company shall not hereafter, in any case, have the power to sell, Powers of Directors to sell or lease mines, restricted.

sell or lease any mine or location or any considerable portion thereof, without the approval of the Shareholders, either at an annual general meeting, or at a special meeting called for the purpose, either before or after the agreement to sell or lease.

Directors may make By-laws for certain purposes.

Servants.

Transfer of shares.

Changing number of Directors.

3. The Directors may, from time to time, make By-laws, rules and regulations, and the same, from time to time, may alter, amend, modify, repeal and renew, for all or any of the following purposes, to wit:--1. For the control and management of the Company, their servants, agents and workmen, and for the orderly and systematic carrying on of their business and operations; 2. To regulate the manner in which shares of the Capital Stock of the said Company may be transferred, including the power to abolish the use of certificates assignable by delivery, and for the registration of transfers, and to subject all transfers to such forms and such reasonable conditions as to them may seem advisable; 3. Also from time to time to change the number of Directors for the management of the affairs of the Company, provided they be not reduced below the number of five, nor increased beyond their present number, and to regulate the number who shall go out of office annually, the said By-laws to be submitted for approval at a general meeting of Shareholders.

They may issue additional shares to their servants, as honorary Shareholders.

Interest of such Shareholders limited.

4. The Directors, from time to time, as they may deem it expedient, may issue a number of shares of Capital Stock of the said Company, in all not exceeding two thousand shares, to servants, agents and persons employed by the Company, in reward for services, and such persons shall be called Honorary Shareholders, and the Capital Stock so issued shall neither be assignable nor subject to calls or assessments, and the interest of the respective Shareholders therein shall cease so soon as they respectively cease to be in the employ of the Company, save in cases where the same has been granted in reward for special services to persons not permanently in the employ of the Company; and in all such cases the term of the interest in such Shares shall be limited, and shall in no case exceed five years, and such Honorary Shareholders shall have the right, during the continuance of their interest as such, to have, and receive dividends, but their shares shall be absolutely non-assignable, and shall not subject the holders to any personal liability for the debts of the Company.

Debentures for certain purposes.

5. The debentures, which the Company are authorized to issue by the ninth section of the Act hereinbefore cited, may be issued from time to time, either for borrowed money or for other debts or liabilities incurred or to be incurred by the Company.

Public Act.

6. This Act shall be deemed a Public Act.

C A P . C X X I X .

An Act for incorporating and granting certain powers to the British American Investment Company.

[Assented to 19th May, 1860.]

WHEREAS the persons hereinafter mentioned have petitioned for an Act of Incorporation as a Joint Stock Company, for the purposes of lending and borrowing money, and acting as an Agency Association, and for other purposes hereinafter mentioned : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The Honorable John Ross, the Honorable William Cayley, the Honorable John Hillyard Cameron, and David L. Macpherson, Samuel B. Harman, William Proudfoot, Henry Duncan, and Samuel Duncan Clarke, Esquires, and all and every such other person and persons, body and bodies politic, corporate and collegiate, and their respective executors, administrators, assigns and successors, or such of them as shall, from time to time, be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be united into a Company, according to the powers and authorities, rules, orders and regulations hereinafter set forth or referred to, and shall be one body politic and corporate by the name of the British American Investment Company.

Certain persons and their associates incorporated.

Corporate name and general powers.

2. The Company shall be, and they are hereby empowered to lay out and invest their capital, in the first place, in paying and discharging all costs, charges and expenses incurred in applying for and obtaining this Act, and all other expenses preparatory or relating thereto, and the remainder of such capital, or so much thereof, as may, from time to time, be deemed necessary, in the manner and for the purposes hereinafter mentioned, that is to say : it shall be lawful for the Company, from time to time, and at any time, to lend and advance money by way of loan or otherwise, on such security, real or personal, or both real and personal, and upon such terms and conditions and at such rate of interest not exceeding eight per centum per annum, as to the Company shall seem satisfactory or expedient, and to do all acts that may be necessary for advancing such sums of money, and for recovering and obtaining re-payment thereof, and for compelling the payment of all interest (if any) accruing from such sums so advanced, or the observance and fulfilment of any conditions annexed to such advances, or any forfeitures consequent on the non-payment thereof, and to give receipts and acquittances and discharges for the same, either absolutely and wholly, or partially ; and for all and every and any of the foregoing purposes, to lay out and apply the capital and property, for the time being, of the Company, or any part thereof,

Special powers and business of the Company.

Making loans of money, and recovering the same.

Rate of interest limited to 8 per cent.

or

or any of the moneys authorized to be hereafter raised by the Company, in addition to their capital for the time being, and to do, authorize and exercise all acts and powers whatsoever, in the opinion of the Directors of the Company for the time being, requisite or expedient to be done or exercised in relation thereto.

Power to the Company to lend money to the Government of the Province, or to any Municipal Council, or Board of Public Trust.

Rate of interest limited.

And to recover the same.

3. It shall be lawful for the Company, and they are hereby empowered to act as an Agency Association, and either on their own behalf, or for the interest and on behalf of others, who shall intrust them with money for that purpose, to lend and advance money for any purpose whatever, and at such rate of interest not exceeding eight per centum per annum, to the Government of this Province, or to any Municipal Council in this Province, or to any Board, Trustees, Commissioners or other persons or person, having the care of, or making or executing any public works in this Province, upon such terms as may be agreed upon in any such case, and to take and accept from such Government, Municipal Council, Board, Trustees, Commissioners or other persons or person, such assignment, grant, demise or security of or upon any public revenues or property of this Province, or upon any rates, tolls, charges or assessments within this Province, or such other security for the re-payment of the money so to be advanced and also for the interest thereof, as to the Company shall appear satisfactory, and which shall be good, valid and effectual for the purposes expressed therein, and may be enforced for the benefit of the Company, or of the person or persons or Corporations for whom and in whose name or names such money has been lent and advanced by the Company, and to do all acts that may be necessary for advancing such sums of money and recovering and obtaining repayment thereof, and for enforcing the payment of all interest (if any) accruing therefrom, or any conditions annexed to such advances, or any forfeitures consequent on the non-payment thereof, or any parts thereof, respectively, and to give receipts, acquittances and discharges for the same, either absolutely and wholly, or partially; and for all and every or any of the foregoing purposes, to lay out and employ the capital and property for the time being of the Company, or any part of the moneys authorized to be hereafter raised by the Company in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid; and to do, assent to and exercise all acts whatsoever in the opinion of the Directors of the said Company, for the time being, requisite or expedient to be done in regard thereto.

Power to hold lands by mortgage in the course of their business.

Proviso.

4. It shall be lawful for the Company, either for their own benefit or as Trustees for any person or persons or Corporation, to hold any real estate in Upper Canada only, by mortgage as security for loans, and also to acquire such real estate as may be necessary for the transaction of their business, or may fall to them in course of law in satisfaction of any debt; Provided always

always that in this last mentioned case it shall be incumbent on them to sell the same within five years after it shall have so fallen to them; otherwise the same shall revert to the previous owner or his heirs or assigns.

5. It shall be lawful for the Company, from time to time, to deal with and dispose of all lands acquired and possessed by or held in trust for the Company, or contracted for or to which the said Company shall be entitled, either on their own behalf or as Trustees as aforesaid, or of any part thereof, by sale, mortgage, lease or other disposition thereof, which they may deem most conducive to the promoting of the objects and advantages of the Company; and the Company shall be and are hereby empowered to lay out and invest their capital and property for the time being, or any moneys to be raised by them, in so dealing with and disposing of such lands.

Power to lease and sell lands acquired as aforesaid.

6. All conveyances to be made by the Company, under or by virtue, or in pursuance of the several powers and authorities given to it by 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.

Form of conveyance by the Company.

7. In any such conveyance of lands to be made by the Company, the word "Grant" shall operate as express covenants by the Company for themselves and their successors, with the respective grantees therein named, and the successors, heirs, executors, administrators and assigns of such grantees, according to the quality or nature of such grants, and of the estate or interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express words contained in any such conveyance; (that is to say:) A Covenant, that notwithstanding any act or default done by the Company, they were at the time of the execution of such conveyance, seized or possessed of the lands or premises thereby granted, for an indefeasible estate of inheritance, in fee simple, free from all incumbrances, done or occasioned by them, or otherwise for such estate or interest as therein expressed to be thereby granted, free from incumbrances done or occasioned by them; A Covenant that the grantee of such lands, his heirs, successors, executors, administrators and assigns (as the case may be) shall quietly enjoy the same against the Company and their successors, and all other persons claiming under them, and be indemnified and saved harmless by the Company and their successors, from all incumbrances created by the Company; A Covenant for further assurance of such lands at the expense of such grantee, his heirs, successors, executors, administrators or assigns, (as the case may be) by the Company or their successors, and all other persons claiming under them; and all such grantees, and their several successors, heirs, executors, administrators and assigns respectively, according to their respective quality or nature, and

Effect of the word "grant" in such conveyance.

Covenants implied thereby.

Title of Company.

Quiet enjoyment.

Further assurance.

and the estate or interest in such conveyance expressed to be conveyed, may, in all actions brought by them, assign breaches of covenant as they might do if such covenant were expressly inserted in such conveyance.

Form of mortgage and bond in favor of Company.

8. Every Mortgage and Bond for securing money borrowed from the Company, shall be by deed under seal, wherein the consideration shall be duly stated; and every such Mortgage or Bond may be according to the form in the Schedule (B) to this Act annexed, or as near as the circumstances will admit.

Company may demand and receive half yearly interest in advance.

9. The Company are hereby empowered to demand and receive in advance, either for themselves or any person or persons, or corporation for whom they are trustees or agents, from any person or persons, or from the Government of this Province, or from any Municipal Council, Board, Trustees or Commissioners, or other person or persons, the interest from time to time accruing on any loans granted by the Company, or by such person or persons or corporation under and by virtue of the powers given by this Act; any Law or Statute of this Province, or of the late Province of Upper Canada, notwithstanding.

Capital and number of shares.

10. The capital of the Company shall be two hundred thousand dollars, in shares of twenty dollars each; and such shares shall be numbered in arithmetical progression, beginning with number One, and be respectively distinguished by the numbers affixed to them.

Shares to be personal estate.

11. All shares in the undertaking shall be personal estate, and transmissible as such, and shall not be of the nature of real estate.

Registry of Shareholders.

12. The Company shall keep a book to be called "The Register Book of Shareholders;" and in such book shall be fairly and distinctly entered, from time to time, the names of the several Corporations, and the names and additions of the several persons, being Shareholders of the Company, the number of shares to which such Shareholders shall be respectively entitled, distinguishing each share by its number, and the amount of the subscriptions paid on such shares; and such book shall be authenticated by the common seal of the Company being affixed thereto.

Addresses of Shareholders.

13. In addition to the said register of shareholders the Company shall provide a proper book to be called "The Shareholders' Address Book," in which the Secretary shall, from time to time, enter the places of abode of the several Shareholders of the Company; and every Shareholder, or if such Shareholder be a Corporation, the Clerk or Agent of such Corporation, may, at all convenient times, peruse such book gratis, and may require a copy thereof, or of any part thereof; and

and for every hundred words so required to be copied, the Secretary may demand a sum not exceeding ten cents.

14. On demand of the holder of any share, the Company shall cause a certificate of the proprietorship of such share to be delivered to such Shareholder, and such certificate shall have the Common Seal of the Company affixed thereto; and such certificate shall specify the share or number of shares in the undertaking to which such Shareholder is entitled, and the same may be according to the form in the Schedule (C) to this Act annexed, or to the like effect; and for such certificate the Secretary may demand any sum not exceeding fifty cents.

Certificate of shares.

Form and fee.

15. Such certificate shall be admitted in all Courts as *prima facie* evidence of the title of such Shareholder, his executors, administrators, successors or assigns, to the share therein specified; nevertheless, the want of such certificate shall not prevent the holder of any share from disposing thereof.

Certificate to be *prima facie* evidence.

16. If any such certificate be worn out or damaged, then upon the same being produced at some meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another similar certificate shall be given to the party in whom the property of such certificate and of the share therein mentioned, shall be at the time vested; or if such certificate be lost or destroyed, then, upon proof thereof, a similar certificate shall be given to the party entitled to the certificate so lost or destroyed; and in either case a due entry of the substituted certificate shall be made by the Secretary in the Register of Shareholders; and for every certificate so given or exchanged, the Secretary may demand any sum not exceeding fifty cents.

Certificate to be renewed when destroyed.

Fee.

17. Subject to the regulations herein contained, every Shareholder may sell and transfer his shares, or any of them, by deed, in which the consideration shall be truly stated, and such deed may be according to the form in Schedule (D) to this Act annexed, or to the like effect; and the same (when duly executed) shall be delivered to the Secretary, and be kept by him; and the Secretary shall enter a memorial thereof in a book, to be called "The Register of Transfers," and shall endorse such entry on the deed of transfer; and for every such entry and endorsement the Secretary may demand any sum not exceeding one dollar, and on the request and at the option of the purchaser of any share, a new certificate shall be granted in the manner aforementioned, and an endorsement of such transfer shall be made on the certificate of such share and new certificate, and for such endorsement the Secretary may demand any sum not exceeding one dollar, and such endorsement, being signed by the Secretary, shall be considered, in every respect, the same as a new certificate; and until such transfer shall have been so delivered to the Secretary as aforesaid, the seller

Transfers of shares to be registered.

Fee.

Seller's liability until registered.

of such share shall remain liable for all future calls, and the purchaser of the share shall not be entitled to receive any share of the profits of the said undertaking, or to vote in respect of such share.

Transfer not to be made until calls paid.

18. No Shareholder shall be entitled to transfer any share until he shall have paid all calls for the time being due, on every share held by him.

Transfer of shares to be made only with consent of Directors, after notice given.

19. Every person, who shall be desirous of transferring any share or shares in the Company, shall, as soon as he shall have procured any person to be a holder of such share or shares in the Company, give notice thereof in writing, to the Company, at the place or principal place of business for the time being of the Company, and shall describe in such notice, the name and residence of such other person, and the number or numbers of such share or shares; or such notice may be given by the person proposed to be the holder of such share or shares; and the Directors shall proceed without delay to take every such notice into consideration, and shall, under the hands of two or more of them, certify in writing, to the person or persons giving the notice, the approbation or disapprobation of the Directors, of the proposed holder or holders, and such proposed holder or holders shall not be admitted or registered as a shareholder or shareholders, unless he, she or they shall be approved of by the Directors, and shall have complied with the regulations and provisions of the Company, relating to persons in future acquiring shares in the Company.

Transmission of shares by other means than transfer to be authenticated by a declaration.

20. And with respect to the registration of shares, the interest in which may become transmitted in consequence of the death, or bankruptcy, or insolvency of any Shareholder, or in consequence of the marriage of a female Shareholder, or by any other legal means than by a transfer according to the provisions of this Act: Be it enacted, that no person, claiming by virtue of any such transmission, shall be entitled to receive any share of the profits of the said undertaking, nor to vote in respect of any such share as the holder thereof, until such transmission has been authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors shall require; and every such declaration shall state the manner in which, and the party to whom, such share shall have been so transmitted, and shall be made and signed by some credible person before a Justice, or before a Master or Master Extraordinary in the Court of Chancery, and such declaration shall be left with the Secretary, and thereupon he shall enter the name of the person, entitled under such transmission, in the Register Book of Shareholders of the Company, whereby such person shall be and become a Shareholder in the said undertaking; and for every such entry, the Secretary may demand any sum not exceeding one dollar.

Fee for entry.

21. No assignee of any bankrupt or insolvent shareholder, possessed of shares, shall become a member of the Company in respect of such shares as shall be vested in him in such capacity; but such assignee of a bankrupt or insolvent shareholder shall sell and dispose of such shares in the manner and subject to the provisions herein expressed and contained with respect to the sale and transfer of shares.

Assignees of Bankrupt or insolvent Shareholders not to be Members of the Company, but must sell.

22. The assignee of any bankrupt or insolvent shareholder, in respect of the shares vested in him in such capacity, shall be entitled to receive such dividends as shall have become due and shall remain unpaid, on the shares so vested in him in any such capacity as aforesaid, before his title to the same shares shall have accrued; but no dividend, which shall have become due on the same shares after his title shall have accrued, shall be payable to, or demandable by him, but such last mentioned dividend shall, until some person shall have duly become a shareholder in respect of the same shares, remain in suspense, and shall not be paid until such new holder shall have complied with the regulations and provisions of the Company, in regard to the sale and transfer of shares, whereupon such new holder of the same shares shall be entitled to such last mentioned dividend; and every transfer shall carry with it the profits, interests and shares of capital and surplus or reserve or contingent funds, in respect of the shares transferred, so as to close all the right and interest of the party making such transfer in respect of such transferred shares.

Assignees to have dividends accrued before the commencement of their title, but not those accruing after.

23. If such transmission be by virtue of the marriage of a female Shareholder, the said declaration shall contain a copy of the register of such marriage, and shall declare the identity of the wife with the holder of such share; and if such transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the Will, or letters of administration, or an official extract therefrom, shall, together with such declaration, be produced to the Secretary, and upon such production in either of the cases aforesaid, the Secretary shall make an entry of the declaration in the said Register of Transfers.

Proof of transmission of shares by marriage, will, &c.

24. With respect to any share to which several persons may be jointly entitled, all notices directed to be given to the Shareholders, shall be given to such of the said persons whose names shall stand first in the register of Shareholders, and notice so given shall be sufficient notice to all the proprietors of such share, unless any such joint proprietor shall, by writing under his hand, request such notice to be given to any other or all such joint proprietors.

Notices to joint proprietors of shares.

25. If any money be payable to any shareholder, being a minor, idiot, or lunatic, the receipt of the guardian of such minor, or the receipt of the committee of such idiot or lunatic, shall be sufficient discharge to the Company for the same.

Receipts for money payable to minors, &c.

Company not bound to regard trusts.

26. The Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the said shares may be subject, and the receipt of the party in whose name any such share shall stand in the books of the Company, shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share; notwithstanding any trusts to which such share may then be subject, and whether or not the Company have had notice of such trusts; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Power to make calls.

27. The Company may from time to time make such calls of money upon the respective Shareholders, in respect of the amount of Capital respectively subscribed or owing by them, as they shall think fit, provided that sixty days' notice at the least be given of each call; and every Shareholder shall be liable to pay the amount of the calls so made in respect of the shares held by him, to the persons at the times and places from time to time appointed by the Company.

Calls limited.

Interest on calls overdue and unpaid.

28. If before or on the day appointed for payment, any Shareholder do not pay the amount of any call to which he may be liable, then such Shareholder shall be liable to pay interest on the same, at the rate of seven per centum per annum, from the day appointed for the payment thereof to the time of the actual payment.

Company may receive payment of stock before call.

29. The Company may, if they think fit, receive from any of the Shareholders willing to advance the same, all or any part of the money due upon their respective shares, beyond the sums actually called for; and upon the principal money so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls made upon the shares in respect of which such advance shall have been made, the Company may pay interest at such rate, not exceeding seven per centum per annum, as the Shareholder paying such sum in advance and the Company shall agree upon.

And allow a limited interest.

Enforcement of calls by action.

30. If at the time appointed by the Company for the payment of any call, the holder of any share fails to pay the amount of such call, the Company may sue such Shareholder for the amount thereof in any court of law or equity having competent jurisdiction, and may recover the same with interest, at the rate of seven per centum per annum, from the day on which such call may have been made payable.

Declaration in action for calls.

31. In any action to be brought by the Company against any Shareholder, to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the defendant is a holder of one share or more in the Company, (stating the

the number of shares,) and is indebted to the Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more, upon one share or more, (stating the number and the amount of each of such calls) whereby an action hath accrued to the Company by virtue of this Act.

32. On the trial of such action it shall be sufficient to prove that the defendant, at the time of making such call, was a holder of one share or more in the Company, and that such call was in fact made, and such notice thereof given; as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear that due notice of such call was not given.

What matters only need be proved in action for calls.

33. The production of the Register Book of Shareholders of the Company shall be *prima facie* evidence of such defendant being a Shareholder, and of the number and amount of his shares, and of the sums paid in respect thereof.

Proof of proprietorship.

34. If the holder of any share fails to pay a call payable by him in respect thereof, together with the interest, if any, that shall have accrued thereon, the Directors, at any time after the expiration of one month from the day appointed for payment of such call, may declare such share forfeited, and that whether the Company have sued for the amount of such call or not.

Forfeiture of shares for non-payment of calls.

35. Before declaring any share forfeited, the Directors shall cause notice of such intention to be left at the usual or last known place of abode of the person appearing by the Register Book of Proprietors to be the proprietor of such share; and if the proprietor of any such share be abroad, or if the interest in any such share shall be known by the Directors to have become transmitted otherwise than by transfer as hereinbefore mentioned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted shall not be known to the Directors, the Directors shall give public notice of such intention in the *London Gazette*, and also by advertisement in a newspaper as hereinafter provided; and the several notices aforesaid shall be given twenty-one days at least before the Directors shall make such declaration of forfeiture.

Notice of forfeiture to be given before declaration thereof.

36. Such declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share, until such declaration has been confirmed at some general meeting of the Company, to be held after the expiration of two months at the least from the day on which such notice of intention to make such declaration of forfeiture shall have been given, and

Forfeiture to be confirmed by a general meeting.

Sale of forfeited shares.

it shall be lawful for the Company to confirm such forfeiture at any such meeting, and by an order at such meeting, or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of; and after such confirmation the Directors may sell the forfeited shares, and either separately or together, or in lots, as to them shall seem fit.

Evidence as to forfeiture of shares and of title of purchaser.

37. A declaration in writing by an officer or servant of the Company, or by some credible person (not interested in the matter,) made before any Justice, or before any Master or Master Extraordinary in the Court of Chancery, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated; and such declaration, and the receipt of the Secretary of the Company for the price of such share, shall constitute a good title to such share, and thereupon such purchaser shall be deemed the proprietor of such share, discharged from all calls made prior to such purchase; and a certificate of proprietorship shall be delivered to such purchaser, upon his signing the undertaking to hold the said shares so purchased by him as aforesaid, subject to the provisions of this Act, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to any such sale.

No more shares to be sold than sufficient for payment of calls.

38. The Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited share, be more than sufficient to pay all arrears of calls and interests thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter, or in default thereof applied in and towards satisfaction of any calls made thereafter, but prior to such demand being made as last aforesaid, in respect of the remaining unsold shares of such defaulter.

On payment of calls before sale, forfeited shares to revert to owner.

39. If payment of such arrears of call, and interest and expenses, be made before any share so forfeited and vested in the Company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

Extent of liability of Shareholders.

40. No shareholder of the Company shall be liable for or charged with the payment of any debt or demand due from the Company, beyond the extent of his shares in the capital of the Company not then paid up.

41. If any execution, either at law or in equity, shall have been issued, taken out or used against the lands, property or effects of the Company, and if there cannot be found sufficient whereon to levy such execution, then such execution may be issued against any of the Shareholders of the Company, to the extent of their shares, respectively, in the capital of the Company, not then paid up; Provided always, that no such execution shall issue against any Shareholder, except upon an order of the Court in which the action, suit, or other proceedings shall have been brought or instituted, made upon motion in open Court, after twenty days' notice in writing to the person sought to be charged; and upon such motion such Court may order execution to issue accordingly; and for the purpose of ascertaining the names of the Shareholders and the amount of capital remaining to be paid upon their respective shares, it shall be lawful for any person entitled to any such execution, at all reasonable times, to inspect the Register Book of Shareholders without fee.

Execution against Shareholders for debts of Company, to the extent of capital not paid up.

Proviso: on what order only such execution shall issue.

42. If, by means of any such execution, any shareholder shall have paid any sum of money beyond the amount then due from him in respect of calls already made, and for interest thereon, if any, and all costs and expenses in respect thereof, he shall forthwith be reimbursed such additional sum by the Directors out of the funds of the Company.

Reimbursement to Shareholders over-paying.

