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SUPREME COURT
OF CANADA

STATUTES
OF THE

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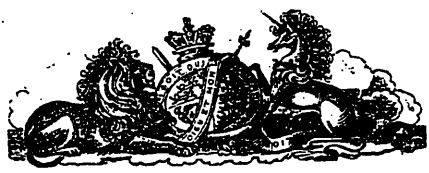
PASSED IN THE SESSION HELD IN THE

TWENTY-SEVENTH AND TWENTY-EIGHTH YEARS OF THE
REIGN OF HER MAJESTY

SUPREME COURT
QUEEN VICTORIA
LIBRARY

BEING THE SECOND SESSION OF THE EIGHTH PARLIAMENT OF CANADA.

Begun and holden at Quebec, on the Nineteenth day of February, in the year
of Our Lord One Thousand Eight Hundred and Sixty-four.



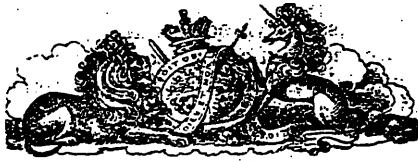
HIS EXCELLENCY

THE RIGHT HONORABLE CHARLES STANLEY VISCOUNT MONCK
GOVERNOR GENERAL.

QUEBEC:
PRINTED BY GEORGE DESBARATS AND MALCOLM CAMERON,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1864.





ANNO VICESIMO-SEPTIMO ET VICESIMO-OCTAVO

VICTORIÆ REGINÆ.

C A P. I.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government, and for certain other purposes connected with the Civil Service, from the end of the year 1863, to the thirtieth day of June, 1865.

[Assented to 30th June, 1864.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by Messages from His Excellency the Right Honorable Charles Stanley Viscount Monck, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, and the Estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province and of the Public Service thereof, and for other purposes, from the end of the year one thousand eight hundred and sixty-three, to the thirtieth day of June, in the year one thousand eight hundred and sixty-five :—May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, that—

Preamble.

1. From and out of the Consolidated Revenue Fund of this Province, and the special funds mentioned in the Schedule hereunto annexed in the cases therein referred to, there shall and may be paid and applied a sum not exceeding in the whole six millions, seven hundred and ninety-seven thousand, one hundred and forty-four dollars, and sixty-six cents, for defraying the several charges and expenses of the Civil Government of this Province for the financial half year ending

\$6,797,144 66 granted out of consolidated Revenue Fund and the special funds mentioned in the Schedule.

the thirtieth day of June, in the year one thousand eight hundred and sixty-four, and for the financial year ending the thirtieth day of June, in the year one thousand eight hundred and sixty-five, and not otherwise provided for, and to make good certain sums expended for the Public Service in the year one thousand eight hundred and sixty-three, and for other purposes set forth in the Schedule to this Act.

The Governor in Council to authorize the issue of Exchequer Bills, &c., for a certain purpose.

2. It shall be lawful for the Governor in Council to authorize the issue of Exchequer Bills or short-dated Debentures, to an amount not exceeding four million dollars, in lieu of the Debentures already issued under the authority of existing Acts, for the purpose of meeting the amount due to the Provincial Agents in England, and remaining undisposed of in their hands; such Exchequer Bills or short-dated Debentures to bear interest at a rate not exceeding six per cent. per annum, and the principal and interest thereof to be chargeable on the Consolidated Revenue Fund, and the amount raised by the issue thereof to form part of the said Fund.

Accounts to be laid before Parliament.

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

Account to Her Majesty.

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

SCHEDULE.

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

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
FOR THE HALF YEAR ENDING 30 TH JUNE, 1864.		
<i>Civil Government.</i>		
Governor General's Secretary's Office	930 00	
Provincial Secretary's Office	6,320 90	
Provincial Registrar's Office	2,638 75	
Receiver General's Office	5,242 50	
Finance Minister's Department	\$5,530 00	
Do Customs Branch	6,525 00	
Do Audit Office	3,800 00	
	15,855 00	
Executive Council Office	4,475 00	
Department of Public Works	\$5,700 64	
Do Engineering Branch	2,944 33	
	8,644 97	
Bureau of Agriculture	7,753 94	
Post Office Department	12,200 00	
Crown Lands Department	\$25,446 75	
Do Indian Management Branch	3,315 00	
	28,761 75	
Attorney and Solicitor General, East	1,205 00	
Do do West	1,750 00	
Contingencies of Public Departments	25,000 00	
	120,777 81	
<i>Administration of Justice, East.</i>		
To meet Contingent Expenses of the Administration of Justice in L. C., not otherwise provided for		75,345 00
<i>Administration of Justice, West.</i>		
Salaries, Court of Chancery	3,600 00	
Do and Contingencies of Courts of Queen's Bench and Common Pleas	3,407 01	
	7,007 01	
<i>Carried over</i>		196,122 81

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
<i>Brought over</i>	\$ cts. 7,007 01	\$ cts. 196,122 81
<i>Administration of Justice, West.—Con.</i>		
Circuit allowances of Judges Court of Chancery.....	1,900 00	
Criminal Prosecutions.....	5,250 00	
Contingent Expenses not otherwise provided for.....	3,000 00	17,157 01
<i>Police.</i>		
Amount required to meet the expenses of the River Police, Montreal, whereof \$1,850, to be repaid by the Harbour Commissioners, to 30th June, 1864.....	2,500 00	
Do do do of River Police, Quebec ..	4,000 00	6,500 00
<i>Penitentiary, Reformatories and Prison Inspection.</i>		
For maintenance of Provincial Penitentiary... \$24,852 00		
Towards Building and Materials for do 4,000 00	28,852 00	
For maintenance of Rockwood Asylum..... \$7,148 00		
Building Materials for do 5,000 00		
Water, Gas, Kitchen and heating apparatus.... 10,000 00		
Superintendents and overseers of works..... 3,745 00	25,893 00	
<i>Reformatory at Penetanguishene.</i>		
Maintenance..... \$8,135 00		
For continuation of principal Edifice, completion of cells, &c..... 10,835 00	18,970 00	
<i>Reformatory at St. Vincent de Paul.</i>		
Maintenance..... \$9,323 00		
<i>Carried over</i> 9,323 00	73,715 00	219,779 82

SCHEDULE.—Continued.

SERVICE.	Amount	Total
	\$ cts.	\$ cts.
<i>Brought over</i>	\$9,323 00	73,715 00
<i>Reformatory at St. Vincent de Paul.—Con.</i>		
Towards construction or purchase of a dwelling for the Warden, additions and repairs to buildings	3,090 00	12,413 00
Inspection of Prisons and Asylums	5,250 00	91,378 00
LEGISLATION.		
<i>Legislative Council.</i>		
Salary of Speaker, (Part)	\$600 00	
Do Clerk	1,000 00	
Do Assistant Clerk and French Translator	800 00	
Do Law Clerk	500 00	
Do Chaplain and Librarian	400 00	
Do Gentleman Usher of the Black Rod	200 00	
Do Sergeant at Arms	200 00	
Do Head Messenger	200 00	
Do Door Keeper	120 00	
Do Three Messengers for the Session at \$180 each	540 00	
		4,560 00
<i>Legislative Assembly.</i>		
Salary of the Speaker, (Part)	600 00	
Do Clerk	1,000 00	
Do Clerk Assistant	800 00	
Do Law Clerk and English Translator	1,000 00	
Do Sergeant at Arms	200 00	
Contingent Expenses	76,955 93	
		80,555 93
<i>General Expenses.</i>		
For printing and binding the Statutes of the pre- sent session	\$25,000 00	
For distributing do do	2,500 00	
Grant to Parliamentary Library	2,000 00	
Salary of the Clerk of the Crown in Chancery	640 00	
Contingencies of do do	300 00	
		30,440 00
		115,555 93
<i>Carried over</i>		426,713 75

SCHEDULE.—Continued.

SERVICE.	Amount	Total.
	\$ cts.	\$ cts.
<i>Education.</i>		426,713 75
<i>Brought over</i>		
Additional sum for Common Schools, Upper and Lower Canada \$3,000 of which out of the Lower Canada Share to be applied to Normal Schools.....	80,000 00	
Do. do. do. (the proportion for Upper Canada to be applicable to Grammar Schools)...	16,000 00	
Advance to Superior Education Fund to meet deficit of income	45,000 00	
Salaries and contingencies of Department of Education, C. E.	9,192 50	
Do do do C. W.	6,550 00	
		156,742 50
<i>Literary and Scientific Institutions.</i>		
Observatory, Quebec, to defray Expenses of.....	1,200 00	
Do. Toronto, do.	2,400 00	
		3,600 00
<i>Hospitals and Charities.</i>		
Marine and Emigrant Hospital, Quebec.....	10,844 00	
Provincial Lunatic Asylum, and University Branch of do, Toronto, maintenance.....	31,500 00	
Orillia Asylum, do	8,647 00	
Malden Asylum, do	\$12,750 00	
Repairs and purchase of a small Steam Engine	1,000 00	
	13,750 00	
St. John's Asylum, maintenance.....	7,250 00	
Beauport Asylum, Quebec.....	32,500 00	
Shipwrecked Mariners.....	300 00	
Aid to Deaf and Dumb Institution U. C., under Order in Council, 8th January, 1864.....	950 00	
		105,741 00
<i>Geological Survey.</i>		
To meet expenses of the Geological Survey of the Province, for the half year ending 30th June, 1864.....		10,000 00
<i>Arts, Agriculture and Statistics.</i>		
For fours years' rent due for Canadian Court in Crystal Palace, Sydenham, at £100 stg., per annum.....		1,944 67
MILITIA.		
<i>Departmental Salaries.</i>		
Deputy Adjutant General for Lower Canada....	\$1,120 00	
Do Upper Canada.....	1,000 00	
Provincial Aide-de-Camp.....	920 00	
Chief Clerk and Accountant.....	1,000 00	
Senior Clerk.....	600 00	
Superintendent of Stores	600 00	
	5,240 00	
<i>Carried over</i>		704,741 92

SCHEDULE.—Continued.

SERVICE.	Amount.		Total.
	\$	cts.	\$ cts.
<i>Brought over</i> 5,240 00			704,741 92
<i>Militia.—Continued.</i>			
1 Clerk.....	500	00	
3 do at \$300 each.....	900	00	
2 do at \$250 each.....	500	00	
Messenger	200	00	
Assist. do and Laborer.....	183	00	
			7,523 00
<i>Contingencies.</i>			
Contingent Expenses for Stationery, Printing, repairing Arms, &c., transport of Arms, Ammunition and Stores, and all other incidental expenses of the Militia.....			12,500 00
<i>Ammunition.</i>			
Ball ammunition.....	\$5,500	00	
Blank do	1,500	00	
			7,000 00
<i>Public Armouries.</i>			
8 Storekeepers of Armouries, at \$300 ea. pr. an.	1,200	00	
Rent of Armouries, care of Arms and pay of Sergt. Majors of Field Batteries, care takers and Storemen of Armouries, including Fuel and light for Armouries.....	10,000	00	
			11,200 00
<i>Drill Instructors.</i>			
Pay of 108 Drill Instructors	\$19,000	00	
Transport of do.....	3,000	00	
			22,000 00
<i>Brigade Majors.</i>			
16 Brigade Majors, at \$600 each.....	4,800	00	
Do 50 cts. a day in lieu of forage for a horse ..	1,460	00	
Do travelling expenses, stationery, postages..	3,240	00	
			9,500 00
<i>Military Schools of Instruction at Quebec and Toronto.</i>			
For pay of Military Officers, Non-commissioned Officers and Men attached to the Schools, gratuities and travelling expenses for Candidates, &c., &c.....			12,000 00
For Special Inspections of Volunteers by Officers of Her Majesty's Service.....			2,000 00
For efficient Volunteer Corps, under section 16, Volunteer Militia Act.....			5,000 00
<i>Carried over</i>	88,723	00	704,741 92

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	88,723 00	704,741 92
<i>Volunteer Militia, 1862.</i>		
To pay Clothing Allowance at the rate of \$6 per man to Corps in Class A, for the year 1862, under the provisions of Section 3 of the "Amended Militia Act, 1862."		
7 Field Batteries	\$2,742 00	
14 Troops of Cavalry	3,060 00	
3 Foot Artillery Companies	756 00	
40 Rifle Companies.....	12,034 00	
	18,592 00	
For Compensation to Pensioners in lieu of land.....	4,981 04	
	112,296 04	
<i>Emigration.</i>		
To meet the salaries and contingent expenses of the Emigration Department and for maintenance of the Quarantine establishment at Grosse Isle		25,000 00
<i>Pensions.</i>		
Samuel Waller, as late Clerk of Committees to the Legislative Assembly, Lower Canada	\$200 00	
John Bright, as late Messenger to do	40 00	
Louis Gagné, do to Legislative Assembly, L. C.	36 00	
	276 00	
G. B. Faribault, as late Assistant Clerk, Legislative Assembly	\$800 00	
Mrs. Catherine Antrobus.....	400 00	
Mrs. Charlotte McCormick.....	200 00	
Pierre Bouchard, for wounds received in the Public Service.....	50 00	
Jacques Brien, do do	40 00	
	1,490 00	
<i>Indian Annuities.</i>		
New Indian Annuities.....		1,766 00
		2,200 00
PUBLIC WORKS AND BUILDINGS.		
Welland Canal—		
Continuation of Contract deepening to Lake Erie level.....	20,000 00	
To meet balance of expenditure of 1863 ..	11,034 39	
Extraordinary repairs to Piers at Ports Colborne and Maitland.....	5,200 00	
Amount due Bank of Upper Canada for estimates paid Cotton and Rowe in 1855.	4,801 78	
	41,036 17	
<i>Carried over</i>	41,036 17	846,003 96

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	41,036 17	846,003 96
PUBLIC WORKS AND BUILDINGS.—Continued.		
<i>St. Lawrence Canals.</i>		
<i>Lachine—</i>		
Wharf for transhipment of Petroleum....	600 00	
Additional Flour Sheds.....	2,156 00	
	2,756 00	
<i>Rideau Canal.</i>		
Special inspection in 1863.....	2,546 68	
<i>Scugog Inland Navigation.</i>		
Amount due Bank of Upper Canada for estimate paid James Rigney in 1855	4,144 00	
<i>Lake St. Peter.</i>		
To complete deep water channel.....	20,000 00	
<i>Ottawa Works.</i>		
Improvements on River du Moine.....	4,000 00	
Do do Petawawa.....	5,000 00	
Amount due Bank of Upper Canada for estimate paid N. Burwash in 1854	758 52	
	9,758 52	
Gaspé Bay and Harbour Buoys	500 00	
Surveys and Inspections.....	2,000 00	
<i>Saguenay Works.</i>		
Building Store-house for public property	200 00	
Ottawa Buildings.....	100,000 00	
<i>Marine Hospital, Quebec.</i>		
Repairs to roof of buildings, &c.....	3,500 00	
<i>Carried over</i>	186,441 37	846,003 96

SCHEDULE.—Continued.

SERVICES.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>	186,441	37	846,003	96
PUBLIC WORKS AND BUILDINGS.—Continued.				
Continuation of Quebec New Gaol out of Building and Jury Fund for the District of Quebec	17,000	00		
<i>Kamouraska Gaol and Court House.</i>				
Out of Building and Jury Fund for the District of Kamouraska.....	2,000	00		
<i>Aylmer Court House Repairs.</i>				
Out of the Building and Jury Fund for the District of Ottawa.....	1,500	00		
<i>Gaols and Court Houses, C. E.</i>				
Amount payable to sundry municipalities on account of the Grants of \$1,200 payable out of the Municipalities Fund, L. C.	7,463	98	214,405	35
<i>Rents and Repairs.</i>				
Rents and Repairs of Public Buildings.....	6,000	00		
Due Bank of Upper Canada for sundry accounts paid in 1855 and 1856.....	2,208	63		
Hamilton Custom House, balance paid Contractor for construction	440	21	8,648	84
<i>Roads and Bridges.</i>				
For the St. Lawrence and New Brunswick Road by the Metapedia for Military Defence.....	20,000	00		
For the Temiscouata, Matane and Cap Chats, Gaspé, Malbaie and Escoumains Roads. To be distributed as follows:				
Temiscouata	\$4,000	00		
Matane and Cap Chats.....	2,000	00		
Gaspé.....	2,000	00		
Malbaie and Escoumains.....	2,000	00		
	10,000	00	30,000	00
<i>Carried over</i>			1,099,058	15

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>		1,099,058 15
<i>Ocean and River Steam Service.</i>		
Tug Service between Montreal and Kingston.....	4,000 00	
Provincial Steamers.....	18,000 00	22,000 00
<i>Light-houses and Coast Service.</i>		
Trinity House, Quebec, as per detailed Estimates.....	21,500 00	
Trinity House, Montreal, Salaries and Contingencies, &c....	11,075 00	
Inland Lake and River Lights.....	20,000 00	
Salaries of two Keepers of Depôts for provisions at Anticosti, for the relief of Shipwrecked persons at \$100 each.....	200 00	
Salary of Harbor Masters, at Gaspé and Amherst \$25 each.	50 00	
Allowance to Pierre Brochu for residing at Lake Metapediac, on the Kempt Road, to assist tra- vellers thereon.....	\$50 00	
Do to Marcel Brochu, do at Petit Lac, do	50 00	
Do to Jonathan Noble, do at La Fourche, do	50 00	
Do to Thomas Evans, do at Assametquagan, do	50 00	
	200 00	
Balance of the proportion of the expenses of keeping up Light-Houses on Isles of St. Paul and Scattered, in the Gulf for 1863.....	1,134 59	54,159 59.
<i>Culling Timber.</i>		
Supervisor of Cullers' Office.....	18,000 00	18,000 00
<i>Fisheries.</i>		
Bounties.....	9,000 00	
Lower Canada.....	4,000 00	
Upper Canada.....	1,100 00	14,100 00
<i>Railway and Steamboat Inspection.</i>		
Railway.....	2,000 00	
Steamboat.....	4,000 00	6,000 00
<i>Miscellaneous.</i>		
For Postages of the Official Gazette.....	400 00	
For Miscellaneous printing.....	4,000 00	
To meet Miscellaneous unforeseen expenses of the Public Service.....	10,000 00	
Shipping Master's Office.....	600 00	
For supplying blankets for aged and destitute Indians of Upper and Lower Canada.....	1,100 00	
<i>Carried over</i>	16,100 00	1,213,317 74

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	16,100 00	1,213,317 74
<i>Miscellaneous.—Continued.</i>		
To pay Dr. Rees, former Superintendent of Lunatic Asylum, Toronto, compensation for services received in the Public Service.....	1,000 00	
To compensate sundry persons for land on line of division between Upper and Lower Canada.....	26,409 20	43,509 20
EDUCATION.		
Aid to Superior Education Income Fund, L. C.....	10,000 00	
Do do do do U. C.....	10,000 00	
To be distributed as follows:—		20,000 00
Victoria College, Colborne.....	\$2,500 00	
Queen's College, Kingston.....	2,500 00	
Regiopolis College, do.....	1,500 00	
St. Michael's College, Toronto.....	1,000 00	
Bytown College, Ottawa.....	700 00	
Grammar School Fund, E. C.....	1,600 00	
L'Assomption College, Sandwich.....	200 00	
	\$10,000 00	
<i>Collection, Management and other Charges on Revenue.</i>		
Customs, exclusive of duties returned.....	153,000 00	
Excise.....	25,000 00	
Post Office.....	228,500 00	
Public Works, maintenance.....	\$63,800 00	
repairs.....	52,250 00	
collection and miscellaneous.....	19,000 00	135,050 00
Roads—Upper Canada—		
Toronto Roads.....	34,000 00	
Hamilton and Port Dover.....	2,000 00	
Windsor and Scugog, according to O. C. 28th Nov., 1863.....	600 00	36,600 00
Territorial surveys Upper Canada ..\$15,000 00		
do Lower do ... 18,000 00		
	33,000 00	
Commissions, Inspections, Advertising and other Contingent expenses of the Crown Lands, (including special Funds) Woods and Forests and Ordnance Lands.....	36,000 00	
	69,000 00	
To make good the expenditure incurred during the year 1863, as detailed in Statement No. 65, part II of the Public Accounts laid before the Legislature.....		647,150 00
		239,128 34
<i>Carried over</i>		2,163,105 28

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>		2,163,105 28
SUPPLEMENTARY ESTIMATES.		
<i>Administration of Justice, West.</i>		
Criminal Prosecutions, additional		1,000 00
<i>Legislative Assembly.</i>		
For services of G. W. Wicksteed, as Law Clerk to the Government, for the years 1862 and 1863, and for the six months ending 30th June, 1864, at \$400 per annum.....		1,000 00
<i>Education, West.</i>		
Additional sum required to meet the Contingent Expenses of the Education Department for Upper Canada		1,000 00
<i>Education, East.</i>		
Amount required to cover the defalcation of H. B. Ste. Marie, late accountant of the Education Department for Lower Canada, for the repayment of which sum security has been obtained, per O. C. 18th February, 1864.....		550 00
<i>Public Works and Buildings.</i>		
Surveys and Inspections, balance required.....	701 08	
Cataraqui Property, to advance the balance due thereon, per O. C. 17th February, 1864, to be repaid by the purchaser.....	12,000 00	
<i>Out of Special Funds.</i>		
For expenditure on Gaols and Court Houses, C. E., chargeable against Municipalities Fund, L. C.....	192 50	12,893 58
<i>Indian Annuities.</i>		
In addition to Grant per Consolidated Statutes for Lower Canada, chap. 14.....	400 00	
New Indian Annuities—Additional.....	2,200 00	2,600 00
<i>Miscellaneous.</i>		
To pay J. S. McCuaig the balance due on his account for special services.....	1,550 00	
Additional Gratuity to Mrs. Mickle, widow of the late Postmaster at Stratford.....	200 00	
Do to two sisters of the late Mr. Panton, Ocean Mail clerk.....	600 00	
Gratuity to the sister of the late Mr. Bencough, Railway Mail Clerk.....	400 00	
<i>Carried over</i>	2,750 00	2,182,148 86

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
<i>Brought over</i>	\$ cts. 2,750 00	\$ cts. 2,182,148 86
<i>Miscellaneous.—Continued.</i>		
For property purchased at the River Berseamits for the use of the Indians, per Order in Council, 30th January, 1864.....	2,400 00	
To pay balance of expenses of the London Exhibition of 1861.....	7,500 00	
		12,650 00
Total for half year ending 30th June, 1864.....		2,194,798 86
FOR THE YEAR ENDING 30TH JUNE, 1865.		
<i>Civil Government.</i>		
Governor General's Secretary's Office.....	1,860 00	
Provincial Secretary's Office.....	12,876 80	
Provincial Registrar's Office.....	5,277 50	
Receiver General's Office.....	10,485 00	
Finance Minister's Department.....	\$11,770 00	
Do Customs Branch.....	13,050 00	
Do Audit Branch.....	7,520 00	
		32,340 00
Executive Council Office.....		8,950 00
Department of Public Works.....	10,881 50	
Do Engineering Branch.....	5,902 50	
		16,784 00
Bureau of Agriculture.....		15,455 00
Post Office Department.....		24,400 00
Crown Lands Department.....	\$50,893 50	
Do Indian Management Branch.....	6,620 00	
		57,513 50
Attorney and Solicitor General East.....	2,410 00	
Do West.....	3,500 00	
Contingencies of Public Departments.....	60,000 00	
		251,851 80
<i>Administration of Justice, East.</i>		
To meet contingent expenses of the Administration of Justice in L. C., not otherwise provided for.....		150,690 00
<i>Administration of Justice, West.</i>		
Salaries, Court of Chancery.....	7,200 00	
Do and contingencies of Courts of Queen's Bench and Common Pleas.....	7,025 00	
Circuit allowances of Judges Court of Chancery.....	3,800 00	
Criminal Prosecutions.....	10,500 00	
To meet contingent expenses of the Administration of Justice in U. C., not otherwise provided for.....	6,000 00	
		34,525 00
<i>Police.</i>		
Amount required to meet the expenses of the River Police, Montreal, whereof \$3,500 to be repaid by the Harbour Commissioners, for the present year.....	11,200 00	
Do do do of River Police, Quebec.....	11,300 00	
		23,000 00
<i>Carried over</i>		460,066 80

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>		460,066 80
<i>Penitentiary, Reformatories and Prison Inspection.</i>		
For maintenance of Provincial Penitentiary.....	\$49,703 00	
Building Materials, &c., do do	8,000 00	
	57,703 00	
Maintenance of Rockwood Asylum.....	\$14,295 00	
Building Materials do	10,000 00	
Water, Gas, Kitchen and heating Apparatus do	3,300 00	
Furniture	2,500 00	
Superintendents and Overseers of Works, do	7,490 00	
	37,585 00	
Maintenance of Reformatory, Penetanguishene.....	\$16,270 00	
For continuation of principal Edifice.....	10,300 00	
	26,570 00	
Maintenance of Reformatory, St. Vincent de Paul.....	\$18,646 00	
Towards purchase or construction of dwelling for warden, repairs, &c., of buildings.....	5,000 00	
	23,646 00	
Inspection of Prisons and Asylums.....	10,500 00	
		156,004 00
LEGISLATION.		
<i>Legislative Council.</i>		
Salary of the Speaker (part).....	\$ 1,200 00	
Do Clerk.....	2,000 00	
Do Clerk Assistant and French Translator	1,600 00	
Do Law Clerk.....	1,000 00	
Do Chaplain and Librarian	800 00	
Do Gentleman Usher of the Black Rod	400 00	
Do Serjeant at arms.....	400 00	
Do Head Messenger.....	400 00	
Do Door Keeper.....	240 00	
Do Three Messengers for the session at \$180 each.....	540 00	
Contingent expenses.....	40,000 00	
	48,580 00	
<i>Carried over</i>	48,580 00	616,070 80

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	48,580 00	616,070 80
<i>Legislative Assembly.</i>		
Salary of the Speaker, (part).....	\$ 1,200 00	
Do Clerk.....	2,000 00	
Do Clerk Assistant.....	1,600 00	
Do Law Clerk and English Translator.....	2,000 00	
Do Serjeant at Arms.....	400 00	
Contingent Expenses.....	209,840 00	
	217,040 00	
<i>General Expenses.</i>		
For expenses of printing and binding the Laws.....	\$25,000 00	
Do distributing do.....	2,500 00	
New edition of Consolidated Statutes.....	6,000 00	
Grant to Parliamentary Library.....	4,000 00	
Salary of Clerk of the Crown in Chancery.....	1,280 00	
Contingencies of do do.....	600 00	
	39,380 00	305,000 00
<i>Education.</i>		
Additional sum for Common Schools Upper and Lower Canada (\$6000 of which out of the Lower Canada share to be applied to Normal Schools).....	160,000 00	
Aid to Superior Education Income Fund Lower Canada.....	\$20,000 00	
Do do Upper Canada.....	20,000 00	
	40,000 00	
To be distributed as follows :—		
Victoria College, Cobourg.....	\$5,000 00	
Queen's College, Kingston.....	5,000 00	
Regiopolis College, do.....	3,000 00	
St. Michael's College, Toronto.....	2,000 00	
Bytown College, Ottawa.....	1,400 00	
Grammar School Fund, U. C.....	3,200 00	
L'Assomption College, Sandwich.....	400 00	
	\$20,000 00	
Additional to Common Schools, Upper and Lower Canada, the proportion for Upper Canada to be applicable to Grammar Schools.....	32,070 00	
	232,000 00	921,070 80
<i>Carried over</i>		

SCHEDULE—Continued.

SERVICE.		Amount.	Total.
		\$ cts.	\$ cts.
<i>Brought over</i>		232,000 00	921,070 80
<i>Education.—Continued.</i>			
Advance to Superior Education Fund Lower Canada to meet the deficit of Income.....		30,000 00	
Salaries and Contingencies of Department of Education Lower Canada.....		17,250 00	
Do	do do Upper Canada.....	13,000 00	
<i>Literary and Scientific Institutions.</i>			292,250 00
Observatory Quebec—to defray Expenses.....		2,400 00	
Do	Toronto do.....	4,800 00	
Do	Kingston do.....	500 00	
Do	Isle Jesus do.....	500 00	
Aid to Medical Faculty, McGill College, Montreal.....		750 00	
Do	do Victoria College, Cobourg.....	750 00	
Do	School of Medicine, Montreal.....	750 00	
Do	do Kingston.....	750 00	
Do	do Toronto.....	750 00	
Do	Canadian Institute, do.....	750 00	
Do	Natural History Society, Montreal.....	750 00	
Do	Historical Society, Quebec.....	750 00	
Do	Canadian Institute, Ottawa.....	300 00	
Do	Athenæum, do.....	300 00	
<i>Hospitals and Charities.</i>			14,800 00
Aid to Toronto Hospital.....Toronto..		6,400 00	
Do	do for County Patients.....do..	4,800 00	
Do	do House of Industry.....do..	2,400 00	
Do	Protestant Orphan's Home and Female Aid Society.....do..	640 00	
Do	Magdalen Asylum.....do..	480 00	
Do	Roman Catholic Orphan Asylum.....do..	640 00	
Do	Lying-in Hospital.....do..	480 00	
Do	Girls Home and Public Nursery.....do..	320 00	
Do	House of Providence.....do..	320 00	
Do	Deaf and Dumb Institution for U. C.....	1,600 00	
Do	Indigent Sick.....Quebec..	3,200 00	
Do	Hospice de la Maternité.....do..	480 00	
Do	Charitable Ladies Association of the Roman Catholic Orphan Asylum.....do..	480 00	
Do	Asylum of the Good Shepherd.....do..	640 00	
Do	Managers of the Protestant Female Orphan Asylum.....do..	320 00	
Do.	Finlay Asylum.....do..	320 00	
<i>Carried over</i>		23,520 00	1,228,120 80

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
<i>Brought over</i>	\$ cts. 23,520 00	\$ cts. 1,228,120 80
<i>Hospitals and Charities.—Continued.</i>		
Aid to Male Orphan Asylum..... Quebec..	320 00	
Do St. Bridget's Asylum..... do ..	320 00	
Do Ladies' Protestant Home .. do ..	320 00	
Do Canada Military Asylum for Widows and Orphans..... do ..	160 00	
Do Indigent Sick..... Montreal..	3,200 00	
Do General Hospital des Sœurs de la Charité.. do ..	800 00	
Do Corporation of the General Hospital..... do ..	4,000 00	
Do St. Patrick's Hospital..... do ..	1,600 00	
Do Sœurs de la Providence..... do ..	1,120 00	
Do Bonaventure Street Asylum..... do ..	430 00	
Do Nazareth Asylum for the Blind and for Destitute Children..... do ..	430 00	
Do St. Patrick's Roman Catholic Orphan Asylum..... do ..	640 00	
Do Protestant Orphan Asylum..... do ..	640 00	
Do House of Refuge..... do ..	480 00	
Do Ladies Benevolent Society for Widows and Orphans .. do ..	320 00	
Do University Lying-in Hospital..... do ..	480 00	
Do Lying-in Hospital under care of Sœurs de la Miséricorde..... do ..	480 00	
Do Deaf and Dumb Institutions..... do ..	1,600 00	
Do Roman Catholic Orphan Asylum..... do ..	320 00	
Do Magdalen Asylum (Ladies of Bon Pasteur). do ..	320 00	
Do Montreal Dispensary..... do ..	320 00	
Do Montreal Home and School of Industry... do ..	320 00	
Do St. Vincent de Paul Asylum..... do ..	430 00	
Do Kingston General Hospital..... Kingston..	4,800 00	
Do House of Industry and Refuge for Indigent Sick..... do ..	2,400 00	
Do Hôtel-Dieu Hospital..... do ..	800 00	
Do Orphan's Home..... do ..	640 00	
Do Hamilton Hospital..... Hamilton..	4,800 00	
Do Orphan Asylum and Ladies' Benevolent Society..... do ..	640 00	
Do Roman Catholic Asylum .. do ..	640 00	
Do Indigent Sick..... Three Rivers..	2,240 00	
Do London Hospital..... London..	2,400 00	
Do Protestant Hospital..... Ottawa..	1,200 00	
Do Roman Catholic Hospital..... do ..	1,200 00	
Do St. Hyacinth Hospital .. St. Hyacinth....	320 00	
Do General Hospital, District of Richelieu.... Sorel ..	320 00	
	64,970 00	
Marine and Emigrant Hospital..... Quebec..	21,688 00	
<i>Carried over</i>	86,658 00	1,228,120 80

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	86,658 00	1,228,120 80
<i>Hospitals and Charities.—Continued.</i>		
Provincial Lunatic Asylum, Toronto, including University Branch, maintenance.....	63,000 00	
Orillia Asylum, do	13,670 00	
Malden do do	26,500 00	
St. John's Asylum, maintenance	14,500 00	
Beauport Asylum, Quebec.....	65,000 00	
Shipwrecked Mariners.....	600 00	
		269,928 00
<i>Geological Survey.</i>		
To meet expenses of the Geological Survey of the Province in the year ending 30th June, 1865.....		20,000 00
<i>Arts, Agriculture and Statistics.</i>		
Aid to Boards of Arts and Manufactures, Upper and Lower Canada, at \$2,000 each.....	4,000 00	
Printing, &c., specifications and drawing of Patents.....	3,000 00	
		7,000 00
<i>Agricultural Societies.</i>		
Aid to Boards of Agriculture, Upper and Lower Canada, at \$4,000 each.....		8,000 00
MILITIA.		
<i>Departmental Salaries.</i>		
Deputy Adjutant General L. C.....	\$2,240 00	
Do U. C.....	2,000 00	
Provincial Aide-de-Camp.....	1,840 00	
Chief Clerk and Accountant.....	2,000 00	
Senior Clerk.....	1,200 00	
Superintendent of Stores.....	1,200 00	
1 Clerk.....	1,000 00	
5 Clerks at \$600.....	1,800 00	
2 do at \$500.....	1,000 00	
Messenger.....	400 00	
Ass. do and Laborer.....	365 00	
		15,045 00
Contingent expenses for Stationery, Printing, repairing Arms, &c., transport of Arms, Ammunition and Stores, and all other incidental expenses of the Militia.....	\$25,000 00	
Ball ammunition.....	11,000 00	
Blank do	3,000 00	
		39,000 00
<i>Carried over</i>	54,045 00	1,533,048 80

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	54,045 00	1,533,048 80
MILITIA.—(Cont.)		
<i>Public Armouries.</i>		
8 Storekeepers of Armouries at 300 each per an. \$2,400 00		
Rent of Armouries, Care of Arms and Pay of Sergeant Major of Field Batteries, Caretakers and Storemen of Armouries, including Fuel and Light for Armouries.....	20,000 00	
	22,400 00	
Military Schools of Instruction at Quebec and Toronto	100,000 00	
For special inspections of Volunteers by Officers of Her Majesty's Service.....	2,000 00	
For efficient Volunteer corps, under section 16, Volunteer Militia Act	5,000 00	
For pay of Boards of Military Officers for the examination of Officers of the Volunteers.	1,300 00	
Compensation to Pensioners in lieu of land.....	10,000 00	
For General Service of the Militia and Volunteer Force ...	200,000 00	
		394,745 00
<i>Emigration.</i>		
To meet the Salaries and Contingent expenses of the Emi- gration Department and for maintenance of the Qua- rantine Establishment at Grosse Isle.....		55,000 00
<i>Pensions.</i>		
Samuel Waller as late Clerk of Committees to the Legislative Assembly, Lower Canada.....	\$400 00	
John Bright, as late Messenger, do do ..	80 00	
Louis Gagné, do to Legislative Assembly, do	72 00	
	552 00	
G. B. Faribault, as late Clerk Assistant, Legislative Assem- bly	\$1,600 00	
Mrs. Catherine Antrobüs	800 00	
Mrs. Charlotte McCormick	400 00	
Pierre Bouchard, for wounds received in the Public Service	100 00	
Jacques Brien, do do ..	80 00	
	2,980 00	
		3,532 00
<i>Indian Annuities.</i>		
New Indian Annuities.....		4,400 00
<i>Carried over</i>		1,990,725 80

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>		1,990,725 80
PUBLIC WORKS AND BUILDINGS.		
Ottawa Buildings, additional.....	300,000 00	
<i>Welland Canal.</i>		
Continuation of deepening to Lake Erie level.....	60,000 00	
<i>Lachine Canal.</i>		
Building Swing Bridge and Abutments at St. Gabriel Lock.	9,000 00	
<i>Carillon and Grenville Canal.</i>		
Three pairs of Lock-gates and deepening upper entrance...	11,000 00	
<i>Rideau Canal.</i>		
Six pairs of new Lock-gates.....	\$5,000 00	
Building Bridges.....	6,000 00	
	11,000 00	
<i>Lake St. Peter.</i>		
Completion of deep water channel.....	46,000 00	
<i>Inland Lake and River Lights.</i>		
Break water at Long Point and Nottawasaga Island, &c....	5,560 00	
<i>Ottawa Works.</i>		
Improvements on River du Moine.....	\$5,000 00	
Do do Petawawa.....	9,000 00	
	14,000 00	
<i>Surveys and Inspections</i>		
Survey of the Intercolonial Railway.....	4,000 00	
	20,000 00	
<i>Carried over</i>	480,560 00	1,990,725 80

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	480,560 00	1,990,725 80
PUBLIC WORKS AND BUILDINGS.—Continued.		
Grant to promote the communication by Road, Steamboat and Telegraph with the North-West Territory.....	50,000 00	
<i>Gaols and Court Houses.</i>		
Completion of New Gaol, Quebec, out of Building and Jury Fund for the District of Quebec.....	20,000 00	
Completion of Algoma Court House and Gaol.....	8,000 00	
From Building and Jury Fund, St. Francis Gaol.....	10,000 00	568,560 00
<i>Rents and Repairs, Public Buildings.</i>		
Rents, repairs, &c., generally.....	34,000 00	
Marine Hospital, Quebec.....	2,000 00	
Repairs and additions to the Buildings at Ottawa.....	40,000 00	76,000 00
<i>Roads and Bridges.</i>		
Colonization Roads of Upper Canada.....	\$50,000 00	
Do Lower Canada.....	50,000 00	100,000 00
<i>Roads and Bridges, C. E.</i>		
Completing St. Lawrence and New Brunswick Road by the Metapedia for Military Defence.....	\$40,000 00	
Continuation of the construction of the Temiscouata, Matane and Cap Chats, Gaspé, Malbaie and Grande Baie, Escoumains and Portneuf Roads.....	15,000 00	55,000 00
To be distributed as follows:		155,000 00
Temiscouata.....	6,000 00	
Matane and Cap Chats.....	3,000 00	
Gaspé.....	2,000 00	
Malbaie and Grande Baie.....	2,000 00	
Escoumains and Portneuf.....	2,000 00	
	\$15,000 00	
<i>Ocean and River Steam Service.</i>		
Tug Service between Montreal and Kingston.....	8,000 00	
Provincial Steamers.....	75,000 00	83,000 00
<i>Light-Houses and Coast Service.</i>		
Trinity House, Quebec, Salaries as per detailed Estimates.....	14,210 00	
Beacons, Buoys and Lights, do.....	26,350 00	
Trinity House, Montreal, Salaries and Contingencies, do.....	22,200 00	
<i>Carried over</i>	62,760 00	2,873 285 80

SCHEDULE.—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>	62,760	00	2,873,285	80
<i>Light-Houses and Coast Service.—Continued.</i>				
Inland Lake and River Lights	42,000	00		
New Light at Pointe Pelée	3,000	00		
Salaries of two Keepers of Provision Depôts at Anticosti, for the relief of Shipwrecked persons, at \$200 each.....	400	00		
Salary of Harbour Master at Gaspé	\$50	00		
Do do Amherst.....	50	00		
		100		
Allowance to Pierre Brochu for residing at Lake Matapedia, on the Kempt Road, to assist travellers thereon.....		\$100		
Do to Marcel Brochu, do at Petit Lac, do		100		
Do to Jonathan Noble, do at La Fourche, do		100		
Do to Thomas Evans, do at Assametquagan, do		100		
		400		
Proportion of expense of keeping up Light-Houses on St. Paul and Scatterie, in the Gulf	2,500	00		
			111,160	00
<i>Culling Timber.</i>				
Supervisor of Cullers' Office				70,000
				00
<i>Fisheries.</i>				
Bounties	9,000	00		
Lower Canada	8,200	00		
Upper Canada.....	2,200	00		
			19,400	00
<i>Railway and Steamboat Inspection.</i>				
Railways	5,000	00		
Steamboats	5,000	00		
			10,000	00
<i>Miscellaneous.</i>				
For Postages of Official Gazette.....	800	00		
For Miscellaneous Printing	8,000	00		
Removal to Ottawa.....	150,000	00		
To meet miscellaneous unforeseen expenses of the Public Service	60,000	00		
			218,800	00
<i>Carried over</i>			3,302,645	80

SCHEDULE.—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>			3,302,645	80
<i>Collection, Maintenance and other Charges on Revenue.</i>				
Customs (exclusive of duties refunded).....	206,000	00		
Excise.....	50,000	00		
Post Office.....	447,000	00		
Public Works, maintenance.....	\$127,300	00		
Do repairs.....	93,000	00		
Do collection and miscellaneous... ..	38,000	00		
Do repairs, Landing Piers below Quebec.....	6,000	00		
			264,300	00
Territorial, surveys Upper Canada..	\$30,000	00		
Do do Lower Canada..	30,000	00		
	60,000	00		
Commissions, Inspections, Advertising and Con- tingent expenses of the Crown Lands, (in- cluding special Funds) Woods and Forests and Ordnance Lands.....	72,000	00		
			132,000	00
			1,199,300	00
SUPPLEMENTARY ESTIMATES.				
<i>Civil Government.</i>				
Additional Salary to 4th Class Clerk in Customs Branch, Finance Department.....			100	00
<i>Legislative Assembly.</i>				
Allowance to G. W. Wicksteed as Law Clerk to the Gov- ernment, for year ending 30th June, 1865.....			400	00
<i>Education, Upper Canada.</i>				
Additional sum required to meet contingencies of the Department of Education, for Upper Canada.....	\$500	00		
Trinity College, Toronto.....	4,000	00		
College at Sandwich.....	600	00		
Grammar Schools.....	400	00		
			5,500	00
<i>Education, Lower Canada.</i>				
Lower Canada Education Income Fund.....			5,000	00
<i>Hospitals and Charities.</i>				
Deaf and Dumb Institution, Toronto, to pay balance due by the Committee on the closing of the Institution.....			2,000	00
<i>Carried over</i>	13,000	00	4,501,945	80

SCHEDULE.—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>	13,000	00	4,501,945	80
<i>Public Works and Buildings.</i>				
For repairs of damages to Slides, Booms, Bridges and Damson the Ottawa and its tributaries, arising from the freshet of 1864.	\$30,000	00		
Slides and Booms, River Coulanges, Upper Ottawa.....	15,000	00		
		45,000		00
<i>Roads and Bridges.</i>				
For completion of Road across Indian Reserve at Caughnawaga	\$1,200	00		
U. C. Improvement Fund, on account of the balance due to the several Municipalities per Con. Stat., Canada, cap. XXVI, s. 7.	40,000	00		
		41,200		00
<i>Miscellaneous.</i>				
Shipping Master's office.....		1,200		00
			100,400	00
Total for year ending 30 June, 1865.....			4,602,345	80
Add total for half year ending 30 June, 1864.....			2,194,798	86
Total sum granted.....			6,797,144	66

CAP. II.

An Act further to amend the *Act respecting Duties of Customs and the Collection thereof*, and to alter the duties on certain goods.

[Assented to 30th June, 1864.]

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

1. In addition to the *ad valorem* duties of Customs payable thereon, under any Act now in force, there shall be imposed, levied and collected on Gin, Rum, Cordials, Spirits of Wine and Alcohol, not being Whisky or Brandy, a specific duty of Customs

Preamble.
Con. Stat.
Can. C. 17.

Additional
duty on
Spirits other
than Whisky
or Brandy.

Customs of fifteen cents for every gallon wine measure thereof, of the strength of proof by Sykes' hydrometer, and so in proportion for any greater strength or any less quantity than a gallon.

Additional duty on Whisky.

2. In addition to the specific duty of Customs payable thereon, under any Act now in force, there shall be imposed, levied and collected on Whisky, a further specific duty of Customs of fifteen cents for every gallon wine measure thereof, of the strength of proof by Sykes' hydrometer, and so in proportion for any greater strength or any less quantity than a gallon.

Additional duty on Brandy.

3. In addition to the *ad valorem* duty of Customs payable thereon, under any Act now in force, there shall be imposed, levied and collected on Brandy, a specific duty of Customs of fifteen cents for every gallon wine measure thereof, of the strength of proof by Sykes' hydrometer, and so in proportion for any greater strength or any less quantity than a gallon.

The foregoing duties to be held to have come into force on 11th May, 1864.

4. The duties imposed by the foregoing sections shall be held to have come into force on the eleventh day of May in the present year, one thousand eight hundred and sixty-four, and shall be and shall be held to have been payable on all such goods as aforesaid imported into this Province, or taken out of Warehouse for consumption therein, upon or after the said day.

Additional duty on Tobacco.

5. In addition to the *ad valorem* duty of Customs payable thereon, under any Act now in force, there shall be imposed, levied and collected on the several descriptions of manufactured Tobacco hereinafter mentioned, the specific duties of Customs following, that is to say :

	\$	cts.
On Cavendish, Plug, Twist and all descriptions of manufactured Tobacco, sweetened or not sweetened, except those hereinafter specially mentioned and otherwise charged with duty, for every pound.....	0	10
On common cut smoking Tobacco (<i>tabac frisé</i>) made from unpressed Tobacco, whether from the leaf and stems together or exclusively from stems; and on shorts or other refuse separated from fine cut Tobacco in the process of manufacture,—for every pound.....	0	05
On Snuff and Snuff Flour, manufactured from Tobacco ground dry, for every pound.....	0	10
On Tobacco, fine cut, manufactured to be sold or delivered loose, in bulk or in packages, papers, wrappers or boxes, for every pound.....	0	15
On Canadian Twist, otherwise called <i>Tabac blanc en torquette</i> , being the unpressed leaf rolled and twisted, for every pound.....	0	02
		On

On every pound of Snuff, damp, moist or pickled..	0	08
On Cigars, per 1000, according to the value thereof, as hereunder, viz:—		
Value not over \$10.00 per 1000.....	2	00
“ over \$10 and not over \$20.00 “ ...	3	00
“ “ \$20 “ \$40.00 “ ...	4	00
“ “ \$40.....	5	00

And the said duties shall be held to have come into force on the first day of June of the present year one thousand eight hundred and sixty-four, and shall be and shall be held to have been payable on all such goods as aforesaid, imported into this Province or taken out of warehouse for consumption therein, upon or after the said day.

The said duties to be held to have come into force, on 1st June 1854.

6. Every package or parcel of raw or manufactured Tobacco or of Cigars or Snuff, imported or brought into this Province, after the passing of this Act, whether entered at the Custom House for warehouse or for consumption, shall have attached thereto, by the proper officer of Customs, such stamp as may be directed by regulation established by the Minister of Finance.

Packages of Tobacco imported to be Stamped.

7. The following articles, heretofore classed as cordials, and chargeable as such with the duties of Customs imposed on cordials, that is to say; Ginger Wine, Orange Wine, Lemon Wine, Gooseberry Wine, Strawberry Wine, Raspberry Wine, Elder Wine and Currant Wine, shall, after the passing of this Act, cease to be rated and chargeable with duty as Cordials, and shall be rated and chargeable with an *ad valorem* duty of twenty per cent as unenumerated articles.

Certain sweet Wines to be classed as unenumerated articles.

8. In addition to the duties of Customs now payable on the following articles, there shall be imposed, levied and collected thereon the following specific duties of Customs, that is to say:

Additional duties on certain Articles.

On Vinegar.....	4	cents per gallon.
On Refined Petroleum.....	5	“ “
On Naphtha.....	5	“ “

9. The present *ad valorem* duties of Customs upon the following articles are hereby repealed, and the following specific duties of Customs shall be imposed, levied and collected thereon, that is to say:

Duties on certain articles altered.

On Benzole.....	15	cents per gallon.
On Crude Petroleum.....	4	“ “

10. Section eighteen of chapter thirty-one of the Consolidated Statutes of Canada, intituled: *An Act respecting the Provincial Post Office*, is hereby repealed.

Sect. 18 of Con. Stat. Can C. 31. repealed.

How this Act shall be construed.

11. This Act shall be construed as one Act with the Act herein first above cited and hereby amended; all the provisions whereof and of the Acts amending it now in force shall apply to the duties imposed by this Act.

C A P . I I I .

An Act to amend and consolidate the Acts respecting duties of Excise, and to impose certain new duties.

[Assented to 30th June, 1864.]

Preamble.

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

ACTS REPEALED AND TO WHAT EXTENT.

Cap 19 of Con Stat. Can. and Cap 5. of 25 V. repealed.

1. The Act Chapter nineteen of the Consolidated Statutes of Canada, intituled: *An Act respecting duties of Excise on Distillers and Brewers and Spirits and Beer made by them*, and the Act passed in the twenty-fifth year of Her Majesty's Reign chapter five, intituled: *An Act to amend the Act respecting duties of Excise on Distillers and Brewers and Spirits and Beer, made by them and to increase the said duties*, are hereby repealed, except that such repeal shall not affect the repeal of any former Act or provision of law, any duty accrued, any liability incurred, any bond or security given, any action, suit or proceeding pending, any penalty, forfeiture or punishment incurred for any offence committed, any appointment, order in Council, regulation or order made or given, or any thing lawfully done—before the time when this Act comes into force—with respect to all which, and to any transaction, matter or thing having occurred before that time, the said repeal shall not apply, and this Act shall be construed as an amendment and consolidation of the said Acts and not as a new law.

Effect of repeal limited.

INTERPRETATION AND DEFINITION OF TERMS.

Interpretation of certain words and expressions.

2. The following terms and expressions wherever used in this Act, unless it be otherwise specially provided or there be something in the context repugnant to or inconsistent with such construction, shall be construed and interpreted as hereinafter mentioned, that is to say :

Still.

“*Still*” means and includes any distilling apparatus whatever for the distilling or making of spirits ;

Spirit Receiver.

“*Spirit Receiver*” means the vessel or vessels into which the spirit is conveyed as hereinafter provided from the tail of the worm for measurement, and in which the quantity and strength upon which the duty is payable, is ascertained and determined by the Officer of Excise ;

“*Rectifier*”

“*Rectifier*” means and includes any pipe, vessel or still into which the spirit is conveyed after leaving the spirit receiver for the purpose of rectification, by redistillation, filtration or by any other process ; Rectifier.

“*Proof Spirits*” or “*Spirits of the strength of Proof*,” mean any spirit having the strength of proof by Sykes’ Hydrometer ; Proof Spirits.

A “*Distillery*” means and includes any place or premises,-- Distillery.

Where any process of fermentation for the production of wash is carried on, or

Where any wash is kept or produced for the purpose of distillation, or

Where any mash-tub, fermenting-tun, worm or still for the distillation of spirits is set up or used, or

Where any process of distillation whatever of spirits is carried on, or

Where any process of rectification of spirits either by redistillation, filtration or other process is carried on, or

Where any spirits are manufactured or produced from any substance whatever, by any process whatever :

And every office, warehouse, granary, fermenting-room, mash-house, still-room, rectifying-house, spirit-vault, cellar, shed, yard or other place where any grain, matter, material or apparatus which is or is to be used in the production or rectification of spirits is kept or stored, or where any of the products of the distillery are stored or disposed of, or where any process of manufacture is carried on, shall be held to be included in and to form part of the Distillery to which they are attached or are appurtenant ; Certain buildings to form part thereof.

“*Distiller*” means and includes any person who conducts, works, occupies or carries on any Distillery, or who rectifies any Spirits by any process whatsoever, either by himself or his agent ; and every person making or keeping wash prepared or fit for distilling or low wines or fainfs, and having in his possession or use a Still or Rectifying apparatus, shall be deemed to be a distiller and liable to the several duties, obligations, penalties and forfeitures imposed by law on distillers ; Distiller.

“*Beer*” means and includes Beer, Ale, Porter, Lager Beer and all other Malt Liquor ; Beer.

“*Brewery*” means and includes any place or premises where any Beer or Malt Liquor is manufactured ; and all Offices, Granaries, Malt-houses, Kilns, Mash-rooms, Cooling-rooms, Vaults, Cellars Brewery.

Cellars and Store-rooms, connected therewith or in which any material to be used in the manufacture of Beer or Malt Liquor is kept or stored, or where any process of manufacture is carried on, or where any apparatus connected with such manufacture is kept or used, or where any of the products of Malting, Brewing or Fermentation are stored or kept, shall be held to be included in and to form part of the Brewery, to which they are attached or are appurtenant ;

Brewer. " *Brewer* " means and includes any person who occupies, carries on or conducts any Brewery either by himself or his agent ;

Raw Tobacco " *Raw Tobacco* " means unmanufactured tobacco or the leaves and stems of the plant before it has passed through any process of Manufacture ;

**Tobacco man-
factory.** " *Tobacco Manufactory,* " means and includes any place or premises where Tobacco is manufactured or worked up ; and every Workshop, Office, Store-Room, Warehouse, Shop, Shed, Yard or other place where any of the raw material is or is to be stored, or where any process connected with the manufacture or preparation of Tobacco is, or is intended to be carried on, or where any of the products of the manufacture are, or are intended to be stored, shall be held to be included in and to form part of the Tobacco Manufactory to which they are attached or are appurtenant ;

**Tobacco ma-
nufacturer.** " *Tobacco-manufacturer* " means and includes any one who by himself or his agent carries on for sale any business or process of manufacturing or working up, or in any way preparing raw tobacco for Smoking, Chewing, for Snuff or for any other purpose ; and the manufacturing or preparing of Cigars for sale shall be a manufacturing of Tobacco within the meaning of this Act ;

Stamp. " *Stamp* " means any distinctive mark, label or seal, impressed upon or affixed to any goods, material, merchandize or apparatus, subject to the provisions of this Act, or of any other Act passed or to be passed respecting Excise, or of any order in Council, or departmental regulation made under such provisions, or impressed upon or affixed to any package in which any such goods, material, or merchandize are contained ; and such stamps respectively shall be made, impressed and affixed, in such manner, and by means of such dies or other instruments as shall, from time to time, be ordered and regulated by the Minister of Finance ;

**Subject to
Excise.** The words " *subject to Excise* " wherever they occur in this Act, shall mean---"subject to the provisions of this Act, or to any other Act, passed or to be passed respecting Excise or to any proclamation, order in Council, or departmental regulation published

published or made, or that may be hereafter published or made under such provisions."

DUTIES OF EXCISE.

3. There shall be imposed, levied and collected on all spirits and all beer distilled, brewed or manufactured within this Province, the following duties of excise which shall be paid to the proper Collector of Inland Revenue, as hereinafter provided, that is to say :—

Duties of Excise imposed on spirits and beer.

2. On every wine gallon of spirits of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength than the strength of proof and for any less quantity than a gallon, thirty cents ;

On Spirits.

3. On every wine gallon of beer, and for every quantity less than a gallon, three cents ;

On beer.

And the said duties shall be computed and levied on the quantities ascertained in the manner herein provided ;

How computed.

The said duties shall be held to have come into force on the eleventh day of May in the present year, one thousand eight hundred and sixty-four, and shall be and shall be held to have been payable on all Spirits and Beer distilled, brewed or manufactured, or taken out of warehouse for consumption, on or after the said day, and on all spirits and beer on which the duty of excise had not been paid before the said day ; and as regards the said duties and the collection thereof or any penalty for the non-payment thereof, this Act shall be construed and have effect as if it had come into force on the said day ; Provided always, that in any case where any Distiller had before the said eleventh day of May contracted for the delivery of any certain quantity of spirits to be delivered on or after the said day, and before the first of July in the present year, at a price certain, the Governor in Council on satisfactory proof of such contract and of the delivery of such spirits in pursuance thereof, before the day last named, and that the amount of any additional duty imposed thereon by this Act would be *bonâ fide* lost by such Distiller,—may direct such additional duty to be remitted or if paid to be returned to such Distiller.

The said duties to be held to have come into force on 11th May 1864.

Proviso : as to contracts entered into before that day.

4. On the several descriptions of Manufactured Tobacco hereinafter mentioned, there shall be imposed, levied and collected the following Duties of Excise, that is to say :

Duties of excise imposed on Manufactured Tobacco.

On Cavendish, Plug, Twist and all descriptions of Manufactured Tobacco, sweetened or not sweetened, except those hereinafter specially mentioned and otherwise charged with excise duty; for every pound.... 0 10
3 On

\$ cts.

The duties.

On common cut smoking Tobacco (*tabac frisé*) made from unpressed Tobacco, whether from the leaf and stems together or exclusively from stems; on shorts or other refuse separated from fine cut Tobacco in the process of Manufacture, for every pound.... 0 05

On snuff and snuff flour manufactured from tobacco ground dry, for every pound..... 0 10

On Tobacco fine cut, manufactured to be sold or delivered loose, in bulk, or in packages, papers, wrappers or boxes, for every pound..... 0 15

On Canadian Twist otherwise called *Tabac blanc en torquette*, being the unpressed leaf rolled and twisted, for every pound..... 0 02

On cigars per one thousand according to the value thereof as hereunder, viz :

Value not over \$4 per 1000.....	1 00
“ over \$4 and not over \$10 per 1000.....	2 00
“ “ 10 “ 20 “	3 00
“ “ 20 “ 40 “	4 00
“ “ 40 “	5 00

How to be computed.

The said duties shall be computed and levied on the quantities ascertained in the manner herein provided, and shall be in addition to all sums charged as license duties whether on utensils or otherwise.

The said duties to be held to have come into force on 1st June 1864.

Tobacco then partially manufactured to be liable.

Such Tobacco to be examined and stamped.

The said duties shall be held to have come into force on the First day of June in the present year, one thousand eight hundred and sixty-four, and shall be and be held to have been payable on all stocks of partially manufactured tobacco of every description and colour, then in the possession of or belonging to the manufacturer or manufacturers of such tobacco, and on and after the said day it was not and shall not be lawful that any part of such stocks of partially manufactured tobacco should be allowed to leave the tobacco manufactory, or the stores or premises thereunto appertaining in which such stocks were deposited, to go into consumption, without the permit or warrant of the proper officer of Excise, and the payment of the duties aforesaid; and on and after the said day it was and shall be the duty of the Collector of Inland Revenue or other proper officer of Excise, to examine, secure and stamp all such stocks of manufactured or partially manufactured tobacco as aforesaid; and as regards the said duties and the collection thereof, or any penalty for the non-payment thereof, this Act shall be construed and have effect as if it had come into force on the said day :

Proviso : as to contracts entered into before the said day.

Provided always, that in any case where any Tobacco Manufacturer had, before the said first day of June, contracted for the delivery of any certain quantity of manufactured Tobacco, to be delivered on or after the said day, and before the first day of

of July in the present year, at a price certain, the Governor in Council, on satisfactory proof of such contract, and of the delivery of such tobacco in pursuance thereof, before the day last named, and that the amount of any duty paid thereon would be *bonâ fide* lost by such manufacturer,—may direct such duty to be remitted or if paid to be returned to such manufacturer.

5. The duties hereby imposed shall be duties within the meaning of the *Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the Liability of Public Accountants*, and shall form part of the Provincial Revenue.

Duties to be subject to Cou Stat. Can. Cap. 16.

OF LICENSES.

6. From and after the passing of this Act no person, except such as shall have been licensed as herein provided, shall carry on the business or trade of a distiller, or brewer or of a manufacturer of tobacco, or use any utensil, machinery or apparatus subject to Excise :

Distillers, Brewers and Tobacco manufacturers must be licensed.

From and after the period of thirty days after the passing of this Act, it shall not be lawful for any person or persons to have in his possession or keep any distilling or brewing apparatus, tobacco press or mill for cutting or grinding tobacco, without having given a full and particular description thereof to the Collector of Inland Revenue, of the same nature and in the same form as is hereby required in an application for a license to use similar apparatus or machinery ;

Return of any utensils or machinery for such business to be made to Collector.

Except that utensils used by any person solely for the purpose of brewing Beer for the use of himself and family, and not for sale, are exempt from the provisions of this Act, and Beer so brewed shall not be liable to any duty under this Act, nor shall any license be required by any person so brewing for his own private use ;

Exception as to beer brewed for private use.

Nor shall any person growing Tobacco on his own lands or property and manufacturing the same for his own private use and not for sale, require a license for so doing, nor shall the Tobacco so manufactured be subject to excise duty.

And as to Tobacco grown for such use.

7. Every license issued under the said Act twenty-fifth Victoria, chapter five, intituled : *An Act to amend the Act respecting Duties of Excise on Distillers and Brewers, and Spirits and Beer made by them, and to increase the said duties*, shall continue in force for the period for which it was granted, and the holder thereof shall be deemed to be licensed under this Act for the purposes for which such license was granted to him ; and he shall be subject to all the provisions, penalties and forfeitures, provided for in this Act, to the same extent, and in the same manner as if such license were issued under this Act.

Licenses under repealed acts to remain in force.

When annual licences shall expire; and as to licences for less than a year; and the duty to be paid for them

8. Every annual license shall terminate on the thirtieth day of June, in every year: and except as is herein otherwise provided, the same amount shall be paid for every such license whether it has a full year or only a part of a year to run from the date when it is granted; except only that in the case of any application for any such licence by a party who has not theretofore obtained a license, and who is beginning business, such licence if applied for on or after the first day of January, shall be issued to such applicant for the remainder or until the end of the fiscal year upon payment of one half only of the annual license, duty or fee otherwise payable on such license; and provided always, that the holder of any license issued before the passing of this Act expiring on the thirty-first day of December next, shall be entitled to a renewal of such license until the thirtieth day of June then next, on payment of one half the annual license duty, provided by this Act.

Proviso: as to present holders of licences.'

Application for license.

9. Every person requiring a license under this Act shall make application therefor in writing over his signature to the Collector of Inland Revenue, within whose district or Revenue division, the business for which such license is required, is to be carried on, and every such application shall be made in the form to be prescribed by the Minister of Finance.

What such application must state.

10. Every application for a license shall state the exact locality, in the City, Town, Village, Township, or local Municipality, as the case may be, where the premises are situated, in which the business for which the license is required is to be carried on, and shall contain or have annexed thereto-- a full and particular description in writing, with such diagrams or drawings as may be needed for fully understanding the same, of all the machinery, buildings, premises and places where such business is to be carried on, or where any of the materials or commodities used therein, or any of the products thereof, are or are to be stored or kept, and of the power by which the machinery so used is to be worked; and a description in detail of every separate room, cellar, vault, shed or other compartment thereof, specifying what use is to be made of each, and stating the designation which is to be placed over the entrance to each, in accordance with the provisions of this Act; and no one License shall authorize a person to keep or use a Still, or make wort or wash, low Wines or Spirits, or Brew Malt Liquor or manufacture Tobacco in any other place than the house or premises mentioned in such License.

License to apply only to one place.

To state names of sureties.

11. Every such application shall also state the names of the parties proposed by such applicant as his sureties in accordance with the requirements of this Act.

To contain list of utensils, &c.

12. Every application for a license for distilling or brewing, shall also contain a list and description of all utensils, stills, worms, boilers, mash tubs, fermenting tuns, coolers, underbacks, spirit receivers, or other vessels, which it is intended should

should be placed in the premises, or which are on the premises at the time of application, specifying distinctly and clearly---

1. The dimensions and capacity of every Still, Mash Tub, Fermenting Tun, Cooler, Spirit Receiver, and of every other utensil, in inches and wine gallons, specifying in every case the purpose to which each is to be applied, and the locality or position in the building in which it is or is to be placed or used; and also containing--

Dimension of vessels.

2. A particular description of every Pipe, Conduit, Trough, Hose, Valve, Pump, Cock, and of every means of connection or communication between the several vessels or utensils used in or about the Distillery or Brewery, with a description of such connections or joints.

Description of pipes, conduits, &c.

3. Every application for a license for the manufacturing of tobacco, shall also contain a full and particular list and description of all tools and machinery used, or proposed to be used in the business for which the license is sought, especially of all Presses, Cutting Machinery and Mills, stating the part of the building in which they are to be used.

Description of tools, &c., for manufacturing Tobacco.

4. No license shall be granted to any party, until such party has, jointly and severally with two good and sufficient sureties, entered into a bond to Her Majesty, Her Heirs and Successors, in a sum equal to the amount at which the Collector of Inland Revenue estimates the duties to be paid by the party to whom the license is granted, during two months of the time it is to remain in force; and such bond shall be taken before the said Collector of Inland Revenue, who shall cause such sureties to justify as to their sufficiency, before him by affidavit endorsed upon such bond, and shall be conditioned for the rendering of all accounts, and the payment of all duties and penalties which the party to whom the license is to be granted, will become liable to render or pay, under the provisions of this Act, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties and penalties, as to all other matters and things whatsoever; and the said bond shall be kept by the Commissioner of Customs and Excise.

No license until security is given, and for what sum, &c.

Conditions of bond.

Where to be kept.

5. The bond aforesaid shall remain in force so long as any duties upon any articles or commodities subject to Excise, or on any license, or any penalty to which the bond relates, remain due and unpaid by the party to whom such license was granted.

How long bond shall remain in force.

6. But whenever any new license is granted to any party, a new bond shall be likewise entered into with reference to such new license.

New bond if new licence.

New bond if surety dies, becoming insolvent &c.

17. And a new bond shall also be given, whenever, during the period for which the license to which it relates is in force, either of the sureties dies, becomes insolvent, or removes permanently out of the Province; in any of which cases the license shall be void from the time the party to whom it was granted is required by the Collector of Inland Revenue to enter into a new bond, until the time when such new bond is given, during which time the party neglecting to enter into such new bond shall be held to be without a license.

On compliance with conditions, Collector to issue license.

18. Upon every such application duly made, as herein provided, and upon the payment of the license fees or duties hereby imposed, and the due execution of the bond with sureties as herein required, the Collector of Inland Revenue shall issue a license to carry on the business and to use the utensils, machinery and apparatus, specified in the application, and in the place or premises therein specified and in such place or premises only, and shall immediately report the issue of such license to the Commissioner of Customs and Excise.

Same conditions for new license.

19. Upon the expiration of every license issued under this Act, the granting of a new license in lieu thereof, shall be subject to the same restrictions and conditions as the granting of the original license was subject to.

Burden of proof of license.

20. The burden of proof that any license required by this Act has issued, shall rest upon the person to whom such license is alleged to have been issued.

Permits granted after 31st May 1864, to be valid until license can issue.

21. Provided always, that any permit in writing granted by the Collector of Inland Revenue under his official signature after the thirty-first day of May in the present year, authorizing any person or party to carry on and work any tobacco manufactory or manufactories, until such time as a license should be granted in due course of law, shall, until such license can be so granted be held to be sufficient authority for carrying on and working the same and to give such person or party the same rights, and subject him to the same obligations as if such person or party had obtained a license under this Act for the same purpose.

DUTIES PAYABLE ON LICENSES.

On general license for distilling and rectifying by any process.

22. The party in whose favor a license for distilling is granted, including rectifying by any process, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of two hundred dollars.

For rectifying by filtration only

23. The party in whose favor a license for distilling is granted, including rectifying by filtration only, shall, upon receiving such license pay to the Collector of Inland Revenue the sum of one hundred dollars.

24. The party in whose favor a license is granted as a rectifier only of spirits by any process whatever, shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of one hundred dollars. For rectifying only.

25. The party in whose favor a license for brewing is granted shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of sixty dollars. For brewing.

26. The party in whose favor a license for manufacturing Tobacco is granted shall, upon receiving such license, pay to the Collector of Inland Revenue the sum of twenty-five dollars each. For manufacturing Tobacco.

27. All license fees or duties shall be due and payable at the time when the license is granted, and in no case shall the certificate of license be granted until all such fees or duties are paid. To be paid before license issues.

OBLIGATIONS OF PERSONS HOLDING LICENSES.

28. 1. No Distiller, Brewer or Tobacco Manufacturer shall work his Distillery, Brewery, or Tobacco Manufactory at any time, unless he has given at least six days previous notice in writing to the Collector of Inland Revenue, of his intention to work the same at such time,--and such notice shall not extend to a longer period than thirty days from the delivery thereof to the Collector of Inland Revenue : Notice to Collector of intention to work at any time.

2. Any use made of any still, mash-tub or fermenting-tun, for the purpose of distillation, mashing, or fermentation, shall be deemed to be a working of the distillery, and an acting as a Distiller or Brewer within the meaning of this Act ; What shall be working.

3. And if any Distiller, Brewer or Tobacco Manufacturer works his Distillery, Brewery or Tobacco Manufactory at any time for which he has not given notice of his intention to work the same, he shall for each day on which he so works such Distillery, Brewery or Tobacco Manufactory, incur the same penalty and forfeiture as if he had worked the same without a license. Penalty for working without notice.

29. Every person licensed under this Act shall, at all times when required, supply any Officer of Excise with all assistance, lights, ladders, tools, staging or other thing necessary for inspecting the premises, stock, tools or apparatus belonging to such licensed person, and shall open all doors, and open for examination all boxes, packages, and all casks, barrels and other vessels, when required so to do by any Officer of Excise, under a penalty of one hundred dollars for any refusal or neglect so to do. Assistance to be afforded to office of Excise. Penalty for default.

Notice of entrance to alter apparatus to be given to Collector.

30. If any person or persons, holding a license under this Act, intends to make any alteration or addition to the premises, apparatus, machinery or utensils described as herein provided, or to remove any portion of such utensils, machinery or apparatus, notice in writing shall be served on the Collector of Inland Revenue of the intention to make such alterations or additions, at least one week before they are commenced, and all such notices shall set forth fully and correctly the particulars of the proposed alterations, additions or removals.

Collector may require new list, &c., of apparatus or any alteration.

31. The Collector of Inland Revenue may, at any time after having given proper notice, require a new list and description such as are herein required in an application for a license, to be made out and furnished by any party holding a license under this Act, as often as any alteration is made in the premises, utensils, machinery or apparatus; and any party refusing to comply with such requisition, shall incur the same penalty as is provided for carrying on any business subject to Excise without license; and every such application shall be received as evidence in all Courts of Law.

Penalty for refusal.

Designation of apartments and utensils.

Inscription over entrance to premises subject to Excise.

32. There shall be conspicuously placed over the chief entrance to every place or premises, subject to Excise, or where any business, subject to Excise, is carried on, the name or names of the person or the name and style of the firm by whom such premises are occupied, or on whose behalf such business is carried on :

Size thereof.

2. The name so placed shall be written or printed in Roman characters at least three inches in height, in white letters on a black ground ;

Inscription over entrance to each separate apartment.

3. Every separate apartment, room, granary, vault or store house, in every place or premises, subject to Excise, or in which any business subject to Excise is carried on, or in which is placed any utensil, apparatus or machinery, used in such business, shall have over the principal entrance thereto a notice in roman characters at least two inches in height, stating the name and designation thereof, and the purpose to which it is applied or for which it is used ;

To be subject to approval of officer of Excise.

4. Every notice or written or printed designation or name of any person or persons, place or thing hereby required, shall be printed, painted, put up or affixed under and according to the direction of an Officer of Excise, and at the expense of the party on whose behalf it is done.

Books, Accounts, and Papers.

Books &c., to be produced to

33. Every person who is licensed to carry on any business subject to Excise under this Act, shall, when required so to do

do and as often as may be required by any Officer of Excise, and at any time within ordinary business hours, or when any operation is being carried on within the premises, produce for the inspection of any such officer :

proper officer when required.

