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No 52.

1st Session, 4th Parliament, 16 Victoria, 1852.

BILL.

An Act to provide a uniform mode of incorporating Societies formed for Charitable and Educational purposes.

Received and read first time, Tuesday, 21st
September, 1852.

Second reading, Tuesday, 28th September, 1852.

(450 Copies.)

Hon. Mr. Atty. Genl. DRUMMOND.

S. Derbshire & G. Desbarats, Queen's Printer.

BILL.

An Act to provide a uniform mode of incorporating Societies formed for Charitable and Educational purposes.

WHEREAS it is expedient to provide a uniform and economical system of imparting corporate rights to persons associated together for any of the following purposes, that is to say : Preamble.

5 Firstly. For the construction or purchase, support and maintenance of any Church or House of Public Worship, or of any Vestry, Parsonage, Manse, Glebe or other appurtenance of any such Church or Place of Public Worship.

Secondly. For the purchase and maintenance of suitable grounds and other conveniences for burying the dead.

Thirdly. For the construction or purchase, support and management of any Hospital, Asylum or Place of Refuge for blind, deaf and dumb, infirm, sick or destitute persons, or for juvenile or other delinquents, or of any House of Industry or of any other Charitable or Benevolent Institution.

Fourthly. For the establishment or purchase, support and management of any Seminary, College, Academy, School, Public Library or other Literary or Scientific Institution : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That any five or more persons desiring to be incorporated for any one or more of the above mentioned purposes, may make, sign and deliver, in triplicate, to the Registrar of the County or of the Registry Division of a County in which the principal Office of the Corporation proposed to be erected, is to be established, a Declaration in writing, in the form in the Schedule to this Act contained, setting forth, in a clear and intelligible manner, the object or objects for which, and the name under which they desire to be incorporated, and stating the names of the Trustees, Directors or other Managers, and of the President, Secretary and Treasurer, by whom the affairs of the Association are to be managed during the first year of the existence of such Corporation, and the name of the City, Town, Borough, Village, Township, Parish or other place in which the principal Office of such Corporation is to be established.

Declaration to be filed by persons desiring to be incorporated.

II. And be it enacted, That upon receiving any such Declaration together with a fee of shillings currency, payable for the same, the Registrar or Deputy Registrar of any such County or Registry division of a County, shall certify upon each triplicate the day of the delivery thereof, and shall deliver back to the persons making such declaration one triplicate thereof, shall transmit another to the Secretary of the Province for the time being, and shall file the third of Record in the Registry Office of the County or Division of a County in which the same is made; And every person upon paying the 10 sum of shillings currency, to such Registrar shall, at any time thereafter be entitled to have a certified Copy of such Declaration.

III. And be it enacted, That upon receipt of a triplicate of any such Declaration duly certified as aforesaid, the Secretary 15 of the Province, for the time being, shall prepare and sign a notice in the French and English languages, that such Company has been formed, and has made the declaration required by the first section of this Act, and shall cause the same to be inserted and published in the *Canada Gazette* published by 20 Authority, once in each of the three months which shall follow immediately after the date of such notice.

IV. And be it enacted, That from and after the day of the date of the First Publication of any such Notice, the Persons therein mentioned, and their Successors, shall be a Corporation 25 or Body Politic and Corporate by the name stated in such Notice, and may (if they deem it expedient) have a Common Seal which they may at their pleasure change or alter, and shall have power to make such By-laws, not inconsistent with the Laws of the Section of the Province in which such Corpo- 30 ration is erected, as they may deem expedient for the appointment or removal of the Officers of such Corporation or for the conduct and management of the Affairs and Property thereof, or for any other object connected with the purpose or purposes for which they have been so incorporated, and may from time 35 to time, and at all times, have, hold, acquire and possess in any legal manner whatsoever, for them and their Successors, and for the purposes for which they were so incorporated, any Goods or Property, Real or Personal, and may alienate the same, if need shall be, and may sue, and be sued, implead and be 40 impleaded unto in all Courts and Places whatsoever in all manner of suits, complaints, matters and causes whatsoever.

V. And be it enacted, That all By-laws made or passed by any such Corporation, shall be transmitted without delay by the Secretary thereof to the Secretary of the Province, for the 45 time being, to be by him submitted to the Governor of the Province, who shall have full power and authority to disallow such By-laws, or any one or more of the same, within three months from the day of the receipt thereof by the Provincial Secretary.

- VI. And be it enacted, That the net annual rents, revenues and proceeds of the property and possessions of any such Corporation or Body Politic and Corporate, so organized as aforesaid, shall not at any time exceed the sum of Amount of property limited.
 5 current money of this Province, and that all the property which shall belong to any such Corporation, as well as all the revenues arising therefrom, shall at all times be exclusively applied and appropriated to the purposes described in the Declaration, under or in consequence of which And its application confined to certain purposes.
 10 such Corporation or Body Politic and Corporate, shall have been erected, and for no other object whatsoever.
- VII. And be it enacted, That service of all suits and legal proceedings upon any such Corporation shall be sufficient, if made at its principal Office, or at the domicile of the Secretary Service of process on Corporation.
 15 thereof, and that a triplicate of a Declaration, such as is required by the first section of this Act, or a copy thereof, duly certified by the Registrar, or Deputy Registrar of the County or Division of a County, in which the same was received, together with a copy of the Official Gazette published Proof of incorporation.
 20 by Authority, containing a Notice, such as is required by the third section of this Act, shall be received in all Courts and places, as sufficient proof of the erection and existence of the Corporation or Corporate Body therein named, and of the object or objects for which the same was erected.
- 25 VIII. And be it enacted, That every Corporation erected under the authority of this Act, shall make Annual Returns to both Houses of the Legislature, and to the Governor General of this Province, stating the names of the Members and the gross amount of the receipts and expenditure thereof, during the preceding year; which Returns shall be presented within the Annual returns to be made to the Legislature.
 30 first twenty days of the sitting of Parliament.
- IX. And be it enacted, That nothing herein contained shall affect, or be construed to affect in any manner or way the rights of Her Majesty, Her Heirs and Successors, or of any person or Saving of Her Majesty's rights, &c.
 35 persons, or of any Body Politic or Corporate created, or hereafter to be created, under the Common Law of Lower Canada, or under the authority of any Royal Grant or Charter, or of any Statute, Law or usage whatsoever, such only excepted as are hereinbefore mentioned and provided for.
- 40 X. And be it enacted, That this Act shall be a Public Act. Public Act.

SCHEDULE.

Be it remembered, that on this day of
 in the year of Our Lord, One thousand eight hundred and
 We, the undersigned, resolved to form ourselves into a (Society,
Association, &c., as the case may be,) to be called {here insert
 45 the corporate name intended to be assumed by the Society, ASSO-

ciation, &c.) according to the provisions of a certain Act of the Parliament of the Province of Canada, made in the sixteenth year of Her Majesty's reign, intituled, (*here insert the title of this Act,*) for the purpose of (*here insert in a clear and intelligible manner the objects for which such persons are associated,*) and 5 that the following persons have been appointed by us to manage the affairs of the said (*Society, Association, &c.,*) during the first year of its corporate existence, to wit :

A. B.	} (<i>Trustees, Directors, Managers, &c., as the</i>	10
C. D.		
E. F. &c.		

G. H.	<i>President.</i>
J. K.	<i>Secretary.</i>
L. M.	<i>Treasurer.</i>

and that the principal office of the said (*Society, &c.*) will be 15 held at (*here insert the name of the City, Town, &c.*) in the County of _____ in that part of the Province of Canada called _____ Canada.

(*To be signed by all the persons desirous of being incorporated.*)