43. A register of all securities held by the Company, whether for themselves or in trust, shall be kept by the Secretary, and within fourteen days after the taking of any security an entry or memorial, specifying the nature, date and amount of such security, and the names of the parties thereto, with their proper additions, shall be made in such register; and such register may be perused at all reasonable times by any of the Shareholders, or by any person interested in any such security, without fee or reward.

Register of mortgages and bonds.

44. It shall be lawful for the Company, with the consent of any extraordinary meeting of the shareholders, specially convened for that purpose, from time to time to raise, by contribution amongst themselves, or by the admission of other persons as subscribers to the undertaking, or in part by each of those means, a further sum or further sums of money, not exceeding in the whole the sum of four hundred thousand dollars, in shares of twenty dollars each, in such manner and upon such terms and conditions, and under such regulations, as shall be approved and agreed upon at such meeting; and such shares shall be numbered in regular succession from and in continuation of the numbers affixed to the shares of the Company then already issued, in arithmetical progression, and every such share shall always be distinguished by the number to be appointed to the same.

Power to enlarge capital to \$600,000.

Rights of owners of new shares as to dividend of capital.

45. The holders of such new shares, so long as the deposits and calls, made in respect thereof, shall amount to less than the sums called for and payable in respect of the original shares, shall only be entitled to such an amount of dividend in respect thereof, in case any dividend be then declared and become payable under the provisions of this Act, as by the meeting of proprietors authorizing the creation of the new capital in aid of which such new shares may have been issued, shall be declared and agreed upon.

New capital to be considered as part of the original capital, and the shares to be liable to the same provisions.

46. The capital so to be raised by creation of new shares shall be considered as part of the general capital, and shall be subject to the same provisions in all respects, whether in reference to the payment of calls, and interest upon arrears thereof, or the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital, except as to the time of making calls for such additional capital and the amount of such calls, which respectively it shall be lawful for the Company, from time to time, to fix as they shall think proper.

If old shares are at a premium, new shares to be offered to original Shareholders.

47. If at the time of any such augmentation of capital taking place by the creation of new shares, the then existing shares of the capital stock of the Company be at a premium or of greater actual value than the nominal value thereof, then the sum so to be raised shall be divided into shares of such amounts as will conveniently allow the said sum to be apportioned among the then Shareholders, in proportion to the existing shares held by them, respectively; and such new shares shall be offered to the then shareholders in the proportion of one for every existing share held by them respectively; and such offer shall be made by letters, under the hand of the Secretary, given to or sent by post to each Shareholder or left at his usual or last place of abode, and such new shares shall vest in and belong to the Shareholders, who shall accept the same and pay the value thereof to the Company at the time and by the instalments which shall be fixed by the Company; and if any Shareholder fail, for one month after such offer of new shares, to accept the same and pay the instalment called for in respect thereof, it shall be lawful for the Company to dispose of such shares to any party willing to become the purchaser thereof, for such sum as the Company can obtain for the same, or in such other manner as may be deemed expedient.

If not at a premium, to be issued as Company think fit.

48. If, at the time of such augmentation of capital taking place, the existing shares of the capital stock of the Company be not at a premium, then such new shares may be issued in such manner as the Company shall think fit.

Votes of Shareholders at general meetings.

49. At all meetings of the Company, every Shareholder shall be entitled to vote according to the scale of voting herein-after mentioned, that is to say: every Shareholder shall be entitled

entitled to one vote for every five shares held by him, but no Shareholder shall be entitled to vote at any meeting, unless he shall have paid all the calls then payable upon all the shares held by him.

50. Such votes may be given either personally or by proxy, the holders of such proxies being Shareholders authorized by writing according to the form of Schedule (H) to this Act annexed, or in a form to the like effect, under the hand of the Shareholder nominating such proxy, or if such Shareholder be a Corporation, then under their Common Seal; and every proposition at any such meeting shall be determined by show of hands, or upon demand of any proprietor after such show of hands, by the majority of the votes of the parties present, including proxies; the Chairman of the meeting being entitled to vote not only as a principal or proxy, but to have a casting vote if there be an equality of votes.

Manner of voting.

Form of proxies.

Casting vote.

51. No person shall be entitled to vote as a proxy, unless the instrument appointing such proxy have been transmitted to the Clerk or Secretary of the Company five clear days before the holding of the meeting at which such proxy is to be used, and no person shall at any one meeting represent, as proxy, more than thirty Shareholders; neither shall any person, not being a Shareholder qualified to vote, be entitled to speak at any meeting in right of any proxy which he may hold on behalf of any absent Shareholder.

Further regulation as to proxies.

52. If several persons be jointly entitled to a share, the person whose name stands first on the Register of Shareholders as one of the holders of such share, shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof, and on all occasions the vote of such first named Shareholder alone, either in person or by proxy, shall be allowed as the vote in respect of such share, and no proof of the concurrence of the other holders thereof shall be requisite.

Votes of joint Shareholders.

53. If any Shareholder be a lunatic or idiot, such lunatic or idiot may vote by his committee, and if any Shareholder be a minor, he may vote by his guardians, or any one of his guardians, and every such vote may be given either in person or by proxy.

Votes of lunatics and minors.

54. The said John Ross, William Cayley, John Hillyard Cameron, David L. Macpherson and Henry Duncan, shall be the first Directors of the Company; and the election of future Directors and Officers, and also the times, place and mode of calling and holding General or Extraordinary, or other Meetings of the Company, and of the Directors and other Officers of the said Company, and the proceedings at such General or Extraordinary or other Meetings of the Company, and of the Directors of the said Company, shall (save and except so far as

First Directors of the Company.

Election of future Directors and other officers.

as

Meetings of the Company and of Directors, and their powers,—

To be regulated by By-laws.

Proviso.

as they are herein specially provided for) be subject to and regulated by such rules, regulations and provisions, and the said General or Extraordinary or other Meetings of the Company, and of the Directors and other Officers of the Company, shall have such powers, privileges and authorities, as may be set forth and directed by any by-law or by-laws of the Company that may be hereafter passed at any General meeting of the Shareholders of the Company; Provided that such powers, privileges or authorities are not contrary to or inconsistent with the provisions of this Act.

Company may open agencies in other places, and appoint local Directors.

55. The Company shall have power, by by-laws passed at any General meeting of the Shareholders, to open offices or agencies in such places in Great Britain and Ireland, as they shall think fit, and to appoint Directors and Officers in such places, and to regulate the registry and transfer of shares in the Company at such offices or agencies, and to declare the powers of such Directors, such By-laws not being inconsistent with this Act.

Certain powers of the Company to be exercised by the Directors.

56. And with respect to the exercise of the powers of the Company: Be it enacted, that the Directors shall have the management and superintendence of the affairs of the Company, except as to such matters as are directed by this Act to be transacted by a general meeting of the Company; And amongst other powers to be exercised by the Directors,—they may use and affix, or cause to be used and affixed, the Seal of the Company to any Document or Paper which in their judgment may require the same;—they may make and enforce the calls upon the shares of the respective Shareholders;—they may declare the forfeiture of all shares on which such calls are not duly paid;—they may make any payments, loans and advances, on such securities as they may deem expedient, which are or shall at any time be authorized to be made by or on behalf of the Company, and enter into all contracts for the execution of the purposes of the Company, and for all other matters necessary for the transaction of its affairs;—they may generally deal with, treat, sell and dispose of and exercise all other acts of ownership over the lands, property and effects of the Company for the time being, in such manner as they shall deem expedient and conducive to the benefit of the Company, in such and the same manner as if the same lands, property and effects were held and owned according to the tenure, and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being *sui juris*, and of full age;—they may do and authorize, assent to or adopt all acts required for the due exercise of any further powers and authorities which may hereafter be at any time granted to the Company by the Parliament of the United Kingdom of Great Britain and Ireland, or by the Legislature of this Province, or for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said

said Parliament of the United Kingdom of Great Britain and Ireland, or by the Legislature of this Province, in giving such powers and authorities; or in altering or repealing the same, respectively, or any of them; but all the powers so to be exercised shall be exercised in accordance with, and subject to the provisions of this Act in that behalf, and the exercise of all such powers shall be subject also to the control and regulation of any general meeting specially convened for that purpose, but not so as to render invalid any act done by the Directors prior to any resolution passed by such general meeting.

Such powers to be exercised subject to this Act.

57. The following powers of the Company, that is to say: the choice and removal of Directors, Auditors and Treasurer, unless in the event hereby specially authorized, the determination as to the remuneration of the Directors and of the Auditors, the determination as to the borrowing of money, the determination as to the augmentation of Capital, and the declaration of Dividends, shall be exercised only at a General Meeting of the Company.

Certain powers of the Company not to be exercised by the Directors.

58. The Directors shall cause notices, minutes or copies, as the case may require, of all appointments made, or contracts entered into by the Directors and Committees of Directors, to be duly entered in books to be from time to time provided for that purpose, which shall be kept under the superintendence of the Directors; and every such entry shall be signed by the Chairman of the meeting at which the matter, in respect of which such entry is made, was moved or discussed, at or previously to the next meeting of the Company, Directors, or Committee of Directors, as the case may be; and such entry so signed shall be received as evidence in all Courts and before all Judges, Justices and others, without proof of such respective meeting having been duly convened; or of the persons making or entering such orders or proceedings being Shareholders or Directors, or Members of the Committee, respectively, or by the signature of the Chairman, all of which last mentioned matters shall be presumed; and all such books shall, at any reasonable time, be open to the inspection of any of the Shareholders.

Proceedings of Directors to be entered in a book, and to be open for inspection.

Evidence of entries, &c.

59. All acts done by any meeting of the Directors, or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some defect or error in the appointment of any person attending such meeting as a Director, or acting as aforesaid, or that such person was disqualified, be as valid as if such person had been duly appointed and was qualified to be a Director.

Informalities in appointment of Directors not to invalidate all proceedings.

60. No Director, by being a party to, or making, signing or executing, in his capacity of Director, any contract or other instrument on behalf of the Company, or otherwise lawfully executing

Indemnity of Directors for their acts as such.

executing any of the powers given to the Directors, shall be subject to be sued or prosecuted, either collectively or individually, by any person whomsoever; and the bodies or goods, or lands of the Directors, or any of them, shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed or executed by them or any of them, or by reason of any other lawful act done by them or any of them in the execution of any of their powers as Directors; and the Directors, their heirs, executors and administrators, shall be indemnified, out of the Capital of the Company, for all payments made or liabilities incurred in respect of any acts done by them, and for all losses, costs, and damages which they may incur in the execution of the powers granted to them; and the Directors for the time being of the Company shall apply the existing funds and capital of the Company for the purposes of such indemnity, and shall, if necessary for that purpose, make calls of the capital remaining unpaid.

Officers to account on demand.

61. Every officer or person employed by the Company shall, from time to time, when required by the Directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand, of all money received by him on behalf of the Company; and such account shall state how, and to whom and for what purpose such money shall have been disposed of, and together with such account, such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the Directors, or to any person appointed by them to receive the same, all money which shall appear to be owing from him upon the balance of such accounts.

Summary remedy against officers failing to account.

62. If any such officer fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if, for three days after being thereunto required, he fail to deliver up to the Directors, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters and things in his possession or power relating to the execution of this Act, or belonging to the Company, then on complaint thereof being made to a Justice, such Justice shall, by Summons or Warrant, under his hand, cause such officer to be brought before any two or more Justices, and upon such officer being so brought before him, or if such officer cannot be found, then in his absence, such Justice may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appears, either upon the confession of such officer, or upon evidence, or upon inspection of the account, that any money of the Company is in the hands of such officer, or owing by him to the Company, such Justice may order such officer to pay the same, and if he fail to pay the amount, it shall

shall be lawful for such Justices to grant a Warrant to levy the same by distress, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding three months ; and in any of the following cases, that is to say : if any such officer do not appear before the Justices at the time and place appointed for that purpose ; or if such officer appear, but fail to make out such account in writing ; or if such officer refuse to produce and deliver to the Justices the several vouchers and receipts relating to such account ; or if such officer refuse to deliver up any books, papers or writings, property, effects, matters or things in his possession or power, belonging to the Company, such Justices may lawfully commit such offender to Gaol ; and in every such case of commitment, the prisoner shall remain in custody without bail, until he have made out and delivered such accounts, and delivered up the vouchers and receipts, if any, relating thereto, in his possession or power, and have delivered up such books, papers, writings, property, effects, matters and things, if any, in his possession or power.

Commitment
of such offi-
cers.

63. No such proceeding against, or dealing with any such officer as aforesaid, shall deprive the Company of any remedy which they might otherwise have against any surety of such officer.

Sureties not
to be dischar-
ed.

64. Full and true accounts shall be kept of all sums of money received or expended on account of the Company by the Directors, and all persons employed by or under them, and of the articles, matters and things for which such sums of money shall have been received or disbursed and paid.

Accounts to be
kept.

65. The Company shall not make any dividend whereby their capital stock will be in any degree reduced.

Dividend not
to reduce ca-
pital.

66. The Company shall always retain and set apart a sum not less than one tenth part of the moneys on loan as a guarantee fund, for the payment of interest and dividends to such persons or Corporations as shall or may entrust them with money to invest in securities either in the name of the Company as trustees or in the name or names of such persons or Corporations ; Before apportioning the profits aforesaid, the Directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging or improving the estates of the Company, or any part thereof, or promoting the objects and purposes for which they are incorporated, and may divide the balance only among the proprietors.

Fund for con-
tingencies.

Reserve of
profits for like
purposes.

67. No dividend shall be paid in respect of any share, until all calls then due, in respect of that, or of any other share held by the person to whom such dividend may be payable, shall have been paid.

Dividend not
payable on
any share paid
unless all calls
paid.

Power to make By-laws for the officers of the Company and management of its affairs.

68. And with respect to the power of the Company to make By-laws: Be it enacted, that it shall be lawful for the Company, from time to time, to make such By-laws as they may think fit for the purpose of regulating the conduct of the officers and servants of the Company, and for providing for the due management of the affairs of the Company in all respects whatsoever, and from time to time to alter or repeal any such By-laws, and make others, provided such By-law be not repugnant to the laws of this Province or of that part of the United Kingdom, or of those of Her Majesty's Colonial possessions and their dependencies, where the same are to have effect, or to the provisions of this Act; and such By-laws shall be reduced into writing, and shall have affixed thereto the Common Seal of the Company; and a copy of such By-laws shall be given to every officer and servant of the Company.

Fines for the breach of such By-laws.

69. The Company may impose such reasonable fines and forfeitures upon all persons, being officers or servants of the Company, offending against such private By-laws, as the Company think fit, not exceeding twenty dollars for any one offence, and such fines and forfeitures may be recovered in the manner hereinafter provided.

Proof of By-laws.

70. The production of a written or printed copy of the By-laws of the Company, having the Common Seal of the Company affixed thereto, shall be sufficient evidence of such last mentioned By-laws, in all cases of prosecution under the same.

Penalties under this Act to be summarily recovered before two Justices, or more.

71. And for the purpose of providing for the recovery of penalties or forfeitures imposed by this Act, or by any By-laws made in pursuance thereto, the recovery of which is not otherwise provided for: Be it enacted, that every such penalty or forfeiture may be recovered by summary proceedings, upon complaint made before two or more Justices; and on the complaint being made to any such Justice, he shall issue a Summons requiring the party complained against to appear on a day and at a time and place to be named in such Summons; and every such Summons shall be served on the party offending, either in person, or by leaving the same with some inmate at his usual place of abode; and either upon the appearance, or upon the default to appear, of the party offending, it shall be lawful for any two or more Justices to proceed to the hearing of the complaint, and although no information in writing or in print shall have been exhibited before them; and upon proof of the offence, either by confession of the party complained against or upon the oath of one credible witness or more, it shall be lawful for any two or more Justices to commit the offender, and upon such conviction, to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction, as such Justices shall think fit.

72. If forthwith, upon any such adjudication as aforesaid, the amount of the penalty or forfeiture and of such costs as aforesaid, be not paid, the amount of such penalty and costs, together with the costs of the distress, shall be levied by distress and any two Justices shall issue their warrant of distress accordingly. Penalties to be levied by distress.

73. It shall be lawful for the Justices to order any offender so convicted as aforesaid, to be detained and kept in safe custody until return can be conveniently made to the Warrant of distress to be issued for levying such penalty or forfeiture and costs, unless the offender give sufficient security by way of recognizance or otherwise, to the satisfaction of the Justices, for his appearance before them on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if before issuing such warrant of distress, it shall appear to the Justices, by the admission of the offender or otherwise, that no sufficient distress can be had whereon to levy such penalty or forfeiture and costs, they may, if they think fit, refrain from issuing such Warrant of distress, and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall, by Warrant, cause such offender to be committed to gaol, there to remain without bail, for any term not exceeding three months, unless such penalty or forfeiture and costs be sooner paid and satisfied. Imprisonment in default of distress.

74. And with respect to the application of any penalties or forfeitures recovered by virtue of this Act, the application whereof is not herein otherwise provided for: Be it enacted, that the Justices by whom any such penalty or forfeiture shall be imposed, shall award one half thereof to the informer, and the other half to the Crown. Application of penalties.

75. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act, for any offence hereinbefore made cognizable before a Justice, unless the complaint, respecting such offence, shall have been made before such Justice within six months next after the commission of such offence. Penalties to be sued for within six months.

76. It shall be lawful for any Justice to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction under the provisions of this Act, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter. Penalty on witness making default.

77. The Justices, before whom any person shall be convicted of any offence against this Act, may cause the conviction to be drawn up according to the form in the Schedule (I) to this Act annexed. Form of conviction.

Distress—how
to be levied.

78. Where in this Act any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus, arising from the sale of such goods and chattels, after satisfying such sum of money and the expenses of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.

Distress not
unlawful for
want of form.

79. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress or other proceedings relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity, may recover full satisfaction for the special damage in an action upon the case.

Parties may
appeal to
Quarter Ses-
sions on giv-
ing security.

80. If any person shall think himself aggrieved by any determination or adjudication of any Justice under the provisions of this Act, he may appeal to the General Quarter Sessions for the County in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making such determination or adjudication, and unless ten days' notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, and unless the appellant, forthwith after such notice, enter into recognizances, with two sufficient sureties, before a Justice, conditioned duly to prosecute such appeal and to abide the order of the Court thereon.

Court to make
such order as
they think
reasonable.

81. At the Quarter Sessions for which such notice shall be given, the Court shall proceed to hear and determine the appeal in a summary way; or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such appeal, the Court may, if they think fit, mitigate any penalty or forfeiture or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him; and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they make such order concerning the costs both of the adjudication and of the appeal as they may think reasonable.

Costs.

Service of no-
tices upon
Company.

82. And with respect to the service of notices, and demands to be made upon the Company: Be it enacted, that any summons, notice, demand or writ, or other proceeding at law or in equity, requiring to be served or made upon the Company, may be served or made by the same being given personally to the Agent or the Principal Officer of the Company resident in

Canada,

Canada, or being left at the office of the Company in Canada, or being delivered to some inmate at the place of abode of such Agent or other Principal Officer, or in case there be no such Agent or other Principal Officer resident in Canada, or the place of abode of the Agent or other Principal Officer shall not be found, then by being given to any one Shareholder of the said Company, or being delivered to some inmate of the place of abode of any such Shareholder.

83. And with respect to any such notice required to be served by the Company upon the Shareholders : Be it enacted, that unless any such notice be expressly required to be served personally, it shall be sufficient to transmit the same by post directed according to the registered address or other known address of the Shareholder, within such period as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the giving of such notice ; and in proving such service, it shall be sufficient to prove that such notice was properly directed, and that it was so put into the Post Office.

Service by
Company on
Shareholders.

84. All notices required by this Act to be given by advertisement in a newspaper, shall be signed by the chairman of the meeting at which such notice shall be directed to be given, or by the Secretary or other Officer of the Company, and shall be advertised in two or more of the London and Canada newspapers, unless otherwise specially provided by this Act, and the same shall thereupon be deemed and considered the same as personal notices.

Notice by ad-
vertisement.

85. Every summons, demand or notice, or other such document requiring authentication by the Company, may be signed by one Director or by the Treasurer or the Secretary of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Authentica-
tion of notices.

86. In all legal proceedings under this Act, general or other releases, for the purpose of qualifying any person in the service of the Company to give evidence as a witness, may be granted by any two or more of the Directors ; and every such release or discharge, under the hands and seals of two of the Directors, shall be as effectual for the purpose aforesaid as if made under the common seal of the Company.

Release to
witnesses.

87. In case any Fiat in Bankruptcy shall be awarded against any person who shall be indebted to the Company, or against whom the Company shall have any claim or demand, it shall be lawful for any person who shall, from time to time, in that behalf, be appointed by writing under the hands of any three or more of the Directors of the Company for the time being, to appear, and he is hereby authorized to appear and act on behalf of the Company in respect of any such claim, debt or demand,

How debts to
Company ma
be proved in
cases of bank-
ruptcy.

demand, before the Commissioners under any such Fiat in Bankruptcy, either personally or by his affidavit sworn and exhibited in the usual manner, in order to prove and establish any such debt, claim or demand, under such Fiat; and such person to be so appointed shall, in all such cases, be admitted and allowed to make proof, or tender a claim, under any such commission, on behalf of the Company in respect of such debt, claim or demand, and shall have such and the same powers and privileges as to voting in the choice of assignees and signing certificates, and otherwise, in respect of any such debt admitted to be proved on behalf of the Company, as any other person being a creditor of such bankrupt, in his own right, would have in respect of the debt proved by him under such Fiat.

Tender of
amends in case
of prosecution
for any thing
done in carry-
ing out this
Act.

88. And with respect to actions brought in respect of any proceeding under the provisions of this Act: Be it enacted, that if, before action brought, any party, having committed any irregularity, trespass, or other wrongful proceeding in the execution of this Act, or by virtue of any power or authority given, make tender of sufficient amends to the party injured, such party shall not recover in any action brought on account of such irregularity, trespass or other wrongful proceeding; and if no such tender shall have been made, it shall be lawful for the defendant, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

Interpretation
clause.

Number.

Gender.

Month.

Supreme
Courts.

Oath.

Secretary.

Lands.

Justice.

89. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say: words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, words importing the masculine gender shall include females; the word "Month" shall mean Calendar Month; the expression "Superior Courts," shall mean Her Majesty's Supreme Courts of Record in the Province of Canada, or at Westminster or Dublin, as the case may require; the word "Oath," shall include affirmation in the case of Quakers, or other declaration or solemnity lawfully substituted for an oath, in the case of other persons exempted by law from the necessity of taking an oath; the word "Secretary," shall include the word "Clerk;" the word "Lands" shall extend to messuages, lands, tenements and hereditaments of any tenure; the word "Justice," shall mean Justice of the Peace for the County, City, liberty or place, in England or Canada, where the matter requiring the cognizance of any Justice shall arise, and who shall not be interested in the matter; and where the matter shall arise in respect of lands being the property of one and the

the

the same party situate not wholly in any one County, City, liberty or place, where any part of such lands shall be situate, and who shall not be interested in such matter; the expression "The Company," shall mean the British American Investment Company, in this Act mentioned and described; the expression "The Directors" and "The Secretary," shall mean the Directors and the Secretary, respectively, for the time being, of the said Company.

The Company.

Directors and Secretary.

90. This Act shall be deemed a Public Act, and shall be judicially taken notice of as such.

Public Act.

SCHEDULES REFERRED TO IN THE FOREGOING ACT.

SCHEDULE A.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the Reign of Queen Victoria, intituled: (*here set forth the title of this Act*) We, the British American Investment Company, in consideration of the sum of _____ to us paid by A. B., of _____, do hereby grant to the said A. B., his heirs and assigns, all (*describing the premises to be conveyed*) together with all ways, rights and appurtenances thereunto belonging, and all such estate, right, title and interest in and to the same, as we, the said Company, are or shall become possessed of, or are by the said Act empowered to convey. To hold the said premises to the said A. B., his heirs and assigns, for ever.