1. All books, papers and accounts kept in accordance with the requirements of this or any other Act, in which books or accounts such Officer may enter any memorandum, statement or account of quantities, and in such case he shall attest the same by his initials ;

What books &c., officer may make memorandums therein.

2. All books, accounts, statements and returns whatsoever, and all partnership accounts used by any such person or by any copartners in carrying on any such licensed business whether such books, memorandums, papers or accounts be considered private or otherwise ; and every such officer shall be permitted to take any extracts therefrom or any copies thereof.

What books &c., officer may take extracts therefrom.

34. Every person, or party licensed as a Distiller, or as a Brewer, shall keep a book or books in a form to be furnished from time to time by the Minister of Finance and to be open at all reasonable hours to the inspection of the Collector of Inland Revenue or other proper Officer of Excise wherein such Distiller, or Brewer shall enter, from day to day,—the quantities of grain or other vegetable production, or other substance, put by him into the mash-tub or otherwise used by him for the purpose of producing beer or wash, or consumed by him in any way for the purpose of producing spirits or otherwise disposed of,—and also the quantity of spirits, beer or other malt liquor, by him distilled, manufactured or made ; and for any wilful false entry, or any wilful neglect to make any entry hereby required, the Distiller or Brewer shall incur a penalty of five hundred dollars for each and every offence, and the Collector of Inland Revenue or other proper officer, may at all times demand to be shown all the stock of such grain, vegetable production, or other substance aforesaid, then on the premises mentioned in the License.

Certain books to be kept by distillers, in a form and with particulars to be furnished by Minister of Finance.

Penalty for false entry, or wilful neglect to make entry.

35. Every distiller, brewer and tobacco manufacturer, who is required to take out a license under this Act, or who carries on any business subject to Excise, shall further keep such stock-book and other books, and in such form and manner as may be ordered and prescribed by regulations approved by the Minister of Finance.

Stock books to be kept and in what form.

36. Every quantity of grain recorded or stated in the Stock Books hereinabove mentioned, and in all returns, descriptions and statements required to be kept or made by this Act, and the quantity of every other article or commodity, except fluids, used in or about premises subject to Excise, or entering in the manufacture of any article or commodity subject to Excise, shall be stated in pounds avoir-du-poids :

Quantities of all kinds except of fluids to be stated in pounds.

Of fluids in wine gallons.

2. All quantities of fluids shall be stated in the aforesaid books, returns, statements and descriptions, in wine gallons.

CLAUSES HAVING SPECIAL REFERENCE TO DISTILLERIES AND BREWERIES.

Duty on Spirits how to be computed.

37. The duty upon spirits shall be computed and charged upon the quantity of spirits which passes from the tail of the worm into the spirit receiver, and the quantity which so passes shall be ascertained by gauging and proving the strength thereof in the said Spirit Receiver, or by any such apparatus or meter, as the Governor in Council may authorize to be used for that purpose.

Capacity of vessels how determined.

38. The capacity of all Spirit Receivers, Fermenting Tuns, Mash Tubs, Coolers and other vessels used in or about distilleries or Breweries, shall be accurately ascertained by gauging or by actual measurement by standard measures of capacity, as the officer of Excise may determine or direct; and—

List to be made out, in triplicate, and attested.

A correct list thereof shall be made out, by the Distiller or Brewer, in triplicate, setting forth the number, use, dimensions and capacity of every such vessel, and the said list shall be attested by the signature of the Distiller or Brewer, and shall be subject to the verification and approval of the officer of Excise under whose supervision the gauging or measurement was made, and shall be signed by him in testimony of such approval, and every such list shall be received as evidence in all Courts of Law.

Where such triplicates shall be kept.

39. One counterpart of such list shall be kept on record at the Distillery or Brewery, another at the office of the Commissioner of Customs and Excise, and the third shall be retained by the Collector of Inland Revenue within whose district or division the Distillery or Brewery is situated.

Tails of worms to be inclosed in locked safes.

40. The tail of every worm in every distillery shall be enclosed in a locked or sealed "safe," in which the strength of the spirit flowing from the worm may be approximately ascertained by the inspection of the hydrometer or other suitable apparatus contained therein.

Safes subject to approval.

41. Every such safe shall be constructed in such manner and secured by such means and by such mechanism as may be approved by the Commissioner of Customs and Excise.

As to communication from worm to doubler or receiver.

42. From the said closed safe all low wines, fainsts and spirits, from time to time running from the end of the worm, shall be conveyed to the doubler or spirit receiver, as the case may be, through suitable metal pipes visible throughout the whole of their length with stop cocks and other appliances, so arranged that the liquid may be conveyed either to the doubler

or

or to the receiver ; but so that no portion of the liquid can be abstracted or diverted from the receiver or doubler without the knowledge and consent of the proper officer.

43. The spirit receiver shall be a closed vessel, and all pipes, cocks or valves communicating therewith, as well as all means of access thereto shall be securely locked or sealed, and the key or keys shall remain in the sole possession of the Collector of Inland Revenue, or other Officer of Excise.

Receiver and communications from it to be locked.

44. No vessel shall be used as a close receiver for spirits in which there has been bored or made any perforation other than those necessary for its lawful use ; and if at any time it shall be discovered that any perforation or hole has been made in such receiver, or that any such exists therein, although it may have been subsequently stopped or plugged, the existence of such perforation or hole plugged or unplugged shall be evidence that it has been unlawfully made, and the distiller in whose distillery such close receiver so perforated shall be found, although the same may have been plugged or stopped, shall be liable to the penalty of five hundred dollars.

Not to have any unnecessary perforations.
Penalty for contravention.

45. All such safes, meters, locks or seals as are by this Act required to be used or such as may be required to be used by any departmental regulation or order in Council issued by virtue of this Act, shall be supplied by the Finance Department through an officer of Excise, under such regulations of the department as may be adopted in that behalf ; but the cost thereof shall be borne and discharged by the Distiller or Brewer for whose premises or utensils they are provided.

Safes, meters, locks, &c., to be supplied by Finance Department but at costs of Distiller, &c.

46. A Glass Tube or Gauge shall also be provided at the expense of the distiller and attached to every spirit receiver in such manner as may be directed by departmental regulation for the purpose of gauging and ascertaining the quantity of spirits therein.

Glass gauge to Receiver.

47. In distilleries where a doubler is used or where a portion of the products of the still, commonly called *Low Wines* or faints, are passed over for redistillation, the vessels and pipes used in that process shall be locked or sealed and shall receive the *Low Wines* from the safe which encloses the tail of the worm, through pipes, cocks or valves properly secured by locks or seals so as to prevent the running or removal of any liquid therefrom, except with the knowledge and concurrence of the Collector of Inland Revenue.

Vessels, &c., for *Low Wines* redistilled to be locked.

48. The spirit receiver, doubler, low wines receiver, faints receiver ; the safe enclosing the tail of the worm or still ;—

2. Every pump used for removing any spirit, wash, or other matter to or from any vessel or from one vessel to another

Certain apparatus to be constructed according to regulations approved by Governor in Council.

another, and every lock, pipe, valve, duct, conduit, cock or connexion used for securing, leading to, or from, or between, or for giving access to any of the vessels herein mentioned or referred to ;—and generally—

The same.

3. Every valve, pipe, cock, gauge, pump, lock or other apparatus, utensil, appliance or arrangement for securing, gauging, ascertaining, testing or proving the quantity or strength of any spirit, wash or worts manufactured or distilled, or for preventing the undue abstraction of any such spirits, wash or worts, shall be constructed, arranged and applied, in accordance with such plans, designs, drawings and regulations, and of such materials as may be from time to time approved by the Governor in Council ;

Capacity of certain vessels to be marked thereon.

4. Every mash tub, fermenting tun, spirit receiver, cooler, tank, vat or other utensil or vessel, for using which a license is required, or which is used for containing or holding any commodity subject to Excise, shall have legibly written, stamped or printed on it, the true contents thereof in wine gallons and in cubic inches ;

Pipe to be colored.
Spirits.

5. Every pipe, trough or conduit, used for the conveyance of spirits, shall be colored a *light blue* ;

Water.

6. Every pipe, trough or conduit, used for the conveyance of water, shall be painted or colored *white* ; and

Wash or worts.

7. Every pipe, trough or conduit for the conveyance of wash or worts shall be colored *red*.

Number and capacity of Spirit Receivers.

49. In distilleries where the weekly production of spirits is not over six thousand gallons and not under two thousand gallons, two spirit receivers shall be provided, each of which shall have sufficient capacity to contain at least one week's production of spirit.

The same.

50. In distilleries where the weekly production of spirits exceeds six thousand gallons there shall also be two spirit receivers, each of which shall have sufficient capacity to contain at least one day's production.

Gauging quantities of Spirits.

51. The quantities of spirits produced shall be gauged and ascertained by the Officer of Excise at such intervals as may be directed by instructions and regulations sanctioned by the Minister of Finance.

Spirit not to be removed until gauged, &c.

52. The spirit which passes from the tail of the worm to the receiver shall not in any case or under any pretence whatever be removed from the receiver until the quantity and strength thereof has been ascertained by the Collector of Inland Revenue or other officer of Excise, and then only with the consent and in the presence of the said collector or other proper officer.

CLAUSES HAVING SPECIAL REFERENCE TO TOBACCO MANUFACTURERS.

53. On or before the thirtieth day of June in the present year one thousand eight hundred and sixty-four, every tobacco manufacturer shall make to the Collector of Inland Revenue, within whose Revenue Division the manufactory is situated, a true return of the tobacco in such manufactory, and every such return shall state, in such form as may be prescribed by the Minister of Finance—

Returns to be made on or before 30th June 1864.

1. The number of pounds of each description of tobacco so held whether raw or manufactured ;

Quantities of Tobacco.

2. The number and description of packages in which it is contained, and the quantity in each package ; distinguishing manufactured tobacco imported, from tobacco manufactured in the Province ; and the time and times, at which such tobacco was brought into or upon the premises of the said manufactory.

Number and description of packages.

54. Every such return shall be signed and sworn to in the following form by the person who makes it :

Returns to be attested on oath.

“ I , do solemnly swear that the statement above written and to which I have subscribed my name is true according to its purport : So help me God.”

55. The Collector of Inland Revenue or person acting for him shall, within eight days after the said thirtieth day of June, visit all places within which any tobacco so returned is held or stored, and shall verify all the returns made in respect thereof, and shall attach to each package or parcel such stamp as may be required by this Act or by any regulations made in virtue thereof.

Returns to be verified by Collector.

56. Every package, box, case, jar, canister, or parcel of tobacco manufactured on or after the first day of June in the present year, one thousand eight hundred and sixty-four, and included in any return made to the collector of Inland Revenue under the requirements hereof, and upon which the duty has been paid or secured to the Collector by the party making such return, shall be forthwith stamped, by the Collector, in accordance with such regulations as may be from time to time adopted by the Minister of Finance, and it shall be the duty of every Collector to stamp, in the manner required, all packages, boxes or parcels upon which he has received duty, or upon which the duty has been secured.

Packages included in return and on which duty has been paid or secured to be stamped by Collector.

57. And whereas all packages of manufactured tobacco, whatever be the description and designation thereof, manufactured in this Province which were upon, from and after the said first day of June in the present year one thousand eight hundred

Recital.

Traders and dealers in Tobacco to make return to Collectors on or before 1st August, 1864 : Collector to stamp packages of Tobacco so returned.

Forfeiture of packages unstamped.

Manufacturer to provide means of weighing and stamping, &c.

Month divided into two parts.

Returns for each half month.

Time for making returns.

hundred and sixty-four, in the possession of any manufacturer of tobacco in this province and formed part of the stock of the said manufacturer, were and are required to be stamped, sealed and marked by the proper officer of Excise; and whereas such stamping, sealing, and marking are restricted to the stocks of tobacco so as aforesaid in the possession of tobacco manufacturers, and it is necessary to provide for the due stamping, sealing and marking of all manufactured tobacco within the province, whether imported into the same or manufactured therein: therefore it is enacted, that all traders and dealers in tobacco having in their possession respectively any manufactured tobacco whatever be the description thereof and provided the aggregate weight of the said tobacco be over ten pounds, shall on or before the first of August next following the passing of this Act, make a true and faithful Return in writing to the nearest Collector of Inland Revenue, of the quantity of each description of tobacco so in their possession respectively, and the Collector of Inland Revenue or other proper officer shall thereupon immediately affix to all packages and tobacco so returned, such stamp, seal, label or mark as shall be directed by the Minister of Finance; and any package of manufactured tobacco which upon, from and after the said first day of August, shall be exposed or offered for sale or be found in the market without being or having been so sealed, stamped, labeled or marked, shall be deemed to be tobacco unlawfully in the market, and the same shall be seized by the Collector of Inland Revenue or other officer of Excise and shall be forfeited to Her Majesty.

58. Every manufacturer of tobacco shall provide for the use of the Collector of Inland Revenue, all necessary means, tools, and apparatus for weighing and stamping the products of his manufactory (except dies or stamps), and also a convenient place wherein such process of stamping may be performed.

TIME AND FORM OF RETURNS AND PAYMENT OF DUTIES.

59. For the purposes of this Act, every month in each year shall be divided into the first and second half of the month:

2. The first half shall be from the first to the fifteenth day of each month inclusive, and

3. The second half shall be from the sixteenth to the last day of each month inclusive.

60. All returns, unless when otherwise provided by this Act, shall be made distinct and separate for each half of every month.

61. All returns as to quantities required to be made by this Act, shall be made on the first and sixteenth days of each month for the half month next preceding such days.

62. Every person carrying on any business subject to Excise shall, within five days next after the expiration of the first and second half of each month, render to the Collector of Inland Revenue, or other officer whose duty it is to receive the same, a just and true account in writing extracted from the books kept as herein provided; which account as to Distilleries shall exhibit;—

Accounts to be rendered, and what to contain.

1. The quantity of spirits produced on each day during the preceding half month, with the strength thereof, and in a separate column, the equivalent quantity of spirits of the strength of proof;

As to distilleries.

2. The quantity of each kind of grain or other commodity or substance used in the distillery, in the manufacturing of spirits during the said preceding half month;

3. The quantity of grain malted;

4. The quantity of grain otherwise disposed of.

And as to Breweries, such account shall exhibit;—

As to Breweries.

1. The quantity of malt used in the Brewery, during the said preceding half month;

2. The quantity of each kind of Beer, by him brewed, manufactured or made on each day during the preceding half month;

3. The quantity of grain otherwise disposed of.

As to Tobacco manufactories.

And as to tobacco manufactories, such account shall exhibit;—

1. The quantity of unmanufactured tobacco and the quantity of all other material used in the manufacture of Tobacco during the preceding half month in the manufactory to which such return relates;

2. The quantity of each description of tobacco, snuff or cigars manufactured in such manufactory during the preceding half month, shewing the number of packages, the description and the weight and quantity of each package, or the weight in bulk;

3. The quantity of unmanufactured and manufactured tobacco on hand.

63. Every such statement shall be made for and relate to the half month next preceding the last day of the half month for which it is made, and shall truly state the whole quantity of material used and the whole quantity of products subject to Excise produced during the said half month.

To what period such accounts shall relate.

How to be attested.

64. Every account or return rendered as herein provided shall be made and signed by the person carrying on the business to which it relates or his agent, and shall also be signed by the foreman, clerk, chief workman or other person employed in or about the premises where the business is carried on; And the Collector of Inland Revenue, may require any other person employed about such premises, who in his opinion, may be best acquainted with the amount of goods produced, subject to Excise, to testify upon oath before him as to the correctness of such account or return.

Further attestation may be required.

Form of attestation.

65. Every such account or statement shall be attested by the persons signing the same by the following oath :

“ I, _____, do solemnly swear that the account above written, to which I have also subscribed my name, is true according to its purport : So help me God.”

Before whom to be made

Further questions may be put to persons attesting.

Collector may examine other persons, and reject all incorrect statements.

66. Every such oath shall be made before some Collector of Inland Revenue or other Officer of Excise, and the Collector or Officer, before whom it is made, may put to the person or persons making it such questions as are necessary to the elucidation and full understanding of the account, and for ascertaining whether such person has had the means of knowing the same to be correct; And the Collector or officer aforesaid may also examine under oath any other person or persons employed, or who may at any time have been employed in or about the Distillery, Brewery or Tobacco Manufactory, to which such account relates, or any person doing business therewith or selling material thereto or buying goods therefrom, as to the truth of all such statements and for the purpose of testing the truth thereof, and may reject all such written statements as may be shewn by such evidence to be incorrect or unreliable, and such rejection shall render the party making the return liable to the same penalty as he would be liable to if no return whatever had been made.

Mode of giving notices, delivering returns, &c.

67. All notices, returns and reports required by this Act to be given or made to any person or officer, shall be held to be validly so given or made, if they be received by such person or officer as the case may be, within the period or delay fixed herein in that behalf, without any reference to the mode by which such notice, report or return was conveyed to such person or officer.

When the duties shall be payable.

68. The several duties imposed by this Act shall be due and payable on the sixth and twenty-first of each month, for the quantities of each article or commodity produced or manufactured during the preceding half month respectively, unless another time of payment is herein expressly fixed.

69. The amount of duty shall be calculated on the measurements, weights, accounts and returns, taken, kept or made as herein provided, subject to correction and approval by the Collector of Inland Revenue or other Officer of Excise duly authorized thereto; and when two or more methods for determining quantities are provided for, that method which yields the largest quantity or the greatest amount of duty shall be the standard; But if the Collector or officer has any reason to doubt the correctness of any account or return, he shall compute the weights, measurements or quantities himself, and levy the duty accordingly, and if the result is disputed, the proof of the error or wrong shall rest with the party who is to pay the duty.

Mode of calculating amount of duty.

Collector may calculate the same.

BONDING OR WAREHOUSING.

70. Spirits, Beer and Tobacco subject to duty under this Act may be deposited in any suitable warehouse without payment of the duty hereby imposed, subject to the following regulations and to such other regulations as the Governor in Council may make.

Goods subject to Excise duty may be warehoused, under regulations.

71. The warehouse shall be provided by the owner of the goods and upon being viewed and approved as to security by the Inspecting Officer shall be secured under the joint locks of the Crown and the proprietor or owner of the goods warehoused.

Warehouse to be provided by owner of goods, and approved.

72. All goods warehoused shall be at the risk of the owners, and if destroyed, or wasted, through the neglect of the owner, the duty shall be payable thereon as if they were entered for consumption.

Goods to be at owners risk.

73. Bonds shall be taken for twice the amount of duties accruing on the goods.

Amount of bonds.

74. No less quantity of goods shall be warehoused under any one bond than is subject to the payment of duties of Excise to the amount at least of one hundred dollars.

Least quantity to be warehoused.

75. No less quantity of goods shall be removed from the warehouse at any one time than is subject to the payment of twenty dollars Excise duty.

Least quantity to be taken out.

76. No goods shall remain warehoused for a longer period than two years.

Not to remain over two years.

77. At the time of entering the goods for warehouse the amount of duty shall be computed and ascertained and stated in the entry.

Duty to be stated in entry.

78. Goods warehoused under this Act may be exported, ex-warehouse or removed from one warehouse to another without

Goods warehoused may

be exported,
&c.

without payment of duty under such restrictions and regulations as the Governor in Council may deem necessary.

Quantity,
value and
packages to be
described.

79. When goods are entered for warehouse the entry shall state the exact quantity and value of goods in each package or parcel, and each package shall be described in the entry paper and shall also be designated by a distinguishing number.

Packages to be
marked.

80. Each package warehoused shall be marked with the number designated in the entry, with the date when warehoused and with the quantity which the package contains.

Entry papers
to be attested.

81. All entry papers either for warehouse, ex-warehouse or for removal, shall be made on such forms and shall be attested by such affidavits, affirmations or declarations as the Governor in Council may order.

Duty to be
paid on goods
taken out.

82. No goods shall be removed from warehouse for consumption unless upon the payment of the full amount of duty accruing thereon, and the duty so paid on Spirits, Beer or Tobacco so taken out of warehouse for consumption, or which shall have directly gone into consumption, shall not be refunded by way of drawback or otherwise upon the exportation of such Spirits, Beer or Tobacco out of the Province.

Entries to be
refused until
the require-
ments of this
Act are com-
plied with.

83. The Collector of Inland Revenue or other officer of Excise or Customs in whose charge goods warehoused under this or any other Act relating to warehousing may be placed, shall refuse all entries ex-warehouse until the owner of such goods or his agent shall have complied with all conditions in respect thereto, which may be required by this or any other Act or by any regulations made by virtue of this or any other Act.

REGULATIONS BY ORDER IN COUNCIL.

Governor in
Council may
make regula-
tions with
respect to
warehousing.

84. The Governor in Council may make such Regulations as to him may seem necessary for adapting any Regulation then in force relative to the warehousing of goods liable to duties of Customs, to the warehousing of Spirits, Beer or other malt liquor, or Tobacco under this Act, or may make such other Regulations touching the warehousing thereof, or for giving effect to any of the provisions of this Act and declaring the true intent thereof, in any case of doubt, as to him shall seem meet; and all the provisions of the Act respecting duties of Customs and the collection thereof, with respect to Regulations made under it, shall apply to Regulations made under this Act.

Customs Act
to apply to
them.

Regulations
to have force
of law when
published.

85. All regulations made by the Governor in Council, under the authority of this Act, and published in the *Canada Gazette*, shall after such publication, have the force of law, and any infraction, breach or violation of any of the said regulations shall subject the Distiller, Brewer or Tobacco Manufacturer,

Manufacturer, or any other person or persons in the said regulations mentioned, to such penalty or penalties as may in and by the said regulations be imposed for such infraction, breach or violation.

BOARD OF CUSTOMS, EXCISE AND STAMPS.

86. For the purpose of carrying out the provisions of this Act and for the better management of the Revenues derived from Customs, Excise and Stamps, a Board of Commissioners of Customs, Excise and Stamps, acting in subordination to the Minister of Finance, shall be constituted, consisting of the Commissioner of Customs and Excise, the Auditor of Public Accounts, and one other Deputy Head of one of the Departments of the Civil Government to be named by the Governor in Council; and it shall be lawful for the Governor in Council to determine the additional remuneration to be assigned to each of the above named officers not in any case to exceed six hundred dollars per annum; Provided always, that all acts and proceedings of the said Board shall be subject to the approval of the Minister of Finance.

Of whom such Board shall consist.

Remuneration of members.

Proviso.

87. The Commissioner and Assistant Commissioner of Customs and Excise, and every Inspecting officer of Excise shall have and may exercise in each and every Revenue Division all the powers and rights conferred by this Act on the Collectors of Inland Revenue.

Powers of Commissioner and Assistant Commissioner of Customs and Excise.

OFFICERS OF EXCISE, THEIR POWERS AND DUTIES.

88. Every person appointed under this Act, or employed for the purposes of this Act, or upon whom any duty is imposed by this Act, shall be known as an Officer of Excise, but—

Who shall be Officers of Excise.

Every Officer of Excise who is appointed to collect the duties hereby imposed in any defined district or revenue division shall be specially designated as a "Collector of Inland Revenue."

Collectors of Inland Revenue.

89. No Officer of Excise shall directly or indirectly deal or trade in any goods or commodities subject to excise or customs duties.

Not to deal in goods subject to Excise.

90. No Collector of Inland Revenue shall have any jurisdiction outside the district or division to which he is appointed, except when assisting or acting for or on behalf of some other Collector under an authority in writing or under the especial direction of the Commissioner or Assistant Commissioner of Customs and Excise or of some Superior or Inspecting Officer of Excise.

Local extent of Collector's and authority.

91. Every Officer of Excise is hereby empowered and authorized;

Powers.

Oaths.

1. To administer all oaths and receive all declarations required or authorized by this Act ;

Entry into places where business subject to Excise is carried on.

2. With any assistants acting under him and by his directions at all times, as well by night as by day, to enter into and remain in, as long as he may deem necessary, any building or place belonging to or used by any person or persons for the purpose of carrying on any trade or business, subject to Excise, or in which are any machinery, utensils or apparatus, subject to Excise, and

Inspecting apparatus, &c.

3. With any assistants acting under him and by his directions to inspect any such building or place and to take such account as he may deem necessary of every part thereof and of all works, vessels, utensils, goods, and materials, machinery and apparatus, belonging or in any wise appertaining to such business ;

Breaking partitions, &c., to discover hidden apparatus

4. To break up or cause to be broken up or removed any floor, wall, partition, ceiling, roof, door or other part of such building, place or premises, or any ground surrounding them for the purpose of ascertaining whether there is any pipe, worm, still, conduit, tool, vessel, utensil, machinery or apparatus or any stock, goods, commodity or article subject to Excise concealed or kept out of view ;

Examining worms of Stills.

5. To examine the worm of any Still used by any Distiller, by causing the water to be drawn off from the worm tub or refrigerator containing such worm, at any time when in the opinion of such officer the doing so will not be prejudicial to the working of such Still ;

Gauging vessels, &c.

6. To gauge, measure, weigh, prove, mark, label, stamp, lock, seal or otherwise designate or secure any fermenting tun, mash tub, worm, still, spirit receiver, pipe, cock, vessel or apparatus, machinery or utensil, or any goods, article or commodity subject to Excise, and to close, seal and secure all or any such the said fermenting tuns, mash tubs and utensils, during the period when the said Distillery, Brewery or Tobacco Manufactory may not be at work ;

Closing and sealing vessels, &c.

Taking samples of Tobacco manufactured, at wholesale price.

7. To take at any time that he shall see fit, a sample or samples of any Tobacco, Snuff or Cigars unmanufactured or in process of manufacture, or manufactured in the stock or possession of any Manufacturer of Tobacco, paying for the same if demanded, at the current wholesale price of such Tobacco, Snuff or Cigars. ●

Power of forcible entry if refused admittance.

92. If such officer with any assistants acting under him and by his directions, after having demanded admittance into any Distillery, Brewery or Tobacco Manufactory or into the premises of a Distiller, Brewer or Tobacco Manufacturer, and having

having declared his name and business at the gate or entrance door, or at any window of any such Distillery, Brewery, Manufactory or any building or place forming part thereof; shall not be immediately admitted into such Distillery, Brewery, Manufactory or other premises, it shall be lawful for such Officer, and any person acting in his aid, at all times as well by night as by day (but if by night then in the presence of a Constable or other Peace Officer), to break through any of the doors, windows or walls of such Distillery, Brewery, Manufactory or other premises necessary to be broken open or through to enable him and them to enter the said Distillery, Brewery, Manufactory or other premises aforesaid; and moreover the Distiller, Brewer or Tobacco Manufacturer shall be subject to the penalty hereinafter provided.

With aid of Peace Officer if in the right.

93. The Collector of Inland Revenue or other proper Officer of Excise, or any person or persons acting under him or by his directions respectively, having first obtained a Search Warrant for that purpose from some Justice of the Peace, who may grant the same on affidavit made before him and to his satisfaction, and stating reasonable grounds for the issuing thereof, may, at any hour between sun-rise and sun-set, enter into and search any house, building or place mentioned in such Search Warrant, as being one in which affidavit has been made of reasonable cause to suppose that an unlicensed still, auxiliary vessel, mash-tub, cooler, fermenting tun, press, cutting knife, mill or other vessel or implement is illegally in use, or the provisions of this Act otherwise contravened.

Power to obtain Search Warrant and make Search.

94. All Justices of the Peace, Mayors, Bailiffs, Constables and all persons, serving under Her Majesty by commission, warrant or otherwise, and all other persons whosoever, shall aid and assist, and they are hereby respectively required to aid and assist every Officer of Excise in the due execution of any act or thing authorized, required or enjoined by this or any other Act.

Justices of the Peace and others, to assist on being required.

95. The Minister of Finance may lawfully suspend or revoke the license of a Distiller, Brewer or Tobacco Manufacturer who shall be convicted of delaying, obstructing or preventing any officer or his assistant in or from entering into a Distillery, Rectifying House, Brewery or Tobacco manufactory, or any house, out-house, store or other place whatsoever of such Distiller, Brewer or Tobacco Manufacturer, or in or from otherwise performing his duty in the execution of any Act relating to the excise.

License of party obstructing Officer may be revoked.

PROTECTION OF OFFICERS.

96. No writ shall be sued out against, nor any process served upon any officer of Excise, for any thing done in the exercise of his office, until one calendar month after notice in writing shall have

Notice to Officer sued for any thing.

done in the exercise of his office.

have been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of such action shall be produced except of such as shall be contained in such notice, and no verdict or judgment shall be given for the plaintiff, unless he shall prove on the trial, that such notice was given; and in default of such proof, the defendant shall receive in such action a verdict or judgment and costs.

Action to be brought within three months.

Pleas to such action.

Costs.

97. Every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the place or district where the facts were committed; and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff shall become non-suited, or shall discontinue the action, or if upon a demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover costs, and have such remedy for the same as any defendant can have in other cases where costs are given by Law.

Amends may be tendered after notice: effect of such tender.

Costs.

Money may be paid into Court.

98. It shall be lawful for any such officer or person against whom any action shall be brought on account of any such seizure or entry, or of any thing done under the authority of this Act, within one calendar month after such notice, to tender amends to the party complaining or his agent, and to plead such tender in bar to any action, together with other pleas; and if the Court or jury (as the case may be) shall find the amends sufficient, they shall give a judgment or verdict for the defendant; and in such case, or in case the plaintiff shall become non-suited, or shall discontinue his action, or judgment shall be given for the defendant upon demurrer or otherwise, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only; Provided always, that it shall be lawful for such defendant, by leave of the Court where such action shall be brought, at any time before issue joined, to pay money into Court as in other actions.

Nominal damages only, if Judge certifies probable cause.

99. In any such action, if the Judge or Court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than twenty cents damages nor to any costs of suit.

No costs to claimant in case of seizure with probable cause certified

100. In case any information or suit shall be brought to trial, or determined, on account of any seizure or entry made under this Act, and a verdict shall be found, or decision or judgment given for the claimant, and the Judge or Court before whom the

the

the cause shall have been tried or brought shall certify on the record that there was probable cause of seizure or for such entry, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure or entry be liable to any action, indictment, or other suit or prosecution on account of such seizure or entry; and if any action, indictment, or other suit or prosecution, shall be brought to trial against any person on account of such seizure or entry, wherein a verdict or judgment shall be given against the defendant, the plaintiff, if probable cause be certified as aforesaid on the record, besides the thing seized, if a seizure, or the value thereof, shall not be entitled to more than twenty cents damages nor to any costs of suit, nor shall the defendant in such prosecution in such case be fined more than ten cents.

by Judge nor more than nominal damages against seizing Officer.

PENALTIES.

101. Any person who, after the passing of this Act, and without having a license under it then in force, or a permit having the effect of a license under Section twenty-one, shall—

Penalty for acting without a licence.

1. Distill or rectify any spirits for sale;—or

Distilling.

2. Brew any Beer for sale or otherwise than for the use of himself and his family;—or

Brewing.

3. Manufacture or prepare for sale or consumption any tobacco or snuff, except tobacco grown by himself and manufactured by him for his own private use;

Manufacturing tobacco.

Shall forfeit and pay a penalty of two hundred dollars.

And any person or persons claiming to have brewed any beer, solely for their own use, or to have grown any tobacco, and manufactured it solely for their own use, who shall sell or barter away any beer or malt liquor so brewed or tobacco so manufactured shall incur a penalty of two hundred dollars.

Or selling goods manufactured for private use.

102. Any person who shall become subject to the penalty provided for in the last preceding section, shall, in addition thereto, forfeit and pay for the use of Her Majesty double the amount of excise duty and license duty which should have been paid by him under this Act.

Additional penalty.

103. All tools, utensils, worms, stills, mash tubs, fermenting tuns, tobacco presses or knives, and all spirits, beer, tobacco, snuff and cigars, whether completely or partly manufactured which may at any time be found in any distillery, brewery, tobacco manufactory or place of business for which a license is required under this Act; and in respect of which no such license has been taken out, shall be seized by any Officer of Excise, having a knowledge thereof, and shall be and remain forfeited to the Crown.

Apparatus and goods found in any place for which no license is taken to be forfeited.

Penalty for having apparatus of which no return has been made.

104. Every person, who, after the passing of this Act, shall have in his or her possession any still or worm, or any brewing apparatus, or any machinery used in manufacturing tobacco, without having made a return thereof as herein required, shall forfeit and pay a penalty of one hundred dollars, and all such implements, machinery or apparatus shall be seized by any officer of Excise having a knowledge thereof and shall be and remain forfeited to the crown.

Penalty for using stamped or branded packages for goods on which duty is not paid without effacing such stamp, &c.

Or vending tobacco without defacing label, &c.

105. Every person who shall put into any packages or casks which have been stamped or branded under this Act, any article or commodity subject to Excise, on which the duty imposed by this Act has not been paid or which has not been inspected as herein required, without first defacing and destroying the said stamp or brand, and every vendor of any package of tobacco or snuff labeled, branded, or sealed, as required by this Act who shall fail to obliterate or deface such label, brand or seal before delivery to the purchaser so as to render the same incapable of being again used for the same purpose, shall be guilty of a misdemeanor, and shall forfeit and pay for every such offence a penalty of fifty dollars, and in addition thereto shall be punishable at the discretion of the Court, before which the case is tried, by imprisonment for a period of not less than one nor more than twelve months.

Penalty for not making proper returns of premises, apparatus, &c.

106. Every person carrying on any business subject to Excise, who shall neglect, refuse or omit to make a true and correct return and entry at the time and in the manner required by this Act, or at any time when specially required so to do under the provisions hereof, of all workshops, apartments, utensils, tools, apparatus, machinery or appliances used by or for him, or existing in or introduced into or intended to be used in the premises wherein such business is carried on ; or

Using apparatus not returned.

2. Who shall make use of any fermenting tun, mash-tub, cooler, vessel, utensil, spirit receiver, fixed or moveable pipe, cock, pump or other appliance or apparatus, or permit any such to be used in his Distillery, brewery or tobacco manufactory, which or any of which have not been made known, or reported to the proper officer previous to being so used ; or

Making changes without notice.

3. Who shall make any changes therein or additions thereto without duly notifying the Collector of Inland Revenue or other proper officer ; or

Using secret communications, &c.

4. Who shall make, cause to be made or permit to exist, any secret, covert, or unusual connection or communication between the several parts or compartments of the premises in which such business is carried on other than are shewn on the return or entry made thereof ; or

Or pipes, etc., not duly returned.

5. Who shall allow any pipes, pumps, cocks, conduits, troughs or other means for conducting fluids or other matter from

from one part of such premises to another or from one vessel to another, other than such as are clearly indicated and made known on the returns, diagrams or entries made of such premises or vessel or other than have been made known to the proper officer ; or

6. Who shall permit any utensils, vessels, pipes, store rooms or compartments of such premises to be used or occupied otherwise than for the purpose for which they have been entered or returned ; or Using apparatus for purposes not notified.

7. Who shall neglect or refuse to designate in the manner required by this Act the purposes to which each vessel, utensil, apparatus, pipe, conduit, store room, workshop and compartment of such premises are respectively applied ; or Refusing to designate uses of vessels, &c.

8. Who shall refuse to admit the Collector of Inland Revenue or other officer of Excise or his assistants to the premises, or manufactory where any business subject to Excise is carried on at any hour of the day or night when such business is being carried on, or when any act or thing connected with the carrying on of such business is being performed therein ; or Refusing to admit Officers.

9. Who shall refuse to admit any officer of Excise to inspect any place or premises where any utensil or apparatus suitable for carrying on any business subject to Excise is placed or deposited ; or Or to allow inspection of apparatus.

10. Who shall do or cause or permit to be done, any thing in or about the premises where such business is carried on, intended or likely to mislead any officer of Excise in the discharge of his duty, or to prevent him from ascertaining the true quantity of the products of the business therein carried on and subject to Excise ; Deceiving Officers.

Shall forfeit and pay for every such offence a penalty of five hundred dollars ; Penalty.

And a further like penalty of fifty dollars for each and every day upon which such offence has been committed. Further penalty.

107. Every fermenting tun, mash-tub, machinery, vessel, utensil, pipe, cock, pump, trough, conduit or apparatus, with all and every matter or thing which they may contain, and the contents of every store room, workshop or apartment in respect of which any penalty is incurred under this Act, shall be seized by any officer of excise having a knowledge thereof and shall be and remain forfeited to the Crown, and dealt with accordingly. Apparatus to be forfeited.

108. Every person who shall refuse or neglect to aid any officer of Excise in the execution of any act or duty required by Penalty for refusing to assist officers.

by this Act shall be guilty of a misdemeanor; and on conviction thereof, shall be subject to a penalty of not less than fifty dollars, nor more than one hundred dollars, and shall be also liable to imprisonment in the common Jail for a period not less than three nor exceeding six months.

Penalty for— **109.** Every person carrying on any business subject to Excise who shall fail or neglect—

Not keeping books. 2. To keep Stock Books and all such other Books as may be required to be kept by any Regulations approved by the Governor in Council and by this Act; or

Not making true entries. 3. To make true and correct entries therein of all particulars required by this Act or the said Regulations to be entered in such Stock Books; or

Falsifying books. 4. Who shall in any way alter, falsify or make or cause or allow to be made any untrue entry or entries in the said stock Books; or

Removing leaves of Books. 5. Who shall remove or cause or permit the removal from the said Books of any leaf or leaves or parts of leaves; or

Defacing Books. 6. Who shall deface or erase or cause or permit to be defaced or erased any entry made therein; or

Refusing any return, &c. 7. Who shall neglect or refuse to make any return or statement, or to give any information or to render any accounts required by this Act; or

Falsifying any return, &c. 8. Who shall falsify any such return, statement or account; or who shall knowingly give false information; or

Refusing to produce any Book, &c. 9. Who shall neglect or refuse to produce any Book, account, statement or return required to be kept, or which may be demanded for the inspection of any duly authorized officer of Excise, when required so to do during ordinary business hours,—

Amount of penalty and forfeiture of apparatus. Shall forfeit and pay for every such offence a penalty of two hundred dollars, together with a further penalty equal to three times the amount of license fees, duty or other impost payable under this Act, on any stock, fermenting tun, mash tub, machinery, utensil, tool, apparatus, article or commodity in respect of which any fraudulent, false, incorrect or imperfect entry, return, account or statement has been made, or in respect of which any entry, return, account or statement has been in whole or in part neglected or refused to be made; and

And of Stock, &c., in respect of which any false return, or account has been made, or in respect of which any return,

return, entry or account may have been neglected, omitted or refused to be made shall be seized by any officer of Excise having a knowledge thereof, and shall be and remain forfeited to the Crown. statement, &c. is made.

110. Every person carrying on any business subject to Excise, who shall refuse or neglect— Penalty for—

2. To render such accounts, statements and returns as are herein required, and at the time herein prescribed ; or Not rendering accounts.

3. To pay over at the proper time the duties and license fees imposed by this Act ; or Not paying duties.

4. To pay over any penalty or forfeiture incurred under this Act, for more than one month after such penalty or forfeiture has been incurred ; Or forfeitures.

Shall by every such refusal or neglect forfeit his license, and it shall thereupon become the duty of the Collector of Inland Revenue to cause a notice of such forfeiture to be forthwith inserted in the *Canada Gazette*, and from and after the insertion thereof, the license shall be null and void, nor shall any new license be granted to such person until he shall have complied with the provisions of this Act—nor until after such penalty or forfeiture has been satisfied. License to be forfeited.

111. Every person who shall obstruct, impede or interfere with any Officer of Excise, or any person assisting such Officer in the discharge of his duty, shall be guilty of a misdemeanor. Obstructing Officers a misdemeanor.

112. If any person, under any pretence, either by actual assault, force or violence, or by threats of such assault, force or violence, in any way resists, opposes, molests or obstructs any Officer of Excise or any person acting in his aid or assistance, in the discharge of his or their duty under the authority of this Act, or wilfully or maliciously shoots at, maims or wounds any Officer of Excise or any person acting in his aid, or assistance, while duly employed for the prevention of illicit distillation, and in execution of his or their duty, such person being convicted thereof, shall be adjudged guilty of felony and shall be punishable accordingly. Assaulting Officers or persons assisting them to be felony.

113. Every person who opens or breaks any lock or seal, or other contrivance attached to any vessel, pipe, trough, safe, receiver, meter, pump, cock, room, warehouse or apartment used for the security of the revenue under this Act, or who abstracts any Spirits, Malt Liquors or Tobacco, from any place where they or any of them are retained under the supervision of any Officer of Excise, without the consent of the proper Officer, or who counterfeits any label, stamp or seal provided for by, or under the provisions of this Act, or who shall in any way perforate Breaking the Crown's lock or seal, or abstracting goods, or counterfeiting labels, &c., to be felony.

perforate any vessel or receiver containing any spirit on which the duties have not been paid, without the knowledge and consent of the Collector of Inland Revenue, shall be guilty of felony.

Penalty for any contravention of this Act when no other is provided.

114. Every person who shall violate any of the provisions of this Act, or who shall neglect any duty imposed upon him by this Act, for which violation or neglect no penalty is herein specially provided, shall be subject to a penalty of one hundred dollars.

RECOVERY OF DUTIES AND PENALTIES.

Duties recoverable whether account has been rendered or not.

115. Any duties of excise or license duties payable under this Act shall be recoverable at any time after the same ought to have been accounted for and paid whether an account of the quantity of spirits, beer or tobacco, has or has not been rendered as herein required or whether a true return of the utensils, tools and apparatus on which such duty or license fees are payable, has or has not been made as herein required; And all such duties and license fees shall be recoverable with full costs of suit as a debt due to Her Majesty, in any Court of competent civil jurisdiction.

As a debt to Her Majesty with full costs.

Forfeited apparatus may be seized and secured until condemned.

116. If any stock, still, fermenting tun, machinery, apparatus, vessel or utensil, or other article or commodity be forfeited under the provisions of this Act, for any contravention thereof, they may be seized by the Collector of Inland Revenue or other officer of Excise to whom such contravention may become known, or by any other person acting by the authority of such officer, at any time after the commission of the offence for which they are forfeited, and may be marked, detained or otherwise secured until condemned or released by competent authority, and shall not, while under seizure, be used by the offender, and if condemned, they shall be removed, sold or otherwise dealt with as the Governor in Council shall direct.

Schedule to be made by Officer seizing, &c.

117. It shall be the duty of the Collector of Inland Revenue or other officer of Excise, or any person aiding or assisting him or them in seizing property as forfeited under this Act, to mark and number each separate piece, and to make out a schedule of all the property seized, with the estimated value thereof, which schedule or list shall be dated and signed by the Collector or other officer, and a true copy thereof shall be given to the person from whom the seizure was made; and also another copy, together with the Collector or other officer's report relating to such seizure, shall be transmitted without delay to the Commissioner of Customs and Excise.

Copies to be made and for whom.

To be seized in Her Majesty's name.

118. All property seized under any provision of this Act, shall be seized, marked and secured in the name of Her Majesty the Queen, and the power of seizing, marking and securing the same,

same, shall be exercised by direction and under the authority of the Collector of Inland Revenue, or other officer where and when necessary, in order to carry out the provisions of this Act :

2. And (without any prejudice to the liability of any other property of the debtor or his sureties,) the stock in trade, stills, mash-tubs, fermenting-tuns, and other machinery and utensils, whether so fixed as to form part of the real or immoveable property or not, which are on the premises mentioned in the License at the time any such duties become due, shall be liable for such duties and for any penalty incurred by the Distiller, Brewer or Tobacco Manufacturer, on whose premises they are, by special privilege and lien in favour of the Crown, and may be seized and sold in satisfaction of the same under any Warrant of Distress or Writ of Execution, and removed by the purchaser, to whomsoever the same might otherwise belong, or into or in whose hands or possession soever the same have passed or are found, and notwithstanding any claim to the same, or privilege or lien thereon in favour of any other person or party whomsoever; and if the same be forfeited under the provisions of this Act for any contravention thereof, they may be seized by the Collector of Inland Revenue or other officer of Excise, or any person acting by his authority, at any time after the commission of the offence for which they are forfeited, and marked, detained or secured until condemned or released by competent authority, and shall not, while under seizure, be used by the offender, and if condemned, they shall be removed or sold, or otherwise dealt within such manner as the Governor in Council shall direct.

Stock in trade and apparatus of the party owing any duties to be specially liable.

Provision if the same be forfeited.

119. The payment of any penalty or forfeiture incurred under this Act, shall not discharge the party paying the same from the obligation to pay all duties due by such party, and the same shall be paid and may be recovered as if such penalty had not been paid or incurred.

Payment of penalty not to discharge any duty.

120. The pecuniary penalty or forfeiture incurred for any offence against the provisions of this Act, may be sued for and recovered before any two or more Justices of the Peace, having jurisdiction in the place where the offence was committed, on the oath of two credible witnesses;—And any such penalty may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, under the warrant of such Justice or Justices; or the said Justices may, in their discretion, commit the offender to the Common Gaol, until the penalty, with the cost of the prosecution, shall be paid;—And one moiety of every such pecuniary penalty or forfeiture shall belong to Her Majesty, and shall be paid and applied in the manner hereinafter provided with regard to other pecuniary penalties, and the other moiety shall belong to the person suing for the same.

Recovery of pecuniary penalties, and forfeitures: distress if not paid.

Imprisonment.

Application of penalties and forfeitures.

Costs may be recovered by Attorney General, &c., in any competent Court.

Application of penalty, &c., in such case.

Excise Officers, &c., to be competent witnesses.

Penalty on persons refusing to give evidence.

Sums recovered for Her Majesty to form part of Con. Rev. Fund.

121. Provided always, that any pecuniary penalty or any forfeiture imposed by this Act, whatever be the amount thereof, may be sued for and recovered with costs, on the oath of any one competent witness in any Court having civil jurisdiction to the amount of such penalty or forfeiture, by Her Majesty's Attorney General, or by any other person or officer thereunto authorized by the proper authority ;—And one moiety of such penalty or forfeiture shall belong to the Collector of Inland Revenue, or other person or officer suing for the same, and the other moiety shall belong to Her Majesty, and shall be paid over to the Collector of Inland Revenue of the Revenue Division where the offence was committed, and shall be by him accounted for and paid over as other public moneys coming into his hands ; But if any such penalty or forfeiture be sued for in the name of the Crown only, in such case (as also in the like cases in prosecutions under the next preceding section) the whole of such penalty or forfeiture shall belong to the Crown.

122. Any Officer of the Customs or of Excise, or other person employed in the collection of the Revenue, shall be a competent witness in any prosecution or suit under this Act, provided he be not himself the prosecutor or a party to such suit, although he has or believes himself to have some expectation of advantage to himself from the successful termination of such prosecution or suit.

123. Any person refusing or neglecting to appear before any Justice or Justices, or any Court, to give evidence, when summoned, concerning any alleged offence against the provisions of this Act, or who shall refuse or neglect to give evidence before any Officer herein authorized to examine such person, shall, for such refusal or neglect, incur a penalty of one hundred dollars, to be recovered in the manner hereinbefore provided for the recovery of other penalties of like amount.

124. All sums of money paid or recovered for any penalty or forfeiture under this Act, or any part thereof belonging to Her Majesty, shall be paid to the Receiver General and shall form part of the Consolidated Revenue Fund of this Province.

C A P . I V .

An Act to impose duties on Promissory Notes and Bills of Exchange.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS it is necessary to increase the Provincial Revenue, and for that purpose to impose and provide for the collection of the duty hereinafter mentioned : Therefore, Her Majesty, by and with the advice and consent of the Legislative

Legislative Council and Assembly of Canada, enacts as follows :

1. Upon and in respect of every Promissory Note, Draft or Bill of Exchange, for an amount not less than one hundred dollars, made, drawn or accepted in this Province, on or after the first day of August in the present year one thousand eight hundred and sixty-four, there shall be levied, collected and paid to Her Majesty for the public uses of the Province, the duties hereinafter mentioned, that is to say :

Duty imposed on Notes, Drafts and Bills for \$100 or upwards.

On each such Promissory note, and on each such Draft or Bill of Exchange executed singly, a duty of three cents, for the first hundred dollars of the amount thereof, and a further duty of three cents for each additional hundred dollars or fraction of a hundred dollars of the amount thereof ;

If executed singly.

On each such Draft or Bill of Exchange executed in duplicate, a duty of two cents on each part for the first hundred dollars of the amount thereof, and a further duty of two cents for each additional hundred dollars or fraction of a hundred dollars of the amount thereof ;

If in duplicate.

On each such Draft or Bill of Exchange executed in more than two parts, a duty of one cent on each part for the first hundred dollars of the amount thereof and a further duty of one cent for each additional hundred dollars or fraction of a hundred dollars of the amount thereof ;

If in more than two parts.

And any interest made payable at the maturity of any Bill, draft or note, with the principal sum, shall be counted as part of the amount thereof.

If payable with interest.

2. The duty on any such Promissory Note, Draft, Bill of Exchange or part thereof, shall be paid by affixing thereto an adhesive stamp or adhesive stamps of the kind hereinafter mentioned, to the value of such duty, upon which the signature or part of the signature of the maker or drawer, or in the case of a Draft or Bill made or drawn out of this Province of the acceptor or first indorser in this Province, or his initials, or some integral or material part of the instrument shall be written, so as (as far as may be practicable) to identify each stamp with the instrument to which it is attached, and to show that it has not before been used, and to prevent its being thereafter used for any other instrument.

Duty to be paid by affixing stamps : how to be affixed.

3. Every bill, draft, order or instrument,—

What shall be deemed a bill of exchange or draft.

For the payment of any sum of money by a bill or promissory note, whether such payment be required to be made to the bearer or to order,—

Every document usually termed a letter of credit, or whereby any person is entitled to have credit with, or to receive from or draw upon any person for any sum of money,—

And

And every receipt for money, given by any bank or person, which shall entitle the person paying such money or the bearer of such receipt to receive the like sum from any third person,—

Shall be deemed a bill of exchange or draft chargeable with duty under this Act.

Bills, &c., &c., drawn by or on Officers of Government to be free of duty.

Also Bank notes, cheques, post office orders and municipal debentures.

4. Every bill of exchange, draft or order drawn by any officer of Her Majesty's Commissariat, or by any other officer in Her Majesty's Imperial or Provincial Service, in his official capacity, or any acceptance or endorsement by such officer on a bill of exchange drawn out of Canada, or any draft of or on any Bank payable to the order of any such officer in his official capacity as aforesaid, or any note payable on demand to bearer issued by any Chartered Bank of this Province, or by any Bank issuing such note under the Act chapter fifty-five of the Consolidated Statutes of Canada, intituled: *An Act respecting Banks and freedom of Banking*, shall be free from duty under this Act,—

Any cheque upon any chartered Bank or Licensed Banker, or on any Savings Bank, if the same shall be payable on demand,—

Any post office money order,—and

Any municipal debenture or coupon of such debenture,—shall be free of duty under this Act.

Stamps to be prepared for purposes of this Act.

5. The Governor in Council may from time to time direct stamps to be prepared for the purposes of this Act, of such kinds and bearing respectively such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund; but the device on each stamp shall express the value thereof, that is to say, the sum at which it shall be reckoned in payment of the duties hereby imposed.

How such stamps shall be distributed.

6. The Minister of Finance may appoint any Postmasters, Collectors of Inland Revenue, or other officers of the Government, to be the distributors of stamps under this Act, and may authorize any other persons to purchase stamps from such distributors to sell again;—and the Governor in Council may fix the remuneration to be allowed to such distributors, and the discount to be made to persons so purchasing to sell again; but such discount shall in no case exceed five per cent. on the value of such stamps, and shall not be allowed on any quantity less than one hundred dollars worth.

Governor in Council may make Regulations for carrying into effect

7. The Governor in Council may make such further regulations as he may deem necessary for carrying this Act into effect, and may by any order in Council declare that any kind or class of instruments as to which doubts may arise, are or are not chargeable

chargeable with any and what duty under this Act according to the true meaning thereof; and any order in Council made under this Act may be explained, amended or repealed by any other such order of later date; and any order in Council under this Act shall be published, and may be proved, in the manner provided by the Act respecting duties of Customs and the collection thereof, as to orders in Council under that Act.

8. The stamp or stamps required to pay the duty hereby imposed shall in the case of any Promissory Note, Draft or Bill of Exchange made or drawn within this Province, be affixed by the maker or drawer thereof, and in the case of any Draft or Bill of Exchange drawn out of this Province, by the acceptor thereof or the first indorser thereof in this Province; and such maker or drawer, acceptor or first indorser, failing to affix such stamp or stamps at the time of making, drawing, accepting or indorsing such Note, Draft or Bill, or affixing stamps of insufficient amount, shall thereby incur the penalty hereinafter imposed, and the duty payable on such instrument, or the duty by which the stamps affixed fall short of the proper amount, shall be doubled.

By whom the Stamps shall be affixed.

Penalty for not affixing and duty to be doubled.

9. If any person within this Province makes, draws, accepts, indorses, signs, becomes a party to or pays any promissory note, draft or bill of exchange, chargeable with duty under this Act, before such duty (or double duty as the case may be) has been paid by affixing thereto the proper stamp or stamps, such person shall thereby incur a penalty of one hundred dollars, and except only in case of the payment of double duty as hereinafter mentioned, such instrument shall be invalid and of no effect in law or in equity, and the acceptance or payment or protest thereof shall be of no effect; except that any subsequent party to such instrument or person paying the same, may at the time of his so paying or becoming a party thereto, pay such double duty by affixing to such instrument a stamp or stamps to the amount thereof, or the amount of double the sum by which the stamps affixed fall short of the proper duty, and by writing his signature or part thereof or his initials on such stamp or stamps, in the manner and for the purposes mentioned in the second section of this Act; and such instrument shall thereby become valid, but no prior party who ought to have paid the duty thereon shall be released from the penalty by him incurred as aforesaid; and in suing for any such penalty, the fact that no part of the signature of the party charged with neglecting to affix the proper stamp or stamps is written over the stamp or stamps affixed to any instrument, shall be *prima facie* evidence that such party did not affix such stamp as required by this Act.

Penalty for not affixing stamps.

Instrument to be invalid.

Exception if double duty be paid.

But prior party in default not released from penalty: evidence in suit for penalty.

10. If any person willfully affixes to any promissory note, draft or bill of exchange, any stamp which has been previously affixed to any other, or used for the purpose of paying any duty

Affixing stamp already used to be a misdemeanor.

duty under this Act or any other Act, or which has been in any way previously written upon or defaced, such person shall be guilty of a misdemeanor, and shall thereby incur a penalty of five hundred dollars.

Penalty to be incurred for each note, &c.

11. The penalties hereinbefore imposed shall be incurred in respect of each such promissory note, draft or bill of exchange, on which the duty or double duty hereby imposed is not paid as aforesaid, or to which a stamp, previously used, has been fraudulently affixed, whatever be the number of such instruments, executed, accepted, paid or delivered, or offences committed on the same day; and a separate penalty to the full amount shall be incurred by each person committing such offence, whatever be the number of such persons.

And by each person offending.

Penalties how recoverable.

12. The penalties imposed by the foregoing sections of this Act, shall be recoverable in the manner prescribed by the Interpretation Act in cases where penalties are imposed and the recovery is not otherwise provided for.

Forging Stamps or engraving plates, using forged stamps, &c., &c., to be felony.

13. If any person forges, counterfeits or imitates or procures to be forged, counterfeited or imitated any stamp issued or authorized to be used for the purposes of this Act or by means whereof any duty hereby imposed may be paid, or any part or portion of any such stamp,—or knowingly uses, offers, sells or exposes to sale, any such forged, counterfeited or imitated stamp,—or engraves, cuts, sinks or makes any plate, die or other thing whereby to forge, counterfeit or imitate such stamp or any part or portion thereof, except by permission of the Minister of Finance or of some Officer or persons who, under an Order in Council in that behalf, may lawfully grant such permission—or has possession of any such plate, die or other thing, without such permission,—or, without such permission uses or has possession of any such plate, die or thing lawfully engraved, cut or made,—or tears off or removes from any instrument, on which a duty is payable under this Act, any stamp by which such duty has been wholly or in part paid,—or removes from any such stamp any writing or mark indicating that it has been used for or towards the payment of any such duty,—such person shall be guilty of felony and shall on conviction be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding twenty-one years; and every such offence shall be forgery within the meaning and purview of chapter ninety-four of the Consolidated Statutes of Canada, intituled : *An Act respecting Forgery*, and all the provisions of that Act shall apply to every such offence, and to principals in the second degree and accessories, as if such offence were expressly mentioned in the said Act.

Such offence to be forgery under cap. 94 of Con. Stat. of Canada.

Duties hereby imposed to be within cap. 16 of Con. Stat. of Canada.

14. The duties imposed by this Act shall be duties within the meaning and purview of chapter sixteen of the Consolidated Statutes of Canada, intituled : *An Act respecting the collection and management of the Revenue, the auditing of Public Accounts*

Accounts and the liability of Public Accountants, and the proceeds of the said duties shall form part of the Consolidated Revenue Fund of this Province.

C A P . V .

An Act for the collection by means of Stamps, of Fees of office, dues and duties payable to the Crown upon Law Proceedings and Registrations.

[Assented to 30th June, 1864.]

WHEREAS it is expedient that all Fees and Charges, payable to the Crown, for or upon any proceeding or matter in this Act mentioned shall be collected in the manner herein provided: 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 October next, Stamps shall be issued by order of the Governor in Council in such form and subject to such other directions as shall be thereby and as shall thereafter be from time to time by the like order provided, for the purposes hereinafter mentioned.

Stamps to be issued under order in Council.

2. In Upper Canada such Stamps shall be used in lieu and in payment of the law fees and charges which are due and payable to the Crown under and by virtue of the Consolidated Statutes for Upper Canada, that is to say: chapters fifteen, sixteen, nineteen and thirty-three, and section twenty-nine of chapter ten, section eleven of chapter twelve, section sixty-five of chapter thirteen, and section twenty-six of chapter thirty-five, and under or by virtue of this Act or of any other Act or Acts whatsoever either now or hereafter to be in force in Upper Canada, and under or by virtue of any order in Council or Proclamation made or issued or hereafter to be made or issued under such Acts or any one or more of them.

For what purposes they shall be used in Upper Canada.

3. The following sections four, five, six, seven and eight, shall apply to Lower Canada only.

Sections applicable to L. C., only.

4. In Lower Canada, the provisions of this Act shall apply in the following cases, that is to say:

For what purposes stamps shall be used in L. C.

1. To all fees of office payable or which may hereafter become payable to any Prothonotary, Clerk of Appeals, Clerk of the Circuit Court, Sheriff, Coroner, Clerk of the Crown, Clerk of the Peace, Clerk of any Judge of Sessions of the Peace, Crier, Assistant Crier or Tipstaff of any Court, and which under any statute now in force, or that may hereafter be passed, may form part of or be required to be paid into "The Officers

Sums payable to Officers of Justice Fee Fund.

of Justice Fee Fund" and so long as such fees continue to form part of such fund ;

Duties under 12 V.c. 112, or sect. 32 of cap. 109 of Con. Stat. L. C.

2. To every duty and tax imposed by the Act twelfth Victoria, chapter one hundred and twelve, intituled: *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*, or by the thirty-second Section of the one hundred and ninth Chapter of the Consolidated Statutes for Lower Canada, and the subsections thereof, or imposed or that may be imposed by any order in Council under the authority of the said Act, or of the said Section, upon the proceedings, matters and things in and by the said Act, or in and by the said Section declared to be liable to such duty or tax, and which under any Statute now in force or that may be hereafter passed, may form part of or be required to be paid into "The Officers of Justice Fee Fund" or "The Building and Jury Fund," and so long as such fees continue to form part of such funds or of either of them.

Not to apply to any commission.

5. But the provisions of this Act shall not apply to any commission or remuneration in the nature of a commission chargeable upon or retained out of moneys levied by execution or otherwise, even though they may form part of either of the said Funds.

No account required of fees paid by stamps.

6. It shall not be necessary that any account be rendered to the Minister of Finance, of any fees of office, taxes or duties collected by means of stamps under the provisions of this Act.

No commission on fees, &c., so paid.

7. No public officer shall be entitled to any commission or percentage upon any fees, taxes or duties collected by stamps under the provisions of this Act, other than the commission hereby awarded upon the purchase of such stamps.

Inconsistent provisions repealed.

8. Such portions of the ninety-third and one hundred and ninth chapters of the Consolidated Statutes for Lower Canada, and of the Act twelfth Victoria, Chapter one hundred and twelve, as are inconsistent with the provisions of this Act. are hereby repealed.

What shall be included by word "fees."

9. All the fees, dues, duties, taxes and charges payable under the said Acts and parts of Acts, shall be considered to be fees, dues, duties, taxes and charges payable to the Crown for the purposes of this Act, and shall throughout this Act be comprised in the word "fees" or "fee."

And by the word "Officer."

10. The word "Officer," whenever used in this Act, and when applicable to Lower Canada, shall be held to comprise all Prothonotaries, Clerks of Appeals, Clerks of the Circuit Court, Sheriffs, Coroners, Clerks of the Crown, Clerks of the Peace, Clerks of Judges of Sessions of the Peace, Criers, Assistant Criers, Tipstaffs, Clerks of Commissioners Courts, Registrars.

11. Upon, from and after the day in the first section mentioned, no money shall be paid to or shall be received by any Court or to or by any Officer entitled to receive any such fees as aforesaid, for any such fee due and payable to the Crown, under any of the said Acts.

No money to be received for such fees.

12. Upon, from and after the said day, no matter or proceeding whatever upon which any fee is due or payable to the Crown as aforesaid, shall be issued or shall be received or acted upon by any Court or by any Officer entitled to receive any such fee until a stamp or stamps under this Act for the sum corresponding in amount with the amount of the fee so due or payable to the Crown as aforesaid, for, upon or in respect of such matter or proceeding, and in lieu of such sum so due and payable to the Crown, shall have been attached to or impressed upon the same.

No proceedings on which such fees are payable to be valid until all dues are paid by stamps.

13. Every matter and proceeding whatever, upon which any such fee is due or payable to the Crown as aforesaid, and which is not so duly stamped shall, if not afterwards stamped under the provisions of this Act, be absolutely void for all purposes whatsoever.

Proceedings not duly stamped to be void.

14. In all cases of search, examining and authenticating office copies of papers made by the Attorney or Solicitor, and in all other cases when it has not been customary to use in reference to such search, examination, authentication, matter or thing, any written or printed document or paper whereon the stamp could be stamped or affixed, the party or his Attorney or Solicitor, requiring such matter or thing so to be done, shall make application for the same by a short note or memorandum in writing, and a stamp or stamps to the amount of the fee so payable, shall be stamped on or affixed to such note or memorandum.

Cases of search, &c., provided for.

15. No Sheriff or other Officer or person shall serve or execute any writ, rule, order or proceeding, or the copy of any writ, rule, order or proceeding upon which any such fee or charge is due or payable, and which is not duly stamped under this Act, and every such service and execution contrary to this Act shall be void, and no recompense shall be allowed therefor.

Nounstamped process, &c., to be served.

16. No matter or proceeding which may have been duly stamped for the purpose for which it may have been used, shall be considered as stamped for any other purpose, in case another fee or charge is due or payable thereon for any other or further use of the same matter or proceeding.

Another stamp required whenever another charge is due.

17. The court in which any such matter or proceeding is, or is pending, which ought to be, but is not so duly stamped, shall not, nor shall any Judge of such Court take or allow any matter or proceeding to be had or taken upon, or in respect of such

Court to take notice of want of stamp, though no objection is made.

such matter or proceeding, although no exception be raised thereto by any of the parties, until such matter or proceeding has been first duly stamped.

Court may allow stamps to be affixed on certain terms.

18. Any party to any matter or proceeding in any Court which ought to be, but is not so duly stamped, may apply to the Court in which such matter or proceeding is pending, or to any Judge having jurisdiction in the case for leave to have the same duly stamped, and in case this Act has not been knowingly and wilfully violated, the application shall on payment of costs be granted for the duly stamping of such matter or proceeding with stamps of such amount beyond the fee due thereon as may be thought reasonable, not exceeding ten times the amount of the stamp.

Retroactive effect of order.

19. The affixing of such stamp or stamps, under any order made for that purpose, shall have the same effect as if the said matter or proceeding had been duly stamped in the first instance.

Stamps used to be obliterated, so as not to be used again.

20. In every case in which a stamp or stamps has or have, under this Act, been attached to or impressed upon any matter or proceeding, it shall be the duty of the officer who may issue or who may receive such matter or proceeding, forthwith upon the issue or upon the receipt thereof, to cancel the same by writing or stamping or impressing in ink on such stamp his name and the date thereof, so as effectually to obliterate and cancel the stamp, and so as not to admit of its being used again.

Fees or dues to the Crown increased in certain cases.

21. All fees now payable or hereafter at any time to become payable shall, after the passing of this Act, or after they shall become payable, be at the following rates: all such fees up to ten cents shall be made and paid at ten cents; all from ten cents to twenty cents, at twenty cents; all from twenty cents to thirty cents, at thirty cents; and so in like manner all other fees which are not multiples of ten cents, shall be stated and payable at the multiple of ten cents next above the sum at which they are so stated; excepting the charge now made of one penny per folio in the Court of Chancery, in Upper Canada, for examining and authenticating office copies of papers, and in such cases the charge under this Act shall be for examining and authenticating office copies of papers when the same do not exceed three folios five cents and for every three folios above the first three folios an additional five cents—and for any number of folios less than three, above any number of folios divisible by three, the charge for such broken number shall be five cents.

Special provision as to charge by folios.

Finance Minister to procure stamps, &c.

22. The Finance Minister shall procure the necessary stamps required under this Act, which he shall deliver to the Receiver General from time to time as they may be required, and he shall keep an account of the numbers, denomination and amount thereof,

thereof, and of the dates at which they are so procured and delivered.

23. The Receiver General upon payment to him of the proper amount, shall deliver such of the said stamps as may be from time to time required and he shall keep an account of the number, denomination and amount thereof, according as he shall receive and deliver them.

Receiver General to sell the same.

24. The Receiver General shall, subject to the provisions hereinafter contained, allow to any person who takes at any one time stamps to the amount of five dollars or upwards discount at the rate of five per centum :

Allowance to be made to purchasers :

25. The Governor by order in Council may, however, if he deems it expedient to do so, make arrangements with any particular person or persons, for the sole sale of stamps to him or them in any locality, and for such time as may be thought expedient, at any rate of discount not exceeding however the rate above stated, and in such case, the Receiver General shall not issue any stamps to any other person or persons in the locality specified in such order in Council.

Governor may make any person sole vendor of stamps in any locality.

26. In case an arrangement is so made with any person or persons for the issue of stamps, as under the next preceding section mentioned, each such person shall be bound at all times to keep on hand such a supply of the different kinds of stamps during the time for which the arrangement lasts as may be reasonably expected to be required of him ; and he shall be bound to sell the same to all persons who may demand the same upon payment to him of the amount or value of such stamps ; and in case of any violation of any duty imposed by this section, he shall forfeit as a penalty to Her Majesty a sum not exceeding twenty dollars, and shall further be liable for the damages sustained by any party through such violation of duty.

Obligations of such persons.

Penalty for contravention.

27. The Governor in Council may, from time to time, make such regulations as may be thought expedient, for an allowance for such stamps issued under this Act as may have been spoiled or rendered useless or unfit for the purpose intended, or for which the owner may have no immediate use, or which through mistake or inadvertence may have been improperly or unnecessarily used ; and such allowance shall be made either by giving other stamps in lieu of the stamps so allowed for, or by repaying the amount or value to the owner or holder thereof, after deducting the discount (if any) allowed on the sale of stamps of the like amount.

Allowance for stamps spoiled or returned.

28. In case it may be necessary to distinguish the stamps which are issued for any special fund or purpose from those which are applicable to the Consolidated Revenue of the Province, the Governor may, by Order in Council, direct such distinction to be made and observed in such manner, and from

As to stamps issued for any special fund, or purpose.

and

and by such means or differences in the lettering or numbering, or in the colour or form or otherwise of the stamp, as he may find or consider it to be necessary or expedient.

Penalty for issuing, &c., any writ or proceeding without having it duly stamped.

29. Every person who shall knowingly issue, or shall knowingly receive, procure or deliver, or who shall knowingly serve or execute any writ, rule, order, matter or proceeding upon which any fee is due or payable to the Crown as aforesaid, without the same being first duly stamped under this Act, for the fee payable thereon, shall be subject for the first offence, to a fine not exceeding ten dollars, for the second offence, to a fine not exceeding fifty dollars and for the third and every subsequent offence, to a fine of two hundred dollars; and in default of payment of such fines to an imprisonment not exceeding one month for the first offence, three months for the second offence and one year for the third and any subsequent offence.

For not properly obliterating stamps.

30. Every person who shall fail or omit to obliterate and cancel any stamp in the manner and at the time hereinbefore provided, shall be subject to a fine not exceeding twenty dollars, and in default of payment thereof, to imprisonment for a period not exceeding two months.

Application of fines.

31. All fines imposed by this Act shall be paid to the Receiver General, for the general uses of the Province, and shall be recovered before any court having competent jurisdiction to the amount, at the instance of Her Majesty's Attorney General or Solicitor General; and the production of any such writ, rule, order, matter or proceeding unstamped, or stamped for too low and insufficient a sum, or the stamp of which is not properly and sufficiently obliterated and cancelled, or the proof of any such writ, rule, order, matter or proceeding having been unstamped or not sufficiently stamped at the time when it was so issued or received, or served or executed as aforesaid, or of the stamp not having been properly and sufficiently obliterated and cancelled, shall be sufficient *prima facie* evidence of such writ, rule, order, matter or proceeding having been knowingly or wilfully so issued or received, or served or executed without being or having been first stamped, or without the stamp having been properly and sufficiently obliterated and cancelled.

Proof in suits for fines.

Imitating stamps to be forgery: using stamps over again to be a misdemeanor.

32. The copying or imitating of any stamp, issued under this Act, shall be forgery, and shall be punishable as such; and the using again or re-issuing of any stamp which has before been used, or which has been obliterated and cancelled as for a new and valid stamp, shall be a misdemeanor, punishable by fine not exceeding fifty dollars, or by imprisonment not exceeding two months, or by both at the discretion of the Court.

Act not to apply to

33. This Act shall not apply to any Court or Officer established or appointed under chapter one hundred and twenty-eight,

eight, of the Consolidated Statutes for Upper Canada, nor to any certain Courts matters or proceedings had, taken, or recorded before this Act and Officers. takes effect.

C A P . V I .

An Act to amend the law respecting the Public Accounts, and the Board of Audit.

[Assented to 30th June, 1864.]

IN amendment of chapter sixteen of the Consolidated Preamble. Statutes of Canada, *An Act respecting the Collection and* Con. Stat. *Management of the Revenue, the Auditing of Public Accounts* Can. Cap. 16. *and the liability of Public Accountants* : Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The Deputy Receiver General, the Deputy Postmaster General, the Assistant Commissioner of Crown Lands, and the Deputy Commissioner of Public Works, for the time being, shall respectively be *ex officio* Members of the Board of Audit ; and the Auditor shall be the Chairman of the said Board, anything in the said Act to the contrary notwithstanding. Certain officers to be members of the Board of Audit. Chairman.

2. The Deputy Postmaster General, the Assistant Commissioner of Crown Lands, and the Deputy Commissioner of Public Works, shall respectively audit the details of the accounts of their several departments in the first instance, and be responsible for the correctness of such Audit. Certain officers to audit the accounts of their departments.

3. The Deputy Receiver General shall keep the account of the Province with the Provincial Agents in England, and with the Bank or Banks receiving or paying public moneys in the Province, and shall audit the accounts of moneys paid for interest on Provincial Stock, Debentures or other Provincial Securities. Deputy Receiver General to keep certain accounts, &c.