Given under the Common Seal of the said Company, this _____ day of _____, in the year of our Lord,

SCHEDULE B.

FORM OF MORTGAGE DEED.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the Reign of Queen Victoria, intituled: (*here insert the title of this Act*) I, A. B., of _____, in consideration of the sum of _____ paid to me by the British American Investment Company, do hereby, pursuant to the said Act, convey to the said Company, their successors and assigns, all (*describing the real or personal property to be conveyed*) and all such estate, right, title and interest in and to the same, as I am or shall become or be possessed of. To hold the same to the said Company, their successors and assigns, for ever, subject to redemption on payment to the said Company, their successors or assigns, of the said sum of _____ on the _____ day of _____ eighteen _____, with interest for the same, at the rate of _____ for every hundred pounds, by the year, payable half yearly,

yearly, on the day of and day of
in every year, (*add any special powers which may be agreed on.*)

In witness whereof, I have hereunto set my hand and seal,
the day of in the year of Our Lord

FORM OF BOND.

By virtue of an Act of the Legislature of Canada, passed in
the year of the Reign of Queen Victoria, intituled: (*here
insert the title of this Act*), I, A. B., in consideration of the
sum of to me in hand paid by the British American
Investment Company, am held and firmly bound to the said
Company, their successors and assigns, in the penal sum of
 pounds, to be paid to the said Company, their suc-
cessors or assigns.

The condition of the above obligation is such, that if the said
A. B., his heirs, executors or administrators, shall pay to the
said Company, their successors or assigns, on the day
of which will be in the year eighteen , the
principal sum of , together with the interest for the
same, at the rate of per centum per annum, payable half-
yearly, on the day of and day of ,
then the above written obligation is to become void, otherwise
to remain in full force and virtue.

In witness whereof, I have hereunto set my hand and seal,
the day of in the year of Our Lord

SCHEDULE C.

FORM OF CERTIFICATE OF SHARE.

British American Investment Company.

Number.

These are to certify that A. B. is a proprietor of the share
Number of the British American Investment Company,
subject to the rules, regulations and orders of the said Com-
pany, and that the said A. B., his executors, administrators,
(*or successors*) and assigns, is and are entitled to the profits
and advantages of such share.

Given under the Common Seal of the said Company, the
day of in the year of Our Lord.

SCHEDULE D.

FORM OF TRANSFER OF SHARES.

I, _____, of _____ in consideration of the sum of _____ paid to me by _____ of _____ do hereby assign and transfer to the said _____ share (or shares, as the case may be) numbered _____ of and in the undertaking called the British American Investment Company, to hold unto the said _____ his executors, administrators and assigns, (or successors and assigns) subject to the same conditions as I held the same immediately before the execution hercof; and I, the said _____ do hereby agree to accept and take the said share, (or shares) subject to the same conditions. As witness our hands and seals, the _____ day of _____

SCHEDULE E.

FORM OF MORTGAGE DEEDS.

Number

By virtue of an Act passed in the _____ year of the Reign of Queen Victoria, intituled: (*here set forth the title of the Act.*) We, the British American Investment Company, in consideration of the sum of _____ to us paid by A. B. of _____ do assign unto the said A. B. his executors, administrators and assigns, (*here describe the property, profits, calls, capital or other security upon which the money shall have been agreed to be advanced*) and all estate, right, title and interest of the said association of _____ in and to the same, and _____ power to make and enforce payment of all or any of the calls hereby assigned or intended so to be; to hold unto the said A. B. his executors, administrators and assigns until the said sum of _____ together with the interest for the same after the rate of _____ for every one hundred pounds for a year, shall be fully paid and satisfied.

Given under our Common Seal, this _____ day of _____
in the year of Our Lord.

SCHEDULE F.

FORM OF BOND.

The British American Investment Company.

Bond Number.

By virtue of an Act passed by the Legislature of Canada, in the _____ year of the Reign of Queen Victoria, intituled: (*here insert the title of this Act*), We, the British American Investment Company, in consideration of the sum of _____ pounds to us in hand paid by A. B. of _____, do bind ourselves and our successors unto the said A. B. his executors, administrators and assigns, in the penal sum of _____ pounds.

The

The condition of this obligation is such, that if the said Company shall pay unto the said A. B., his executors, administrators or assigns, on the day of , which will be in the year of Our Lord one thousand eight hundred and , the principal sum of pounds, together with interest for the same, at the rate of pounds per centum per annum, payable half-yearly, on the day of and the day of then the above written obligation is to become void, otherwise to remain in full force.

Given under our Common Seal, this day of

SCHEDULE G.

FORM OF TRANSFER OF MORTGAGE OR BOND.

I, A. B., of , in consideration of the sum of paid by of , do hereby transfer a certain mortgage (or bond) Number , made by the British American Investment Company to , bearing date the day of , for securing the sum of and interest, and all my right, estate and interest in and to the possessions, profits, calls, and property (*as the case may be*) thereby assigned, together with all covenants and other securities granted or entered into by or on behalf of the said association in respect thereof.

Dated this day of , in the year of Our Lord

SCHEDULE H.

FORM OF PROXY.

A. B., of , one of the Shareholders of the British American Investment Company, doth hereby appoint C. D., of , to be proxy of the said A. B., in his absence to vote in his name upon any matter relating to the undertaking, proposed at the meeting of the Shareholders of the Company, to be held on the day of next, in such manner as the said C. D. doth think proper. In witness whereof, the said A. B. doth hereunto set his hand (*or if it be a Corporation, say the Common Seal of the Corporation*) the day of

SCHEDULE I.

FORM OF CONVICTION.

County, &c. }

To wit: }

Be it remembered, that on the day of , in the year of our Lord , C. D. and E. F., two of Her Majesty's Justices

Justices of the Peace in and for the County of _____, in Upper Canada (*here describe the offence generally, and the time and place, and when and where committed*) contrary to the provisions of the British American Investment Company Act, passed in the year of Our Lord one thousand eight hundred and sixty.

Given under our hands and seals, the day and year first above written:

C. D.
E. F.

C A P. C X X X .

An Act for the incorporating and granting certain powers to the Agricultural Loan Association of Canada.

[Assented to 19th May, 1860.]

WHEREAS the persons hereinafter named have petitioned Preamble for incorporation as a Joint Stock Company for the purposes 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. The Honorable George Strange Boulton, Patrick Wallace, James Bonnell Fortune, Asa A. Burnham, Henry Covert, and all and every such other person and persons, body and bodies, politic, corporate or collegiate, and their respective executors, administrators, assigns and successors, or such of them as shall, from time to time, be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be united into a company or association, according to the powers and authorities, rules, orders and regulations hereinafter set forth or referred to, and shall be one body politic and corporate, by the name of "The Agricultural Loan Association of Canada." Association incorporated
Corporate name.

2. The said Association shall be, and they are hereby authorized and empowered to lay out and invest their capital, in the first place, in paying and discharging all costs, charges and expenses incurred in applying for and obtaining this Act, and all other expenses incurred preparatory or relating thereto, and the remainder of such capital, or so much thereof as may, from time to time, be deemed necessary, in the manner and for the purposes hereinafter mentioned, that is to say : that it shall be lawful for the association, from time to time, and at any time or times, to lend and advance money, by way of loan or otherwise, on such security, real or personal, or both real and personal, and upon such terms and conditions, and at such rate of interest, not exceeding eight per centum per annum, as to the said Association shall seem satisfactory or expedient, and Powers and business of the Company.
Making loans.
Interest limit-
ed to 8 per cent.
to

Recovering
the same.

to do all Acts that may be necessary for advancing such sums of money, and for recovering and obtaining re-payment thereof, and for compelling the payment of all interest (if any) accruing from such sums so advanced, or the observance and fulfilment of any conditions annexed to such advances or any forfeitures consequent on the non-payment thereof; and to give receipts and acquittances, and discharges for the same, either absolutely and wholly, or partially, and for all and every, and any of the foregoing purposes, to lay out and apply the capital and property for the time being of the company, or any part thereof, or any of the moneys authorized to be hereafter raised by the Association in addition to their capital for the time being; and to do, authorize and exercise all Acts and powers whatsoever in the opinion of the Directors of the Association for the time being, requisite or expedient to be done or exercised in relation thereto.

Power to the
Company to
act as an
agency, and
lend money to
the Govern-
ment of this
Province or
any Municip-
cipal Council,
&c.

3. It shall be lawful for the Association, and they are hereby empowered to act as an Agency Association, and either on their own behalf or for the interest and on behalf of others, who shall intrust them with money for that purpose, to lend and advance money for any purpose whatever, and at such rate of interest not exceeding eight per centum per annum to the Government of this Province, or to any Municipal Council in this Province, or to any Board, Trustees, Commissioners or other persons or person having the care of, or making, or executing any public works in this Province, and to take and accept from such Government, Municipal Council, Board, Trustees, Commissioners or other persons or person, such assignment, grant, demise, obligation or security, of or upon any public revenues, or property of this Province, or upon any rates, tolls, charges or assessments within this Province, or such other security for the re-payment of the money so to be advanced; and also, for the interest thereon, as to the Association shall appear satisfactory, and which shall be good, valid and effectual for the purposes expressed therein, and may be enforced for the benefit of the Association or of the person or persons or corporation for whom and in whose name or names such money has been lent or advanced by the Association; and to do all acts that may be necessary for advancing such sums of money, and recovering and obtaining re-payment thereof, and for enforcing the payment of all interest (if any) accruing therefrom, or any conditions annexed to such advances, or any forfeitures consequent on the non-payment thereof, or any part thereof, respectively; and to give receipts, acquittances and discharges for the same, either absolutely, and wholly or partially, and for all and every, or any of the foregoing purposes, to lay out and employ the capital and property for the time being of the Association, or any part of the moneys authorized to be hereafter raised by the Association, in addition to their capital for the time being or any moneys so intrusted to them as aforesaid, and to do, assent to and exercise all acts, whatsoever, in the opinion of
the

the Directors of the said Association for the time being, requisite or expedient to be done in regard thereto.

4. It shall be lawful for the Association, either for their own benefit or as Trustees for any person or persons or Corporation, to hold any real estate in Upper Canada only, by mortgage as security for loans, and also to acquire such real estate as may be necessary for the transaction of their business, or may fall to them in course of law in satisfaction of any debt; Provided always that in this last mentioned case it shall be incumbent on them to sell the same within five years after it shall have so fallen to them, otherwise the same shall revert to the previous owner or his heirs or assigns.

Power to acquire land by mortgage as security for loans.

5. It shall be lawful for the Association, from time to time, to deal with and dispose of all lands acquired and possessed or held in trust by the Association or contracted for or to which the said Association shall be entitled, either on their own behalf or as Trustees as aforesaid, or of any part thereof, by sale, mortgage, lease or other disposition thereof which they may deem most conducive to the promotion of the objects and advantages of the Association, and the Association shall be, and they are hereby authorized and empowered to lay out and invest their capital and property for the time being, or any moneys to be raised by them in so dealing with and disposing of their lands.

Power to deal with and sell lands.

6. All conveyances to be made by the Association, under or by virtue, or in pursuance of the several powers and authorities given to it by 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.

Form of conveyance.

7. In any such conveyance of lands to be made by the Association, the word "grant" shall operate as express covenants by the Association, for themselves and their successors, with the respective grantees therein named, and the successors, heirs, executors, administrators, and assigns of such grantees, according to the quality or nature of such grants, and of the estate or interest therein expressed, to be thereby conveyed as follows, except so far as the same shall be restrained or limited by express words contained in any such conveyance, (that is to say): A covenant, that notwithstanding any act or default done by the Association, they were at the time of the execution of such conveyance, seized, or possessed of the lands or premises thereby granted, for an indefeasible estate of inheritance, in fee simple, free from all encumbrances, done or occasioned by them or otherwise, for such estate or interest, as therein expressed, to be thereby granted, free from encumbrances, done or occasioned by them; A covenant that the grantee of such lands, his heirs, successors, executors, administrators and assigns (as the case may be) shall quietly enjoy the same

Effect of the word "grant" in conveyance; what covenants it shall imply.

Title to the Association.

Quiet enjoyment.

against

Further as-
surance.

against the Association, and their successors, and all other persons claiming under them, and be indemnified and saved harmless by the Association, and their successors, from all encumbrances created by the Association; A covenant for further assurance of such lands at the expense of such grantee, his heirs, successors, executors, administrators or assigns (as the case may be) by the Association, or their successors, and all other persons claiming under them, and all such grantees, and their several successors, heirs, executors, administrators and assigns respectively, according to their respective quality or nature, and the estate or interest in such conveyance expressed to be conveyed, may, in all actions brought by them, assign breaches of covenants, as they might do if such covenants were expressly inserted in such conveyance.

Form of mort-
gage and bond.

8. Every mortgage and bond for securing money borrowed from the Association, shall be by deed under seal, wherein the consideration shall be duly stated, and every such mortgage or bond may be according to the form in the Schedule (B) to this Act annexed, or as near as the circumstances will admit.

Company may
demand and
receive half
yearly inter-
est in ad-
vance.

9. The said Association are hereby empowered to demand and receive in advance, either for themselves or any person or persons or corporation for whom they are trustees or agents, from any person or persons, or from the Government of this Province, or from any Municipal Council, Board, Trustees, or Commissioners, or other person or persons, the interest from time to time accruing on any loans granted by the Association or by such person or persons, or corporation, under and by virtue of the powers given them by this Act, any laws or statute of this Province, or of the late Provinces of Lower or Upper Canada, notwithstanding.

Capital and
number of
shares.

10. The capital stock of the Association shall be two millions of dollars, divided into shares of fifty dollars each; and so many of the said shares, as may be unsubscribed for when this Act shall come into force, may be subscribed for, either within or without this Province, in such proportions or numbers, and at such times and places, and under such regulations, and at such rates of premium to be paid by the subscribers, over and above the amount of the shares, as the Directors shall from time to time establish; Provided always that if, at the expiration of five years from the commencement of this Act, an amount of the capital stock of the Association, equal to five hundred thousand dollars be subscribed for, the Directors shall have power to close the stock books of the Association, and to issue the shares representing the remainder of the stock of the Association, in such amounts, at such times, at such premium, and in such manner as to them may seem fit until the whole of the shares composing the capital of the Association, are issued and subscribed for.

Proviso: as to
shares not
taken within
five years.

11. All shares in the undertaking shall be personal estate, Shares to be and transmissible as such, and shall not be of the nature of personal property. real estate.

12. The Association shall keep a book, to be called "The Register of Shareholders," and in such book shall be fairly and distinctly entered, from time to time, the names of the several Corporations, and the names and additions of the several persons being Shareholders of the Association, the number of shares to which such Shareholders shall be respectively entitled, distinguishing each share by its number, and the amount of the subscription paid on such shares; and such book shall be authenticated by the common seal of the Association being affixed thereto; and every Shareholder, or if such Shareholder be a Corporation, the clerk or agent of such Corporation may, at all convenient times, peruse such book gratis, and may require a copy thereof or of any part thereof.

13. In addition to the said Register of Shareholders, the Association shall furnish a proper book, to be called "The Shareholders' Address Book," in which the Manager of the Association shall, from time to time, enter the places of abode of the several Shareholders of the Association; and every Shareholder, or if such Shareholder be a Corporation, the clerk or agent of such Corporation may, at all convenient times, peruse such book gratis, and may require a copy thereof or of any part thereof; and for every hundred words so required to be copied, the Manager may demand a sum not exceeding ten cents.

14. On demand of the holder of any share, the Association shall cause a certificate of the proprietorship of such share to be delivered to such Shareholder, and such certificate shall have the common seal of the Association affixed thereto; and such certificate shall specify the share or number of shares in the undertaking to which such Shareholder is entitled, and the same may be according to the form of Schedule (C) to this Act annexed, or to the like effect; and for such certificate the Manager may demand any sum not exceeding fifty cents.

15. Such certificate shall be admitted in all Courts as *prima facie* evidence of the title of such Shareholder, his executors, administrators, successors or assigns to the share therein specified; nevertheless, the want of such certificate shall not prevent the holder of any share from disposing thereof.

16. If any such certificate be worn out or damaged, then, upon the same being produced at some meeting of the Directors, such Directors may order the same to be cancelled, and, thereupon, another similar certificate shall be given to the party in whom the property of such certificate, and of the share therein mentioned, shall be at the time vested; or if such certificate be lost or destroyed, then, upon proof thereof, a similar certificate

certificate shall be given to the party entitled to the certificate so lost or destroyed; and in either case, a due entry of the substituted certificate shall be made by the Manager in the Register of Shareholders; and for every certificate so given or exchanged, the Manager may demand any sum not exceeding fifty cents.

Fee.

Transfers of shares to be registered.

17. Subject to the regulations herein contained, every Shareholder may sell and transfer his shares, or any of them, by Deed, in which the consideration shall be truly stated, and such Deed may be according to the form in Schedule (D) to this Act annexed, or to the like effect; and the same (when duly executed) shall be delivered to the Manager and be kept by him; and the Manager shall enter a memorial thereof in a book, to be called "The Register of Transfers," and shall endorse such entry on the Deed of Transfer; and for every such entry and endorsement the Manager may demand any sum not exceeding one dollar; and on the request, and at the option of the purchaser of any share, a new certificate shall be granted in the manner aforementioned, and an endorsement of such transfer shall be made on the certificate of such share and new certificate; and for such endorsement the Manager may demand any sum not exceeding one dollar; and such endorsement, being signed by the Manager, shall be considered, in every respect, the same as a new certificate; and until such transfer shall have been so delivered to the Manager as aforesaid, the seller of such share shall remain liable for all future calls, and the purchaser of the share shall not be entitled to receive any share of the profits of the said undertaking, or to vote in respect of such share; Provided always that any Shareholder desirous of transferring any shares in the Association to any person willing to hold the same, shall give notice thereof in writing to the Directors of the Association, and shall describe therein the name and residence of such intended holder, and the number of such shares, or such notice may be given by such intended holder, and the Directors shall proceed without delay to take such notice into consideration, and shall, under the hands of two of them and of the Manager, certify in writing, to the person giving such notice, the approbation or otherwise of the Directors of such proposed transfer; and no such intended holder shall be admitted or registered as a Shareholder, unless he shall be so approved, and shall have complied with the regulations and provisions of the Association, relating to persons acquiring shares in the Association.

Fee.

New certificate and fee.

Proviso:
Transfer not valid without notice to and consent of Directors.

Transfer not to be made until calls paid.

18. No Shareholder shall be entitled to transfer any share until he shall have paid all calls, for the time being, due on every share held by him.

Transmission of shares by other means than transfer,

19. And with respect to the registration of shares, the interest on which may become transmitted in consequence of the death, or bankruptcy, or insolvency of any Shareholder, or in consequence

consequence of the marriage of a female Shareholder, or by any other legal means than by a transfer according to the provisions of this Act: Be it enacted, that no person claiming, by virtue of any such transmission, shall be entitled to receive any share of the profits of the said undertaking, nor to vote in respect of any such share as the holder thereof, until such transmission has been authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors shall require; and every such declaration shall state the manner in which, and the party to whom, such share shall have been so transmitted, and shall be made and signed and acknowledged by some credible person before a Justice, or before a Master, or Master Extraordinary in the Court of Chancery, or before a Judge or Justice of a Court of Record, or the Mayor, Provost, or Chief Magistrate of a city, town, borough, county, or other place, or before a Notary Public, by whom the same shall be signed; and such declaration shall be left with the Manager, and, thereupon, he shall enter the name of the person entitled under such transmission in the Register Book of Shareholders of the Association, whereby such person shall be and become a Shareholder in the said undertaking; and for every such entry the Manager may demand any sum not exceeding one dollar; Provided always that until such transmission shall have been so authenticated, no person or party claiming by virtue of such transmission, shall be entitled to receive any share of the profits of the Association, nor to vote in respect of any such share as the holder thereof; And provided always that every such Declaration which shall be made in any country out of the Dominions of Her Majesty, shall be further authenticated by the British Consul or Vice-Consul, or other accredited Representative of the British Government in the country wherein such Declaration shall be made, or shall be made directly before such Consul or Vice-Consul or Representative; And further provided, also, that nothing in this Act contained shall prevent the Directors or Manager from requiring corroborative evidence of any fact alleged in any such Declaration.

to be authenticated by a declaration.

Proviso: effect without it.

Proviso: declaration made abroad.

Proviso: for corroborative evidence.

20. If such transmission be by virtue of the marriage of a female Shareholder, the said Declaration shall contain a copy of the Register of such marriage, and shall declare the identity of the wife with the holder of such share; and if such transmission has taken place by virtue of any Testamentary Instrument, or by intestacy, the Probate of the Will or the Letters of Administration, or an official extract therefrom, shall, together with such Declaration, be produced to the Manager; and upon such production, in either of the cases aforesaid, the Manager shall make an entry of the Declaration in the said Register of Transfers.

In case transmission be by virtue of any marriage, &c.

21. With respect to any share to which several persons may be jointly entitled, all notices directed to be given to the Shareholders shall be given to such of the said persons whose names

Notices to joint proprietors of shares.

names shall stand first on the Register of Shareholders, and notice so given shall be sufficient notice to all the proprietors of such share, unless any such joint proprietor shall, by writing under his hand, request such notice to be given to any other or all such joint proprietors.

Receipt for money payable to minors.

22. If any money be payable to any shareholder, being a Minor, Idiot or Lunatic, the receipt of the guardian of such Minor or the receipt of the Committee of such Idiot or Lunatic, shall be a sufficient discharge to the Association for the same.

Company not bound to regard trusts.

23. The Association shall not be bound to see to the execution of any Trust, whether express, implied or constructive, to which any of the said shares may be subject, and the receipt of the party in whose name any such share shall stand in the books of the Association shall, from time to time, be a sufficient discharge to the Association for any dividend or other sum of money payable in respect of such share; notwithstanding any Trust to which such share may then be subject, and whether or not the Association have had notice of such Trusts; and the Association shall not be bound to see to the application of the money paid upon such receipt.

Assignees of Bankrupts, &c., not to be members of the Company, but must sell.

24. No Assignee of any bankrupt or insolvent Shareholder, possessed of shares, shall become a Member of the Association in respect of such shares as shall be vested in him in such capacity; but such Assignee of a bankrupt or insolvent Shareholder shall sell and dispose of such shares in the manner and subject to the provisions herein expressed and contained with respect to the sale and transfer of shares.

Assignees not to have dividends accruing after the commencement of their title.

25. The Assignee of any Bankrupt or Insolvent Shareholder, in respect of the shares vested in him in such capacity, shall be entitled to receive such dividends as shall have become due, and shall remain unpaid on the shares so vested in him in any such capacity as aforesaid, before his title to the same shares shall have accrued; but no dividend which shall have become due on the same shares after his title shall have accrued, shall be payable to or demandable by him; but such last mentioned dividend shall, until some person shall have duly become a Shareholder in respect of the same shares, remain in suspense, and shall not be paid until such new holder shall have complied with the regulations and provisions of the Association in regard to the sale and transfer of shares; whereupon such new holder of the same shares shall be entitled to such last mentioned dividend; and every transfer shall carry with it the profits, interests and shares of capital, and surplus or reserve or contingent funds, in respect of the shares transferred, so as to close all the right and interest of the party making such transfer in respect of such transferred shares.

Effect of transfer.

26. The Association may from time to time make such calls of money upon the respective Shareholders in respect of the amount of capital respectively subscribed or owing by them, as they shall think fit; provided that, thirty-one day's notice, at the least, be given of each call, and that no call exceed the amount of two dollars and fifty cents per share, and that successive calls be not made at less than the interval of three months, and that the aggregate amount of calls made in any one year do not exceed the amount of sixteen dollars per share; and every shareholder shall be liable to pay the amount of the calls so made, in respect of the shares held by him, to the persons and at the time and place from time to time appointed by the Association.

Power to make calls.

Proviso: notice; calls limited, &c.