4. The Commissioner of Customs shall, in addition to the duties of audit assigned to him by the said Act, audit the accounts of the expenses of collection and contingencies of the Officers of Customs and Excise. Commr. of Customs to audit expenses of Collection, &c.

5. The audit of all other Public Accounts shall belong to the Deputy Inspector General and the Auditor. Other accounts.

6. Notwithstanding anything in the said Act, the duties assigned by it or by this Act to the Auditor and the Deputy Inspector General, may be divided and distributed between the said two Officers in such manner as the Governor in Council may, from time to time, see fit to direct, and such of Division of work of Auditor and Deputy Inspector General.

the

the said duties as shall be assigned to either of them by any Order in Council then in force, shall be performed by him as if expressly assigned to him by this Act.

Final audit by Auditor.

7. All accounts of the expenditure of Public Money, whether previously audited by other Members of the Board of Audit or not, shall be submitted to the Auditor for final audit or review.

Auditor to prevent unauthorized expenditure, &c.

8. It shall be the duty of the Auditor to see that no Warrant issues for the payment of Public Money without the direct authority of Parliament; and also to report to the Governor in Council through the Minister of Finance, any case in which any sub-accountant has expended money out of the proceeds of any Accountable Warrant, for any purpose for which there is no legislative authority, or beyond the amount for which there is such authority; provided always that in the event of any unforeseen accident happening to any public work or building which requires any immediate outlay for the repair thereof, if there shall be no amount appropriated by Parliament which is available for such repair, it shall be lawful for the Governor in Council, upon the Report of the Commissioner of Public Works to that effect, to order such expenditure to be made and to be thereafter submitted to Parliament, and such Order in Council shall be authority sufficient to the Auditor to permit the issue of a warrant or warrants to the amount so ordered to be expended; but it shall be the duty of the Auditor to cause copies of all such Orders in Council, and of all such warrants issued upon the authority thereof, to be laid before Parliament on the first day of the then next Session.

Proviso: as to unforeseen expenses in case of accident to public works.

Board of audit to frame regulations for improving the system of accounting, &c., in the several departments.

9. It shall be the duty of the Board of Audit to frame Regulations respecting the method of Book-keeping to be used in the several departments to which the Members of the Board are respectively attached and by their sub-accountants, the issuing of warrants, the accounting for public moneys, and the auditing of accounts thereof, and to submit such Regulations to the Governor in Council through the Minister of Finance, and from time to time to suggest any amendments they may deem advisable in such Regulations, and to submit them in like manner; and any Order in Council made on any of the subjects aforesaid, shall have the force of law until revoked or amended, as it may be, by any subsequent Order.

To prepare the public accounts.

10. It shall be the duty of the Board of Audit to prepare and submit to the Minister of Finance the Public Accounts to be annually laid before Parliament.

Financial year altered.

11. The said Public Accounts shall include the period from the thirtieth of June in one year to the thirtieth of June in the next year, which period shall constitute the Financial Year; all Estimates submitted to Parliament shall be for the Financial year; Provided always, that the Estimates submitted during the

Estimates in

the present Session shall be for the six months ending on the thirtieth of June, one thousand eight hundred and sixty-four and for the financial year then next ensuing.

12. The Governor in Council may alter the period at or to which any Accountant for public moneys, Public Officer, Corporation or Institution, is required to render any account or to make any return, whenever in his opinion such alteration will facilitate the correct preparation of the Public Accounts or Estimates for the financial year, anything in any Act to the contrary notwithstanding.

Governor in Council may alter time of rendering accounts, &c.

13. So much of the Act cited in the Preamble or in any other Act as may be inconsistent with this Act, is hereby repealed; but every enactment in any such Act not inconsistent with this Act, shall remain in force, and shall apply to the Board of Audit as hereby constituted, and to the period appointed by any Order in Council under this Act, for rendering any account or making any return.

Repeal of inconsistent enactments, &c.

C A P . V I I .

An Act to authorize the acceptance of certain Incorporated Companies as Sureties for Public Officers.

[Assented to 30th June, 1864.]

WHEREAS it has been represented that certain Incorporated and Joint Stock Companies, of which the European Assurance Society, hereinafter mentioned, is one, are empowered to become the sureties of Public Officers, in certain cases; and whereas the collection or enforcing of bonds forfeited to the Crown, from private parties, is often difficult, and sometimes impossible: 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 may, by Order in Council, direct that whenever any Public Officer is required to give security for the due fulfilment of his duty, or of any obligation undertaken towards the Crown, the Bond or Policy of Guarantee of the European Assurance Society, mentioned in the Imperial Act, twenty-second Victoria, chapter twenty-five, or of any Incorporated or Joint Stock Company incorporated and empowered for like purposes, named by such Order in Council, may be accepted as such security, upon such terms as shall be determined by the Governor in Council.

Governor in Council may authorize security of certain Companies to be accepted for public officers.

2. Notwithstanding anything in any Act of the Parliament of this Province passed with respect to Savings Banks, Benevolent Societies, Building Societies, or to any incorporated Bank, Municipal or other Corporation, the Bonds or Policies of

Savings Banks, Benevolent Societies, Municipal Corporations, &c.

tions, &c., may accept security of the same Companies for their Officers.

Provisions respecting such security to apply.

Existing Bonds may be cancelled.

of Guarantee of the said European Assurance Society, or of any Incorporated or Joint Stock Company formed and empowered for like purposes, may be accepted instead of, or in addition to, the Bond or Security of any officer or servant of such Institution or Corporation, in all cases where, by the provisions of such Act, or of any by-law or rule of such Institution or Corporation, such officer or servant is required to give security, either by himself, or by himself and a surety or sureties, and where the parties directed or authorized to take such security, see fit to accept the Bond or Policy of the said European Assurance Society, or other like Company, as aforesaid, and approve the terms and conditions thereof; and all the provisions in any such Act relating to such security to be given by any such officer or servant, or his sureties, shall apply to the Bonds and Policies of Guarantee of the said European Assurance Society, or other such like Company, as aforesaid, which may be taken instead of, or in substitution of, any existing securities, if the parties directed or authorized as aforesaid, see fit, whereupon such existing securities shall be delivered up to be cancelled.

C A P . V I I I .

An Act to revive and continue for a limited time the provision for the Geological Survey of this Province.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the period limited in the first Section of the Act hereinafter cited, as that during which the sum of money therein mentioned should be annually applied to defray the expenses of the Geological Survey directed by the said Act, hath expired, and it is expedient to revive and continue the said appropriation and the said Survey: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Appropriation made by section 1 of cap. 27 Con. Stat. Canada, revived and continued for five years.

1. For and notwithstanding any thing to the contrary in the first Section of the Act chapter twenty-seven of the Consolidated Statutes of Canada, intituled: *An Act respecting the Geological Survey of the Province*, the annual appropriation made by the said Section for the purposes of the said Act, shall be and is hereby revived, and shall continue during five years from the first day of January now last past, and thence until the end of the then next Session of the Provincial Parliament, and all the provisions of the said Act shall apply to the said appropriation as hereby continued; the said Act, with the exception of the provision limiting the duration of the said appropriation, having been and being hereby declared to be permanent.

2. The Governor in Council may attach the said Geological Survey to any Department of the Civil Service, which he may think most expedient, as a Branch of such Department, of which the Director of the said Survey, and his Assistants shall thereupon become Officers while employed on the said Survey; but such Assistants shall continue to be nominated by the said Director subject to the approval of the Governor.

Governor in Council may attach the Survey to a Department of the Civil Service.
Proviso.

C A P . I X .

An Act respecting Gold Mines.

[Assented to 30th June, 1864.]

WHEREAS Gold has been discovered in this Province; and whereas it is expedient that provision should be made respecting the development and production thereof, and for the working of mines of 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. In the construction and for the purposes of this Act, and of all Orders in Council or Regulations under it, if not inconsistent with the context or subject matter, the following terms shall have the respective meanings hereby assigned to them, that is to say:

Interpretation of terms used in this Act.

First. The verb "mine" and the participle "mining" shall be held to mean and include any mode or method of working whatsoever whereby the soil or earth, or any rock or stone may be disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed or otherwise dealt with for the purpose of obtaining gold, whether the same may have been previously disturbed or not;

"Mine" and "mining."

Secondly. The word "Gold" shall be held to mean and include as well any gold as any earth, clay, quartz, stone, mineral or other substance containing gold or having gold mixed therein, or set apart for the purpose of extracting gold therefrom;

"Gold."

Thirdly. The words "Quartz mines," shall be held to mean and include all auriferous rocks containing gold;

"Quartz mines."

Fourthly. The words "Alluvial mines," shall be held to mean and include all soils or strata containing gold; and the word "mines," shall include both quartz mines and alluvial mines and all other gold mines whatsoever, and all places where the work of "mining," as above defined, may be carried on;

"Alluvial mines."

Fifthly. The word "proprietor," shall be held to mean and include the person or persons for the time being entitled to the rents,

"Proprietor."

rents, issues and profits of the land, or the person who is the owner of the mining rights and gold found on the land on which any "mining" may be going on ;

"Gold mining division." *Sixthly.* The words "Gold Mining Division," shall be held to mean and include any tract of country declared to be a "Gold Mining Division," under this Act ;

"Crown Lands." *Seventhly.* The words "Crown Lands," shall be held to mean and include all Crown Lands, Ordnance Lands (transferred to the Province), School Lands, Clergy Lands, or lands of the Jesuits' Estates, Crown Domain or Seignior of Lauzon, which have not been alienated by the Crown ;

"Private Lands." *Eighthly.* The words "Private Lands," shall be held to include all lands which have been alienated by the Crown ;

"Claim." *Ninthly.* The word "claim," shall be held to mean a parcel of land taken possession of under this Act for mining purposes ;

"Party wall." *Tenthly.* The words "party-wall" shall be held to mean a bank of earth or rock left between two excavations ;

"Mill license." *Eleventhly.* The words "Mill License," shall be held to mean a license to use machinery for the purpose of extracting gold from rock ;

"Licensed mills," "Licensed mill owner." *Twelfthly.* The words "Licensed Mills," shall be held to mean mills and machines so licensed, and the words "Licensed Mill Owner," the person to whom any such license has been granted ;

Licensee. *Thirteenthly.* The word "Licensee," shall be held to mean a person holding a license ;

Measures. *Fourteenthly.* All measurements and distances under this act shall be made and taken to be according to English measurement.

Gold mining divisions how to be declared. **2.** The Governor in Council, may from time to time, by Order in Council, declare such tract of country as may be described in and by such Order in Council a "Gold Mining Division ;" and by any other subsequent Order or Orders in Council from time to time, may extend, add to or diminish the limits of such division, or may otherwise amend, or may cancel, such Order in Council ; and from and after the publication in the *Canada Gazette* of any such Order in Council, the Gold Mining Division therein mentioned and described, and the gold mines, quartz mines and alluvial mines, situate in such Division, shall be subject to the provisions of this Act, and to any regulations to be made under this Act.

Effect of such declaration.

3. The Governor may appoint such Officer or Officers as he shall deem necessary for the purposes of this Act, who shall respectively be under the direction of the Commissioner of Crown Lands, and by Order in Council may prescribe their duties and fix their titles and salaries; and they shall be *ex officio* Justices of the Peace of the District or Districts which a Gold Mining Division may comprehend or include, in whole or in part, or in which, or in any portion of which, a Gold Mining Division may lie; and it shall not be necessary that any such Officer shall possess any property qualification whatever in order to enable him lawfully to act as such Justice of the Peace; and every such Officer shall have jurisdiction as a Justice of the Peace over all the territory comprised within the Division for which he may be appointed, with power to settle summarily all disputes as to extent or boundary of claims, use of water, access thereto, damage by licensees to others, forfeiture of licenses, and generally to settle all difficulties, matters or questions, which may arise under this Act, or offences against any of the provisions of this Act, or the regulations to be made under it; and the decision of any such Officer, in all cases under this Act, shall be final, except when otherwise provided by this Act or when another tribunal is appointed under the authority of this Act; and no case under this Act shall be removed into any Court by Writ of *Certiorari*.

Appointment and powers of officers of mining divisions.

Decision final.

No *Certiorari*.

4. From and after the publication of any such Order in Council as aforesaid in the *Canada Gazette*, it shall not be lawful for any person to mine for Gold either for himself or any other person within the Division therein defined, and thereby constituted a Gold Mining Division, except under a "*Crown Lands Gold License*," or a "*Private Lands Gold License*," as provided by this Act.

No person to mine in any such division without a license.

5. Any person found mining within any Gold Mining Division, without a license as aforesaid or upon private lands against the will of the proprietor thereof or without such license, shall, upon conviction before the Officer for the Division, forfeit and pay a sum not exceeding five dollars and costs; and in default of payment of such fine and costs he may be imprisoned for any period not exceeding one month; Provided always, that no license fee shall be exacted for exploring for gold until the precious metal be discovered.

Penalty for mining therein without a license.

Proviso.

6. Every licensee will be held and required to produce and exhibit his license to the Officer for the Division, and to prove, to the satisfaction of the Officer, that such License is in force whenever required to do so by him; and the Officer for any Gold Mining Division shall have the right to enter upon private lands, within such Division, for the purposes of this Act.

License to be exhibited to officer, on demand.

Officer may enter on private lands.

7. For the purposes of this Act there shall be two descriptions of license, neither of which shall be transferable; one to be

Licenses to be of two descriptions.

Owners may take licenses for miners.

be called the "*Crown Lands Gold License*" and the other the "*Private Lands Gold License*;" each of such licenses shall contain the name of the licensee; but it shall be lawful for any proprietor of a lot of land to take out a license for each miner working upon his land, in the name of such miner, which license shall be good for the period therein mentioned, for the purpose of authorizing such miner to mine as aforesaid.

Crown Lands Gold License.

8. A "*Crown Lands Gold License*" shall authorize the person therein named to mine, during one month or more from the date therein named on any unsold Crown Lands within the Gold Mining Division mentioned in such license; and for every such license a fee of two dollars per month shall be paid.

Fee.

Private Lands Gold License.

9. A "*Private Lands Gold License*" shall authorize the person therein named to mine during one month or more from the date therein named on private lands, within the Gold Mining Division mentioned in such license, but only by and with the consent of the proprietor of such lands, by such licensee first had and obtained, and to the limit or extent agreed upon between such licensee and proprietor; and for every such license a fee of one dollar per month shall be paid.

Fee.

Rights of Crown Lands Gold Licensees.

10. Each Crown Lands Gold Licensee shall have the right to stake out one claim on unoccupied Crown Lands within the Division (by planting a wooden picket at each of the four corners thereof,) and to work the same.

Dimensions of claims.

11. Each claim shall be of one of the following dimensions, viz :

FOR ALLUVIAL MINES.

If on any river or large creek, twenty feet front by fifty feet to the rear, to be measured from the water's edge.

If on a small creek or minor stream, forty feet front by fifty feet to the rear, to be measured from the centre of the stream.

If in a gully, sixty feet along said gully and to extend from hill to hill.

If on a surface or hill side digging, sixty feet square. Except where a Company intend to hill-tunnel, then, upon application, the Officer for the Division may grant such larger claim as he may think fit.

As to beds of rivers.

And for working a bed of river the Officer shall determine as circumstances may require the size and position of claims; and all side lines shall be drawn as nearly as possible at right angles to the general course of the stream, for half a mile on each side of the claim where such side lines touch the stream.

FOR QUARTZ MINES.

For any one person one hundred feet along a lead, by one hundred feet on each side thereof, measuring from the centre of the lead.

Companies of two or more persons may stake out and work additional feet along a lead by the above width in the proportion of twenty-five additional feet in length for every additional miner, not to exceed five hundred feet in length altogether, and work the claim jointly.

12. The Officer for the Division shall decide as to each claim under which of the heads in the next preceding section it shall be classed; and his decision shall be final. Claims to be classed by Officer.

13. Claims shall be laid out as far as possible uniformly and in quadrilateral and rectangular shapes; measurements of all claims shall be horizontal; and the ground included in every claim shall be deemed to be bounded under the surface by lines vertical to the horizon. Rules as to laying out claims.

14. Licensees having so staked out their claims on Crown Lands shall not have the right to a continued occupation of such claims unless they work the same continuously, and without intermission for a longer period than one week, nor unless they comply with the requirements of this Act, and the regulations to be made under it, and regularly renew their Licenses. Licensees to work claims continuously.

15. No person shall occupy at the same time more than one claim on Crown Lands, except in the cases hereinafter provided for of registration of claims rendered temporarily unworkable. No person to occupy more than one claim at one time: exception.

16. The discoverer of any new mine shall be entitled to a license free of fees for twelve months, for one claim of the largest area prescribed by this Act or by any regulation which may be issued under it and in force when such discovery may be made; Provided that such discovery shall have been immediately reported in writing to the officer of the Division; and any one not immediately reporting such a discovery shall not be allowed to mine on any Crown Lands for one year. Right of discoverer of a new mine.
 Provide: he must report it.

17. No person shall be considered the discoverer of a new quartz mine, unless the place of the alleged discovery shall be distant, if on a known lead, at least three miles from the nearest known mine on the same lead, and if not on a known lead at least one mile at right angles from the course of the lead; if in alluvial workings, at least two miles distant from any previously discovered mine. What shall be deemed a discovery.

18. A party wall of at least three feet thick shall be left between each holding on Crown Lands, which said party wall shall Party walls to be left shall

between claims, and kept clear.
Penalty for contravention.

shall be used in common by all parties as a mode of access to the stream, where one exists ; and such party wall shall not be obstructed by any person or persons throwing soil, stones or other material thereon ; and every person or persons so obstructing such party wall, shall, upon conviction before the Officer for the Division, be liable to a fine of not more than five dollars, and costs ; and in default of payment of such fine and costs he may be imprisoned for any period not more than one month.

Party removing party wall to construct a new mode of access to water.
In case of removal of wall.

19. If at any time it shall be found necessary or expedient to remove a party wall as aforesaid, the party so removing it shall, if required so to do, construct a new mode of access to the water in no wise more difficult as an approach than the one destroyed by the removal of the party wall, under a like penalty as provided in the next preceding section ; and in case of a removal of a party wall the gold found therein shall belong to the owners of the adjoining claims, each of whom shall own the half next to his claim.

Crown Lands Licensees not to damage other claims.

20. No person mining upon any Crown Lands shall cause any damage or injury to the holder of any other claim than his own, by throwing earth, clay, stones or other material upon such other claim, or by causing or allowing any water which may be pumped or bailed or may flow from his own claim to flow into or upon such other claim, under a penalty of not more than five dollars, and costs ; and in default of payment of such fine and costs, he may be imprisoned for any period not more than one month.

Penalty.

General use of waters.

21. Claims on Crown Lands fronting on streams shall be subject to the general use of the waters of such streams, in a manner to be regulated by the Officer for the Division.

Provision for registration of claim rendered unworkable for a time.

22. Any person occupying a claim on Crown lands which in consequence of excess of water or other unavoidable reasons cannot then be worked, may, upon payment of one dollar, register his right to such claim in the Office of the Officer for the Division, in a book to be kept for that purpose, and may then proceed to work elsewhere ; but in case such person do not return and occupy the claim so registered within one week after the surrounding claim or claims have been shewn to be workable, he shall forfeit all right and title to said claim ; provided that every person so registering a claim shall be held to plant a wooden picket, in the centre thereof or as near the centre thereof as possible, upon which shall be cut or painted, in legible figures, the registration number of said claim.

Proviso: claim to be marked.

Penalty for removing picket.

23. Any person found removing or disturbing with intent to remove, any stake or picket placed under the provisions of this Act shall forfeit and pay a sum not exceeding ten dollars and costs, and in default of payment of such fine and costs, may be imprisoned for any period not exceeding one month.

24. Every person holding a gold mining license shall upon renewing the same and to entitle himself to a renewal, make a full and true statement, upon the expiring license or otherwise, to the proper Officer, upon oath, of the labor performed and gold obtained by him during the term of such license.

All Licensees to make certain statements monthly.

25. From and after the passing of this Act it shall not be lawful for any person or persons to use or employ any mill or machinery (other than mills or machinery worked by hand) within or near any Gold Mining Division for the crushing or reduction of quartz, or the obtaining of the gold therefrom by crushing, stamping, amalgamating, or otherwise, without a license therefor first had and obtained from the Officer of the Division, which shall be good for one month or more, and for which he shall pay a fee of five dollars per month; and every person convicted of any contravention of any one of the provisions of this section shall, for every day on which such contravention shall have occurred or been continued, forfeit and pay a sum not exceeding one hundred dollars, and costs; and in default of payment of such fine and costs he may be imprisoned for any period not more than two months.

No mill or machinery for crushing quartz to be used in any Gold Mining Division without a License.

Fee.
Penalty for contravention.

26. Every licensed mill owner shall keep a book or books of account, in which book or books shall be entered a clear and distinct statement of all quartz crushed, amalgamated or reduced at the mill of such licensed mill owner, and the following particulars in respect of the same:

Books to be kept by Licensed mill owners and certain statements and particulars to be entered therein.

First.—The name of the owner or owners of each distinct parcel or lot of quartz crushed;

Second.—The weight of each such parcel or lot;

Third. The date of the crushing of the same;

Fourth.—The actual yield in weight of gold from each such parcel or lot;

Fifth.—The number or numbers of the license or licenses of the licensee or licensees by whom said claim was worked.

And every such Mill owner shall furnish monthly, to the Officer for the Division, a return on oath, compiled from such book or books and containing statements and particulars as aforesaid, for each and every day during the month then last past, together with such other information as such Officer or the Governor in Council may require; and for every day on which any such Licensed Mill Owner omits to enter any such statement, or any particular or particulars as aforesaid, or delays to furnish such return when due, he shall forfeit and pay a sum of not more than twenty dollars, and costs; and in default of payment of such fine and costs he may be imprisoned for any period not more than one month.

Mill owner to make a return monthly shewing certain particulars.

Penalty for default.

Act to extend to parties mining near Gold Mining Divisions.

27. Nothing in this Act shall be held or construed to mean that parties searching for, digging or removing Gold from lands adjoining any Gold Mining Division, shall not be subject to the provisions of this Act, as if their operations were carried on within such Gold Mining Division.

Sale of liquor near gold mines without special License prohibited.

Fee for license.

Penalty for selling without license.

28. No person shall sell or barter any wine, beer or other spirituous liquor within one mile of any place where Gold Mining is being prosecuted without a monthly Tavern License from the Officer for the Division, paying for the same a fee of five dollars; and such Tavern shall be under the supervision of such Officer, who may rescind such license, should the Tavern not be conducted in an orderly and proper manner; and any person who shall so sell or barter any wine, beer or other spirituous liquor as aforesaid, without first obtaining such a license shall, upon conviction before the Officer for the Division or a Justice of the Peace, forfeit and pay for every such offence, a fine of not more than one hundred dollars, and costs; and in default of payment of such fine and costs, he may be imprisoned for any period not more than two months, and he shall, moreover, forfeit all wine, beer and other spirituous liquor found in his possession in such Tavern.

Special License to be obtained only upon production of Tavern License.

29. No person shall receive a Tavern License under this Act without producing to the Officer for the Division, a Tavern License in his favor issued by the Collector of Inland Revenue for the Revenue Division in which the hotel, tavern, house, vessel or place to which the license he seeks for under this Act is to apply, shall be situate, and then in force and to be in force for and during the month for which he seeks for a license under this Act.

Appointment of Constables in Gold Mining Divisions.

30. Each Officer appointed in and for a Gold Mining Division under this Act, may appoint any number of Constables not exceeding four; and the persons so from time to time appointed shall be and they are hereby constituted respectively Constables and Peace Officers for the purposes of this Act, for and during the terms and within the Gold Mining Divisions for which they may be appointed respectively.

Appointment of Policemen in Gold Mining Divisions.

Powers and duties of such police.

31. The Governor may, from time to time, appoint any policemen or police force in and for any Gold Mining Division or Gold Mining Divisions, in number not exceeding one hundred in the whole; and may make regulations for the management, discipline and pay of such force;—and the policemen or members of the police force so appointed, shall have all the powers, authorities and immunities of Constables and Peace Officers, and such additional powers and authorities as the Governor in Council may confer on them; and they may be employed in such duties as the Governor in Council may, from time to time determine.

32. The Governor in Council may, as often as occasion requires, declare by Proclamation that he deems it necessary that the Act "respecting Riots near Public Works," being chapter twenty-nine of the Consolidated Statutes of Canada, should, so far as the provisions therein are applicable, be in force within a Gold Mining Division or Gold Mining Divisions; and upon, from and after the day to be named in any such Proclamation, the said Act shall, so far as the provisions thereof can be applied therein, take effect within the Gold Mining Division or Gold Mining Divisions designated in such Proclamation, and the provisions of the said Act shall apply to all persons employed in any mine, or in mining, within the limits of such Gold Mining Division or Gold Mining Divisions, as fully and effectually to all intents and purposes as if persons so employed had been specially mentioned and referred to in the said Act :

Act respecting riots near public works may be brought into force in Gold Mining Divisions.

2. And the Governor in Council may, in like manner, from time to time, declare the said Act to be no longer in force in such Gold Mining Division or Gold Mining Divisions; but this shall not prevent the Governor in Council from again declaring the same to be in force in any such Gold Mining Division or Gold Mining Divisions ;

And declare it not in force, &c.

3. But no such Proclamation shall have effect within the limits of any City ;

Cities excepted.

4. For the purposes of this and the two last preceding sections each separate extent of ground, area or territory mentioned in any Letters Patent under the Great Seal of this Province whereby Her Majesty's Royal permission and authority to make researches for and dig and work gold, or gold mines has been given and granted to any person or persons may be held and deemed to be a Gold Mining Division or for such purposes may be included in any existing Gold Mining Division.

Certain tracts mentioned in Letters Patent to be subject to the said provision.

33. Every person who has, at any time before the passing of this Act, by himself or herself, or by any other person or persons, made researches for and dug and worked gold, gold ore or gold mines, in any part of this Province under or by virtue of any such Letters Patent as aforesaid, shall, within two months from and after the passing of this Act, furnish to the Commissioner of Crown Lands a full, true and detailed account, verified on oath, shewing the gross quantity of gold extracted or collected, or caused to be extracted or collected within the extent of ground, area or territory described in such Letters Patent in each and every year since the date of the said Letters Patent, and shall within six months pay to such officer the proportion of such gross quantity of gold due by such person to Her Majesty according to the terms and conditions of such Letters Patent, or the equivalent thereof in money at the then market rate of gold in this Province, as the said

Persons who have mined for gold under such Letters Patent to furnish accounts and pay over amounts due to the Crown.

Commissioner

Penalty for default to render such account, &c.

Commissioner shall then and there elect; and for every day during which any such person shall neglect or delay, after the expiration of either of the said terms, to furnish such account and pay such proportion or its equivalent as aforesaid, he or she shall incur a fine of five dollars; and nothing herein contained shall interfere with existing rights or remedies of the Crown; and nothing in this act contained shall be construed into an acknowledgment that any such Letters Patent were legally issued, or that they have not been forfeited.

Persons mining in future under such Letters Patent to furnish such accounts and pay over such amounts monthly.

34. Every person who shall, at any time after the passing of this Act, by himself or herself, or by any other person or persons, make researches for and dig and work gold, gold ore or gold mines in any part of this Province under or by virtue of any such Letters Patent as aforesaid, shall, on the last day of each month in which he or she has by himself or herself or by any other person or persons as aforesaid made researches for, dug or worked gold, gold ore or gold mines within the extent of ground, area or territory described in such Letters Patent, furnish to the Commissioner of Crown Lands a full, true and detailed account, verified on oath, shewing the gross quantity of gold extracted or collected or caused to be extracted or collected by such person within such extent of ground, area or territory during such month, and shall at the same time pay the proportion of such gross quantity of gold due by such person to Her Majesty according to the terms and conditions of such Letters Patent, or the equivalent thereof in money at the then market rate of gold in this Province, as the said Commissioner shall then and there elect; and for every day on or during which any such person shall neglect or delay to comply with the requirements of this section he or she shall incur a fine of twenty dollars; and nothing herein contained shall in any wise interfere with the existing rights or remedies of the Crown for the non-performance of any of the conditions or stipulations contained in any such Letters Patent.

Penalty for default.

Existing rights of crown not affected.

Governor in Council may make regulations for certain purposes, which shall have force of law.

35. The Governor in Council may from time to time make all and every such regulation and regulations as he may deem necessary or expedient, for diminishing or increasing the size or altering the form of claims, for prescribing the conditions and terms of licenses, and for fixing, diminishing or increasing the license fees chargeable under this Act, for the appointment of Arbitrators or Mining Boards to hear and determine appeals from the decisions of Gold Mining Officers, and for the prescribing, defining and establishing the powers, duties and mode of procedure of such Arbitrators or Mining Boards; for the construction and maintenance of roads through the Gold Mining Divisions, and generally for the purpose of carrying out this Act; and such regulations, after publication in the *Canada Gazette*, shall have the force and effect of law.

36. Every person contravening this Act, or any rule or regulation made under it, in any case where no other penalty or punishment is imposed, shall for every day on which such contravention occurs or continues or is repeated, incur a fine of not more than twenty dollars and costs; and in default of payment of such fine and costs he may be imprisoned for a term of not more than one month.

Penalty for contravening this Act, when no other is provided.

37. Any Gold Mining Division Officer may convict upon view of any of the offences punishable under the provisions of this Act, or regulations made under it.

Officer may convict on view.

38. The contravention on any day of any of the provisions of this Act, or of any regulation made under it, shall constitute a separate offence and may be punished accordingly.

Separate offence on each day.

39. All fees, penalties and fines received under this Act and the costs of all such convictions as shall take place before any magistrate appointed under this Act, shall form part of the Consolidated Revenue Fund of this Province and be accounted for and otherwise dealt with accordingly; and the expenses of carrying this Act into effect in any Gold Mining Division or Gold Mining Divisions, shall be paid by the Governor out of the said Consolidated Revenue Fund.

Application of fees, fines and penalties.

40. This Act may be known and cited as "The Gold Short Title Mining Act."

C A P . X .

An Act to amend the Acts "respecting the Militia," and the "Volunteer Militia Force."

[Assented to 30th June, 1864.]

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

Preamble.

1. The following paragraph is hereby added to and shall form and be read as part of the fifth section of the Act passed in the twenty-seventh year of Her Majesty's Reign, intitled: *An Act respecting the Militia*, that is to say: "And in Upper Canada every City, and also every Town withdrawn from the jurisdiction of the Council of the County within which the same is situate, shall, in like manner, for the purposes of this Act, be held to be in the County in which the same is situate."

Sect. 5 of 27 V. c. 2 amended.

Certain cities and towns in U. C. to be deemed part of Counties.

2. The following paragraph is hereby added to and shall form and be read as part of the sixth section of the said Act, that is to say: "And as respects every City in Upper Canada,

Sect. 6 of 27 V. c. 2 amended.

Clerks of certain Cities and Town in U. C. to furnish copies of Militia Rolls, to County Clerks.

“Canada, and every Town in Upper Canada withdrawn from the jurisdiction of the Council of the County within which the same is situate, and a copy of the Assessment Roll whereof is not by law required to be transmitted to the County Clerk, the City Clerk of every such City, and the Town Clerk of every such Town shall deliver a True Copy, certified as aforesaid, of the Militia Rolls on any such Assessment Roll, to the Clerk of the Council of the County or Union of Counties within which such City or Town is situate, within fourteen days after the receipt by such City Clerk or Town Clerk, from the Assessor or Assessors, of the Assessment Rolls.”

Sect. 7 of 27 V. c. 2, amended. County Clerks to insert names, &c., in County Militia Rolls, and certify the same.

3. The following paragraph is hereby added to and shall form and be read as part of the seventh section of the said Act, that is to say: “And in every County or Union of Counties in Upper Canada, in which is situate any City, or Town withdrawn from the jurisdiction of the Council of such County, the Clerk of the Council of such County or Union of Counties shall, in such compilation of the County Militia Rolls, include the names and residences of those appearing on the Local Militia Rolls to be received by him from the City Clerk or Town Clerk, as in the sixth section of this Act mentioned; and in such case the Clerk of such County or Union of Counties shall make and attach to the said County Militia Rolls in lieu of the certificate hereinbefore mentioned, the certificate following, namely:

“I do certify that I have truly and faithfully compiled from the Assessment and Local Militia Rolls of the several municipalities in the County of _____ the County Militia Rolls hereto annexed.”

Sect. 14 of 27 V. c. 3 amended.

Volunteers to be paid for not more than 14 days' drill, on certain conditions.

4. The following paragraph is hereby added to and shall form and be read as part of the fourteenth section of the Act, passed in the twenty-seventh year of Her Majesty's Reign, intituled: *An Act respecting the Volunteer Militia Force*, that is to say: and each non-commissioned officer and private shall be paid for each days actual and *bonâ fide* Drill, ordered by the Commander in Chief, not exceeding sixteen days in each year, the sum of fifty cents; but such payment shall be made only upon proof of compliance with such regulations touching such drill and the efficiency of Volunteer Corps and of the non-commissioned officers and men thereof as the Commander in Chief shall, from time to time, see fit to make, defraying what shall be deemed an efficient Volunteer Corps.

Sect. 37 of 27 V. c. 3, repealed and new section substituted.

5. The thirty-seventh section of the said Act, intituled: *An Act respecting the Volunteer Militia Force*, is hereby repealed, and the following section shall in lieu thereof be taken and read as the thirty-seventh section of the last mentioned Act, that is to say:

37. The Commander in Chief may by General Order from time to time appoint a Board or Boards to be constituted either of three or more officers of Her Majesty's Regular Army or of the Volunteers, of whom one shall be a Field Officer, and to be held at such place as is therein specified, to examine any such officers of the volunteers as may desire to have investigated their knowledge of and proficiency in drill and military duties generally; and upon any such examination the said Board or Boards shall report the result thereof to the Commander in Chief, and shall, after the approval thereof by him, deliver to any such officer as may have satisfactorily passed such examination, a certificate thereof, which said certificate shall be recorded in a book to be kept for that purpose in the office of the Adjutant General of Militia, and the certificate thereafter delivered to the officer so examined; and the fact of such examination and certificate shall be notified in General Orders.

Boards of examination for Volunteer Officers: of whom they may be constituted.

Reports and certificates of such examinations, and record thereof.

Notice in General Orders.

How this amendment shall be construed.

And the said section shall be construed and have effect as if it had formed part of the said Act at the time of the passing thereof instead of the section hereby repealed and for which it is substituted.

Sect. 81 of 27 V. c. 2 amended.

6. The eighty-first section of the said "Act respecting the Militia" is hereby amended by striking out the words "make or" in the first line of the said section.

C A P . X I .

An Act respecting the Ocean Mail Service.

[Assented to 30th June, 1864.]

WHEREAS, under the authority of an order in Council dated eighth December, one thousand eight hundred and sixty-three, a provisional contract has been entered into by and between Hugh Allan, Esquire; of the first part, and the Postmaster General of this Province, therein named, of the second part, for a weekly line of Ocean Mail Steamers, on certain terms and subject to certain conditions therein set forth; and whereas the said agreement is subject to a proviso that the same is to go into effect, if sanctioned and authorized by the Parliament of Canada at the then next Session thereof and not otherwise; and whereas it is expedient to sanction and confirm the said agreement: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Contract with Hugh Allan recited.

1. The said contract and all the matters and things therein contained, are hereby sanctioned and confirmed, and declared to be as effectual to all intents and purposes, as if the said agreement had been entered into by the said Postmaster General, in pursuance of sufficient authority in that behalf given before the execution of such agreement.

The said contract confirmed.

C A P. X I I.

An Act to replace the improvements in the Navigation of the River St. Lawrence, between the Harbours of Quebec and Montreal, under the control of the Commissioner of Public Works.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS under the provisions of the Acts thirteenth and fourteenth Victoria, chapter ninety-seven; sixteenth Victoria, chapter twenty-four; eighteenth Victoria, chapter one hundred and forty-three, and other Acts of the Provincial Parliament, the works undertaken for the improvement of the river St. Lawrence, between the harbours of Quebec and Montreal, by deepening the channel thereof through Lake St. Peter and at or near Isle Platte, and wherever else it might require deepening, were placed under the superintendence and control of the corporation of the harbor commissioners of Montreal, and certain steamers, dredging vessels, machinery, tools and implements constructed or acquired by this Province for the said works were placed at the disposal of the harbor commissioners, who were authorized to raise and have raised certain sums of money for defraying the cost of the said works, by the issue of debentures of which the principal and interest were not guaranteed by the Province but were to be payable out of a tonnage duty on vessels passing through Lake St. Peter, which has been imposed by the Governor in Council under the said Acts at the instance of the said harbor commissioners, and by them received and applied towards such payment; and whereas in addition to the said tonnage duty, other large sums of money have been advanced by this Province to the said harbor commissioners to defray the interest on the said debentures and to redeem such of them as had matured, and otherwise to defray the expenses of the said works, on condition that the said improvements should be completed by the said harbor commissioners with the sums so raised and advanced as aforesaid; and whereas it is expedient that the said works and improvements should be replaced under the control of the Commissioner of Public Works, to be completed and dealt with as public provincial works, and that the payment of the principal and interest of the debentures issued by the said harbor commissioners under the Acts and for the purposes aforesaid should be assumed by the Province, subject to the provisions hereinafter made: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The said works to become Provincial Works

1. From and after the first day of July next after the passing of this Act, the works mentioned in the preamble to this Act shall be and are hereby placed under the control and management of the Commissioner of Public Works and shall be dealt

dealt with as public provincial works; and all steamers, dredging vessels, machinery, tools and implements, constructed or acquired by the Province and placed under the control of the corporation of the Montreal Harbor Commissioners, or acquired by the said corporation for the said works, with money raised or received under the Acts mentioned in the preamble or advanced by the Province, shall be delivered up by the said corporation to the Commissioner of Public Works, and shall be provincial property.

after 1st July, 1864.
Plant, &c., to be delivered up.

2. The principal and interest of all debentures now outstanding, issued by the said corporation of the Montreal Harbor Commissioners, under any of the Acts mentioned in the preamble to this Act, and the proceeds whereof have been applied towards defraying the costs of the works and improvements aforesaid, shall be assumed by the Province and may be paid as the same become due, out of any unappropriated moneys forming part of the Consolidated Revenue Fund, and the said corporation shall be discharged from all obligation to pay the same; and the said corporation shall account for and pay over to the Receiver General, any balance remaining in their hands of the proceeds of the said debentures or of the sums advanced by the Province, or of the tonnage duty imposed under any of the said Acts, or of any moneys otherwise received by the said corporation for defraying the cost of the said works and improvements.

Debentures issued by Harbour Commissioners for the said works to be assumed by the Province.

Commissioners to pay over balance.

3. The tonnage duty imposed under any of the said Acts, on vessels passing through lake St. Peter, shall continue in force until repealed or altered by order of the Governor in Council, and shall be collected by the collectors of customs at the ports of Montreal and Quebec as tolls imposed under the Act respecting public works, and no vessel upon which any such duty is payable, shall be entered or cleared at either of the ports aforesaid until such duty has been paid; and all general regulations made under the said Act for the use of public works, and all penalties, provisions and powers, for enforcing the same, shall apply, to the works hereby replaced under the control of the Commissioner of Public Works, unless and until it shall be otherwise ordered by the Governor in Council.

Tonnage duty to continue until repealed, &c.

General regulations to apply.

C A P. X I I I .

An Act to amend the law respecting the Navigation of Canadian Waters.

[Assented to 30th June, 1864.]

WHEREAS it will tend to the greater security of life and property in vessels navigating Canadian waters, that the same rules of navigation and the same precautions for avoiding collisions and other accidents, as are now adopted in the

Preamble.

the

the United Kingdom and other countries, should be also adopted in Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Commencement of Act.

Present Act
Can. Stat.
Canada, c. 41,
repealed.
Exception.

1. This Act shall come into force on the first day of September next after its passing ; and on and after the said day, the forty-fourth chapter of the Consolidated Statutes of Canada, intituled : *An Act respecting the Navigation of Canadian Waters*, shall be repealed, except only as regards offences committed or liabilities incurred under it before the said day, with respect to which and to all proceedings relating to which, it shall remain in force.

REGULATIONS FOR PREVENTING COLLISIONS.

Certain rules
to apply after
1st Sept. 1864.

2. And with respect to lights, fog signals, steering and sailing, and rafts, the following rules shall, on and after the days last aforesaid, apply to all the rivers, lakes, and other navigable waters whatsoever within this Province, or within the jurisdiction of the legislature thereof, that is to say :

Preliminary.

Construction of rules.

Art. 1. In the following rules every steamship which is under sail and not under steam is to be considered a sailing ship ; and every steamship which is under steam, whether under sail or not, is to be considered a ship under steam.

Rules concerning Lights.

What light shall be carried.

Art. 2. The lights mentioned in the following articles numbered three, four, five, six, seven, eight and nine, and no others, shall be carried in all weathers, from sunset to sunrise.

By steamships under weigh :

Art. 3. Steamships when under weigh shall carry :

At foremast head.

(a.) *At the foremast head*, a bright white light, so constructed as to show an uniform and unbroken light over an arc of the horizon of twenty points of the compass ; so fixed as to throw the light ten points on each side of the ship, viz : from right ahead to two points abaft the beam on either side ; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles ;

In the starboard side.

(b.) *On the starboard side*, a green light so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass ; so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side ; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles ;

(c.) *On the port side*, a red light so constructed as to show an ^{On port side.} uniform and unbroken light over an arc of the horizon of ten points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the port side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles;

(d.) The said green and red side lights shall be fitted with ^{How fitted.} inboard screens, projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

Art. 4. Steamships when towing other ships, shall carry ^{By steamships towing.} two bright white mast-head lights vertically, in addition to their side lights, so as to distinguish them from other steamships; each of these mast-head lights shall be of the same construction and character as the mast-head lights which other steamships are required to carry.

Art. 5. Sailing ships under weigh, or being towed, shall ^{By sailing ships in motion.} carry the same lights as steamships under weigh, with the exception of the white mast-head lights, which they shall never carry.

Art. 6. Whenever, as in the case of small vessels during bad ^{By small vessels in bad weather.} weather, the green and red lights, cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side.

To make the use of these portable lights more certain and ^{Lanterns to be painted outside.} easy, the lanterns containing them shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens.

Art. 7. Ships, whether steamships or sailing ships, when ^{By ships at anchor.} at anchor in roadsteads or fairways, shall exhibit, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light, in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform and unbroken light visible all round the horizon, and at a distance of at least one mile.

Art. 8. Sailing pilot vessels shall not carry the lights required ^{By Pilot vessels.} for other sailing vessels, but shall carry a white light at the mast-head, visible all round the horizon,—and shall also exhibit a flare-up light every fifteen minutes.

By open fishing and other open boats.

Art. 9. Open fishing boats and other open boats shall not be required to carry the side lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on the one side and a red slide on the other side ; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side.

When at anchor.

Fishing vessels and open boats when at anchor, or attached to their nets and stationary, shall exhibit a bright white light.

Flare-up lights.

Fishing vessels and open boats shall, however, not be prevented from using a flare-up in addition, if considered expedient.

Rules concerning Fog Signals.

Fog signals.

Art. 10. Whenever there is fog, whether by day or night, the fog signals described below shall be carried and used, and shall be sounded at least every five minutes, viz :

(a.) Steamships under weigh shall use a steam whistle placed before the funnel, not less than eight feet from the deck ;

(b.) Sailing ships under weigh shall use a fog horn ;

(c.) Steamships and sailing ships, when not under weigh, shall use a bell.

Steering and Sailing Rules.

Sailing ships meeting.

Art. 11. If two sailing ships are meeting end on or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Sailing ships crossing.

Art. 12. When two sailing ships are crossing so as to involve risk of collision, then, if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side ; except in the case in which the ship with the wind on the port side is close hauled and the other ship free, in which case the latter ship shall keep out of the way ; but if they have the wind on the same side, or if one of them has the wind aft, the vessel which is to windward shall keep out of the way of the ship which is to leeward.

Steamships meeting.

Art. 13. If two ships under steam are meeting end on or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Art. 14. If two ships under steam are crossing so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other. Steamships crossing.

Art. 15. If two ships, one of which is a sailing ship, and the other a steamship, are proceeding in such directions as to involve risk of collision, the steamship shall keep out of the way of the sailing ship. Sailing and steamships.

Art. 16. Every steamship, when approaching another ship so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam ship shall, when in a fog, go at a moderate speed; Steamships nearing another vessel.

Art. 17. Every vessel overtaking any other vessel shall keep out of the way of the said last mentioned vessel. Vessel overtaking another.

Art. 18. Where by the above rules one of two ships is to keep out of the way, the other shall keep her course, subject to the qualifications contained in the following article. Ship keeping out of the way.

Art. 19. In obeying and construing these rules, due regard must be had to all dangers of navigation; and due regard must also be had to any special circumstances which may exist in any particular case rendering a departure from the above rules necessary in order to avoid immediate danger. Regard to dangers of navigation.

Art. 20. Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. Rules not to excuse neglect.

RAFTS AND HARBOUR OF SOREL.

Art. 21. Rafts while drifting or at anchor on any navigable water shall have a bright fire kept burning thereon from sunset to sunrise; whenever any raft is going in the same direction as another which is ahead, the one shall not be so navigated as to come within twenty yards of the other; and every vessel meeting or overtaking a raft shall keep out of the way thereof. Rules for rafts.

Rafts shall be so navigated and anchored as to cause no unnecessary impediment or obstruction to vessels navigating the same waters.

Art. 22. Unless it is otherwise ordered by the Trinity House of Montreal, ships and vessels entering or leaving the harbour of Sorel shall take the port side, anything in the preceding articles to the contrary notwithstanding; Harbor of Sorel.

Articles 21,
22 to apply.

Art. 23. The rules of navigation contained in articles twenty-one and twenty-two shall be subject to the provisions contained in articles nineteen and twenty.

INTERPRETATION, PENALTIES, &C.

Interpreta-
tion.

3. In this Act the word "vessel" includes every description of vessel used in navigation, the word "ship" includes every description of vessel not propelled by oars, the expression "steamship" includes every vessel propelled wholly or in part by steam or by any machinery or motive power other than sails or oars, and the expression "ordinary practice of seamen," as applied to any case, includes the ordinary practice of skilful and careful persons engaged in navigating the inland waters of this Province in like cases, and the word "owner" includes the lessee or charterer of any vessel having the control of the navigation thereof.

Local rules
and by-laws.

4. No Trinity House or other local rule or by-law, inconsistent with this Act, shall be of any force or effect; but so far as it is not inconsistent with this Act, any such rule or by-law made by any Trinity House or other competent local authority, shall be of full force and effect within the locality to which it applies.

Rules pre-
scribed by
this Act to be
obeyed.

5. All owners, masters and persons in charge of any ship, vessel or raft, shall obey the rules prescribed by this Act, and shall carry and exhibit no other lights and use no other fog signals than such as are required by the said rules; and in case of wilful default, such master or person in charge or such owner if it appears that he was in fault, shall, for each occasion in which such rules are infringed, incur a penalty not exceeding two hundred dollars nor less than twenty dollars.

Collision from
non-observ-
ance of rules.

6. If in any case of collision it appears to the Court before which the case is tried, that such collision was occasioned by the non-observance of any of the rules prescribed by this Act, the vessel by which such rules have been infringed shall be deemed to be in fault, and the owner of such vessel shall not be entitled to recover any recompense whatever for any damage sustained by such vessel in such collision, unless it can be shown to the satisfaction of the Court that the circumstances of the case rendered a departure from the said rules necessary.

As to damage
by non-observ-
ance of rules.

7. In case any damage to person or property arises from the non-observance by any vessel or raft of any of the rules prescribed by this Act, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of such raft, or of the deck of such vessel at the time, unless the contrary be proved, or it be shown to the satisfaction of the Court that the circumstances of the case rendered a departure from

from the said rules necessary ; and the owner of the vessel or raft, in all civil proceedings, and the master or person in charge as aforesaid, or the owner if it appears that he was in fault, in all proceedings, civil or criminal, shall be subject to the legal consequences of such default.

8. Except as hereinbefore provided, all penalties incurred under this Act, may be recovered in the name of Her Majesty, by any Inspector of steamboats, or by any party aggrieved by any act, neglect or wilful omission by which the penalty is incurred, before any two Justices of the Peace on the evidence of one credible witness ; and in default of payment of such penalty such justices may commit the offender to gaol for any period not exceeding three months ; and except as hereinafter provided, all penalties recovered under this Act shall be paid over to the Receiver General, and shall be by him placed at the credit of, and shall form part of " The Steamboat Inspection Fund ;" except always, that all penalties incurred for any offence against this Act, shall, if such offence be committed within the jurisdiction of the Trinity House of Quebec, or of the Trinity House of Montreal, be sued for, recovered, enforced or applied in like manner as penalties imposed for contravention of the by-laws of the Trinity House within whose jurisdiction the offence is committed. Recovery of penalties.
Exception.

9. Every inspector of steamboats shall, whenever he visits and inspects any steamship, examine whether such steamship is properly provided with lights and with the means of making fog signals in pursuance of the rules prescribed by this Act, and shall, for that purpose, have all the power, vested in him by the Act respecting the inspection of steamboats, and for the greater safety of passengers by them, for obtaining information as to the observance of the requirements of the said Act, and shall refuse to grant any certificate with respect to any steamship which he finds to be not so provided, and shall report such steamship as unsafe to the Governor in Council, who shall, on such report, have all the powers mentioned in section twenty-seven of the said Act ; and any Order in Council made on such report shall have the effect and be enforced in the manner provided by the said section. Inspector of steamboats to see that steamships have proper lights, &c.
Con. Stat. Canada, c. 45.

10. Whenever foreign ships are within Canadian waters, the rules for preventing collision prescribed by this Act, and all provisions of this Act relating to the said rules, or otherwise relating to collisions, shall apply to such foreign ships ; and in any cases arising in any Court of justice in Canada concerning matters happening within Canadian waters, foreign ships shall, so far as regards such rules and provisions, be treated as if they were British or Canadian ships. Foreign ships in Canadian waters.

DUTY OF MASTERS, LIABILITY OF OWNERS, AS TO COLLISIONS.

Obligation of masters of vessels to assist in case of collision.

11. In every case of collision between two ships, it shall be the duty of the person in charge of each ship, if and so far as he can do so without danger to his own ship and crew, to render to the other ship, her master, crew and passengers (if any) such assistance as may be practicable and as may be necessary in order to save them from any danger caused by such collision; in case he fails so to do, and no reasonable excuse for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect or default.

Liability of owners limited in case of collision without their fault.

12. The owners of any ship, whether Canadian, British or foreign, shall not, in cases where all or any of the following events occur without their actual fault or privity, that is to say:

- (1.) Where any loss of life or personal injury is caused to any person being carried in such ship;
- (2.) Where any damage or loss is caused to any goods, merchandise, or other things whatsoever on board any such ship;
- (3.) Where any loss of life or personal injury is by reason of the improper navigation of such ship as aforesaid caused to any person in any other ship or boat;
- (4.) Where any loss or damage is by reason of the improper navigation of such ship as aforesaid caused to any other ship or boat, or to any goods, merchandise or other things whatsoever on board any other ship or boat;

Extreme amount recoverable.

be answerable in damages in respect of loss of life or personal injury, either alone or together with loss or damage to ships, boats, goods, merchandise or other things, whether there be in addition loss of life or personal injury or not, to an aggregate amount exceeding thirty-eight dollars and ninety-two cents for each ton of the ship's tonnage; such tonnage to be the registered tonnage in the case of sailing ships, and in the case of steamships the gross tonnage without deduction on account of engine room:

Tonnage, how calculated in such case.

In the case of any British or Canadian ship, such tonnage shall be the registered or gross tonnage according to the British or Canadian law, and in the case of a foreign ship which has been or can be measured according to Canadian law, the tonnage as ascertained by such measurement shall, for the purposes of this section, be deemed to be the tonnage of such ship:

The same.

In the case of any foreign ship which has not been and cannot be measured according to Canadian law, the collector of customs at the Port of Quebec shall, on receiving from or by direction

direction of the court hearing the case, such evidence concerning the dimensions of the ship as it may be found practicable to furnish, give a certificate under his hand, stating what would in his opinion have been the tonnage of such ship if she had been duly measured according to Canadian law, and the tonnage so stated in such certificate shall, for the purposes of this section, be deemed to be the tonnage of such ship.

13. Insurances effected against any or all of the events enumerated in the section last preceding, and occurring without such actual fault or privity as therein mentioned, shall not be invalid by reason of the nature of the risk. As to insurances in such cases.

14. No owner or master of any ship shall be answerable to any person whatever for any loss or damage occasioned by the fault or incapacity of any qualified pilot acting in charge of such ship, within any place where the employment of such pilot is compulsory by law. Collisions through fault of Pilots.

SCHEDULE TO REPEALED ACT.

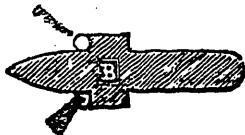
15. The schedule annexed to the Act hereby repealed illustrates the use of the lights to be carried by vessels under the provisions of this Act, and shall be printed at the end of this Act by the Queen's Printer in the official copy of the statutes of the present Session. Schedule to repealed Act to be printed with this.

SCHEDULE.

The following Diagrams are intended to illustrate the use of the Lights carried by vessels under the foregoing Act, and the manner in which they indicate to the vessel which sees them the position and description of the vessel which carries them :

FIRST.—When both Red and Green Lights are seen :

A sees a Red and Green Light ahead ;—A knows that a vessel is approaching her on a course directly opposite to her own, as B ;



If A sees a White Mast-head Light above the other two, she knows that B is a steam-vessel.

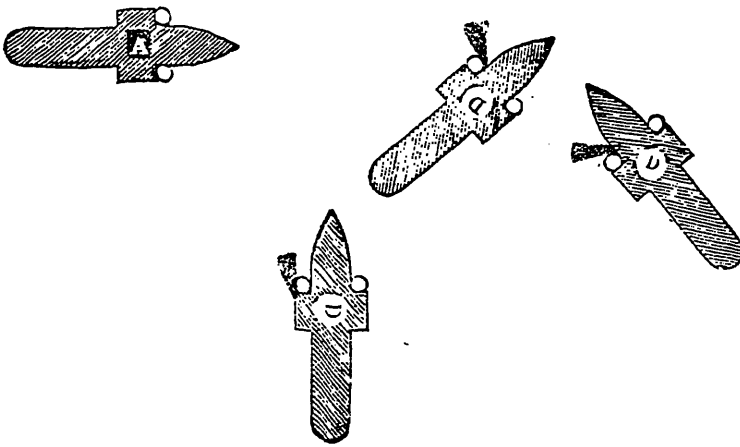
SECOND.—When the Red, and not the Green Light, is seen :

A sees a Red Light ahead or on the bow ;—A knows that either,

1, a vessel is approaching her on her port bow, as B ;



or, 2, a vessel is crossing in some direction to port, as D D D.



If A sees a White Mast-head Light above the Red Light, A knows that the vessel is a steam-vessel, and is either approaching her in the same direction, as B, or is crossing to port in some direction, as D D D.

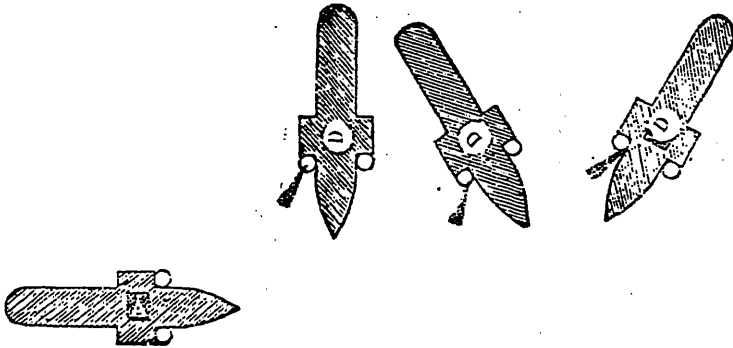
THIRD.—When the Green, and not the Red Light, is seen :

A sees a Green Light ahead or on the bow ;—A knows that either,

1, a vessel is approaching her on her starboard bow, as B ;



or, 2, a vessel is crossing in some direction to starboard, as D D D.



If A sees a White Mast-head Light above the Green Light, A knows that the vessel is a steam-vessel, and is either approaching her in the same direction as B, or is crossing to starboard in some direction, as D D D.

CAP. XIV.

An Act respecting investigation into Shipwrecks.

[Assented to 30th June, 1864.]

WHEREAS it is expedient to make provision for ensuring a more efficient system of investigation into cases of shipwreck occurring within the limits of the Province of Canada, either in the Gulf of Saint Lawrence, or in the River Saint Lawrence below the harbour of Montreal: 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 Governor in Council, upon any occasion which to him may seem fit and expedient, to nominate and appoint any competent person or persons to be a court or tribunal duly authorized to make enquiry into the causes of shipwrecks, as mentioned in the preamble to this Act, and to make report thereon to the Governor in Council. Governor in Council to appoint a Court of enquiry.

2. Such court or tribunal shall have the power of summoning before them any persons, and of requiring them to give evidence on oath, orally or in writing (or on solemn affirmation, if they be parties entitled to affirm in civil matters), and to produce such documents and things as such court or tribunal may deem requisite to the full investigation of the matters into which they are appointed to examine, and such court or tribunal shall have the same power to enforce the attendance of such witnesses and to compel them to give evidence, as is vested in any Court of Law in civil cases; and any wilfully false Powers of such Court; evidence. Enforcing attendance. Perjury. false

Proviso.

false statement made by any such witness on oath or solemn affirmation, shall be a misdemeanor punishable in the same manner as wilful and corrupt perjury; but no such witness shall be compelled to answer any question by his answer to which he might render himself liable to a criminal prosecution.

Sect. 242 of
Imp. Act, 17,
18 V. c. 104
recited.

3. And whereas it is enacted by the two hundred and forty-second section of the Act of the Imperial Parliament, passed in the session thereof held in the seventeenth and eighteenth years of Her Majesty's reign, chapter one hundred and four, intituled: *An Act to amend and consolidate the Acts relating to Merchant Shipping*, that the Board of Trade may suspend or cancel the certificate (whether of competency or service) of any Master or Mate of the Merchant Service, in certain cases, one of which cases, set forth in sub-section five of the said section, is as follows:—"If upon any investigation made by any court or tribunal authorized or hereafter to be authorized by the legislative authority in any British possession, to make inquiry into charges of incompetency or misconduct on the part of masters or mates of ships, or as to shipwrecks or other casualties affecting ships, a report is made by such court or tribunal to the effect that he has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default, and such report is confirmed by the Governor or person administering the government of such possession;" And whereas it is further in effect enacted by the twenty-third section of the Act of the Imperial Parliament, passed in the session thereof held in the twenty-fifth and twenty-sixth years of Her Majesty's reign, chapter sixty-three, that the power of cancelling or suspending the certificate of a master or mate conferred by the above cited two hundred and forty-second section on the Board of Trade, shall in future vest in and be exercised by the court or tribunal by which the case is investigated or tried; Be it hereby further enacted, that such court or tribunal authorized to be appointed by this Act, shall be held to be in all respects a court or tribunal under the hereinbefore cited sub-section of the aforesaid Imperial Act.

Sect. 23 of
Imp. Act 25,
26 V. c. 63
recited.

Power to
cancel certifi-
cate of master
or mate.

Such Court to
be a Court
under the
said Imp. Act.

Members to
take oath of
office.

4. Every member of such court or tribunal so appointed as aforesaid, before entering upon his duties as such, shall take and subscribe an oath before one of Her Majesty's justices of the peace, well, faithfully and impartially, to execute the duties assigned to him by this Act.

C A P. X V.

An Act to amend chapter forty-five of the Consolidated Statutes of Canada respecting the inspection of steamboats, and for the greater safety of passengers by them.

[Assented to 30th June, 1864.]

WHEREAS persons who had acted as Engineers on board steamboats, before the year one thousand eight hundred and fifty-nine, are not subject to the provisions of chapter forty-five of the Consolidated Statutes of Canada, and the safety of passengers is thereby endangered: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The following words in the twenty-sixth section of chapter forty-five of the Consolidated Statutes of Canada,— Sect. 26 amended.
“and shall only apply to those who shall become Engineers after the fourth day of May, one thousand eight hundred and fifty-nine,”—are hereby repealed.

2. This Act shall come into force on the first day of January which will be in the year of Our Lord, one thousand eight hundred and sixty-five. Commencement of Act.

C A P. X V I.

An Act to amend the Act respecting Emigrants and Quarantine.

[Assented to 30th June, 1864.]

WHEREAS great inconvenience and hardship are occasioned to Emigrants arriving in the Port of Quebec, by the want of some landing place at which proper shelter and protection should be provided for them, and which should be under the exclusive control of the Chief Emigration Agent, and at which the Masters of Vessels bringing such Emigrants should be bound to land them with their baggage, except only under certain special circumstances: 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, by proclamation, from time to time, appoint the place at which all emigrants and passengers arriving in the Port of Quebec, other than such as may be specially excepted in such proclamation, shall be landed, and may, in and by such proclamation, make such regulations as he shall think proper, for the government of the place so appointed, and for the protection of the emigrants landed thereat, and such proclamation being published at least Governor in Council may appoint the place at which emigrants shall be landed, and make regulations respecting it.

twice

twice in the *Canada Gazette*, with an interval of at least six days between each publication, shall have the force of law, and shall be in force until suspended by a later proclamation for the like purpose, published as aforesaid; and at the place so appointed the Governor in Council may cause proper shelter and accommodation to be provided for emigrants until they can be forwarded to their place of destination; and any contravention of any such proclamation as aforesaid, or of any regulation therein contained, shall be deemed a contravention of this Act and of the Act respecting Emigrants and Quarantine, hereby amended, and shall be punishable as such.

Duty of Masters of vessels bringing emigrants.

2. The Master of any vessel arriving in the Port of Quebec and having on board the same any emigrants or passengers to whom the proclamation aforesaid then in force shall apply, shall land such emigrants or passengers and their baggage free of expense at the place so appointed, and at reasonable hours, not earlier than six in the morning nor later than four in the afternoon, and the vessel shall, for the purpose of landing such emigrants or passengers and their baggage, either be moored at the wharf at the place appointed for such landing, or anchored in the Port of Quebec, within the following limits, to wit: the whole space of the River St. Lawrence from the mouth of the River St. Charles to a line drawn across the St. Lawrence from the flagstaff on the citadel on Cape Diamond, at right angles to the course of the said river; and the masters of such vessels so anchored, shall duly land, within the hours aforesaid, by steam tug, or other proper tender, their passengers at such wharf as aforesaid, and not elsewhere, under a penalty of forty dollars for each offence against the provisions of this section; and the sixteenth section of the Act respecting Emigrants and Quarantine shall not apply to any such emigrant or passenger as aforesaid.

Limits within which vessels bringing emigrants shall anchor.

Sect. 16 of Con. Stat. Canada, c. 40, not to apply.

Sect. 19 repealed; steamers bound upwards not to receive passengers from vessels until emigrants are landed.

3. The nineteenth section of the said Act is hereby repealed; and, except only with the express permission of the Chief Emigration Agent at Quebec, no steam vessel bound for any place beyond the limits of the harbor of Quebec upwards, shall go alongside of or receive any passenger whatever directly from any vessel arriving in the Port of Quebec, and having on board emigrants or passengers to whom any such proclamation as aforesaid then in force shall apply, until all such emigrants or passengers shall have been landed at the place appointed in such proclamation, under a penalty of forty dollars against the Master or person in command of such steam vessel for each passenger received by such steam vessel in contravention of this section.

How this Act shall be construed.

4. So much of any other part of the said Act as may be inconsistent with this Act is hereby repealed; and this Act shall be construed as one Act with the said Act, and any citation of the said Act shall be understood as meaning and intending the said Act as hereby amended.

C A P . X V I I .

An Act respecting Insolvency.

[Assented to 30th June, 1864.]

WHEREAS it is expedient that provision be made for the Preamble.
settlement of the estates of insolvent debtors, for giving
effect to arrangements between them and their creditors, and
for the punishment of fraud: Therefore, Her Majesty, by and
with the advice and consent of the Legislative Council and
Assembly of Canada, enacts as follows:

1. This Act shall apply in Lower Canada to traders only, Application of
and in Upper Canada to all persons whether traders or non- this Act.
traders.

OF VOLUNTARY ASSIGNMENTS.

2. Any person unable to meet his engagements, and desi- Proceedings
rous of making an assignment of his estate, or who is required for voluntary
so to do as hereinafter provided, may call a meeting of his creditors assignment of
at his usual place of business, or at his option at any an insolvent
other place which may be more convenient for them; and such estate; meet-
meeting shall be called by advertisement (Form A), stating in ing of credi-
such advertisement the object of such meeting; and at such tors to be
meeting he shall exhibit statements showing the position called.
of his affairs, and particularly a schedule (Form B), con- Schedules of
taining the names and residences of all his creditors, and creditors, &c..
the amount due to each, distinguishing between those amounts
which are actually overdue, or for which he is directly liable,
and those for which he is only liable indirectly as endorser,
surety or otherwise, and which have not become due at the
date of such meeting; and also the particulars of any nego-
tiable paper bearing his name, the holders of which are
unknown to him,—which schedule shall be sworn to by the Attestation.
Insolvent, and may be corrected by him likewise under oath at
the meeting at which it is so produced, also the amount due to
each creditor, and a statement showing the amount and nature
of all his assets; and he shall also produce his books of account, Assets, books,
and all other documents and vouchers, if required so to do by &c.
any creditor:

2. Each notice of such meeting sent by post, as hereinafter Notice by
provided, shall be accompanied by a list containing the names Post.
of all the creditors of the Insolvent whose claims exceed one
hundred dollars, and the aggregate amount of those under one
hundred dollars;

3. At such meeting, the creditors may name an assignee, to Assignee ap-
whom such assignment may be made; and if a vote be taken pointed by
upon such nomination, each creditor shall only represent in creditors.
such Votes of cre-
ditors.

such vote the amount of direct liabilities of the Insolvent to him, and the amount of indirect liabilities then actually overdue; and thereafter the Insolvent shall make an assignment of his estate and effects to the assignee so chosen;

Assignment.

If no assignee be appointed by creditors, insolvent may select one.

4. If no assignee be named at such meeting, or at any adjournment thereof, or if the assignee named refuses to act, or if no creditor attends at such meeting, the Insolvent may assign his estate to any solvent creditor resident within this Province, not related, allied, or of kin to him, and being such creditor for a sum exceeding five hundred dollars, or if he has no such creditor for so large a sum who will accept such assignment, then to the creditor otherwise competent and willing to accept, representing the largest claim upon him; or he may make such assignment to any official assignee resident within the district or county within which the Insolvent has his place of business and nominated for the purpose of this Act by the Board of Trade in such district or county, or if there be no Board of Trade therein, then by the nearest Board of Trade thereto;

Or assign to an Official assignee.

In case of dispute at first meeting of creditors, as to votes.

5. If any dispute arises at the first meeting of creditors as to the amount which any one of the creditors is entitled to represent in the nomination of an assignee, or upon any other question which may properly be discussed at such meeting, such dispute shall be decided by the votes of the majority in number of the creditors present, or represented by agents or proxies; but if the dispute have reference to any pretension of any creditor as to the existence or amount of his claim, such creditor shall not vote upon the question; but no neglect or irregularity in any of the proceedings antecedent to the appointment of the assignee shall vitiate an assignment subsequently made to an assignee competent to receive it under this Act;

Irregularity not to vitiate appointment.

Form of Deed of assignment, &c.

6. The deed or instrument of assignment may be in the form C., or in any other form equivalent thereto, and if executed in Upper Canada shall be in duplicate; and a copy of the list of creditors produced at the first meeting of creditors shall be appended to it; and no particular description or detail of the property or effects assigned need be inserted in such deed; and any number of counterparts of such deed required by the assignee shall be executed by the Insolvent at the request of the assignee, either at the time of the execution of such deed or instrument, or afterwards, to which counterparts no list of creditors need be appended;

Counterparts of deed.

Effect of assignment, as to estate of insolvent.

7. The assignment shall be held to convey and vest in the assignee, the books of account of the Insolvent, all vouchers, accounts, letters and other papers and documents relating to his business, all moneys and negotiable paper, stocks, bonds, and other securities, as well as all the real estate of the Insolvent, and all his interest therein, whether in fee or otherwise, and also all his personal estate, and moveable and immoveable property, debts,

debts, assets and effects, which he has or may become entitled to at any time before his discharge is effected under this Act, excepting only such as are exempt from seizure and sale under execution, by virtue of the several statutes in such case made and provided; Exception.

8. Forthwith upon the execution of the deed of assignment, the assignee, if appointed in Upper Canada, shall deposit one of the duplicates thereof, and if in Lower Canada, an authentic copy thereof, in the office of the proper Court; and in either case the said list of creditors shall accompany the deed or instrument so deposited; Duplicate or authentic copy of assignment to be deposited, and where.

9. If the Insolvent possesses real estate, the deed of assignment may be enregistered in the Registry Office for the Registration Division or County within which such real estate is situate; and no subsequent registration of any deed or instrument of any kind executed by the Insolvent, or which otherwise would have affected his real estate, shall have any force or effect thereon; and if the real estate be in Upper Canada and the deed of assignment be executed in Lower Canada before Notaries, a copy of the deed certified under the hand and official seal of the Notary or other public officer in whose custody the original remains, may be registered without other evidence of the execution thereof, and without any memorial; and a certificate of such registration may be endorsed upon a like copy; and if the property be in Lower Canada and the deed of assignment be executed in Upper Canada, it may be enregistered by memorial or at full length in the usual manner; but it shall not be necessary to enregister, or to refer on registration in any manner to the list of creditors annexed to the deed of assignment; Registration of deed of assignment, if the insolvent has real estate.

10. If such deed be executed in Upper Canada, according to the form of execution of deeds prevailing there, it shall have the same force and effect in Lower Canada as if it had been executed in Lower Canada before notaries; and if such deed be executed in Lower Canada before notaries it shall have the same force and effect in Upper Canada, as if it had been executed in Upper Canada, according to the law in force there; and copies of such deed, certified as aforesaid, shall constitute, before all courts and for all purposes, *prima facie* proof of the execution and of the contents of the original of such deed without production of the original. Assignment executed in L. C. or U. C. how registered in the other section of the Province.

COMPULSORY LIQUIDATION.

3. A debtor shall be deemed insolvent and his estate shall become subject to compulsory liquidation: Deed executed in U. C. form to have force in L. C. and vice versa.

a. If he absconds or is immediately about to abscond from this Province with intent to defraud any creditor, or to defeat If Notarial.

In what cases the estate of an insolvent trader shall become subject to compulsory liquidation.

- Debtor absconding. or delay the remedy of any creditor, or to avoid being arrested or served with legal process, or if being out of the Province he so remains with a like intent, or if he conceals himself within this Province with a like intent ;
- Secreting estate. *b.* Or if he secretes or is immediately about to secrete any part of his estate and effects with intent to defraud his creditors or to defeat or delay their demands or any of them ;
- Fraudulently assigning. *c.* Or if he assigns, removes or disposes of, or is about or attempts to assign, remove or dispose of any of his property with intent to defraud, defeat or delay his creditors or any of them ;
- Or procuring it to be seized in execution. *d.* Or if with such intent he has procured his money, goods, chattels, lands or property to be seized, levied on or taken under or by any process or execution, having operation where the debtor resides or has property, founded upon a demand in its nature provcable under this Act and for a sum exceeding two hundred dollars, and if such process is in force and not discharged by payment or in any manner provided for by law ;
- Or being imprisoned in civil action. *e.* Or if he has been actually imprisoned or upon the gaol limits for more than thirty days in a civil action founded on contract for the sum of two hundred dollars or upwards, and still is so imprisoned or on the limits ; or if in case of such imprisonment he has escaped out of prison or from custody or from the limits ;
- Or refusing to appear. *f.* Or if he wilfully neglects or refuses to appear on any rule or order requiring his appearance to be examined as to his debts under any statute or law in that behalf ;
- Or to obey orders for payment. *g.* Or if he wilfully refuses or neglects to obey or comply with any such rule or order made for payment of his debts or of any part of them ;
- Or any order or decree in Chancery. *h.* Or if he wilfully neglects or refuses to obey or comply with the order or decree of the Court of Chancery or of any of the judges thereof, for payment of money ;
- Or assigning generally, except under this Act. *i.* Or if he has made any general conveyance or assignment of his property for the benefit of his creditors, otherwise than in the manner prescribed by this Act :
- Demand of assignment, if trader does not meet his commercial liabilities. *2.* If a trader ceases to meet his commercial liabilities generally as they become due, any two or more creditors for sums exceeding in the aggregate five hundred dollars, may make a demand upon him (Form E.) requiring him to make an assignment of his estate and effects for the benefit of his creditors ;

3. If the trader on whom such demand is made, contends that the claims of such creditors do not together amount to five hundred dollars, or that they were procured in whole or in part for the purpose of enabling such creditors to take proceedings under this Act; or that the stoppage of payment by such trader was only temporary, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such trader to meet his liabilities; he may, within five days from such demand, present a petition to the judge praying that no further proceedings under this Act may be taken upon such demand; and, after hearing the parties and such evidence as may be adduced before him, the judge may grant the prayer of his petition and thereafter such demand shall have no force or effect whatever; and such petition may be granted with or without costs against either party; but if it appears to the judge that such demand has been made without reasonable grounds, and merely as a means of enforcing payment under color of proceeding under this Act, he may condemn the creditors making it to pay treble costs;

Counter petition denying the truth of the allegations in such demand.

Judge to decide.

4. If such petition be rejected; or if while such petition is pending, the debtor continues his trade, or proceeds with the realization of his assets; or if no such petition be presented within the aforesaid time, and the insolvent during the same time neglects to call a meeting of his creditors as provided by the second section of this Act; or if he does not complete such assignment within three days after such meeting, or if there be an adjournment thereof, then within three days after such adjournment; or if having given notice of a meeting of creditors, as required by the second section of this Act, he neglects to proceed further thereunder, his estate shall become subject to compulsory liquidation;

If the petition be rejected or none be presented, &c.

Liquidation to be compulsory.

5. But no act or omission shall justify any proceeding to place the estate of an insolvent in compulsory liquidation, unless proceedings are taken under this Act in respect of the same, within three months next after the act or omission relied upon as subjecting such estate thereto; nor after a voluntary assignment has been made, or an assignee appointed under this Act;

But proceedings must be taken within three months.

6. In Lower Canada an affidavit may be made by a creditor for a sum not less than two hundred dollars, or by the clerk or other duly authorized agent of such creditor, setting forth the particulars of his debt, the insolvency of the person indebted to him, and any fact or facts which, under this Act, subject the estate of such debtor to compulsory liquidation (Form F), and upon such affidavit being filed with the Prothonotary of the district within which the insolvent has his place of business, a writ of attachment (Form G) shall issue against the estate and effects of the insolvent addressed to the sheriff of the district in which such writ issues, requiring such sheriff to seize and attach

Proceedings for issue of Writ of attachment of debtors estate, in L. C.

attach the estate and effects of the insolvent, and to summon him to appear before the court to answer the premises, within such time as is usual therein for the return of ordinary writs of summons; and such writ shall be accompanied by a declaration setting forth such facts and circumstances as are necessary to be proved to sustain the issue thereof; and shall be subject as nearly as can be to the rules of procedure of the court in ordinary suits, as to its issue, service, return and subsequent proceedings;

Declaration to accompany writ.

The same in U. C.

7. In Upper Canada, in case any creditor by affidavit of himself or any other individual (Form F), shows to the satisfaction of the judge that he is a creditor of the insolvent for a sum of not less than two hundred dollars, and also shews by the affidavits of two credible persons, such facts and circumstances as satisfy such judge that the debtor is insolvent within the meaning of this Act, and that his estate has become subject to compulsory liquidation, such judge may order the issue of a writ of attachment (Form G) against the estate and effects of the insolvent, addressed to the sheriff of the county in which such writ issues, requiring such sheriff to seize and attach the estate and effects of the insolvent and to summon him to appear before the court to answer the premises, within such time as is usual therein for the return of ordinary writs of summons; and such writ shall be accompanied by a declaration setting forth such facts and circumstances as are necessary to be proved to maintain the issue thereof, and shall be subject as nearly as can be to the rules of procedure of the Court in ordinary suits as to its issue, return, and subsequent proceedings;

Declaration to accompany writ.

Notice of issue of writ.

8. Immediately upon the issue of a writ of attachment under this Act, the Sheriff shall give notice thereof by advertisement thereof (Form H);

How writ shall be executed.

9. Under such writ of attachment the Sheriff shall, by himself or by such agent or messenger as he shall appoint for that purpose, whose authority shall be established by a copy of the writ addressed to him by name and description, and certified under the hand of the Sheriff, seize and attach all the estate and effects of the insolvent wherever situate, including his books of account, moneys and securities for money, and all his office or business papers, documents, and vouchers of every kind and description; and shall return, with the writ, a report under oath of his action thereon;

Return.

In whose custody property attached shall be placed in L. C.

10. If the Board of Trade in the County or District in which is situate the place of business of the debtor, or if there be no Board of Trade in such County or District, then the Board of Trade nearest thereto, has appointed official assignees for the purposes of this Act, the Sheriff shall place the estate and effects attached in the custody of one of such official assignees, who shall

shall be guardian under such writ ; but if not he shall appoint as guardian such solvent and responsible person as may be willing to assume such guardianship ;

11. The person so placed in possession shall forthwith proceed to make an inventory of the estate and effects of the defendant ; and also such statements of his affairs as can be made from the books, accounts and papers attached ; And he shall file such inventory in the Court on the return day of the writ ; and shall produce such statements at the meeting of creditors called for the appointment of an official assignee ;

Duty of such person.

Inventory, &c.

12. Except in cases where a petition has been presented as provided for by the third paragraph of this section, the alleged insolvent may present a petition to the Judge at any time within five days from the return day of the writ, but not afterwards, and may thereby pray for the setting aside of the attachment made under such writ, on the ground that his estate has not become subject to compulsory liquidation ; and such petition shall be heard and determined by the Judge in a summary manner, and conformably to the evidence adduced before him thereon ;

Petition to set aside attachment.

To be decided summarily.

13. Immediately upon the expiration of five days from the return day of the writ, if no petition to quash or to stay proceedings be filed, or upon the rendering of judgment on the petition to quash, if it be dismissed, the Judge upon the application of the plaintiff, or of any creditor intervening for the prosecution of the cause, shall order a meeting of the creditors to be held before him or any other Judge, at a time and place named in such order, and after due notice thereof, for the purpose of giving their advice upon the appointment of an official assignee ;

Meeting of creditors for appointment of official assignee.

14. At the time and place appointed, and on hearing the advice of the creditors present upon oath (Form I,) the Judge shall appoint some person to be such official assignee, which person shall be the person proposed by the creditors present, if they are unanimous ; and if they are not unanimous, then the judge may appoint either one of the persons proposed by the creditors, or one of the official assignees named by the Board of Trade ;

Who may be appointed official assignee.

15. Instead of petitioning to quash the attachment, the debtor may, within the like delay, petition the judge to suspend further proceedings against him, and to that end to submit such petition to a meeting of the creditors and the debtor to be called for that purpose, in order that the creditors may determine whether the proceedings against the debtor shall be suspended or not ;

Debtor may petition for suspension of proceedings.

16. The debtor shall produce with such petition a schedule of his estate, and a list of his creditors with the amount of his indebtedness

Schedule to be produced

with the petition. indebtedness to each, and the places of their respective residences, or places of business, together with particulars of any negotiable paper on which his name appears, the holders of which are unknown to him; the whole under oath;

Duty of Judge in such case. Meeting to be called. 17. Upon the schedule of the estate and the list of creditors being furnished by the debtor, sworn to as aforesaid, the judge, instead of ordering a meeting of creditors to be called for the appointment of an official assignee, shall order a meeting of creditors to be called by advertisement for the purpose of taking into consideration the prayer of such petition, and at such meeting shall take and record by a writing under his hand the opinion of the creditors thereon;

Postponement of meeting. 18. The judge shall postpone the meeting so called if it appears that the creditors have not been properly and reasonably notified, or that important omissions have been made in the creditors' list;

Judge to preside at such meeting. Question to be decided thereat, and how. 19. The judge shall preside at such meeting of creditors, and the question which they shall decide shall be, "Shall the debtor be proceeded against under this Act or not?" And if the decision of the majority in number and three-fourths in value of the creditors for sums above one hundred dollars, present or represented, be in the negative, it shall be in force for three calendar months thereafter, during which time no other proceedings in insolvency shall be commenced against the debtor, based upon any act or omission of his which took place previous to the institution of the proceedings so stayed by the decision of the creditors;

Proceedings on decision of meeting. 20. If the decision at such meeting be not in the negative, the judge shall at once proceed thereat to take the advice of the creditors as to the appointment of an official assignee, and shall appoint such assignee as hereinbefore provided;

In case of question as to amount of any creditor's claim. 21. If any question arises at such meeting respecting the amount of any creditor's claim, it shall be decided by the judge upon a hearing of the parties, and from an inspection of the schedules and list so sworn to by the debtor, and of the statement of the debtor's affairs prepared and produced at such meeting by the guardian, or person entrusted with the writ of attachment;

Effect of appointment of official assignee. 22. Upon the appointment of the official assignee, the guardian shall deliver the estate and effects attached, to the official assignee; and by the effect of his appointment, the whole of the estate and effects of the insolvent, as existing at the date of the issue of the writ, and which may accrue to him by any title whatsoever, up to the time of his discharge under this Act, and whether seized or not seized under the writ of attachment, shall vest in the said official assignee, in the same manner

manner and to the same extent, and with the same exceptions as if a voluntary assignment of the estate of the insolvent had been at that date executed in his favor by the insolvent ;

23. An authentic copy or exemplification, under the hand of the proper officer of the Court, of the order of the Judge appointing an official assignee, may be registered at full length in any registry office, without any proof of the signature of the officer and without any memorial ; and such registration shall have the same effect as to the real estate of the insolvent and in all other respects, as the registration of a deed of assignment under this Act ;

Effect of registration of order of appointment.

24. Immediately upon his appointment, the official assignee shall give notice thereof by advertisement (Form K), requiring by such notice all creditors of the insolvent to produce before him their claims, and the vouchers in support thereof.

Notice of appointment.

OF ASSIGNEES.

4. The Board of Trade at any place, or the Council thereof, may name any number of persons within the County or District in which such Board of Trade exists, or within any County or District adjacent thereto in which there is no Board of Trade, to be official assignees for the purposes of this Act, and at the time of such nomination shall declare what security for the due performance of his duties, shall be given by each of such official assignees before entering upon them ; and a copy of the resolution naming such persons, certified by the Secretary of the Board, shall be transmitted to the Prothonotary or Clerk of the Court in the District or County within which such assignees are resident :

Boards of Trade may name official assignees.

Security.

Notice of nomination.

2. Such security shall be taken in the name of office of the President of such Board of Trade, for the benefit of the creditors of any person whose estate is, or subsequently may be, in process of liquidation under this Act ; and in case of the default of any such assignee in the performance of his duties, his security may be enforced and realized by the assignee who shall be appointed his successor, who may sue in his own name as such assignee upon such security ;

Security to be given by assignee.

3. The assignee shall call meetings of creditors, whenever required in writing so to do by five creditors, stating in such writing the purpose of the intended meeting ; or whenever he is required so to do by the Judge, on the application of any creditor, of which application he shall have notice ; or whenever he shall himself require instructions from the creditors ; and he shall state succinctly in the notice calling any meeting, the purposes of such meeting ;

Meeting of creditors, when to be called by assignee.

4. The assignee shall be subject to all rules, orders and directions, not contrary to law, or to the provisions of this Act, which

Assignee to be subject to certain rules.

- Deposit of moneys. which are made for his guidance by the creditors at a meeting called for the purpose ; and until he receives directions from the creditors in that behalf, if there be a Bank or agency of a Bank in the County in which the insolvent has his place of business, or within fifteen miles of such place, he shall deposit weekly, at interest, in the name of the estate, all moneys received by him, in the Bank or Bank-agency in or nearest to the place where the insolvent so carries on business ;
- To attend all meetings of creditors. 5. The assignee shall attend all meetings of creditors, and take and preserve minutes of such meetings, signed by himself, and signed and certified at the time by the chairman, or by three creditors present at the meeting ; and copies of, and extracts from, such minutes, certified by the assignee, shall be *prima facie* evidence of the proceedings purporting to be recorded in such minutes ; and he shall also keep a correct register of all his proceedings, and of all claims made to or before him ;
- And keep minutes, &c. 6. The assignee shall give such security and in such manner as shall be ordered by a resolution of the creditors, and shall conform himself to such directions in respect thereof, and in respect of any change or modification thereof or addition thereto, as are subsequently conveyed to him by similar resolutions ; and in every case except where the security as been taken in the name of the President of the Board of Trade, and is not required to be changed, the bond or instrument of security shall be taken in favor of the creditors, by the name of the "Creditors of A. B., an insolvent, under the Insolvent Act of 1864," and shall be deposited in the office of the Court, and in case of default by the assignee on whose behalf it is given, may be sued upon by any assignee who shall be subsequently appointed, in his own name as such assignee ;
- Security to be given to creditors. The Bond. How kept. 7. All powers vested in any insolvent which he might legally execute for his own benefit, shall vest in, and be executed by the assignee, in like manner and with like effect as they were vested in the insolvent, and might have been executed by him ; but no power vested in the insolvent or property or effects held by him as Trustee or otherwise for the benefit of others, shall vest in the assignee under this Act ;
- Powers of insolvent vested in assignee. 8. The assignee shall wind up the affairs of the insolvent, by the sale, in a prudent manner, of all bank and other stocks, and of all movables belonging to him, and by the collection of all debts ; but in all of such respects shall be guided by the direction of the creditors, given as herein provided ;
- Winding up affairs. 9. The assignee, in his own name as such, may sue for the recovery of all debts due to the insolvent, and may take, both in the prosecution and defence of suits, all the proceedings that the insolvent might have taken with respect to the estate, and may
- Assignee's right of action, &c.

may intervene and represent the insolvent in all suits or proceedings by or against him, which are pending at the time of his appointment; and on his application may have his name inserted therein, in the place of that of the insolvent ;

10. If a partner in an unincorporated trading Company or co-partnership, becomes insolvent within the meaning of this Act, and an assignee is appointed to the estate of such insolvent, the assignee shall have all the rights of action and remedies against the other partners in such Company or co-partnership, which any partner could have or exercise by law against his co-partners after the dissolution of the firm ; and may avail himself of such rights of action and remedies, as if such co-partnership or Company had expired by efflux of time ;

When the insolvent is a partner in a trading company, &c.

11. After having acted with due diligence in the collection of the debts, if the assignee finds there remain debts due; the attempt to collect which would be more onerous than beneficial to the estate, he may report the same to the creditors at a meeting thereof duly called for the purpose ; and with their sanction he may obtain an order of the Judge to sell the same by public auction, after such advertisements thereof as may be required by such order ; and pending such advertisements, the assignee shall keep a list of the debts to be sold, open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts ; but all debts amounting to more than one hundred dollars shall be sold separately ;

As to doubtful debts due estate : sale may be ordered.

Proviso.

12. The person who purchases a debt from the assignee, may sue for it in his own name as effectually as the insolvent might have done, and as the assignee is hereby authorized to do ; and a bill of sale (Form L.,) signed and delivered to him by the assignee, shall be *prima facie* evidence of such purchase without proof of the handwriting of the assignee ; and no warranty, except as to the good faith of the assignee, shall be created by such sale and conveyance, not even that the debt is due ;

Rights of purchaser of debt.

13. The assignee may sell the real estate of the insolvent, but only after advertisement thereof, for the same time and in the same manner as is required for the actual advertisement of sales of real estate by the Sheriff in the district or place where such real estate is situate, and to such further extent as the assignee deems expedient ; but the period of advertisement may be shortened to not less than two months by a resolution of the creditors passed at a meeting called for the purpose, and approved of by the Judge ; and if the price offered for any real estate at any public sale duly advertised as aforesaid, is in the opinion of the assignee too small, he may withdraw such real estate, and sell it subsequently under such directions as he receives from the creditors ;

Sale of insolvent's real estate : notice.

Power to withdraw and sell afterwards.

Effect of sale of real estate by assignee in U. C. and L. C. respectively.

Credit for purchase money.

Reserving mortgage therefor.

Duty of assignee selling real estate in L. C.

Notice to registered incumbrancers.

And other hypothecary creditors.

Certificate of Registrar to be filed.

Liability of assignee for neglect.

Assignee to be subject to summary jurisdiction of the Court.

14. The sale of real estate in Upper Canada so made by the assignee, shall have the same effect as if the same had been made by a Sheriff in Upper Canada, under a writ of execution issued in the ordinary course; and in Lower Canada, such sales shall have the same effect as if made by a Sheriff under a similar writ; and the deed of such sale which the assignee executes, (Form M.) shall have precisely the same effect as a Sheriff's deed has in that part of the Province within which the real estate is situate; but he may grant such terms of credit as he may deem expedient, and as may be approved of by the creditors for any part of the purchase money; and if no previous hypothec or mortgage remains upon such real estate, he shall be entitled to reserve a special hypothec or mortgage by the deed of sale, as security for the payment of such part of the purchase money; and such deed may be executed before witnesses, or before Notaries, according to the exigency of the law of the place where the real estate sold is situate;

15. In Lower Canada, before advertising any sale of real estate the assignee shall procure, at the expense of the estate, from the Registrar of the County wherein such real estate is situate, a certificate containing the names and residences as shewn by the Registry books of all persons enregistered as hypothecary creditors upon such real estate; and he shall himself deposit in the nearest post office a notice with the postage paid thereon, addressed to each of such creditors by the name and to the address contained in such certificate, and also a notice addressed to each creditor at any other place where the assignee has reason to believe such creditor to be then resident, and also a notice addressed to any other person whom the assignee has reason to believe to be then the creditor of such hypothecary claim,—informing the creditors of the day fixed for the sale of the real estate, and of the time within which the hypothecary creditors are required to file their claims under this Act; and before the day of sale he shall file in the office of the Court the certificate of the Registrar with a return thereon under oath as to his doings in respect of such notices; and the assignee shall be directly liable for any neglect of the duty imposed upon him by this section, to any party suffering damage in consequence of such neglect;

16. The assignee shall be subject to the summary jurisdiction of the Court or Judge in the same manner and to the same extent as the ordinary officers of the Court are subject to its jurisdiction, and the performance of his duties may be enforced by the Judge on summary petition in vacation, or by the Court on a rule in term, under penalty of imprisonment, as for contempt of Court, whether such duties be imposed upon him by the deed of assignment, by instructions from the creditors validly passed by them under this Act and communicated to him, or by the terms of this Act;

17. Before the period at which dividends may be declared, any assignee may be removed by the Judge, upon proof of fraud or dishonesty in the custody or management of the estate, upon the application of any creditor; and if such removal takes place, or if the assignee dies more than fifteen days before the said period, the Judge may appoint another assignee in the same manner as he can appoint an assignee to an estate in compulsory liquidation; but if the assignee is removed or dies within fifteen days of the said period, the Judge shall order a meeting of creditors to be held for the purpose of appointing another assignee, and shall cause notice of such meeting to be given by advertisement;
18. Any assignee may be removed after the period at which dividends may be declared, by a resolution passed by the creditors present or represented at a meeting duly called for the purpose; and if the removal has been effected by an order of the Judge, or if the assignee dies within fifteen days before the said period, or if the removal is effected by the creditors after the said period, they shall have the right of appointing another assignee, either at the meeting by which he is removed, or at any other called for the purpose;
19. The assignee so removed shall, nevertheless, remain subject to the summary jurisdiction of the Court, and of any Judge thereof, until he shall have fully accounted for his acts and conduct while he continued to be assignee;
20. The remuneration of the assignee shall be fixed by the creditors at a meeting called for the purpose; but if not so fixed before a final dividend is declared, shall be put into the dividend sheet at a rate not exceeding five *per centum* upon the cash receipts, subject to objection by any creditor as exceeding the value of the services of the assignee, in the same manner as any other item of the dividend sheet;
21. Upon the death of an assignee the estate of the insolvent shall not descend to the heirs or representatives of the assignee, but shall become vested in any assignee who shall be appointed by the creditors in his place and stead; and until the new assignee is appointed, the estate shall be under the control of the Judge;
22. After the declaration of a final dividend the assignee may prepare his final account, and after due notice by advertisement may present a petition to the Judge for his discharge from the office of assignee; and from the time of the first advertisement thereof, to the time of the presentation of such petition, he shall keep such final account open for inspection at his office;
23. The assignee shall produce and file with such petition a bank certificate of the deposit of any dividends remaining unclaimed,

Removal of assignee by a Judge for misconduct.

Appointment of another.

Removal of assignee by creditors.

Appointment of another.

Assignee removed to remain accountable.

Remuneration of assignee.

What shall be done with the estate in the event of his death.

How assignee may obtain his discharge.

Assignee to file a certificate.

cate with his petition for discharge.

unclaimed, or of any balance in his hands, and thereupon the Judge, after hearing the parties, may refuse, or grant conditionally or unconditionally, the prayer of such petition.

OF DIVIDENDS.

Accounts to be kept and dividends prepared by assignee.

5. Upon the expiration of the period of two months from the first insertion of the advertisements giving notice of an assignment, or of the appointment of an official assignee, or as soon as may be after the expiration of such period, and afterwards from time to time at intervals of not more than six months, the assignee shall prepare and keep constantly accessible to the creditors, accounts and statements of his doings as such assignee, and of the position of the estate and at similar intervals shall prepare dividends of the estate of the insolvent :

What debts may rank for payment out of insolvent's estate and how.

2. All debts due and payable by the insolvent at the time of the execution of a deed of assignment, or at the time of the issue of a writ of attachment under this Act, and all debts due but not then actually payable, subject to such rebate of interest as may be reasonable, shall have the right to rank upon the estate of the insolvent ; and any person then being as surety or otherwise liable for any debt of the insolvent who subsequently pays such debt, shall stand in the place of the original creditor, if such creditor has proved his claim on such debt ; or if he has not proved shall be intitled to prove against and rank upon the estate for such debt, to the same extent and with the same effect as such creditor might have done ;

Sureties of insolvent paying for him.

Contingent claims, provision for payment of.

3. If any creditor of the insolvent claims upon a contract dependent upon a condition or contingency, which does not happen previous to the declaration of the first dividend, a dividend shall be reserved upon the amount of such conditional or contingent claim until the condition or contingency is determined ; but if it be made to appear to the judge that such reserve will probably retain the estate open for an undue length of time, he may, unless an estimate of the value thereof be agreed to between the claimant and the assignee, order the assignee to make an award upon the value of such contingent or conditional claim, and thereupon the assignee shall make an award after the same investigation, and in the same manner and subject to a similar appeal, as is hereinafter provided for the making of awards upon disputed claims and dividends, and for appeals from such awards ; and in every such case the value so established or agreed to shall be ranked upon as a debt payable absolutely ;

In certain cases Judge may order estimate of value to be made.

Preparation of dividend sheet.

Creditors holding col-

4. In the preparation of the dividend sheet due regard shall be had to the rank and privilege of every creditor, which rank and privilege, upon whatever they may legally be founded, shall not be disturbed by the provisions of this Act ; but no dividend shall be paid to any creditor holding collateral security from the

the Insolvent for his claim, until the amount for which he shall rank as a creditor on the estate as to dividends therefrom, shall be established as hereinafter provided; and such amount shall be the amount which he shall be held to represent in voting at meetings of creditors, and in computing the proportion of creditors, whenever under this Act such proportion is required to be ascertained;

lateral security.

5. A creditor holding security from the Insolvent, or from his estate, shall specify the nature and amount of such security in his claim, and shall therein on his oath put a specified value on such security; and the assignee, under the authority of the creditors, may either consent to the retention of such security by the creditor at such specified value, or he may require from such creditor an assignment and delivery of such security, at an advance of ten per centum upon such specified value, to be paid by him out of the estate so soon as he has realized such security, in which he shall be bound to the exercise of ordinary diligence; and in either of such cases the difference between the value at which the security is retained or assumed and the amount of the claim of such creditor, shall be the amount for which he shall rank and vote as aforesaid;

Duty of such secured creditors, and power of assignee.

6. The amount due to a creditor upon each separate item of his claim at the time of the assignment, or of the appointment of the official assignee, as the case may be, shall form part of the amount for which he shall rank upon the estate of the insolvent, until such item of claim be paid in full, except in cases of deduction of the proceeds of collateral security as hereinbefore provided; but no claim or part of a claim shall be permitted to be ranked upon more than once, whether the claim so to rank be made by the same person or by different persons;

How creditors shall rank for payment of claims.

7. If the insolvent owes debts both individually and as a member of a co-partnership, or as a member of two different co-partnerships, the claims against him shall rank first upon the estate by which the debts they represent were contracted, and shall only rank upon the other after all the creditors of that other have been paid in full;

In case insolvent owes individually and as co-partner.

8. The creditors, or the same proportion of them that may grant a discharge to the debtor under this Act, may allot to the insolvent by way of allowance, any sum of money, or any property they may think proper; and the allowance so made shall be inserted in the dividend sheet, and shall be subject to contestation like any other item of collocation therein, but only on the ground of fraud or deceit in procuring it, or of the absence of consent by a sufficient proportion of the creditors;

Allowance to insolvent.

9. No costs incurred in suits against the Insolvent after due notice of an assignment or of the issue of a writ of attachment in compulsory liquidation has been given according to the provisions of this Act, shall rank upon the estate of the insolvent;

No costs in suits against insolvent allowed after notice.

but

but all the taxable costs incurred in proceedings against him up to that time, shall be added to the demand for the recovery of which such proceedings were instituted; and shall rank upon the estate as if they formed part of the original debt;

How clerks and servants shall rank for wages.

10. Clerks, and other persons in the employ of the Insolvent in and about his business or trade, shall be collocated in the dividend sheet by special privilege for any arrears of salary or wages due and unpaid to them at the time of the execution of a deed of assignment or of the issue of a writ of attachment under this Act, not exceeding three months of such arrears;

Notice of dividend sheet.

11. So soon as a dividend sheet is prepared, notice thereof (Form N) shall be given by advertisement, and after the expiry of six juridical days from the day of the last publication of such advertisement, all dividends which have not been objected to within that period shall be paid;

Provision in case it appears that all the creditors have not filed claims.

12. If it appears to the assignee on his examination of the books of the insolvent or otherwise, that the insolvent has ordinary, hypothecary or privileged creditors who have not filed claims before such assignee, it shall be his duty to reserve dividends for such creditors according to the nature of the claims, and to notify them of such reserve, which notification may be by letter through the post, addressed to such creditor's residence as nearly as the same can be ascertained by the assignee; and if such creditors do not file their claims and apply for such dividends previous to the declaration of the last dividend of the estate, the dividends reserved for them shall form part of such last dividend;

Case of objections to or disputes concerning dividends provided for.

Assignee's duty to examine, &c.

13. If any dividend be objected to, within the said period of six days, and any dispute arises between the creditors of the insolvent or between him and any creditor, as to the correct amount of the claim of any creditor, or as to the ranking or privilege of the claim of any creditor upon such dividend sheet, the assignee shall obtain from the creditor whose claim or ranking is disputed, his statements and vouchers in support thereof, and from the Insolvent or opposing creditor, a statement showing his pretensions as to the amount thereof, and shall hear and examine the parties and their witnesses under oath, which oath the assignee is hereby empowered to administer; and shall take clear notes in writing of the parole evidence adduced before him, and shall examine and verify the statements submitted to him, by the books and accounts of the Insolvent and by such evidence, vouchers and statements as may be furnished to him; and shall make an award in the premises, and as to the costs of such contestation, which award shall be deposited in the Court and shall be final, unless appealed from within three days from the date of its communication to the parties to the dispute;

14. The award of the assignee as to costs, may be made executory by execution in the same manner as an ordinary judgment of the Court, by an order of the Judge upon the application of the party to whom costs are awarded made after notice to the opposite party ;

Execution of his award.

15. The creditors may by resolution authorize and direct the costs of the contestation of any claim or any dividend to be paid out of the estate, and may make such order either before or pending any such contestation ;

Costs of contesting any claim, &c.

16. Pending any appeal, the assignee shall reserve a dividend equal to the amount of dividend claimed ;

Pending appeal.

17. All dividends remaining unclaimed at the time of the discharge of the assignee shall be left in the bank where they are deposited for three years, and if still unclaimed, shall then be paid over by such bank with the interest accrued thereon, to the Provincial Government, and if afterwards duly claimed shall be paid over to the persons entitled thereto, with interest at the rate of three per centum per annum from the time of the reception thereof by the Government ;

Unclaimed dividends,—how dealt with.

18. If any balance remains of the estate of the insolvent, or of the proceeds thereof, after the payment in full of all debts due by the Insolvent, such balance shall be paid over to the Insolvent upon his petition to that effect, duly notified to the creditors by advertisement and granted by the Judge.

Balance of estate after payment of debts.

OF LEASES.

6. If the insolvent holds under a lease property having a value above and beyond the amount of any rent payable under such lease, the assignee shall make a report thereon to the Judge, containing his estimate of the value of the estate of the leased property in excess of the rent ; and thereupon the Judge may order the rights of the insolvent in such leased premises to be sold, after notice by advertisement of such sale ; and at the time and place appointed such lease shall be sold, upon such conditions, as to the giving of security to the lessor, as the Judge may order ; and such sale shall be so made subject to the payment of the rent and to all the covenants and conditions contained in the lease ; and all such covenants and conditions shall be binding upon the lessor and upon the purchaser, as if the purchaser had been himself lessee and a party with the lessor to the lease :

How unexpired leases held by the insolvent, shall be dealt with if the rent be less than the value of the premises.

Sale of his interest.

2. If the insolvent holds under a lease extending beyond the year current under its terms at the time of his insolvency, property which is not subject to the provisions of the last preceding section, or respecting which the Judge does not make an order of sale, as therein provided, the creditors shall decide

Unexpired leases not within the preceding section.

at

at any meeting which may be held more than three months before the termination of the yearly term of the lease current at the time of such meeting, whether the property so leased should be retained for the use of the estate, only up to the end of the then current, or if the conditions of the lease permit of further extension, also up to the end of the next following yearly term thereof, and their decision shall be final ;

3. From and after the time fixed for the retention of the leased property for the use of the estate, the lease shall be cancelled and shall from thenceforth be inoperative and null ; and so soon as the resolution of the creditors as to such retention has been passed, such resolution shall be notified to the lessor, and if he contends that he will sustain any damage by the termination of the lease under such decision, he may make a claim for such damage, specifying the amount thereof under oath, in the same manner as in ordinary claims upon the estate ; and the assignee shall proceed forthwith to make an award upon such claim, in the same manner, and after similar investigation and with the same right of appeal as is herein provided for in the case of claims or dividends objected to ;

4. In making such claim, and in any award thereupon, the measure of damages shall be the difference between the value of the premises leased when the lease terminates under the resolution of the creditors, and the rent which the Insolvent had agreed by the lease to pay during its continuance ; and the chance of leasing or of not leasing the premises again, for a like rent, shall not enter into the computation of such damages ; and if damages are finally awarded to the lessor he shall rank for the amount upon the estate as an ordinary creditor.

Measure of damages to lessor.

OF APPEAL

7. There shall be an appeal to the Judge from the award of an assignee made under this Act, which appeal shall be by summary petition of which notice shall be given to the opposite party and to the assignee ; and the assignee shall attend before the Judge at the time and place indicated in such notice, and shall produce before him all evidence, notes of evidence, books, or proved extracts from books, documents, vouchers or papers having reference to the matter in dispute ; and thereupon the Judge may confirm such award, or modify it, or refer it back to the assignee for the taking of further evidence, by such order as will satisfy the ends of justice :

2. If any of the parties to such appeal are dissatisfied with such order of the Judge, they may appeal from his judgment in Lower Canada to the Court of Queen's Bench for Lower Canada on the Appeal Side thereof, and in Upper Canada to either of the Superior Common Law Courts or to the Court of Chancery, or to any one of the Judges of the said Courts ; first obtaining

And on appeal from decision of the Judge.

obtaining

obtaining the allowance of such appeal in Lower Canada by a Judge of the Superior Court, and in Upper Canada by a Judge of any of the Courts to which such appeal may be made; and in either case the Judge shall be guided in allowing the same by the amount to which the assets of the estate may be affected by the final decision of the question at issue, as well as by his opinion upon the pretensions of the appellant; but any appeal to a single Judge in Upper Canada may in his discretion be referred, on a special case to be settled, to the full Court, and on such terms in the meantime as he may think necessary and just;

Appeal must be allowed.

As to appeal to a single Judge in U. C.

3. Such appeal shall not be permitted unless the party desiring to appeal applies for the allowance of the appeal, with notice to the opposite party, within five days from the day on which the judgment of the Judge is rendered, nor unless within five days after the allowance thereof, he causes to be served upon the opposite party and upon the assignee, a petition in appeal setting forth the petition to the Judge, and his decision thereon, and praying for its revision, with a notice of the day on which such petition is to be presented, and also within the said period of five days causes security to be given before the Judge by two sufficient sureties, that he will duly prosecute such appeal, and pay all costs incurred by reason thereof by the respondent;

Notice of appeal must be given within a certain period.

And security.

4. The petition in appeal, when the appeal is to a Court, shall be presented on one of the first four days of the term next following the putting in of the security in appeal, and shall not be thereafter received; and when the appeal is to a Judge, the petition shall be presented within ten days after putting in security, and shall not thereafter be received; and on or before the day of the presentation of the petition, the assignee shall file in the office of the Court of Appeal, or of the Court to which the Judge appealed to belongs, the evidence, papers, and documents which had been previously produced before the Judge, and thereupon the appeal shall be proceeded with and decided according to the practice of the Court;

Presenting of petition in appeal.

Filing documents.

5. If the party appellant does not present his petition on the day fixed for that purpose, the Court or Judge selected to be appealed to as the case may be, shall order the record to be returned to the assignee, and the party respondent may on the following or any other day during the same term produce before the Court, or within six days thereafter before such Judge, the copy of petition served upon him, and obtain costs thereon against the appellant;

In case petition is not presented in due time.

6. The costs in appeal shall be in the discretion of the Court or of the Judge appealed to, as the case may be;

Costs in appeal.

7. In Lower Canada any order of a Judge made under any of the foregoing sub-sections, shall be subject to review under the

Decision of one Judge in the

L. C. to be subject to review.

the provisions of any Act passed during the present Session, in the same manner and upon the same conditions as judgments of the Superior Court for Lower Canada; and in such cases the provisions respecting appeal to the Court of Queen's Bench hereinbefore made, shall apply to the judgments of the Court of Review.

OF FRAUD AND FRAUDULENT PREFERENCES.

What shall be deemed fraudulent contracts or conveyances.

8. All gratuitous contracts or conveyances, or contracts or conveyances without consideration, or with a merely nominal consideration, made by a debtor afterwards becoming an insolvent with or to any person whomsoever, within three months next preceding the date of the assignment or of the issue of the writ of attachment in compulsory liquidation, and all contracts by which creditors are injured, obstructed, or delayed, made by a debtor unable to meet his engagements, and afterwards becoming an insolvent, with a person knowing such inability or having probable cause for believing such inability to exist, or after such inability is public and notorious, are presumed to be made with intent to defraud his creditors:

Contracts or conveyances made by insolvent voidable in certain cases.

2. A contract or conveyance for consideration by which creditors are injured or obstructed, made by a debtor unable to meet his engagements with a person ignorant of such inability, and before it has become public and notorious, but within thirty days next before the execution of a deed of assignment or of a writ of attachment under this Act, is voidable, and may be set aside by any Court of competent jurisdiction, upon such terms as to the protection of such person from actual loss or liability by reason of such contract, as the Court may order;

Fraudulent contracts or conveyances by insolvent void.

3. All contracts or conveyances made and acts done by a debtor, with intent fraudulently to impede, obstruct, or delay his creditors in their remedies against him, or with intent to defraud his creditors, or any of them, and so made, done, and intended with the knowledge of the person contracting or acting with the debtor, and which have the effect of impeding, obstructing, or delaying the creditors in their remedies, or of injuring them, or any of them, are prohibited, and are null and void, notwithstanding that such contracts, conveyances, or acts be in consideration or in contemplation of marriage;

In what case preferential sales, &c., shall be deemed fraudulent.

4. If any sale, deposit, pledge, or transfer, be made by any person in contemplation of insolvency, by way of security for payment to any creditor, or if any goods, effects, or valuable security be given by way of payment by such person to any creditor, whereby such creditor obtains or will obtain an unjust preference over the other creditors, such sale, deposit, pledge, transfer, or payment, shall be null and void, and the subject thereof may be recovered back for the benefit of the estate by the assignee, in any Court of competent jurisdiction; and

and if the same be made within thirty days next before the execution of a deed of assignment, or the issue of a writ of attachment under this Act, it shall be presumed to have been so made in contemplation of insolvency;

5. Every payment made within thirty days next before the execution of a deed of assignment, or the issue of a writ of attachment under this Act, by a debtor unable to meet his engagements in full, to a person knowing such inability, or having probable cause for believing the same to exist, is void, and the amount paid may be recovered back by suit, in any competent Court, for the benefit of the estate; Provided always, that if any valuable security be given up in consideration of such payment, such security or the value thereof, shall be restored to the creditor before the return of such payment can be demanded;

When payments shall be deemed fraudulent.

Proviso.

6. Any transfer of a debt due by the insolvent, made within thirty days next previous to the execution of a deed of assignment or the issue of a writ of attachment under this Act, or at any time afterwards, to a debtor knowing or having probable cause for believing the Insolvent to be unable to meet his engagements, or in contemplation of his insolvency, for the purpose of enabling the debtor to set up by way of compensation or set-off the debt so transferred, is null and void as regards the estate of the Insolvent; and the debt due to the estate of the Insolvent shall not be compensated or affected in any manner by a claim so acquired; but the purchaser thereof may rank on the estate in the place and stead of the original creditor;

Transfer of debts due by insolvent, to be void in certain cases.

7. Any trader in Lower Canada, and any person whatsoever in Upper Canada, who purchases goods on credit or procures advances in money, knowing or believing himself to be unable to meet his engagements, and concealing the fact from the person thereby becoming his creditor, with the intent to defraud such person, or who by any false pretence obtains a term of credit for the payment of any advance or loan of money, or of the price or any part of the price of any goods, wares or merchandize, with intent to defraud the person thereby becoming his creditor, and who shall not afterwards have paid the debt or debts so incurred, shall be held to be guilty of a fraud, and shall be liable to imprisonment for such time as the Court may order, not exceeding two years, unless the debt or costs be sooner paid; and if such debt or debts be incurred by a trading company, then every member thereof who shall not prove himself to have been ignorant of the incurring, and of the intention to incur, such debt or debts, shall be similarly liable; provided always, that in the suit or proceeding taken for the recovery of such debt or debts, the defendant be charged with such fraud, and be declared to be guilty of it by the judgment rendered in such suit or proceeding;

Certain other frauds defined, as regards L. C.

Punishment.

Proviso.

As to like case in U. C.

8. In Upper Canada in every such suit or proceeding whether the defendant appear and plead, or make default, the plaintiff shall be bound to prove the fraud charged, and upon his proving it the Judge who tries the suit or proceeding shall immediately after the verdict rendered against the defendant for such fraud (if such verdict is given) adjudge the term of imprisonment which the defendant shall undergo; and he shall forthwith order and direct the defendant immediately to be taken into custody and imprisoned accordingly; but such judgment shall not affect the ordinary remedies for the revision thereof, or of any proceeding in the case.

OF COMPOSITION AND DISCHARGE.

When and to what extent a deed of composition shall be binding.

9. A deed of composition and discharge executed by the majority in number, of those of the creditors of an Insolvent who are respectively creditors for sums of one hundred dollars and upwards, and who represent at least three-fourths in value of the liabilities of the Insolvent subject to be computed in ascertaining such proportion, shall have the same effect with regard to the remainder of his creditors, and be binding to the same extent upon him, and upon them, as if they were also parties to it; and such a deed may be validly made either before, pending, or after proceedings upon an assignment, or for the compulsory liquidation of the estate of the insolvent; and the discharge therein agreed to shall have the same effect as an ordinary discharge obtained as hereinafter provided:

When such deed may be made.

Notice and time within which opposition to composition must be made.

2. If the Insolvent procures a deed of composition and discharge to be duly executed as aforesaid, and deposits it with the assignee pending the proceedings upon a voluntary assignment or for compulsory liquidation, the assignee, after the period hereinbefore fixed as that after which dividends may be declared has elapsed, shall give notice of such deposit by advertisement; and if opposition to such composition and discharge be not made by a creditor, within six juridical days after the last publication of such notice, by filing with the assignee a declaration in writing that he objects to such composition and discharge, the assignee shall act upon such deed of composition and discharge according to its terms; but if opposition be made thereto within the said period, or if made be not withdrawn, then he shall abstain from taking any action upon such deed until the same has been confirmed, as hereinafter provided;

If none be so made.

Effect of consent of creditors to debtor's discharge.

3. The consent in writing of the said proportion of creditors to the discharge of a debtor after an assignment, or after his estate has been put in compulsory liquidation, absolutely frees and discharges him from all liabilities whatsoever (except such as are hereinafter specially excepted) existing against him and proveable against his estate, which are mentioned and set forth in the statement of his affairs annexed to the deed of assignment, or which are shewn by any supplementary list of creditors

creditors furnished by the insolvent, previous to such discharge, and in time to permit the creditors therein mentioned obtaining the same dividend as other creditors upon his estate, or which appear by any claim subsequently furnished to the assignee, whether such debts be exigible or not at the time of his insolvency, and whether direct or indirect; and if the holder of any negotiable paper is unknown to the insolvent, the insertion of the particulars of such paper in such statement of affairs, with the declaration that the holder thereof is unknown to him, shall bring the debt represented by such paper, and the holder thereof, within the operation of this section;

If the holder of any negotiable paper is unknown.

4. A discharge under this Act shall not operate any change in the liability of any person or company secondarily liable for the debts of the insolvent, either as drawer or endorser of negotiable paper, or as guarantor, surety or otherwise, nor of any partner or other person liable jointly or severally with the insolvent for any debt, nor shall it affect any mortgage, *hypothèque*, lien or collateral security held by any creditor as security for any debt thereby discharged;

Effect of discharge as regards persons as secondarily liable for debts of insolvent.

5. A discharge under this Act shall not apply, without the express consent of the creditor, to any debt for enforcing the payment of which the imprisonment of the debtor is permitted by this Act, nor to any debt due as damages for personal wrongs, or as a penalty for any offence of which the insolvent has been convicted, or as a balance of account due by the insolvent as an assignee, tutor, curator, trustee, executor or public officer; nor shall such debts, nor any privileged debts, nor the creditors thereof, be computed in ascertaining whether a sufficient proportion of the creditors of the insolvent have done, or consented to any act, matter or thing under this Act; but the creditor of any debt due as a balance of account by the insolvent as assignee, tutor, curator, trustee, executor or public officer, may claim and accept a dividend thereon from the estate without being in any respect affected by any discharge obtained by the insolvent;

Certain debts excepted from operation of discharge.

But the creditor may accept the dividend.

6. An insolvent who has procured a consent to his discharge or the execution of a deed of composition and discharge, within the meaning of this Act, may file in the office of the court the consent or deed of composition and discharge, and may then give notice (Form O.) of the same being so filed, and of his intention to apply by petition to the Court in Lower Canada, or in Upper Canada to the Judge, on a day named in such notice, for a confirmation of the discharge effected thereby; and notice shall be given by advertisement in the *Canada Gazette* for two months, and also for the same period, if the application is to be made in Upper Canada, in one newspaper, and if in Lower Canada in one newspaper published in French, and in one newspaper published in English, in or nearest the place of residence of the insolvent; and upon such application,

Proceedings to obtain confirmation of discharge.

Creditors may oppose, and any

on what grounds.

any creditor of the insolvent may appear and oppose such confirmation, either upon the ground of fraud or fraudulent preference within the meaning of this Act, or of fraud or evil practice in procuring the consent of the creditors to the discharge, or their execution of the deed of composition and discharge, as the case may be, or of the insufficiency in number or value of the creditors consenting to or executing the same, or of the fraudulent retention and concealment by the insolvent of some portion of his estate or effects, or of the evasion, prevarication or false swearing of the insolvent upon examination as to his estate and effects, or upon the ground that subsequent to the passing of this Act the insolvent has not kept an account-book shewing his receipts and disbursements of cash, and such other books of account as are suitable for his trade, or if, having at any time kept such book or books, he has refused to produce or deliver them to the assignee ;

If confirmation be not demanded within two months proceedings may be taken to annul the discharge.

Petition for annulling and proceedings consequent thereon.

7. If the insolvent does not apply to the Court or Judge for a confirmation of such discharge within two months from the time at which the same has been effected under this Act, any creditor for a sum exceeding two hundred dollars, may cause to be served a notice in writing upon the insolvent requiring him to file in the Court the consent, or the deed of composition and discharge, as the case may be ; and may thereupon give notice (Form P.) as hereinbefore provided with regard to applications for confirmation of discharge, of his intention to apply by petition to the Court in Lower Canada, or in Upper Canada to the Judge, on a day named in such notice, for the annulling of the discharge ; and on the day so named may present a petition to the Court or Judge, in accordance with such notice, setting forth the reasons in support of such application, which may be any of the reasons upon which a confirmation of discharge may be opposed ; and upon such application, if the insolvent has not, at least one month before the day fixed for the presentation thereof, filed in the office of the Court the consent or deed under which the discharge is effected, the discharge may be annulled without further enquiry, except as to the service upon him of the notice to file the same ; but if such consent or deed be so filed, or if upon special application, leave be granted to him to file the same at a subsequent time, and he do then file the same, the Court or Judge, as the case may be, shall proceed thereon as upon application for confirmation of such discharge ;

Power of Court or Judge.

8. The Court or Judge, as the case may be, upon hearing the application to confirm or to annul the discharge, the objections thereto, and any evidence adduced, shall have power to make an order, either confirming the discharge absolutely, suspensively, or conditionally, or annulling the same ; and such order shall be final, unless appealed from in the manner herein provided for as to appeals from the Court or Judge ;

9. Until the Court or Judge, as the case may be, has confirmed such discharge, the burden of proof of the discharge being completely effected under the provisions of this Act, shall be upon the insolvent; but the confirmation thereof, if not reversed in appeal, shall render the discharge thereby confirmed, final and conclusive; and an authentic copy of the judgment confirming the same shall be sufficient evidence, as well of such discharge as of the confirmation thereof;

10. If, after the expiration of one year from the date of an assignment made under this Act, or from the date of the issue of a writ of attachment thereunder, as the case may be, the insolvent has not obtained, from the required proportion of creditors, a consent to his discharge, or the execution of a deed of composition and discharge, he may apply to the Court in Lower Canada, or to the Judge in Upper Canada by petition, to grant him his discharge, first giving notice of such application, (Form Q.) in the manner hereinbefore provided for notice of application for confirmation of discharge;

11. Upon such application any creditor of the insolvent may appear and oppose the granting of such discharge upon any ground upon which the confirmation of a discharge may be opposed under this Act;

12. The Court or Judge, as the case may be, after hearing the insolvent, and the objecting creditors, and any evidence that may be adduced, may make an order either granting the discharge of the insolvent absolutely, conditionally, or suspensively, or refusing it absolutely; and such order shall be final, unless appealed from in the manner herein provided for appeals from the Court or Judge;

13. Every discharge, or composition or confirmation of any discharge or composition, which has been obtained by fraud or fraudulent preference, or by means of the consent of any creditor procured by the payment of such creditor of any valuable consideration for such consent, shall be null and void.

EXAMINATION OF THE INSOLVENT AND OTHERS.

10. Immediately upon the expiry of the period of two months from the first insertion of the advertisement giving notice of an assignment, or of the appointment of an official assignee, the assignee shall call a meeting, by advertisement, of the creditors, for the public examination of the insolvent, and shall summon him to attend such meeting; and at such meeting the insolvent may be examined on oath, sworn before the assignee, by or on behalf of any creditor present, in his turn; and the examination of the insolvent shall be reduced to writing by the assignee, and signed by the insolvent; and any questions put to the insolvent at such meeting which he shall answer evasively, or refuse

refuse to answer, shall also be written in such examination, with the replies made by the insolvent to such questions; and the insolvent shall sign such examination, or if he refuse to sign the same, his refusal shall be entered at the foot of the examination, with the reasons of such refusal, if any, as given by himself; and such examination shall be attested by the assignee and shall be filed in the office of the court;

Signing and attesting it.

Examination of insolvent before the Judge.

2. The insolvent may also be from time to time examined as to his estate and effects upon oath, before the Judge, by the assignee or by any creditor, upon an order from the Judge obtained without notice to the Insolvent, upon petition, setting forth satisfactory reasons for such order—and he may also be examined in like manner upon a *subpœna* issued as of course without such order, in any action in which a writ of attachment has been issued against his estate and effects; which *subpœna* may be procured by the plaintiff, or by any creditor intervening in the action for that purpose, or by the assignee;

Examination by assignee or creditor, on application for discharge, &c.

3. The insolvent may also be so examined by the assignee or by any creditor, on the application of the insolvent for a discharge or for the confirmation or annulling of a discharge, at any stage of such proceeding or upon any petition to set aside an attachment in the proceedings for the compulsory liquidation of his estate;

Other persons may be examined.

4. Any other person who is believed to possess information respecting the estate or effects of the insolvent, may also be from time to time examined before the Judge upon oath, as to such estate or effects, upon an order from the Judge to that effect, which order the Judge may grant upon petition, setting forth satisfactory reasons for such order, without notice to the insolvent or to the person to be so examined;

Insolvent to attend meetings of his creditors.

5. The insolvent shall attend all meetings of his creditors, when summoned so to do by the assignee, and shall answer all questions that may be put to him at such meetings touching his business, and touching his estate and effects; and for every such attendance he shall be paid such sum as shall be ordered at such meeting, but not less than one dollar;

Conduct of witnesses.

6. Any person summoned for examination or under examination under this Act shall be subject to proceedings and punishments similar to those which may be taken against or inflicted upon ordinary witnesses; and on application, the Judge may at his discretion order an allowance to be made to persons so examined, of a like amount to that allowed to witnesses in civil cases, and order them to be paid such allowance out of the estate or otherwise.

Their costs.

OF PROCEDURE GENERALLY.

11. Notice of meetings of creditors and all other notices herein required to be given by advertisement, without special designation of the nature of such notice, shall be so given by publication thereof for two weeks in the *Canada Gazette*, also in Lower Canada in every issue during two weeks of one newspaper in English and one in French, and in Upper Canada, in one newspaper in English, published at or nearest to the place where the proceedings are being carried on, if such newspapers are published within ten miles of such place; and in any case the assignee or person giving such notice shall also address notices thereof to all creditors and to all representatives of foreign creditors, within the Province, and shall mail the same with the postage thereon paid, at the time of the insertion of the first advertisement:

Notices under this Act, how to be given.

2. All questions discussed at meetings of creditors shall be decided by the majority in number of all creditors for sums above one hundred dollars, present or represented at such meeting, and representing also the majority in value of such creditors, unless herein otherwise specially provided; but if the majority in number do not agree with the majority in value, the meeting may be adjourned for a period of not less than fifteen days, of which adjournment notice by advertisement shall be given; and if the adjourned meeting has the same result, the views of each section of the creditors shall be embodied in resolutions, and such resolutions shall be referred to the Judge, who shall decide between them;

Decision of questions at meetings of creditors.

3. If the first meeting of creditors which takes place after the expiry of the period of two months from the date of the deed of assignment or of the appointment of an official assignee, be called for the ordering of the affairs of the estate generally, and it be so stated in the notices calling such meeting, all the matters and things respecting which the creditors may vote, resolve or order, or which they may regulate under this Act, may be voted, resolved or ordered upon and may be regulated at such meeting, without having been specially mentioned in the notices calling such meeting, notwithstanding anything to the contrary in this Act contained, due regard being had, however, to the proportions of creditors required by this Act for any such vote, resolution, order or regulation;

What may be done at first meeting of creditors if called for ordering affairs generally, &c.

4. The claims of creditors (Form R) shall be furnished to the assignee in writing, and shall specify what security, if any, the creditor holds for the payment of his claim, and when required by this Act shall also contain an estimate by such creditor of the value of such security; and if the creditor holds no security, then it shall also be so therein stated;

Claims of creditors; form of.

How to be attested.

5. The claims shall be attested under oath, taken in Canada before any Judge, Commissioner for taking Affidavits, or Justice of the Peace, and out of Canada, before any Judge of a Court of Record, any Commissioner for taking Affidavits appointed by any Canadian Court, the Chief Municipal Officer for any Town or City, or any British Consul or Vice-Consul, or before any other person authorized by any statute of this Province for taking affidavits to be used in this Province ;

Supplementary oath in certain cases.

6. Before the preparation of a dividend sheet, the assignee may require from any creditor a supplementary oath declaring what amount, if any, such creditor has received in part payment of the debt upon which his claim is founded, subsequent to the making of such claim, together with the particulars of such payment ; and if any creditor refuses to produce or make such oath before the assignee within a reasonable time after he has been required so to do, he shall not be collocated in such dividend sheet ;

Claims secured by *hypothèque* or *privilege* in L. C.

Documents to be filed, &c.

7. If, in Lower Canada, any claim be secured by *hypothèque* upon the real estate of the insolvent, or if it consists of any *hypothèque* or *privilege* upon such real estate or any part thereof, the nature of such *hypothèque* or *privilege* shall be summarily specified in such claim ; but unless such claim be filed with the assignee, with the deeds and documents in support thereof, within six days from the day of sale of the property affected thereby, or if not, unless leave to file the same be afterwards obtained from the Judge upon special cause shewn, previous to the distribution of the proceeds of such real estate, or unless a dividend upon such claim has been reserved by the assignee, such claim shall not be entitled to any preferential collocation upon the proceeds of such real estate ;

Who may make affidavits under this Act.

8. Any affidavit required under this Act may be made by the party interested, or by the agent in that behalf having a personal knowledge of the matters therein stated ;

Notices of proceedings.

9. One clear day's notice of any petition, motion or rule, shall be sufficient if the party notified resides within fifteen miles of the place where the proceeding is to be taken, and one extra day shall be sufficient allowance for each additional fifteen miles of distance between the place of service and the place of proceeding, and service of such notice shall be made in such manner as is now prescribed for similar services in that section of the Province within which the service is made ;

Commissions for examination of witnesses.

10. The Judge shall have the same power and authority in respect of the issuing and dealing with Commissions for the examination of witnesses, as are possessed by the ordinary Courts of Record in the section of the Province in which the proceedings are being carried on ;

11. All rules, orders and warrants, issued by any Judge or court in any matter or proceeding under this Act, may be validly served in any part of this Province upon the party affected or to be affected thereby; and the service of them or any of them may be validly made in such manner as is now prescribed for singular services in that part of the Province within which the service is made; and the person charged with such service shall make his return thereof and on oath, or, if a sheriff or bailiff in Lower Canada, may make such return under his oath of office;

Rules, &c., may be served in any part of this Province.

12. The fourth, fifth, seventh, eighth, ninth, tenth, eleventh and thirteenth sections of chapter seventy-nine of the Consolidated Statutes of Canada shall apply to proceedings under this Act; and the whole of chapter eighty of the said Consolidated Statutes shall also apply to proceedings under this Act, in the same manner and to the same extent as to proceedings before Courts of Record in Upper and Lower Canada;

Certain ss. of caps. 79 and 80, Con. Stat. of Canada to apply.

13. The forms appended to this Act, or other forms in equivalent terms, shall be used in the proceedings for which such forms are provided; but in every petition, application, motion, contestation, or other pleading under this Act, the parties may state the facts upon which they rely in plain and concise language, to the interpretation of which the rules of construction applicable to such language in the ordinary transactions of life shall apply; and no allegation or statement shall be held to be insufficiently made, unless by reason of any alleged insufficiency the opposing party be misled or taken by surprise;

Forms appended to be used.

In other cases ordinary language to be sufficient.

14. The rules of procedure as to amendments of pleadings, which are in force at any place where any proceedings under this Act are carried on, shall apply to all proceedings under this Act; and any judge before whom any such proceedings are being carried on shall have full power and authority to apply the appropriate rules as to amendments, to the proceedings so pending before him; and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended under the rules and practice of the court;

Amendment of proceedings.

15. The death of the insolvent, pending proceedings upon a voluntary assignment or in compulsory liquidation, shall not affect such proceedings, or impede the winding up of his estate; and his heirs or other legal representatives may continue the proceedings on his behalf to the procuring of a discharge, or of the confirmation thereof, or of both;

Effect of death of insolvent pending proceedings.

16. The costs of the action to compel compulsory liquidation shall be paid by privilege as a first charge upon the assets of the insolvent; and the costs of the judgment of confirmation of the discharge of the insolvent, or of the discharge if obtained direct

Costs to compel compulsory liquidation.

direct from the Court, and the costs of winding up the estate, being first submitted at a meeting of creditors, and afterwards taxed by the judge, shall also be paid therefrom ;

Rules of practice and tariff of fees in L. C.

17. In Lower Canada rules of practice for regulating the due conduct of proceedings under this Act before the Court or Judge, and tariffs of fees for the Officers of the Court, and for the Advocates and Attorneys practising in relation to such proceedings, shall be made forthwith after the passing of this Act, and when necessary repealed or amended, and shall be promulgated, under or by the same authority and in the same manner as the rules of practice and tariff of fees of the Superior Court for Lower Canada, and shall apply in the same manner and have the same effect in respect of the proceedings under this Act, as the rules of practice and tariff of fees of the Superior Court apply to and affect the proceedings before that Court ; and bills of costs upon proceedings under this Act, may be taxed and proceeded upon in like manner, as bills of costs may now be taxed and proceeded upon in the said Superior Court ;

Taxation of costs.

Rules and tariff in U. C.

18. In Upper Canada the Judges of the Superior Courts of Common Law, and of the Court of Chancery, or any five of them, of whom the Chief Justice of Upper Canada, or the Chancellor, or the Chief Justice of the Common Pleas, shall be one, shall have power to frame and settle such forms, rules and regulations as shall be followed and observed in the proceedings on insolvency under this Act, as they may deem to be necessary, and to fix and settle the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to Attorneys, Solicitors, Counsel, Officers of Courts, whether for the Officer or for the Crown, as a fee for the fee fund or otherwise, Sheriffs, Assignees or other persons whom it may be necessary to provide for.

GENERAL PROVISIONS.

Rights of unpaid vendor under *Coutume de Paris*, restricted.

12. In all cases of sales of merchandise to a trader in Lower Canada subsequently becoming insolvent, the exercise of the rights and privileges conferred upon the unpaid vendor by the one hundred and seventy-sixth and one hundred and seventy-seventh articles of the *Coutume de Paris*, is hereby restricted to a period of fifteen days from the delivery of such merchandise :

In L. C. marriage contracts of traders to be registered within a certain period.

2. In Lower Canada, every trader who marries, having previously executed a contract of marriage by which he gives or promises to give or to pay, or cause to be paid to his wife, any property or effects, or any sum of money, shall cause such contract of marriage to be enregistered in the registration division in which he has his place of business, within thirty days from the execution thereof ; and every trader already married,

married, having such marriage contract with his wife, shall enregister the same as aforesaid, if it be not there already enregistered, within three months from the passing of this Act; and every person not a trader, but hereafter becoming a trader, and having such a contract of marriage with his wife, shall cause such contract to be enregistered as aforesaid (if it be not previously there enregistered), within thirty days from becoming such trader; and in default of such registration the wife shall not be permitted to avail herself of its provisions in any claim upon the estate of such insolvent for any advantage conferred upon or promised to her by its terms; nor shall she be deprived by reason of its provisions of any advantage or right upon the estate of her husband, to which, in the absence of any such contract, she would have been entitled by law;

Provision in default of such registration.

3. No judgment shall be rendered against any trader in Lower Canada in any action against him by his wife *en séparation de biens* or *en séparation de corps et de biens*, unless the institution of such action is advertised continuously for one month in the *Canada Gazette*, and in two newspapers published in or nearest to the place of residence of such trader, one in French, the other in English; nor unless such action be brought in the district within which the defendant has his domicile; and any creditor of the defendant in any such suit may intervene therein for the purpose of examining such debtor respecting his estate and effects, without becoming liable for any costs either to the plaintiff or to the defendant, and may also intervene therein, and oppose the demand of the plaintiff, or subsequently contest the validity of any judgment rendered therein, subject to the ordinary rule as to costs;

Judgments in actions *en séparation de biens*, to be rendered only on certain conditions.

Creditors may intervene.

4. The words "before Notaries" shall mean executed in Notarial form according to the law of Lower Canada; the words "the Judge" shall, in Lower Canada, signify a Judge of the Superior Court for Lower Canada, having jurisdiction at the domicile of the insolvent; and in Upper Canada a Judge of the County Court of the County or Union of Counties in which the proceedings are carried on, and the words "the Court" shall, in Lower Canada, signify the said Superior Court, and in Upper Canada the County Court, unless it is otherwise expressed or unless the context plainly requires a different construction; but the twenty-fourth and twenty-fifth sections of the seventy-eighth chapter of the Consolidated Statutes for Lower Canada, including subsection number two of the said twenty-fifth section, shall apply in Lower Canada to proceedings under this Act;

Interpretation.

"Before Notaries."

"Judge."

"Court."

Certain provisions to apply.

5. The word "Assignee" shall mean the official assignee appointed in proceedings for compulsory liquidation as well as the assignee appointed under a deed of voluntary assignment; the word "day" shall mean a juridical day; the word "Creditor" shall be held to mean every person to whom

"Assignee."

"Day."

"Creditor."
the

" Collocated."

Application of Act to companies, &c.

the insolvent is liable, whether primarily or secondarily, and whether as principal or surety; but no debt shall be doubly represented or ranked for, either in the computation for ascertaining the numbers and proportion of creditors, or in the allotment or payment of dividends; the word "collocated" shall mean ranked or placed in the dividend sheet for some dividend or sum of money; and all the provisions of this Act respecting traders, shall be held to apply equally to unincorporated trading Companies and co-partnerships; and the chief office or place of business of such unincorporated trading Companies and co-partnerships shall be their domicile for the purposes of this Act;

Assignees to be agents within the meaning of Con. Stat. Canada, cap. 92, sec. 43, &c.

6. Every assignee to whom an assignment is made under this Act, and every official assignee appointed under the provisions of this Act, is an agent within the meaning of the forty-third, forty-fourth, forty-sixth, forty-eighth and forty-ninth sections of the ninety-second chapter of the Consolidated Statutes of Canada; and every provision of this Act, or resolution of the creditors, relating to the duties of an assignee or official assignee, shall be held to be in direction in writing, within the meaning of the said forty-third section of the said chapter; and in an indictment against an assignee or official assignee under any of the said sections, the right of property in any moneys, security, matter, or thing, may be laid in "the creditors of the insolvent (*naming him*), under the Insolvent Act of 1864," or in the name of any assignee subsequently appointed, in his quality as such assignee;

Deed of assignment, &c., to be *primâ facie* evidence.

7. The deed of assignment, or an authentic copy thereof, or a duly authenticated copy of the order of the judge appointing an official assignee, or a duly certified extract from the minutes of a meeting of creditors, according to the mode in which the assignee or official assignee is alleged to be appointed, shall be *primâ facie* evidence in all courts, whether civil or criminal, of such appointment, and of the regularity of all proceedings at the time thereof and antecedent thereto;

Percentage for Building and Jury Fund in L. C.

8. One per centum upon all moneys proceeding from the sale by an assignee, under the provisions of this Act, of any immoveable property in Lower Canada, shall be retained by the assignee out of such moneys, and shall by such assignee be paid over to the Sheriff of the District, or of either of the counties of Gaspé or Bonaventure, as the case may be, within which the immoveable property sold shall be situate, to form part of the Building and Jury Fund of such District or County;

Power to impose a tax on proceedings in L. C.

9. The Governor in Council shall have all the powers with respect to imposing a tax or duty upon proceedings under this Act, which are conferred upon the Governor in Council by the thirty-second and thirty-third sections of the one hundred and ninth

ninth chapter of the Consolidated Statutes for Lower Canada, and by the Act intituled: *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*, (12 Vic., cap. 112.)

13. This Act shall be called and known as "The Insolvent Act of 1864," and shall come into force and take effect on and after the first day of September next. Short title.

FORM A.

INSOLVENT ACT OF 1864.

The Creditors of the undersigned are notified to meet at
 in _____ on _____ the _____th day of _____
 at (eight) o'clock for the purpose of
 receiving statements of his affairs, and of naming an Assignee
 to whom he may make an assignment under the above Act..

(Domicile of debtor, and date.)

(Signature.)

(The following is to be added to the notices sent by post.)

The Creditors holding direct claims and indirect claims, maturing before the meeting, for one hundred dollars each and upwards, are as follows: (*names of Creditors and amount due*), and the aggregate of claims under one hundred dollars is \$

Domicile of debtor, and date.)

(Signature.)

FORM B.

INSOLVENT ACT OF 1864.

In the matter of A. B., an insolvent.

Schedule of Creditors.

1. Direct Liabilities.

Name.	Residence.	Nature of Debt.	Amount.	Total.
2. Indirect liabilities, maturing before the day fixed for the first meeting of creditors.				
Name.	Residence.	Nature of Debt.	Amount.	
3. Indirect liabilities, maturing after the day fixed for the first meeting of creditors.				
Name.	Residence.	Nature of Debt.	Amount.	
4. Negotiable paper, the holders of which are unknown.				
Date.	Name of Maker.	Names liable to Insolvent.	When due.	Amount.

PROVINCE OF CANADA, }
 DISTRICT (or County) }

INSOLVENT ACT OF 1864.

I, A. B., the above named insolvent, being duly sworn, depose and say :

1. That to the best of my knowledge and belief, and according to my books, the above schedule contains a true and correct list of my liabilities, according to its purport, and that each of such liabilities is correctly classified therein.

2. That all of the above-mentioned liabilities are honestly due by me and that none of them were created or have been increased with the intention of giving to the creditor thereof any advantage either in voting at meetings of creditors, or in ranking on my estate. And I have signed.

Sworn before me at this day of
 186

FORM C.

INSOLVENT ACT OF 1864.

This assignment made between of the
 first part, and of the second part,
 witnesses,

(or)

On this day of
 before the undersigned notaries
 came and appeared
 of the first part, and
 of the second part, which said parties declared to us Notaries.

That under the provisions of "the Insolvent Act of 1864" the said party of the first part, being insolvent, has voluntarily assigned and hereby does voluntarily assign to the said party of the second part, accepting thereof as assignee under the said Act, and for the purposes therein provided, all his estate and effects real and personal of every nature and kind whatsoever.

To have and to hold to the party of the second part as assignee for the purposes and under the Act aforesaid.

And a duplicate of the list of creditors exhibited at the first meeting of his creditors, by the said party of the first part, is hereto annexed.

In witness whereof, &c.

or

Done and passed, &c.

FORM

FORM D.

INSOLVENT ACT OF 1864.

In the matter of

A. B. (or A. B. & Co.)
an Insolvent.

The creditors of the insolvent are notified that he has made an assignment of his estate and effects, under the above Act, to me, the undersigned assignee, and they are required to furnish me, within two months from this date, with their claims, specifying the security they hold, if any, and the value of it; and if none, stating the fact; the whole attested under oath, with the vouchers in support of such claims.

(Place date)
(Signature of assignee.)

FORM E.

INSOLVENT ACT OF 1864.

To (name residence and description
of insolvent.)

You are hereby required to make an assignment of your estate and effects under the above Act, for the benefit of your creditors.

Place date
(Signature of creditor.)

FORM F.

INSOLVENT ACT OR 1864.

PROVINCE OF CANADA, }
DISTRICT OF }

A. B——, (name, residence and description.) Plaintiff.

vs.
C. D——, (name, residence and description.) Defendant.

I, A. B——, (name, residence and description) being duly sworn, depose and say :

1. I am the Plaintiff in this cause (or one of the Plaintiffs, or the clerk, or the agent of the Plaintiff in this cause duly authorized for the purposes hereof ;

2. The defendant is indebted to the Plaintiff (or as the case may be) in the sum of _____ dollars currency for, (*state concisely and clearly the nature of the debt*);

3. To the best of my knowledge and belief the defendant is insolvent within the meaning of the Insolvent Act of 1864, and has rendered himself liable to have his estate placed in compulsory liquidation under the above mentioned Act; and my reasons for so believing are as follows: (*state concisely the facts relied upon as rendering the debtor insolvent, and as subjecting his estate to be placed in compulsory liquidation.*)

And I have signed; (or I declare that I cannot sign,) this _____ day of _____ 186 .

and if the deponent cannot sign, add—the foregoing affidavit having been first read over by me to the deponent.

(FORM G.)

INSOLVENT ACT OF 1864.

PROVINCE OF) VICTORIA, by the Grace of God, of the
CANADA,) United Kingdom of Great Britain and
District of Quebec.) Ireland, Queen, Defender of the Faith.

To the Sheriff of our District (or County) of _____
No. _____ GREETING :

WE command you at the instance of _____
to attach the estate and effects, moneys and securities for
money, vouchers, and all the office and business papers and
documents of every kind and nature whatsoever

of and belonging to _____
if the same shall be found in (*name of district or other territorial jurisdiction*) and the same so attached, safely to hold,
keep and detain in your charge and custody, until the attachment thereof, which shall be so made under and by virtue of
this Writ, shall be determined in due course of Law.

We command you also to summon the said _____
to be and appear before Us, in our _____ Court for
at _____ in the County (or Dis-
trict) of _____ on the _____ day of _____
then and there to answer the said _____
of the plaint contained in the declaration hereto annexed, and
further to do and receive what, in our said Court before Us,
in _____

in this behalf shall be considered ; and in what manner you shall have executed this Writ, then and there certify unto Us with your doings thereon, and every of them, and have you then and there also this Writ.

IN WITNESS WHEREOF, We have caused the Seal of our said Court to be hereunto affixed, at _____ aforesaid
 _____, this _____ day of _____
 in the year of our Lord, one thousand eight hundred and _____
 sixty- _____ in the _____

(FORM H.)

INSOLVENT ACT OF 1864.

A. B.,
 Plff.
 C. D.,
 Deft.

A writ of attachment has issued in this cause, of which all persons interested in the estate of the defendant, and all persons having in their possession, custody or power, any portion of the assets of the defendant, or who are in any way indebted to him, are required to take notice.

(Place _____ date.)

(Signature,)

Sheriff.

(FORM I.)

INSOLVENT ACT OF 1864.

I swear that I (*or, the firm of which I am a member, or, A. B. of _____ of whom I am the duly authorized agent in this behalf,*) am (*or is*) a creditor of the Insolvent, and that I will give my advice in the appointment of an assignee to his estate, honestly and faithfully and in the interest of his creditors generally.