27. If before or on the day appointed for payment, any Shareholder do not pay the amount of any call to which he may be liable, then such Shareholder shall be liable to pay interest on the same at the rate of five per centum per annum, from the day appointed for the payment thereof to the time of the actual payment.

Interest on calls unpaid.

28. The Association may, if they think fit, receive from any of the Shareholders willing to advance the same, all or any part of the moneys due upon their respective shares beyond the sums actually called for; and upon the principal moneys so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls made upon the shares, in respect of which such advance shall have been made, the Association may pay interest at such rate not exceeding five per centum per annum, as the Shareholder paying such sum in advance, and the Association shall agree upon.

Payment of subscription before call.

Interest may be allowed.

29. If at the time appointed by the Association for the payment of any call, the holder of any share fail to pay the amount of such call, the Association may sue such Shareholder for the amount thereof in any Court of law or Equity having competent jurisdiction, and may recover the same with interest, at the rate of six per centum per annum, from the day on which such call may have been made payable.

Enforcement of calls by action.

30. In any action to be brought by the Association against any Shareholder, to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Association to declare that the defendant is a holder of one share or more in the Association, (stating the number of shares,) and is indebted to the Association 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 numbers and the amount of each of such calls) whereby an action hath accrued to the Association by virtue of this Act.

Declaration in actions for calls.

What only
need be proved
in actions for
calls.

31. On the trial of such action, it shall be sufficient to prove that the defendant, at the time of making such call, was a holder of one share or more in the Association, and that such call was, in fact, made, and such notice thereof given as is prescribed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever; and thereupon, the Association shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear either that any such call exceeds the amount of two dollars and fifty cents per share, or that due notice of such call was not given, or that the interval of three months between two successive calls had not elapsed, or that calls amounting to more than the sum of sixteen dollars in one year had been made.

Proof of de-
fendant being
a Share-
holder.

32. The production of the register book of Shareholders of the Association, or a certified extract therefrom, under the signature of the Manager of the Association, shall be evidence of such defendant being a Shareholder, and of the number and amount of his shares, and of the sums paid in respect thereof.

Forfeiture of
shares for
non-payment
of calls.

33. If the holder of any share fail to pay a call payable by him in respect thereof, together with the interest, if any, that shall have accrued thereon, the Directors, at any time after the expiration of one month from the day appointed for payment of such call, may declare such share forfeited, and that whether the Association have sued for the amount of such call or not.

Notice of for-
feiture to be
given before
declaration
thereof.

34. Before declaring any share forfeited, the Directors shall cause notice of such intention to be left at the usual or last known place of abode of the person appearing by the register book of proprietors to be the proprietor of such share; and if the proprietor of any such share be abroad, or if the interest in any such share shall be known by the Directors to have become transmitted otherwise than by transfer, as hereinbefore mentioned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted shall not be known to the Directors, the Directors shall give public notice of such intention in the *London Gazette*, and also by advertisement in a newspaper as hereinafter provided, and the several notices aforesaid shall be given twenty-one days, at least, before the Directors shall make such declaration of forfeiture.

Forfeiture to
be confirmed
by a general
meeting.

35. Such declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share, until such declaration has been confirmed at some general meeting of the Association, to be held after the expiration of two months, at the least, from the day on which such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the Association to confirm such forfeiture at any such meeting, and by an order at such meeting,

or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of; and after such confirmation the Directors may sell the forfeited shares, and either separately or together, or in lots, as to them shall seem fit.

Sale of forfeited shares.

36. A declaration in writing by an officer or servant of the Association, or by some credible person (not interested in the matter), made before any Justice, or before any Master or Master Extraordinary in the Court of Chancery, or before any Commissioner appointed to take affidavits, that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in the manner hereinbefore required, shall be sufficient evidence of the facts therein stated; and such declaration and the receipt of the Manager of the Association, of the price of such share shall constitute a good title to such share, and thereupon such purchaser shall be deemed the proprietor of such share, discharged from all calls made prior to such purchase, and a certificate of proprietorship shall be delivered to such purchaser, upon his signing the undertaking to hold the said shares so purchased by him as aforesaid, subject to the provisions of this Act, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to any such sale.

Evidence as to forfeiture of shares.

Transfer to purchaser.

37. The Association shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited share be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter, or, in default thereof, applied in and towards satisfaction of any call made thereafter, but prior to such demand being made as last aforesaid, in respect of the remaining unsold shares of such defaulter.

No more shares to be sold than sufficient for payment of calls.

38. If payment of such arrears of call and interest and expenses be made before any shares forfeited and vested in the Association shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such call had been duly paid.

On payment of calls before sale, forfeited shares to revert.

39. No Shareholder of the Association shall be liable for or charged with the payment of any debt or demand due from the Association, beyond the extent of his shares in the capital of the Association not then paid.

Extent of liability of Shareholders.

40. If any Execution, either at law or in equity, shall have been issued, taken out, or used against the lands, property, or effects of the Association, and if there cannot be found sufficient whereon

Execution against Shareholder to the

extent of capital paid up.

whereon to levy such execution, then such execution may be issued against any of the Shareholders of the Association to the extent of their shares respectively in the capital of the Association not then paid up; provided always, that no such execution shall issue against any Shareholder, except upon an order of the Court in which the action, suit or other proceeding shall have been brought or instituted, made upon motion in open Court, after twenty days notice in writing to the persons sought to be charged; and upon such motion such Court may order execution to issue accordingly; and for the purpose of ascertaining the names of the Shareholders, and the amount of capital remaining to be paid upon their respective shares, it shall be lawful for any person entitled to any such execution, at all reasonable times, to inspect the Register Book of Shareholders without fee.

Reimbursement of sum overpaid by Shareholder.

41. If, by means of any such execution, any Shareholder shall have paid any sum of money beyond the amount then due from him in respect of calls already made, and for interest thereon, if any, and all costs and expenses in respect thereof, he shall forthwith be re-imbursed such additional sum by the Directors out of the funds of the Association.

Power to borrow money.

42. In case the money hereby authorized to be raised shall be found insufficient for the purposes of the Association, it shall be lawful for the Association to borrow, on mortgage or bond, such sums of money as shall, from time to time, be authorized to be borrowed by an order of a general meeting of the Association, not exceeding, in the whole, the sum of two millions of dollars and for securing the re-payment of the money so borrowed with interest, to mortgage all or any of the lands and hereditaments of the Association, and the future calls on the Shareholders of the Association, and to give bonds or mortgages in the manner hereinafter mentioned.

And to give security.

Paying off and re-borrowing.

43. If, after having borrowed any part of the money so authorized to be borrowed, on mortgage or bond, the Association pay off the same, it shall be lawful for them again to borrow the amount so paid off, and so from time to time; but such power of re-borrowing shall not be exercised without the authority of a general meeting of the Association, unless the money be so re-borrowed in order to pay off any existing mortgage or bond.

Form of mortgages and bonds given by the Company.

44. Every mortgage and bond, for securing money borrowed by the Association, shall be by deed, under the Common Seal of the Association, wherein the consideration shall be truly stated; and every such mortgage, deed or bond may be according to the forms in the Schedules E or F to this Act annexed, or to the like effect.

45. The respective mortgagees shall be entitled, one with another, to their respective portions of the rents, lands and premises comprised in such mortgage, and of the future calls, payable by the shareholders of the Association, according to the respective sums in such mortgage, mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another, or above the bond creditors of the Association, by reason of priority of the date of any such mortgage, or of the meeting at which the same was authorized, or on any other account whatsoever.

Rights of mortgagees.

46. The respective obligees in such bonds shall proportionally, according to the amount of the moneys secured thereby, be entitled to be paid out of the property or effects of the Association, and of the future calls payable by the shareholders of the Association, the respective sums in such bonds mentioned, and thereby intended to be secured, without any preference, one above another, or above the mortgagees of the Association, by reason of priority of date of any such Bond, or of the meeting at which the same was authorized, or otherwise howsoever.

Rights of obligees.

47. A register of all securities held by the Association, whether for themselves or in trust, shall be kept by the manager and within fourteen days after the date of the taking of any security an entry or memorial, specifying the nature, date, and account of such security and the names of the parties thereto, with their proper additions, shall be made in such Register, and such register may be perused at all reasonable times by any of the shareholders, or by any person interested in any such security without fee or reward.

Register of mortgages and bonds.

48. From time to time any party entitled to any such mortgage or bond, may transfer his right and interest therein to any other person, by deed wherein the consideration shall be truly stated, and every such transfer may be according to the form in the schedule G to this Act annexed, or to the like effect.

Transfer of mortgages and bonds and forms.

49. The interest of the money borrowed upon any such mortgage or bond, shall be payable and paid half-yearly to the several parties entitled thereto, and in preference to any dividends payable to the shareholders of the Association.

Payment of interest on loans.

50. The Association may, if they think proper, fix a period for the re-payment of the principal money so borrowed, with the interest thereof; and in such case the Association shall cause such period to be inserted in the mortgage deed or bond, and upon the expiration of such period, the principal sum, together with the arrears of interest thereon, shall be paid to the party entitled to such mortgage or bond.

Re-payment of moneys borrowed at a time fixed.

Re-payment of money borrowed if no time is fixed.

51. If no time be fixed in the mortgage, deed or bond for the re-payment of the money so borrowed, the party, entitled to the mortgage or bond, may, at the expiration, or at any time after the expiration of twelve months from the date of such mortgage or bond, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months previous notice for that purpose; and the Association may, at all times, pay off the money borrowed, or any part thereof, on giving the like notice; and such notice, if given by a mortgagee or bond creditor, shall be by writing delivered to the manager, and if given by the Association, shall be by writing given either personally to such mortgagee or bond creditor, or if such mortgagee or bond creditor be unknown, or cannot be found, such notice shall be given by advertisement in the *London Gazette*, and in some newspaper as hereinafter mentioned; and at the expiration of the said notice, when given by the Association, interest shall cease to be payable on the money secured by such mortgage or bond, unless, on demand of such money, the Association shall fail to pay the same, pursuant to such notice.

Payment after notice.

Enforcing payment of interest in arrear.

52. And in order to provide for the recovery of arrears of interest and costs, or the principal and interest and costs of any such mortgage or bond, at the respective times at which such interest, or such principal and interest and costs become due: Be it enacted, that if such interest, or any part thereof, shall, for thirty days after the same shall have become due, and demand thereof shall have been made, remain unpaid, the mortgagee or bond creditor may either sue for the interest so in arrear by action of debt, in any Court of competent jurisdiction, or may require the appointment of a Receiver, by an application to be made as hereinafter provided.

Enforcing payment of principal and interest.

53. And with respect to such principal money, interest and costs: Be it enacted, that if such principal money and interest be not paid within six months after the same has become payable, and after demand thereof in writing, the mortgagee or bond creditor may sue for the same in any Court of competent jurisdiction, or if his debt amount to the sum of twenty thousand dollars, he may alone, or if his debt does not amount to the sum of twenty thousand dollars, he may, in conjunction with the mortgagees or bond creditors, whose debts being so in arrear after demand, as aforesaid, shall together with his, amount to the sum of forty thousand dollars, require the appointment of a Receiver, by an application to be made as hereinafter provided.

Appointment of a Receiver, and on what application to be made, &c.

54. Every such application for a Receiver, in the cases aforesaid, shall be by petition in writing, and be made to any of the Superior Courts, or to any Judge or Judges of the said Courts; and on any such application so made, after due service of notice thereof upon the Association, according to the practice of the Court where the application is made, and after hearing

hearing the parties, and being satisfied of the truth thereof by the affidavit of the Petitioner, or by some other evidence, as shall be adduced in support of such petition, and which evidence the Judge or Court may order to be adduced, it shall be lawful for such Judges or Courts, by order in writing, to appoint some person to receive the whole or a competent part of the sums, liable to the payment of such interest, or such principal and interest, as the case may be, until such interest or until such principal and interest, as the case may be together with the costs, including the charge of receiving the sums aforesaid, be fully paid; and upon such appointment being made, all such sums of money, as aforesaid, shall be paid to and received by the person so appointed, and the money so to be received, shall be so much money received, by or to the use of the person and party to whom such interest or such principal and interest, or as the case may be, shall be then due, and on whose behalf such receiver shall have been appointed; and after such interest and costs, or such principal, interest and costs, have been so received, the power of such receiver shall cease.

Effect of such appointment.

55. No party shall, in right of any mortgage, be deemed a shareholder, or be capable of acting or voting as such, at any meeting of the Association.

Mortgagees not to vote.

56. At all reasonable times the books of account of the Association shall be open to the inspection of the respective mortgagees and bond creditors thereof, with liberty to take extracts therefrom without fee or reward.

Access to account books by mortgagees.

57. It shall be lawful for the Association, with the consent of any extraordinary meeting of the shareholders, specially convened for that purpose, from time to time, to raise by contribution among themselves, or by the admission of other persons or subscribers to the undertaking, or in part by each of these means, a further sum or further sums of money, not exceeding in the whole the sum of four millions of dollars, in shares of fifty dollars each, in such manner, and upon such terms and conditions, and under such regulations, as shall be approved and agreed upon at such meeting; and such shares shall be numbered in regular succession from, and in continuation of, the numbers affixed to the shares of the Association then already issued, in arithmetical progression, and every such share shall always be distinguished by the number to be appointed to the same.

Power to enlarge capital, and mode of doing so.

58. The holders of such new shares, so long as the deposits and calls, made in respect thereof, shall amount to less than the sums called for, and payable, in respect of the original shares, shall only be entitled to such an amount of dividend in respect thereof, in case any dividend be then declared and become payable under the provisions of this Act, as by the meeting of proprietors authorizing the creation of the new capital in aid of which

To what dividend owners of new shares shall be entitled.

which such new shares may have been issued, shall be declared payable and agreed upon.

New capital to be considered a part of the general capital.

59. The capital so to be raised by the creation of new shares shall be considered a part of the general capital, and shall be subject to the same provisions, in all respects, whether with reference to the payment of calls, and interest upon arrears thereof, or the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital, except as to the time of making calls for such additional capital, and the amount of such calls, which respectively it shall be lawful for the Association, from time to time, to fix as they shall think fit.

If old shares are at a premium, new shares to be offered to original Shareholders.

60. If, at the time of any such augmentation of capital taking place, by the creation of new shares, the then existing shares of the capital stock of the Association be at a premium, or of greater actual value than the nominal value thereof, then the sum so to be raised shall be divided into shares of such amount as will conveniently allow the said sum to be apportioned among the then shareholders, in proportion to the existing shares held by them respectively; and such new shares shall be offered to the then shareholders in the proportion of one for every existing share held by them respectively; and such offer shall be made by letters under the hand of the Manager, given to or sent by the Post to each shareholder, or left at his usual or last place of abode; and such new shares shall vest in and belong to the shareholders who shall accept the same, and pay the value thereof to the Association, at the time and by the instalments which shall be fixed by the Association; and if any shareholder fail, for one month after such offer of new shares, to accept the same, and pay the instalment called in in respect thereof, it shall be lawful for the Association to dispose of such shares to any party willing to become the purchaser thereof, for such sum as the Association can obtain for the same, or in such other manner as may be deemed expedient.

If any Shareholder will not accept.

61. If, at the time of such augmentation of capital taking place, the existing shares of the Capital Stock of the Association be not at a premium, then such new shares may be issued in such manner as the Association shall think fit.

If not at a premium, to be issued as the Company think fit.

62. At all meetings of the Association, every Shareholder shall be entitled to vote according to the scale of voting herein-after mentioned, that is to say, every Shareholder possessing five shares and not more than ten shares, shall have one vote, and every Shareholder possessing more than ten shares, an additional vote for every five of such shares beyond the number of such first ten shares; but no body or person shall have more than ten votes, and no Shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then payable upon all the shares held by him.

Votes of Shareholders at general meeting.

63. Such votes may be given either personally or by proxy; the holders of such proxies being Shareholders authorized by writing, according to the form of Schedule H to this Act annexed, or in a form to the like effect, under the hand of the Shareholder, nominating such proxy; or if such Shareholder be a Corporation, then under their Common Seal; and every proposition at any such meeting shall be determined by show of hands, or upon demand of any proprietor, after such show of hands, by the majority of the votes of the parties present, including proxies; the Chairman of the meeting being entitled to vote, not only as a principal or proxy, but to have a casting vote if there be an equality of votes.

Manner of
voting.

64. No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the Clerk or Manager of the Association five clear days before the holding of the meeting at which such proxy is to be used; and no person shall, at any one meeting, represent as proxy more than thirty Shareholders; neither shall any person not being a Shareholder qualified to vote, be entitled to speak at any meeting in respect of any proxy which he may hold on behalf of any absent Shareholder.

Appointment
of proxies.

65. If several persons be jointly entitled to a share, the person, whose name stands first on the Register of Shareholders, as one of the holders of such share, shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof, and in all occasions the vote of such first named Shareholder alone, either in person or by proxy, shall be allowed as the vote in respect of such share, and no proof of the concurrence of the other holders thereof shall be requisite.

Votes of joint
Shareholders.

66. If any Shareholder be a person voluntarily interdicted, or a lunatic, or idiot, such person, lunatic or idiot may vote by himself or by his curator or committee, as the case may be, and if any Shareholder be a minor, he may vote by his tutor or guardian, or any one of his guardians, and every such vote may be given either in person or by proxy.

Votes of lunatics
and minors.

67. The chief place of business of the Association shall be at the Town of Cobourg, in the County of Northumberland, but the said Association shall, from time to time, and at all times hereafter, have power and authority, and they are hereby authorized to establish such and so many Agencies or Boards in any part or portion of this Province or in England, or in the United States, and under such regulations for the management thereof, and to remove the same, as to the Director of the said Association may seem expedient.

Chief place of
business.

Agencies.

68. The business and affairs of the said Association shall be conducted and managed by a board of seven Directors, including a President and Vice-President, to be appointed by the

Provisional
Directors.

the

the Shareholders, as hereinafter provided, which Board shall consist of qualified Shareholders, and which Board, in the first instance, and provisionally and until the first General Annual Meeting of the Association, shall consist of the Honorable George Strange Boulton, Patrick Wallace, James Bonnell Fortune, Asa Allworth Burnham, Henry Covert, Andrew Jeffrey, John Sinclair Wallace, all of the Town of Cobourg, Esquires,—who shall remain in office until the first Monday of July, one thousand eight hundred and sixty-one, and shall then go out of office, being eligible for re-election, and shall then be replaced by seven Directors to be elected by the Shareholders, who shall attend either in their own persons or by proxy, and two of the said Directors shall go out of office by rotation in each year, being, however, eligible for re-elections as Directors, and the election of Directors, in place of those so retiring from office, shall be held at the first annual general meeting of the Association, by the Shareholders, who shall either attend in their own persons or by proxy; and all election of Directors shall be by ballot, and the persons having the greatest number of votes at any such election shall be Directors, and if two or more shall have an equal number of votes, in such manner that more than two shall appear to be chosen, then another ballot shall be taken until it shall be determined which of the said two named shall have a majority of votes, and the Directors shall choose their Chairman; Provided always that three Directors shall be a quorum for the transaction of business; Provided also that the Directors, to be elected under the provisions of this Act, shall be holders of not less than twenty-four shares in the Association.

First election
of Directors.

Annual retire-
ment of Di-
rectors.

Elections by
ballot.

Ties.

Proviso.

Proviso.

Annual gene-
ral meeting of
the Company.

69. The first Annual General Meeting shall be held in the said Town of Cobourg, on the first Monday in July, one thousand eight hundred and sixty-one, or the next following day, not being a statutory holiday, or any other day to be appointed by the By-law; and the said meeting shall be held on the same day in each successive year thereafter in the said Town of Cobourg, and at the said first annual general meeting, the Shareholders, present as aforesaid, shall then determine the mode and manner in which the first and the other two Directors shall retire, and in which they shall be then and in future elected; and the notice of all subsequent general annual meetings for the election of Directors shall contain the names of the two retiring Directors; Provided always that the retirement of the two first Directors shall be determined by ballot among themselves.

Powers, duties
and authori-
ties of Direct-
ors.

70. The Directors shall have and exercise the powers, privileges and authorities set forth and invested in them by this Act, and they shall be subject to and be governed by such rules, regulations and provisions, as are herein contained with respect thereto, and by the By-laws to be made for the management of the Association; and the Directors shall and may lawfully

lawfully exercise all the powers of the Association, except as to such matters as are directed by the Act to be transacted by a general meeting of the Association; and amongst other powers, to be exercised by the Directors, they may call any general, special or other meetings of the Association, or of the Directors, which they may deem necessary;—they may use and affix, or cause to be used and affixed the seal of the Association to any document or paper which, in their judgment, may require the same;—they may make and enforce the calls on the shares of the respective Shareholders; they may declare the forfeiture of all shares on which such calls are not paid;—they may make any payments, loans, or advances, as they may deem expedient, which are or shall, at any time, be authorized to be made by or on behalf of the Association, and enter into all contracts for the extension of the purposes of the Association, and for all other matters necessary for the transaction of its affairs;—they may generally deal with, treat, sell and dispose of the lands, property and effects of the Association, for the time being, in such manner as they shall deem expedient and conducive to the benefit of the Association, as if the same lands, property and effects were held and owned according to the tenor, and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age;—they may do and authorize, assent to and adopt all acts required for the due exercise of any further power and authorities which may hereafter be at any time granted to the Association by the Legislature of this Province, or for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said Legislature, in giving such further powers and authorities, or in altering and repealing the same respectively, or any of them; but all the powers shall be exercised in accordance with and subject to the provisions of this Act in that behalf, and also to the control and regulation of any general meeting, specially convened for that purpose, but not so as to render invalid any act done by the Directors prior to any resolution passed by such general meeting.

Powers to be exercised subject to the provisions of this Act.

71. The Directors of the said Association may vote by proxy, such proxies being themselves Directors and appointed in the following form, or to the like effect: Directors may vote by proxy.

“I hereby appoint _____, of _____, Esquire, one of the Directors of the Agricultural Loan Association of Canada, to be my Proxy as Director of the said Association, and as such proxy to vote for me at all meetings of the Directors of the said Association, and generally to do all that I could myself do as a Director, if personally present at such meeting.” Form of appointment.

Signature.

But no director shall act as proxy for more than three other Directors. Proviso.

Certain powers to be exercised only at general meetings.

72. The following powers of the Association, that is to say, the choice and removal of Directors, Auditors, and Treasurer, unless in the event of being thereby specially authorized, the determination as to the remuneration of the Directors and of the Auditors, the determination as to the borrowing of money, the determination as to the augmentation of capital, and the declaration of dividends, shall be exercised only at a general meeting of the Company.

Minutes of proceedings, to be kept in books for the purpose.

73. The Directors shall cause notices, minutes, or copies, as the case may require, of all appointments made, or contracts entered into by the Directors and Committees of Directors, to be duly entered in books to be from time to time provided for the purpose, which shall be kept under the superintendence of the Directors, and every such entry shall be signed by the Chairman of the meeting at which the matter, in respect of which such entry is made, was moved or discussed, at or previously to the next meeting of the said Association, Directors or Committee of Directors, as the case may be; and such entry, so signed, shall be received as evidence in all Courts and before all Judges, Justices and others, without proof of such respective meeting having been duly convened, or of the persons making or entering such orders or proceedings being Shareholders, or Directors, or Members of the Committee respectively, or by the signature of the Chairman, all of which last-mentioned matters shall be presumed; and all such books shall, at any reasonable times, be open to the inspection of any of the Shareholders.

Effect as evidence.

Inspection by Shareholders.

Acts of the Directors to be valid, although parties to them be not qualified.

74. All acts done by any meeting of the Directors, or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some defect or error in the appointment of any person attending such meeting as a Director, or acting as aforesaid, or that such person was disqualified, be as valid as if such person had been duly appointed and was qualified to be a Director.

Indemnity of Directors for acts done as such.