(FORM K.)

INSOLVENT ACT OF 1864.

In the matter of

A. B. (*or A. B. & Co.*),
 an insolvent.

The creditors of the insolvent are notified that I, the undersigned (*name and residence*), have been appointed official assignee

assignee of his estate and effects : and they are required to produce before me within two months from this date, their claims upon the said estate under oath, specifying the security they hold, if any, and the value of it, and if none, stating the fact, with vouchers in support of such claims.

(Place date,)

(Signature,)

Official Assignee.

(FORM L.)

INSOLVENT ACT OF 1864.

In the matter of

A. B.,
an insolvent.

In consideration of the sum of \$ _____ whereof quit ;
C. D., assignee of the insolvent, in that capacity hereby sells
and assigns to E. F. accepting thereof, all claim by the Insol-
vent against G. H. of (*describing the debtor*) with the evidences
of debt and securities thereto appertaining, but without any
warranty of any kind or nature whatsoever.

C. D., Assignee.
E. F.

FORM M.

This deed, made under the provisions of the Insolvent Act
of 1864, the _____ day of _____ &c.,
between A. B. of _____ &c., in
his capacity of assignee of the estate and effects of
an insolvent, under a deed of assignment executed on the
_____ day of _____ at _____ in
Canada, (*or under an order of the Judge made at*
on the _____ day of _____) of the one part,
and C. D., of _____ &c., of the other part, witnesseth :
That he, the said A. B., in his said capacity, hath caused the
sale of the real estate hereinafter mentioned, to be advertised
in the *Canada Gazette* from the
_____ day of _____ to the
_____ day of _____ inclusive, and hath adjudged and doth
hereby grant, bargain, sell, and confirm the same, to wit :
unto the said C.D., his heirs and assigns for ever, all (*in*
Upper Canada insert "the rights and interests of the Insolvent
in") that certain lot of land, &c., (*insert here a description of*
the property sold) : To have and to hold the same, with the
appurtenances

appurtenances thereof, unto the said C.D., his heirs and assigns for ever. The said sale is so made for and in consideration of the sum of \$
 in hand paid by the said C.D. to the said A.B., the receipt whereof is hereby acknowledged (or of which the said C.D. hath paid to the said A.B. the sum of
 the receipt whereof is hereby acknowledged) and the balance, or sum of \$ the said C.D. hereby promises to pay the said A.B., in his said capacity, as follows, to wit--(here state the terms of payment)--the whole with interest payable and, as security for the payments so to be made, the said C.D. hereby specially mortgages and hypothecates to and in favour of the said A.B., in his said capacity, the lot of land and premises hereby sold. In witness,

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

Signed, sealed, and delivered
 in the presence of
 E.F.

FORM N.

INSOLVENT ACT OF 1864.

In the matter of

A.B (or A.B. & Co.,)
 an Insolvent.

The Creditors of the Insolvent are notified that a dividend sheet has been prepared, and will remain open to inspection and objection at my office (*describing it*) every day between the hours of ten and five o'clock until the day of after which the dividends therein allotted will be paid.

FORM O.

INSOLVENT ACT OF 1864.

PROVINCE OF CANADA, } In the (*name of Court*)
 District (or County) of } (In the matter of A.B. (or
 A.B. & Co.), an Insolvent.

Notice is hereby given that the undersigned has filed in the office of this Court, a consent by his creditors to his discharge (or a deed of composition and discharge, executed by his creditors), and that on the day of next, at ten of the clock in the forenoon, or as soon as counsel can be heard, he will apply to the said Court (or to the Judge of the said Court, as the case may be) for a confirmation of the discharge thereby effected in his favor, under the said Act.

(Place date.)
 (Signature of Insolvent, or of his Attorney *ad litem*).
 FORM

FORM P.

INSOLVENT ACT OF 1864.

PROVINCE OF CANADA, } In the (*name of Court*)
 District (*or County*) of } In the matter of A. B., an
 Insolvent.

Notice is hereby given that the undersigned creditor of the insolvent has required him to file, in the office of this Court, the consent of his creditors, or the deed of composition and discharge executed by them, under which he claims to be discharged under the said Act; and that on the _____ day of _____ next, at ten of the clock in the forenoon, or as soon as counsel can be heard, the undersigned will apply to the said Court (*or to the Judge of the said Court, as the case may be*) for the annulling of such discharge.

(*Place date.*)

(Signature of Insolvent, or of his Attorney *ad litem*.)

FORM Q.

INSOLVENT ACT OF 1864.

PROVINCE OF CANADA, } In the (*name of Court*)
 District (*or County*) of } In the matter of A.B. (or A.B.
 & Co.) an Insolvent.

Notice is hereby given that on the _____ day of _____ next, at ten of the clock in the forenoon, or as soon as counsel can be heard, the undersigned will apply to the said Court (*or the Judge of the said Court, as the case may be*) for a discharge under the said Act.

(*Place, date.*)

(Signature of the Insolvent, or his Attorney *ad litem*.)

FORM R.

INSOLVENT ACT OF 1864.

In the matter of
 A. B.,
 An Insolvent, and
 C. D.,
 Claimant.

I, C. D., of _____, being duly sworn in
 depose and say:

1. I am the claimant (or, *the duly authorized agent of the claimant in this behalf, and have a personal knowledge of the matter*)

matter hereinafter deposed to, or a member of the firm of claimants in the matter, and the said firm is composed of myself and of E. F. of)

2. The insolvent is indebted to me (or to the claimant) in the sum of _____ dollars, for (here state the nature and particulars of the claim, for which purpose reference may also be made to accounts or documents annexed.)

3. I (or the claimant) hold no security for the claim; (or I or the claimant holds the following, and no other, security for the claim, namely: (state the particulars of the security.)

To the best of my knowledge and belief, the security is of the value of _____ dollars.

Sworn before me at
this _____ day of _____

} And I have signed.

C A P. X V I I I.

An Act to amend the laws in force respecting the Sale of Intoxicating Liquors and the issue of Licenses therefor, and otherwise for repression of abuses resulting from such sale.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS it is expedient to amend the laws in force in this Province, respecting the sale of Intoxicating Liquors and the issue of Licenses therefor, and otherwise to provide for the repression of abuses resulting from such sale, the whole as hereinafter is set forth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

PROVISIONS AS TO LOCAL PROHIBITION.

Every County or Local Council may prohibit the sale of intoxicating liquors:

1. The Municipal Council of every county, city, town, township, parish or incorporated village in this Province, besides the powers at present conferred on it by law, shall have power at any time to pass a by-law for prohibiting the sale of intoxicating liquors and the issue of licenses therefor, within such county, city, town, township, parish or incorporated village, under authority and for enforcement of this Act, and subject to the provisions and limitations hereby enacted.

Form of By-law.

2. Such by-law shall be drawn up and passed in ordinary form; and shall not have embodied therein any other provision than the simple declaration, that the sale of intoxicating liquors and the issue of licenses therefor, is by such by-law prohibited within such county, city, town, township, parish or incorporated village, under authority and for enforcement of this Act.

3. Any Municipal Council, when passing such by-law, may order that the same be submitted for approval to the Municipal Electors of the municipality; and in that case, the same shall not take effect, unless approved :

May be submitted to Electors.

2. Any thirty or more duly qualified Municipal Electors of any municipality in Upper Canada,—or if the by-law is for a county, then of each municipality in the county,—may at any time by a requisition in the form A 1, hereto appended, or to the like effect, signed by them and delivered on their behalf to the Clerk of the municipality, require that any by-law which the Municipal Council thereof may pass under authority and for enforcement of this Act, at any time within one year from the date of such requisition, be submitted for the like approval; and in that case such by-law shall not take effect unless approved.

Any 30 or more Electors may require the By-law to be so submitted.

4. Any thirty or more duly qualified Municipal Electors of any city, town, township, parish or incorporated village, the Council whereof has not passed a by-law under authority and for enforcement of this Act, or after passing has repealed the same,—or wherein such by-law, having been submitted for approval, or for adoption, (as the case may be,) to the Electors, either has not been approved or adopted, or after approval or adoption has been repealed,—may at any time (not being, in the latter case, less than two full years after such vote of non-approval or non-adoption, or after such repeal) by a requisition in the form A. 2, hereto appended, or to the like effect, signed by them and delivered on their behalf to the Clerk or Secretary-Treasurer of the municipality, propose a by-law to that end, for adoption by the Electors thereof, and require that a poll be taken to determine whether or not they will adopt the same :

In certain cases any thirty Electors may propose such By-law, and demand a poll to determine whether it shall be adopted.

2. Such Clerk or Secretary-Treasurer, on receiving any such requisition, shall immediately endorse upon the same a certificate under his hand, of the date of the delivery thereof to him; and shall file and keep the same among the records of the Municipal Council of the municipality.

Their requisition to be filed.

5. On the passing of any such order for the submission of a by-law, or the passing of any by-law whereof the submission has been so required, or the receipt of any such requisition for the adoption of a by-law; (as the case may be,) the Clerk or Secretary-Treasurer shall forthwith cause such by-law, or such requisition for adoption of a by-law, (as the case may be,) to be published for four consecutive weeks, in some newspaper published weekly or oftener within the municipality, or if there is no such newspaper published in the municipality, then in some newspaper published as near thereto as may be, and also by posting up copies of the same in at least four public places in the municipality, and if the by-law is for a county, then in at least four public places in each municipality in the county,—

Notices of the holding of such poll: and when and where it will be held.

with a notice signed by him, signifying that on some day within the week next after such four weeks, at the hour of ten in the forenoon, and at some convenient place (or if the by-law is for a county, places) named in the notice, a meeting of the Municipal Electors of the municipality (or if the by-law is for a county, then for each municipality in the county) will be held, for the taking of a poll, to decide whether or not the by-law is approved, or is adopted, (as the case may be,) by such Electors :

If it be for a County.

2. If the by-law is for a county, such poll shall not be taken for the whole county at one place, but shall be taken in each of the several municipalities of the county, respectively ;

Who shall preside ; and his powers.

3. At such meeting, the Mayor or Reeve of the municipality in which the same is held—or in his absence, such other member of the Municipal Council thereof as may be chosen by the meeting—or if no such member is present, then any Municipal Elector who may be chosen by the meeting—shall preside, and shall have all the powers for the preservation of the public peace, which by law are vested in the person presiding at any municipal election in Lower Canada, or in the Returning Officer at any municipal election in Upper Canada, according as the meeting is in Lower or in Upper Canada ; and the Clerk or Secretary-Treasurer of the municipality shall attend thereat with the assessment rolls of the municipality then in force, or certified copies thereof ; and the only business to be transacted shall be the taking of a poll, as signified by such notice ;

Clerk or Secretary-Treasurer to attend with assessment rolls.

How Electors shall vote ; and what oath they shall take.

4. Each Elector desiring to vote shall present himself in turn to the person presiding, and shall give his vote "yea" or "nay,"—the word "yea" meaning that he votes for the by-law, and the word "nay" that he votes against the same ; and every vote given shall be recorded in a poll-book by the Clerk or Secretary-Treasurer acting as poll-clerk, or in his absence, by such person as may be named to act as poll clerk by the person presiding ; but no person's vote shall be recorded, unless he appears by the assessment rolls to be a duly qualified Municipal Elector, and further makes oath (if thereto required), in Lower Canada, in terms of the twelfth sub-section of the thirty-third section of the Lower Canada Consolidated Municipal Act,—and in Upper Canada, in terms of the ninth sub-section of the ninety-seventh section of the Act chaptered fifty-four of the Consolidated Statutes for Upper Canada ;

Closing poll for want of voters.

5. If at any time after the opening of the poll, one half hour elapses without a vote being offered, the poll may be closed ;

Duration of poll in other cases.

6. Unless for that cause closed earlier, the poll shall be kept open till the hour of five in the afternoon of the day of the opening thereof, and no longer, if the names of the qualified Municipal Electors on the assessment rolls of the municipality are

are not more than four hundred in number,—and until the like hour of the next day (Sundays and holidays excluded), if such names are more than four hundred and not more than eight hundred in number; and so on, allowing one additional day for each additional four hundred names;

7. Until closed in terms of one or other of the foregoing sub-sections, the poll shall be adjourned daily at the hour of five in the afternoon, to the hour of ten in the forenoon of the next day—Sundays and holidays excluded;

Adjourning
polls.

8. At the close of the poll, the person presiding shall count the “yeas” and the “nays,” and ascertain and certify on the face of the poll-book, the number of votes given for and against the by-law respectively; and such certificate shall be countersigned by the poll clerk; and the poll-book, with such certificate therein, shall be deposited with and kept by the Clerk or Secretary-Treasurer of the municipality to be affected by the by-law, among the records of the Municipal Council thereof;

Counting the
votes and cer-
tifying the
result:—De-
posit of poll-
book.

9. If the by-law is for a county, the Warden of the county, so soon as the poll-books of the several municipalities therein are so deposited, shall count and add up from each poll-book the total number of the “yeas” and of the “nays,” respectively, in all the municipalities forming such county, and shall certify the same in writing; and such certificate shall be countersigned by the Clerk or Secretary-Treasurer of the county, and shall be deposited and kept with the poll-books, among the records of the County Council;

If the by-law
is for a Coun-
ty.

10. If one-half or more of all the votes polled are against the by-law, the same shall be held to be not approved, or not adopted, as the case may be;

Majority re-
quired for
adoption.

11. If more than half of all the votes polled are for the by-law, the same shall be held to be approved, or adopted, as the case may be;

The same.

12. It shall not be necessary, in Lower Canada, that any by-law so approved, or adopted, as the case may be, should be published in the manner required by law in the case of ordinary by-laws;

Ordinary pub-
lication not
required in
L. C.

13. A by-law so approved, or adopted, as the case may be, may be repealed by a by-law of the Municipal Council of the municipality affected thereby; but such repealing by-law shall be submitted for approval to the Electors, in the manner and with the formalities prescribed by the foregoing subsections, and shall not take effect unless approved by a majority of the Electors voting thereon; nor, if any such repealing by-law (upon being submitted to the Electors) is not so approved, shall

By-law so
adopted may
be repealed;
but in a cer-
tain manner
only and on
certain con-
ditions.

shall any other repealing by-law be submitted, for the like approval, within the full term of two years thereafter.

Copy to be delivered to Collector of Inland Revenue.

6. Every by-law passed under authority and for enforcement of this Act, shall be communicated by delivery of a copy thereof, certified by the Clerk or Secretary-Treasurer, to the Collector of Inland Revenue within whose official district the municipality affected thereby is situate :

Certificate to be indorsed.

2. Whenever such by-law has been approved by the Electors, there shall be endorsed or written upon the copy so delivered, a certificate of the fact, under the hand of the Clerk or Secretary-Treasurer, in the form B. 1, hereto appended, or to the like effect ;

Certified copies of by-law to be evidence.

3. Whenever such by-law has been adopted by the Electors, a copy of the requisition therefor, certified by the Clerk or Secretary-Treasurer, together with a certificate under his hand thereon endorsed or written, of the fact of its adoption, in the form B. 2, hereto appended, or to the like effect, shall be taken as a duly certified copy of the by-law, for all purposes of such delivery, and for all other purposes whatever.

Copy to the Clerk of each Municipality in the County.

7. Every such county by-law shall also, at the same time, be communicated by the like delivery, to the Clerk or Secretary-Treasurer of each municipality in the county, who shall file and keep the same among the records of the Municipal Council thereof.

When the by-law shall come into force.

8. As regards the prohibition of issue of licenses, every such by-law shall come into force from the day of the communication thereof to the Collector of Inland Revenue ; and as regards the prohibition of such sale, and otherwise, every such by-law,—if on the day of such communication there is in force within the municipality any other by-law for prohibiting and preventing such sale, under authority of the Lower Canada Consolidated Municipal Act, or of the Act chaptered fifty-four of the Consolidated Statutes for Upper Canada, as the case may be, shall come into force so as to become substituted for, and to repeal, such other by-law from that day,—or if on that day there is no such other by-law in force, shall come into force in Lower Canada, from the first day of May, and in Upper Canada from the first day of March next, after that day ; and every such by law shall continue in force, in Lower Canada, until the first day of May, and in Upper Canada until the first day of March, next after the repeal thereof :

Its duration.

If there is a by-law of a local municipality in force.

2. If at the time of the coming into force of any county by-law, passed under authority and for enforcement of this Act, there is in force within any municipality forming part of such county, any other by-law passed under authority and for

for enforcement of this Act, the operation of such mentioned by-law shall be and remain suspended for so long as the county by-law continues in force,—but shall revive, in default of express repeal thereof, should the county by-law be repealed.

9. No such by-law shall be repealed, within the full term of one year from the day of the communication thereof to the Collector of Inland Revenue.

Not to be repealed within a certain time.

10. The Municipal Councils of any two or more neighboring municipalities, wherein any such by-law is in force, may each of them, by a further by-law, concur in and confirm, mutually, such by-law or by-laws of the other or others of such municipalities :

Concurrence of neighboring municipalities.

2. Such further by-law shall not have embodied therein any other provision than the simple declaration that the by-law or by-laws of the neighboring municipality or municipalities in question are thereby concurred in and confirmed ; and shall be communicated in like manner to the Collector of Inland Revenue, or Collectors, as the case may be :

Form of concurrence.

To be communicated to excise officers.

3. Such further by-law shall be submitted for approval to the Electors, in the manner and with the formalities prescribed by the fifth section of this Act,—and shall not take effect, unless approved by a majority of the electors voting thereon ;

By-law to be submitted to Electors.

4. No by-law so mutually concurred in and confirmed shall thereafter be repealed, unless with the like concurrence in and confirmation of such repeal, on the part of the municipalities in question.

How only to be repealable.

11. In Lower Canada, from the day of communication to him of any by-law passed under authority and for enforcement of this Act, and for so long thereafter as the same continues in force, no Collector of Inland Revenue shall issue any license to take effect within the county, city, town, township, parish or incorporated village, affected by such by-law,—either for keeping an inn, tavern, or other house or place of public entertainment, and for retailing whisky or any spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors,—or for keeping an inn, tavern, or other house or place of public entertainment, and for retailing wine, ale, beer, porter, cider, or other vinous or fermented liquors, but not brandy, rum, whisky, or other spirituous liquors,—or for vending or retailing in any store or shop, brandy, rum, whisky, or other spirituous liquors, and wine, ale, beer, porter, cider, or other vinous or fermented liquors, in a quantity not less than three half-pints at at any one time ; and no person shall be liable by reason of his not having therein any license of such description, to the penalty of fifty dollars, imposed by the twenty-second section of the Act chaptered six of the Consolidated Statutes for Lower

No license to be issued while a prohibitory liquor law remains in force in L. C.

Not any penalty for want of a license, under Con. Stat. L. C., c. 6.

Canada,

Canada, intituled: *An Act respecting tavern keepers and the sale of of intoxicating liquors:*

The same in U. C.

2. In Upper Canada, from the like day and for the like period, no Collector of Inland Revenue shall issue, to take effect within the like limits,—either any tavern license, that is license for the retail of spirituous, fermented or other manufactured liquors to be drunk in the inn, ale-house, beer-house, or other house of public entertainment in which the same is sold,—or any shop-license, that is license for the retail of such liquors in shops, stores or places other than inns, ale-houses, beer-houses or places of public entertainment.

While the by-law is in force no intoxicating liquor to be sold on any pretence, for any but medicinal or sacramental purposes, &c.

12. From the day on which such by-law takes effect for other purposes, as aforesaid, and for so long thereafter as the same continues in force, no person, unless it be for exclusively medicinal or sacramental purposes, or for *bona fide* use in some art, trade or manufacture, or as hereinafter authorized by the third or by the fourth sub-section of this section; shall, within such county, city, town, township, parish, or incorporated village, by himself, his clerk, servant or agent, expose or keep for sale, or directly or indirectly, on any pretence or by any device, sell or barter, or in consideration of the purchase of any other property give, to any other person, any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage and part of which is spirituous or otherwise intoxicating :

Licenses to be of no effect.

2. And neither any license issued to any distiller or brewer,—nor yet any license for retailing on board any steamboat or other vessel, brandy, rum, whisky, or other spirituous liquors; wine, ale, beer, porter, cider, or other vinous or fermented liquors,—nor yet any license for retailing on board any steamboat or other vessel, wine, ale, beer, porter, cider, or other vinous or fermented liquors; but not brandy, rum, whisky, or other spirituous liquors,—nor yet any other description of license whatever,—shall in any wise avail to render legal any act done in violation of this section ;

Not to prevent sale in quantities of five gallons, by licensed persons, at place of manufacture.

Proviso: in favor of brewers.

3. Provided always, that any licensed distiller or brewer, having his distillery or brewery within such county, city, town, township, parish, or incorporated village, may thereat expose and keep for sale such liquor as he shall have manufactured thereat, and no other; and may sell the same thereat, but only in quantities not less than five gallons at any one time, to be wholly removed and taken away therefrom in quantities not less than five gallons at a time; and provided also, that any such licensed brewer may sell bottled ale or porter of such manufacture in quantities not less than one dozen bottles of at least three half pints each at any one time, to be wholly removed and taken away in quantities not less than one dozen such bottles at a time ;

4. Provided also, that any merchant or trader having his store or place for sale of goods within such county, city, town, township, parish or incorporated village, may thereat keep for sale and sell intoxicating liquor, but only in quantities not less than five gallons (or in the case of bottled wine, ale or porter, than one dozen bottles of at least three half pints each) at any one time, to be wholly removed and taken away in quantities not less than five gallons (or in the case of bottled wine, ale or porter, than one dozen such bottles) at a time.

Proviso: in favor of merchants for sale in certain quantities.

13. Whoever, by himself, his clerk, servant or agent, exposes or keeps for sale, or directly or indirectly, on any pretence or by any device, sells, or barter, or in consideration of the purchase of any other property, gives, to any other person, any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage and a part of which is spirituous or otherwise intoxicating, in violation of the twelfth section of this Act, shall incur a penalty of not less than twenty, nor more than fifty dollars for each such offence; and whoever, in the employment or on the premises of another, so exposes or keeps for sale, or sells, or barter, or gives, in violation of the said section, shall be held equally guilty with the principal, and shall incur the same penalty.

Selling by the intervention of others forbidden, &c.

Penalty.

The agent equally guilty with the principal.

14. Any prosecution for such penalty may be brought by or in the name of the Collector of Inland Revenue within whose official district the offence was committed,—or by or in the name of the corporation of the municipality wherein the offence was committed,—or by or in the name of any person, whether authorized by the Council of such municipality or not; and where the by-law is a county by-law, the corporation of the county, equally with that of the municipality comprised therein and within which the offence was committed, may prosecute, or may authorize any person to prosecute:

By whom penalties may be recovered.

2. It shall be the duty of such Collector of Inland Revenue to bring such prosecution, whenever he shall have reason to believe that such offence has been committed, and that a prosecution therefor can be sustained, and would not subject him to any undue measure of responsibility in the premises;

Excise officer bound to prosecute.

3. Such prosecution may be brought before any Stipendiary Magistrate, or before any two other Justices of the Peace for the district in Lower Canada, or for the county or union of counties in Upper Canada, wherein the offence was committed,—or, if the offence was committed in the district either of Montreal or of Quebec, then before the Recorder or Judge of the Sessions of the Peace at Montreal or Quebec, as may be, or, if the offence was committed in any other district in Lower Canada, then before the Sheriff of such district,—or, if the offence was committed in any city or town in Upper Canada, having a Recorder or Police Magistrate, then before such Recorder

And before what tribunal.

Recorder or Police Magistrate,---or if the offence was committed in any city or town in Upper Canada not having a Recorder or Police Magistrate, then before the Mayor thereof ;

If before a
stipendiary
Magistrate,
&c.

4. If such prosecution is brought before any such Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, Sheriff, Police Magistrate or Mayor, no other Justice shall sit or take part therein ;

If before two
J. P's.

5. If such prosecution is brought before any two other Justices of the Peace, the summons shall be signed by both of them ; and no other Justice shall sit or take part therein, unless by reason of their absence, or the absence of one of them, nor yet in the latter case, unless with the assent of the other of them ;

Interpreta-
tion as to
next 24 sec-
tions.

6. In the next following twenty four sections, the word " Justice " includes any such Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, Sheriff, Police Magistrate, or Mayor, or any such two other Justices of the Peace, as the case may be.

Limitation
and form of
suit.

15. Every such prosecution shall be commenced within three months after the alleged offence, and shall be heard and determined in a summary manner, either upon the confession of the defendant, or upon the evidence of one or more witnesses.

What only it
shall be neces-
sary to insert
in the com-
plaint, &c.

16. It shall not be necessary, in any such prosecution, to set forth or mention on the face of the complaint, summons, conviction, warrant of distress or warrant of commitment, the by-law bringing the municipality within the special purview of this Act : but such complaint, summons, conviction and warrants may be in the forms C, D, E, F and G respectively, hereto appended, or to the like effect ; and unless the defendant specially puts in issue the fact of such by-law being in force, such fact shall be presumed by the Justice ; and if such fact is so put in issue, the production of a copy of such by-law, certified under the hand of the Clerk or Secretary-Treasurer of the Municipality, and having thereon a certificate under the hand of the same officer, of the due publication (if requisite), and communication to the Collector of Inland Revenue of such by-law, or of such communication only, if publication thereof was not requisite, shall be conclusive proof of the passing and of the tenor thereof, and also of such publication and communication thereof, the whole as so certified ; and no fact so certified touching such by-law shall be incidentally put in issue or questioned in the course of any such prosecution.

As to allega-
tion and proof
of by-law.

Several offen-
ces may be in-
cluded.

17. Two or more offences, by the same party, may be included in any such complaint, provided the time and place of each offence is stated ; and in that case, the forms aforesaid shall be altered, so far as need may be, accordingly :

2. But whatever may be the number of the offences, so included in one complaint, the maximum of penalty imposable for them all shall in no case exceed one hundred dollars.

Proviso: total penalty limited.

18. If in any such case the defendant fails to appear as required by the summons, the Justice may proceed *ex parte* to the consideration and hearing thereof, and may adjudicate therein, as fully and effectually to all intents as though the defendant had duly appeared in obedience to the summons.

Ex parte if defendant does not appear.

19. Any such complaint may be amended before final hearing, in any matter of form or substance, upon application to that effect, by or for the prosecutor, and without costs, unless otherwise specially ordered by the Justice; and on such amendment being made, the defendant (should he require it) may have a further delay to plead to the merits, or for plea and proof, as may be ordered; and if the complaint, in the opinion of the Justice, is so defective that a legal conviction cannot be based upon it, and is not amended, the Justice may dismiss the case, with or without costs in his discretion.

Amendment of complaint.

If adjudged too defective.

20. No such prosecution shall otherwise be dismissed for any defect, informality, error or omission; but if it appears that the defendant has been, or may have been, materially misled thereby, the Justice may, on such terms as he thinks fit, adjourn the further proceedings in the case to a future day.

Not to be dismissed for informality, &c.; but adjourned in certain cases.

21. If any such prosecution is dismissed, the Justice, should he be of opinion that there was probable cause for the complaint, shall not award to the Defendant costs against the prosecutor.

No costs against prosecutor if probable cause.

22. Every summons or other process, proceeding, or paper, in any such case, may be served, and the service thereof certified under his oath of office, by any bailiff, or by any constable or peace officer, duly appointed for the locality wherein the same is pending.

Service of process, &c.

23. In every such case, if the Justice so orders, or if either party so requires, the depositions of the witnesses shall be reduced to writing by the Justice, or by such clerk as the Justice may appoint to that end, and shall be filed of record in the cause; such clerk shall be entitled to charge and receive, at the rate of ten cents for each hundred words of evidence so reduced to writing, or of two dollars *per diem*, in the discretion of the Justice, — to be entered in taxation, and paid by either party, or partly by each party, as the conviction or judgment in the case may ordain; and if no conviction or judgment is rendered therein within two months after the taking of such evidence, then the fees of such clerk shall be paid in equal shares by each party.

Depositions may be reduced to writing and filed.

Fees to clerk employed and how paid.

Proof of precise date of offences dispensed with.

24. It shall not be necessary, in any such case, to prove that an offence was committed on the precise day specified, in order to obtain a conviction; provided it is proved that the same was committed on or about such day, and before the date of the complaint.

Delivery of liquor in otherwise than private houses or to residents to be deemed evidence of a sale.

25. In all such cases, the delivery of intoxicating liquor of any kind in or from any building, booth or place, other than a private dwelling house or its dependencies, or in or from any dwelling house or its dependencies, if any part thereof is used as a tavern, eating house, grocery, shop, or other place of common resort,—such delivery in either case being to any one not *bonâ fide* a resident therein,—shall *primâ facie* be deemed evidence of and punishable as a sale in violation of the twelfth and thirteenth sections of this Act; and any such delivery in or from a private dwelling house or its dependencies, or in or from any other building, booth or place whatever, to any one whether resident therein or not, with payment or promise of payment, either express or implied, before, on or after such delivery, shall *primâ facie* be deemed evidence of and punishable as a sale in violation of the said sections.

What shall be so deemed in private houses or to residents.

Summoning witnesses; committal of those refusing to answer.

26. In any such case, the Justice may summon any person represented to him as a material witness in relation thereto; and if such person refuses or neglects to attend pursuant to such summons, the Justice may issue his warrant for the arrest of such person, and he shall thereupon be brought before the Justice; and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol, there to remain until he consents to be sworn, or to affirm, and to answer.

Interest no excuse.

27. No person shall be incompetent on account of interest in the event of any such case, to give evidence therein.

Witnesses bound to answer all relevant questions.

28. Any person examined or called as a witness in any such case, shall be bound to answer all questions put to him, and which the Justice deems relevant, notwithstanding his answers may disclose facts subjecting or tending to subject him to any penalty or other criminal proceeding; but is answers shall not be used against himself in any prosecution or criminal proceeding.

Penalty for tampering with witnesses.

29. Any person who, either before or after the summons of any witness in any such case, tampers with such witness, or by any offer of money, or by threat or otherwise, directly or indirectly, induces or attempts to induce any such person to absent himself or herself or to swear falsely, shall be liable to a penalty of fifty dollars for each such offence.

Defendant may be ex-

30. Whenever judgment is rendered under the said twelfth and thirteenth sections of this Act, for the amount of any penalty

penalty and costs, the Justice, if he sees fit, may call on the defendant to declare whether or not he possesses sufficient goods and chattels to satisfy the same,—and if the answer is affirmative, may further examine him as to the sufficiency of such goods and chattels, and as to their being or not being readily available for seizure under a warrant of distress; and if the defendant either answers in the negative, or refuses to answer, or fails to answer to the satisfaction of the Justice, he may be forthwith imprisoned under the warrant of the Justice, in the common gaol of the district, or county, or union of counties, for a period of not less than one nor more than three months, counting from the day of his arrival as a prisoner at such gaol; but the defendant, in that case, may at any time obtain his liberation from such imprisonment, by making full payment of such amount and of all subsequent costs.

Examined as to his means of satisfying the judgment.

Imprisonment if his answers are not satisfactory.

31. If the defendant is not present at the time of the rendering of such judgment, and it is made to appear to the satisfaction of the Justice, by affidavit, that the issue of a warrant of distress would be likely to fail of realizing the full amount thereof, in penalty and costs, the defendant may be forthwith imprisoned in such common gaol under warrant of the Justice, for a period of not less than one nor more than three months, counting from the day of his arrival as a prisoner at such gaol; but the defendant, in that case, may at any time obtain his liberation from such imprisonment, by making full payment of such amount and of all subsequent costs.

Imprisonment if defendant is absent and does not appear to have goods to satisfy judgment.

32. If the Justice does not so interrogate the defendant, being present,—or if the defendant being interrogated shows that he possesses a sufficiency of available goods and chattels to satisfy the amount of the judgment in penalty and costs,—or if in the absence of the defendant it is not shown to the satisfaction of the Justice, that the issue of a warrant of distress would be likely to fail of realizing the full amount of the judgment, in penalty and costs,—then in default of immediate payment, such amount shall be levied by warrant of distress out of the goods and chattels of the defendant; and in default of such goods and chattels or in case of their being insufficient, the defendant shall be imprisoned in such common gaol, under warrant of the justice, for a period of not less than one nor more than three months, counting from the day of his arrival as a prisoner at such gaol; and the defendant, in that case, may at any time obtain his liberation from such imprisonment, by making full payment of such amount and of all subsequent costs.

Execution if defendant has sufficient goods.

In default of goods, imprisonment.

Liberation on payment in full.

33. In Lower Canada, such penalties shall be disposed of in the following manner, that is to say:

Application of penalties, in L. C.

1. If the prosecution was brought by or in the name of a Collector of Inland Revenue, and not under authorization from the

If prosecuted by Collector of Revenue.

the Council of a municipality, two third parts shall belong to and be retained by such Collector,—but subject to the obligation of paying over one of such two third parts to any person on whose information he may have instituted the prosecution ; and the remaining third part shall, by the Collector, be paid over to the Sheriff of the district wherein the offence was committed, and shall form part of the Building and Jury Fund thereof ;

If prosecution is in the name of a municipality.

2. If the prosecution was brought by or in the name of the corporation of a municipality, or by or in the name of any person authorized by the Council thereof, two third parts shall belong to such corporation ; and the council of the municipality may pay over not more than one of such two third parts, either to such person, or to any other person upon whose information the prosecution may have been instituted ; and the remaining third part shall, by the corporation, be paid over to the Sheriff of the district wherein the offence was committed, and shall form part of the Building and Jury Fund thereof ;

If brought by another person.

3. If the prosecution was brought by or in the name of any person not so authorized, the penalty shall be paid over to the Sheriff of the district wherein the offence was committed, and shall form part of the Building and Jury Fund thereof.

Application of penalties in U. C.

34. In Upper Canada, all such penalties shall be disposed of in the following manner, that is to say :

If prosecuted by a Collector of Inland Revenue.

1. If the prosecution was brought by or in the name of a Collector of Inland Revenue, and not under authorization from the Council of a municipality, two third parts shall belong to and be retained by such Collector,—but subject to the obligation of paying over one of such two third parts to any person on whose information he may have instituted the prosecution ; and the remaining third part shall by the Collector be paid over to the Receiver General, for the Upper Canada Building Fund ;

If by a Municipality.

2. If the prosecution was brought by or in the name of the corporation of a municipality, or by or in the name of any person authorized by the Council thereof, the whole shall belong to such corporation ; and the Council of the municipality may pay over not more than one-half thereof, either to such person, or to any other person upon whose information the prosecution may have been instituted ;

If by a private party.

3. If the prosecution was brought by or in the name of any person not so authorized, the penalty shall belong to the corporation of the municipality whose by-law is thereby enforced ; and in that case, the Council may pay over to any other person upon whose information the prosecution may have been instituted, not more than one-half of the whole penalty or may apply the same to Municipal purposes as they see fit.

35. Any persons bringing such prosecution under authorization from a Municipal Council, shall be indemnified by the corporation of the municipality so authorizing him, for all costs therein, whatever may be the result of the prosecution :

Indemnification of prosecutors authorized by municipalities as to costs.

2. In Upper Canada any person bringing such prosecution to a successful issue, without having been so authorized, shall be indemnified by the corporation whose by-law is thereby enforced, for any amount of costs which, without default on his part, he may have failed to recover from the defendant :

In U. C. without such authority.

3. In Lower Canada, under like circumstances, any such person shall be indemnified in the like manner, but only to the extent of such moneys as within the current year may be paid into the funds of such corporation on account of penalties recovered under such prosecutions ;

In L. C.

4. Whenever any person is committed to gaol under the thirtieth, thirty-first, or thirty-second section of this Act, the cost of his arrest and conveyance to gaol shall in like manner be borne by the corporation whose by-law is thereby enforced.

The same.

Cost of conveying to gaol.

36. No conviction, judgment or order, in any such case, shall be removed by *certiorari* or otherwise, into any of Her Majesty's Superior Courts of Record ; nor shall any appeal whatever be allowed from any such conviction, judgment or order, to any Court of General Quarter Sessions, or other Court whatever when the conviction has been made by a Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, Sheriff or Police Magistrate.

No certiorari allowed nor appeal in certain cases.

37. No by-law passed under authority and for enforcement of this Act, shall be set aside by any Court, for any defect of procedure or form whatever :

No by-law void for defect of form.

2. And no such by-law, adopted by the Electors of a municipality under the fourth and fifth sections of this Act, shall be set aside by any Court, for any defect whatever, whether of form or substance, affecting the requisition therefore, the authenticity or number of the signatures thereto, the qualification of the signers thereof, or any matter, thing or procedure antecedent to the first publication of the notice given for the poll taken thereon unless the same be unauthorized by this Act.

Or for defect in matters precedent to the poll.

38. Every duty devolving upon any Municipal Officer under any of the foregoing sections of this Act, whether in Lower or in Upper Canada, shall be performed by such Officer, with the same powers and under the same penalties and liabilities, in all respects whatever, as though the same devolved upon him under the express enactments of the Lower Canada Consolidated Municipal Act, or of the Act chaptered fifty-four

Obligation of Municipal officers to perform duties assigned to them by this Act.

of the Consolidated Statutes for Upper Canada, as the case may be:

Provisions of Municipal Acts for preservation of order at Elections, to apply to those under this Act.

2. All the provisions of the said Acts respectively, for the preservation of peace and good order at Municipal Elections, the prevention and punishment of offences at or with respect to such Elections, the expenses thereof, the power to appoint and swear special constables, and to administer oaths or affirmations to voters, the remedy in case of interruption of the proceedings, and generally all the provisions of the said Acts respectively relating to Municipal Elections and the polls thereat, and all matters incident thereto, shall apply to polls taken under this Act and the proceedings thereat, the Officers and persons presiding at or employed in or about the same, and all matters incident thereto, as if such polls were held with respect to elections under the said Acts,—except only in so far as such provisions may be inconsistent with those of this Act.

GENERAL PROVISIONS, IRRESPECTIVE OF LOCAL PROHIBITION.

In prosecutions for sale without license certain presumptions sufficient to put defendant on his defence, and convict him in default of rebuttal.

39. In prosecutions for the sale or barter, in any locality wherein no by-law passed under authority and for enforcement of this Act is in force, of intoxicating liquor of any kind, without the license therefor by law required, or contrary to the true intent and meaning of the law in that behalf, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor, or to the fact of the sale or barter having taken place with his participation or to his own personal and certain knowledge, but the Justice or Justices trying the same, so soon as it may appear to him or them that the circumstances in evidence sufficiently establish the infraction of law complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence, shall convict him accordingly:

Witness summoned and not appearing may be brought up by warrant.

2. In every such prosecution, such Justice or Justices may summon any person represented to him or them as a material witness in relation thereto; and if such person refuses or neglects to attend pursuant to such summons, the Justice or Justices may issue his or their warrant for the arrest of such person; and he shall thereupon be brought before the Justice or Justices, and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol, there to remain until he consents to be sworn or to affirm, and to answer.

Liability of Innkeepers or persons in their employ, &c., who give liquor to persons who become intoxi-

40. Whenever in any inn, tavern, or other house or place of public entertainment, or wherein refreshments are sold, or in any place wherein intoxicating liquor of any kind is sold, whether legally or illegally, any person has drunk to excess of intoxicating liquor of any kind, therein furnished to him, and while in a state of intoxication from such drinking has come

come to his death by suicide, or drowning, or perishing from cold, or other accident caused by such intoxication, the keeper of such inn, tavern, or other house or place of public entertainment, or wherein refreshments are sold, or of such place wherein intoxicating liquor is sold, and also any other person or persons who for him or in his employ delivered to such person the liquor whereby such intoxication was caused, shall be jointly and severally (*solidairement*) liable to an action as for personal wrong, if brought within three months thereafter, but not otherwise, by the legal representatives of the deceased person; and such legal representatives may bring either a joint and several action against them or a separate action against either or any of them, and by such action or actions may recover such sum not less than one hundred nor more than one thousand dollars, in the aggregate of any such actions as may therein be assessed by the Court or Jury as damages :

cated and
commit sui-
cide or perish
from cold, &c.

Action against
them.

2. The thirtieth section of the Act chaptered six of the Consolidated Statutes for Lower Canada, is hereby repealed.

Sect. 30 of
cap. 6, Con-
Stat. L. C.
repealed.

41. If a person in a state of intoxication assaults any person, or injures any property, whoever furnished him with the liquor which occasioned his intoxication,—if such furnishing was in violation of this Act, or otherwise in violation of law,—shall be jointly and severally (*solidairement*) liable to the same action by the party injured as the person intoxicated may be liable to; and such party injured, or his legal representatives, may bring either a joint and several actions against the person intoxicated and the person or persons who furnished such liquor, or a separate action against either of any of them.

Persons who
furnish the
liquor liable
for assault
committed by
a person
thereby in-
toxicated.

42. The husband, wife, parent, brother, sister, tutor, guardian, or employer, of any person who has the habit of drinking intoxicating liquor to excess,—or the parent, brother, or sister, of the husband or wife of such person,—or the tutor or guardian of any child or children of such person,—may give notice in writing, signed by him or her, to any person licensed to sell, or who sells or is reputed to sell, intoxicating liquor of any kind, not to deliver intoxicating liquor to the person having such habit; and if the person so notified do at any time within twelve months after such notice, either himself, or by his clerk, servant, or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a licensed medical practitioner, deliver, or in or from any building, booth, or place occupied by him, and wherein or wherefrom any such liquor is sold, suffer to be delivered, any such liquor to the person having such habit, the person giving the notice may in an action as for personal wrong, (if brought within six months thereafter, but not otherwise,) recover of the person notified such sum not less than twenty nor more than five hundred dollars, as may be assessed by the Court or Jury as damages; and any married woman may bring such action in her own

Husband,
wife, &c., may
notify sellers
of liquor not
to furnish it
to any person
addicted to
drinking.

Liability of
persons so
notified.

Married
women may
name,

bring action for damages.

name, without authorization by her husband; and all damages recovered by her shall in that case go to her separate use; and in case of the death of either party, the action and right of action given by this section shall survive to or against his legal representatives.

Money paid for liquor sold contrary to this Act may not be recovered.

43. Any payment or compensation for liquor furnished in contravention of this Act, or otherwise in violation of law, whether made in money or securities for money, or in labor or property of any kind, shall be held to have been received without any consideration, and against law, equity, and good conscience,—and the amount or value thereof may be recovered from the receiver by the party who made the same; and all sales, transfers, conveyances, liens and securities of every kind in whole or part made, granted, or given, for or on account of liquor so furnished in contravention of this Act, or otherwise in violation of law, shall be wholly null and void, save only as regards subsequent purchasers or assignees for value, without notice; and no action of any kind shall be maintained, either in whole or in part, for or on account of any liquor so furnished in contravention of this Act, or otherwise in violation of law.

Securities &c. for payment to be void.

No liquors to be sold at certain hours on Sunday, &c.

44. In all places where by law intoxicating liquors or any particular description or descriptions of such liquors, are allowed to be sold by retail, no sale or other disposal of such liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person whomsoever, from the hour of nine on Saturday evening, till the hour of six on the Monday morning thereafter,—except in cases where a special requisition for medicinal purposes, signed by a licensed medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent; nor shall any such liquors be permitted to be drunk in any such place, except by travellers or by persons *bonâ fide* resident, lodging or boarding thereat during the time prohibited by this section for the sale of the same:

Exception as to travellers or medicinal purposes.

Penalty for offences against this section.

2. For every offence under this section, a penalty of not less than ten nor more than fifty dollars, with costs, shall in case of conviction, be recoverable from, and leviable against the goods and chattels of the person or persons who are the proprietors in occupancy, or tenants or agents in occupancy, of such place or places, and who are found by himself, or herself, or themselves, or his, her or their servants or agents, to have committed or aided in committing such offence;

Sections of cap. 54 Con. Stat. U. C. repealed.

3. The two hundred and fifty-fourth, two hundred and fifty-fifth, two hundred and fifty-sixth, two hundred and fifty-seventh and two hundred and fifty-eighth sections of the Act chaptered fifty-four of the Consolidated Statutes for Upper Canada, are hereby repealed.

45. Any Police Officer or Constable being thereto authorized in writing, as hereinafter is provided, may at any time enter into any inn, tavern, or other house or place of public entertainment, or wherein refreshments or intoxicating liquors are sold, or reputed to be sold, whether legally or illegally; and any person being therein or having charge thereof, who refuses, or after due summons fails, to admit such Police Officer or Constable into the same, or offers any obstruction to his admission thereto, shall be liable to a penalty of not less than ten nor more than fifty dollars for every such offence ;

Police officers &c., duly authorized, may enter at any time into any tavern, &c.

2. Any two or more Justices of the Peace may grant such authorization to avail within any city, town, township, parish, or incorporated village, therein designated and being within the jurisdiction of such Justices, for any term of time therein specified, not exceeding three months ;

Who may give such authority.

3. The Justices of the Peace who granted such authorization, or any one or more of them, may at any time cancel the same, by a written order to that effect under their or his hand, delivered to such Police Officer or Constable ; and any Police Officer or Constable acting or assuming to act under any authorization after the same has been so cancelled, shall be guilty of a misdemeanor.

How it may be cancelled.

Penalty for acting under it afterwards.

46. Any person may be the informant or complainant in prosecuting under either of the last preceding two sections of this Act ; all proceedings shall be begun within thirty days from the date of the offence ; all informations, complaints, or other necessary proceedings may be brought and heard before any one or more Justices of the Peace for the district, or county, or union of counties, wherein the offence or offences were committed or done ; the mode of procedure in, and the forms appended to, the Consolidated Statute of Canada respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders, may be followed as regards all such cases and proceedings ; and all penalties which may be recovered therein shall belong to the corporation of the city, town, township, parish, or incorporated village wherein the offence was committed.

Prosecutions under the two next preceding sections.

Forms in such cases.

Application of penalties.

PROVISIONS IRRESPECTIVE OF LOCAL PROHIBITION, BUT AFFECTING ONLY LOWER CANADA.

47. The second sub-section of the twenty-second section of the Act chaptered six of the Consolidated Statutes for Lower Canada, is hereby repealed.

Provision of cap. 6, Con. Stat. L. C. repealed.

48. It is hereby declared and enacted, that the several terms of imprisonment set forth in the thirty-eighth, thirty-ninth, and fortieth sections of the said last mentioned Act, are to be reckoned from the day of the arrival of the party as a prisoner at the gaol of the district.

Terms of imprisonment defined.

Section 50
amended as
to appeals
under it.

49. The fiftieth section of the said last mentioned Act is hereby so amended, as to permit the appeal therein provided for, to be made either to the Court of General Quarter Sessions of the Peace as therein ordained,—or to the Circuit Court sitting in the county, or at the *chef-lieu* of the district,—as the Judge allowing such appeal may in his discretion see fit to order; and thereupon the petition and record shall be returned, filed and otherwise dealt with accordingly, in the Court so by him designated.

INTERPRETATION, &c.

"Intoxicating liquors."

50. The words "intoxicating liquor" or "intoxicating liquors" whenever they occur in this Act, shall be understood to mean and comprehend all spirituous and malt liquors, all wines, and all combinations of liquors or drinks which are intoxicating.

"City,"
"Town," &c.

51. The words "city," "town," and "incorporated village," wherever they occur in this Act, shall be understood to mean and comprehend every city, town and village respectively, which by law is a municipal corporation, whetherso constituted by any special Act or otherwise, and the words "township" and "parish," wherever they occur in this Act, shall be understood to mean and comprehend not only every township or parish but also every part of a township or parish, which by law is a municipal corporation.

Short title.

52. This Act may be cited as "*The Temperance Act of 1864.*"

Distribution
of Act.

53. The Provincial Secretary shall cause a reasonable supply of copies of this Act to be furnished, at the public charge, with all convenient despatch, to the Council of every municipality in this Province.

(A. I.)

FORM OF REQUISITION THAT BY-LAW BE SUBMITTED,
FOR APPROVAL, TO ELECTORS.

The undersigned, qualified Municipal Electors of (*designate the municipality,*) hereby require that any by-law which the Municipal Council thereof may pass under authority and for enforcement of the Temperance Act of 1864, at any time within one year from the date hereof, be submitted for approval to the Municipal Electors of the said municipality.

Witness our hands, this day of in the year of Our
Lord, one thousand eight hundred and

(A. 2.)

(A. 2.)

FORM OF REQUISITION FOR A POLL ON BY-LAW PROPOSED FOR
ADOPTION, TO ELECTORS.

The undersigned, qualified Municipal Electors of (*designate the municipality,*) hereby require that a poll be taken in terms of the Temperance Act of 1864, to determine whether or not the qualified Municipal Electors of the said municipality will adopt, under authority and for enforcement of the said Act, the by-law following, which we hereby propose for their adoption, to wit:

The sale of intoxicating liquors and the issuing of licenses therefor, is by the present by-law prohibited within the (*designate the municipality*) under authority and for enforcement of the Temperance Act of 1864.

Witness our hands, this day of in the year of Our Lord, one thousand eight hundred and

(B. 1.)

FORM OF CERTIFICATE OF APPROVAL OF BY-LAW BY ELECTORS

The foregoing by-law of the municipal Council of (*designate the municipality,*) having been submitted for approval, by order of the said Municipal Council, to the Municipal Electors of the said (*designate the municipality,*) has been by them duly approved, in terms of the Temperance Act of 1864.

Witness my hand this day of in the year of Our Lord, one thousand eight hundred and

(B. 2.)

FORM OF CERTIFICATE OF ADOPTION OF BY-LAW BY ELECTORS.

The by-law proposed by the foregoing requisition, for adoption, to the Municipal Electors of the said (*designate the municipality*) has been by them duly adopted, in terms of the Temperance Act of 1864.

Witness my hand, this day of in the year of Our Lord, one thousand eight hundred and

(C.)

(C.)

FORM OF COMPLAINT.

PROVINCE OF CANADA, } A. B., (*designate duly and suffi-*
 District (*or as case may be*) } *ciently the corporation or other pro-*
 of } *secutor, as the case may require,*)
 in behalf of Our Sovereign Lady the Queen, prosecutes C. D.
 of (*designate duly and sufficiently the defendant,*) and complains:
 That the said C. D., at (*designate duly the municipality,*) on
 (*designate the time or times,*) and at sundry times before or
 since, did (*here state succinctly the offence charged,*) contrary to
 the Temperance Act of 1864, then and there being fully in
 force; whereby and by force of the said Act, the said C. D.
 hath become liable to pay the sum of

Wherefore the said prosecutor prays that the said C. D. be
 condemned to pay the said sum of _____, with costs.

(D.)

FORM OF SUMMONS.

PROVINCE OF CANADA, } To C. D. of (*designate duly and*
 District (*or as case may*) } *sufficiently the defendant.*)
 be) of

You are hereby commanded to appear before (us or me, as
 the case may be) the undersigned Justices of the Peace for the
 said District (*or as the case may be,*) at (*name the place,*) on the
 day of _____ at the hour of _____ in the
 noon, (*if the summons be issued by two Justices and not by a*
Stipendiary Magistrate, Recorder, Judge of the Sessions of the
Peace, or Police Magistrate, add here the words, or before such
 other Justices of the Peace for the said District, *or as the case*
may be, as may then be there,) to answer to the matters charged
 against you by (*designate the prosecutor,*) who prosecutes you
 in Her Majesty's behalf, as the same are set forth in the com-
 plaint hereto annexed,--otherwise judgment will be given
 against you by default.

Given under our (*or my*) hand and seal, this _____ day of
 _____ in the year of Our Lord one thousand eight hundred and
 _____ in the district (*or as case may be*) aforesaid.

(Signatures and Seals.)

CERTIFICATE OF SERVICE.

I, the undersigned, E. F. of (*designate duly the bailiff or other*
party certifying,) do hereby certify, upon my oath of office,
 that

that on the _____ day of _____, I did serve the within summons, and the complaint thereto annexed, on the within named defendant, at the hour of _____ of the clock in the _____ noon, by leaving a true and certified copy of the said summons and of the said complaint at the domicile of the said defendant, in the _____, speaking to _____ (or, if the service was personal, by speaking to him and leaving with him a true and certified copy of the said summons and of the said complaint at _____)

(To be dated and signed in the ordinary manner.)

(E.)

FORM OF CONVICTION.

PROVINCE OF CANADA, } Be it remembered that on the
District (or as case may } day of _____, in the year of Our
be) of _____ } Lord one thousand eight hundred and
_____, at (designate the place where the conviction is had) in
the said district (or as case may be), C. D., of (designate the
defendant,) is convicted before the undersigned, G. H., Esquire,
of _____ (designating the official function of the party con-
victing, as the case may be) for that he the said C. D. did (state
succinctly the offence) and I (or we) adjudge the said C. D. for
his said offence, to forfeit and pay to (designate the Prosecutor)
the sum of _____, and also the further sum of
_____ for costs, in this behalf.

Given under my (or our) hand and seal, the day and year
first above mentioned.

(Signature and Seal.)

(F.)

FORM OF WARRANT OF DISTRESS.

PROVINCE OF CANADA. } G. A., Esquire, of _____ design-
District (or as case may } nating the official function of the party
be) of _____ } issuing the warrant.)

To any bailiff, constable or other officer of the Peace in and
for the said district (or as case may be):

Whereas C. D., of _____ (designate the defendant), hath
been convicted before _____ of having (state the offence),
and for such offence adjudged to pay A. B. (designate the
Prosecutor) the sum of _____, and also the further sum of
_____ for costs in that behalf:

These

These are therefore to command you, and each of you, to distrain the goods and chattels of the said C. D., wheresoever they may be found within the said district (*or as case may be*), and thereon to levy the said penalty and costs, making together the sum of _____; and if, within the space of four days next after such distress made, the said last mentioned sum of _____, together with the reasonable charges of taking and keeping the said distress, are not paid, that then you do sell the said goods and chattels so by you distrained as aforesaid, and out of the money arising from such sale, that you do pay the said sum of _____ unto the said A. B., refunding to the said C. D. the overplus, the reasonable charges of taking, keeping and selling the said distress being first deducted; and you are to certify to me (*or us*) with the return of this warrant what you shall have done in the execution thereof. Herein fail not.

Given under my (*or our*) hand and seal, this _____ day of _____ in the year of Our Lord one thousand eight hundred and _____, at _____ in the district (*or as case may be*), aforesaid.

(*Signature and Seal.*)

(G. 1.)

FORM OF WARRANT OF COMMITMENT, UNDER SECTION THIRTY OR THIRTY-ONE.

PROVINCE OF CANADA, } To all or any of the bailiffs, cons-
DISTRICT (*or as case* } tables and other officers of the peace,
may be) of } in the District (*or as case may be*) of
and to the keeper of the gaol of the same district
(*or as case may be.*)

Whereas, &c. (*as in the foregoing Form F, to the mark**); And whereas (*state circumstances under which, in terms of section thirty or thirty-one, as case may be, the warrant is issued*); These are therefore to command you the said bailiffs, constables or officers of the Peace, or any one of you, to take the said C. D., and him safely convey to the gaol of the said district (*or as case may be*), and there deliver him to the said keeper thereof, together with this warrant; and I (*or we*) do hereby command you the said keeper of the said gaol to receive the said C. D. into your custody in the said gaol, and to imprison him for the space of _____ from the day of his arrival as a prisoner thereat, unless the said last mentioned sum of _____, and all the costs of the commitment and conveying of the said C. D. to the said gaol, amounting to the further sum of _____, are sooner paid unto you the said keeper; and for so doing, this shall be you sufficient warrant.

Given &c. (*as in foregoing Form F.*)

(G. 2.)

(G. 2.)

FORM OF WARRANT OF COMMITMENT, UNDER SECTION
THIRTY-TWO.

(As in foregoing Form, G 1, to same mark*); And whereas afterwards, on the _____ day of _____, in the year _____ I (or as case may be) issued a warrant of distress for the levying of the said amount, together with the reasonable charges of the said distress; And whereas (state circumstances under which, in terms of section thirty-two the warrant is issued); These are therefore to command you the said bailiffs, constables or officers of the Peace, or any one of you, to take the said C. D., and him safely convey to the gaol of the said district (or as case may be,) and there deliver him to the said keeper thereof, together with the warrant; and I (or we) do hereby command you the said keeper of the said gaol, to receive, the said C. D. into your custody in the said gaol, and there to imprison him for the space of _____, from the day of his arrival as a prisoner thereat, unless the said last mentioned sum of _____ and all the costs of the said distress; and of the commitment and conveying of the said C. D. to the said gaol, amounting to the further sum of _____, are sooner paid unto you the said keeper; and for so doing this shall be your sufficient warrant.

Given, &c. (as in foregoing Form G 1.)

(H.)

FORM OF AUTHORIZATION UNDER SECTION FORTY-FIVE.

PROVINCE OF CANADA. } To J. S., of
District (or as case may } Police Officer (or Constable, as
be) of } case may be)

You are hereby authorized, in terms of the Temperance Act of 1864, by us (or as case may be) of Her Majesty's Justices of the Peace, and within whose jurisdiction as such the city (or town, or township, or parish, or incorporated village, as case may be) of _____ (designate municipality within which authorization is to avail) is situate, at any time or times not exceeding (designate the term of time for which the authorization is granted, not being more than three months) from this day, within the said city (or as case may be) to enter into any inn, tavern, or other house or place of public entertainment, or wherein refreshments or intoxicating liquors are sold or reputed to be sold whether legally or illegally.

Given under our hands and seals this _____ day of _____
in the year of our Lord one thousand eight hundred and _____

C A P.

C A P. X I X .

An Act to amend and consolidate the Law respecting Accessories to and Abettors of Indictable Offences and for other purposes relative to the criminal law.

[Assented to 30th June, 1864.]

Preamble.

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

Cap. 97, Con. Stat. Canada, and s. 43 of cap. 99, repealed.

1. The ninety-seventh chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting principals in the second degree, accessories, and second convictions*, and the forty-third section of the ninety-ninth chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the procedure in Criminal Cases*, are hereby repealed, except only in so far as may relate to any offence committed before the passing of this Act, which shall be inquired of, dealt with, tried and punished as if this Act had not been passed.

Exception.

AS TO ACCESSORIES TO FELONY BEFORE THE FACT.

May be indicted, tried, &c., as principal felons.

2. Whosoever shall become an Accessory before the fact to any felony, whether the same be a felony at Common Law, or by virtue of any Act passed, or to be passed, may be indicted, tried, convicted and punished in all respects as if he were a principal felon.

Persons counselling or procuring the commission of felonies,—how to be indicted, convicted and punished.

3. Whosoever shall counsel, procure or command any other person to commit any felony, whether the same be a felony at Common Law, or by virtue of any Act passed or to be passed, shall be guilty of felony, and may be indicted and convicted, either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may, thereupon, be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished.

AS TO ACCESSORIES TO FELONY AFTER THE FACT.

May be indicted, and convicted either as such accessories or as principal felons.

4. Whosoever shall become an accessory after the fact to any felony, whether the same be a felony at Common Law, or by virtue of any Act, passed or to be passed, may be indicted and convicted, either as an Accessory after the fact to the principal felony, together with the principal felon; or after the conviction

conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted or shall or shall not be amenable to Justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished.

5. Every accessory after the fact to any felony (except where it is otherwise specially enacted) whether the same be a felony at Common Law, or by virtue of any Act passed or to be passed, shall be liable, at the discretion of the Court, to be imprisoned in the Common Gaol, or House of Correction for any term not exceeding two years, with or without hard labour; and it shall be lawful for the Court, if it shall think fit, to require the offender to enter into his own recognizances and to find sureties, both or either, for keeping the peace, in addition to such punishment; provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

How punishable.

Recognizances may be required.

AS TO ACCESSORIES GENERALLY.

6. If any principal offender shall be, in any wise, convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding such principal felon shall die or be pardoned, or otherwise delivered, before attainder; and every such accessory shall, upon conviction, suffer the same punishment as he would have suffered if the principal had been attainted.

Accessories to felony may be indicted, &c., although the principal dies or is pardoned, &c.

Punishment.

7. Any number of accessories, at different times, to any felony, and any number of receivers, at different times, of property stolen at one time, may be charged with substantive felonies in the same indictment; and may be tried together, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to Justice.

Accessories at different times and receivers.

8. Where any felony shall have been wholly committed within this Province the offence of any person, who shall be an accessory, either before or after the fact, to any such felony, may be dealt with, inquired of, tried, determined and punished by any Court which shall have jurisdiction to try the principal felony, or any felonies, committed in any County or place in which the act by reason whereof such person shall become such accessory, shall have been committed; and, in every other case, the offence of any person, who shall be an accessory, either before or after the fact, to any felony, may be dealt with, inquired of, tried, determined and punished by any Court, which shall have jurisdiction to try the principal felony, or any felonies committed in any County or place, in which such

Where to be tried, &c., when the felony is wholly committed within this Province.

In other cases.

Proviso : no person to be twice tried for the same offence.

such person shall be apprehended or be in custody, whether the principal felony shall have been committed on the sea or on the land, or begun on the sea and completed on the land, or begun on the land and completed on the sea, and whether within Her Majesty's dominions or without, or partly within Her Majesty's dominions and partly without; provided that no person who shall have been once duly tried, either as an accessory, before or after the fact, or for a substantive felony, under the provisions hereinbefore contained, shall be liable to be afterwards prosecuted for the same offence.

AS TO ABETTORS IN MISDEMEANORS.

May be tried as principal offender.

9. Whosoever shall aid, abet, counsel or procure the Commission of any Misdemeanor, whether the same be a Misdemeanor at Common Law, or by virtue of any Act, passed or to be passed, shall be liable to be tried, indicted and punished as a principal offender.

AS TO SECOND CONVICTIONS.

How the offender may be punished in cases not punishable with death.

10. If any person be convicted of felony not punishable with death, committed after a previous conviction for felony, such person shall, on subsequent conviction, be imprisoned in the Penitentiary for any term not less than two years, or be imprisoned in any other prison or place of confinement for any term less than two years.

CLERICAL ERROR CORRECTED.

References in s. 70 of cap. 99 to certain sections of cap. 91, corrected.

11. The seventieth section of the said ninety-ninth chapter of the Consolidated Statutes of Canada, intituled : *An Act respecting the procedure in Criminal cases*, shall be construed and have effect as if instead of the words "eighteenth and fifteenth"—the words "twenty-second and nineteenth" had been inserted therein when the said Act was passed,—and as if instead of the words "sixteenth and seventeenth"—the words "twentieth and twenty-first" had been inserted therein when the said Act was passed.

C A P. X X.

An Act to amend the one hundred and first chapter of the Consolidated Statutes of Canada, respecting the appointment of Magistrates in remote parts of the Province.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS it is expedient to amend the one hundred and first chapter of the Consolidated Statutes of Canada, intituled : *An Act respecting the appointment of Magistrates for the more remote parts of this Province*, so as to empower

empower certain Naval Officers to act as Justices of the Peace in the Gulf and River St. Lawrence, or the shores thereof within the limits of certain districts of Lower Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Whenever any vessel belonging to her Majesty's Navy is in the Gulf or River St. Lawrence, every officer attached or belonging to such vessel, and holding the Commission of Vice-Admiral, Post-Captain, Captain, Commander or Lieutenant, in Her Majesty's Navy, shall be *ex-officio* a Justice of the Peace in and for the districts of Gaspé, Saguenay and Rimouski, while such vessel remains within the limits of that part of the Province of Canada called Lower Canada, and shall have all the powers and authority conferred on any Justice of the Peace named under the provisions of the Act above cited, and shall enjoy the exemptions made by the said Act as to residence and property qualification, nor shall it be necessary for them to take any oath of office.

Certain officers of Her Majesty's Navy to be *ex-officio* Justices of the Peace for certain Districts while within Lower-Canada.

2. Whenever it is impracticable for any such officer of Her Majesty's Navy acting as a Justice of the Peace, or for any Justice of the Peace appointed under the Act first above cited, to cause any person by him committed to the nearest Common Gaol, as authorized by the said Act, to be conveyed directly to such Gaol, such officer or Justice of the Peace may deliver the person so committed, into the custody of the master or commander of any vessel proceeding to the *chef-lieu* of the district in which such nearest Gaol is situate, or to the City of Quebec; and every such master or commander of a vessel is hereby authorized to receive into his custody such person, and, on his arrival at such *chef-lieu* or at the City of Quebec, to deliver him to the custody of the Sheriff of the district in which the Gaol to which he was committed is situate, or of the district of Quebec, as the case may be; and such Sheriff shall, with all convenient dispatch, cause him to be conveyed to the Common Gaol to which he was committed; and the master or commander of such vessel as aforesaid, or any person appointed by the Sheriff of the district of Quebec, to convey any such person as aforesaid to the Gaol to which he was committed, shall, until such person has been delivered to the keeper of such Gaol, or to the Sheriff of the district in which it is situate, have in all territorial divisions or parts of this Province through which it may be necessary to convey such person, the same authority and power over and with regard to such person, and to command the assistance of any persons in preventing his escape, or in retaking him in case of an escape, as any Sheriff would have while lawfully conveying a prisoner from one part to another of his own district.

Power to deliver persons committed to gaol to certain persons to convey them to such gaol.

Powers of persons to whom prisoners are so delivered.

3. The offence for which any person is committed to the nearest Common Gaol under the Act hereinbefore cited or this Act, where the offence shall

Act,

be held to have been committed.

Act, shall always be held to have taken place in the district to the Common Gaol of which he is so committed.

Recital.

Justices of the Peace in the County of Chicoutimi or Saguenay exempted from property qualification under c. 101, Con. Stat. Canada.

4. And whereas the territory now forming the Counties of Chicoutimi and Saguenay is the same which, at the time of the passing of the Act hereinafter mentioned, composed the second municipal division of the County of Saguenay: therefore, for the removal of all doubt which might otherwise arise, it is declared and enacted that the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's reign, intituled: *An Act to authorize the inhabitant householders, holding lands in the new settlements on the borders of the Saguenay, forming the second municipal division of that county, to establish a Municipal Council therein, and for other purposes*, has applied, and shall apply, to the Counties of Chicoutimi and Saguenay, as now constituted, and that it has not been and shall not be necessary that any person, being a resident householder in either of the said counties, should possess the property qualification required of Justices of the Peace in other places, under the Act passed in the sixth year of the reign of Her Majesty, intituled: *An Act for the qualification of Justices of the Peace*, or under chapter one hundred of the Consolidated Statutes of Canada.

C A P . X X I .

An Act to regulate the Inspection of Raw Hides and Leather.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS it is expedient to provide for the inspection of raw hides and leather in this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

BOARDS OF EXAMINERS.

Appointment of Boards of Examiners by Boards of Trade.

1. On, or as soon as may be after the passing of this Act, the Council of the Board of Trade for each of the cities of Quebec, Montreal, Kingston, Toronto, Hamilton and London, and of any other city in and for which there may then be a Board of Trade, shall appoint three skilful persons resident in or in the immediate vicinity of the city for which they are appointed, to constitute the Board of Examiners of applicants for the office of Inspector or Assistant Inspector of raw hides and leather; and each Examiner shall, before acting as such, take the following oath of office before the President or Vice-President of the Board of Trade for the place for which he is appointed:

Oath of office.

"I, A. B., do swear that I will well and truly, in all things, act as Examiner of applicants for the office of Inspector or Assistant

"Assistant Inspector, and as Arbitrator under the Act respecting the inspection of raw hides and leather, without partiality, favor or affection, and to the best of my knowledge and understanding: So help me God."

Which oath shall remain in the office and custody of the Secretary of the Board of Trade. Where kept.

2. Any two of such Examiners shall form a quorum of the Board and may do any act which the Board could legally do. Quorum.

3. The Board of Examiners, or a quorum thereof, shall examine all applicants for the office of Inspector or Assistant Inspector of raw hides and leather, and shall give certificates of capacity to those only whom they consider perfectly qualified for the office of Inspector or Assistant Inspector of raw hides and leather, as the case may be, distinguishing for which of the said offices they consider the applicants so qualified. Duties of Examiners.

APPOINTMENT OF INSPECTORS AND ASSISTANTS.

4. The Governor in Council may, at the request of any ten persons, trading in raw hides or in leather, or engaged in the manufacture or in the working up of leather, appoint in each such city as aforesaid, an inspector of raw hides and leather for such city, and the District in which such city is situate, provided the person so appointed have previously obtained a certificate of capacity from the Board of Examiners. Appointment of Inspector certified as competent.

5. Each Inspector, before he acts as such, shall take and subscribe an oath before the president or vice president of the Board of Trade in the words following;

"I, A. B., do solemnly swear, that I will faithfully, truly, and impartially, to the best of my judgment, skill, and understanding, execute and perform the office and duty of Inspector of raw hides and leather, and that I will not, directly or indirectly, by myself or by any other person or persons whomsoever, trade or deal in raw hides or leather, or be connected in any such trade during the time I shall continue such Inspector. So help me God." His oath of office.

And the said oath shall remain in the office and custody of the Secretary of the Board of Trade.

6. Before any Inspector shall act as such, he shall furnish two good and sufficient sureties, each of whom shall be bound jointly and severally with such Inspector, for the due performance of the duties of his office, in the sum of five hundred dollars; and such sureties shall be subject to approval by the President of the Board of Trade, to whom the penalty of the bond shall be made payable; and the bond shall remain in the office Security to be furnished by Inspector.

office of the Board of Trade, and shall avail to all persons aggrieved by any breach of the conditions thereof.

Inspector may appoint assistants.

7. Each Inspector may appoint one assistant or as many assistants as the Council of the Board of Trade may from time to time direct, for the acts of which Assistants he shall be responsible; and all acts done by an Assistant Inspector shall be held to be the acts of the Inspector who appointed him.

Pay and duties of assistants.

8. The Assistant Inspectors shall be paid by the Inspector, and shall hold their office at his pleasure; and no such Inspector shall allow any person to act for him about the duties of his office, except his sworn Assistant or Assistants appointed as aforesaid.

Oaths, Bonds, &c., open to inspection.

9. Every oath of office taken and bond given under this Act shall be kept open to public inspection; and every person shall be entitled to have communication, or to have a copy of any such oath or bond, upon payment of twenty-five cents for such communication, and ten cents for every such copy.

Removal of Inspector.

10. The Governor in Council may remove any Inspector and appoint another, if it be satisfactorily shown to His Excellency that the duties of the office are not properly performed.

Penalty on Inspectors, &c., dealing in hides, &c.

11. Every Inspector, or Assistant Inspector, who, directly or indirectly trades or deals in raw hides or leather shall be forthwith removed from office.

MODE OF INSPECTION.

How inspection shall be conducted.

12. Every Inspector or Assistant Inspector, may examine and inspect any raw hides or leather on application being made to him for that purpose by the proprietor or possessor thereof, and ascertain the respective weights, qualities and condition thereof.

Where it shall take place.

13. Such inspection shall be made either at the store or warehouse of such Inspector, which he is hereby required to keep in a convenient situation for that purpose in the city or town for which he is appointed Inspector, or, if he thinks fit, at the store or warehouse of the owner thereof; no charge for storage shall be made until twenty-four hours after such inspection; but all trouble and expense attendant upon the loading, unloading or moving such raw hides or leather shall be borne and paid by the party at whose request the same has been inspected.

As to charges for storage, &c.

Deduction on weight for dirt, &c.

14. The Inspector or Assistant Inspector shall have power to make deductions from the weights of hides on account of dirt or of damage from cuts, and also additions thereto on account of loss by drying, as in his discretion he may see fit.

15. Hides shall be weighed and inspected without horns, hoofs or snout, and the Inspector shall have a right to charge ten cents for every hundred pounds weight of raw hide. Horns, &c., Fee.