75. No Director, by being a party to, or making, signing or executing in his capacity of Director any contract or other instrument on behalf of the Association, or otherwise lawfully executing any of the powers given to the Directors, shall be subject to be sued or prosecuted, either collectively or individually, by any person whomsoever; and the bodies, or goods, or lands of the Directors, or any of them, shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed or executed by them, or any of them, or by reason of any other lawful act done by them, or any of them, in the execution of any of their powers as Directors; and the Directors, their Heirs, Executors and Administrators shall be indemnified out of the capital of the Association for all payments made or liabilities incurred in respect of any acts done by them, and for all losses, costs and damages.

damages which they may incur in the execution of the powers granted to them; and the Directors, for the time being, of the Association, shall apply the existing funds and capital of the Association for the purpose of such indemnity, and shall, if necessary for that purpose, make calls of the capital remaining unpaid.

76. Every Agent, Officer, or person employed by the Association, shall, from time to time, when required by the Directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account, in writing under his hand, of all moneys received by him on behalf of the Association; and such account shall state how, and to whom, and for what purpose such moneys shall have been disposed of, and, together with such account, such Officer shall deliver the vouchers and receipts for such payments; and every such Officer shall pay to the Directors, or to any person appointed by them to receive the same, all moneys which shall appear to be owing from him upon the balance of such accounts.

Employees of Company to render accounts when required by Directors.

77. If any such Agent, Officer, or person employed as aforesaid, shall fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if, for three days after being thereunto required, he fail to deliver up to the Directors, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters and things in his possession or power, relating to the execution of this Act or belonging to the Association, then, on complaint thereof being made to a Justice, such Justice shall, by summons or warrant under his hand, cause such agent or officer to be brought before any two or more Justices, and upon such agent or officer being so brought before him, or if such agent or officer cannot be found, then in his absence such Justice may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such agent or officer; and if it appears, either upon confession of such agent or officer, or upon evidence, or upon inspection of the account, that any moneys of the Association are in the hands of such agent or officer, or owing by him to the Association, such Justice may order such agent or officer to pay the same; and if he fail to pay the amount it shall be lawful for such Justice to grant a warrant to levy the same by distress, or in default thereof, to commit the offender to gaol, there to remain without bail for a period not exceeding three months; and in any of the following cases, that is to say: if any such agent or officer do not appear before the Justice at the time and place appointed for that purpose; or if such agent or officer appear, but fail to make out such account in writing; or if such agent or officer refuse to produce and deliver to the Justices the several vouchers and receipts relating to such accounts; or if such agent or officer refuse to deliver up any books, papers or writings,

Summary remedy against officer failing to account.

Commitment of Defaulter.

writings, property, effects, matters or things in his possession or power belonging to the Association, such Justices may lawfully commit such offender to gaol; and in every such case of commitment the prisoner shall remain in custody without bail, until he shall have made out and delivered such accounts, and delivered up the vouchers and receipts, if any, relating thereto, in his possession or power, and have delivered up such books, papers, writings, property, effects, matters and things, if any, in his possession or power.

Sureties not to be discharged.

78. No such proceedings against or dealing with any such agent or officer as aforesaid, shall deprive the Association of any remedy which they might otherwise have against any surety of such agent or officer.

Accounts to be kept.

79. Full and true accounts shall be kept of all sums of money received or expended on account of the Association by the Directors, and all persons employed by or under them, and of the articles, matters and things for which such sums of money shall have been received or disbursed and paid.

Dividends not to reduce capital stock.

80. The Association shall not make any dividend whereby their capital stock will be in any degree reduced.

Before apportioning profits Directors may reserve a share for contingencies.

81. Before apportioning the profits aforesaid, the Directors may, if they think fit, set aside thereout such sums as they may think proper to meet contingencies, or for enlarging or improving the estates of the Association, or any part thereof, or promoting the objects and purposes for which they are incorporated, and may divide the balance only among the proprietors.

Calls to be paid before dividends are received.

82. No dividend shall be paid in respect of any share, until all calls then due in respect of that, or of any other share held by the person to whom such dividend may be payable, shall have been paid.

Company to appoint Officers, Solicitors, &c.

83. It shall be lawful for the Association, from time to time, to appoint such and so many Officers, Directors and Agents, either in this Province or elsewhere, and so many servants as they may deem expedient for the management of the affairs of the Association; and to allow to them such salaries and allowances as may be agreed upon between them and the Association, and to make such By-laws as they may think fit for the purpose of regulating the conduct of the officers, solicitors, agents, and servants of the Association, and for providing for the due management of the affairs of the Association in all respects whatsoever, and from time to time to alter and repair any such By-laws, and make others, provided such By-laws be not repugnant to the laws of the Province, or to the provisions of this Act; and such By-laws shall be reduced into writing, and

By-laws for guidance of officers, and conduct of business.

and shall have affixed thereto the common seal of the Association; and a copy of such By-laws shall be given to every officer and servant of the Association; and any copy or extract therefrom certified under the signature of the Manager shall be evidence in all Courts of Justice in this Province of such By-laws or extracts from them, and that the same were duly made, and are in force; and in any action or proceeding at law, Criminal or Civil, or in Equity, it shall not be necessary to get any evidence to prove the seal of the Association; and all documents purporting to be sealed with the seal of the Association, shall be taken to have been duly sealed with the seal of the Association.

Proof of By-laws.

84. With respect to any notice required to be served by the Association upon the shareholders, it shall be sufficient to transmit the same by post directed according to the registered address or other known address of the shareholder, within such period as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the giving of such notice, and in proving such notice, it shall be sufficient to prove that such notice was properly directed and that it was so put into the Post Office.

Notices may be sent by post.

85. All notices required by this Act to be given by advertisement in a newspaper, shall be signed by the Chairman of the meeting at which said notice shall be directed to be given, or by the Manager or other officer of the Association, and shall be advertised in two or more of the London and Canada newspapers, unless otherwise specially provided by this Act and the same shall thereupon be deemed and considered the same as personal notices.

Notices by advertisement.

86. Every summons, demand or notice, or other such document requiring authentication by the Association, may be signed by one Director, or by the Treasurer or Manager of the Association, and the same may be in writing or in print, or partly in writing and partly in print.

Summons signed by one Director or Manager to be deemed authentic.

87. In all legal proceedings under this Act, general or other releases, for the purpose of qualifying any person in the service of the Association to give evidence as a witness, may be granted by any two or more of the Directors, and every such release or discharge under the hands and seals of two of the Directors shall be as effectual for the purpose aforesaid as if made under the common seal of the Association.

Release of witnesses.

88. In case any fiat in bankruptcy shall be awarded against any person who shall be indebted to the Association or against whom the Association shall have any claim or demand, it shall be lawful for any person, who shall, from time to time in that behalf, be appointed by writing under the hands of any three or more of the Directors of the Association for the time being, to appear

How debts to the Association may be proved in cases of Bankruptcy.

appear and he is hereby authorized to appear and act on behalf of the Association, in respect of any such claim, debt, or demand before the Commissioners under any such fiat in bankruptcy, either personally as by his affidavit, sworn and exhibited in the usual manner, in order to prove and establish any such debt, claim or demand, under such fiat; and such person to be so appointed shall, in all such cases, be admitted and allowed to make proof or tender a claim under any such commission on behalf of the Association in respect of such debt, claim or demand, and shall have such and the same powers and privileges as to voting in the choice of assignees and signing certificates and otherwise, in respect of any such debt admitted to be proved on behalf of the Association, as any other person, being a creditor of such bankrupt in his own right, would have, in respect of the debt proved by him under such fiat.

Amends may be offered before action brought for any thing done in pursuance of this Act.

89. If, before action brought, any party having committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act, or by virtue of any power or authority given, make tender of sufficient amends to the party injured, such party shall not recover in any action brought on account of such irregularity, trespass or other wrongful proceedings, and if no such tender shall have been made it shall be lawful for the defendant, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other causes where defendants are allowed to pay money into Court.

Association to furnish information to the Governor.

90. The Association shall, at all times, furnish to the Governor General of this Province, such information and particulars, in such form, and attested in such manner as the said Governor shall require; and such portion of such information, as the Governor shall think proper, shall be published for the information of the public.

Public Act.

91. This Act shall be deemed a Public Act.

SCHEDULES REFERRED TO IN THE FOREGOING ACT.

SCHEDULE A.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the reign of Queen Victoria, intituled: (*here set forth the title of this Act*): We, the Agricultural Loan Association of Canada, in consideration of the sum of _____, to us paid by A. B., of _____, do hereby grant to the said A. B., his heirs and assigns all (*describing the premises to be conveyed*) together with all ways, rights, and appurtenances thereto belonging; and all such estate, right, title, and interest in and to the same as We, the said Association are, or shall become possessed of, or are by the said Act, empowered to convey: To hold

hold the said premises to the said A. B., his heirs and assigns forever.

Given under the Common Seal of the said Association this
day of in the year of Our Lord

SCHEDULE B.

Form of Mortgage Deed.

By virtue of an Act of the Legislature of Canada, passed in the year of the reign of Queen Victoria, intituled : (*here insert the title of this Act*) I, A. B., of , in consideration of the sum of , paid to me by the Agricultural Loan Association of Canada, do hereby, pursuant to the said Act, convey to the said Association, their successors, and assigns, all (*describing the real or personal property to be conveyed*) and all such estate, right, title, and interest in and to the same, as I am, or shall become, or be possessed of, to hold the same to the said Association, their successors and assigns, forever, subject to redemption on payment to the said Association, their successors or assigns, the said sum of , on the day of , eighteen , with interest for the same, at the rate of for every hundred pounds by the year, payable half-yearly on the day of and day of , in every year, (*add any special power which may be agreed on.*)

In witness whereof I have hereunto set my hand and seal,
the day of , in the year of Our Lord

Form of Bond.

By virtue of an Act of the Legislature of Canada, passed in the year of the reign of Queen Victoria, intituled : (*here insert the title of this Act.*) I, A. B., in consideration of the sum of , to me in hand paid by the Agricultural Loan Association of Canada, am held and firmly bound to the said Agricultural Loan Association of Canada, their successors and assigns, in the penal sum of , to be paid to the said Agricultural Loan Association of Canada, their successors or assigns.

The condition of the above obligation is such, that if the said A. B., his heirs, executors, or administrators, shall pay to the said Agricultural Loan Association of Canada, their successors or assigns, on the day of , which will be in the year eighteen hundred , the principal sum of , together with interest for the same, at the rate of per centum per annum, payable half-yearly, on the day of , and day

day of _____, then the above written obligation is to become void, otherwise to remain in full force and virtue.

In witness whereof I have hereunto set my hand and seal, the _____ day of _____, in the year of Our Lord

SCHEDULE C.

Form of Certificate of Shares.

The Agricultural Loan Association of Canada

Number _____

These are to certify that A. B., is a proprietor of the share number _____ of "The Agricultural Loan Association of Canada," subject to the rules, regulations and orders of the said Association, and that the said A. B., his Executors, Administrators (or successors,) and Assigns, is and are entitled to the profits and advantages of such share.

Given under the common seal of the said Association the _____ day of _____ in the year of Our Lord

SCHEDULE D.

Form of Transfer of Share.

I, _____ of _____ in consideration of the sum paid to me by _____ of _____ do hereby assign and transfer to the said _____ share (or shares, *as the case may be,*) numbered _____ of and in the undertaking called "The Agricultural Loan Association of Canada," to hold unto the said _____, his Executors, Administrators, and Assigns, (or successors, and assigns,) subject to the same conditions, as I held the same immediately before the execution hereof; and I, the said _____, do hereby agree to accept and take the said share (or shares) subject to the same conditions.

As Witness our hands and Seals, the _____ day of _____

SCHEDULE E.

Form of Mortgage Deed.

Number _____

By virtue of an Act passed in the _____ year of the Reign of Queen Victoria, intituled: (*here set forth the title of this Act*), We, "The Agricultural Loan Association of Canada," in consideration of the sum of _____

to

to us paid by A. B., of do assign unto the said A. B., his Executors, Administrators and Assigns, (*here describe the property, profits, calls, capital, or other security upon which the money shall have been agreed to have been advanced,*) and all estate, right, title and interest of the said association of, in, and to the same, and power to make and enforce payment of all, or any of the calls hereby assigned or intended so to be, to hold unto the said A. B., his Executors, Administrators, and Assigns, until the said sum of , together with the interest for the same, after the rate of for every one hundred pounds for a year, shall be fully paid and satisfied.

Given under our common Seal, this of
in the year of Our Lord

SCHEDULE F.

Form of Bond.

“The Agricultural Loan Association of Canada.”

Bond Number

By virtue of an Act passed by the Legislature of Canada, in the year of the reign of Queen Victoria, intituled: (*here insert the title of this Act,*) We, “The Agricultural Loan Association of Canada,” in consideration of the sum of to us in hand paid by A. B., of do bind ourselves and our successors, unto the said A. B., his Executors, Administrators and Assigns, in the penal sum of

The Condition of this obligation is such that if the said Association shall pay unto the said A. B., his Executors, Administrators or Assigns, on the day of which will be in the year of Our Lord, one thousand eight hundred and , the principal sum of together with interest for the same, at the rate of per centum per annum, payable half yearly, on the day of and the day of then the above written obligation is to become void, otherwise to remain in full force. Given under our Common Seal, this day of

SCHEDULE G.

Form of transfer of Mortgage or Bond

I, A. B., of in consideration of the sum of paid by of do hereby transfer a certain Mortgage (or Bond), number made by “The Agricultural Loan Association of Canada,” to bearing date the day of for securing the sum of and

and interest, and all my right, estate and interest, in and to the possessions, profits, calls and property (*as the case may be*), thereby assigned, together with all covenants and other securities, granted or entered into by, or on behalf of the said Association in respect thereof.

Dated the _____ day of _____ in the year of Our Lord.

SCHEDULE H.

Form of Proxy.

A. B., of _____, one of the Shareholders of "The Agricultural Loan Association of Canada," doth hereby appoint C. D., of _____ to be proxy of the said A. B., in his absence, to vote in his name upon any matter relating to the undertaking, proposed at the meeting of the Shareholders of the Association, to be held in the _____ day of _____ next, in such manner as the said C. D., doth think proper.

In witness whereof, the said A. B. doth hereunto set his hand (*or if a Corporation, say the Common Seal of the Corporation*), the _____ day of _____ 186.

C A P . C X X X I .

An Act to incorporate the Windsor Improvement Company.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the persons hereinafter named, with others, have, by their Petition, represented that they have associated themselves together for the purchase of a certain tract of land in the County of Essex, and by the expenditure of money in the way of clearing, draining, cultivating and ornamenting, to render the same fit for subdivision into small tenements; and praying that they, their associates and successors, may be incorporated; And whereas it is expedient to grant the prayer of such Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. Samuel Smith Macdonell, Esquire, the Honorable John Prince and John MacLeod, Alexander Macdonell, Stephen Heward, Daniel D. Brodhead, James C. Dunn and George B. Jones, Esquires, their associates and successors, are hereby made and constituted a Corporation by the name of "The Windsor Improvement Company."

Corporate name.

Capital and shares, when to be raised.

2. The Capital Stock of the Company shall be two hundred and fifty thousand dollars, divided into shares of twenty dollars each,

each, whereof not less than one-half must be subscribed, and ten per centum thereof paid up within one year from the passing of this Act ; in default of which the privileges conferred by this Act shall cease and determine.

3. The Company may purchase, hold, and possess in fee simple or otherwise, all or any part of that certain parcel or tract of land situate partly in the Town of Windsor and partly in the Township of Sandwich, in the County of Essex, and consisting of the lot numbered eighty-seven, in the first and second concessions of the Township of Sandwich, and such other land adjacent thereto as may be deemed advisable by the Company to be purchased and held by them ; but the whole real estate to be held by the Company shall not exceed in extent three hundred and fifty acres or in value the sum of two hundred thousand dollars.

Power to purchase certain land.

Proviso.

4. The Company may sell and convey, mortgage or otherwise alienate the said property or any part thereof, and manage and improve the same at their will and pleasure, and may construct buildings and make drains and sewers and lay out streets and passage-ways within the limits thereof ; but in making such roads, passage-ways, drains and sewers, the Company shall be subject to the control and direction of the Municipal Council of the locality in which the same are to be made.

Power to sell land, construct buildings, &c.

5. The said Samuel Smith Macdonell, John Prince, John MacLeod, Alexander Macdonell, and Daniel D. Brodhead, shall be 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 the power to open Books for the subscription of Shares in the capital of the Company, and to make and collect calls on the said Shares ; and they shall call a meeting of the Subscribers of Shares by notice, in the manner hereinafter mentioned.

First Directors of the Company.

6. The shares in the capital stock of the Company shall be deemed personal property, and shall be transferable in such manner as may from time to time be prescribed by the By-laws ; but no share shall be transferable until all 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 personalty.

How transferable.

7. The affairs of the Company shall be managed by a Board of five Directors, to be elected annually from among the Shareholders at their annual meeting ; each of which Directors must be proprietor of twenty-five shares in the capital stock of the Company ; and they shall remain in office and be Directors, until their successors shall be elected.

Elective Directors, qualification and term of office.

8. An annual meeting of the Shareholders of the Company, for the transaction of general business, and the election of Directors

Annual meeting, and election.

tion of Direct-
ors.

Notice.

Vacancies be-
tween meet-
ings.

One vote for
each share.

Majority to
decide.

President.
Secretary and
other officers.

Pay.

Calls on stock.

Penalty for
non-payment.

Directors may
make By-laws
for certain
purposes.

Directors shall be held at such time and place, and under such regulations with regard to notice as may be determined by the By-laws of the Company; and until it shall be so determined, the same shall take place on the first Wednesday in December of each year; and previous notice of the time and place of the holding of the first annual meeting, shall be given by three of the Directors in one Newspaper published in the County of Essex; and of subsequent annual meetings, a like notice shall be given by a notice under the hand of the Secretary of the Company, unless and until otherwise regulated by the By-laws thereof; and the latter provisions with regard to notice shall apply also to special general meetings; 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 unexpired year, in such manner as may be prescribed by the By-laws of the Company.

9. Each share shall entitle the holder thereof to vote at all meetings and proceedings of the Shareholders of the Company; such vote to be given by such Shareholder either in person or by proxy, the holder of any such proxy being also a Shareholder, and having written authority; and all questions and proceedings, as well as the election of Directors, shall be determined by the majority of votes given in respect thereof, at any regularly convened meeting.

10. The Company shall have a President, who shall be elected by the Directors from among themselves; The Directors shall also appoint a Secretary, and may name and appoint such other officers as they may from time to time judge expedient; and may require such officers and Secretary to give such security for the faithful performance of their duties as the Directors see fit to exact; and may pay and allow such Secretary and officers such salaries as may be agreed upon.

11. The Directors may, from time to time, make calls upon the capital stock of the Company, giving not less than one month's notice thereof in some newspaper published in the County of Essex; and if any Shareholder shall neglect or refuse to pay the amount of such call so made, the share or shares, upon which such call may be in default, may, at any annual or special general meeting of the Shareholders, be declared forfeited to the Company, and may be sold to defray the amount of such call; and any surplus that may remain after defraying the same shall be paid to the owner of the stock so forfeited.

12. The Directors of the Company shall have the power, from time to time, to make such By-laws as they shall deem proper:

For settling the form of certificates of shares to be issued to the proprietors of stock, and the manner, conditions and places of transferring the same ; Shares.

For determining the quorum of Directors ; Quorum.

For the appointment of officers of the Company, and for prescribing their powers, duties and remuneration ; and generally for making such regulations in reference to the management, improvement and disposal of the said property, and the carrying on of the business of the Company, as may be considered advisable or requisite. Officers and business.

13. The Company may authorize one of their Officers or Directors to make and execute conveyances under the seal and in the name and on behalf of the Company, to any individual or individuals, of any part of the lands purchased or held by the Company. Executing conveyances, &c.

14. No Shareholder shall be in any manner liable or charged with the payment of any debt or demand due by the Company, beyond the amount of his, her, or their subscribed share or shares in the capital stock of the Company. Liability of Shareholders limited.

15. The chief office or place of business of the Company shall be in the Town of Windsor. Place of business.

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

CAP. CXXXII.

An Act to incorporate the Ottawa Board of Lumber Manufacturers.

[Assented to 19th May, 1860.]

WHEREAS the persons hereinafter mentioned have prayed to be incorporated, to enable them to regulate the affairs of their trade as Lumber Manufacturers on the Ottawa River, and its tributaries, as hereinafter provided ; 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. James Skead, Coll McDonnell, Joseph Aumond, John Supple, George Aird, Daniel McLachlin, Robert Conroy, William Mackie, N. Burwash, George Bryson, William Morris, Alexander McDonnell, Richard McDonnell, Joshua Smith, Joseph Smith, James Doyle, John Foran, Walton Smith, Ruggles Wright, Junr., Hiram Colton, Roderick Ryan, William Moffat, John Bell, Christopher Kelly, Alexander Caldwell, D. Hillyard, Samuel Dickson, Arthur McArthur, Robert Kernaghan, James Cahill, David Moore, David T. Brown, Robert Skead, John Dunlop, Parties incorporated.

Dunlop, Louis Brissard, John Poupore, and all such other persons, being Lumber Manufacturers on the Ottawa River, and its tributaries, as shall, under the provisions hereinafter made, become members of the Corporation, shall be, and they are hereby constituted and declared a body corporate and politic, by the name of the "Ottawa Board of Lumber Manufacturers."

Corporate name, &c.

Members of the Corporation.

2. The Members of the Corporation shall consist of all those known under the title of "Lumber Merchants," who may, for the time being, be engaged in the manufacture or the getting out of square, round or sawed lumber for export, on the Ottawa River or its tributaries, and who shall assent to become members thereof.

Directors.

Proviso.

3. The Corporation shall be governed by a Board of nine Directors, to be elected on the first Tuesday in January, in each and every year, from and by the Members thereof; Provided, nevertheless, that no person shall be qualified to be elected Director as aforesaid, unless he shall have got out, during the then preceding year, at least four thousand dollars worth of lumber, valued at the Quebec prices for such year.

President, &c.

Quorum.

4. The Board of Directors shall be presided over by a President, and (in his absence) by a Vice-President, to be elected from and by the Board; any five of which Directors shall form a quorum, and shall be capable of passing By-Laws and transacting the business of the Corporation.

Office.

5. The office of the Corporation shall be held at the City of Ottawa, and shall be considered as the legal domicile of the Corporation, for the serving of any writ or process upon the same.

Meetings.

6. The Board of Directors and the Corporation shall hold all their meetings at such office.

Secretary.

7. The Board shall appoint a Secretary and other necessary officers whose duties shall be regulated by By-law.

Recovery of penalties.

8. All penalties incurred for infractions of this Act may be sued for and recovered in a summary manner, before any Justice of the Peace in the locality in which the offence shall have been committed, and one half of the said penalty shall be paid to the person suing for the same, and the other half shall be paid to the Treasurer of the Board of Lumber Manufacturers hereby incorporated, to form part of the funds of the said Board.

By-laws to be published.

9. No By-law of the Corporation shall have effect until approved of by a majority of the Members present at a general meeting of the Corporation called for that purpose, ten days notice of the same having been previously given in two or more newspapers published in the City of Ottawa.

10. Minutes of all proceedings of the Board shall be kept by the Secretary and shall be open at all reasonable times to inspection by the members of the Corporation.

Minutes of
Corporation.

11. Immediately after the passing of this Act, any five or more of the Members of the Corporation may call a meeting thereof at the City of Ottawa, by publishing a notice therefor in two newspapers published in the City of Ottawa, in which notice the time of such meeting (which shall be at least one month after such notice shall have appeared in such papers,) and the particular place in the City at which it is to be held, shall be named; and at such meeting the Members present shall proceed to business, enact By-laws and select a Board of Directors, which Directors shall immediately choose a President and Vice-President, who shall hold office until new Board is elected.

First meeting,
how called,
&c.

12. The Corporation, through their President or Vice-President and Secretary, shall at all times truly answer all queries which, by the Minister of Agriculture, may be put to such Corporation, relating to its affairs, and the trade and business of lumbering; and for any neglect to make such answer the Directors of the Corporation shall be severally liable to a penalty of forty dollars each, to be recovered to the use of Her Majesty in any Court of competent jurisdiction.