16. The Inspector or Assistant Inspector may inspect harness leather and certify the weight thereof; but he shall not be liable in damages on account of any deficiency or excess in the weight of any such harness leather, unless such deficiency or excess amounts to more than ten per cent of the whole weight of the leather. Harness leather.

17. The Inspector or Assistant Inspector may also inspect leather known as red leather or mocassin leather, and certify to its weight, quality and condition. Red leather.

18. The Inspector or Assistant Inspector may inspect and measure all kinds of leathers which are sold by the foot, and shall be entitled to charge two cents for each side or piece of such leather inspected and measured by him. Fees for inspection on leather sold by the foot.

19. Any person except the Inspector or the Assistant Inspector who shall stamp or number any of the raw hides or skins above mentioned and shall expose them for sale, shall be liable to a fine not exceeding twenty dollars, but he shall be at liberty to mark on the said raw hides or skins in ordinary and legible figures the weights of the said raw hides or skins, and in such case the words "Not Inspected" shall be marked above the said figures, in letters of the same dimensions and as legible as the said figures, and any person who shall expose for sale any raw hides or skins, the weights of which shall be so marked without the words "Not Inspected" as above prescribed shall be liable to a fine not exceeding twenty dollars. Penalty on other than Inspectors marking them as inspected.

20. The Inspectors of Sole Leather already appointed under the fifty-first chapter of the Consolidated Statutes of Canada, may act as Inspectors of all sorts of leather and raw hides mentioned in this Act, provided they first obtain certificates of capacity from the Boards of Examiners, after having undergone examination as to their capacity with respect to raw hides. Inspectors under cap 55 of Con. Stat. Canada, may act after examination.

21. Each Inspector or Assistant Inspector shall provide, and have a sufficient number of brands, stamps, or marking instruments, wherewith he shall brand, stamp or mark, or cause to be branded, stamped or marked; immediately after inspection on both sides of each hide or piece of leather the initials of the name of the place of inspection, and the initials of the name of the Inspector. Branding or marking instruments.

22. All brand or stamp marks shall be neat and legible and shall be made at one end of the hide or piece of leather, within How hides shall be marked.

a space not less than two inches long by one and one half inch broad.

Classification of qualities of sole leather.

23. The sole leather so inspected shall be divided, as to quality, into three classes; to be known as number one, number two, and number three: number one representing the first or best quality, number two representing the second quality, number three representing the damaged and rejected articles.

Red leather, &c.

24. Red leather or mocassin leather and harness leather shall, after inspection, be marked or branded, respectively, with the figures 1, 2, according to the quality thereof.

Mark to be indelible.

25. The brand or mark may be fixed or attached to the raw hide or leather by stamping, or by any other process that may render such brand or mark indelible; each brand or stamp shall have the initials of the City or Town where inspection is made, and the initials of the Inspector's name, and the weight of the raw hide or leather, as also the figure denoting the quality; and may be in the form following:

1. 112 lbs.
T. J. B. I.

2. 90 lbs.
T. J. B. I.

Form of marks.

The figure 1, representing first quality, 112 lbs., the weight, T., Toronto, J. B., I., initials of Inspector's name and office.

The figure 2, designating second quality.

3. 60 lbs.
T. J. B. I.

The figure 3, designating a damaged or rejected article.

OFFENCES AND PENALTIES.

Wilfully incorrect certificates.

26. If any Inspector or Assistant Inspector, knowingly and wilfully, gives, to any bill of inspection, an untrue and incorrect certificate of the weight or quality of any raw hide or leather by him inspected, or gives such bill without a personal examination and inspection of such raw hide or leather, he shall incur a penalty of not more than eighty dollars for each offence, and be dismissed from his office, and be disqualified from ever after holding the same.

27. Every Inspector or Assistant Inspector who refuses or neglects on application to him, made personally or by writing, left at his dwelling house, store, office, or warehouse, on any lawful day, between sun-rise and sun-set, by any owner or possessor of raw hides or leather (such Inspector or Assistant Inspector not being at the time of such application employed in inspecting raw hides or leather elsewhere), forthwith, or within two hours thereafter, to proceed to such inspection, shall, for every such neglect or refusal, incur a penalty of twenty dollars recoverable by the person so applying before any one Justice of the Peace, on the oath of one credible witness other than such prosecutor, and shall be also liable for all the damages occasioned by such refusal or neglect to the party complaining.

Neglect of
duty by in-
spector.

28. Any person who, with fraudulent intention, effaces or causes to be effaced from any raw hide or leather (having undergone inspection), all or any of the Inspector's marks, or counterfeits or alters any such marks, or impresses or brands any mark purporting to be the mark of the Inspector, either with the proper marking tools of such Inspector, or with counterfeits, representatives thereof, on any raw hide or side of leather, or who (not being an Inspector) brands or marks any raw hide or leather with the Inspector's mark, or connives at or is privy to any fraudulent evasion of this Act, shall, for every such offence, respectively, incur a penalty of not less than eighty dollars; and any Inspector who inspects, or brands, or marks any raw hide or leather out of the limits for which he is appointed, or hires out his marks to any person whatsoever, or connives at, or is privy to any fraudulent evasion, or inspection of raw hides or leather by others, shall for each and every such offence incur a penalty of not less than eighty dollars, and be removed from, and disqualified from holding such office forever thereafter.

Effacing In-
spector's
marks, &c.,
or counterfeit-
ing marks,
&c.

Inspector act-
ing beyond
limits.

29. Every penalty imposed by this Act, not exceeding forty dollars, may, except when it is otherwise herein provided, be recoverable by any Inspector of raw hides and leather, or by any other person suing for the same, in a summary way before any two Justices of the Peace for the place, in their ordinary or other Sessions or before the Recorder's Court for said place, and shall, in default of payment, be levied by warrant of distress to be issued by such Justices against the goods and chattels of the offender.

Recovery of
penalties.

30. Where such penalty exceeds forty dollars, it may be sued for and recovered by any such Inspector or other person, by bill, plaint, information or civil action, in a Recorder's Court, or in any other Court, having jurisdiction in civil cases to the amount, and may be levied by execution as in cases of debt.

In case pen-
alty exceeds
\$40.

Application of penalties. **31.** The moiety of all such penalties (except such as may be herein otherwise applied) when recovered, shall forthwith be paid into the hands of the Treasurer of the city, town or place, for the public uses of the Corporation thereof, and the other moiety shall belong to and be paid to the Inspector or other person who shall sue for the same, unless he be an Officer of the Corporation, in which case the whole penalty shall belong to the Corporation for the uses aforesaid.

Limitation of actions, &c., against Inspectors. **32.** If any action or suit, not otherwise provided for, be brought against any person for anything done in pursuance of this Act, or contrary to the provisions thereof, it must be commenced within six months next after the matter or thing done or omitted to be done, and not afterwards; and the defendant therein may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereon; and if afterwards judgment is given for the defendant, or the plaintiff be non-suited or discontinue his action after the defendant has appeared, then such defendant shall have treble costs against such plaintiff, and the like remedy for the same as any defendant hath in other cases to recover costs at law.

General issue.

Treble costs if plaintiff fails.

In case of disputes, between owners of leather and Inspectors, how decided. **33.** If any dispute arises between the Inspector or Assistant Inspector and the owner or possessor of raw hides or leather, with regard to the quality or condition thereof, then, upon application by either of the parties to the Board of Examiners appointed under the first section of this Act, the said Board of Examiners shall immediately examine such raw hides or leather, and report their opinion of the quality and condition thereof, and their decision shall be given in writing; and shall be final and conclusive; the parties against whom the arbitrators decide shall pay all charges incurred about the arbitration, and the arbitrators shall fix the amount of such charges, and the Inspector shall, in his bill of inspection and certificates, conform to the decisions of the Board of Arbitration.

Inspector for Quebec or Montreal may act in any place not within the limits of another Inspector. **34.** In the event of the Inspector for the City of Quebec or the Inspector for the City of Montreal being required in writing to inspect any raw-hides or skins for persons residing beyond the limits of the place for which the said Inspector has been appointed such Inspector may, if he thinks fit, proceed to the inspection of such raw hides or skins, provided it be not within the limits assigned to any other Inspector, and that it be within Lower Canada; and in such case he shall make use of the said stamps or marks and his duties and responsibilities shall be the same as though the said inspection had taken place within the City of Quebec or of Montreal, and the Inspectors in Upper Canada shall have the same privileges, if they think proper to exercise them, and in such case they shall perform the same duties and be subject to the same responsibilities in any part of Upper Canada not included within the limits assigned to any other Inspector.

35. Nothing in this Act shall oblige any person to cause any raw hide or any leather to be inspected; but if inspected, it shall be subject to the provisions of this Act, and shall not be marked or branded as inspected, unless the said provisions have been in all respects complied with, with respect to such hide or leather. Inspection not obligatory.

C A P . X X I I .

An Act to amend the Act respecting the practice of
Physic and Surgery and the Study of Anatomy.

[Assented to 30th June, 1864.]

IN amendment of the Act respecting the practice of Physic and Surgery and the Study of Anatomy, forming the seventy-sixth chapter 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 : Preamble.
Con. Stat.
Canada, cap.
76.

1. For all and every the purposes of the said Act, the city of Toronto and the village of Yorkville, shall together form and be, and be held and deemed and taken and considered to be but one place and one locality, from and after the first day of August, next after the passing of this Act. Toronto and
Yorkville
united as to
that Act.

2. The Governor may appoint, during pleasure, a person not being a medical practitioner, but being a person holding some municipal office in the said city of Toronto, or in the said village of Yorkville, and unconnected with any public or private school of medicine, to be, or two such persons to be jointly, Inspector of Anatomy for the city of Toronto and the village of Yorkville, from and after the said first day of August, next after the passing of this Act. Inspector or
Inspectors of
Anatomy may
be appointed.

C A P . X X I I I .

An Act to authorize the granting of Charters of Incorporation to Manufacturing, Mining, and other Companies.

[Assented to 30th June, 1864.]

WHEREAS it is expedient to authorize the Incorporation by Letters Patent of Companies for Manufacturing, Mining, and other purposes, and to provide that certain general clauses of this Act shall apply to all Companies so incorporated: 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, by Letters Patent under the Great Seal of the Province, grant a Charter of Incorporation to Charters by
Letters Patent
to

may be granted to Companies formed for certain purposes.

to any number of persons not less than five, who shall petition therefor, and constitute such persons and others who may become shareholders in such Company, a body corporate and politic, for any of the following purposes :

Purposes enumerated.

1. Carrying on any kind of manufacturing, shipbuilding, mechanical, or chemical business ;
2. Mining for Gold, Silver, Copper, or other Metals or Ores ; or for Coal, Plumbago or other Minerals ;
3. Washing, dressing, smelting and otherwise preparing for market the ores of all kinds of metals ;
4. Erection of dams, sluices and other hydraulic apparatus for excavating and washing auriferous earth in the process of gold mining ;
5. Opening and working quarries of Marble, Slate or other economic minerals, or mineral substances and the manufacture, exportation and sale thereof ;
6. Boring for, opening and using Petroleum, salt or other mineral springs ;
7. 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 Public Hotel, or as Baths or Bath Houses, or for Agricultural or Horticultural Fairs or Exhibitions, or for Educational, Library, Scientific or Religious purposes ;
8. Carrying on of any Fishery or Fisheries in this Province or the waters thereto adjacent, or in the Gulf of St. Lawrence, and the building and equipping of any vessels for such Fishery or Fisheries ;
9. Carrying on of any forwarding business, and the construction, owning, chartering, or leasing of ships, steamboats, wharves, roads or other property required for the purpose of such forwarding business ;
10. Acquiring or constructing and maintaining any plank, macadamized or gravelled Road, or any Bridge, Pier, Wharf, Dry Dock, or Marine Railway ;

Charters for purposes under paragraphs 2, 3, 4 and 5.

And such Charter of incorporation may be granted to any one Company for any two or more of the purposes mentioned in the paragraphs numbered two, three, four and five of this section.

Previous notice to b

2. The applicants for a Charter under the authority of this Act, must give at least one month's previous notice in the
Canada

Canada Gazette of their intention to apply for such Charter, given in the *Canada Gazette*, stating therein :

1. The names in full and the places of residence of the applicants, to the number of five at least ;
2. The proposed corporate name of the Company ;
3. The object or purpose for which Incorporation is sought ;
4. The place or places where the operations of the Company are to be carried on ;
5. The amount of the nominal capital of the Company ;
6. The number of shares and amount of each share ;
7. The amount of the stock subscribed ;
8. The amount paid in, or to be paid in before the Charter is granted.

3. Before Letters Patent are issued, in which the foregoing particulars shall be recited, the applicants therefor must prove to the satisfaction of the Minister, or officer to whom the duty of reporting thereon may be assigned,— that the proposed corporate name is not that of any other known Company; that one or more of the applicants is a resident of this Province and a British subject by birth or naturalization; that not less than one half of the proposed capital stock has been subscribed in good faith, and that at least ten per cent thereof, or five per cent of the whole capital, when it does not exceed five hundred thousand dollars, has been paid in to the credit of Trustees for the Company and still remains at the credit of the said Trustees in some one or more of the Chartered Banks of this Province, but if the proposed capital of the Company exceeds five hundred thousand dollars, then it will be sufficient to prove that the sum of twenty-five thousand dollars, has been paid in and remains at the credit of the Company as aforesaid; Provided always, that whenever the Company proposed to be incorporated, is formed for a purpose for the carrying out of which it is necessary that they should possess real estate, then it shall be sufficient that the applicants prove to the satisfaction of the Minister or officer to whom the duty of reporting thereon is assigned, that the sum required under the foregoing provision, has been invested in such real estate which is held by Trustees for the Company, or that part of such sum has been so invested and the remainder paid into a chartered Bank to the credit of the said Trustees.

Preliminary conditions.

As to name, &c.

Subscription and payment of part of capital.

Proviso: part of capital in real estate.

4. Every Company so incorporated by Letters Patent under the Great Seal, for any of the purposes mentioned in this Act, shall

General Corporate shall

Powers of such chartered companies.

shall be a body corporate by the name contained in the Letters Patent, capable forthwith of exercising all the functions of an incorporated Company as if incorporated by a Special Act of Parliament, and having perpetual succession and a common seal with power to acquire, hold, alienate and convey any real estate necessary or requisite for the carrying on of its operations; and the said Letters Patent shall be conclusive evidence that all the requisitions of this Act have been complied with; and any copy of such Letters Patent purporting to be certified by the Provincial Secretary and Registrar or his Deputy, under his hand, shall be evidence of the contents of such Letters Patent in all Courts and places in this Province.

Certified copies of Charters.

Certain provisions to be incorporated in each charter.

5. Every Company incorporated under the authority of this Act, shall be subject to the following general provisions of law, which shall be embodied and set forth in their Letters Patent:

The General Provisions.

Directors.

1. The affairs of the Company shall be managed by a Board of not less than three, nor more than nine Directors;

First Directors.

2. The persons named as such, in the Letters Patent, shall be the Directors of the Company, until replaced by others duly chosen in their stead;

Qualification.

3. No person shall be elected or chosen 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;

Election.

4. 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, as the By-laws of the Company may prescribe;

As to elections, when not otherwise provided for.

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

(a) Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election;

(b) 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;

(c) 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;

(d) Elections of Directors shall be by ballot;

(e)

(e) 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 ;

Vacancies.

(f) 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 ;

President.

6. 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 ;

In case of failure of election:

7. 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, 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 or places where the Annual Meetings of the Company shall be held, and where the business of the Company shall be conducted, and if the Company be a Mining Company, one (or more) of such places may be without this Province,—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 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, from that time only, cease to have force ;

Powers of Directors.

Power to make By-laws ; and for what purposes.

Proviso : By-laws must be confirmed by general meetings.

8. 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.

Transfer of
Stock.

9. 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 the *Letters Patent*, or by the By-laws of the Company, shall be prescribed ;

Calls on
stock.

10. The Directors of the Company may call in and demand from the Shareholders thereof, respectively, all sums of money by them subscribed, at such time and places, and in such payments or instalments, as the By-laws of the Company 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 ;

Interest on
calls unpaid.

Amount of
calls.

11. 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 ;

Enforcing
payment of
calls.

12. 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 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 ;

What only
need be al-
leged and
proved.

Proof.

Forfeiture for
non-pay-
ment.

13. If, after such demand or notice as by the 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 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.

14. 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 or sold under execution ;

Shareholders
in arrear not
to vote.

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

16. 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, nor until a copy thereof duly authenticated shall have been filed as hereinafter mentioned with the Provincial Secretary or such other officer as the Governor in Council may direct ;

Provision for increase of capital.

17. Any By-law for increasing the Capital Stock of the 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 ;

By-law for increase to contain certain provisions.

18. The Company may, within six months after a duly authenticated copy of such By-law has been filed with the Provincial Secretary, or such other officer as the Governor in Council may have named for the purpose, require and cause a notice under the signature of the Provincial Secretary or other proper officer, to be inserted in the *Canada Gazette*, that such By-law has been passed and filed as aforesaid, and stating the number and amount of the shares of new stock, the amount actually subscribed, and the amount paid in in respect thereof, and from the date of such notice 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 law in like manner, (so far as may be) as though the same had formed part of the Stock of the Company originally subscribed ;

Declaration as to new stock, to be filed with Provincial Secretary.

Notice in Gazette.

19. 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.

1. A correct copy of the Letters Patent incorporating the Company, as also, of any and every By-law thereof ;

What to contain.

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

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

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

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

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—

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 became or ceased to be such Director ;

Directors may disallow transfer of stock in certain cases.

20. 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 no transfer made with the view of relieving the transferor from preexisting debts of the Company, shall be valid or prevent any antecedent creditor from exercising his remedy against such transferor in the same way as if he had continued to be a Shareholder in such Company ; provided, that nothing in this sub-section shall prevent the effect of chapter seventy of the Consolidated Statutes of Canada, as regards any such stock seized and sold in execution ;

Proviso : as to stock taken in execution.

Effect of transfer limited until allowed.

21. 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 transferor, 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.

22. Such books shall, during reasonable business hours of every day, except Sundays and obligatory holidays (*fêtes d'obligation*), 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 ;

Effect as evidence.

23. 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.

24. 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 liable to a penalty not exceeding twenty dollars for making each such untrue entry and for each such refusal or neglect, and also for all loss or damage which any party interested may have sustained thereby ;

25. 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 Trusts on shares.

26. 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, &c., by the Company: how to be executed.

Proviso: as to bank-notes.

27. 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.

28. 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.

29. 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

As to Stock held by persons in a representative capacity.

act,

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.

30. 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.

31. 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 have 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 ;

How any Director may avoid such liability.

Penalty for lending money to Stockholders.

32. 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 ;

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

33. 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 ;

Forfeiture of charter by non-user.

34. The Charter of the Company shall be forfeited by non-user during three consecutive years, at any one time, or if the Company do not go into actual operation within three years after it is granted ; and no declaration of such forfeiture by any Act of the Legislature shall be deemed an infringement of such Charter.

6. The Governor in Council may, on the petition of the applicants, omit from the Letters Patent clauses eleven, sixteen, seventeen and eighteen, of the next preceding section, or one or more of them, and the Company shall not then be subject to the said clauses.

Certain provisions may be omitted in any Charter.

7. The Governor in Council may, from time to time, fix and regulate the fees to be paid by applicants for Letters Patent under this Act, may designate the Department from which they shall be issued, and prescribe the forms of record and proceeding, and all other matters necessary for carrying out the object and purposes of this Act.

Fees and forms.

8. Every Company incorporated under the authority of this Act, shall be subject to such further and other provisions as the Legislature may hereafter deem expedient.

Right of further Legislation reserved.

C A P. X X I V .

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

[Assented to 30th June, 1864.]

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

Preamble.

1. The Act of the Parliament of this Province, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled: *An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the Public Health of the City may be endangered*; the Act of the Parliament of the late Province of Lower Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, and intituled: *An Act for better regulating the Common of the Seigneurie of Laprairie de la Madeleine*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled: *An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Fevre, 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 Seigneurie of the Baie Saint Antoine, commonly called the Baie du Fevre, to terminate certain disputes relating to the limits of the said Common, and for other purposes appertaining to the same*; the Act of the said Parliament, passed in the ninth year of the same Reign, and intituled: *An Act to alter and amend an Act, passed in the sixth year of His Majesty's*

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

Acts of L. C., 2 G. 4, cap. 8.

Laprairie.

2 G 4, cap. 10.
La Baie St. Antoine.

4 G. 4, cap. 26.

Majesty's

2 G. 4, cap.
32. A
Fief Grosbois.

Continued to
end of Ses-
sion
after 1st Jan.,
1865.

Majesty's Reign, intituled: *An Act to authorize the inhabitants of the Fief Grosbois, in the County of Saint Maurice, to make regulations for the common of the said Fief*; and all and every of the said Acts are hereby continued; and shall be in force until the first day of January, one thousand eight hundred and sixty-five, and from thence until the end of the then next ensuing Session of the Provincial Parliament and no longer.

Acts of Cana-
da, 7 Vic.
cap. 10.
Bankrupts.

9 Vic. cap.
30.

12 Vic. cap.
18.

13, 14 Vic,
cap. 20.

Continued for
certain pur-
poses only.

2. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled: *An Act to repeal an Ordinance of Lower Canada*, intituled: *An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects, and to make provision for the same object throughout the Province of Canada*, and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled: *An Act to continue and amend the Bankrupt Laws, now in force in this Province*, in so far 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 be in force for the purposes aforesaid, until the said first day of January, one thousand eight hundred and sixty-five, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

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

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

Period limited
by 12 Vic.
cap. 97.

9 Vic. cap. 12.

4. The period limited by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled: *An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of Hastings*, as that within which it shall be lawful for the Registrar 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:

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

10, 11. Vic. cap. 38.
Extended to end of Session after 1st Jan. 1865.

C A P . X X V .

An Act to amend section forty-one of chapter twenty-four of the Consolidated Statutes for Upper Canada, relating to arrest and imprisonment for debt.

[Assented to 30th June, 1864.]

WHEREAS it is expedient to amend the forty-first Section of Chapter twenty-four of the Consolidated Statutes for Upper Canada, relating to arrest and imprisonment for debt: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The words "In case any party has obtained a judgment in any Court in Upper Canada," as used in section forty-one of chapter twenty-four of the Consolidated Statutes for Upper Canada, shall, from and after the coming into force of this Act, for all the purposes of the said cited Act, be taken to mean, as well a party defendant as a party plaintiff, and to extend to all judgments, whatever the cause of action for which the same may be recovered.

Sect 41 of cap. 24 Con. Stat. U. C. amended.

2. This Act shall come into force upon, from and after the first day of August next.

Commencement of this Act.

C A P . X X V I .

An Act to amend the Act respecting the Surrogate Courts.

[Assented to 30th June, 1864.]

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

Preamble.

1. The following proviso shall be added to and form and be read as part of the sixth section of the sixteenth chapter of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting the Surrogate Courts*; that is to say: "provided always, that this section shall not apply to the Registrar of

Proviso added to Sect. 6, cap 16 Con. Stat. U. C., section 6 not to apply to

certain officers.

“ the Surrogate Court of the United Counties of York and Peel,
 “ or to the Clerk of the County Court of the said United Counties;
 “ nor, after the severance of the said United Counties, to the
 “ Registrar of the Surrogate Court of the County of York, or
 “ to the Clerk of the County Court of the said County ; but
 “ the Governor shall appoint a Registrar of the Surrogate Court
 “ of the said United Counties, or of the County of York, as the
 “ case may be, to hold office during pleasure, and upon the
 “ death, resignation or removal of such Registrar, shall supply
 “ the vacancy.”

C A P . X X V I I .

An Act to amend chapter nineteen of the Consolidated Statutes for Upper Canada, intituled : *An Act respecting Division Courts.*”

[Assented to 30th June, 1864.]

Preamble.

WHEREAS it is desirable to lessen the expense of proceedings in Division Courts in Upper Canada, and to provide, as far as may be, for the convenience of parties having suits in these Courts : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Suits may be brought and tried in the Court nearest to the Defendant's residence.

1. Any suit cognizable in a Division Court may be entered and tried and determined in the Court the place of sitting whereof is the nearest to the residence of the defendant or defendants, and such suit may be entered and tried and determined irrespective of where the cause of action arose, and notwithstanding that the defendant or defendants may at such time reside in a county or division other than the county or division in which such Division Court is situate, and such suit entered.

Service of summons in such cases.

2. It shall be sufficient if the summons in such case be served by a Bailiff of the Court out of which it issues, in the manner provided in the seventy-fifth section of the Division Courts' Act ; and upon judgment recovered in any such suit a writ of *Fieri Facias* against the goods and chattels of the defendant, and all other writs, process and proceedings to enforce the payment of the said judgment, may be issued to the Bailiff of the Court, and be executed and enforced by him in the County in which the defendant resides, as well as in the County in which the judgment was recovered.

Execution.

Act to be construed as part of Division Courts' Act, &c.

3. This Act shall be read as incorporated with, and as part of, the said Division Courts' Act, and the foregoing sections shall be considered as inserted next after section seventy-one in the said Act, and the authority from time to time to make rules and to alter and amend the same (given under the sixty-third section of the said Act) shall extend to the provisions in this Act contained.

C A P. X X V I I I.

An Act to repeal chapter thirty-eight of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting the office of Sheriff*, and to make further provisions respecting the said office in Upper Canada.

[Assented to 30th June, 1864.]

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

Preamble.

1. Chapter thirty-eight of the Consolidated Statutes for Upper Canada, intituled, *An Act respecting the office of sheriff*, is hereby repealed; Provided always, that the repeal of the said Act shall not revive any former Act or law that may have been repealed thereby, or any part of such Act or law; but the same shall remain so repealed; nor shall the repeal of the said Act impair, invalidate, discharge or affect any existing debt, right or cause of action, obligation or liability, but the same shall remain in full force, as if this Act had not been passed.

Con. Stat U. C. cap. 38, repealed.

Proviso: as to past transactions, &c.

2. The Governor shall, from time to time, as occasion may require, by commission under the Great Seal of the Province, appoint a fit and proper person to the office of sheriff of each county in Upper Canada, and shall in like manner fill up any vacancy occurring by the death, removal, resignation or forfeiture of office by any sheriff; but every such sheriff shall hold office during pleasure only.

Appointment of Sheriffs and filling of vacancies.

3. Every sheriff in office when this Act takes effect is hereby continued therein, subject to the provisions and requirements of this Act, and all bonds and covenants and securities given by sheriffs and their sureties in force at the passing of this Act shall continue in force under and subject to the provisions of this Act.

Sheriffs in office continued.

4. Every sheriff, before he enters upon the duties of his office, shall take and subscribe the Oath of Allegiance, in the form appended to this Act, marked A, and the Oath of Office, marked B, and shall not be bound nor required to subscribe or take any other oath, nor make any other declaration or subscription, except as hereinafter provided; and every such oath respectively shall be filed in the office of the Clerk of the Peace for the county to which it relates.

Oaths to be taken by, on appointment.

5. The Governor in Council may, from time to time, by Order in Council, fix and determine the amount of the security to be given by each sheriff, both by bond and by duplicate covenants, as hereinafter mentioned; Provided always, that

Amount and nature of security to be given by, how determined.

Amount limited.

the penalty of the said bond, and the amount to be inserted in the said duplicate covenants respectively, shall be in no case less than four thousand dollars, nor more than twenty thousand dollars for the sheriff, and not less than two thousand dollars, nor more than ten thousand dollars for each surety in each instrument, where there are two sureties, and not less than one thousand dollars, nor more than five thousand dollars for each surety, when there are four sureties named in the said instruments respectively.

Bond to be executed by sheriff with sureties, and when.

6. Every sheriff now holding office, being thereunto required by Order in Council, shall, within three months thereafter,— and every sheriff to be hereafter appointed shall, before he is sworn into office, and within one month after his appointment, execute a bond to Her Majesty, Her Heirs and Successors, with two or four sureties, in a penalty to be fixed and determined by Order in Council as aforesaid, and with a condition, in the form appended to this Act, marked C, or to the like effect; and shall also within the same periods respectively, execute and enter into a joint and several covenant in duplicate, with two or four sureties, for such amounts respectively as may be fixed and determined by Order in Council, in that behalf as aforesaid, which said duplicate covenant may be in the form appended to this Act, marked D, or to the like effect; to which said bond, and to each of which said duplicate covenants respectively, shall be attached an affidavit made by each of the obligors or covenantors therein named respectively; that he is seized and possessed to his own use of real estate in Upper Canada, of the actual value of the amount for which he has become bound in the said bond, or for which he has covenanted to afford indemnity by the said covenants, over and above all incumbrances, and setting forth a correct description of such real estate, and of its local situation; which respective affidavits may be in the form appended to this Act, marked E, or to the like effect.

Form of bond. Duplicate covenant to be entered into.

Form.

Affidavit of sufficiency by each of the obligors or covenantors.

Form.

Where covenant shall be deposited.

7. One of such duplicate covenants with the affidavits thereto attached, shall, within the periods hereinbefore limited respectively, be filed in the office of the Clerk of the Peace of the county, for which filing the Clerk shall be entitled to a fee of fifty cents, and the other duplicate covenant and the said bond hereinbefore mentioned with the affidavits attached to the same respectively, and an affidavit of the filing of such first mentioned duplicate and affidavits in the office of the Clerk of the Peace as aforesaid, shall, within the same periods respectively, be transmitted to the office of the Provincial Secretary, and by him submitted for the approval of the Governor in Council.

Affidavit of filing.

Where, after approval by Governor.

8. In case the said bond and covenant be approved of by the Governor in Council, they shall be forthwith deposited in the office of the Minister of Finance for the Province, and notice

notice of such approval shall be given to the sheriff by the Provincial Secretary; but, in case the said bond or covenant be disapproved of by the Governor in Council, the Provincial Secretary shall forthwith give notice to the sheriff of such disapproval, and in such case the said sheriff shall, within one month thereafter, furnish and transmit another such bond or covenant in lieu of the bond or covenant so disapproved of as aforesaid, to the satisfaction of the Governor in Council; **Provido: in case of non-approval.** **Provido: sureties not discharged by non-approval.** **Provido: sureties not discharged by non-approval.**

9. The Governor in Council may at any time require any sheriff to renew his said bond and covenants, or to furnish others in lieu of the same as to him may appear expedient for the protection of the interests of the Crown or of parties to legal proceedings, which new or substituted securities, the sheriff shall be bound to transmit to the Provincial Secretary, within three months after notice of the Order in Council in that behalf. **Renewal of bonds and covenants.**

10. Every renewed or substituted bond and covenant respectively shall be in the same form, and executed and accompanied with the same formalities and affidavits, and subject to the same approval as the original bond and covenants. **Form of renewed bond.**

11. In case any new security be given or substituted as aforesaid, the former sureties shall only be liable for or on account of defaults and misfeasances suffered or committed by the sheriff previous to the perfecting of the new security and the approval thereof by the Governor in Council, and not as to any subsequent default or misfeasance. **Liability of former sureties in case of renewal.**

12. Every sheriff shall give notice in writing to the Provincial Secretary, of the death, discharge, bankruptcy, insolvency, or residence out of the Province, of any surety or person bound with him in any such security, within one month after the fact comes to his knowledge; and in every such case such sheriff shall furnish the security of a new surety, to be approved of as aforesaid, in lieu of the surety so dying, being discharged, becoming bankrupt or insolvent, or residing without this Province, and shall complete and transmit to the Provincial Secretary the necessary bond, covenants and affidavits in that behalf, within one month after such notice. **In case of the death, insolvency, &c., of any surety.**

13. Any person who has become surety under this Act for any sheriff, and who may be no longer disposed to continue such responsibility, may give notice thereof to such sheriff and to the Provincial Secretary, and in such case the said sheriff shall **Surety may decline to continue such at any time.**

shall furnish the security of a new surety, in lieu of the surety so giving notice, and shall complete and transmit the necessary bonds, covenants and affidavits in that behalf, to the Provincial Secretary, within one month after such notice; and all accruing responsibility on the part of the person giving such notice shall cease upon and after the perfecting and approval of the new security.

Forfeiture for neglect on the part of a Sheriff to furnish security.

14. Any sheriff who shall neglect to give and furnish any of the securities, or to give any notice required by this Act, within the period hereinbefore in that behalf respectively limited, shall be liable to forfeit his said office, and his appointment and commission shall be void from and after the time when the Governor declares the same to be avoided under this Act, but such avoidance shall not annul or make void any act or order or other matter or thing done by such sheriff during the time he actually held such office.

In what case forfeiture may be remitted.

15. The Governor in Council may remit the forfeiture in any case in which the failure to give the security or to perfect or transmit the instruments required by this Act, within the period hereinbefore limited respectively in that behalf, has not arisen from the wilful neglect of the sheriff, and if it appears to the Governor that such respective periods are in any case insufficient in consequence of any accident, casualty, loss of papers in the transmission thereof, illness or other particular circumstance, the Governor in Council may allow such further period, not in any case exceeding two months for perfecting and transmitting such securities as to him may appear reasonable and proper.

Case of securities approved although not perfected in time.

16. The Governor may approve of any security or securities, although the same may not have been perfected and transmitted respectively within the time limited by this Act, and in such case the office or commission of the sheriff shall not be deemed to have been avoided by such default, but to have remained in full force and effect; and such securities, when approved of as aforesaid, shall be held and construed to be valid and effectual, in the same manner and to the same extent as if they had been perfected and approved within the time limited by this Act respectively.

Neglect, omission, &c., in giving bonds, not to void them.

17. No neglect, omission or irregularity in giving or renewing the bond and covenants required by this Act, nor in observing the formalities hereinbefore prescribed, or any of them, shall vacate or make void any such bond, covenant or security, or discharge any party or security from the obligations thereof.

Addition to or diminution of territory to that to which

18. No such bond or covenant shall be in any wise impaired, discharged or avoided, nor shall any sheriff or any surety named therein be released, exonerated or acquitted from the obligation

obligation assumed thereby, by reason of the addition to the original area of the county to which it relates, of any other territory, or by the separation therefrom of any portion of such original area, by legislative authority or otherwise.

bond relates, not to affect it.

19. Any person may examine the covenant of the sheriff and his sureties, and the clerk in possession thereof shall, on demand, deliver to any person who desires the same, a copy thereof, on payment of the following fees :

Examination of Sheriff's covenant allowed.

For search and examination of covenant - - \$0 25
 For copy of covenant - - - - - \$1 00

20. The said sureties shall be liable to indemnify the party or parties to any legal proceeding against any omission or default of the sheriff in not paying over moneys received by him, and against any damages sustained by any such party or parties in consequence of the sheriff's wilful or neglectful misconduct in his office, and the sheriff shall be joint defendant in any action to be brought upon such covenant.

Liability of sureties.

21. Any person sustaining any damage by reason of any such default or misconduct of any sheriff, may bring and maintain an action upon the said covenant for such default or misconduct, and such action shall not be barred, by reason of any prior recovery by the same party upon the same covenant, or of any judgment rendered for the defendant in any prior action upon the same covenant, or by reason of any other action being then depending upon the same, either at the suit of the same plaintiff or of any other party, for any other distinct cause of action.

Actions upon the covenant against Sheriff for misconduct, &c.

22. If upon the trial of any action upon any such bond or covenant, it shall be made to appear that the plaintiff is entitled to recover, and that the amount which such surety has paid or become liable to pay as hereinafter mentioned, is not equal to the full amount for which he became surety, the court after deducting from such full amount the sums which he has so paid or become liable to pay as aforesaid, shall render judgment against him for any sum not exceeding the balance of the sum for which he became surety.

If the surety has not become liable for the full amount of his bond, &c.

23. When any such surety shall actually and *bond fide* and of his own proper moneys and effects, have paid or become liable by virtue of a judgment or judgments recovered against him upon his said bond or covenant to pay an amount equal to the amount specified on the said bond or covenant for which he became surety, such bond or covenant shall as to him be deemed to be discharged and satisfied, and no other or further sum shall be recovered against him.

Sureties not liable for more than amount stated in bond.

Recovery of more than amount stated how prevented.

24. It shall be competent for any Court of Record in Upper Canada, upon proof, to the satisfaction of the Court, of such payment or liability, in a summary manner and at any stage of the cause, by stay of proceedings or otherwise, to prevent the recovery against any such surety of any further sum than the amount specified in his bond or covenant, and for which he may have become surety.

How the amount shall be levied.

25. Upon every writ of execution under a judgment recovered on such covenant, the plaintiff or his attorney shall, by an endorsement on the writ, direct the coroner or other officer charged with the execution of such writ to levy the amount thereof upon the goods and chattels of the sheriff in the first place, and in default of goods and chattels of the sheriff to satisfy the amount, then to levy the same or the residue thereof of the goods and chattels of the other defendant or defendants in such writ, and so in like manner with any writ against lands and tenements upon a judgment on any such covenant.

Forfeiture for false returns by Sheriff.

26. Any sheriff who shall wilfully make any false return upon any writ or a warrant of execution, directed to him and placed in his hands for execution, unless by consent of both parties to the same, shall be liable to forfeit his office.

Return where goods remain in Sheriff's hands unsold.

27. It shall be the duty of the sheriff in every case where goods seized by him under execution remain unsold in his hands for want of buyers, to state and specify, in his return of "goods on hand," the time and place when and where such goods were offered for sale by him; and the names of at least three persons who were present at the time of such attempted sale, if so many were present, but if so many were not present, then the names of those who were present, if any, and that there were no others, and if no person were present then to state that fact.

Sheriff forfeiting his office to act till his successor is appointed.

28. Notwithstanding a sheriff may have forfeited his office and become liable to be removed therefrom by reason of his not having complied with the provisions of this Act, he shall nevertheless continue in his office to all intents and purposes, and the liability of himself and his sureties shall remain until a new sheriff has been appointed and sworn into office.

Sheriff, &c., not to trade.

29. No sheriff or deputy sheriff shall directly or indirectly keep a shop or trade, or traffic, or sell or expose for sale, any goods, wares, or merchandize, either by wholesale or retail, or maintain any action for the price of any goods so sold, except only such as by the duties of his office he is legally commanded or empowered to sell.

Sheriff, &c., not to purchase at sales under execution.

30. No sheriff, deputy-sheriff, bailiff, or constable, shall directly or indirectly, purchase any goods or chattels, lands or tenements by him exposed to sale under execution.

31. If any bailiff or constable entrusted with the execution of any writ, warrant or process, mesne or final, shall wilfully misconduct himself in the execution of the same, or wilfully make any false return to such writ, warrant or process, unless by the consent of the party in whose favor the process may have issued, he shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be liable to fine and imprisonment, in the discretion of the court, and shall answer in damages to any party aggrieved by such misconduct or false return.

Misconduct of any bailiff or constable to be misdemeanor.

Damages.

32. Every deputy sheriff, bailiff, or other sheriff's officer or clerk, who may be entrusted with the custody of any writ or process, or of any book, paper or document belonging to the said sheriff or his office, shall, upon demand upon him by such sheriff, restore and return such writ, process, book, paper or document to the custody of the said sheriff, and in case of any neglect of refusal to return or restore the same as aforesaid, the party so neglecting or refusing may be required by any order of any Court of Record in Upper Canada, or of any judge of such court, to return and restore such writ, process, book, paper or document to such sheriff, and be further proceeded against by attachment as in other cases of contumacy to orders or rules of court.

Refusal by deputy to return writ, &c., to sheriff, to be treated as a contempt of Court.

33. Every sheriff shall each day, except Sunday, Christmas day, New Year's day, Good Friday, and the birthday of the Sovereign, keep his office open, from ten o'clock in the forenoon until four o'clock in the afternoon, and during all that time he, his deputy, or some clerk competent to do business for him, shall be present to transact the business of the office.

Holidays, in Sheriff's Office.

34. In all cases when the party who delivered any writ or process to any sheriff to be executed, shall, by himself or by his attorney, or by the agent of such attorney, require by a demand in writing, the sheriff to return such writ either to the party or to his attorney or attorney's agent, or to the court from which the process issued, and whether such requisition be made before or after the return day of such writ or process, or before or after the service or other execution thereof, the sheriff shall within eight days, inclusive of the day of the service of the requisition, return such writ or process according to the terms of the requisition, to the party or to the attorney, or to the agent of the attorney, or to the court; and in case the sheriff wilfully refuses or neglects to do so, he shall be liable to be ruled to return such writ or process, and to be further proceeded against as in other cases of contumacy to orders or rules of court.

Sheriff refusing to make return when demanded by party who delivered it to him.

Rule against Sheriff.

35. In all cases when the party to the writ or process who did not deliver the same to the sheriff to be executed is entitled, according to the practice of the court, to call for a return of the writ or process, he may proceed in like manner to procure such return,

Other Party entitled to return may proceed in like manner.

return, as is above provided in the case of parties who have delivered to writ or process to the sheriff for execution.

Sheriff to pay costs of proceedings to compel return.

36. In every case in which the sheriff neglects or refuses to return any writ or process, when so called upon, he shall be bound to pay the costs of any order or rule taken out to compel such return, and of all other costs consequent thereon, and also the costs of the previous requisition to make the return.

Personal service on Sheriff unnecessary.

37. In no case in which a personal service on the sheriff of any rule or other proceeding has heretofore been required, shall such personal service be necessary, if it appears by affidavit that enquiry was made for the sheriff, and that he could not conveniently be found to make such personal service upon, but full and sufficient service shall be deemed to have been made upon such sheriff by serving the deputy sheriff of such sheriff, if such deputy sheriff can be conveniently found to make such service upon; and if such deputy sheriff cannot conveniently be found, then such service may be made upon the sheriff's clerk, or upon any bailiff of the sheriff who may for the time be present in, or have charge of, the sheriff's office.

Frivolous proceedings against a Sheriff.

38. In case the court or any judge of the court from which the writ, process or rule issued, is of opinion that the proceedings against the sheriff are frivolous or vexatious, such court or judge may specially order that no costs shall be paid by such sheriff, or may specially order that costs shall be paid to the sheriff by the party taking such proceedings.

Taxing Sheriff's costs

39. Upon the settlement of an execution, either in whole or in part, by payment, levy or otherwise, the sheriff or officer claiming any fees, poundage, incidental expenses or remuneration, which shall not have been taxed, shall upon being required by either plaintiff or defendant, or the attorney of either party, and on payment or tender of the expenses of such taxation, and the further sum of twenty-five cents for the copy of his bill in detail, which he shall be bound to render, have his fees, poundage, incidental expenses or remuneration, as the case may be, taxed by the Clerk or the Deputy Clerk of the Crown of the county wherein such sheriff shall keep his office.

Costs not to be collected till taxed.

40. No sheriff shall collect any fees, costs, poundage or incidental expenses, after having been required to have the same taxed, without taxation, and upon tender of the amount taxed, no fees, costs, poundage or incidental expenses in respect of proceedings subsequently taken shall be allowed, to any sheriff.

How to be taxed and taxation certified.

41. It shall be the duty of every taxing officer referred to in this Act, to tax the bills of costs presented to him for taxation, as herein required, upon payment or tender of his fees, and to give,

give, when requested, a certificate of such taxation and the amount thereof.

42. It shall be the duty of every taxing officer authorized to tax costs, upon proof of notice of the time and place of such taxation having been served upon the sheriff, deputy sheriff, or other officer charged with the execution of the writ, to examine the bills presented to him for taxation, as herein required, whether such taxation be opposed or not, and to be satisfied that the items charged in such bill are correct and legal, and to strike out all charges for services which, in his opinion, were not necessary to be performed; Provided, always, that either party dissatisfied with the taxation may appeal to the court, or to a judge of the court, in which the proceedings may be taken, for a revision of such taxation, as in ordinary cases.

Duty of taxing officer.

Proviso: revision of taxation.

43. In case of the death, resignation, or removal of any sheriff, or of any deputy sheriff while there is no sheriff, after he has made a sale of lands, but before he has made the deed of conveyance of the same to the purchaser, and whether such sale was under an execution or for arrears of taxes, the deed or conveyance shall be made to the purchaser by the sheriff, or by the deputy sheriff, who may be in office acting as sheriff as aforesaid, at the time when the deed or conveyance is made.

Conveyances in case of death, &c., of sheriff, who has sold lands.

44. Upon the separation of any junior county from any senior county, or upon the dissolution of any union of counties, the powers, functions and jurisdiction of the sheriff of the senior county over and within the junior county shall remain unimpaired in respect of any writ of mesne or final process in any civil suit or cause in his hands for service or execution at the time of such separation or dissolution, and in respect of any renewal of any such writ, and of any subsequent or supplementary writ of the same nature in the same suit or cause.

Provision in case of a dissolution of a Union of Counties.

45. The thirtieth, thirty-first, thirty-fourth, thirty-fifth, thirty-sixth, thirty-eighth, thirty-ninth, fortieth, forty-first and forty-second sections of this Act shall extend and apply to coroners and elisors employed in the service or executing of the process of any of the superior courts, or of the county courts in Upper Canada.

Certain sections to apply to Coroners and Elisors.

46. Every sheriff shall execute and return before the judge or judges assigned to hold the assizes or to execute any commission or to hold any court of Assize and Nisi Prius, or of Oyer and Terminer and Gaol Delivery in his county, all precepts and writs of Nisi Prius and other jury process delivered to him or his deputy, and shall give his attendance upon such judge or judges, as well for the returning of such "tales de circumstantibus" as may be prayed for the trial of issues, as for the maintenance of good order in Her Majesty's courts, and for the doing and executing of all other things to the office of sheriff in such case belonging.

Duty of Sheriff as regards writs of Nisi Prius, and attendance at assizes, &c.

Deputy Sheriff to continue office of Sheriff in case of death or resignation.

47. In case a sheriff dies, resigns his office and his resignation is accepted, or is removed therefrom, the deputy sheriff by him appointed shall nevertheless continue the office of sheriff, and execute the same and all things belonging thereto in the name of the sheriff so dying, resigning or being removed, until another sheriff has been appointed and sworn into office; and the said deputy sheriff shall be answerable for the execution of the said office in all respects and to all intents and purposes whatsoever, during such interval as the sheriff so dying, resigning or having been removed, would by law have been, if he had been living or continuing in office, and the security given to the sheriff so deceased, resigning or being removed, by his said deputy sheriff, and his pledges, as well as the security given by the said sheriff under this Act, shall remain and be a security to the Queen, Her Heirs and Successors, and to all persons whatsoever for the due and faithful performance of the duties of his office during such interval by the said deputy sheriff.

Obligation of sureties in such case.

Sheriff to make quarterly returns to Minister of Finance.

48. Every sheriff shall quarterly, and within twenty days after the expiration of each quarterly period, transmit to the minister of finance of the province a just, true, and faithful account, to be verified upon oath, of all fines, penalties, and forfeitures which he has been required and commanded to levy and make by any lawful authority, and of the receipt and application of the same, or the reason why the same have not been received and applied; and each sheriff shall pay over to the proper officer or person lawfully entitled to receive the same, the several sums collected by him, as aforesaid, within twenty days next after the period within which the same have been collected as aforesaid; and every sheriff neglecting or refusing to transmit such quarterly accounts, or to pay over any such sum or sums of money so collected by him, within the period hereby prescribed, shall incur and be subject to the like penalty, and may be sued for the same, in the same manner as is provided and declared with regard to justices of the peace neglecting or refusing to make the returns required by the *Act respecting the returns of convictions and fines by justices of the peace, and of fines levied by sheriffs.*

And pay over moneys.

Penalty for neglect.

Con. Stat. U. C. cap. 124.

Proceedings on removal, &c., of Sheriff.
Duty of outgoing Sheriff.

49. Upon the removal of any sheriff from his office, or upon his resignation of the same, and upon the appointment of his successors, the out-going sheriff shall, and in the event of the death of any sheriff the deputy sheriff shall forthwith make out and deliver to the new or incoming sheriff a true and correct list and account, under his hand, of all prisoners in his custody, and of all writs and process in his hands not wholly executed by him, with all such particulars as shall be necessary to explain to the said incoming sheriff the several matters intended to be transferred to him, and shall thereupon hand over and transfer to the care and custody of the said incoming sheriff, all

all such prisoners, writs and process, and all records, books, and matters appertaining to the said office of sheriff; and the said incoming sheriff shall thereupon sign and deliver a duplicate of such list and account to the sheriff going out of office, or to the deputy sheriff where the previous sheriff has deceased, to whom the same shall be a good and sufficient discharge of and from all the prisoners therein mentioned, and transferred to the incoming sheriff, and from the further charge of the execution of the writs, process and other matter therein contained, without any writ of discharge or other writ whatsoever and the said incoming sheriff shall thereupon stand and be charged with the said prisoners, and also with the execution and care of the said writs, process, and other matters contained in the said list and account, as fully and effectually as if the same writs and process had been handed over by indenture and schedule; and in case any such outgoing sheriff, or in the case of the death of the former sheriff, any such deputy sheriff shall refuse or neglect to make out, sign and deliver such list and account as aforesaid, and to hand over the process aforesaid in manner aforesaid, every such sheriff or deputy sheriff so neglecting and refusing shall be liable to make such satisfaction by damages and costs to the party aggrieved, as he, she, or they shall sustain by such neglect or refusal.

And of Incoming Sheriff.

Penalty for neglect.

50. The oath of allegiance and the oath of office hereinbefore respectively required to be taken, and the several affidavits hereinbefore required to be attached to or transmitted with the bonds and covenants hereinbefore mentioned respectively, may be made and sworn before the Chairman of the Quarter Sessions, the Judge of the County Court, or any Justice of the Peace for the county to which they relate respectively, who are respectively hereby authorized to administer the same.

Before whom oaths, &c, may be taken.

51. All persons allowed by law to affirm instead of swearing in civil cases in Upper Canada, shall be admitted to make an affirmation, to the like effect and in lieu of any oath or affidavit hereinbefore required to be made or taken, and such affirmation shall in all such cases be accepted from such persons in lieu of such oath or affidavit, and shall be made before the Judge of the County Court, the Chairman of the Quarter Sessions, or any Justice of the Peace for the same county.

Affirmation in lieu of oaths.

52. Any person who shall wilfully and knowingly make any false statement in any affidavit or affirmation required by this Act, shall be deemed guilty of a misdemeanor, and on being duly convicted thereof, shall incur the same pains and penalties as may by law be inflicted on persons guilty of wilful and corrupt perjury.

False statements.

53. The word "County" used in this Act, shall extend and apply to and include a "Union of Counties."

Word "County."

Act limited to
U. C.

54. This Act shall apply to Upper Canada only, and shall take effect on, from and after the first day of October next.

FORM A.

OATH OF ALLEGIANCE.—Section 4.

County of (or United Counties }
of) To wit: }

I, A. B., do solemnly and sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria (*or the reigning Sovereign for the time being*) as lawful Sovereign of Great Britain and Ireland, and of this province dependent on and belonging to the said Kingdom, and that I will defend her to the utmost of my power against all traitorous conspiracies or attempts whatever, which shall be made against Her person, crown, and dignity; and that I will do my utmost endeavor to disclose and make known to Her Majesty, Her Heirs or Successors, all treasons or traitorous conspiracies and attempts, which I shall know to be against Her or any of them. And all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or power whatever, to the contrary. So help me God.

A. B.

Sworn before me at , in the County }
of , the day of , A. D. 186 . }

C. D.,

Judge of the County Court, *or* Chairman of the Quarter Sessions,
or J. P. (*as the case may be*) for the County [*or* United
Counties] of

FORM B.

OATH OF OFFICE.

County of (or United Counties }
of) To wit: }

I, A. B., of in the county of , Esquire,
having been appointed Sheriff of the county (*or* united Counties)
of , do swear that I will, well and truly and faithfully
perform and execute all the duties required of me under the
laws

laws of this Province pertaining to the said office of Sheriff, so long as I continue therein; and that I have not given directly nor indirectly, nor authorized any person to give, any money, gratuity or reward, whatsoever, for procuring the said office for me.

A. B.

Sworn before me at _____, in the County }
of _____, the _____ day of _____, 186 . }

C. D.,

Judge of the County Court, or Chairman of the Quarter Sessions, or J.P., [as the case may be] for the County [or United Counties] of _____

FORM C.

BOND AS SECURITY TO HER MAJESTY.--Section 6.

Know all men by these presents that we, A. B., Sheriff of the County (or United Counties) of _____, Esquire, C. D., of _____, in the County of _____, Esquire, and E. F., of _____, in the county of _____, Esquire, (*when four sureties are given instead of two, the names of the other two to be inserted here in like manner*) are held and firmly bound to Our Sovereign Lady the Queen Her Heirs and Successors, in the several sums following, that is to say, the said A. B. in the sum of _____ (*the amount fixed by order of the Governor in Council for the Sheriff,*) the said C. D. in the sum of _____ (*the amount fixed for the sureties*), and the said E. F. in the sum of _____ (*the amount fixed for the sureties, adding the other names G. H. and I. K., if four sureties*), to be paid to Our Sovereign Lady the Queen, Her Heirs and Successors; for which payments to be well and truly made we bind ourselves, severally and respectively, and each of us, his heirs, executors and administrators, firmly by these presents sealed with our seals, and dated this _____ day of _____, in the year of our Lord one thousand eight hundred and sixty _____

The condition of this obligation is such, that if the above bounden A. B., his executors and administrators, shall well and faithfully account for and pay over to Her Majesty's Receiver General for this Province, or to such person as may be authorized to receive the same, all such sum and sums of money as he shall receive as such Sheriff of the County (or United Counties) of _____, as aforesaid, for Our said Lady the _____

the Queen, Her Heirs and Successors, then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered in the presence of L. M., N. O., }

A. B. [L.S.]
C. D. [L.S.]
E. F. [L.S.]
&c., &c.

FORM D.—Section 6.

Know all men by these presents, That we, A. B., Sheriff of the County (or United Counties) of , Esquire, C. D. of , in the County of , Esquire, and E. F., of , in the County of , Esquire, (when four sureties are given, the names of the other two to be inserted here in like manner,) do hereby jointly and severally, for ourselves and for each of our heirs, executors, and administrators, covenant and promise that the said A. B., as Sheriff of the County (or United Counties) of , shall well and duly pay over to the person or persons entitled to the same, all such moneys as he shall receive by virtue of his said office of sheriff, and that neither he nor his deputy shall wilfully misconduct himself in his said office to the damage of any person being a party in any legal proceedings. Nevertheless, it is hereby declared that no greater sum shall be recovered under this covenant against the several parties hereto than as follows, that is to say: Against the said A. B., in the whole, \$ (the amount fixed by Order in Council); against the said C. D., in the whole, \$ (the amount fixed by Order in Council); against the said E.F., in the whole, \$ (the amount fixed by Order in Council.) (If more than two sureties, add the names and amounts here in like manner.)

In witness whereof we have to these presents set our hands and seals this day of , in the year of our Lord one thousand eight hundred and sixty

Signed, sealed and delivered in the presence of L. M., N. O. }

A. B. [L.S.]
C. D. [L.S.]
E. F. [L.S.]
&c., &c.

FORM E.

AFFIDAVIT OF SUFFICIENCY.—Section 6.

County or (United Counties) }
of To wit: }

I, A. B., (follow the description given in the bond or covenant) the principal obligor (or covenantor) in the annexed bond (or covenant) named (or one of the sureties in the annexed bond or covenant named) do make oath and say as follows:

1. That I am seized and possessed to my own use of real estate in Upper Canada, of the actual value of (the amount for which the party making the affidavit is liable by the bond or covenant) over and above all charges upon or incumbrances affecting the same.

2. That the said real estate consists of the lands, tenements, and premises following, with the appurtenances, that is to say: (here insert a full description of the property.)

A. B.

Sworn before me at , in the County }
of , the day of 186 . }

P. T., Judge of the County Court, or Chairman of the Quarter Sessions, or J. P. for the County (or United Counties) of (as the case may be).

CAP. XXIX.

An Act to amend the third section of the eighty-eighth chapter of the Consolidated Statutes for Upper Canada.

[Assented to 30th June, 1864.]

WHEREAS it is expedient to amend the third section of the eighty-eighth chapter of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting the limitation of Actions and Suits relating to real property, and the time of prescription in certain cases*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.
Con. Stat. U.
C. cap. 88.

1. The third section of the said eighty-eighth chapter of the Consolidated Statutes for Upper Canada shall be so amended as to read as follows:

Section three amended.

“3. In the case of lands granted by the Crown of which the grantee, his heirs or assigns, by themselves, their servants or agents, As to lands not cultivated

or improved. agents, have not taken actual possession by residing upon or cultivating some portion thereof, and in case some other person not claiming to hold under such grantee has been in possession of such land, such possession having been taken while the land was in a state of nature, then unless it can be shewn that such grantee or such person claiming under him while entitled to the lands had knowledge of the same being in the actual possession of such other person, the lapse of twenty years shall not bar the right of such grantee or any person claiming under him to bring an action for the recovery of such land, but the right to bring such action shall be deemed to have accrued from the time that such knowledge was obtained; Provided always, that no such action shall be brought or entry made after forty years from the time such possession was taken as aforesaid."

Proviso.

Commencement of Act. 2. This Act shall take effect from the first day of January, in the year of Our Lord one thousand eight hundred and sixty-five.

Pending suits excepted. 3. Provided always, that nothing herein contained shall be construed to affect any suit or action actually pending at the time of the commencement of this Act.

Act limited to U. C. 4. This Act shall apply to Upper Canada only.

C. A. P. XXX.

An Act to afford a more expeditious remedy as regards Tenants overholding wrongfully in Upper Canada.

[Assented to 30th June, 1864.]

Preamble. **W**HEREAS it is expedient to provide a less expensive and more expeditious mode of proceeding against tenants overholding wrongfully, than is provided by chapter twenty-seven of the Consolidated Statutes for Upper Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Landlord may apply to a County Judge. 1. In case a tenant, after the expiration of his term (whether the same was created by writing or parol) wrongfully refuses, upon demand made in writing, to go out of possession of the land demised to him, his landlord, or the agent of his landlord, may apply to the County Judge of the county or union of counties in which such land lies, in term or in vacation and wherever such judge may then be, setting forth, on affidavit, the terms of the demise, if by parol, and annexing a copy of the instrument containing such demise, if in writing, and also a copy of the demand made for the delivering up of possession, and

Affidavit, &c.

and stating also the refusal of the tenant to go out of possession, and the reason given for such refusal (if any were given,) adding such explanation in regard to the ground of refusal, as the truth of the case may require.

2. If upon such affidavit it appears to such county judge that the tenant wrongfully holds over without colour of right, such judge shall appoint a time and place at which he will inquire and determine whether the person complained of was tenant to the complainant for a term which has expired, and whether he does wrongfully refuse to go out of possession, having no right to continue in possession, or how otherwise.

Judge may appoint a time and place, for inquiry.

3. Notice in writing of the time and place so appointed by the county judge for holding such inquiry, shall be by the landlord served upon the tenant, or left at his place of abode, at least three days before the day so appointed, if the place so appointed be not more than twenty miles from the tenant's place of abode, and one day in addition for every twenty miles above the first twenty, reckoning any broken number above the first twenty as twenty miles, to which notice shall be annexed a copy of the affidavit on which the appointment was obtained, and of the papers attached thereto.

Notice to tenant.

4. If at the time and place appointed as aforesaid, the tenant, having been duly notified as above provided, fails to appear, the county judge may issue a precept to the sheriff, in the Queen's name, commanding him forthwith to place the landlord in possession of the premises in question; but if the tenant appears at such time and place the county judge shall, in a summary manner, hear the parties and examine into the matter, and shall administer an oath or affirmation to the witnesses adduced by either party, and shall examine them; and if after such hearing and examination it appears to the county judge that the case is clearly one coming under the true intent and meaning of the first section of this Act, then he shall issue such precept as aforesaid to the sheriff, commanding him to place the landlord in possession of the premises, otherwise he shall dismiss the case; and the proceedings in any such case shall from part of the records of the county court.

Tenant failing to appear landlord to have possession.

Inquiry if he appears.

Possession to landlord if he prove his case: otherwise dismissal.

Proceedings to be record of Court.

5. When any such precept has been issued by a county judge, either of the superior courts of common law for Upper Canada, may, on motion, before the end of the second term after the issue of such precept, command such county judge to send up the proceedings and evidence in the case to such superior court, certified under his hand and seal, and may examine into the proceedings, and if they find cause may set aside the same, and may, if necessary, issue a precept to the sheriff commanding him to restore the tenant to his possession, in order that the question of right, if any appear, may be tried as in other cases of ejectment.

Superior Courts may examine proceedings on application to them;

And make order if necessary.

Judges of Superior Courts may make orders under this Act.

If no such order is in force.

6. The judges of the superior courts of common law for Upper Canada may, from time to time, make such orders respecting costs in cases under this Act as to them may seem just; and the county judge before whom any such case is brought may, in his discretion, award costs therein, according to any such order then in force, and if no such order is in force, reasonable costs, in his discretion, to the party entitled thereto; and execution may issue out of the county court for such costs as in other cases in the county court.

Witnesses.

7. The county judge may cause any person to be summoned as a witness to attend before him in any such case, in like manner as witnesses are summoned in other cases in the county court, and under like penalties for non-attendance, or refusing to answer, or wilfully swearing or affirming falsely in such case.

Other remedies of landlords saved.

8. Nothing herein contained shall prevent any landlord from proceeding under the sixty-third and ten next following sections of the Act respecting ejectment, chapter twenty-seven of the Consolidated Statutes for Upper Canada, if he thinks it advisable to proceed under the said sections, or shall in any way affect the powers of any judge or judges of the superior courts under the same, or shall prejudice or affect any other right of action or remedy which landlords may possess in any of the cases herein provided for.

Act limited to U. C.

9. This Act is a Public Act, and shall apply to Upper Canada only.

C A P. XXXI.

An Act respecting short forms of Mortgages in Upper Canada.

[Assented to 30th June, 1864.]

Preamble.

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

Where words of column one of the second Schedule are employed, the mortgage to have the same effect as if the words in column two were inserted.

1. When a mortgage of real property in Upper Canada, made according to the forms set forth in the first schedule to this Act, or any other such mortgage expressed to be made in pursuance of this Act, or referring thereto, contains any of the forms or words contained in column one of the second schedule to this Act, and distinguished by any number therein, such mortgage shall be taken to have the same effect, and be construed as if it contained the form of words contained in column two of the same schedule, and distinguished by the same number as is annexed to the form of words used in such mortgage; but it shall not be necessary in any such mortgage to insert any such number.

2. Any such mortgage or part of such mortgage which fails to take effect by virtue of this Act shall, nevertheless, be as effectual to bind the parties thereto, so far as the rules of law and equity will permit, as if this Act had not been made.

Mortgages not taking effect under this Act, how far valid.

3. Every such mortgage, unless an exception be specially made therein, shall be held and construed to include all houses, out-houses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, under-woods, mounds, fences, hedges, ditches, ways, waters, water-courses, lights, liberties, privileges, easements, profits, commodities, emoluments, hereditaments and appurtenances whatsoever to the lands therein comprised belonging, or in any wise appertaining, or with the same demised, held, used, occupied and enjoyed, or taken or known as part or parcel thereof, and if the same purports to convey an estate in fee, also the reversion and reversions, remainder and remainders, yearly and other rents, issues and profits of the same lands, and of every part and parcel thereof; and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim and demand whatsoever at law and in equity of the grantor in, to, out of or upon the same lands and every part and parcel thereof, with their and every of their appurtenances, subject always to the reservations, limitations, provisos and conditions, contained in the grant of such lands from the Crown.

Mortgage to include all houses, &c., and the reversion, and all the estate, &c., of the grantor.

4. In the construction of this Act and schedules thereto, unless there be something in the subject or context repugnant to such construction the word "lands" shall extend to all freehold tenements and hereditaments whether corporeal or incorporeal or any undivided part or share therein respectively; and the word "party" shall mean and include any body politic, corporate, or collegiate, as well as an individual.

Construction of words "land" and "party."

5. In taxing any bill for preparing and executing any mortgage under this Act, the taxing officer, in estimating the proper sum to be charged therefor, shall consider not the length of such mortgage, but the skill and labor employed, and responsibility incurred in the preparation thereof.

Remuneration for mortgage under this Act not to be taxed according to length only.

6. The schedules and the directions and forms therein contained, shall be deemed parts of this Act.

Schedules, &c., to form part of Act.

SCHEDULES TO WHICH THIS ACT REFERS.

THE FIRST SCHEDULE.

This Indenture, made the _____ day of _____ one thousand eight hundred and _____, in pursuance of the Act respecting short forms of mortgages, between (here insert names

names of parties and recitals, if any,) witnesseth, that in consideration of _____ of lawful money of Canada, now paid by the said (Mortgagee or Mortgagees) to the said (Mortgagor or Mortgagors,) the receipt whereof is hereby acknowledged, the said (Mortgagor or Mortgagors) doth (or do) grant and mortgage unto the said (Mortgagee or Mortgagees) his (her or their) heirs and assigns for ever, all (*parcels*) (*here insert provisions, covenants or other provisions.*)

In witness whereof the said parties hereto have hereunto set their hands and seals.

THE SECOND SCHEDULE.

Directions as to the forms in this schedule, in cases of mortgage of real property :

1. Parties who use any of the forms in the first column of this schedule, may substitute for the words "Mortgagor or Mortgagors," or "Mortgagee or Mortgagees," any name or names; and in every such case corresponding substitutions shall be taken to be made in the corresponding forms in the second column.

2. Such parties may substitute the feminine gender for the masculine, or the plural number for the singular, in any of the forms in the first column of this schedule; and corresponding changes shall be taken to be made in the corresponding forms in the second column.

3. Such parties may introduce into, or annex to any of the forms in the first column, any express exceptions from or other express qualifications thereof respectively; and the like exceptions or qualifications shall be taken to be made from or in the corresponding forms in the second column.

COLUMN ONE.

1. And the said (A. B.) wife of the said Mortgagor hereby bars her dower in the said lands,

COLUMN TWO.

1. And the said (A. B.) wife of the said Mortgagor, for and in consideration of the sum of _____ of lawful money of Canada, to her in hand paid by the said Mortgagee, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted and released, and by these presents doth grant and release unto the said Mortgagee, his heirs and assigns, all her dower, and right and title which, in the event of surviving her said husband she might or would have to dower, in, to, or out of the lands and premises hereby conveyed or intended so to be.

COLUMN ONE.

COLUMN TWO.

2. PROVIDED.—This mortgage to be void on payment of (*amount of principal money*) of lawful money of Canada, with interest at (*rate of interest*) per cent. as follows: (*terms of payment of principal and interest*) and taxes and performance of Statute labor.

2. Provided always, and these presents are upon this express condition, that if the said Mortgagor, his heirs, executors, administrators or assigns, or any of them, do and shall, well and truly pay or cause to be paid unto the said Mortgagee, his executors, administrators or assigns, the just and full sum of (*amount of principal money*) of lawful money of Canada, with interest thereon, at the rate of (*rate of interest*) per cent per annum on the day and time, and in manner following, that is to say (*terms of payment of principal and interest*) without any deduction, defalcation or abatement out of the same, for, or in respect of any taxes, rates, levies, charges, rents, assessments, statute labor or other impositions whatsoever already rated, charged, assessed or imposed, or hereafter to be rated charged, assessed or imposed by authority of Parliament or otherwise howsoever, on the said lands and tenements, hereditaments, and premises, with the appurtenances, or on the said Mortgagee, his heirs, executors, administrators or assigns, in respect of the said premises, or of the said money or interest, or any other matter or thing relating to these presents, and until such default as aforesaid, shall and will, well and truly pay, do and perform or cause or procure to be paid, done and performed all matters and things in this proviso hereinbefore set forth, then these presents, and everything in the same contained, shall be absolutely null and void.

3. The said Mortgagor covenants with the said Mortgagee:

3. And the said Mortgagor doth hereby for himself, his heirs, executors and administrators, covenant, promise and agree to and with the said mortgagee, his heirs and assigns, in manner following, that is to say :

4. That the Mortgagor will pay the mortgage money and interest, and observe the above proviso.

4. That the said Mortgagor, his heirs, executors, administrators or some or one of them shall, and will well and truly pay or cause to be paid unto the said mortgagee, his heirs, executors, administrators or assigns, the said sum of money in the above proviso mentioned, with interest for the same as aforesaid, at the day and time and in manner above limited for payment thereof, and shall and will in everything, well, faithfully and truly do, observe, perform, fulfil and

keep

COLUMN ONE.

5. That the Mortgagor has a good title in fee simple to the said lands.

6. And that he has the right to convey the said lands to the said grantee.

7. And that on default the Mortgagee shall have quiet possession of the said lands.

COLUMN TWO.

keep all and singular the provisions, agreements and stipulations in the said above proviso particularly set forth, according to the true intent and meaning of these presents, and of the said above proviso.

5. And also, that the said Mortgagor at the time of the sealing and delivery hereof is, and stands solely, rightfully and lawfully seized of a good, sure, perfect, absolute and indefeasible estate of inheritance, in fee simple of and in the lands, tenements, hereditaments, and all and singular other the premises hereinbefore described, with their and every of their appurtenances, and of and in every part and parcel thereof, without any manner of trusts, reservations, limitations, provisos or conditions, except those contained in the original grant thereof from the Crown or any other matter or thing to alter, charge, change, incumber or defeat the same.

6. And also, that the said Mortgagor now hath in himself good right, full power and lawful and absolute authority to convey the said lands, tenements, hereditaments, and all and singular other the premises hereby conveyed or hereinbefore mentioned or intended so to be, with their and every of their appurtenances unto the said mortgagee, his heirs and assigns, in manner aforesaid, and according to the true intent and meaning of these presents.

7. And also, that from and after default shall happen to be made of or in the payment of the said sum of money in the said above proviso mentioned, or the interest thereof, or any part thereof, or of or in the doing, observing, performing, fulfilling or keeping of some one or more of the provisions, agreements or stipulations in the said above proviso particularly set forth, contrary to the true intent and meaning of these presents, and of the said proviso, then, and in every such case it shall and may be lawful to and for the said mortgagee, his heirs and assigns, peaceably and quietly to enter into, have, hold, use, occupy, possess and enjoy the aforesaid lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, with the

COLUMN ONE.

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the appurtenances, without the let, suit, hindrance, interruption or denial of him the said mortgagor, his heirs, or assigns, or any other person or persons whomsoever.

8. Free from all incumbrances.

8. And that free and clear and freely and clearly acquitted, exonerated and discharged of and from all arrears of taxes and assessments whatsoever due or payable upon or in respect of the said lands, tenements, hereditaments and premises or any part thereof, and of and from all former conveyances, mortgages, rights, annuities, debts, judgments, executions and recognizances, and of and from all manner of other charges or incumbrances whatsoever.

9. And that the said Mortgagor will execute such further assurances of the said lands as may be requisite.

9. And also, that from and after default shall happen to be made of or in the payment of the said sum of money in the said proviso mentioned or the interest thereof, or any part of such money or interest or of or in the doing, observing, performing, fulfilling or keeping of some one or more of the provisions, agreements or stipulations in the said above proviso particularly set forth, contrary to the true intent and meaning of these presents and of the said proviso, then and in every such case the said mortgagor, his heirs and assigns, and all and every other person or persons whatsoever, having, or lawfully claiming, or who shall or may have or lawfully claim, any estate, right, title, interest or trust of, in, to, or out of the lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be with the appurtenances or any part thereof by, from, under or in trust for him the said mortgagor, shall and will, from time to time, and at all times thereafter, at the proper costs and charges of the said mortgagee, his heirs and assigns make, do, suffer and execute, or cause or procure to be made, done, suffered and executed, all and every such further and other reasonable act or acts, deed or deeds, devices, conveyances and assurances in the law for the further, better and more perfectly and absolutely conveying and assuring the said lands, tenements, hereditaments and premises with the appurtenances unto the said mortgagee, his heirs and assigns, as by the said mortgagee, his heirs and assigns,

COLUMN ONE.

10. And also that the said Mortgagor will produce the title deeds enumerated hereunder and allow copies to be made at the expense of the mortgagee.

11. And that the said mortgagor has done no act to incumber the said lands.

12. And that the said mortgagor will insure the buildings on the said lands to the amount of not less than currency.

COLUMN TWO.

assigns, or his or their counsel learned in the law, shall or may be lawfully and reasonably devised, advised or required, so as no person who shall be required to make or execute such assurances, shall be compelled for the making or executing thereof, to go or travel from his usual place of abode.

10. And also, that the said mortgagor and his heirs shall and will, unless prevented by fire or other inevitable accident, from time to time, and at all times hereafter, at the request and proper costs and charges in the law of the said mortgagee, his heirs or assigns, at any trial or hearing in any action or suit at law or in equity or other judicature or otherwise as occasion shall require, produce all, every or any deed, instrument or writing hereunder written for the manifestation, defence and support of the estate, title and possession of the said mortgagee, his heirs and assigns of, in, to or out of the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, and at the like request, costs and charges shall and will make and deliver or cause or procure to be made and delivered unto the said mortgagee, his heirs and assigns, true and attested or other copies or abstracts of the same deeds, instruments and writings respectively or any of them, and shall and will permit and suffer such copies and abstracts to be examined and compared with the said original deeds by the said mortgagee, his heirs and assigns.

11. And also that the said mortgagor hath not at any time heretofore made, done, committed, executed or wilfully or knowingly suffered any act, deed, matter or thing whatsoever whereby or by means whereof the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, or any part or parcel thereof, are, is or shall or may be in any wise impeached, charged, affected or incumbered in title, estate or otherwise howsoever.

12. And also that the said mortgagor or his heirs shall and will forthwith insure, unless already insured, and during the continuance of this

COLUMN ONE.

COLUMN TWO.

this security keep insured against loss or damage by fire, in such proportions upon each building as may be required by the said mortgagee, his heirs or assigns, the messuages and buildings erected on the said lands, tenements, hereditaments and premises hereby conveyed or mentioned, or intended so to be, in the sum of

of lawful money of Canada, at the least, in some insurance office, to be approved of by the said mortgagee, his heirs or assigns, and pay all premiums and sums of money necessary for such purpose, as the same shall become due, and will on demand assign, transfer, and deliver over unto the said mortgagee, his heirs, executors, administrators or assigns, the policy or policies of assurance, receipt and receipts thereto appertaining, and if the said mortgagee, his heirs or assigns shall pay any premiums or sums of money for insurance of the said premises or any part thereof, the amount of such payments shall be added to the debt hereby secured and shall bear interest at the same rate from the time of such payments, and shall be payable at the time appointed for the then next ensuing payment of interest on the said debt.

13. And the said mortgagor doth release to the said mortgagee all his claims upon the said lands subject to the said proviso.

13. And the said mortgagor hath released, remised and forever quitted claim, and by these presents doth release, remise, and forever quit claim unto the said mortgagee, his heirs and assigns, all and all manner of right, title, interest, claim and demand whatsoever, both at law and in equity of, unto and out of the said lands, tenements, hereditaments, and premises hereby conveyed or mentioned, or intended so to be, and every part and parcel thereof, so as that neither the said mortgagor, his heirs, executors, administrators or assigns, shall or may at any time hereafter have claim, pretend to, challenge or demand the said lands, tenements, hereditaments and premises, or any part thereof, in any manner howsoever subject always to the said above proviso; but the said mortgagee, his heirs or assigns, and the said lands, tenements, hereditaments and premises, subject as aforesaid, shall from henceforth forever hereafter be exonerated and discharged of and from all

COLUMN ONE.

14. Provided, that the said mortgagee on default of payment for _____ months, may on notice enter on and lease or sell the said lands.

COLUMN TWO.

all claims and demands whatsoever, which the said mortgagor, his heirs or assigns might or could have, upon the said mortgagee, his heirs or assigns, in respect of the said lands, tenements, hereditaments and premises, or upon the said lands, tenements, hereditaments and premises.

14. Provided always, and it is hereby declared and agreed by and between the parties to these presents, that if the said mortgagor, his heirs, executors or administrators shall make default in any payment of the said money or interest or any part of either of the same according to the true intent and meaning of these presents, and of the proviso in that behalf hereinbefore contained and _____ calendar months shall have thereafter elapsed, without such payment being made (of which default, as also of the continuance of the said principal money and interest, or some part thereof, on this security, the production of these presents shall be conclusive evidence) it shall and may be lawful to and for the said mortgagee, his heirs or assigns, after giving written notice to the said mortgagor, his heirs or assigns, or his intention in that behalf, either personally or at his or their usual or last place of residence within this Province not less than _____ previous, without any further consent or concurrence of the said mortgagor, his heirs or assigns, to enter into possession of the said lands, tenements, hereditaments and premises hereby conveyed, or mentioned or intended so to be, and to receive and take the rents, issues and profits thereof, and whether in or out of possession of the same, to make any lease or leases thereof, or of any part thereof as he shall think fit, and also to sell and absolutely dispose of the said lands, tenements, hereditaments, and premises hereby conveyed or mentioned, or intended so to be, or any part or parts thereof, with the appurtenances by public auction or private contract, or partly by public auction and partly by private contract, as to him shall seem meet, and to convey and assure the same when so sold unto the purchaser or purchasers thereof, his heirs and assigns, or as he, she or they shall direct and appoint, and to execute and do all such assurances, acts, matters and things

COLUMN ONE.

COLUMN TWO.

things as may be found necessary for the purposes aforesaid, and the said mortgagee shall not be responsible for any loss which may arise by reason of any such leasing or sale as aforesaid, unless the same shall happen by reason of his wilful neglect or default; and it is hereby further agreed between the parties to these presents, that, until such sale or sales shall be made as aforesaid, the said mortgagee, his heirs, executors, administrators, or assigns shall and will stand and be possessed of and interested in the rents and profits of the said lands, tenements, hereditaments and premises in case he shall take possession of the same, on any default as aforesaid, and after such sale or sales shall stand and be possessed of and interested in the moneys to arise and be produced by such sale or sales or which shall be received by the mortgagee, his heirs or assigns, by reason of any insurance upon the said premises or any part thereof upon trust in the first place to pay and satisfy the costs and charges of preparing for and making sales, leases and conveyances as aforesaid, and all other costs and charges, damages and expenses which the said mortgagee, his heirs, executors, administrators or assigns, shall bear, sustain or be put to for taxes, rent, insurances and repairs, and all other costs, and charges which may be incurred in and about the execution of any of the trusts in him hereby reposed, and in the next place to pay and satisfy the principal sum of money and interest hereby secured or mentioned or intended so to be, or so much thereof as shall remain due and unsatisfied up to and inclusive of the day whereon the said principal sum shall be paid and satisfied; and after full payment and satisfaction of all such sums of money and interest as aforesaid, upon the further trust that the said mortgagee, his heirs, executors, administrators or assigns, do and shall pay the surplus, if any, to the said mortgagor, his executors, administrators or assigns, or as he shall direct and appoint, and shall also, in such event, at the request, costs and charges in the law of the said mortgagor, his heirs or assigns, convey and assure unto the said mortgagor, his heirs or assigns, or to such person or persons as he shall direct and appoint, all such

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such parts of the said lands, tenements, hereditaments and premises as shall remain unsold for the purposes aforesaid, freed and absolutely discharged of and from all estate, lien, charge and incumbrance whatsoever by the said mortgagee, his heirs or assigns, in the meantime, so as no person who shall be required to make or execute any such assurances, shall be compelled for the making thereof to go or travel from his usual place of abode; provided always, and it is hereby further declared and agreed by and between the parties to these presents, that notwithstanding the power of sale, and other the powers and provisions contained in these presents, the said mortgagee his heirs or assigns shall have and be entitled to his right of foreclosure of the equity of the redemption of the said mortgagor, his heirs and assigns, in the said lands, tenements, hereditaments and premises as fully and effectually as he might have exercised and enjoyed the same in case the power of sale and the other former provisos and trusts incident thereto had not been herein contained.

15. Provided that the mortgagor may distrain for arrears of interest.

15. And it is further covenanted, declared and agreed by and between the parties to these presents, that if the said mortgagor, his heirs, executors or administrators, shall make default in payment of any part of the said interest at any of the days or times hereinbefore limited for the payment thereof, it shall and may be lawful for the said mortgagee, his heirs or assigns, to distrain therefor upon the said lands, tenements, hereditaments and premises, or any part thereof, and by distress warrant, to recover by way of rent reserved, as in the case of a demise, of the said lands, tenements, hereditaments and premises, so much of such interest as shall, from time to time, be, or remain in arrear and unpaid, together with all costs, charges and expenses attending such levy or distress, as in like cases of distress for rent.

16. Provided that in default of the payment of the interest hereby secured, the principal hereby secured shall become payable.

16. Provided always, and it is hereby further expressly declared and agreed by and between the parties to these presents, that if any default shall at any time happen to be made of or in the payment of the interests

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COLUMN TWO.

17. Provided, that until default of payment the mortgagor shall have quiet possession of the said lands.

interests money hereby secured or mentioned, or intended so to be, or any part thereof, then and in such case the principal money hereby secured or mentioned, or intended so to be, and every part thereof, shall forthwith become due and payable in like manner and with the like consequences and effects to all intents and purposes whatsoever, as if the time herein mentioned for payment of such principal money had fully come and expired; but that in such case the said mortgagor, his heirs or assigns shall, on payment of all arrears under these presents, with lawful costs and charges in that behalf, at any time before any judgment in the premises recovered at law or within such time as by the practice of equity relief therein could be obtained, be relieved from the consequences of non-payment of so much of the money secured by these presents or mentioned, or intended so to be, as may not then have become payable by reason of lapse of time.

17. And provided also, and it is hereby further expressly declared and agreed by and between the parties to these presents, that until default shall happen to be made of or in the payment of the said sum of money hereby secured or mentioned, or intended so to be, or the interest thereof, or any part of either of the same, or the doing, observing, performing, fulfilling or keeping some one or more of the provisions, agreements or stipulations herein set forth, contrary to the true intent and meaning of these presents, it shall and may be lawful to and for the said mortgagor, his heirs and assigns, peaceably and quietly to have, hold, use, occupy, possess and enjoy the said lands, tenements, hereditaments and premises hereby conveyed or mentioned, or intended so to be, with their and every of their appurtenances, and receive and take the rents, issues and profits thereof to his own use and benefit, without let, suit, hindrance, interruption or denial of or by the said mortgagee, his heirs, executors, administrators or assigns, or of or by any other person or persons whomsoever lawfully claiming, or who shall or may lawfully claim by, from, under or in trust for him, her, them or any or either of them.

CAP. XXXII.

An Act to quiet titles to certain properties sold by lot.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS there is reason to believe, that prior to the first day of January, one thousand eight hundred and fifty-seven, on which day the Act nineteenth and twentieth Victoria, chapter forty-nine, "*For the suppression of lotteries*," now forming the ninety-fifth chapter of the Consolidated Statutes of Canada, came into force, but few persons were aware that under the Imperial Statute of twelve George Two, chapter twenty-eight, the sale or disposal of lands in Upper Canada by lottery or chance was prohibited by law; and whereas prior to the said date much land was disposed of by lottery or chance in this Province, and titles were acquired to lands so disposed of in ignorance of the law and in good faith, and it is desirable to make equitable provisions in such cases: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Titles to lands sold by lot quieted, in certain cases.

1. For and notwithstanding the Imperial Statute hereinbefore recited, or any other Law or Statute to the contrary, no deed or mortgage, (save as hereinafter provided) made in pursuance of the sale of any real property in Upper Canada, made before the first day of January, one thousand eight hundred and fifty-seven, shall be held, or adjudicated to have been or to be illegal, or void, solely by reason of such sale or disposal having been made by lottery, or other mode of chance whatever, depending upon or determined by chance or lot in either of the following cases, namely:

Payment in full.

1st. In case the purchase money of such real property shall have been paid in full before the passing of this Act;

Payment in part.

2nd. In case where a purchaser of such real property, having executed a mortgage or suffered a lien for the purchase money to remain thereupon, shall, within one year from the passing of this Act, pay an instalment of one-fifth of the amount remaining due thereupon.

Saving of rights of third persons.

2. Nothing in this Act contained shall affect any judgment of any Court of this Province, rendered prior to the passing of this Act, or any suit pending in any Court of this Province at the time of the passing of this Act; nor shall any such sale or disposal of real property by lottery or chance, as aforesaid, or agreement in writing, deed or instrument entered into, made or executed for carrying any such sale or disposal into effect be, by reason of this Act, held to be valid as against any right acquired by any third person before the passing of this Act, and

and which would be injuriously affected by the passing of this Act; and assignees of mortgages on land acquired by lotteries, or chance shall, notwithstanding anything in this Act contained, have the same rights as the original mortgagees would have had under this Act.

3. In all cases coming within section one of this Act, where purchase money remains to be paid on such real property, and the purchaser shall, by paying an instalment within one year from the passing of this Act, have elected to retain such real property, the balance of such purchase money, as specified originally, with interest thereon, shall be paid and payable in four equal annual instalments, with interest; the first instalment whereof shall be payable at the end of the second year after the passing of this Act.

Purchaser electing to retain property shall pay balance of purchase money in five equal annual instalments.

4. In all cases where a purchaser of real property, disposed of as aforesaid, shall not, within a year from the passing of this Act, have made his election, in the manner prescribed by this Act, to retain such real property, any purchase money which he may have paid thereupon shall be forfeited; and neither the deed thereof to the purchaser, nor the mortgage thereof from him shall come in any way within the provisions of this Act; nor shall the land be forfeited under any of the provisions of the above cited Imperial Statute, but the title shall remain unaffected by any of such provisions.

Purchaser not so electing to forfeit money paid previously, and land shall revert to vendor.

5. The words "real property" shall include every description of land and all estates and interests therein.

Interpretation.

CAP. XXXIII.

An Act to amend the "Act relating to the Court of General Quarter Sessions of the Peace."

[Assented to 30th June, 1864.]

WHEREAS it is expedient to amend the ninth section of chapter seventeen of the Consolidated Statutes for Upper Canada, relating to the appointment of Clerks of the Peace in Upper Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The following words shall be and are hereby added to, and shall follow immediately after the word "peace" in the last line of the said section, and shall be hereafter taken and read as part of the said section:

Con. Stat. U. C. cap. 17, sec. 9, amended.

"And whenever a vacancy shall hereafter occur in the Office of the Clerk of the Peace for any County, in which the said Clerk

On any vacancy, County

Attorney to
be Clerk of
the Peace.

“ Clerk of the Peace was not, previous to such vacancy occur-
“ ring, also County Crown Attorney for the said County, the
“ County Crown Attorney for the said County shall be, *ex*
“ *officio*, Clerk of the Peace for the County of which he is County
“ Crown Attorney.”

C A P . X X X I V .

An Act to extend the Jurisdiction of Police Magistrates in Towns in Upper Canada.

[Assented to 30th June, 1864.]

Preamble.

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

Jurisdiction
of such magis-
trates.

1. From and after the passing of this Act, the Police Magis-
trate in any Town in Upper Canada shall have the same sum-
mary jurisdiction and powers, and use the like proceedings, in
all cases as the Recorders in cities in Upper Canada under the
provisions of the Act, chapter one hundred and five of the Con-
solidated Statutes of Canada, intituled : *An Act respecting the*
prompt and summary administration of Criminal Justice in cer-
tain cases.

C A P . X X X V .

An Act relating to Justices of the Peace in Quarter Sessions in Provisional Judicial Districts in Upper Canada.

[Assented to 30th June, 1864.]

Preamble.

Con. Stat. U.
C. cap. 128,
s. 98.

WHEREAS in and by the ninety-eighth section of the one
hundred and twenty-eighth chapter of the Consolidated
Statutes for Upper Canada, intituled : *An Act respecting the*
Administration of Justice in the unorganized tracts, certain
powers and authorities are conferred upon Justices of the Peace
in Provisional Judicial Districts out of Sessions, which are not
in or by the ninety-sixth section of the said Act conferred upon
such Justices of the Peace in General Quarter Sessions assem-
bled ; and whereas it is expedient that such Justices so as-
sembled should have, use, exercise, and enjoy such powers
and authorities : Therefore, Her Majesty, by and with the
advice and consent of the Legislative Council and Assembly of
Canada, enacts as follows :

Powers of
Courts of
Quarters
Sessions in
Provisional

1. For and notwithstanding anything to the contrary con-
tained in, or to be inferred from, the terms of the ninety-sixth
section of the said one hundred and twenty-eighth chapter of
the Consolidated Statutes for Upper Canada, the Justices of the
Peace

Peace appointed for any Provisional Judicial District, or for any part or parts of this Province included therein, or wherein the same may be included, in General Quarter Sessions assembled within such Provisional Judicial District, and the Court of Quarter Sessions of the Peace for any Provisional Judicial District shall have, use, exercise, and enjoy within such Provisional Judicial District all the jurisdiction, powers and authorities, and discharge and perform all the duties which Justices of the Peace in and for any County in Upper Canada in General Quarter Sessions assembled, and the Court of Quarter Sessions of the Peace in and for any county in Upper Canada, respectively, by law had and were entitled and required to use, exercise and enjoy, discharge and perform immediately previous to and upon the twenty-seventh day of August, one thousand eight hundred and forty-one, and also all such other powers and jurisdiction as may have been since conferred upon Justices of the Peace for any County in Upper Canada in General Quarter Sessions assembled, and Courts of Quarter Sessions of the Peace in Upper Canada respectively.

Judicial District in U. C. declared.

C A P. X X X V I.

An Act to compel Informers suing for Penalties, in certain cases, to give security for costs.

[Assented to 30th June, 1864.]

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

1. If any action or suit shall be brought or commenced, after the passing of this Act, in which action or suit the Plaintiff sues as an Informer, or seeks to recover any penalty given to any informer or person or persons who shall sue for the same as aforesaid, under any Statute or Law, in which any penalty or penalties are or shall be given to any person or persons who shall sue for the same, either for his or their sole benefit, for the benefit of the Crown, or partly for his or their benefit and partly for the benefit of the Crown, it shall and may be lawful to and for the person or persons so sued, or his or their agent or agents, attorney or attorneys, to apply to the Court in which such action or suit may be instituted or pending, for security for costs, upon an affidavit made by the defendant, shewing to the Court that such action or suit is brought to recover a penalty, and that in the belief of the deponent, the plaintiff or informer is not possessed of property sufficient to answer the costs of the suit in case a verdict shall be given or judgment rendered in favor of the defendant, and that he (the said defendant) has a good defence to such action or suit upon the merits, as he is advised and believes, and it shall be lawful for the Judge or Judges of the said Court, in his or their discretion, to

Persons suing for penalties may be ordered to give security for costs: in what cases and on what application.

make an order that the plaintiff or plaintiffs, informer or informers, in any such suit or action, shall give security for the costs to be incurred in such suit or action, in the same manner and in accordance with the practice in cases where the plaintiff or plaintiffs reside out of the Province, and such order shall be a stay of the proceedings in the case, until the proper security is given as aforesaid.

Act limited to
U. C.

2. This Act shall apply to Upper Canada only.

C A P. X X X V I I.

An Act to amend chapter fifty-four of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting the Municipal Institutions of Upper Canada.*

[Assented to 30th June, 1864.]

Preamble.

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

Proviso: added to sec. 51. Sheriff may complete execution of writs in Junior County, notwithstanding separation.

1. The following proviso is added to and shall be read and construed as if it originally formed a part of the fifty-first section of the fifty-fourth chapter of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting the Municipal Institutions of Upper Canada*; Provided always, that nothing herein contained shall prevent the sheriff of any such senior county from proceeding upon, and completing the execution or service within the junior county of any writ of mesne or final process in his hands at the time of such separation, or of any renewal thereof or of any subsequent or supplementary writ in the same cause, or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same; and the acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no such separation had taken place, but no further.

Proviso: to sec. 73. Councillors not disqualified in certain cases.

2. The following proviso is added to and shall form part of the seventy-third section of the said Act; Provided always, that no person shall be held to be disqualified from being elected a member of the council of any municipal corporation, by reason of his being a shareholder in any incorporated company having dealings or contracts with the council of such municipal corporation.

CAP. XXXVIII.

An Act to amend the Act respecting Mutual Insurance Companies.

[Assented to 30th June, 1864.]

WHEREAS it is expedient that certain amendments should be made to the fifty-second chapter of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting Mutual Insurance Companies*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The tenth section of the said Act is amended by inserting at the end of the said section the words " and the Company shall also be empowered to effect insurance as aforesaid against all damage occasioned by lightning only." Sect. 10 of cap. 52, Con. Stat. U. C. amended.

2. The twentieth section of the said Act is hereby amended by omitting the words " in the municipality or village in which the company has been incorporated," between the words " freeholder " and " and " in said section. Sect. 20 amended.

3. In the twenty-seventh section of the said Act the word " void," between the words " shall be " and " unless," is hereby repealed, and the following words substituted therefor : " voidable at the option or in the discretion of the directors." Sect. 27 amended.

4. In the twenty-eighth section of the said Act the word " void," between the words " shall be " and " unless," is hereby repealed, and the following words substituted therefor : " voidable at the option or in the discretion of the directors." Sect. 28 amended.

5. In the thirtieth section of the said Act the word " void," between the words " shall be " and " and," is hereby repealed, and the following words substituted therefor : " voidable at the option or in the discretion of the directors." Sect. 30 amended.

6. The following words shall be added at the end of the thirty-first section of the said Act: " As the object of such guarantee-capital is to provide for the certain and speedy payment of " losses, debts and expenses," the directors of any Mutual Insurance Company incorporated under this Act may pledge as much as, but not more than, two-thirds of the premium notes belonging to said company as a security to the subscribers of such guarantee-capital." Sect. 31 amended.

7. The following words shall be added at the end of the seventy-sixth section of the said Act: " and such suit may be brought in the Division Court for the District within the limits of which the head office of the Company is situated." Sect. 76 amended.

8.

Companies incorporated under the said Act, may make contracts of re-insurance with other Companies.

8. Any Mutual Insurance Company incorporated under the said Act may make and effect contracts of Insurance, for the purpose of reinsurance with any other Insurance Company, incorporated by or under any Statute of this Province or of the Imperial Parliament, against loss or damage by fire, on any houses, stores or other buildings, and, in like manner, on household goods and merchandize.

Manager may be a member and paid as such.

9. The manager of any Mutual Insurance Company may be a director of such Company, and may be paid by an annual salary by resolution or by-law of the Board of Directors of such Company.

Remuneration of President and Directors.

10. The members of any Mutual Insurance Company at any annual or general meeting may vote such sum or sums of money to the President and Directors for their services to the Company as they shall think proper.

C A P . X X X I X .

An Act to diminish the Expense of Sales *en justice* and of Confirmations of Title, and to facilitate the taking of *Enquêtes*, the summoning of Absentees, the judicial distribution of moneys, the seizure of constituted rents representing seignorial rights, and to provide for the review of judgments in certain cases, in Lower Canada.

[Assented to 30th June, 1864.]

Preamble.

FOR the purpose of diminishing the expenses of the proceedings hereinafter mentioned, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Notice of sale of real property to be given at the church door on one Sunday only.

1. It shall not be necessary that the Sheriff having the execution of any writ or *alias* writ of *feri facias de terris*, or of *venditioni exponas* against any immovable property, or the party prosecuting the forced licitation of any immovable property, should give notice of the sale or of the day fixed for the adjudication of such property, at the door of the church of the parish in which it lies, on either of the two Sundays next preceding such sale; but it shall be sufficient that such notice be given on the first of the three Sundays next preceding such sale or the day fixed for the adjudication, any thing in the fourth, eighteenth or twenty-second sections of chapter eighty-five of the Consolidated Statutes for Lower Canada, or in the fourth section of chapter forty-eight of the said Statutes, or in any other Act or law to the contrary notwithstanding.

2. It shall not be necessary that the notice required in cases of application for confirmation of title, should be read or given at the church door of the parish, township or place in which the immovable property to which such application relates is situate, or at the most public place in such parish, township or place, on any Sunday except only the Sunday next but two before the day on which such application is to be made, that is to say, on the first of the three Sundays next preceding the said day, anything to the contrary in the second section of chapter thirty-six of the said Consolidated Statutes, or in any other Act or law, to the contrary notwithstanding.

The same in cases of application for confirmation of title.

3. All sales by any Sheriff of lands and tenements held in free and common soccage or otherwise than *en roture* or *franc-allevu roturier*, and of all lands and tenements held by whatever tenure in the District of Gaspé, shall be made, and advertised to be made, at the Registry Office for the Registration Division in which they are included; and lands *en roture*, or *franc-allevu roturier*, except those in the District of Gaspé, shall continue to be sold as heretofore at the door of the church of the parish where seized; except always, that lands and tenements held by any tenure whatever, in the city, town, or other *chef-lieu* where the Sheriff's office is kept, or in the *banlieue* (if any) of such place, may be sold, as they have hitherto lawfully been at the Sheriff's office.

Where Real Property shall be sold by the Sheriff.

Exception.

4. When any immoveable property is to be sold by any Sheriff under any writ or *alias* writ of *feri facias de terris* or *venditioni exponas*, bids may be made for such property by filing them in writing at the Sheriff's office at any time after the seizure, except during the eight days next preceding the day of sale:

Bids for property seized may be made in writing, and how.

2. With any such bid, if made by a creditor of the party on whom the property is sold, there shall be filed an affidavit of such creditor, sworn before a Judge of the Court or Commissioner for taking affidavits to be used in the Court out of which the writ issued, or before the Sheriff charged with the execution of the writ or before any Prothonotary of the Superior Court, or any Clerk of the Circuit Court, stating the amount and nature of such creditor's claim and that the bid is made *bonâ fide* and not to delay proceedings in the cause;

Affidavit to be filed with any bid by a creditor.

3. With any such bid made by a party not being such creditor, there shall be filed an affidavit of such bidder, sworn as aforesaid, that the bid is *bonâ fide* and not to delay proceedings in the cause; and the Sheriff may, if he thinks proper, require security from such bidder, or a deposit in money sufficient to defray the probable costs of the party seizing to be incurred up to the time of such bid, and the probable cost of a *folle enchère* in case it should be required;

By a party not a creditor.

- Form.** 4. Each bid shall indicate the property bid upon and the amount offered ;
- Notarial form.** 5. If the party bidding cannot write, the bid may be made by notarial *acte* delivered *en brevet* ;
- Bids to be returned.** 6. The Sheriff shall endorse on each bid the date of the filing thereof, and shall return it with his proceedings on the writ ;
- Highest to be the upset price at sale.** 7. The Sheriff shall read and publish, or cause to be read and published, at the place and time of sale, every bid in writing so received by him ; and the highest of such bids shall be the upset price at which the property shall then and there be offered for sale ;
- If no higher bid is made at the sale.** 8. If at the time and place of sale no higher bid is offered than the highest filed in writing as aforesaid, the property shall be adjudged to the person having made such highest bid in writing, as if he were personally present and making such bid, and he shall be the *adjudicataire* to all intents and purposes as if he had become so at the time and place of sale, and he shall be liable to *contrainte par corps* in default of immediate payment of the price, and to all the obligations of an *adjudicataire*.
- Preceding provisions to apply to forced licitations.** 5. The enactments and provisions of the next preceding section shall apply to all cases of forced licitation, in which cases bids in writing for the property to be sold or any separate lot thereof, may hereafter be filed at the office of the Prothonotary of the Superior Court in the District in which the licitation has been ordered, at any time after the licitation is ordered, except during the eight days next preceding the day fixed for the adjudication ; and the Prothonotary or officer conducting the sale shall have the like powers and duties with respect to such bids as are by the said section conferred or imposed upon the Sheriff selling any property ; and if any property be adjudged to any person upon a bid made in writing, such person shall have the like rights and be subject to the like obligations and liabilities in respect thereof as are by the said section conferred and imposed upon a person becoming an *adjudicataire* upon a bid in writing made by him at a Sheriff's sale :
- Highest bid to be upset price at the sale.** 2. The bids in writing in cases of forced licitation shall be read and published by the Prothonotary in open Court, and the highest of such bids shall be the upset price of the property to which the bid relates, when the same is sold on such licitation..
- No costs of opposition for claims secured by Registrar's certificate.** 6. No costs of opposition shall be allowed to any opposant to the distribution of money levied by Sheriff's sale of real estate, or of money paid into Court in any case of confirmation of title or forced licitation, when the *hypothec* of such opposant is mentioned in the Registrar's certificate.

7. In case of any Sheriff's sale, confirmation of title or forced licitation, any person interested in the distribution of the moneys levied or deposited, may, in term or in vacation, examine or cause to be examined on oath, before any Judge of the Superior Court, the defendant or the creditor or debtor of any hypothec mentioned in the Registrar's certificate or in any opposition, or any other person having or being supposed to have cognizance of the facts, and whether such person be or not *mise en cause*, as to whether any such hypothec has or has not been wholly or in part discharged or become extinguished; or as to any other fact material to the case; and any person so examined shall be bound to disclose the existence of any receipt, account or other document or writing tending to prove the discharge or extinction, wholly or in part, of any such hypothec, or any material point relating thereto, and to produce the same if within his power; and if any person so examined appears on the certificate or in any opposition to be the creditor of any such hypothec, his admission that the same is wholly or in part discharged or extinguished, shall be evidence that it is so: In the absence of a Judge, any such examination may take place before the Prothonotary, who shall have power to take the same, and to administer the necessary oath to any person so examined; provided that no person so examined shall be entitled to be taxed as a witness, if he be interested in the distribution of any such moneys as aforesaid:

Certain parties and persons may be examined in matters respecting the distribution of moneys arising from Sheriff's sales; &c.

Creditor's evidence of discharge sufficient.

Prothonotary may act in the absence of a Judge.

Proviso.

2. And if in any case depending on any Registrar's certificate given before the passing of this Act, there be any hypothec returned in such certificate as against the *auteur* of any party who owned the property in question at the commencement of the ten years next preceding the date of the title sought to be confirmed, or the day of the sale of such property by the Sheriff or by forced licitation,—and the creditor of such hypothec or his heirs, legal representatives or *ayants-cause* cannot be found, so as to be summoned and examined in the case, then upon affidavit to that effect by any party to the case or by any other person cognizant of the fact, and that such party or person has reason to believe and does believe that such hypothec has been paid, discharged or extinguished, the Court may under section nineteen of chapter thirty-six of the Consolidated Statutes for Lower Canada, order such creditor or his heirs, legal representatives or *ayants-cause* to be called in (*mis en cause*) and notified to appear as absentees in the manner provided by section sixty-one of chapter eighty-three of the Consolidated Statutes for Lower Canada, and this Act; and if none of the parties so notified appear at the time and place appointed for the purpose, the judgment of distribution in the case shall be rendered as if such hypothec had not been mentioned in the Registrar's certificate.

Provision in case the creditor of any hypothec returned against the *auteur* of a party, cannot be found.

Creditor may be called as an absentee.

If he does not appear.

8. Any hypothecary creditor whose hypothec is mentioned in the Registrar's certificate, or his heirs, legal representatives,

Creditor aggrieved
OR

may appeal though he did not appear.

or *ayants-cause*, is and are hereby declared to have had and shall have the right to appeal from any judgment of distribution if he or they deems himself or deem themselves aggrieved thereby, although such creditor or parties did not appear or file an opposition in the case.

Notice by advertisement of sale of movables in Quebec or Montreal.

9. Whenever any moveable property is seized in execution in either of the Cities of Quebec or Montreal, on any writ issuing from the Superior or Circuit Court, the Sheriff or Bailiff having the execution of such writ, shall give notice of the sale of the property by advertisement in the French and in the English languages in a newspaper published in such city, if there be only one, or if all be published in the same language,—and in English in a newspaper so published in the English language, and in French in a newspaper so published in the French language, if there be a newspaper published in each language ;—the Sheriff or Bailiff shall post up and keep posted up a duplicate of such notice in each language in a conspicuous place in the Sheriff's office from the time of publication to the time of sale, and the sale shall not take place until after the expiration of eight days from the first publication of such notice.

Copy to be posted up.

Form of advertisement.

10. The said notice by advertisement shall be a summary one, containing the names of parties in the cause in an abridged form, as in the title of the cause, a general description of the moveables seized, and the time and place of the sale ; and the cost of such advertisement shall not exceed two dollars.

Cost.

To be instead of notice under cap. 85 of the Con. Stat. L. C.

11. In every case wherein the Sheriff or Bailiff gives notice of the sale by newspaper advertisement, such notice shall be in lieu of the notice and publication which would otherwise be required under section two of chapter eighty-five of the Consolidated Statutes for Lower Canada, which shall not be given or made in such case.

Sheriff, if required by seizing party, to appoint a Bailiff of the locality.

12. Whenever any property, moveable or immoveable, to be seized in execution, lies at a distance of more than nine miles from the place at which the execution issued, the seizing party or his attorney *ad litem*, may, in writing, require the Sheriff to employ, with regard to the seizure, the notice, or the sale, a Bailiff, if any there be, residing within the parish or locality in which the writ is to be executed, which the Sheriff shall accordingly do ; but in such case the Sheriff shall not be responsible, pecuniarily or otherwise, for the due execution of the writ by such Bailiff, or for any irregularity or informality arising from any neglect or error on the part of such Bailiff ; and if the seizing party, in order to avoid travelling expenses, requires any such Bailiff to deliver to him, in order that he may forward the same to the Sheriff, the return of his proceedings and all documents therewith connected, the Bailiff shall accede

Non-liability of Sheriff in such case.

Or if party undertakes to forward the return.

accede to such request, but in such case the seizing party shall be alone responsible for the consequences of the non-transmission of the said return and documents to the Sheriff; and in the case of the sale of any immovable property by the ministry of a Bailiff, the Sheriff shall furnish such Bailiff with the bid or bids (if any) for such property which have been made at his office, as hereinbefore provided.

Bailiff selling to be furnished with the bids.

13. The foregoing provisions of this Act shall not apply to any case in which proceedings for confirmation of title or forced licitation have been commenced, or to any case in which movable or immovable property has been seized by a Sheriff or Bailiff, before the passing of this Act.

Pending cases excepted.

14. In all cases of seizure of property, movable or immovable, it shall not be necessary that the Sheriff or Bailiff should be accompanied by or have the assistance of any *recors* or witnesses; but the Sheriff or Bailiff shall make such seizure without any such assistance.

No *recors* required.

15. In amendment to section sixty-one of chapter eighty-three, and of section nineteen of chapter thirty-six of the said Statutes of the Consolidated Statutes for Lower Canada, be it enacted, that upon the return in term or in vacation of the Sheriff or Bailiff to the writ, or to any order under the said section nineteen of chapter thirty-six, that the defendant or person mentioned in such order cannot be found in the district or circuit, the order mentioned in the said section of chapter eighty-three may be issued by the Prothonotary or Clerk of the Court, at the instance of the plaintiff or of the party at whose instance the order under chapter thirty-six was made, and as of course, without the intervention of a Judge; and the Prothonotary or Clerk may, on the suggestion of the plaintiff, designate in such order the newspapers in which the defendant shall be notified to appear; and the order so issued under the seal of the Court, shall have the same effect as if made in open Court;—but nothing herein shall prevent the Court or a Judge from making such order, if so advised.

Orders for calling in absentees by advertisement, may be issued, as of course, by the Officers of the Court.

16. If the Judge is, from any cause whatever, unable to attend in Court on any day fixed for the taking of *enquêtes* in the Superior Court, the Prothonotary of the Court at the place of sitting shall, during the absence of such Judge, preside at the taking of *enquêtes* on every such day in the place of such Judge, and he may swear the witnesses and do all other things with regard to the *enquêtes* on every such day, which a Judge of the Court might do; but all objections taken by any party, shall by such Prothonotary be taken down in writing and kept of record in the cause or proceedings, for adjudication by the Court at the final hearing thereof.

Prothonotary may take *enquêtes* by consent of parties.

Proviso: as to objections.

Prothonotary may take *enquêtes* in term or in vacation by consent of parties.

Proviso: as to objections.

17. In any case in the Superior Court, the *enquête* or any evidence in such case may, by the consent of parties, be taken before the Prothonotary of the Court at the place where the case is pending on any juridical day, in term or in vacation, and such Prothonotary may swear the witnesses, and do all other things with regard to such *enquête* or evidence which a Judge of the Court might do; but all objections taken by any party, shall, by such Prothonotary, be taken down in writing and kept of record in the case or proceeding for adjudication by the Court at the final hearing thereof.

Recital as to constituted rents representing Seigniorial rights.

18. And for the removal of doubts as to the seizure and sale under execution of the constituted rents (*rentes constituées*) representing seigniorial rights under the Consolidated Seigniorial Act, and payable by the owners of lands as representing the *cens et rentes*, or payable by the Receiver General as representing the *lods et ventes* and other casual rights, the redemption whereof has been assumed by the Province, it is hereby declared and enacted that—

How those payable by Receiver General may be seized, &c.

1. The said constituted rents payable by the Receiver General to any party, may be seized and sold by the Sheriff under execution against such party, in like manner as other constituted rents; and a *procès-verbal* of any such seizure shall be served upon the Receiver General at his office, and after such service and while the seizure remains in force, he shall not pay the same to any party whomsoever; and when such constituted rents are sold under execution, an authentic copy of the Sheriff's deed of the sale thereof shall be served upon the Receiver General at his office, and he shall thereupon substitute the purchaser in the place of the party on whom the said constituted rents were seized;

Service of deed of sale.

Any estate therein may be sold.

2. The estate and interest of any party in such constituted rents may be seized, sold and transferred as aforesaid, whether the same be absolute or for life or for any term of years or for the life of another, but the whole estate and interest of such party therein (and not any fractional part thereof) must be seized and sold at the same time;

How such rents representing *cens et rentes*, may be seized and sold.

3. The constituted rents representing the *cens et rentes* under the said Act, payable to any party, or the rights of such party therein, may in like manner be seized and sold by the Sheriff under execution against such party, and either collectively, (that is the whole of such rents belonging to such party, or his rights therein and without its being necessary to enumerate or describe the particular lots or rents included therein) describing in general terms, by its former name and by its general boundaries, the seigniori or the part of the seigniori where the lands on which such constituted rents are chargeable are situate,—or as the constituted rents charged upon any lots or lands bearing following numbers in the *cadastre* of the Seigniori,

Seigniory, and mentioned in the writ as the lots from number (as the case may be) in the said *cadastre* to number (as the case may be) inclusive ;

4. The Sheriff's deed of sale of such constituted rents, or of the rights therein of the party against whom the execution issued, shall be notified by causing it to be read publicly by a Bailiff of the Superior Court, at the door of the Church or Churches of the Parish or Parishes in which the lands on which such constituted rents are payable are situate, immediately after divine service in the forenoon, on some Sunday within four weeks after the Sheriff's sale, and by such reading all the owners of such lands shall be held to be sufficiently notified of such sale and transfer ;

Sheriff's deed of sale how to be notified.

5. Provided always, that no more than the rights of the creditor of such constituted rents shall be transferred by any such sale ; nor shall any redemption of such constituted rents theretofore effected, or the right to redeem the same, be affected by such sale, but such right of redemption may be exercised as if such sale had not taken place ;

Proviso : no more than the creditor's right to be transferred.

6. Constituted rents payable by the Receiver General and constituted rents representing *cens el rentes* shall be included in the same writ if seized at the same time and by the same party, or by separate writs if seized at different times or by different parties ;

Both kinds of rents may be seized together, &c.

7. Any claim to or upon any Seigniory, whether arising before or after the notice in the *Canada Gazette*, of the deposit of the Schedule of such Seigniory, has continued to exist and might and may be exercised upon the constituted rents representing the Seigniorial Rights in such Seigniory, and may be enforced upon the same ; and if such claim be to or upon a definite and divided portion of such Seigniory, it shall apply to and affect the constituted rents payable on the lands comprised in such portion, but if it be to or upon an undivided portion of the Seigniory, then it shall affect and apply to an undivided portion of such rents, and also of the constituted rents payable by the Receiver General, proportionate to such undivided portion of the Seigniory ; and in any suit or proceeding for enforcing such rights, the said constituted rents may be described as hereinbefore provided with respect to the seizure thereof, and without its being necessary to enumerate or describe the particular lots or rents included therein ; and any judgment establishing such claim, shall be published at the doors of the churches in the parishes comprised in or comprising such Seigniory, or such divided portion thereof, by a bailiff of the Superior Court, immediately after divine service in the forenoon on some Sunday within four weeks after the rendering of such judgment, (or if it be appealed from, after the judgment in appeal confirming it,) and a copy thereof shall

Claims on or to the Seignory may be enforced against such *rentes*.

How the said rents may be described in process, &c.

Judgment affecting them to be published and how.

Proviso: right of redemption not affected.

shall be served upon the Receiver General, at his office; and such judgment shall be then held to be sufficiently notified to the owners of the lands on which such constituted rents are payable and to the Receiver General, who shall govern themselves accordingly; but no such judgment shall affect any redemption of any such constituted rents theretofore effected or any right to redeem the same, nor shall any more than the rights of the creditor of such constituted rents be transferred by such judgment.

One Judge to reside in district of Bedford.

19. One of the Judges of the Superior Court shall reside in the district of Bedford, at such place as the Governor may appoint; anything in section nine of chapter seventy-eight of the Consolidated Statutes for Lower Canada to the contrary notwithstanding.

Judgments rendered by a single Judge may be reviewed and where.

20. Any party aggrieved by a final judgment rendered in the Superior Court, or in any appealable case in the Circuit Court, in any district,—or by any interlocutory judgment which would carry execution by ordering something to be done or executed which cannot be remedied by the final judgment, or whereby the matter in contestation between the parties may be in part decided, or whereby final hearing and judgment would be unnecessarily delayed,—may have the case reviewed before three Judges of the Superior Court at Montreal or Quebec, as hereinafter provided; and special days in term may be named by the Judges of the said Court residing at Quebec or Montreal, or any two of them, for the review of such cases:—but until such days are so appointed such cases may be reviewed on any day in term.

Proceedings to obtain such review.

Deposit for costs.

21. In order to such review, the party aggrieved must, within eight days from the date of the judgment complained of, deposit with the Prothonotary or Clerk having the custody of the record, twenty dollars in any case under one hundred pounds, and forty dollars in any case over that sum, or in any real action, which sum so deposited shall be returned to the party demanding a review if successful, but otherwise shall be liable for the costs of the opposite party; and unless such case be pending in the Superior Court at Quebec or at Montreal, the party aggrieved shall also deposit as aforesaid three dollars as the Prothonotary's or Clerk's fee and disbursements for making up and transmitting the record, and may then forthwith inscribe the case for review at Montreal or Quebec, (as the case may be) serving notice of such inscription on the opposite party or his Attorney; and no record shall be transmitted unless the deposit hereinbefore required be made and such inscription and notice filed, nor shall any such inscription be received until such deposit has been made.

Inscription for review.

Execution suspended by inscription.

22. The filing of such inscription and the making of such deposit, shall have the effect of suspending execution in the case;

case; and it shall not within the eight days mentioned in the next preceding section, nor pending the proceedings for such review, be competent to any party to appeal to the Court of Queen's Bench.

23. Upon the filing of such inscription and of the notice thereof, the Prothonotary or Clerk having the custody of the record, shall, if the case be not pending in the Superior Court at Quebec or Montreal, forthwith transmit the same with such inscription and notice, and the proceedings and copies of all judgments and orders in the case, to the Prothonotary at Montreal or Quebec, as the case may be, who shall forthwith place the case on the roll for review; and if such case be pending in the Superior Court at Quebec or Montreal, the Prothonotary shall forthwith upon the filing of such inscription and notice, place the case on the roll for review.

Transmission of the record, &c., on inscription.

24. It shall not be necessary that any day be mentioned in such inscription or notice, but the case shall be heard in its order on the first day in term on which it can be heard under the foregoing enactments, provided not less than eight days shall have then elapsed since the filing of the notice of inscription with the Prothonotary or Clerk of the District in which the judgment giving occasion for the review was rendered.

When the case may be heard in review.

25. The Judges before whom the review is had, of whom the Judge who rendered the said judgment may be one, or a majority of them, may confirm, or may reverse, or alter the judgment, either for reason of error in the same, or in any interlocutory judgment or order made in the case, and may render such judgment as ought to have been rendered, and may award costs; and such judgment may be rendered either in term or in vacation, and may be rendered by two of the Judges who have heard the case in review, in the absence of the third Judge, provided such two Judges concur in the judgment so rendered; and the judgment, together with the record, shall be forthwith remitted to the Prothonotary of the Superior Court or Clerk of the Circuit Court at the place from which the record was received, and such judgment shall forthwith be registered by such Prothonotary or Clerk, and shall stand as the judgment of the Superior or Circuit Court (as the case may be) at such place, as if originally rendered there and at the time when it is received by such Prothonotary or Clerk; and an appeal shall lie accordingly from such judgment to the Court of Queen's Bench as from other judgments in cases in the Superior and Circuit Courts respectively.

Judgment in review; and its effect when and by whom it may be rendered.

Remission to original Court.

Appeal.

26. In cases decided in the Superior or Circuit Court in any of the Districts of Montreal, Ottawa, Terrebonne, Joliette, Richelieu, St. Francis, Bedford, St. Hyacinth, Iberville or Beauharnois, the review shall be at Montreal, and in cases decided in either of the said Courts in any of the Districts of

From what places cases may be reviewed at Quebec or at Montreal.

Quebec,

Quebec, Three Rivers, Saguenay, Gaspé, Chicoutimi, Rimouski, Kamouraska, Montmagny, Beauce or Arthabaska, the review shall be at Quebec; and the transmission or remission of the record shall be by mail, except in cases from the Circuit Court at Quebec or Montreal.

Tariff of fees in cases of review, until a new tariff is made.

27. Until a tariff of fees to the Attorneys and Officers of the Superior Court respectively, in cases of Review under this Act, shall have been made by the Judges under chapter eighty-three, and by the Governor in Council under chapter ninety-three, of the Consolidated Statutes for Lower Canada, the tariff of fees now in force for the Attorneys and Officers of the Superior Court, in cases of *Appeals from Bankrupt Court*, shall apply to such cases in Review, that is to say: the Attorney of the Plaintiff in Review shall be entitled to the fees allowed by the said tariff to the Attorney of the appellant, and the Attorney of the defendant in Review to the fees allowed by the said tariff to the Attorney of the respondent; and the Prothonotary shall be entitled to the fees allowed by the said tariff.

To what judgments this Act shall apply.

28. The provisions of the nine sections next preceding this, shall apply to all such judgments as are therein mentioned, rendered after the passing of this Act, without regard to the time when the suits or proceedings to which they relate, were commenced, but not to any judgment rendered before that time.

Interpretation.

29. The word "hypothee" in this Act shall have the meaning assigned to it in chapters thirty-six and thirty-seven of the Consolidated Statutes for Lower Canada.

Inconsistent enactments repealed.

30. So much of any Act or Law as is inconsistent with the provisions of this Act, is hereby repealed.

C A P. X L.

An Act to amend chapters thirty-six and thirty-seven of the Consolidated Statutes of Lower Canada, respecting the Registration of titles to or charges upon real estate, and the Act amending the same.

[Assented to 30th June, 1864.]

Preamble.

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

Registrar need not include hypothecs against *auteurs* of owners at the commencement of the

1. Hereafter it shall not be necessary for the Registrar to include in any certificate to be furnished by him in any case of confirmation of title, Sheriff's sale, or forced licitation, under sections seven and eight of chapter thirty-six of the Consolidated Statutes for Lower Canada, any statement of the hypothecs registered against the *auteur* of the party who owned the

the property at the commencement of the ten years next preceding the date of the title sought to be confirmed, or the date of the sale of the property by the Sheriff, or the date of its judicial adjudication under forced licitation; but in case any hypothec on the property the title to which is sought to be confirmed, or which has been sold by the Sheriff, or under forced licitation, has been renewed during the said period, the Registrar shall then mention the original registration in his certificate.

ten years in his certificate.

But original registration to be mentioned in cases of renewal.

2. Any person applying under the provisions of section thirty of chapter thirty-six of the Consolidated Statutes for Lower Canada, or section forty-four of chapter thirty-seven of the said Statutes, for a Registrar's certificate to the effect of that mentioned in the seventh and eighth sections of the said chapter thirty-six, may limit or extend the period which such certificate is to include, to any period shorter or longer than that mentioned in the said sections, but not longer than that over which the books of the Registrar extend, paying for such certificate proportionately according to the tariff then in force; but every such certificate and every search required of the Registrar shall be subject to the limitations and provisions of sections two, three and four of the Act twenty-fifth Victoria, chapter eleven:

Right of private party applying for Registrar's certificate; may demand it for a longer or shorter period.

2. Any such applicant may furnish to the Registrar, in writing, the name or names of the owner or owners of the property in question, against whom he wishes the search to be made and the certificate given, and the Registrar shall then mention in his certificate that such names were so furnished, and shall not be responsible for the omission of any hypothec in such certificate, if such omission arises from any error or omission in the names so furnished;

May furnish names.

3. If the names against which the search is required are not given as aforesaid, the Registrar shall be bound to ascertain in the manner provided in the said seventh and eighth sections of the said chapter thirty-six, the names of the owners of the property in question, during the period for which the certificate is required, although such period may be longer than that mentioned in the said sections;

If the names are not given.

4. In any of the cases mentioned in this section, the Registrar shall be entitled, before delivering the certificate, to be paid his fees in proportion to the work required of him, according to the tariff thereof then in force.

Fees to be paid before delivery of certificate.

3. The transferee (*cessionnaire*) of any hypothec, whether by judgment under writ of *saisie-arret*, or other compulsory transfer by competent authority, or by voluntary transfer, may register such judgment or other compulsory transfer, or such voluntary transfer with the notification thereof to or the acceptance

Right of certain parties to renew the registration of an hypothec.

acceptance thereof by the debtor, and may at the time of the registration of such transfer, or at any time thereafter, renew the registration of such hypothec in the manner provided in section forty-nine of the said chapter thirty-seven of the Consolidated Statutes for Lower Canada, signing the notice of such renewal as the transferee of the original creditor, and any subsequent transferee of such hypothec may, in like manner, register the transfer and renew the registration thereof; and such renewal shall have the same effect as if made by the original creditor, and shall be entered, referred to, and indexed in the Registrar's books in the manner provided in the said section forty-nine:

Effect of renewal.

Right may be exercised by heirs, &c.

2. And the right of renewal of registration by the said Act, or by this Act vested in the original creditor or in the transferee of any hypothec, may be exercised by any heir, legatee, devisee, or other legal representative of such creditor or transferee, or by any tutor, curator, executor, administrator, or other person having then power to receive the money secured by such hypothec or the interest thereof, the person requiring the renewal signing the notice thereof in any such quality as aforesaid;

Renewal of registration not to renew hypothec.

3. The renewal of the registration of any hypothec shall not be considered as a renewal of the hypothec itself; and the abridged expression "Renewal of Hypothecs" or other like expression used in chapter thirty-seven of the Consolidated Statutes for Lower Canada, shall be understood as meaning the renewal of the registration of such hypothecs, as provided for by section forty-nine of the Act last cited.

Notaries to send copies of *quittance* or discharge to Registrar. Fee.

4. It shall be the duty of any Notary upon executing any total or partial discharge of any hypothec, forthwith to deliver or forward by mail, a copy thereof for the purpose of registration, to the Registrar of the proper registration division; and for such *quittance* or discharge the Notary shall be entitled to charge one dollar, and the cost of registration and transmission, and no more; and out of any moneys paid into his hands on the execution of the *quittance* or discharge, the Notary shall retain an amount sufficient to pay for the cost of registration and transmission, unless the same be then paid to him, or charged by him as hereinafter provided:

How to be paid.

Or charged.

2. If no money be paid into the hands of the Notary, out of which the cost of registration and transmission can be retained, the Notary shall charge the same to the debtor unless it be agreed between the parties that it shall be charged to the creditor;

Creditor to see that discharge is registered and liable for neglect.

3. And in all cases it shall be the duty of the creditor to see that the discharge is duly transmitted and registered, and if it be not so registered, the creditor shall be responsible for any costs which may, at any time, be incurred by any person by reason

reason of such non-registration; and the creditor shall not be bound to execute any *quittance* or discharge, either notarial or before witnesses, unless he be satisfied that the debtor will register the same, or the discharge or a duplicate or authentic copy thereof be left in his hands, with a sufficient sum of money to pay the cost of registration and transmission.

5. Section twenty-one of chapter thirty-seven, above cited, shall hereafter be read and construed as though after the words "in Upper Canada," in the eighth line thereof, the following words were inserted, "or before a Justice of Peace."

How sect. 21, c. 37, Con. Stat. U. C. shall be construed.

6. And whereas it is expedient to extend to authentic documents and instruments registered at full length, certain provisions of section twenty of the said chapter thirty-seven of the Consolidated Statutes for Lower Canada, therefore it is enacted, that all copies of authentic or notarial documents, instruments in writing, extracts from notarial instruments, judgments, judicial acts or proceedings, or other matters of record, acts or things, lawfully registered by transcribing the same at full length into the proper books of registration in the proper registry office, certified by the Registrar having the custody of such books, shall be sufficient evidence of such authentic or notarial documents, instruments in writing, extracts from notarial instruments, judgments, judicial acts or proceedings, or other matters of record, acts or things so registered, if the originals be destroyed by fire or other accident, or otherwise lost.

Copies of any instruments registered at full length, certified by Registrar, to be evidence in certain cases.

7. And for the removal of doubts, it is declared and enacted that no error of omission or commission in the registration by transcription at full length, of any judicial act or proceeding, document or instrument, whether authentic, or notarial, or executed before witnesses, and whether such error be that of the Registrar, or be occasioned by any incorrectness in the copy furnished to him, shall be held to affect the validity of the registration, if such error be not in a material provision which would require to be noticed in a memorial for Registration, or in a Registrar's certificate.

Certain errors not to affect the registration.

DISCHARGE OF HYPOTHECS.

8. For the removal of doubts, it is hereby declared and enacted, that upon the production and delivery to the Registrar of the County or Registration Division in which any hypothec, special or general, tacit or express, in favour of the Crown, has been registered,—

How the discharge of hypothecs in favour of the Crown may be registered.

1. Of a copy of any order of the Governor in Council, certified by the Clerk of the Executive Council or his deputy,—or

2. Of a certificate of Her Majesty's Attorney General or Solicitor General for Lower Canada,—

Stating that such hypothec has been wholly or partially discharged or extinguished—such Registrar shall make an entry in the margin of the register against the registry of such hypothec, or of the notarial obligation, judgment, judicial act or proceeding, recognizance, bond, or other document, privileged or hypothecary right or claim, on which such hypothec is founded, of the total or partial discharge or extinction thereof according to the tenor of such copy of an Order in Council, or of such certificate, either of which shall be deemed authentic, and shall be a sufficient authority to the Registrar for making such entry without any affidavit or proof whatever, and shall operate such total or partial discharge or extinction.

Registration of the discharge of a life rent.

The following paragraph is added to the thirty-ninth section of the Act aforesaid, chapter thirty-seven of the Consolidated Statutes for Lower Canada, and shall form part thereof :

2. "It shall be the duty of every registrar of a county or registration division to proceed to the cancellation of any hypothec registered in his office, created for the purpose of securing the payment of a life rent, (*rente viagère*) in so far as it relates to the capital of the said life rent, upon the production of a certificate, in due form of law, of the death of the person entitled to such life rent; and also of an affidavit identifying such person; which said affidavit may be made in the form; and before any of the persons, appointed by the next preceding paragraph; and the final and complete cancellation of such hypothec shall be effected upon the further production of a discharge in full of all arrears of such life rent up to the time of the decease of the person entitled thereto."

DOWER.

Children may release their right to dower not then open.

9. The following words are added to the fifty-third section of the said Act, and shall be deemed part thereof: "But children who have attained the age of twenty-one years, may, after the death of their mother, release any customary or stipulated (*préfix*) dower constituted by their father for the benefit of their deceased mother, before the opening of such dower, in all cases in which, and in the same manner as their mother could have released the same during her lifetime, under the provisions of the next preceding section, and such release shall have the same force and effect as if it had been executed by the mother."

OFFICIAL PLANS AND BOOKS OF REFERENCE.

Registrars to assist in preparing.

10. Every Registrar shall be bound to assist *gratis* to the best of his ability in the preparation of the official plans and books

books of reference to be prepared under the provisions of the said chapter thirty-seven of the Consolidated Statutes for Lower Canada, in any way in which the Commissioner of Crown Lands shall require his assistance; and the corporation of every local or county municipality, city or town, shall, if required by the said commissioner, furnish him *gratis* with the description and extent of the lots and parcels of land within their municipality and the names of the owners thereof, so far as the same can be ascertained from the assessment or valuation rolls or from any other documents in their possession.

11. Corrections in any plan and book of reference may be made in the manner provided by section seventy-one of the Act last cited, at any time, and whenever any error in the description or extent of any lot or parcel of land or the name of the owner, (as they were at the time such plan or book was made) shall be discovered; and no error in any such description, extent or name shall be construed to give any party a better title to the lot or parcel of land to which such error relates, or in any way to affect the title of any person to the same.

Certain corrections may be made at any time.

INTERPRETATION.

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

Interpretation.

C A P . X L I .

An Act respecting Jurors and Juries.

[Assented to 30th June, 1864.]

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

Preamble.

QUALIFICATION OF JURORS.

1. The following persons and no others, (subject to the exemptions and disqualifications hereinafter provided for), are qualified to act, and shall, when duly chosen and summoned, be bound to serve as Grand Jurors, namely:

Grand Jurors.

2. Every male person resident in a town or city containing at least twenty thousand inhabitants, or in the *banlieue* thereof, and within ten leagues of the place of holding the Court in the district in which he resides; who is assessed upon the valuation roll of such town or city, as proprietor of immovable property of an assessed total value above two thousand dollars, or as occupant or lessee of immovable property of an assessed annual

In Towns and Cities.

annual value above two hundred dollars; or who is a Justice of the Peace and has duly qualified as such;

In other Municipalities.

3. Within the limits of any other Municipality, every male person resident within ten leagues of the place of holding the Court, in the district in which he resides, who is assessed upon the valuation roll of such Municipality as proprietor of immovable property of an assessed total value above one thousand dollars, or as occupant or lessee of immovable property of an assessed annual value above one hundred dollars.

Petit Jurors.

2. The following persons and no others, (subject to the exemptions and disqualifications hereinafter provided for,) are qualified to act, and shall, when duly chosen and summoned, be bound to serve as Petit Jurors :

In Towns and Cities.

2. Every male person resident in a town or city containing at least twenty thousand inhabitants, or in the *banlieue* thereof, and within ten leagues of the place of holding the Court in the district in which he resides, who is assessed upon the valuation roll of such town or city, as proprietor of immovable property of an assessed total value of at least five hundred dollars, but not more than two thousand dollars, or as occupant or lessee of immovable property of an assessed annual value of at least fifty dollars, but not more than two hundred dollars, except Justices of the Peace duly qualified as such ;

In other Municipalities.

3. Within the limits of any other Municipality, every male person resident within ten leagues of the place of holding the Court in the district in which he resides, who is assessed upon the valuation roll of such Municipality, as proprietor of immovable property of an assessed total value of at least four hundred dollars, but not more than one thousand dollars, or as occupant or lessee of immovable property of an assessed annual value of at least forty dollars, but not more than one hundred dollars.

EXEMPTIONS.

Exemptions in addition to those under the Militia Laws, &c.

Public Servants, &c.

3. In addition to the exemptions provided for by the eighty-seventh chapter of the Consolidated Statutes of Canada, Members of the Executive Council, Members of the Legislative Council, Members of the Legislative Assembly, the Clergy, Advocates and Attorneys practising in the Courts, Clerks of the Court of Queen's Bench, Prothonotaries of the Superior Court, Clerks of the Crown and of the General or Quarter Sessions of the Peace, Clerks of the Circuit Court, the other Officers of the said Courts, Coroners, Gaolers, Keepers of Houses of Correction, Sheriffs and Sheriff's Officers, Constables or Bailiffs, Officers of the Customs, all persons in the Civil Service of Her Majesty's Government; under either Imperial or Provincial Appointment, the Officers, non-commissioned Officers

Officers and men of Volunteer Corps while they continue such, and all of such Officers, non-commissioned Officers and men who have actually served as such during the period of seven years, persons employed in the public offices, persons employed in the service of the Post Office, Naval or Military Officers on full pay, Officers employed in Military Service, Physicians, Surgeons and Apothecaries, Pilots duly licensed, the Cashiers, Tellers and Accountants of any Incorporated Banking Institutions, Schoolmasters, not exercising any other profession, Masters of and persons engaged in navigating Steamboats, Engineers and Conductors of, and persons employed upon and in the running of Railway Trains, persons above sixty years of age, and persons employed in the working of Grist Mills, are exempt from compulsory service as Jurors; provided notice of the intention to claim such exemption be given, as hereinafter provided :

Proviso.

2. Persons below the age of twenty-one years; persons suffering from blindness, deafness or other bodily infirmity incompatible with the due performance of the duty of a Juror; persons in actual custody or under bail on a charge of Treason, or of any felony; persons convicted of Treason or of any felony; and Aliens, except when required for a Jury *de medietate linguae*, are disqualified from being Jurors;

Personal incapacity.

Aliens.

3. Any Juror who intends to claim exemption, and who has given notice of such claim and of the ground thereof, in the manner hereinafter provided, may make application to the Court, either in person or by attorney, and supported by affidavit, for an order of exemption and discharge, and may be declared to be exempted and discharged accordingly, if he be entitled to exemption under this Act.

Application to Court for exemption.

JURY LISTS.

4. Within two months from the time at which this Act comes into force, the Clerk or Secretary-Treasurer of every Municipality, any part of which is within ten leagues of the place of holding the Court in the District in which such Municipality is situate, shall cause to be made and to be delivered without charge to the Sheriff of such District, at his office, a duly authenticated copy of the assessment or valuation roll of such Municipality, then in force therein for Municipal purposes; or if such roll has been revised and corrected under the provisions of chapter six of the Consolidated Statutes of Canada, intitled: *An Act respecting Elections of Members of the Legislature*, then of such roll as so revised and corrected :

Copies of Valuation Rolls to be sent to the Sheriff of the District.

Or of revised Rolls under cap. 6, Con. Stat. Canada.

2. Within two months after the completion of any new valuation or assessment roll for Municipal purposes, or of the revision for electoral purposes of any assessment or valuation roll of any Municipality, any part of which is within ten leagues of

And so of new Rolls or revised Rolls.

of the place of holding the Court in the District in which such Municipality is situate, the Clerk or Secretary-Treasurer of such Municipality shall in like manner cause to be made and delivered without charge, to the Sheriff of such District, at his office, a duly authenticated copy of such assessment or valuation roll, or revised assessment or valuation roll, as the case may be;

Sheriff to
make Lists of
Grand and
Petit Jurors.

3. Upon the receipt of copies of the assessment or valuation rolls, or revised assessment or valuation rolls in force in every Municipality bound to furnish the same within a district, the Sheriff of such District shall forthwith prepare two lists: the first containing the names of all persons qualified to serve in such District as Grand Jurors; the second, the names of those qualified to serve in such District as Petit Jurors; and in such lists he shall also insert the christian name of each Juror—his occupation and residence; and he shall keep the said lists in his office and shall deliver a certified copy of the Grand Jury list to the Prothonotary of the Superior Court, and certified copies of the Grand Jury list and of the Petit Jury list, to the Clerk of the Crown and to the Clerk of the Peace respectively, in Districts where a Court of Quarter Sessions is held; and to the Clerk of the Crown only where that Court is not held;

Copies to be
delivered to
Prothonotary
and Clerks of
Crown and
Peace.

How the List
shall be made
from the
Rolls.

4. In making out the Jury Lists, the Sheriff shall successively insert therein, one after the other, the name of the first person in every assessment or valuation roll or revised assessment or valuation roll furnished to him under this Act, who is qualified and liable to serve as a Juror under this Act, and afterwards the name of the second person in every such roll so qualified, and so on in rotation till the names of all the qualified persons appearing on such rolls are exhausted; but if the number of qualified Jurymen appearing upon any of such rolls exceeds the number appearing upon others, the Sheriff shall take from the more numerous roll, in its turn, a proportionably greater number of names, so that the Jurors from each municipality may be distributed throughout the whole Jury List in a manner corresponding to the proportion which the total number of Jurors in such municipality bears to the total number of Jurors on the List;

If the number
on one Roll
greatly ex-
ceeds that on
another.

Lists to be
written in
Registers.

5. The lists of Jurors so prepared shall be written in registers in which the names of the Jurors shall be entered one after another without interruption, and shall be authenticated by the certificate and signature of the Sheriff, and such list shall not be altered in any manner whatsoever, except as hereinafter directed;

Public to have
access to
Lists.

6. All persons shall have free access to the lists so deposited in the Sheriff's Office, and in the offices of the said Prothonotaries or Clerks, between the hours of nine in the morning and four in the afternoon of every day, without becoming thereby liable to any fee or charge whatsoever;

7. If a Juror dies or removes his domicile from the District, and the fact appears by the return of the Sheriff, or if any Juror has become disqualified from advanced age, or from bodily infirmity, and the fact is established to the satisfaction of the Court, in any term at which the name of such Juror appears upon the Panel, the Sheriff, under the direction of the Court, shall note the same in the Jury List, opposite the name of the Juror, in a blank column or columns retained for the purpose;

Corrections by order of Court.

8. The Lists of Jurors shall be revised by the Sheriff once in every year, which revision shall be completed on or before the thirty-first day of December in every year other than that in which such Lists are first made; and such revision shall be based upon the information obtained under the last preceding section and upon the assessment or valuation rolls, and revised assessment or valuation rolls obtained from municipalities under this Act;

Lists to be revised yearly.

9. Such revision shall be effected by drawing a line through the name of each juror who has died or removed his domicile from the district, or is disqualified from serving by reason of advanced age or bodily infirmity; or who does not appear by the said assessment or valuation rolls or revised assessment or valuation rolls to be qualified to serve as a juror; and by adding to the jury lists the names in full with the residence and occupation of all persons whose names are not already inserted therein, who appear by such assessment or valuation rolls, or revised assessment or valuation rolls, to be qualified to serve as such jurors; and such additional names shall be arranged and distributed on the Jury List, in the same manner as is herein provided for the distribution of the names of the jurors inserted in such List at the making thereof; and when any name is so struck out the reason of so striking it out shall be written opposite such name; and when any name is added the date of such addition shall be written opposite such name, and in both cases the sheriff shall append his signature thereto;

How the revision shall be effected.

Reason of striking out a name to be inserted.

10. Forthwith after the revision of any jury list the Sheriff shall notify the Prothonotary of the Superior Court, and the Clerks of the Crown and of the Peace, of such revision; and thereupon they shall correct the copies thereof in their possession respectively, by the jury lists so revised by the Sheriff;

Copies kept by Prothonotary, &c., to be corrected.

11. Upon any complaint with notice to the party interested, and proof that in making a Jury List, the Sheriff has inserted therein the name of any person not qualified to serve as a Juror, or has omitted to insert therein the name of any person fit and qualified to serve as such, or that such List has not been made in the manner by this Act directed, the Court may order the name of such unqualified person to be struck out of such List, or the name of any person qualified to serve as a Juror to be

On complaint, with notice, Court may order any list to be corrected.

inserted

inserted therein, or the List to be made over again or corrected as the case may be; and in such case the Court may make such order as to the costs of correcting such List or of making anew such List, as may, in its discretion, appear just;

If the Rolls be not transmitted in due time to the Sheriff.

12. If any Clerk or Secretary-Treasurer of any Municipality fails to cause an authenticated copy of its assessment or valuation roll, or revised assessment or valuation roll, as the case may be, to be transmitted within the respective periods of two months, and free of charge to the Sheriff, as hereinbefore provided, the Sheriff shall procure the same from the Secretary-Treasurer; and he may recover from the Municipality his disbursements in and about procuring the same, including all travelling expenses of a messenger, if one be sent; together with a like amount by way of penalty for such failure, with costs, by suit in his own name, before any competent tribunal;

Penalty.

If there be no Roll in any Municipality.

13. If in any parish, township or local municipality from which jurors should be summoned under this Act, there shall be no assessment or valuation roll, or revised assessment or valuation roll in existence, the Sheriff shall cause lists to be made of the persons within such locality, qualified in respect of value of their property, to be Grand and Petit Jurors respectively under this Act; and such lists shall be made from the best information attainable, by inquiring in such locality, and shall be sworn to by the person employed to make the same; and such lists shall be retained, held, and used for the same purposes and in the same manner, and with the same effect, as if they were valuation or assessment rolls, or revised valuation or assessment rolls, delivered to the Sheriff under this Act;

In default of Revision, a Judge may order it to be made.

14. If any List of Jurors for any District, which the Sheriff is required to make, revise or renew, is not made, revised or renewed in the manner and within the period hereinbefore fixed, then as soon as the fact is made known by the Sheriff, Prothonotary, Clerk of the Peace or of the Crown to any Judge of the Court of Queen's Bench, or any Judge of the Superior Court, when in such District; or whenever the fact has come to the knowledge of such Judge, he shall order the Sheriff of such District to make, revise or renew such List of Jurors, and shall, by such order, fix a period within which such a List shall be made, revised or renewed;

Revised List to be good, but Sheriff liable to Penalty.

15. The List made, revised or renewed under any such order shall then be of the same force and effect as if originally made within the time prescribed by law, and shall remain in force and be dealt with and used as if it had been so made; but nothing herein contained shall relieve the Sheriff from any penalty or liability incurred by his default to make, revise or renew such list as prescribed by law;

16. If at any time the book or register containing a Jury list should become defaced or be filled up, the Court, in its discretion, may order the Sheriff to make a new Jury list, instead of revising the list contained in the book so defaced or filled up; and thereupon the Sheriff shall make such new list from the information afforded him by the list which it is intended to replace, and from the assessment or valuation rolls, or revised assessment or valuation rolls furnished to him under this Act; And in so doing, and as to the making and delivery of certified copies of the new list so made, he shall be guided by the provisions hereinbefore contained in those respects.

Court may order new lists in certain cases.

THE PANELS.

5. Before making any Panel of Grand or Petit Jurors in any district, the Sheriff of such district shall produce the appropriate Jury List before the Clerk of the Crown for such district; and the Clerk of the Crown shall cause the name of every tenth Juror on the list, qualified and liable to be inserted in such panel, appearing on such list next after the name of the last Juror summoned on the then last Panel, up to and inclusive of the hundredth name to be taken, and shall cause the ten names so taken to be written on ten pieces of paper of equal size and folded so that they cannot be outwardly distinguished the one from the other, and to be shaken up together in a box, and shall then cause one of the said pieces of paper to be drawn out by the Sheriff, and the name so drawn by lot shall be the name of the Juror with which such Panel shall commence, and the Clerk of the Crown shall thereupon, by *acte* under his hand, delivered to the Sheriff, indicate and declare the same; and the Sheriff shall return such *acte* before the Court for which the Jurors named in such Panel are summoned, together with such Panel and with his proceedings thereon;

Provision for preventing names on Panels from being known beforehand.