Corporation
to answer
queries of Mi-
nister of Agri-
culture.

13. This Act shall be deemed a Public Act.

Public Act.

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

An Act to incorporate the College of Three-Rivers.

[Assented to 19th May, 1860.]

WHEREAS there exists, in the City of Three-Rivers, a college in which all the branches of a complete Classical Education are taught; and whereas a number of the principal inhabitants of the said City have, by their petition, prayed to be incorporated, in order to encourage the said institution and place it on a permanent footing; and whereas, inasmuch as such an institution would be exceedingly advantageous to the said city and to the public in general, it is desirable so to incorporate the signers 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. Joseph Edouard Turcotte, George Stanislas Badeaux, Antoine Polette, Ezekiel M. Hart, Petrus Hubert, Joseph Napoléon Bureau, Abraham Lesieur Desaulniers and Denis Genest Labarre, Esquires, all of the city of Three-Rivers, and such other persons as shall, under the provisions of this Act, succeed

Incorporation.

Corporate name and powers.

Property.

By-laws.

Amount of property limited.

Land for a model farm.

Other real property may be accepted, but sold within a certain time.

First meeting of the Corporation.

Power to make By-laws and

succeed them in the offices, duties and obligations which they are to perform and hold under this Act, shall be and they are hereby constituted a body politic and corporate in deed and in name, by the name of "The College of Three-Rivers," and by that name, from time to time and at all times hereafter, may purchase, acquire, hold, possess, exchange, sell, accept and receive for them and their successors, to and for the uses and purposes of the Corporation, any lands, tenements, or hereditaments situate in this Province, and required for the actual use and occupation of the Corporation, or any constituted or other rents in this Province, and may sell and alienate the same, and acquire others by any title whatsoever for the same purposes; and they shall have full power and authority to make and establish such By-laws, rules and regulations as they shall think proper for the good government and management of the Corporation, and the administration of the property thereof.

2. The Corporation shall not hold any real property other than that strictly necessary for actual occupation by the Corporation, but may hold constituted rents or other public securities, such as provincial or municipal debentures, bank stock or other securities of the same kind, to an amount sufficient to produce a yearly income of four thousand dollars.

3. The Corporation may acquire and hold a piece of land sufficient for establishing a model farm, in case practical agriculture shall hereafter be taught in the said college.

4. The Corporation may also accept and receive any other landed property given to the Corporation by way of donation, gift or bequest; but such other landed property shall, by the Corporation, be converted into constituted rents, public securities, provincial or municipal debentures, bank stock or other similar securities, within five years from the date when the same shall have been acquired; and in default of such conversion, within such five years, the same or any part thereof or interest therein not so converted, shall thereupon *ipso facto* revert to the donor or his legal representatives, or to the legal representatives of the testator as the case may be.

5. On the first Monday of the month of June next, the persons incorporated by this Act, or five of them at the least, shall meet in the City of Three-Rivers, at the place in which the classes of the college, as at present existing, shall at that time be held, at the hour of two o'clock in the afternoon, for the purpose of electing, by a majority of votes, one of their number to be the President of the Corporation, and another to be the Secretary-Treasurer thereof.

6. The Corporation, organized as above, or five members thereof, including a Chairman selected *pro tempore* in case of the

the absence of the President, shall have full power and authority to make all rules, By-laws and regulations, not contrary to the laws of this Province, which they shall think proper to make, to fix a time and place for the annual or other meetings, to replace any member or officer of the Corporation who shall have ceased to be such by death, incapacity, resignation or any other cause of vacancy declared to be such by the By-laws, and generally to manage all the affairs of the Corporation and of the college, and to promote the interest thereof.

administer
the affairs of
the Corpora-
tion.

7. All such By-laws and regulations shall be made and passed, and all matters not provided for therein shall be decided by the majority of the votes of the members of the Corporation present as aforesaid; and the President, or temporary President, shall have a vote and in case of an equality of votes, a casting vote.

Majority to
decide.

Casting vote.

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

Public Act.

C A P . C X X X I V .

An Act to incorporate the Academy of St. Romuald de Farnham.

[Assented to 19th May, 1860.]

WHEREAS an Association hath been formed at the Village of St. Romuald de Farnham, in the County of Missisquoi, by divers persons residing in that Village and the neighbourhood thereof, under the name of the Academy de St. Romuald de Farnham Association, having for its design to afford a course of instruction to include the Greek, Latin, French and English Languages, Writing, Arithmetic, Mathematics and such other branches of Science and general Literature as it may be deemed proper from time to time to introduce; And whereas the persons hereinafter named, being the office-bearers of the said Association, and acting on behalf of the members thereof, have by their Petition to the Legislature represented, that they have obtained a lot of land in the said Village of St. Romuald de Farnham, and have by subscription erected a building thereon, in which the branches of education and knowledge aforesaid may be taught, and have by their Petition represented, that it would be beneficial to the interests of the said Association, and would tend to the success and prosperity of their Seminary, if the members of the said Association were incorporated, and have prayed to be incorporated by the name of the Academy of St. Romuald de Farnham; And whereas it is deemed expedient to grant the prayer of the said Petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Louis Bourdon, Jean Benjamin Valiquet, Edmond Clément, Joseph Bériau, Olivier Hébert, père, John Darby, Francis Mullins

Incorporation.

Corporate
name.
Property.

Mullins and Jean Baptiste Bessette, fils, the present Directors of the said Association, with all such other persons as now are, or hereafter may become members of the same, shall be and are hereby constituted a body politic and corporate, by the name of "The Academy of St. Romuald de Farnham," and may by that name 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 in actual value the sum of eight hundred dollars, exclusive of the value of the necessary buildings for the use of the said Academy, and of the ground on which they are or may be erected; and the same may sell, alienate and dispose of, and others in their stead may purchase, acquire and hold for the uses and purposes aforesaid; And in all actions and 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.

Service of pro-
cess.

By-laws.

2. The Corporation may make By-laws, not contrary to law, for the government and management of the Corporation, and of the officers, members, affairs and property thereof, and for the admission, withdrawal and qualification of members thereof, and for all purposes relating to the well being and interests of the Corporation, and may amend, and alter the same as shall be deemed expedient.

Board of Di-
rectors.

3. The affairs of the Corporation shall be managed by a Board of Directors consisting of not less than eight nor more than fifteen 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 Corporation and who shall remain in office during such term as shall be fixed by the said By-laws; Provided always that the present Directors shall remain in office until others shall be duly elected in their stead.

Proviso.

Meetings of
Directors.

Quorum.

President and
Secretary.

4. The Board of Directors shall have power to meet from time to time for the transaction of the affairs of the Corporation, and at any such meeting, five Directors shall be a quorum; and the said Directors shall, from time to time elect one of their number to be President of the Corporation, and another to be Secretary-Treasurer.

Transfer of
rights and
liabilities of
the Associa-
tion to the
Corporation

5. All and every the estate and property, real and personal of the said Association, and all property held in trust for it at the time of the passing of this Act, and all debts due to or rights or claims possessed by the said Association, shall be and the same are hereby transferred to and vested in the said Corporation, which shall be liable in like manner to and for all debts due by or claims upon the said Association.

6. The Directors of the Corporation, and the School Commissioners, for the municipality of the Village of St. Romuald de Farnham, may at any time 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 School Commissioners shall, *ex officio*, be Directors of the Corporation.

Directors may enter into agreement with School Commissioners, &c.

7. This Act shall be deemed a public Act.

Public Act

C A P . C X X X V .

An Act to incorporate "The Melbourne Female Seminary."

[Assented to 19th May, 1860.]

WHEREAS the persons hereinafter named have, by petition, represented that divers inhabitants of Melbourne and its vicinity have founded a Seminary at Melbourne, in the District of St. Francis, Lower Canada, for the Education of girls, on liberal and unsectarian principles, and have prayed to be incorporated for the conduct thereof, and whereas 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. There shall be and hereby is constituted and established at Melbourne, in the District of Saint Francis, Lower Canada, a body politic and corporate, under the name of "The Melbourne Female Seminary," which Corporation shall consist of the persons hereinafter named and of all other persons who, by virtue of this Act, may replace or be united with them, and may acquire, hold and alienate immovable property for the Buildings necessary to carry out the objects of the Institution, and the Land on which they stand; and all the property of the Corporation shall be exclusively devoted to the advancement of Education in the said Seminary.

Incorporation.

Corporate name.

Local property, &c.

2. The Corporation shall have power to administer their affairs by such and so many Trustees and other officers, and under such restrictions in respect of 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 necessary.

Trustees may be appointed under By-laws.

3. The following persons shall be the first Trustees of the Corporation: The Right Honorable Udolphus, Baron Aylmer, the Reverend Daniel Falloon, DD., the Reverend James Sieveright, and William Hoste Webb, John Mackenzie, Thomas Tait, Edward Journeaux, John Hethrington, Thomas Steele, Henry Burnham, Henry Aylmer, and John Hamilton Graham.

First Trustees.

Statement to
Governor or
Legislature.

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 its property, real and personal, and of its receipts and expenditure for such period, with such details and other information as the Governor or either branch of the Legislature may require.

Public Act.

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

C A P . C X X X V I .

An Act to incorporate *La Communauté des Filles de Ste. Anne*, of the Parish of *St. Jacques l'Achigan*, District of Joliette, for the purposes of Education.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS an Association of Religious Ladies hath existed for several years in the parish of *St. Jacques l'Achigan*, County of Montcalm, District of Joliette, under the name of *La Communauté des Filles de Ste. Anne*, for the instruction and education of children, and hath imparted instruction and education to a great number of young persons at very moderate rates; And whereas the said Religious Ladies have by their Petition prayed that the said Association may be incorporated, and in consideration of the great benefits which must arise from the institution, it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. Mesdames Eléonore Pivin, Salomé Veronneau, Angèle Giroux, Catherine Béfort, Sophie Saintonge and Adélaïde Ledoux, and such other persons as are or 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 *La Communauté des Filles de Ste. Anne*; and by that name shall have perpetual succession and a common seal, and shall have power, from time to time, to alter, renew or change such common seal at their pleasure, and shall, by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive, to them and their successors, to and for the uses and purposes of the said corporation, any lands, tenements and hereditaments, and real or immoveable property and estate, within Lower Canada, not exceeding in yearly value the sum of eight thousand dollars; and the same to hypothecate, sell, alienate and dispose of, and to purchase others in their stead, for the same purpose; and any majority of the members of the administrative body of the corporation, for the time being, shall have full power and authority to make and establish such

Corporate name and powers.

Real property limited.

Making By-laws.

such rules, orders and regulations, not being contrary to this Act, nor to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said corporation, and for the management thereof, and for the admission of members into the said corporation, and from time to time, to alter, repeal and change the said rules, orders and regulations, or any of them, or those of the said Association in force at the time of the passing of this Act; and shall and may do, execute and perform all and singular other matters and things relating to the said corporation, and the management thereof, or which shall or may appertain thereto; subject, nevertheless, to the rules, regulations, stipulations and provisions hereinafter prescribed and established.

Further powers.

2. Provided always that the rents, revenues, issues and profits of all property, real or personal, held by the said corporation, shall be appropriated and applied solely to the maintenance of the members of the corporation, the construction and repair of the buildings requisite for the purposes of the said corporation, for the furtherance of education, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Application of revenues of Corporation.

3. All and every the estate and property, real and personal, belonging to or hereafter to be acquired by 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, not being contrary to law, shall be and continue to be the rules, orders and regulations of the said corporation, until altered or repealed in the manner herein provided.

Property of Association vested in Corporation.

4. The members of the said corporation, for the time being, or a majority of the administrative body thereof, shall have power to appoint Attorneys or Administrators of the affairs and of the property of the corporation; and all officers so appointed shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said corporation, as shall be prescribed by the rules, orders and regulations of the said corporation.

Corporation may appoint Attorneys, Officers, &c.

5. The said 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, with such details and other information as the Governor or either branch of the Legislature may require.

Corporation to make returns to the Governor or Legislature, when required.

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

Public Act.

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

An Act to alter and amend the Act incorporating the
Mechanics' Institute of Montreal.

[Assented to 19th May, 1860.]

Preamble.

S V. c. 93.

WHEREAS the Mechanics' Institute of Montreal, a body corporate and politic, constituted as such under and by virtue of the Act of the Legislature of this Province, passed in the eighth year of Her Majesty's Reign, and intituled: *An Act to incorporate the Mechanics' Institute of Montreal*, have by their petition in that behalf prayed for the amendments herein-after set forth of the Act relating to the said Corporation, 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:

Corporation may hold certain real and personal property.

1. It shall and may be lawful for the said Corporation to have, take, receive, purchase, acquire, hold, possess and enjoy to them and their successors, to and for the uses and purposes of the said Corporation, any messuages, lands, tenements, and hereditaments of what nature, kind or quality soever, situate and being within this Province, not exceeding in value the sum of One Hundred Thousand Dollars, and also to take, receive, purchase, acquire, have, hold and possess (provided the same do not exceed in value a like sum), to and for the same uses and purposes, any goods, chattels, gifts, benefactions or bequests whatever; Provided always that no Will shall be valid and sufficient to pass any real or personal estate to the said Corporation, unless such Will shall have been executed by the Testator six calendar months prior to his decease.

Proviso: as to bequests.

Service of process on Corporation.

2. In all or every suit or suits at Law, which may be hereafter instituted against the said Corporation, service of process upon the person of the President, or either of the Secretaries, or, in the absence of all three of these Officers from the City of Montreal, then at the office of the said Institute, shall be necessary to compel the said Corporation to appear and plead to such suit or suits; any law, custom or usage to the contrary notwithstanding.

Officers of the Corporation and how elected.

3. For the management of the affairs of the said Corporation, there shall be elected by the Members of the said Corporation, and by a majority of the votes of the Members present at the special or annual meetings thereof, the following Officers,—a President, a Vice-President, a Corresponding Secretary, a Recording Secretary, a Treasurer, a Librarian and a Cabinet-keeper, as also six other Members, who, with the Officers hereinbefore named, shall constitute and form the General Committee of the said Corporation; and at least two-thirds of the

the

the said General Committee shall be elected from among the operative mechanics or manufacturers then Members of the Corporation.

4. The Annual Meeting for the election of the said Officers and Members to compose the General Committee of the said Corporation shall, from and after the passing of this Act, be held on the first Monday in September in each and every year, instead of on the first Monday in November as before provided.

Day of annual meetings altered.

5. The said Corporation shall consist of an indefinite number of Ordinary, Annual Subscribing, Corresponding, and Honorary Members; all of whom shall be chosen according to the forms, and under the restrictions and conditions before and hereinafter prescribed; the Ordinary Members being those who are now Life Members of the said Corporation, or who shall hereinafter become Members for Life, and who shall pay and contribute to the Fund of the said Corporation, such a sum as may from time to time be enacted by the By-laws, Rules and Regulations of the said Corporation; the Annual Subscribing Members being those who shall pay and contribute to the Funds of the said Corporation such annual subscription as may from time to time be enacted by the By-laws, Rules and Regulations of the said Corporation; the Corresponding and the Honorary Members being entitled to all the privileges enjoyed by other Members, except as before excepted in the Act incorporating the said Institute.

Of what members the Corporation shall consist.

6. For the election of new Members of the said Corporation, whether Ordinary, Annual Subscribing, Corresponding or Honorary Members, it shall be sufficient that the proposal be made in writing by one Member of the said Corporation, and seconded in writing by another Member thereof, at any ordinary meeting of the said Corporation, at which time the election on the said proposal shall take place; subject always to the provisions of the eighth clause of the Act aforesaid.

Election of new members, how made.

7. At all ordinary meetings of the said General Committee, five Members shall be a competent quorum to proceed to all the usual business of the said Committee, except in such cases as are otherwise specially provided for.

Quorum of general committee.

8. The said Corporation shall from time to time, forever hereafter, have power to make, constitute, ordain and establish, repeal, alter or amend By-laws, Rules and Regulations for prescribing the amount, collecting and appointing the time of payment of the Ordinary and Annual Subscribing Members to the Funds thereof.

By-laws for certain purposes.

9. So much of the Act aforesaid as may be inconsistent with or repugnant to the provisions of this Act, shall be, and is hereby repealed.

Inconsistent enactments repealed.

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

Public Act.

CAP. CXXXVIII.

An Act to repeal the Acts incorporating the Toronto Mechanics' Institute, and to permit the said Institute to be incorporated under the General Act incorporating Mechanics' Institutes.

[Assented to 19th May, 1860.]

Preamble.

14, 15 V. c. 86. **W**HEREAS the Toronto Mechanics' Institute have, by petition under their Corporate Seal, prayed that the several Acts of the Province of Canada under which the said Institute is now incorporated may be repealed, and that the said Institute may be permitted to become incorporated under the general Act passed in the fourteenth and fifteenth years of Her Majesty's Reign intituled: *An Act to provide for the incorporation and better management of Library Associations and Mechanics, Institutes*, and it is expedient to comply with 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:

Acts 10, 11
V. c. 102, and
13, 14 V. c.
142, repealed.

1. From and after the passing of this Act, the Act passed in the tenth and eleventh years of Her Majesty's Reign, intituled: *An Act to incorporate the Mechanics' Institute of the City of Toronto*, and the Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, intituled: *An Act to amend the Act to incorporate the Mechanics' Institute of the City of Toronto*, be and the same are hereby repealed, subject only to the provisions in the second and third clauses of this Act contained.

Proviso.

How the Institution may become incorporated under the general Act.

2. The said Toronto Mechanics' Institute may at any time, within six months from the passing of this Act, and upon filing with the Registrar a declaration under its present Corporate Seal, and signed by the President and countersigned by the Secretary thereof, in manner as pointed out by the fifth section of the said Act cited in the preamble of this Act, together with a list of all the Members of the said Institution at the date of such declaration, become a Corporation under the said General Act; and until such declaration and list shall be so filed as aforesaid the said Institute shall be entitled to exercise all the rights and privileges, and be subject to all the liabilities of a Corporation as if the said Acts had not been repealed.

Provision in the meantime.

Amount of real property.

3. Notwithstanding any thing contained in the said General Act, the said Toronto Mechanics' Institute shall be entitled to hold real property not exceeding in annual value the amount which, by the above repealed Acts, they are entitled to hold.

Present By-laws to remain.

4. Until repealed or amended by the Members of the said Institute the present By-laws shall be the By-laws of the said new Corporation.

5. Nothing herein contained shall invalidate or prejudicially affect the rights or claims of any person who, at the time of filing such declaration and list, may have claims or demands against the said corporation, or to whom the same may then be indebted, but in respect of all such claims, demands and debts, the new corporation shall be held to be the same as the one now existing.

Act not to affect certain parties and rights.

6. This Act shall be deemed a Public Act.

Public Act.

C A P . C X X X I X .

An Act to incorporate the Association of Provincial Land Surveyors, and Institute of Civil Engineers.

[Assented to 19th May, 1860.]

WHEREAS the persons hereinafter named have by petition represented that there has been formed and exists in this Province an Association composed of Provincial Land Surveyors, Civil Engineers and Architects, whereof they are members, for the advancement of the interests of the Members of those Professions, and for Scientific purposes,---for the attainment of a higher standard of efficiency in the Practice and Theory of the various operations under their charge, and the promotion of objects affecting the Public Interests, as connected with the developement of the natural laws affecting Meteorological phenomena and the Geological as well as the Geographical features of the Country; and have prayed that the same may be incorporated; And whereas it is expedient that such prayer 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. Alexander J. Russell, Duncan Sinclair, Robert Bell, A. Wallace, W. B. Galloway, J. M. O. Cromwell, J. L. P. O'Hanly, George F. Austin, G. H. Perry, A. G. Forrest, W. A. Austin, H. O. Wood, James McArthur, Robt. Sparks, T. B. Hudson, W. J. McDonnell, Robert Shanly, Jas. Stewart, G. L. Reid, W. Kingsford, Anthony Swallowell, Robert Hamilton, Josias Ritchie, P. M. McLaurin, L. S. Brabason, John McNaughton, and J. S. Killaly, and the other members of the said Association, and all 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 "Association of Provincial Land Surveyors, and Institute of Civil Engineers and Architects," and under the same name shall have power to acquire for themselves and their successors, under any legal title whatsoever, such real estate as they may require for their actual occupation, for the purposes of this Act, and may sell and alienate any real estate held by them, and acquire other instead thereof, for the same purposes,

Certain persons incorporated.

Corporate name.

May hold necessary real estate.

As to other
real estate.

To be sold
within a cer-
tain time.

purposes, and may acquire any other real estate or interest therein by gift, devise or bequest, if made at least six months before the death of the party making the same and may hold such estate for a period of not more than five years, and during such period may alienate such estate, (but the same or any part thereof, which may not within the said period have been alienated, shall revert to the party from whom the same was acquired, his heirs or other representatives,) and may invest the proceeds of such property in such securities for the use of the said corporation, as it shall approve.

By-laws. 2. By-laws, not contrary to Law, may be made by the the said corporation, for—

Officers. 1. The administration of its affairs by, and the vesting and exercise of its functions in and through the persons and officers, and under the conditions as to their powers and in the manner therein named ;

Members. 2. The admission, expulsion and suspension of its members ;

Qualification. 3. Establishing one or more standards of qualification, for candidates seeking to be admitted members thereof ;

Examination
of candidates,
&c. 4. Examining the qualifications of such candidates, and the conduct of members with a view to expulsion or suspension ;

General. 5. The government of the Corporation ;

Museums,
Libraries, &c. 6. The maintenance and regulation of one or more Museums, Libraries, Galleries of Art, Reading Rooms, Observatories, Chemical Laboratories, Depositories for Maps, Plans, Models, Documents, and other valuables, and other like undertakings in aid of the purposes of the said corporation ;

Paying Offi-
cers. 7. The payment of its Officers and Servants ;

Capital, &c. 8. The raising of capital by the issue of transferable stock, or otherwise, and establishing the conditions upon which such stock may be issued, transferred or forfeited ;

Affiliation. 9. The affiliation thereto of local societies organized for the same purpose ;

Conversazione. 10. The holding of Literary and Scientific conversaziones ;

Fines and sub-
scription. 11. The imposing of moderate and reasonable fines upon its members for infraction of its By-laws, the collection of subscriptions and the enforcing of other engagements of its members with the said corporation ; and

12. The amendment or repeal of any of its existing By-laws ; Existing By-laws.

But no By-law shall be amended or repealed unless after observance of the formalities, and in the manner which by the By-laws of the Corporation are prescribed for that purpose ; Amending and repealing By-laws.

And the said corporation shall have generally all corporate powers requisite for the purposes of this Act. General powers.

3. All the revenues of the said corporation, from whatever source derived, shall be applied to the maintenance of the said corporation, and of such Museums and other undertakings in aid thereof as aforesaid, and to the acquisition, improvement and repair of the buildings, and other real estate required to that end, and to no other purpose. Application of revenues.

4. The said corporation may, at any time, make and execute any agreement, it may deem expedient, with any other Educational, Scientific, or Literary Institution, to secure to the said corporation the care or use of any Library or other such undertaking as aforesaid. Agreement with other Institutions for co-operation.

5. The legal By-laws and Rules of the said Association shall be By-laws and Rules of the said Corporation, until by it amended or repealed, and the property, rights and liabilities of the said Association are hereby transferred to the said corporation, and may be recovered and dealt with as such. By-laws of Association continued.

6. The said Corporation shall, when required by the Governor or 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 may be required. Report to the Governor, &c., when required.

7. This Act shall be deemed a public Act. Public Act.

C A P . C X L .

An Act to incorporate the St. Patrick's Literary Association of Montreal.

[Assented to 19th May, 1860.]

WHEREAS an Association has been formed in the City of Montreal for educational purposes ; And whereas certain members of the said Association have, by their petition, prayed that they may be incorporated under the name of *The St. Patrick's Literary Association*, 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 :

Certain persons incorporated.

Corporate name.

Real property.

Power to make By-laws.

Application of revenues.

Power to appoint Attorneys and Instructors.

Term of office of members of Corporation.

First meeting and appointment of officers.

Number of members of Corporation.

First Director.

1. The Reverend Michael O'Brien, Thomas D'Arcy McGee, Patrick Delaney, Thomas J. Walsh, James Donnelly, James Sadlier, William Hales Hingston, M. D., Michael O'Meara, Daniel Shannon, Thomas McCready, William Mathews, Thomas McGrath, 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 St. Patrick's Literary Association of Montreal*, and under the said name shall have power to acquire for themselves and their successors, under any legal title whatever, and for the uses and purposes of the Association, immovable property or *rentes constituées* in money in this Province, and not exceeding the net annual value of four thousand dollars, and may sell and alienate the same, and acquire others in their stead for the purposes of this Act; For the administration and government of the Association they shall make such By-laws, not contrary to law, as they shall deem expedient, providing at the same time for their amendment or repeal; and generally shall have all necessary corporate powers for the purposes of this Act.

2. All the revenues of the Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance of the Association, and to the furtherance of education, and to no other purpose.

3. The members of the Corporation shall have power, in accordance with the provisions of their By-laws, to appoint one or more persons as Attorneys or *préposés*, for the affairs of the Corporation, and for the administration of the property thereof, and to grant them remuneration as such; they shall also have the power to select and remunerate certain persons as instructors, and may confide the duty of instruction to them, subject to such conditions, and in such manner as they may deem expedient.

4. The persons above named shall be authorized to act as members of the Corporation for the space of five years, to be computed from the day on which their first meeting shall be held, which meeting may be called at any time, after this Act shall come into force, by any three of the above named, including the Director, and at which meeting the Corporation may choose a President and Secretary; It shall also be lawful for the said persons, after the expiration of the said five years, to remain members of the Corporation for such a length of time as they may think proper; The Corporation shall be composed of not less than eight members in addition to the Director; and the vacancies, as they occur, shall be filled up in the manner provided by the By-laws.

5. For the better moral government of the Association, the Reverend Michael O'Brien aforesaid shall be the first Director.

Director, and shall continue in office until his decease, or until his removal from such office by the Superior of the Seminary of St. Sulpice, who alone has the power to appoint and to remove the Director of the Corporation.

Appointment of Directors.

6. This Act shall be deemed a Public Act.

Public Act.

C A P . C X L I

An Act to incorporate the St. George's Society of Montreal.

[Assented to 19th May, 1860.]

WHEREAS the persons hereinafter named have by petition represented that, for many years past, they, and others of english birth or extraction, residents of Montreal, have maintained, by voluntary contributions, a certain Charitable Association, whereof they are members, for the relief of distressed immigrants and others, from England, or of English descent, under the name of "The St. George's Society of Montreal," and have prayed that for the better attainment of the objects of the said Association, the same may be invested with corporate powers; 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. Robert Hart Hamilton, the Honorable George Moffatt, the Honorable John Molson, John Jones, John Dyde, Thomas Walter Jones, Hannibal Hodges Whitney, Henry Bulmer, John Lewis, Richard Birks, William Walker, William Lunn, William Henry Smith, Thomas Ireland, George Swinburn, Samuel Brearey, Dan John Rees, William John Newton Turner, William Dicker Stroud, Henry Thomas, Charles Jonathan Houghton and Edwin Clarke, Esquires, and such other persons as are now members of the said Association, or shall hereafter unite with them, under the provisions of this Act and the By-laws made under 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 Society of Montreal;" and may, by any legal title, acquire, hold and enjoy any estate whatever, real or personal; and may alienate, lease, or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and other estate, real or personal, may acquire instead thereof; 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 property.

Proviso: value limited.

2. Provided always that the Corporation shall not hold any property except such as shall be derived from the following sources, or purchased with funds derived from the following sources, that is to say: The property of the Association hereby constituted

From what funds only the property of the Corporation shall be derived.

constituted as the said Corporation, the life, annual and other subscriptions of members, donations, bequests, or legacies made to the Corporation, and the moneys arising from fines and forfeitures lawfully imposed by their By-laws; And provided also that all property and funds presently invested of the said existing Association, and all sums which may hereafter be received by the Corporation for life subscriptions of members, or from legacies, bequests or donations, amounting to twenty dollars or upwards, not specially made for other purposes, shall constitute the permanent fund of the Corporation, no part of the capital amount of which shall be expended or paid away, but the whole shall from time to time be invested in real or immoveable property (not exceeding the value aforesaid), in bank stock, or Provincial or other securities, and the rents, interest, or other income arising from such investments, together with all moneys derived from other sources, shall be applied to the defraying of the current expenses of the Corporation, and the relief of persons whom the Corporation may deem proper objects of such relief according to their By-laws, then in force, and to the provisions of this Act.

Application of funds restricted to certain purposes.

Committees of Management and Officers.

3. The affairs and business of the Corporation shall be managed by such officers and Committees, and under such restrictions as touching the powers and duties of such Officers and Committees, as by By-law in that behalf the Corporation may from time to time ordain; and the Corporation may assign to any of such Officers such remuneration as they may deem requisite.

Corporation may make By-laws.

How only they may be altered.

4. The Corporation may make such By-laws, not contrary to law, as they shall deem expedient, for the administration and government of the Corporation, and of such Asylum, or other Charitable Institutions, as they shall maintain; and may repeal or amend the same from time to time, observing always, however, such formalities as by such By-laws may be prescribed to that end; and generally shall have all the corporate powers necessary to the ends of this Act.

Present By-laws continued till altered.

5. The By-laws of the said Association, not being contrary to law, shall be the By-laws of the Corporation hereby constituted, until they shall be repealed or altered as aforesaid.

First officers and members.

6. Until others shall be elected according to the By-laws of the Corporation, the present officers of the Association shall be those of the Corporation.

Recovery of money due to the Corporation.

7. All subscriptions, and all penalties due to the Corporation under any By-law, may be recovered by suit in the name of the Corporation; but any member may withdraw therefrom at any time, on payment of all amounts by him due to the Corporation, inclusive of his subscription for the year then current.

8. No person otherwise competent to be a witness in any suit or prosecution in which the 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 Corporation.

Competency of witnesses where the Corporation is concerned.

9. 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, 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 of property, &c., to be made when required.

10. This Act shall be deemed a Public Act.

Public Act.

C A P. C X L I I.

An Act to incorporate the General Hospital of the District of Richelieu.

[Assented to 19th May, 1860.]

WHEREAS certain members of the Clergy, Magistrates, and other inhabitants of the District of Richelieu, have prayed for the incorporation of an Institution to be located in the Town of Sorel, under the name of the General Hospital of the District of Richelieu; And whereas urgent reasons have been assigned in support of the prayer thereof: 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 Local Council of the Town of Sorel shall appoint one person who, together with the curé and the churchwarden in office of the Parish of St. Pierre de Sorel and their successors for ever, and two other persons, resident within the Town of Sorel, to be appointed by the Governor in Council during pleasure, shall be the Trustees of the said Hospital, and shall form and be a body corporate by the name of the "General Hospital of the District of Richelieu," and as such shall have the usual powers and rights of bodies corporate, and may acquire and hold such real estate as may be required and necessary for the actual occupation of the said Hospital, and may alienate, sell, convey, lease or otherwise dispose of the same or any part thereof, from time to time, and as occasion may require, and may acquire other instead thereof; And may acquire any other Real Estate or any interest therein by gift, devise or bequest and may hold the same for a period of not more than five years, but the same or any portion thereof which may not within such five years have been alienated and 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

Appointment and incorporation of trustees.

Corporate name.

General powers.

Real estate for occupation.

Other real property.

Investment of proceeds.

By-laws.

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; and the Corporation may, from time to time, make such By-laws and Rules for the internal management and regulation of the Hospital as shall to them seem meet and expedient, but such By-laws or Rules shall be laid before the Governor in Council within thirty days after the same shall have been so made as aforesaid, and may be by him disallowed within one month thereafter; and any three of the Trustees shall form a quorum for the transaction of business; and the term of appointment by the Governor in Council of any of the Trustees shall not be for a longer period than three years, but they shall act as such Trustees until their successors are appointed, and every such Trustee shall be eligible for re-appointment.

Quorum.

Term of office,
&c.Secretary or
agent.Investment of
moneys.To account to
Governor
when requir-
ed.And to Legis-
lature.

President.

Casting vote.

Medical Staff.

Service of pro-
cess.Affixing cor-
porate seal.

2. The Trustees, by the name aforesaid, may appoint a Clerk or Secretary and Agent, and may remove him at their pleasure, and may appoint another in the place of the person so removed; and they shall invest in good and sufficient securities all moneys which may at any time come into their hands for the use and support of the said Hospital, and from time to time, when required so to do by the Governor in Council, shall render an account in detail of all moneys received by them as such Trustees, specifying the sources from which the same have arisen or been received, and the manner in which the same have been invested and expended, and all such particulars as may be necessary to shew the state of the funds and endowment of the said Hospital; and they shall also lay an annual statement of their affairs before both branches of the Legislature within thirty days after the commencement of each Session.

3. The Trustees shall form a Board, and as soon as may be shall name one of themselves to be President thereof and of the Corporation; and in case of an equal division of votes, the President shall have a casting vote, and his decision shall be final.

4. The Trustees may name, constitute and appoint a Medical Staff, to be composed of not more than three licensed Physicians and Surgeons, to attend to the wants of the inmates of the Hospital, may fix the duration of their office, may remove them and appoint others in their stead, and may fix such salary and emoluments as they may deem advisable.

5. The Clerk or Secretary and Agent of the Trustees mentioned in the second section of this Act, shall be the Secretary of the Board of Trustees, and shall, in such capacity, be the person on whom all process issuing out of any Court in this Province shall be served, touching any matters or proceedings relating to the said Hospital, and shall be and is hereby authorized to affix the Seal of the Corporation to any Act or Acts, Deed or Deeds, requiring the same.

6. The Trustees may, from time to time, borrow, for the purposes of the Hospital, such sum or sums of money, not exceeding in the whole the sum of twenty thousand dollars, as they may lawfully require for the purposes of the Hospital, and may issue a Debenture or Debentures, for the raising of such loan, in such sum or sums, at such rate of interest, and for such period or periods, as they may find expedient; and may hypothecate, for the securing of such loan, any real estate belonging to the Corporation; Provided always that no such debenture shall be issued for a longer period than twenty years, or for a sum under four hundred dollars, or bear a higher rate of interest than eight per centum, and that the interest thereon shall be payable half-yearly.

Borrowing
money.

Security.

Proviso.

7. This Act shall be deemed a Public Act.

Public Act.

C A P . C X L I I I .

An Act to amend the Act incorporating the Ladies of the Protestant Orphan Asylum of Montreal.

[Assented to 19th May, 1860.]

WHEREAS the Corporation of the Ladies of the Protestant Orphan Asylum of Montreal have, by their Petition to the Legislature, represented, that the day appointed by the Act incorporating the said Institution for the Annual General Meetings of the Corporation is inconvenient, and have therefore prayed that the said Act may be amended as hereinafter provided, 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 Act passed in the seventh year of Her Majesty's reign, chaptered fifty-two, and intituled: *An Act to incorporate the Ladies of the Protestant Orphan Asylum of the City of Montreal*, is hereby amended by substituting the second Wednesday in the month of January in each and every year, in lieu of the first Tuesday in the said month, as the day on which the Annual General Meeting of the Members of the said Corporation shall be held, if such second Wednesday be not a holiday,—and by substituting the words "second Wednesday" for the words "Tuesday" or "first Tuesday" wherever these words respectively occur in the said section.

Section 2 of
7 V. c. 52,
amended as to
day of yearly
meetings.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. CXLIV.

An Act to incorporate the "Mount Hope Institute" at London.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS an Association hath existed for some years at London under the name of "The Mount Hope Institute," founded by the Ladies of the Sacred Heart, and designed for the Education of Females, and for affording an Asylum for destitute Orphans; 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 Institution, 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:

Certain persons incorporated.

Corporate name and property.

Amount of real property limited.

By-laws for certain purposes.

General powers.

Administration and uses of revenues.

1. Margaret Mary Gilluly, Sarah Limoges, Anna Hanratty, Mary Josephine Begly, and such other persons as are now or shall, under the provisions of this Act, become Members of the Institution, shall be and are hereby declared to be a Body Politic and Corporate in name and deed, by the name of "The Mount Hope Institute," and by that name, from time to time, and at all times hereafter, may purchase, acquire, hold, possess and enjoy, and may have, take, and receive for them and their successors, to and for the uses and purposes of the Corporation, any lands, tenements and hereditaments, and real or immovable property and estate, situate, lying and being within this Province, not exceeding in yearly value the sum of four thousand dollars; and the same may sell, mortgage, alienate, and dispose of, and may purchase others in their stead for the same purpose; and any majority of the Members of the Corporation for the time being, may 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 Corporation, and for the management thereof, and for the admission of Members into the Corporation, and from time to time may alter, repeal, and change the said 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 may do, execute, and perform all and singular other the matters and things relating to the Corporation and the management thereof, or which shall or may appertain thereto, subject nevertheless to the rules, regulations, stipulations and provisions hereinafter prescribed and established.

2. The rents, revenues, issues and profits of all property, real or personal, held by the Corporation, shall be appropriated and applied solely to the maintenance of the Members of the Corporation, the construction and repair of the buildings requisite

requisite for the purposes of the Corporation, and the advancement of education, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

3. All and every the estate and property, real and personal, belonging to, or hereafter to be acquired by the Members of the said Association as such; and all debts 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 in force for the management of the said Association, not being contrary to law, shall be and continue to be the rules, orders and regulations of the Corporation, until altered or repealed in the manner herein provided.

Property of Association transferred to Corporation.

Present By-laws.

4. The Members of the Corporation for the time being, or a majority of them, may appoint such Attorney or Attorneys, Administrator or Administrators of the property of the Corporation, and such Officers and Teachers, and Servants of the Corporation as shall be necessary for the well conducting of the business and affairs thereof, and may 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 Corporation, as shall be prescribed by the rules, orders and regulations of the Corporation.

Corporation may appoint officers, agents and servants.

5. Nothing herein contained shall have the effect, or be construed to have the effect, of rendering all or any of the said several persons hereinbefore mentioned, or all or any of the members of the said Corporation or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for, or by reason of the Corporation, or for or on account or in respect of any matter or thing whatsoever relating to the said Corporation.

Liability of members of Corporation limited.

6. 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, 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.

Report to the Legislature.

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

Public Act.

C A P . C X L V .

An Act to incorporate the St. Bridget's Asylum Association of Quebec.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS an Association has been formed in the City of Quebec, for the purpose of providing for the maintenance of aged and infirm persons ; And whereas the said Association has established an Asylum for destitute orphans and immigrants, and has also in contemplation the establishing of an hospital where medical aid and attendance may be afforded to the indigent ; And whereas certain members of the said Association, and others interested in its welfare, have, by their petition, represented that the said Association would be more efficient by giving to 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 :

Certain persons incorporated.

1. The Reverend Bernard McGauran, Henry O'Connor, Thomas J. Murphy, Maurice O'Leary, John Lane, junior, John Baxter, Patrick Shee, Wm. Quinn, E. O'Doherty, M. J. O'Doherty, Jeremiah C. Nolan, James Murphy, John Lilly, John Magee, John Flanagan, Jos. Thomas, John Lane, senior, Terence Morgan, Patrick Lawlor, J. Teaffe, T. M. Quigley, Honorable Chas. Alleyn, M. Kelly, Thomas McGreevy, Wm. Kirwin, Edward Quinn, J. Quinn, M. Cavanagh, Michael Cullen, M. A. Hearn, R. McGreevy, M. T. Walsh, George Smith, John O'Leary, Sergeant Walsh, Henry Martin, R. W. Behan, George W. Colfer, Daniel Carey, E. D. Cannon, Matthew Enright, Joseph Archer, George Neilan, J. M. Jordan, Michael Connolly, Archibald McDonnell, Hugh Devlin, M. Dunn, J. Ryan, J. Kindelin, J. O'Kane, Thos. Malone, J. B. O'Doherty, P. O'Doherty, John O'Reilly, George McGlynn, J. Enright, Patrick Hanning, J. O'Brien, P. Teaffe, J. Cook, John Sharples, J. P. O'Mera, Nelson Lee, Wm. Nolan, Daniel O'Sullivan, Patrick McMahan, Patrick Walsh, William Scanlan, Michael Lynch, James O'Donovan, William Hannon, Chas. Gilbride, Denis Malone, Laurence Stafford, Joseph Reid, Richard Alleyn, Edward Tauffe, L. Stafford, and the Chaplain for the time being of the Catholics of Quebec speaking the English language, and all others who may be, from time to time, elected, in the manner hereinafter mentioned, 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 " St. Bridget's Asylum Association," 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,

Corporate name and property.

to and for their actual 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 any interest therein, by gift, devise or bequest, and may hold such estate or interest therein for a period of not more than five 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.

Amount of real property limited to actual occupation.

Other real property.

Proviso: as to proceeds of real estate sold.

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 St. Bridget's Asylum Association, 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 St. Bridget's Asylum Association hereby incorporated, nor shall any hypothec, 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.

Property of Association transferred to Corporation.

Also its liabilities.

3. For the management of the affairs of the Corporation, there shall be a Committee of Management, composed of twelve 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 December, the term of office to be one year from the first day of January in each and every year, and at their first meeting after such election, the said Committee of Management shall choose out of their number two Vice-Presidents, a Treasurer, a Secretary, and an Assistant Secretary, who shall hold their offices respectively during the period aforesaid; and in case of any vacancy occurring in the said Committee of Management, or among the officers hereinabove named, 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, or of any of the officers aforesaid, such vacancy shall be filled up as follows, viz: the members of the general body shall elect a member to fill up the vacancy which shall be caused in the Committee by death, resignation, refusal to act or neglect of duty, and the Committee shall then proceed at its next regular meeting to fill up the vacant office.

Corporation to elect Committee of Management annually.

Vacancies how filled up.

Committee of Management to make By-laws.

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 Lower Canada, 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 and all other parties admitted for relief, and 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 orphan 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.

Further powers of Committee.

First officers appointed.

5. T. J. Murphy, Joseph Archer, John Flanagan, J. Lane, senior, Mat. Enright, P. Lawlor, R. W. Behan, J. C. Nolan, M. J. O'Doherty, John Lilly, John O'Leary and H. O'Connor, shall be the first members of the Committee of Management of the Corporation; and E. O'Doherty and William Quinn, shall be first Vice-Presidents, J. Lane, junior, first Secretary, Geo. Neilan, first Assistant Secretary, Maurice O'Leary, first Treasurer; and the said persons shall respectively remain in office, until the first general election, to be held pursuant to the provisions of this Act.

Term of office.

First President appointed.

6. The Reverend Bernard McGauran, the present Chaplain appointed to officiate in the St. Patricks Church, in the City of Quebec, and to minister unto the congregation thereof, shall be, so long as he shall continue to be such Chaplain, the President of the Corporation; but after the said Reverend Bernard McGauran shall have ceased to act as such Chaplain, the office of President shall become and thenceforward be elective, in the same manner and at the same periods as the offices of Vice-President, Treasurer, Secretary and Assistant Secretary; and in case the said Reverend Bernard McGauran shall cease to fill the said office of Chaplain, at a period more than one month previous to the December election, a President to succeed him, and who shall continue in office until the first of January then ensuing, shall be appointed in the manner provided by the third section of this Act.

Future Presidents to be elected

Who shall preside at meetings.

7. In the absence of the President, either of the Vice-Presidents may preside at any meetings of the Corporation or of the Committee of Management; and in the absence of the Vice-Presidents, any member of the Committee of Management chosen by the members, or a majority thereof, present at such meeting, may so preside.

Report to the Legislature.

8. The Corporation shall, at all, times, when thereunto required by the Governor, or either branch of the Legislature, make

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.

9: This Act shall be deemed a Public Act.

Public Act.

C A P . C X L V I .

An Act to incorporate the Congregational Ministers' Widows' and Orphans' Fund Society.

[Assented to 19th May, 1860.]

WHEREAS the Reverend Henry Wilkes, Richard Holland, Theodore Lyman, William Moodie, P. W. Wood, William Learmont, Alfred Savage and others, have, by their Petition, set forth that they, with several others, have for some years past been associated for the purpose of raising and administering a sufficient fund for the relief of widows and orphans of deceased ministers of the denomination of christians known as "Congregationalists," and have prayed that they and their associates may be incorporated to that end under the conditions hereinafter set forth, by the name of "The Congregational Ministers' Widows' and Orphans' Fund Society.;" 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 Reverend Henry Wilkes, Richard Holland, Theodore Lyman, William Moodie, P. W. Wood, William Learmont, Alfred Savage, and all other persons, who are now members of the said Society, or who may by virtue of this Act replace them or join them for the purposes above mentioned, shall be and they are hereby constituted a body politic and corporate under the name of "The Congregational Ministers' Widows' and Orphans' Fund Society," and under that name may, by voluntary contributions or otherwise, as by their By-laws shall be provided for, form, for the purposes aforesaid, a fund, and from out of such fund may provide for the relief of widows and orphans of deceased ministers of the said denomination, by means of annuities or otherwise, as shall be provided for; and the Corporation may from time to time make By-laws for the admission and for the expulsion of members of the Corporation, the formation, maintenance, management and application of such fund, and also for the investment of the same, and for defining and regulating all manner of rights of the Corporation, and of the members thereof, and of such widows and orphans, in the premises, and for imposing and enforcing any penalty or forfeiture, and generally for the government of all business connected with the said Corporation; and may from time to time amend or repeal such

Incorporation.

Corporate name and objects.

By-laws.

By-laws;

Effect of By-laws. By-laws; and all such rights, penalties and forfeitures, 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.

Not to invest in real estate. 2. Provided always that it shall not be lawful for the Corporation to invest any of its funds for the purpose of acquiring or holding any real estate, nor to acquire or hold such real estate.

As to bequests to Corporation. 3. Provided also that no bequest in favour of the Corporation shall be valid unless the same shall have been made at least six months before the death of the testator making the same.

Exclusive application of funds. 4. All the revenues of the Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance of the Corporation, and the furtherance of the objects aforesaid, and to no other purpose whatever.

Administration and officers. 5. 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 of such officers such remuneration as they may deem requisite.

Members may be witnesses, &c. 6. 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.

Returns to the Legislature. 7. 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.

Public Act. 8. This Act shall be deemed a Public Act.

CAP. CXLVII.

An Act to enable the Rector and Church-wardens of the Church of Saint Paul, at Woodstock, to sell certain lands belonging to the said Church.

[Assented to 19th May, 1860.]

Preamble. WHEREAS, by letters patent of His late Majesty King William the Fourth, under the great Seal of Upper Canada, bearing date the twenty-third day of January, eighteen hundred and thirty-four, a block of land of five acres, in the Town of Woodstock, in the County of Oxford, bounded by Hunter,

Hunter, Graham, Dundas and Light Streets, respectively, was granted to the Right Reverend Charles James Stewart, Lord Bishop of Quebec, and Andrew Drew, of the Township of Blandford, and James Barwick, of the same place, Esquires, for the site of a Church, Churchyard and Parsonage House of the Church of England in the same Town; And whereas the said Charles James Stewart, Bishop of Quebec, and James Barwick have since died, and the said Andrew Drew has left this Province and resides elsewhere; And whereas by the Petition of the Right Reverend Benjamin Cronyn, Lord Bishop of Huron, The Reverend William Bettridge, Rector of the said Church, and the Church-wardens of the said Church for the time being, William Grey and John Beard, Esquires, with the consent of the Vestry of the said Church, it appears it would be greatly to the advantage of the members of the said Church that the said land should be vested in the Church-wardens of the said Church for the time being, in manner and for the purposes hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The block of land described in the said Patent, and now known as lots numbered one, two, three, four and five, on the east side of Light Street, and lots numbered one, two, three, four and five, on the west side of Graham Street, in the said town of Woodstock, shall be and the same are hereby vested in the Church-wardens for the time being of the said Church of St. Paul at Woodstock, and their successors in fee simple.

Lot vested in Church-wardens of St. Paul of Woodstock.

2. The said Church-wardens, for the time being, may, with the consent, in writing, of the Rector of the said Church, and also by and with the consent of the Vestry of the said Church, but not otherwise, first had and obtained, at a special meeting of the Vestry to be called for that purpose, grant, bargain, sell and convey in fee simple, or lease the said lands or any part thereof, at such prices and rents, and for cash or on credit, and at such time or times, as they may consider advisable, or confirm any sale or lease that may have already been made by the said Rector; and upon any sale or sales being effected by the said Church-wardens, they shall, with the like consent first had and obtained, invest the moneys arising from such sales, and apply the annual produce thereof, together with the rents of all portions leased, for the erection and repairs of a Church belonging to the Church of England and Ireland, the erection and repairs of a Parsonage House, the salaries of the Rector, Incumbent or Curates of the said Church, or such other purpose connected with the said Church, or the service thereof, as the Rector and Vestry of the said Church shall from time to time determine.

Church-wardens, with consent of Rector, may sell the lot.

Investment and application of income to Church purposes.

3. The Church-wardens shall, without any such consent, as Church-wardens to confirm former

sales and leases on application of lessees or vendees.

Lessees not wishing confirmation may have leases cancelled.

of any portion of the said block heretofore made by the said Rector, if the respective vendees or lessees desire such confirmation.

4. The holder of any lease or instrument purporting to be a lease, not desiring the same to be confirmed, may, within three months after the passing of this Act, give to the Church-wardens, or either of them, a written notice of his intention to cancel such lease or instrument (which shall thereupon become void) and such notice so given shall operate as a surrender to the said Church-wardens of whatever interest the person giving the same may have under the said lease or instrument, and the premises therein contained shall vest as in this Act provided.

Public Act.

5. This Act shall be deemed a Public Act.

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

An Act to authorize the sale of the site of St. George's Church, in the Town of Guelph, in the County of Wellington, the acquisition of another site in lieu thereof, and the raising money by mortgage on the latter, for the purposes of erecting a new Church thereon.

[Assented to 19th May, 1860.]

Preamble.

WHEREAS the Incumbent and Church-wardens of St. George's Church, at Guelph, in the county of Wellington, have, in pursuance of the resolutions of the Vestry of the said Church, in that behalf, and with the consent and approbation of the Lord Bishop of the Diocese of Toronto, petitioned for an Act to authorize the sale of the present site of the said Church, in the town of Guelph, in the said county of Wellington, and the acquisition of another site in lieu thereof, and the raising of money by mortgage on the latter, for the purpose of erecting a new Church thereon, 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:

Incumbent and Church-wardens may sell the site and materials of the Church.

1. It shall be lawful for the Incumbent and Church-wardens for the time being of St. George's Church, at Guelph aforesaid, with the consent of the Lord Bishop of the Diocese wherein the said Church is situate, to contract with any person or persons, party or parties, for the sale, in fee simple, of the present site of the said Church, being in the space of ground at the intersection of Windham and Quebec Streets, in the said town of Guelph, with the appurtenances, and the whole or any portion of the materials of the said Church and buildings thereto belonging, for such price as they may deem most advantageous, and

and on such terms of payment as may be agreed on, subject always to the judgment of the Vestry of the said Church as hereinafter provided.

2. Any conveyance under such sale to a purchaser or purchasers, may be made by the Incumbent for the time being of the said Church. Conveyance to be made by incumbent.

3. No such sale shall be binding until ratified by a special meeting of the Vestry of the said Church, to be called in due form for the purpose of considering the same. Sale to be ratified by vestry.

4. The Incumbent and Church-wardens for the time being of the said Church, may, subject to the like ratification by the said Vestry thereof, contract for the purchase, in fee simple, of another site for such Church and buildings connected therewith, within the said town of Guelph, to be conveyed and held according to such laws as may from time to time be in force in Upper Canada for the management of the temporalities of the United Church of England and Ireland therein; and may, subject to the like ratification by such Vestry, raise money by mortgage on such new site to be executed by the Incumbent for the time being of the said Church, such money to be applied towards the erection of the new Church and buildings connected therewith on such new site. Incumbent and Church-wardens may purchase a new site, and raise money by mortgage on it.

5. No party paying any money to such Incumbent and Church-wardens, in pursuance of these presents, and obtaining their receipt accordingly, shall be required to see to the proper application of such money. Purchaser paying money need not see to application.

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

CAP. CXLIX.

An Act to enable Alexander Donald Austin Æneas Macdonell and others to sell and convey certain lands to Thomas Galt, notwithstanding their disability.

[Assented to 19th May, 1860.]

WHEREAS John Alexander Macdonell, Reginald Æneas Macdonell, Allan Gunn, Anne Marcella Gunn, Elizabeth Macdonell, Flora Macdonell, Janet Catherine Macdonell, Alexander Donald Austin Æneas Macdonell, Margaret Isabella Macdonell and Amelia Helen, (sometimes called Emily Ellen,) Macdonell, by petition, have represented that Thomas Galt, of the City of Toronto, Esquire, is entitled to certain Mortgage interests in lot number four in the Broken Front Concessions of the Township of Clarke, in the County of Durham and Province of Canada, containing over three hundred acres of land; and that the petitioners being each entitled to an equal share in the

the equity of redemption of the said premises, as the co-heirs and co-heiresses at Law of Miles Macdonell, deceased, who died intestate and without issue and who was the eldest son and heir at Law of Isabella Macdonell and Alexander Macdonell, who both died intestate, have agreed with the said Thomas Galt, to sell and convey to him, their respective shares or interests in the said premises, at the price or sum of six thousand dollars, being the sum of six hundred and sixty-six dollars sixty-six cents for each share or interest, which the said Thomas Galt is willing to pay for the same; and that the said agreement is advantageous and beneficial for the said co-heirs and co-heiresses at Law, and it is for their interest that it should be perfected; and that in part performance of the said Agreement, the said co-heirs and co-heiresses at Law, other than the said Alexander Donald Austin Æneas Macdonell, Margaret Isabella Macdonell and Amelia Helen (sometimes called Emily Ellen) Macdonell, and one Allan Gunn, the husband of the said Anne Marcella Gunn, have duly executed to the said Thomas Galt a proper conveyance of their said shares and interests in the said premises; and that the said Alexander Donald Austin Æneas Macdonell, Margaret Isabella Macdonell and Amelia Helen (sometimes called Emily Ellen) Macdonell, being respectively infants within the age of twenty-one years, although desirous of performing the said agreement and of executing, to the said Thomas Galt, a proper conveyance of their said shares and interests in the said premises, are disabled by reason of their said minority from so doing; and that it would be beneficial for the said Alexander Donald Austin Æneas Macdonell, Margaret Isabella Macdonell and Amelia Helen (sometimes called Emily Ellen) Macdonell, to be enabled to perform the said agreement and to convey and assure their respective shares and interest in the premises to the said Thomas Galt, his heirs and assigns for ever in fee simple, upon payment by the said Thomas Galt to them or upon their behalf of the sum of two thousand dollars, being the aggregate of their share of the said sum of six thousand dollars; and whereas it is expedient to grant the prayer of the said petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The said parties may convey the said property in fee simple to the said Thomas Galt.

1. From and after the passing of this Act it shall and may be lawful for the said Alexander Donald Austin Æneas Macdonell, Margaret Isabella Macdonell and Amelia Helen (sometimes called Emily Ellen) Macdonell, upon payment of the proportions of them the said Alexander Donald Austin Æneas Macdonell, Margaret Isabella Macdonell, and Amelia Helen (sometimes called Emily Ellen) Macdonell, in the purchase money hereinbefore mentioned into the Court of Chancery, to convey and assure to the said Thomas Galt, his heirs and assigns for ever, in fee simple, the respective shares, interests and estates of them the said Alexander Donald Austin Æneas Macdonell,

Macdonell,

Macdonell, and Margaret Isabella Macdonell and Amelia Helen (sometimes called Emily Ellen) Macdonell, of and in the said parcel of land and premises, and such conveyance or conveyances so to be made shall be and the same are hereby declared to be as good and effectual in the Law, to all intents and purposes whatsoever, as if the said Alexander Donald Austin Æneas Macdonell, Margaret Isabella Macdonell and Amelia Helen (sometimes called Emily Ellen) Macdonell, were respectively, at the time of making the same, of the full age of twenty-one years; any law, custom or usage to the contrary thereof in any wise notwithstanding.

2. The moneys so paid into the Court of Chancery as hereinbefore mentioned shall be laid out, applied and disposed of in such manner as the said Court may direct, for the benefit of the said Alexander Donald Austin Æneas Macdonell, Margaret Isabella Macdonell and Amelia Helen (sometimes called Emily Ellen) Macdonell.

Application of
moneys paid
into Court.

3. This Act shall be deemed a public Act.

Public Act.

C A P . C L .

An Act for the relief of Henry Lawe and William Ridout, and to authorize the Board of Examiners to examine and admit them as Land Surveyors in Upper Canada.

[Assented to 19th May, 1860.]

WHEREAS Henry Lawe, of the City of Kingston, in the Province of Canada, and William Ridout, of the City of Toronto, in the said Province, Gentlemen, by their petition, have represented, that from the certificate of the Board of Examiners of Land Surveyors for Upper Canada, and the certificate of John Stoughton Dennis, Land Surveyor for Upper Canada, they are shown to have duly served their respective apprenticeships with him, the said John Stoughton Dennis, but that in consequence of the loss of the said Henry Lawe's Indenture, and the omission in the said William Ridout's case of complying with certain provisions contained in the twelfth section of the seventy-seventh chapter of the Consolidated Statutes of Canada, requiring indentures of apprenticeship to be transmitted to the Secretary of the said Board within two months after the date thereof, the said Board felt themselves unable to assume the responsibility of the examination of said parties under the Statute, and therefore recommended the said parties to apply (as by such petition they do apply,) for an Act of the Legislature to authorize the said Examiners to examine the said parties as to their qualifications for admission as Land Surveyors of Upper Canada; and whereas it is reasonable and just that such prayer be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Lawe and
Ridout may be
examined and
admitted, if
found quali-
fied.

1. The Board of Examiners of Land Surveyors for Upper Canada, may examine, and, if found qualified on examination, may admit the said Henry Lawe and William Ridout, or either of them, to practise Land Surveying in Upper Canada,—notwithstanding the loss of one Indenture as above cited, or the non-observance in the other case of the provisions contained in the above recited Act.

Public Act.

2. This Act shall be deemed a Public Act.

QUEBEC :—Printed by S. DERBISHIRE & G. DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

OF THE

PROVINCE OF CANADA

PASSED IN THE

TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

AND IN THE THIRD SESSION OF THE SIXTH PARLIAMENT
OF CANADA.

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

RESERVED ACT.



HIS EXCELLENCY

THE RIGHT HONORABLE SIR EDMUND WALKER HEAD, BARONET,
GOVERNOR GENERAL.

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

Anno Domini, 1860.



ANNO VICESIMO-TERTIO
VICTORIÆ REGINÆ.

CAP. CLI.

An Act respecting the Management of the Indian
Lands and Property.

Reserved for the signification of Her Majesty's pleasure 19th May, 1860.
The Royal Assent given by Her Majesty in Council on the 30th June, 1860; and
Proclamation thereof made by His Excellency Sir EDMUND WALKER HEAD,
Governor General, in the Canada Gazette of the 13th October, 1860.

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

1. From and after the first day of July next, the Commis- Chief Superin-
sioner of Crown Lands, for the time being, shall be Chief tendent—who
Superintendent of Indian affairs. shall be.

2. All lands reserved for the Indians or for any tribe or Lands reserved
band of Indians, or held in trust for their benefit shall be for Indians to
deemed to be reserved and held for the same purposes as before this Act.
the passing of this Act, but subject to its provisions.

3. All moneys or securities of any kind applicable to the Also moneys
support or benefit of the Indians, or any tribe or band of Indians, and securities.
and all moneys accrued, or hereafter to accrue, from the sale of
any lands reserved or held in trust as aforesaid, shall, subject to
the provisions of this Act, be applicable to the same purposes,
and be dealt with in the same manner as they might have been
applied to or dealt with before the passing of this Act.

4. No release or surrender of lands reserved for the use of Conditions of
Indians, or of any tribe or band of Indians, shall be valid or releases of sur-
binding except on the following conditions: renders:

1. Such release or surrender shall be assented to by the Assent of
Chief, or if more than one Chief, by a majority of the Chiefs of Chiefs.
the tribe or band of Indians, assembled at a meeting or Council
of the tribe or band summoned for that purpose according to
their rules and entitled under this Act to vote thereat, and held
in

Proviso.

in the presence of an Officer duly authorized to attend such Council by the Commissioner of Crown Lands; Provided always, that no Chief or Indian shall be entitled to vote or be present at such Council, unless he habitually resides on, or near the land in question;

How such assent must be certified.

2. The fact that such a release or surrender has been assented to by the Chief of such Tribe, or if more than one by a majority of the Chiefs entitled to vote at such Council or Meeting, shall be certified by the County Court Judge, or the Judge or Stipendiary Magistrate of the District or County within which the lands lie, and by the officer authorized to attend by the Commissioner of Crown Lands, and when so certified as aforesaid, shall be transmitted to the Commissioner of Crown Lands by such Judge or Stipendiary Magistrate, and shall be submitted to the Governor in Council for acceptance or refusal.

Penalty for introducing liquor at Councils of Indians.

5. It shall not be lawful to introduce, at any Council or meeting of Indians held for the purpose of discussing, or of assenting to, a release or surrender of lands, strong or intoxicating liquors of any kind; and any person who shall introduce, at such meeting, and any Agent or Officer employed by the Commissioner of Crown Lands, or by the Governor in Council, who shall introduce, allow or countenance by his presence the use of such liquors before, at, or after any such Council or meeting, shall forfeit two hundred dollars recoverable by action in any of the Superior Courts of Law, half of which penalty shall go to the informer.

Act not to make release, &c., necessary, &c.

6. Nothing in this Act contained shall make a release or surrender of lands necessary in cases in which such release or surrender would not have been necessary before the passing of this Act, or shall render valid any release or surrender other than to the Crown.

Governor in Council may extend certain laws to Indian Lands.

7. The Governor in Council may, from time to time, declare the provisions of the Act respecting the sale and management of the Public Lands, passed in the present Session, or of the twenty-third chapter of the Consolidated Statutes of Canada, intitled: "An Act respecting the Sale and Management of the Timber on Public Lands," or any of such provisions, to apply to Indian Lands or to the Timber on Indian Lands, and the same shall thereupon apply and have effect as if they were expressly recited or embodied in this Act.

And direct the investment of moneys arising from such lands, &c.

8. The Governor in Council may, subject to the provisions of this Act, direct how, and in what manner, and by whom, the moneys arising from sales of Indian Lands, and from the property held or to be held in trust for the Indians, shall be invested from time to time, and how the payments to which the Indians may be entitled shall be made, and shall provide for the general management of such lands, moneys, and property, and what percentage or proportion thereof shall be set

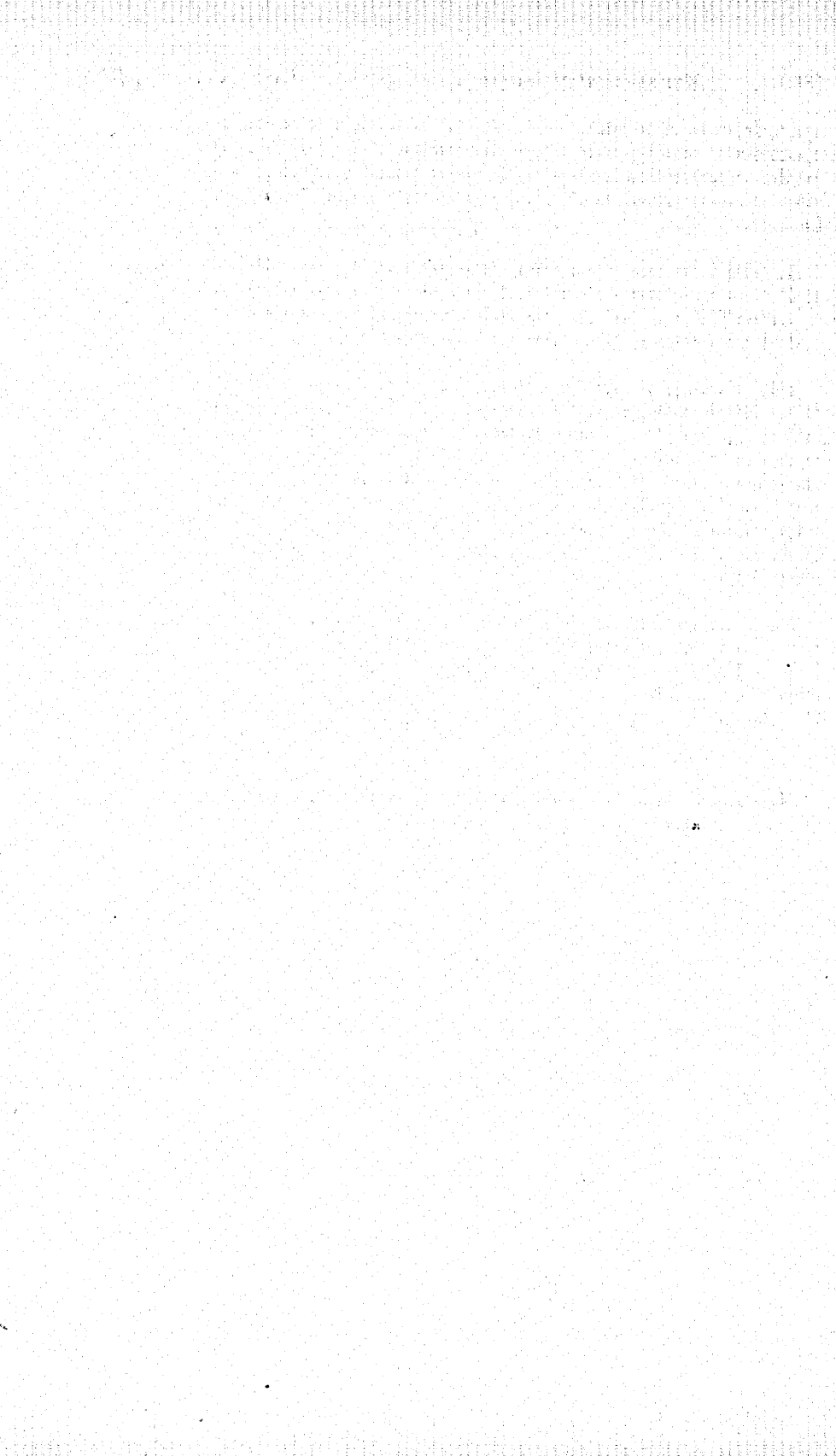
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apart, from time to time, to cover the cost of, and attendant upon, such management under the provisions of this Act, and for the construction or repair of roads passing through such lands, and by way of contribution to schools frequented by such Indians.

9. The Governor may, from time to time, appoint Officers and Agents to carry out this Act, and Orders in Council under it, which Officers and Agents shall be paid in such manner and at such rates as the Governor in Council may direct. Governor may appoint officers, &c., under this Act.

10. Nothing in this Act contained shall affect the provisions of the Ninth Chapter of the Consolidated Statutes of Canada, intituled: "An Act respecting the civilisation and enfranchisement of certain Indians," save and except that the same shall hereafter be read and construed as if the words, "the Commissioner of Crown Lands" were substituted for the words "the Superintendent General of Indian Affairs," wherever they occur in the said chapter, nor of any other Act when the same is inconsistent with this Act. How only this Act shall affect cap. 9 of the Con. Stat. Canada.

11. The Judge, or any one of the Judges of the Superior Court for Lower Canada, to whom any District or County in Lower Canada has been last prescribed or assigned by the Governor, shall be deemed to be the Judge of such District or County for all the purposes of this Act. Who shall be the proper Judge under this Act in L. C.



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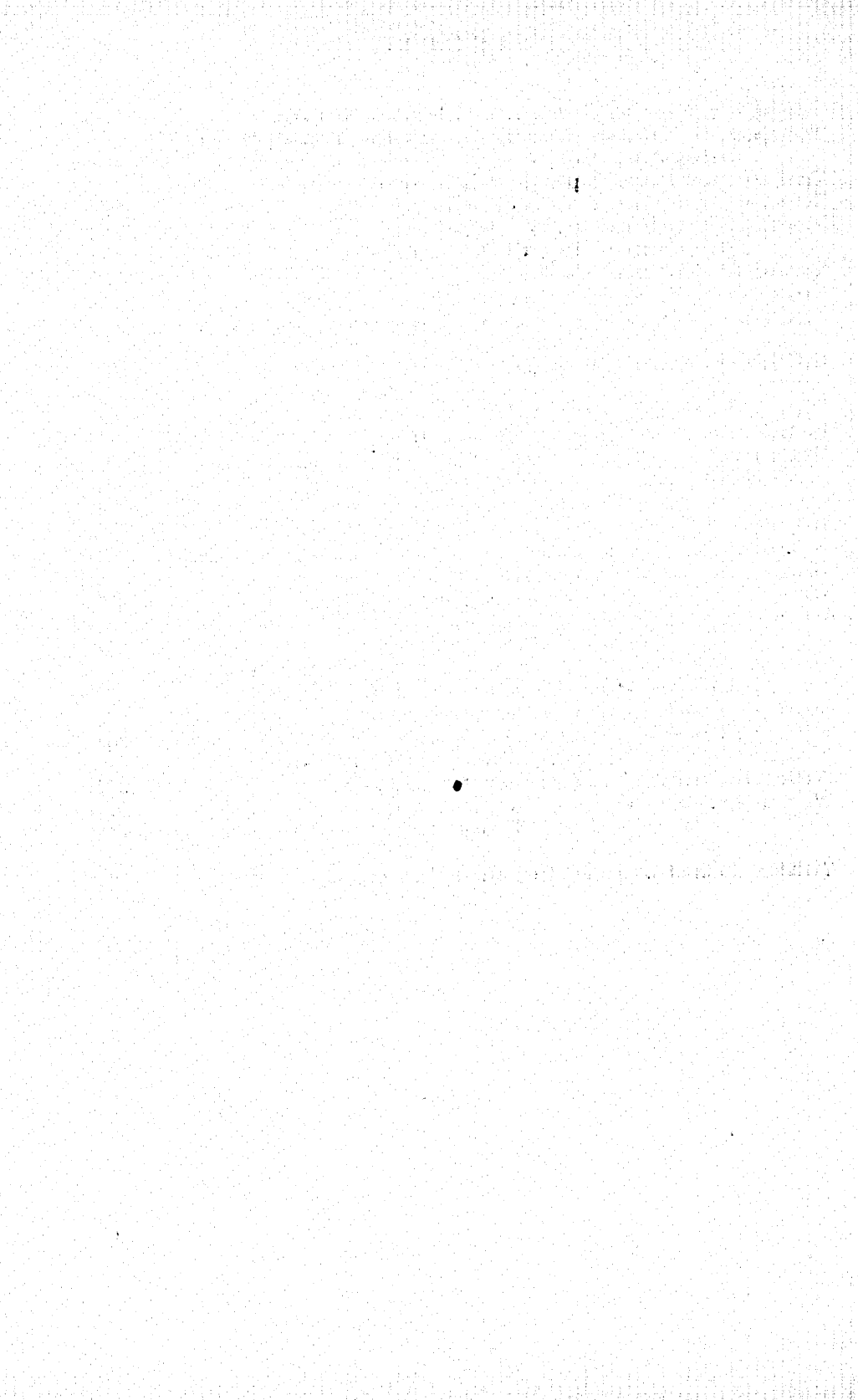
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