2. Except in the Districts of Quebec and Montreal, and in other Districts in which Juries *de medietate linguae* shall be permitted as hereinafter provided, the Panel of Grand Jurors to be summoned for any term of the Court of Queen's Bench, or for any session of the Court of Quarter Sessions, in any District, shall be made from the Grand Jury list then in force in such District, by taking therefrom the names of twenty-four persons in turn, following uninterruptedly and successively the order of the list, commencing with a name to be indicated as herein provided, and so on successively until the number on the list has been entirely gone through, and then beginning again and going through in like manner;

Panels of Grand Jurors except in Quebec and Montreal, &c.

3. Except in the Districts of Quebec and Montreal, and in other Districts in which Juries *de medietate linguae* shall be permitted as hereinafter provided, the Panel of Petit Jurors to be summoned for any term of the Court of Queen's Bench, or for any session of the Court of Quarter Sessions, shall be made

Panels of Petit Jurors, except in Quebec and Montreal, &c.

made from the Petit Jury list then in force, by taking therefrom the names of forty persons in turn, following the order of the list, commencing with a name to be indicated as herein provided, and so on successively, omitting only the names of those Jurors who are not bound to serve at such term or session by reason of previous service, until the number on the list has been entirely gone through, and then beginning again and going through in like manner ;

Number of Jurors.
Half the Jurors summoned to Quebec and Montreal, to be of each language.

This may be extended to other districts.

Special qualification of Jurors to be inserted on the panel.

As to the Jurors who have already served.

Panels not to be made public until returned.

Jurors not to be summoned if no case ap-

4. In the Districts of Quebec and Montreal there shall be twenty-four Grand Jurors and sixty Petit Jurors summoned to serve before any Court holding criminal jurisdiction at the Cities of Quebec and Montreal, one half of whom shall be composed of persons speaking the English language and the other half of persons speaking the French language, to be taken by the Sheriff from the lists of Grand Jurors and Petit Jurors respectively in the order in which the names of each class respectively appear therein, commencing in the same manner as is herein provided for the making of Panels of Grand and Petit Jurors respectively ; and the provisions of this subsection may be extended to any other district, by an Order of the Governor in Council, upon the presentment of the Grand Jury of such district, approved by the presiding Judge, asserting the expediency of such extension ;

5. If the Sheriff or Prothonotary be required, by this Act or by any order made thereunder, to insert in any panel of any kind, the names of persons possessing any special qualification either of language or occupation, such qualification shall be by him inserted on the panel opposite the name of such Juror ; and such designation of qualification shall be *prima facie* evidence of the possession of such qualification by the Juror opposite whose name it is placed ;

6. A Juror shall not be bound to serve as such, nor shall his name be inserted in the panel, so long as there remain upon the Jury List the names of Jurors who have served or have been summoned to serve as Jurors subsequent to the making of such list, a less number of times than he has served or has been summoned to serve, during the same period ;

7. Neither the Grand Jury Panel, nor the Petit Jury Panel, nor the name of any person on such Panel, shall be communicated either verbally or otherwise, to any person or persons whomsoever until after such Panel is returned into Court by the Sheriff.

SUMMONING THE JURY.

6. In every District, the Sheriff, before summoning persons to serve therein as Grand or Petit Jurors, shall inquire of the Clerk of the Crown or Clerk of the Peace, as the case may be,

be, whether there are any Criminal cases to be tried at the next term or session of any Court of Criminal jurisdiction to be held therein ;—and he shall not summon any Grand or Petit Jurors for such Court, unless he is thereupon informed that such Jurors are required ; but every such Court shall nevertheless meet at the time fixed by law ; and if thereupon it appears to the Court to be necessary for the investigation or trial of any case coming before such Court, the Court may then 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 it may be adjourned ; and all proceedings had at and before such adjourned Court, shall be as valid as if had at or before such Court at the ordinary time of holding it ; and any Judge or person 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, to the despatch of such business as does not require the intervention of either of them :

pears to be tried.

If such cases should afterwards arise.

2. Before summoning Petit Jurors for Criminal Matters in any District, the Sheriff shall inquire of the Clerk of the Crown or of the Peace, as the case may be, whether the number of cases and the nature thereof to be tried before the Court appear to justify the summoning of a second panel of Petit Jurors, and if he is thereupon informed in writing that a second panel will be required, then, but not otherwise, the Sheriff shall summon a second panel of Petit Jurors for such Court in the same manner, and to the same number, and subject to the same rules as to exemptions and as to additions to such panel, as that summoned for the first day of the Court ; and such second panel of Petit Jurors shall, for the Court of Queen's Bench, be summoned to attend on the eighth juridical day of the Term thereof, and for the Court of General Quarter Sessions, on the sixth juridical day of the Sessions thereof ; and every such second panel of Petit Jurors shall attend and serve for the residue of every such Term or Session ; and when a second panel of Jurors are summoned as aforesaid for any Term or Session, the Jurors on the first panel shall be discharged in the Court of Queen's Bench, on the seventh juridical day of such Term, or on the fifth juridical day of such session, as the case may be ;

Second panel not to be summoned unless required.

For what time the second panel shall be summoned if required.

First panel discharged.

3. There shall be an interval of at least six days between the service of a summons upon a juror summoned to serve before any Court of Criminal Jurisdiction, and the day upon which he is called upon to appear, except when such juror is summoned as one of a special or supplementary panel, in which case an interval of forty-eight hours shall be sufficient ; but it shall be the duty of the Sheriff to cause the jurors mentioned in every ordinary panel made by him for the first or any other day of any term, to be summoned as least fourteen juridical days before the term or session of such Court, to afford time

Delay between summons and attendance, in Criminal cases.

for

for the summoning of additional jurors in the place of those who have either not been summoned or who have given notice of their intention to claim exemption ;

Notice to be given of claim to exemption.

4. In every summons served upon any Juror requiring him to attend and serve as such Juror, a notice shall be inserted informing such Juror, that if he intends, to claim exemption from serving as such Juror, upon any ground whatever, he must either inform the officer serving the summons at the time of such service, or notify the Sheriff issuing the summons, of his intention to claim such exemption, and of the ground of his claim, within two juridical days from the service of the summons, if such service be made within five leagues from the place at which such Juror is summoned to appear, or within three juridical days, if the distance exceeds five leagues ; and if such Juror neglect so to inform such officer, or to notify such Sheriff of his intention to claim exemption, and of the ground of such claim, he shall not be allowed the benefit of such exemption unless the Court be satisfied that the interests of the Public Service require the allowance of such exemption ;

Duty of bailiff, &c., serving summons as to claims to exemption.

5. Every Bailiff or other officer who serves a summons upon any Juror, shall call the attention of the person on whom service is made to such notice and shall state in the return made by him to the Sheriff of such service, whether or no such Juror gave him notice of any intention to claim exemption, and the ground upon which such Juror declared his intention to claim such exemption ; And the Sheriff shall insert upon the panel before he returns the same before the Court, opposite the name of any Juror who gives such notice, the fact of such notice having been given to him or to his officer, and the ground stated by such Juror as that upon which such claim is to be made ;

Duty of Sheriff.

Additional Jurors to be placed on the panel and summoned.

6. Immediately upon receipt of notice, either from the Sheriff's officer or otherwise, of the intention of any Juror to claim exemption, accompanied by a statement of the ground of such claim, the Sheriff shall add to the Panel a further number of names of Jurors, equal to the number of Jurors who have notified such intention, added to those on the Panel who have not been served with a summons, by reason of death, absence from the Province, or other sufficient cause ; which names shall be taken from the proper Jury list in turn, commencing with the name of the Juror liable to serve which follows upon the list next after the last name upon the Panel, and proceeding with the taking of a sufficient number of names successively, in the order in which they appear on the list ; and shall proceed to summon such additional Jurors in the same manner as if they had been upon the Panel in the first instance ;

Exemption : provisions to

7. All the provisions hereinbefore contained as to notice to and from the Jurors respecting intended claims for exemption,

exemption, and as to the mode of claiming exemption, and as to the invalidity of a claim made for exemption without previous notice, and as to the summoning of additional Jurors in the place of those not served with a summons, or who have given notice of their intention to claim exemption and of the ground of their claim,—shall apply to the Jurors so added to the Panel, in the same manner and to the same extent as to the Jurors placed upon the Panel in the first instance;

apply to such additional Jurors.

8. The Sheriff shall return before the Court the panel as first made by him, together with the additions made to such panel; and shall also report his proceedings as to the summoning, or attempting to summon, the persons whose names appear in such panel and in such additions;

Return of panel and proceedings of Sheriff.

9. If in consequence of the disallowance of claims for exemption, there remain more than sixty Jurors in attendance upon the Court, the surplus number of Jurors may be discharged by the Court; such surplus number being taken from amongst the names added to the panel first made, commencing at the end thereof, unless specially otherwise ordered by the Court; but such discharged Jurors shall be considered as having served at the term of the Court for which they were summoned.

Discharge of surplus Jurors.

OF THE TRIAL.

7. Except in the cases hereinafter mentioned, the names of the Petit Jurors summoned to attend any Court of Criminal Jurisdiction, shall be called over in the order in which they stand on the panel, and the first twelve Jurors whose names are so called and who are present in Court, and are not lawfully challenged, or declared disqualified, shall be sworn for the first trial; and the Clerk shall, at every trial, begin at the name next after that of the last Juror sworn, and so on until he has gone through the panel when he shall begin at the top thereof again, and go through it as aforesaid, omitting the names of any Jurors who are then engaged in trying any case:

Trial Juries, how to be taken from Panels.

2. If any prosecuted party, upon being arraigned, demands a jury composed, for the one half at least, of persons skilled in the language of his defence, if such language be English or French, he shall be tried by a jury composed, for the one half, at least, of the persons whose names stand first in succession upon the Panel, and who, on appearing, and not being lawfully challenged, are found in the judgment of the Court to be skilled in the language of the defence;

If a Jury half of one language be demanded.

3. If upon the trial of a person for any crime not punishable with death, the prosecuting officer and the party prosecuted consent that the trial jury shall be composed exclusively of persons speaking the English language or of persons speaking the

Jury all of one language by consent, in non capital cases.

the French language, the jury shall be composed of the first twelve persons speaking the language agreed upon, who, being called in succession from the Panel, appear and are not lawfully challenged or disqualified from serving ;

If there be not sufficient on the panel.

4. But if there be not a sufficient number of persons speaking the language agreed upon, remaining unchallenged or qualified, the remainder of the number required shall be taken from the Panel without reference to language, in the order in which they appear therein ;

Jury all of one language may be had by consent in capital cases.

5. If on or subsequent to the arraignment of any person charged with an offence punishable with death, the prosecuting officer and the party prosecuted consent that the trial Jury shall be composed exclusively of persons speaking the English language, or of persons speaking the French language, the Sheriff shall forthwith make a supplementary Panel, of thirty-two Jurors, which Panel shall be made by taking from the Jury List, in order as they appear therein, the names of thirty-two persons speaking the required language, and resident within five leagues of the place of trial, commencing with the first name of a Juror qualified to be on such Panel, which appears on the Jury List, after the name of the last Juror taken for the ordinary Panel, for the term then sitting ;

Supplementary Panel.

Deficiency of Jurors of required language how supplied.

6. If the party prosecuted is entitled to be tried either in whole or in part by persons skilled in the language of his defence ; and if, from the number of challenges or from any other cause, there is in any such case a deficiency of such persons, the Court shall fix another day for the trial of such case ; and the Sheriff shall supply the deficiency by summoning, for the day so fixed, such additional number of Jurors skilled in the required language as the Court may order, and as are found inscribed on the List of Petit Jurors next in succession after the Jurors already summoned for the term or Session at which such trial is to be had ;

How additional or supplementary Jurors shall be considered.

7. The additional or supplementary Jurors summoned under the foregoing subsections shall not be considered as summoned for any particular case ; but shall be considered as an addition to the general or ordinary panels of Jurors summoned during the same term, and shall be bound to attend so long as the Court shall order ; and whilst they are so required to attend, shall be competent to serve and bound to serve with the Jurors on the general or ordinary panels in all cases in which extra Jurors speaking the same language as the Jurors upon such supplementary panel, are required ;

Peremptory challenges by prisoner limited.

8. No person arraigned and about to be tried for any felony shall be permitted peremptorily to challenge more than twenty of the Jurors, appearing when called in Court to serve as Jurors upon such trial ; and no challenge on behalf of the Crown shall

shall be finally maintained by the Court except for cause, unless there remains a sufficient number of qualified Jurors in attendance on the Court, without the persons challenged, after the right of challenge on behalf of the party prosecuted has been exhausted ;

Crown challenges.

9. Judgment after verdict upon any indictment or information for any Felony or Misdemeanor shall not be arrested, stayed or reversed because any unqualified person or persons served upon the Jury who tried the case.

Unqualified persons on Jury not to affect judgment.

OF CHANGING THE VENUE.

8. 1. Any person in Her Majesty's Military or Naval Service, or any seaman or mariner usually employed upon seagoing vessels, or any other person temporarily within the limits of Lower Canada and having no legal domicile therein, charged with the commission of any felony and imprisoned upon such charge, may be removed for trial, under an order to that effect from the Court having criminal jurisdiction where such prisoner is so imprisoned, or any Judge thereof, either before or after the presentation of a Bill of indictment against him, to any District other than that in which the offence is committed, if on application to that effect on behalf of the Crown, it be shewn to the satisfaction of the Court in Term or of any Judge thereof in vacation, that the trial may be proceeded with in such other District at an earlier period than in the District in which the prisoner is in custody ; but all additional expense thereby caused to the prisoner in procuring the attendance of witnesses shall be paid by the Crown ;

How the place of trial may be changed in cases of persons in Military or Naval Service.

Expenses:

2. The order of the Court or of the Judge made under the preceding subsection of this section, shall be a sufficient warrant, justification and authority to all Sheriffs, Gaolers and Peace Officers for the removal, disposal and reception of the prisoner in conformity with the terms of such order ; And the Sheriff may appoint and empower any Constable to convey the prisoner to the Gaol in the District in which the trial is ordered to the held ;

Order of Court to be warrant to Sheriff, &c.

3. Forthwith upon the order of removal being made by the Court, the Clerk of the Crown shall transmit to the Clerk of the Crown of the district to which the prisoner is ordered to be removed for trial, under his hand and the seal of the Court of Queen's Bench, the indictment, if any has been found against the prisoner, and all inquisitions, informations, depositions, recognizances and other documents whatsoever, relating to the prosecution against him, and all proceedings in the case shall be had, or if previously commenced, shall be continued in such District as if the case had arisen or the offence had been committed therein.

Transmission of Indictment and other papers.

JURORS AND JURIES IN CIVIL CASES.

Who shall be special Jurors.

9. Every person resident within five leagues of the Court House in the district in which he has his ordinary domicile, who is qualified to act as a Grand Juror, and whose name is inscribed upon the Grand Jury List for such district, is qualified to act; and (subject to the exemptions and disqualifications hereinbefore provided for) shall, when duly chosen and summoned, be bound to serve as a special juror in such district:

Special Jury List to be made from Grand Jury List.

2. Upon the receipt by the Prothonotary of the Superior Court of any district, of the copy of the Grand Jury List for such district, as hereinbefore provided, he shall proceed to make a special jury list by extracting from the Grand Jury List the names of the persons therein inscribed who are qualified to act as special jurors; and the Prothonotary shall, from time to time, revise and correct such special jury list by the revised and corrected Grand Jury List in the hands of the Sheriff;

How the panel for any civil case shall be taken.

3. Whenever a special Jury is ordered by the Court or Judge, the Prothonotary of the Court shall take the forty-eight Jurors having the special qualification (if any) required in the case, standing on the list next after the last previous Jury summoned therefrom, and shall continue to take them in regular order until the list is gone through; or, if the Jury is required to be composed of persons having different qualifications, then he shall select them in the manner hereinbefore provided for Juries *de medietate linguæ*, commencing always with the name of the first qualified Juror appearing on the Jury list next after that of the Juror last summoned;

Jurors in mercantile cases to be traders.

4. The Jurors to be summoned to try any issue raised in any civil suit of a mercantile nature, between merchants, traders and trading corporations; or between a merchant or trader and a trading corporation, shall be selected from those persons speaking the required language, who are designated in the special jury list as merchants or traders, in the order in which they appear on such list;

And between traders and non-traders, by consent.

5. Upon the unopposed demand of either of the parties in any suit of a mercantile nature between merchants, traders or trading corporations, and persons or corporations not engaged in trade, the Court or a Judge thereof may order that the Jurors to be summoned for the trial of any issue raised therein, shall be selected in the same manner as if all the parties to such suit were engaged in trade;

If one party does not consent.

6. If such demand be opposed by any other party to such suit, the Court or Judge shall order that the Jurors, to be summoned for such trial, shall be composed in equal numbers of those persons who are designated in the Special Jury List as Merchants and Traders, and of those who are not designated in

in the said list as such, in the order in which the names of each class respectively appear therein ;

7. If the parties to such suit be of different origins, and if any of them demand a jury *de medietate linguæ*, the Court or Judge shall order that the jurors, summoned for such trial, shall be composed in equal numbers of persons speaking the English language and of persons speaking the French language ;

Juries *de medietate linguæ*, in civil cases.

8. If the parties to any cause be all either of French or of English origin, or if, being of different origins, the demand of any of them to that effect be unopposed, the Court or any Judge thereof may order that the jurors to be summoned to try any issue in such suit, shall be composed exclusively of persons speaking the English language, or of persons speaking the French language, according to the language of the parties, or according to the demand, as the case may be ;

Jurors all of one language by consent.

9. Each party, or their Attorneys respectively, may strike out of the panel the names of twelve of the said Jurors, and the twenty-four Jurors remaining after such striking out shall be the Jurors to be summoned by the Sheriff, from among whom shall be taken the twelve Jurors who shall be sworn to hear and determine the matter at issue between the parties ; and their names shall be called in the order in which they stand upon the panel, unless a different order of call be provided for by this Act, or directed by the Judge at the trial, in order to secure as far as may be the kind of Jury required in the case ; and the first twelve who answer to their names shall be sworn ;

How the Jury to be summoned shall be struck.

And how called and sworn.

10. On the striking of a Jury *de medietate linguæ* or of a Jury composed under the order of a Court or Judge, in part of traders and in part of non-traders, neither of the parties shall strike from the panel the names of more than six persons speaking the same language, when the difference in qualification is in language ; or of more than six persons therein designated as merchants or traders, and of six persons not therein designated as such, when the difference in qualification is in the nature of the Jurors' occupation ;

Striking Juries *de medietate linguæ*.

11. If in any such case there are not upon the Jury List the number of merchants or traders who ought to be summoned to form the Jury, the panel shall be completed by taking other names from the said list in the order hereinbefore prescribed, but the names of the Jurors being merchants or traders shall be called before those of the other Jurors at the trial ;

If there be a deficiency of traders on the List.

12. Persons required to serve as special Jurors, in civil matters, shall be summoned, at least, four days before the day fixed for the trial on which they are to serve ;

Delay between summons and attendance.

Talesmen may be taken by consent.

13. If part of the Jurors, summoned in any case, be challenged or make default, so that twelve Jurors fit and qualified cannot be sworn, the Court or Judge presiding may, with the consent of the parties, and not otherwise, order the Sheriff or Officer by whom the Jury was summoned, to complete the number, by forthwith taking from among the persons present in Court, as many persons qualified to be Jurors as are wanted to complete the required number.

PAYMENT OF JURORS.

In what cases and at what rates Petit Jurors in criminal cases may be paid.

10. If the Building and Jury Fund of any District will suffice for the payment of the Petit Jurors in attendance upon any Court of Criminal Jurisdiction (but not otherwise), each Petit-Juror summoned from a Municipality that has not signified its wish in the manner provided by the sixteenth section of chapter one hundred and nine of the Consolidated Statutes for Lower Canada, that the Petit Jurors from within its limits should not be paid, or if the Building and Jury Fund of such District is sufficient to enable Municipal contributions to such fund to be altogether dispensed with, then each Petit Juror so summoned shall receive such allowance as may be fixed by the Judge holding such Court; but the allowance to any Juror summoned from beyond the limits of the Municipality wherein such Court is held, shall not be less than fifty cents, nor exceed one dollar for each day during which such Juror is necessarily absent from his usual place of residence; and the allowance to each Juror resident within the limits of the Municipality within which such Court is held, shall not exceed one half of the allowance to Jurors summoned from beyond such limits; Provided always that from and after the end of the present year one thousand eight hundred and sixty-four, the Municipality in which is situate the *chef-lieu* of any District shall not have the right of being exempted, under the provisions of the said sixteenth section of the one hundred and ninth Chapter of the Consolidated Statutes for Lower Canada, from payment of its yearly contribution to the Building and Jury Fund:

Amount of allowance.

Proviso: as to municipalities containing the *chef-lieu*.

Gaspé and Bonaventure.

2. The County of Gaspé and that of Bonaventure shall be each deemed a district for the purposes of this section;

Allowance to Jurors in civil cases.

3. In every civil suit, each of the trial Jurors shall be allowed one dollar for each day's attendance on the trial, which shall be paid to such Jurors by the party requiring such trial, before the said Jurors shall be held to render their verdict in such suit, and shall form part of the costs to be taxed against the unsuccessful party;

Jury discharged if not paid.

4. On failure of such payment, the Jury shall be discharged without verdict; and in such case, the said allowance shall form part of the taxed costs against the party demanding the trial by Jury, and, when recovered, shall be paid over by the Prothonotary of the Court to the said Jurors.

PENALTIES.

11. Every Sheriff, Prothonotary, Clerk of the Peace, or Clerk of the Crown, who wilfully or negligently offends against any of the provisions of this Act shall, for the first offence, incur a penalty not exceeding sixty dollars, nor less than forty dollars, and for the second offence a penalty not exceeding eighty dollars, nor less than sixty dollars, and for the third or any subsequent offence, a penalty not exceeding two hundred and eighty dollars, nor less than one hundred and twenty dollars:

On Sheriffs, Prothonotaries, &c., wilfully infringing this Act.

2. Every person summoned to serve as a Juror under the authority of this Act, who refuses or neglects to appear in obedience to the summons or to attend in conformity with the law, without assigning some lawful cause or excuse therefor, shall incur a penalty for each offence not exceeding ten dollars, nor exceeding in the aggregate fifty dollars, for all of such offences committed during the same term of any Court; which shall be levied, on rule or order of the Court, by the Sheriff on the goods and chattels of such person, and in default thereof he may be imprisoned for such time, not exceeding fifteen days, as the said Court may direct, with power to reduce or mitigate the said penalty or imprisonment, upon good cause shewn to the said Court; and the provisions of this subsection shall apply to Jurors summoned, in matters of expropriation in the City of Montreal, under the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, section sixty-eight;

On Jurors summoned and not serving.

How levied.

3. Every Clerk or Secretary-Treasurer of any Municipality who shall neglect to transmit to the Sheriff a duty authenticated copy of the assessment or valuation roll of such Municipality, within the periods hereinbefore fixed in that behalf, shall incur a penalty of twenty dollars, and a further penalty of five dollars for every day subsequent to the service upon him of any information or complain for such neglect, during which he shall continue to be in default;

On Municipal Officers failing to transmit copies of Rolls.

4. The penalties hereby imposed upon Officers of the Court shall be levied on rule or order of the Court, in the same manner as, is provided by the last preceding sub-section but one;

Penalties on officers of the Court.

5. The penalties hereby imposed shall belong to the Building and Jury Fund for the District in which each penalty is recoverable.

Distribution of penalties.

INTERPRETATION.

12. If the assessed annual value is referred to in this Act, as a test of qualification, and any property occupied by a lessee is not assessed as to its annual value upon the appropriate valuation

Yearly value of leased property how

valuation

calculated if
not assessed.

valuation roll, the annual value of such property shall be held to be in the proportion of ten per centum upon the total value of such property as shewn by the valuation roll :

Municipality,
what shall be
" Court."

2. The word " Municipality " includes towns and cities and every kind of municipal corporation whatsoever ; and the words " the court " shall mean the Court having criminal or civil jurisdiction (as the case may be) which shall be sitting at the time and place when and where any provision of this Act in which those words occur requires to be applied, and enforced ;

Application of
certain sec-
tions.

3. The first eight sections of this Act, with the subsections thereof, shall apply only to criminal matters, except where the context plainly extends the provisions thereof to other matters.

Cap. 84, Con-
Stat. L. C.,
repealed.

13. Chapter eighty-four of the Consolidated Statutes for Lower Canada is hereby repealed ; but all Jury Lists made thereunder for any district shall remain in force until new Jury Lists are made under this Act for such District.

Act limited to
L. C.

14. This Act shall apply to Lower Canada only.

C A P . X L I I .

An Act to amend the Law of Lower Canada as to the Execution of Wills in the English form.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS it is expedient to amend the law of Lower Canada as respects the execution of Wills in the English form, so as to assimilate the same to the law of England as it is at present, as well as the law of Upper Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Two witnesses
to be sufficient
hereafter.

1. Any Will hereafter made in Lower Canada in the English form, in the presence of and attested by two or more witnesses, shall have the same validity and effect as if executed in the presence of and attested by three witnesses.

C A P . X L I I I .

An Act to amend the Law in *qui tam* actions in Lower Canada.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS it has happened that persons who have rendered themselves liable to prosecution in Lower Canada, in popular or *qui tam* actions for penalties, have, in order to frustrate

frustrate or delay such actions, or to save themselves from the payment of such penalties, or of such part thereof as is by law assigned to the prosecutors in such cases, caused such actions to be instituted by friends of theirs, who have been in collusion with them for that purpose: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Henceforth no process of summons shall be issuable or issued in any such action or prosecution in Lower Canada, unless there be filed, along with the *præcipe* or requisition for such process, an affidavit of such prosecutor declaring that, in so prosecuting he is not acting in collusion with the defendant in such action, nor does he so prosecute for the purpose of preventing such action or prosecution being instituted by any other person, nor for the purpose of delaying it, or causing it to miscarry, nor for the purpose of saving such defendant from the payment of the whole or any part of such penalty, nor of procuring to him any advantage, but that he institutes such prosecution or action in good faith, and for the purpose of recovering, exacting and enforcing the payment of such penalty with all practicable celerity.

Process not to issue in any *qui tam* action without an affidavit establishing the good faith of the Plaintiff.

2. And whereas there is reason to suspect that private prosecutors, plaintiffs in *qui tam* actions, have settled and discontinued or left dormant the same, in pursuance of agreements with the defendants in such actions that, upon their payment to such prosecutors respectively, of that part of the penalty assigned to them by law, and of the costs of such actions, such actions or prosecutions should be discontinued, or no further proceeded in, thus defrauding the Crown of the remainder of such penalties; no such action or prosecution shall be discontinued or suspended in Lower Canada without the special and express permission or direction of the Crown; and any such prosecutor who shall discontinue or suspend such action or prosecution, without such permission or direction, shall be deemed to be, and shall be, guilty of a misdemeanor, punishable by fine or imprisonment, or by both, at the discretion of the Court before which he shall have been tried and convicted for such offence.

Recital.

Discontinuing or suspending *qui tam* action without leave from the Crown a misdemeanor.

3. It shall be lawful for the Crown to intervene in such actions or prosecutions in Lower Canada at any stage thereof, and to assume the sole conduct of the same; Provided that if, after the termination thereof, it shall appear that there has been a reasonable ground for such a prosecution, and if such prosecutor shall have afforded to the Crown, which shall have so intervened, all the aid and information in his power to bring such a prosecution to a successful end, the Crown shall pay to such prosecutor the costs incurred by him in such prosecution.

The Crown may intervene in any such action.

Proviso.

Not to apply to cases under Temperance Acts.

4. Nothing in this Act contained shall extend or apply to any action or prosecution brought or instituted or to the bringing or instituting of any action or prosecution, for the recovery of any penalty imposed by any Act respecting the sale of intoxicating liquors.

Act limited to L. C.

5. This Act shall apply to Lower Canada only.

C A P. X L I V.

An Act to render valid certain Deeds passed before Notaries now deceased.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS several Notaries have died without having caused all the minutes of Deeds made before them to be countersigned by the second Notaries therein named; and great inconvenience and damage may be thereby occasioned to persons and families interested in such Deeds: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain Deeds in greffes of deceased Notaries to be valid although not countersigned.

1. Every Notarial Deed found in the *greffe* of any Notary deceased before the passing of this Act, purporting to have been made before two Notaries, but not countersigned by the second Notary, except wills and codicils, shall be as valid, to all intents and purposes whatsoever, as if it had been countersigned by the second Notary during the life of such deceased Notary; provided, always, that nothing herein contained shall prejudicially affect any rights already acquired by third persons, in virtue of the laws in force at the time of the passing of this Act.

Proviso.

Act limited to L. C.

2. This Act shall apply to Lower Canada only.

C A P. X L V.

An Act to amend Chapter seventy-three of the Consolidated Statutes for Lower Canada, and to provide for transmission of the Records of abolished Courts, Registers of Churches and Ministers, and of the Minutes of former Notaries, to the New Judicial Districts.

[Assented to 30th June, 1864.]

Preamble.

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

Section 30 repealed: new section.

1. The thirtieth section of Chapter seventy-three of the Consolidated Statutes for Lower Canada is repealed, and the following

following is substituted therefor, and shall be read as the thirtieth section of the said chapter:

"30. The Minutes, Repertory and Index of any Notary practising in any district in Lower Canada, who dies or becomes incapable of acting as such, or refuses to practise and to deliver copies of his Notarial Deeds, or who has been interdicted or removed from office, or has left his domicile in Lower Canada, or who wishes to withdraw from practice, shall be deposited by him, or by the party in whose custody he deposited them, or by his heirs or legal representatives, in the office of the Prothonotary of the Superior Court for the district in which such Notary then last resided or practised."

Minutes of Notaries dying, &c., to be transmitted to the Prothonotary of the District.

"2. And the records of abolished Courts, Registers of Baptisms, Mariages and Burials, and the Minutes, Repertory and Index (if any) of any former Notary, deposited in the office of the Prothonotary of any of the Old Districts, shall be transmitted by such Prothonotary, before the first day of January, one thousand eight hundred and sixty-five, to the office of the Prothonotary of the Superior Court for the New District within the limits whereof such abolished Court was held, such Registers were kept or such Notary last resided or practised, if such Court was not held, or such Register kept or such Notary did not last reside and practise, within the present limits of such Old District;"

Certain Records, Registers, Minutes, &c., to be transmitted to the Prothonotaries of the new districts.

"3. The Prothonotary of the Superior Court for any district in Lower Canada shall, in the month of January in each year, transmit to every other Prothonotary of the said Superior Court in Lower Canada a list of the names of all Notaries whose Minutes, Repertories, and Indexes have been deposited in his office since his then last annual return, the return in January, eighteen hundred and sixty-five, containing the names of all Notaries, whose Minutes, Repertories, and Indexes shall then have been deposited up to that date; and every such Prothonotary shall keep in his office a register of such returns for public use."

Prothonotaries to interchange Lists of Notarial deposited yearly.

C A P . X L V I .

An Act to amend chapter twenty-four of the Consolidated Statutes for Lower Canada, intituled *An Act respecting Municipalities and Roads in Lower Canada*, and the Acts amending the same.

[Assented to 30th June, 1864.]

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

Preamble.

I. Notwithstanding the triennial period fixed by the Municipal law for the completion of the valuation rolls, any Municipality

Valuation Roll may be

made in any year.

Municipality which shall not have a valuation roll after the passing of this Act, may cause one to be made in any year, in the manner prescribed by the Lower Canada Municipal Act.

Provision as to Municipal Councillors, in case of alteration in the boundaries of any Municipality.

2. Any Municipal Councillor residing within the limits of a territory which shall be detached from one Municipality to be attached to another Municipality, or to be erected into a new Municipality, shall vacate his office at the time at which the separation from the Municipality to which he belonged shall take place; and the Municipal Council of such last mentioned Municipality shall fill up such vacancy in the manner provided by section nineteen of chapter twenty-four of the Consolidated Statutes for Lower Canada, if there remain at least four Councillors in office at the time of the occurrence of such vacancy; and if there be less than four Councillors remaining in office, or if such vacancy is not filled up at the first sitting of the said Council after the occurrence of such vacancy, then the vacancy shall be filled up in accordance with the fifteenth subsection of the thirty-third section of the said chapter twenty-four of the Consolidated Statutes for Lower Canada.

C A P. X L V I I .

An Act relative to Summary Convictions under Municipal By-laws in Lower Canada.

[Assented to 30th June, 1864.]

Preamble.

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

Contents and form of conviction under By-Laws.

1. It shall not be necessary in any conviction made under any By-law of any Municipal Corporation in Lower Canada, to set out the information, appearance or non-appearance of the Defendant, or the evidence or By-law under which the conviction is made; but all such convictions may be in the form given in the Schedule of this Act.

Witnesses to be compellable to attend.

2. In prosecuting under any By-law, or for the breach of any By-law, witnesses may be compelled to attend and give evidence, in the same manner and by the same process as witnesses are compelled to attend and give evidence on summary proceedings before Justices of the Peace in cases tried summarily under the Statutes now in force in Lower Canada.

Jurisdiction of Justices.

3. Every Justice of the Peace for a District shall have jurisdiction in all cases arising under the By-laws of every Municipality in such District.

Extent of Act.

4. This Act shall only apply to Lower Canada.

SCHEDULE.

SCHEDULE.

PROVINCE OF CANADA, }
 LOWER CANADA, } BE IT REMEMBERED, that on
 District of , } the day of , A. D. ,
 TO WIT. } at , in the District of

A. B. is convicted before the undersigned, one of Her Majesty's Justices of the Peace in and for the said District, for that the said A. B. (*stating the offence, and time and place, and when and where committed*), contrary to a certain By-law, of the Municipality of in the said District of ; passed on the day of A. D., and intituled: (*reciting the title of the By-law*) and I adjudge the said A. B., for his said offence, to forfeit and pay the sum of to be paid and applied according to law, and also to pay to C. D., the complainant, the sum of , for his costs in this behalf. And if the said several sums be not paid forthwith, (or on or before the day of , A. D. , *as the case may be*.) I order that the same be levied by distress and sale of the goods and chattels of the said A. B.; and in default of sufficient distress, I adjudge the said A. B. to be imprisoned in the common Jail of the said District of for the space of days, unless the said several sums, and all costs and charges of conveying the said A. B. to such Jail shall be sooner paid.

Given under my hand and seal, the day and year first above written, at in the said District.

J— M—, J. P.

[L. S.]

CAP. XLVIII.

An Act to amend the Act respecting Tavern Keepers and the Sale of Intoxicating Liquors, Chapter six of the Consolidated Statutes for Lower Canada.

[Assented to 30th June, 1864.]

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

1. In addition to the powers vested in all Municipal Councils by the Consolidated Municipal Act for Lower Canada, each Municipal Council of a Parish, Township, or incorporated Village, shall have power to impose by By-Law, a tax not exceeding eight dollars on each certificate required before obtaining a license under the ninth section of chapter six of the Consolidated
 Local Municipal Councils may impose a tax on certificates for License.

Consolidated Statutes for Lower Canada, such tax to be payable by the party applying for consideration of such certificate, before such Council shall take such certificate into consideration.

Act to apply
only to L. C.

2. This Act shall apply only to Lower Canada, and shall form part of the Act above cited, chapter six of the Consolidated Statutes for Lower Canada.

CAP. XLIX.

An Act further to amend the Act chapter forty-four of the Consolidated Statutes for Lower Canada, respecting the partition of Township Lands held in Common.

[Assented to 30th June, 1864.]

Preamble.

Con. Stat.
L. C. Cap 44.

WHEREAS it is expedient further to amend, in the manner hereinafter set forth, the Act chaptered forty-four of the Consolidated Statutes for Lower Canada, intituled: *An Act respecting the partition of Township Lands held in Common*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Special Report to be made by Commissioners under Sect. 12.

1. The Commissioners appointed and acting under the twelfth section of the said Act, instead of reporting generally on the matters therein set forth, and with a view to further legislation as thereby is provided, shall report specially to the Commissioner of Crown Lands, on the matters and in the manner hereinafter set forth:

Notice to be given by Commissioners.

2. As soon as possible after the passing of this Act, they shall give public notice, in the manner required under the Lower Canada Consolidated Municipal Act, in each of the Townships of Bolton and Magog, that no claim of any person in respect of the lands therein, granted on the nineteenth day of August, one thousand seven hundred and ninety-seven, to Nicholas Austin and others, associates, as tenants in common, or in respect of any part thereof, will be received or in any wise recognized, or acted or reported on, by them, unless the same shall have been presented to them before the expiration of one month from the date of such notice; and no claim of any person shall be received, or in any wise recognized, or acted or reported on, by them, unless the same shall have been presented to them before the expiration of such term;

No claim to be received unless filed in time.

To obey instructions from Commissioner of Crown Lands.

3. They shall conform to any instructions which they may receive from time to time from the Commissioner of Crown Lands, as to the place or places, and the times, or their sittings for the receiving of claims, the hearing of parties, and the conduct generally of their inquiry.

2. In two separate reports, each to be made in duplicate, one for the Township of Bolton, and one for the Township of Magog, to be made within such reasonable delay as the Commissioner of Crown Lands may assign or allow, they shall set forth and declare, by a sufficient legal description thereof, the several properties in each of the said townships respectively, which in their judgment ought equitably to be assigned, by way of partition, to the resident proprietors, specifying in whose favor, as such proprietor, they adjudge that the title to each of such properties ought to be quieted, and stating succinctly the chain of title in each case :

Two Reports :
one for each
Township ;
what they
must shew.

2. The Commissioner of Crown Lands may call on them to revise such reports, in respect of any omission or error which on examination he may apprehend to have been made therein ; and any correction of any such omission or error may thereupon be made by them ;

Reports may
be corrected.

3. Whenever satisfied of the apparent sufficiency of such reports, whether after or without such correction, the Commissioner of Crown Lands shall endorse on each duplicate thereof, his approval of the same,—and shall transmit one of such duplicates of the report for the Township of Bolton, to the Registrar of the County of Brome, and of that for the Township of Magog, to the Registrar of the County of Stanstead,—and shall cause the other duplicate of each of the said reports to be filed and kept of record in his Department,—and shall insert in the *Canada Gazette* a notice declaring that he has done so ;

Registration
of Reports
when appro-
ved by Com-
missioner of
Crown Lands.

4. Each of such Registrars shall file and keep of record in his office, the duplicate report so transmitted ; and shall there allow the same to be examined, and shall grant certificates of copies or extracts, or otherwise, therefrom, to all intents as though the same were an ordinary register of his office.

Registrar may
grant copies.

3. On and from the date of such notice in the *Canada Gazette*, the several persons specified by such reports as those in whose favor the Commissioners adjudge that the title to such properties ought to be quieted,—and the representatives of such persons,—shall be held to become, and shall be, to all intents possessed, as proprietors under title and in good faith, of the several properties so assigned to them, and shall so hold the same, free and clear of all manner of adverse claim whatever, pignory, hypothecary or otherwise, whether from the Crown or any other party, at all resting on or arising out of the character of the original grant thereof, as having been made to the said associates as such joint tenants ; and on and from the same date, all the remainder of the lands so originally granted to the said associates, shall revert to the Crown, and shall thereafter be dealt with as Crown Lands, subject, however, to the provisions of this Act :

Persons in
whose favor
Commis-
sioner reports
to become pro-
prietors.

Remaining
lands to revert
to the Crown.

During one year petitory actions may be brought.

Not afterwards.

How such actions shall be dealt with.

2. For the term of one year from such date, and no longer, any party may wage his recourse by petitory action against any of such persons, upon any claim not at all resting on or arising out of the character of the said original grant, as having been made to the said associates as such joint tenants; and at and from the expiration of the said term of one year, every such person against whom no such petitory action has been brought, shall be held to become, and shall be, to all intents the absolute proprietor of the property so assigned to him; and in all petitory actions so brought, the respective claims of the parties shall be dealt with by the Courts, to all intents as though the said original grant had been made to a grantee, solely, and not as a joint tenant with the others of the said associates.

Supplementary Report and what to contain.

4. Besides their two reports aforesaid, the commissioners appointed and acting under the twelfth section of the said Act, within such reasonable delay as the Commissioner of Crown Lands may assign or allow, shall also make one or more supplementary reports, in which they shall succinctly set forth for his information, all the claims of every kind which may have been laid before them; other than those favorably reported on in their said two reports, together with their opinion as to each, and the facts (so far as established) whereon their opinion is based, and all such reasons for their opinion, and all such suggestions, as they may see occasion to assign or offer:

May be corrected

2. The Commissioner of Crown Lands may call on them to revise such supplementary report or reports, in respect of any omission or error which on examination he may apprehend to have been made therein; and any correction of any such omission or error may thereupon be made by them.

Commissioner of Crown Lands, under order in Council, may settle claims on the said lands, equitably.

5. The Governor in Council may, from time to time, authorize, and the Commissioner of Crown Lands, in terms of such orders, may from time to time make such settlement (whether by way of grant, at a reduced or nominal price, from the lands in the said townships so reverting to the Crown as aforesaid, or otherwise) of all or any claims or classes of claims, which may be brought before him, in respect of the lands so granted to the said associates, or in respect of any part thereof, as may most effectively and equitably tend to the quieting of the titles to the lands in the said townships, according to the spirit and intent of the said Act.

C A P. L.

An Act to change the period for the annual meetings of Agricultural Societies in Lower Canada.

[Assented to 30th June, 1864.]

WHEREAS the third week in January has been found to be an inconvenient period for the holding of the annual meetings of Agricultural Societies in Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. So much of the seventy-ninth section of the "Act respecting the Bureau of Agriculture and Agricultural Societies" forming the thirty-second Chapter of the Consolidated Statutes of Canada, as provides that Agricultural Societies in Lower Canada shall hold their Annual Meetings in the third week of the month of January in each year, is hereby repealed, as to all Societies, elsewhere than in the Districts of Saint Francis, Bedford, Arthabaska and Beauharnois.

Preamble.
Part. of Sect.
79 of Con.
Stat. Can.,
cap. 32, re-
pealed.

Exception.

2. The said Societies shall hold their annual meetings in the course of the month of December, in each year, in the manner prescribed in the said Act.

Annual meet-
ing to be held
in November.

3. At such meetings the said Societies may do anything which by the said Act they are authorized to do at their annual meetings in January.

What may be
done at such
meetings.

4. This Act shall form part of the said Act, which shall henceforth be read and construed as if the annual meetings of the said Societies were therein and thereby required to be held in the course of the month of December.

Act to form
part of Con.
Stat. Can.
cap. 32.

C A P. L I.

An Act to amend Chapter Seventy-one of the Consolidated Statutes for Lower Canada, respecting the Medical Profession and the sale of Drugs.

[Assented to 30th June, 1864.]

WHEREAS it is expedient to amend chapter seventy-one of the Consolidated Statutes for Lower Canada, intituled: "An Act respecting the Medical Profession and the sale of Drugs," and to make better provision for the granting of licenses for the sale and distribution of Medicine by retail in Lower Canada: Therefore, Her Majesty, by and with the advice

Preamble.

Con. Stat.
L. C. cap. 71.

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

New section substituted for sect. 16.

1. Section sixteen of chapter seventy-one of the Consolidated Statutes for Lower Canada, is hereby repealed, and the following shall be substituted therefor, and read in lieu thereof:—

What persons only shall sell medicines in Lower Canada.

“16. Except such persons as may lawfully practise Physic in Lower Canada, no person whatsoever shall carry on the business of Apothecary, Chemist and Druggist, in Lower Canada, who shall not have obtained a license from the Provincial Medical Board, which license the said Board are hereby authorized to grant to any person applying for the same who shall have passed such examination in pharmacy as the Board may deem satisfactory, and such license shall be enregistered in the Books of the College of Physicians and Surgeons of Lower Canada.”

Licenses granted by the Provincial Medical Board declared valid.

2. And whereas persons desirous of obtaining licenses to sell or distribute medicine by retail in Lower Canada, have from time to time presented themselves before the Provincial Medical Board, and on passing satisfactory examinations have obtained such licenses, and doubts have arisen as to the validity of such licenses, it is enacted that all licenses to sell and distribute medicines by retail in Lower Canada which may have been heretofore granted by the Provincial Medical Board, shall be held to be valid and sufficient, and to confer and to have conferred on the grantees thereof all the rights and powers conferred by any license that might have been granted under the sixteenth section of the Act above cited.

C A P. L I I.

An Act for the protection of insectivorous and other birds beneficial to Agriculture.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the destruction of insectivorous birds is prejudicial to Agriculture, and the killing and capturing of singing birds and other small birds is a useless and cruel practice: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain birds only may be killed at certain seasons.

1. It shall not be lawful to shoot, destroy, kill, wound or injure, or to attempt to shoot, destroy, kill, wound or injure any bird whatsoever, save and except eagles, falcons, hawks, and other birds of the eagle kind, wild pigeons, rice birds, king fishers, crows and ravens, between the first day of March and the first day of August in any year.

2. It shall not be lawful to take, capture, buy, sell, expose for sale, or have in possession any bird whatsoever, save the kinds above excepted,—or to set, either wholly or in part, any net, trap, spring, snare, cage, or other machine or engine, by which any bird whatsoever, save the kinds above excepted, might be killed or captured, between the first day of March and the first day of August in any year.

Or taken in any way, or exposed for sale.

3. It shall not be lawful to take, injure, destroy, or have in possession, any nest, young, or egg of any bird whatsoever, except of eagles, falcons, hawks, and other birds of the eagle kind, and king fishers, between the said first day of March and the said first day of August in any year.

Nest, young or eggs not to be taken.

4. Provided always, that this Act shall not apply to any imported birds, or to any domesticated bird or birds commonly known as poultry; nor shall it be unlawful to buy, sell, expose for sale, or possess any bird taken or captured at a season not forbidden by this Act, but the proof that such bird was so taken or captured, shall lie wholly upon the party accused, whose oath alone shall suffice as such proof.

Act not to apply to domesticated birds, &c.

5. The violation of any provision of this Act shall subject the offender to the payment of a penalty of not less than one dollar and not more than ten dollars, to be recovered in a summary manner by summons before one Justice of the Peace of the district in which the offence is committed, who shall award the penalty the offender may be condemned to pay to the prosecutor, with all fees and costs incurred; and in default of immediate payment thereof, the offender shall be forthwith imprisoned in the nearest common jail for a period of not less than two and not more than twenty days, at the discretion of such Justice of the Peace.

Penalty for contravention of this Act. How recoverable, &c.

6. Any person may seize, on view, any bird unlawfully possessed, and carry the same before any Justice of the Peace, to be by him confiscated, and it shall be the duty of all market clerks and police officers on the spot to seize and confiscate, and if alive, to liberate such birds; and every person is authorized to destroy all nets, traps, snares, cages, or other machines or engines, set wholly or in part, whereby any kind of bird whatsoever, save the kinds above excepted, in the first and fourth sections of this Act might be unlawfully killed or captured.

Power to seize birds unlawfully possessed.

7. The Minister of Agriculture and all persons authorized by him to that effect, may grant written permissions to any person or persons who may be desirous of obtaining birds or eggs for *bonâ fide* scientific purposes, to procure them for that purpose during the close season, and such person or persons shall not be liable to any penalty under this Act.

License may be granted for scientific purposes.

Conviction not invalid for want of form.

8. No conviction shall be annulled or vacated for any defect in the form thereof or for any omission or informality in any summons or other proceedings under this Act, so long as no substantial injustice results therefrom.

Act not to affect the Game Acts.

9. The present Act and all its provisions shall be so construed as not to annul or vacate any provision of the Game Acts of Canada, or any amendments thereto.

CAP. LIII.

An Act to enable certain Religious Societies or Congregations of Christians to appoint Successors to Trustees of Lands held on their behalf.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS lands have been conveyed to Trustees on behalf of certain congregations or societies of Christians in this Province, without the manner of appointing successors to such Trustees being set forth in the deeds of grant, concession or conveyance of such lands, and it is expedient to provide a remedy for such omission: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

How successors of trustees to religious societies shall be appointed, in certain cases.

1. It shall be lawful for any congregation or society of Christians, of any denomination, on whose behalf lands in this Province are now, have been, or hereafter shall be held by a trustee or trustees, without the manner of appointing successors being set forth in the deed of grant, concession or conveyance of such lands, at any time hereafter to assemble in a public meeting duly convened by notice in writing, signed by at least five members of such congregation or society, and affixed to the door of their place of worship, at least eight days previous to the day appointed for holding such meeting, and at such meeting, by the votes of a majority, of the members of such congregation or society then and there present, to determine in what manner the successors to such trustee or trustees shall be appointed out of the members of the religious denomination on whose behalf such lands were originally granted, conveyed or conceded.

Record of proceedings.

2. A record of the proceedings of the meeting shall be made out in writing, and entered and transcribed in the minute book or other official register of the acts and proceedings of such society or congregation, and shall be signed by the Chairman and Secretary thereof, and shall thereafter be deposited of record among the archives of the congregation or society, and a copy of such record, certified to be a true copy by the Chairman or Secretary, on oath (or affirmation) before a Justice of the Peace, shall be recorded in the registry office

Certified copy to be *prima facie* evidence.

of the county or registration division in which the property is situate, and a copy of such proceedings taken from the minute book or others official register of the congregation, and certified by the clerk or custodian of the records of the congregation, or a copy certified by the registrar of the registration division wherein the same shall have been registered, according to this section, shall be *prima facie* evidence of the contents thereof.

3. Such determination shall, in every such case, have the same effect as a clause in the deed of grant, concession or conveyance of the lands to which it relates, setting forth the manner of appointing successors to the trustee or trustees named, would have, and no more.

Effect of determination of meeting.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . L I V .

An Act respecting the representation of the people in the Legislative Assembly as regards the Counties of L'Assomption, Joliette and Montcalm, and for other purposes.

[Assented to 30th June, 1864.]

WHEREAS it is expedient to re-constitute the electoral divisions of the counties of L'Assomption, Joliette, Montcalm and Terrebonne, Bagot and Rouville, for electoral and other purposes, in so far as they relate to the parishes of St. Roch and L'Epiphanie, in the said county of L'Assomption, and those of St. Esprit and St. Liguori, in the county of Montcalm; a portion of the said parish of St. Esprit, heretofore forming part of the parish of St. Roch, and a portion of the parish of L'Epiphanie, heretofore forming part of the parish of St. Jacques, in the county of Montcalm; and a portion of the parish of St. Liguori, included in the township of Kildare, in the said county of Joliette; and that portion of the present parish of St. Paul, heretofore forming part of the parish of St. Pie, in the county of Bagot: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The sub-sections or paragraphs fifteen, sixteen, seventeen and twenty, of the first section of chapter seventy-five of the Consolidated Statutes for Lower Canada, intituled: *An Act respecting the sub-division of Lower Canada into counties, and the boundaries of certain cities and towns for the purpose of representation in the Legislature*, shall be read and have effect for all electoral, municipal, judicial and other purposes;—as if no part of the said parish of L'Epiphanie had ever formed part of the said parish of St. Jacques,—and the part of the said parish taken from the parish of St. Jacques is annexed to the county of L'Assomption for the purposes aforesaid; as though no part

Parts of cap. 75 of Con. Stat. L. C. amended: as to the Counties of L'Assomption, Joliette, Montcalm, Bagot and Rouville.

of the said parish of St. Esprit had ever formed part of the parish of St. Roch,—and the said portion of the parish of St. Esprit heretofore called St. Louis, in the parish of St. Roch, is annexed to the said county of Montcalm for the purposes aforesaid; and as if no part of the said parish of St. Liguori was situated in the township of Kildare, and the said portion of the township of Kildare, which forms part of the said parish, is re-united to the said county of Montcalm, for the purposes aforesaid;—and that part of the township of Wexford known as St. Marguerite is annexed to the county of Terrebonne; and that part of the parish of St. Paul, now in the county of Bagot, is re-united to the county of Rouville, for the purposes aforesaid.

Provision with respect to deeds of lands in the said Townships and parishes until copies are transmitted to the proper Counties, &c.

2. Until the books, registers, and documents in the Registry offices of the counties of L'Assomption, Joliette, and Montcalm, relating to property situated in the parishes of St. Roch and L'Epiphanie, in the county of L'Assomption, and in those of St. Esprit and St. Liguori, in the county of Montcalm (part of the said parish of St. Esprit heretofore forming part of the said parish of St. Roch, and part of the said parish of L'Epiphanie heretofore forming part of the said parish of St. Jacques, in the county of Montcalm, and part of the said parish of St. Liguori being situate in the township of Kildare, in the county of Joliette), as canonically and civilly erected, or copies thereof, shall have been transmitted to the Registry offices of the counties of L'Assomption, Joliette and Montcalm, respectively, the Registrars of the said Counties respectively shall mention such fact in every certificate of search which they shall give respecting any real property situated in the parishes and townships aforesaid; and if the said certificate is demanded by a sheriff or by a petitioner for ratification of title, or by any person suing out a forced licitation, then such sheriff, petitioner or person shall obtain from the registrar of the counties of L'Assomption, Joliette or Montcalm respectively, a certificate for the period during which the property was situated within the limits of his county or registration division, or in any other, the books, registers and documents whereof, affecting such property, or copies thereof, have been transmitted to his office; and the registrars of the counties of L'Assomption, Joliette and Montcalm respectively, shall have for such period the same duties and powers as the registrars to whose respective offices such books, registers and documents are to be transmitted.

CAP. LV.

An Act to declare the Monument erected at St. Foy, to the Memory of the brave men of seventeen hundred and sixty, to be Public Property.

[Assented to 30th June, 1864.]

WHEREAS *La Société St. Jean Baptiste de Québec* have, Preamble-
by their petition to the Legislature, represented that that Society being desirous of perpetuating the memory of the brave men, French and English, victors and vanquished, who fell in the battle known as the battle of St. Foy, on the twenty-eighth of April, one thousand seven hundred and sixty, determined, in the year one thousand eight hundred and fifty-four, to erect a monument to them on the site of the action, and as near as possible to Dumont's mill, so famous in the history of the battle ; That with this purpose the said Society, in the year one thousand eight hundred and fifty-five, purchased the ground required for the site of the monument, and that on the eighteenth of July in the same year the corner-stone thereof was laid by His Excellency Lieutenant-General Rowan, C. B., then Administrator of the Government of Canada ; That by the aid of voluntary subscriptions from divers parts of the Province and from all classes of Her Majesty's subjects of every origin, the Society succeeded in completing a column on the historical ground of St. Foy, and crowning it with a statue, presented by His Imperial Highness Prince Napoléon Bonaparte ; and that on the nineteenth of October, one thousand eight hundred and sixty-three, the monument was inaugurated by His Excellency the Right Honorable Charles Stanley Viscount Monck, Governor General of British North America ; and that the Society, considering that a monument thus erected by subscriptions from all parts of the Province, and from Canadians of every class and origin, is essentially national, is desirous that it should be declared Public Property, and has prayed that an Act should be passed for that purpose, and it is right 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 monument mentioned in the preamble, and the appurtenances, and site thereof, that is to say, the lot of ground purchased by the said Society from Demoiselle Julie Henriette Guillet dit Tourangeau, by deed passed before Maître Phillippe Huot and his colleague, Notaries Public, at Quebec, on the nineteenth of June, one thousand eight hundred and fifty-five, and lying in the Banlieu of the City of Quebec, on the St. Foy road, formerly constituting part of the property of the said Demoiselle Tourangeau, and containing sixty feet in front by sixty feet in depth, french measure, bounded in front, towards the south, by the St. Foy road, in rear, towards the north, and

The monument and its appurtenances and site declared public property forever.

on

on the east and west sides, by the land of the said Demoiselle Tourangeau, and being, the said lot of ground at the distance of one hundred and twenty-six feet from the land of Julien Chouinard, Esquire, and having its side lines parallel to the line of division between the said Demoiselle Tourangeau, and the said Julien Chouinard, Esquire, as shown in the plan annexed to the said Deed, shall, by virtue of this Act, cease to be the property of *La Société Saint Jean Baptiste de Québec* aforesaid, and shall be and are hereby vested in Her Majesty as Public Property for ever; provided that nothing herein contained shall affect the claims of any creditor of the said society whose claims arise from the construction of the said monument, and that the said monument and the appurtenances thereof shall be kept in repair by and at the expense of the said society.

Proviso.

Public Act.

2. This Act shall be deemed a Public Act.

C A P. L V I.

An Act to regulate the storing of gunpowder in and near the cities of Montreal and Quebec.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS life and property are exposed to serious injuries from the storage of gunpowder in private magazines, and the conveyance of gunpowder to and from such magazines, in and near the cities of Montreal and Quebec: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Powers of Councils of Quebec and Montreal as to the storage and transport of gunpowder extended to a distance of five miles outside the said Cities.

1. The Council of each of the said Cities of Quebec and Montreal shall have power and it shall be their duty to make and enforce By-laws for regulating the keeping and transporting of gunpowder or other explosive or dangerous materials, as well within the said cities and each of them as within five miles of the boundaries of the said cities respectively; for regulating and providing for the support by fees, of magazines for storing gunpowder belonging to private parties; for compelling all persons to store therein; for acquiring land as well within as without the limits of the said cities (within the distance aforesaid), for the purpose of erecting such magazines; for granting licenses to keep such magazines; for limiting the quantity of gunpowder which shall be stored therein, and for the continuous inspection and supervision of such magazines; Provided always that no person shall store, keep or have within either of the said cities, nor within five miles from the boundaries of either of them, any quantity of gunpowder exceeding twenty-five pounds in weight, at any one time, in any house, building or place other than a building of stone covered with metal, made fire-proof, surrounded by an external wall of stone

Proviso: Gunpowder to be stored only in a certain way within the said limits.

or brick, at least ten feet high, and separated from the said magazine by a clear distance or space of ten feet of least, with one opening only in such wall, with copper fastenings.

2. All gunpowder stored or kept, contrary to the provisions of the next foregoing section, or of any By-law made under it, shall be forfeited.

Forfeiture for contravention.

3. The By-laws of the said Councils respectively may impose such penalties, not exceeding two hundred dollars fine, nor more than thirty days imprisonment, or both, for each offence, as they may deem necessary for enforcing the same, and may provide in what manner the forfeiture specified in the second section of this Act may be enforced; and for all the purposes of this Act the jurisdiction and powers of the Council of each of the said cities, and of the Recorders, Judges of the Sessions of the Peace, and other officers and police thereof, shall extend and apply to the tract of land lying within five miles of each of the said cities, respectively, as if such tract were included within the limits thereof; anything in any Act or law to the contrary notwithstanding.

Penalties to be imposed by By-laws.

Powers of Councils, Recorders, Police, &c., extended to the said limits.

4. This Act shall not apply to nor affect any magazines belonging to Her Majesty nor to the conveyance of gunpowder and stores to and from Her Majesty's magazines by Her Majesty's forces on military service.

Act not to apply to Her Majesty's magazines, &c.

C A P. L V I I .

An Act to amend the Act twelfth Victoria, Chapter one hundred and fourteen, relative to the powers and duties of the Trinity House of Quebec, and for other purposes.

[Assented to 30th June, 1864.]

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

Preamble.

1. Hereafter, persons desirous of becoming pilots shall pass their indentures of apprenticeship with the Corporation of Pilots for and below the Harbour of Quebec, and not with individual pilots, as required by the Act next below mentioned; and for that purpose, the said Corporation shall be subject to the provisions of the Act twelfth Victoria, chapter one hundred and fourteen, relative to pilots taking apprentices, and shall have power to cause such apprentices to serve in turn on board vessels piloted or on board the schooners of the corporation.

Apprentice pilots to be indentured to Corporation.

2. The number of apprentice pilots shall not in any year be less than thirty-six, and the Trinity House of Quebec shall be empowered to see to the carrying out of this provision; and the

Number of apprentices.

said

said corporation shall, in each year, make a return of the number of its apprentice pilots to the Trinity House of Quebec.

Penalty for moving vessels without a pilot.

3. Any Master, Commander or Proprietor of a vessel, removing or causing such vessel to be removed without the assistance of a pilot, from one place to another within the Harbour of Quebec, shall be liable to a fine not exceeding ten pounds currency; but this section shall not apply to vessels actually proceeding to Montreal and above it.

Public Act.

4. This Act shall be a Public Act.

C A P. L V I I I .

An Act to amend the Act passed in the twelfth year of Her Majesty's Reign, relating to the Trinity House at Montreal.

[Assented to 30th June, 1864.]

Preamble.

12 V. c. 117.

WHEREAS great difficulty has been experienced in carrying into effect the provisions of the nineteenth Section of the Act passed in the twelfth year of Her Majesty's reign, intituled: *An Act to repeal a certain Act and Ordinance therein mentioned, relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof*, and it is also desirable to amend the said Act in the manner hereinafter provided: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 19 repealed.

Pilots to report themselves immediately on arriving at Montreal: Penalty for default.

1. The said nineteenth section shall be, and the same is hereby repealed; and from and after the passing of this Act it shall be the duty of all Branch Pilots for and above the Harbour of Quebec, on their arrival in the Port of Montreal, whether in charge of a vessel or not, immediately to report themselves, personally, to the Registrar of the Trinity House of Montreal, and in so doing, to indicate to him their place of residence in Montreal, under a penalty not exceeding ten pounds for each and every offence.

Names and residence of pilots to be recorded.

How they may be engaged.

2. The Registrar of the said Trinity House of Montreal shall record in a Register to be kept by him for that purpose, the names and residence in Montreal of all such Branch Pilots as shall so report themselves, from amongst whom it shall be competent for all Shipmasters and others requiring Branch Pilots to select such Pilot or Pilots as they may think fit, other than those actually engaged to pilot the Ocean Mail Steamers or any of them, and to indicate to the said Registrar the name or names of such Pilot or Pilots as they may so select; and on such selection being approved of by the Master, Deputy Master or Registrar of the said Trinity House of Montreal, it shall be the

the duty of the said Registrar immediately to record such selection and approval in a Register to be kept by him for that purpose ; and thereupon and not otherwise, such Pilot or Pilots shall be held and considered to all intents and purposes as engaged.

3. When so engaged, every Branch Pilot who shall refuse, decline or neglect to take charge of any ship, steamer or other vessel, for which he shall have been so selected as aforesaid, upon being required so to do by the Master or any officer of or belonging to such ship, steamer or other vessel, or by any member or officer of the said Trinity House of Montreal, unless (in any of the cases in the said Act mentioned) it shall be unsafe for such Branch Pilot to comply with such requisition, or he shall be prevented by illness or other sufficient cause, to the satisfaction of the Master, Deputy Master or Registrar aforesaid ;—and every such Branch Pilot who shall, without just and sufficient cause, quit any ship, steamer or other vessel, after taking charge thereof, before the service shall have been performed for which he was hired, and without leave of the Master, or other person as aforesaid,—and every Branch Pilot who shall pilot a vessel from the Port of Montreal without being engaged in the manner provided by the foregoing section, shall forfeit for each and every such offence any sum not exceeding ten pounds currency, and shall be liable to be dismissed from being a Branch Pilot, or suspended from acting as such, at the discretion of the Master, Deputy Master and Wardens of the said Trinity House of Montreal, or any three of them.

Penalty on Pilots so engaged refusing to act, or leaving the ship before the service is performed.

4. And in amendment of the fifteenth section of the said Act it is enacted :

Sect. 15 amended.

1. That from and after the passing of this Act, instead of its being incumbent on each candidate for examination to have been employed three out of the five years in the said section mentioned, in sailing vessels, it shall suffice that he shall have been employed during such three years as first Pilot, on board a steamer engaged in towing sea-going vessels ;

How apprentice must be occupied during three years of his time.

2. That at the end of such five years each such candidate shall make at least six trips in a sailing vessel, under not fewer than three different Branch Pilots for and above the Harbour of Quebec, to be approved of by the Master, Deputy Master and Wardens of the said Trinity House, or any three of them, of the due performance of which six trips such candidate shall be held to produce the certificate of such three Branch Pilots, who are hereby held to deliver the same on application ;

Afterwards to make trips in a sailing vessel.

3. That from and after the first day of May, one thousand eight hundred and sixty-five, it shall be incumbent on each such candidate, before examination, to make at least one voyage

And on a voyage to England as a sailor.

in

in a sailing vessel to and from Europe, as a sailor before the mast, of the due performance of which he shall be held to produce a satisfactory certificate ;

Form of certificate.

4. That the certificate required by the said section shall be signed by two or more competent persons, to the satisfaction of the Master, Deputy Master and Wardens of the said Trinity House of Montreal, or any three of them.

Recital.

5. And whereas the navigation of the rivers and waters within the jurisdiction of the said Trinity House has been much endangered, and the aforesaid rivers and waters and the beaches, shores and wharves thereof encumbered, by the non-removal of wrecks and other obstructions, therefore the said Trinity House of Montreal shall have power, after the expiration of ten days from the time at which any timber, logs, spars, rafts or cribs, wrecks of steamers or other vessels, or the cargoes of such steamers or other vessels, or other description of obstruction whatsoever, may be placed or otherwise happen to be in the navigable part of the River St. Lawrence, the River Richelieu, the River Yamaska, the passage called the Doré, the Channel du Moine, or in any other part of the rivers or waters generally, or on any of the beaches, shores or wharves, within the limits of the jurisdiction of the said Trinity House of Montreal, to remove, or cause to be removed, such timber, logs, spars, rafts or cribs, wrecks of steamers or other vessels, or cargoes of such steamers or vessels, or other description of obstruction as aforesaid, either by raising or blowing up the same, or in such other manner as the said Trinity House of Montreal may deem advisable, and to sell, in such manner as the said Trinity House of Montreal may think proper, such portion of such timber, logs, spars, rafts or cribs, wrecks of steamers or other vessels, or cargoes of such steamers or vessels, or other description of obstruction as aforesaid, as may not be entirely destroyed in the removal thereof as aforesaid, and to apply the proceeds of such sale towards defraying the expenses which the said Trinity House may incur or cause to be incurred in and about the removal of such obstruction as aforesaid.

Trinity House to have power to remove wrecks and other obstructions in the waters under their control.

And to sell the same to defray expenses.

The same as to obstructions already existing.

6. And as regards all timber, logs, spars, rafts or cribs, wrecks of steamers or other vessels, and the cargoes of such steamers or other vessels, and other description of obstruction aforesaid, which now are, or at the time of the passing of this Act may happen to be in the navigable parts of the said rivers, passages, channels or other navigable waters aforesaid, or in any other part of such rivers and waters, or on any of the said beaches, shores or wharves, the said Trinity House of Montreal shall have power, within ten days after the passing of this Act, to remove the same or cause the same to be removed, and to sell the same and apply the proceeds of sale, in the same manner to all intents and purposes as is provided in the foregoing section

section with respect to obstructions which may be placed or otherwise happen to be in the said navigable or other waters, or on any of the beaches, shores or wharves, after the passing of this Act.

7. Nothing herein contained shall in any way affect the liability of any person or persons who shall encumber the said navigable or other waters, or any of the said beaches, shores or wharves, for any penalty or penalties recoverable under any by-laws, orders, rules and regulations of the said Trinity House of Montreal, which may presently or at any time hereafter be in force.

Not to affect liability of persons causing obstruction.

8. The penalty imposed by the twenty-first section of the said Act, shall be ten pounds, instead of five pounds, and any suspended Pilot incurring such penalty shall be liable to the additional penalty, in the discretion of the Master, Deputy Master and Wardens, of being wholly deprived of his Branch.

Penalty under Sect. 21 increased.

9. The Master or person in charge of each vessel exceeding one hundred and twenty-five tons, coming from a port out of this Province and leaving the port of Quebec for Montreal, shall take on board a Branch Pilot for and above the Harbour of Quebec, to conduct such vessel, under a penalty equal in amount to the pilotage of the vessel, which penalty shall go to the Decayed Pilot Fund.

Vessels from beyond the Province, over 125 tons, to take pilots.

10. The Master or person in charge of each vessel over one hundred and twenty-five tons, leaving the port of Montreal for a port out of this Province, shall take on board a Branch Pilot for and above the Harbour of Quebec, to conduct such vessel, under a penalty equal in amount to the Pilotage of such vessel, which penalty shall go to the Decayed Pilot Fund.

And also Vessels leaving for beyond the Province.

11. And in amendment of the fifth section of the said Act, it is enacted, that the words "of whom the Master or Deputy Master shall always be one," in the second and third lines of the said section, shall be and the same are hereby repealed; and on all occasions when neither the Master nor the Deputy Master shall be present, the senior Warden of the said Trinity House shall preside.

Section 5 amended.

12. This Act shall be deemed a Public Act, and shall be construed as forming part of the Act amended by it.

Public Act.

CAP. LIX.

An Act to authorize the Council of the City of Quebec to issue Debentures for the enlargement of the Gates of the said city.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the Mayor, Councillors and Citizens of the City of Quebec have, by their petition, represented that by reason of the increase in the population and trade of the said city, the gates placed in the walls which surround the Upper Town of the said city, are too narrow and are unsafe for the passage of vehicles and foot passengers going into or out of the said Upper Town, and that it has become necessary to make and construct new gates in place of the old, for the safety and convenience of the inhabitants of the said city, and others; and whereas the means now at the disposal of the said city do not allow the Council of the said city to undertake the works necessary to effect that object, and the Council pray to be authorized to issue debentures for and in the name of the said city, in order to meet the cost and expense of such works: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

City Council may issue debentures.

1. The Council of the said city is hereby authorized to issue for and in the name of the said city, for the purpose of constructing St. John's Gate and Prescott Gate, in the said City of Quebec, hereinbefore set forth, debentures to an amount not exceeding twenty-four thousand dollars:

How debentures shall be issued.

2. The said debentures shall be issued with coupons for interest attached thereto from time to time, as required for the purposes of this Act.

By whom signed.

When redeemable.
Interest.

2. The said debentures shall be signed by the Mayor, and countersigned by the City Clerk, and shall bear the seal of the city, and shall be redeemable in twenty years after the date of the issue thereof, and shall bear interest at the rate of six per centum per annum, payable half-yearly.

When debentures may be issued.

3. No debenture shall be issued until after the said Council shall have accepted tenders, called for by public notice, for the execution of any work to be done in virtue of this Act.

Council to impose a special rate.

4. For the payment, satisfaction and discharging of the debentures to be issued under this Act, it shall be lawful for the said Council, and they are hereby required so to do, in any by-law or by-laws to be passed authorizing the said loan and the issuing of debentures therefore, to impose a special rate per annum over and above, and in addition to all other rates

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:

2. Such rate or assessment shall be imposed upon and payable by the proprietors of all real property in the said city, and the occupant or lessee thereof, each of them paying a moiety thereof; To be imposed on proprietor and lessee equally.

3. Such rate or assessment shall be payable at the time fixed for the payment of the other rates and assessments already existing in the said city, and may be sued for and recovered before the Recorder's Court of the said city, in the manner and form prescribed by law for the prosecution for and recovery of other dues, taxes and assessments in the said city. When payable. May be sued for.

5. Any sum arising from the said tax in any year shall (after deducting the amount required to pay the interest due on the said debentures) be applied to the formation of a sinking fund for the extinction of the debt contracted for the completion of the said works or any of them, and the said fund shall be kept distinct and separate from the other funds of the said city, and shall be invested in the stock of some chartered bank or banks of this Province, or in the public securities thereof, and the said Corporation shall have power to vary, alter or change such investment as they shall see fit: Surplus of the tax to form a Sinking Fund.

2. The treasurer of the said city shall see to the execution of this provision, under a penalty of two hundred pounds currency for every contravention thereof, and the said penalty shall be recoverable by action of debt before the said Recorder's Court, and levied by seizure and sale of the property and effects of the said treasurer in the ordinary manner prescribed by law, and the said penalty may be sued for by any person in the name of the corporation of the said city. Penalty on Treasurer contravening this provision.

6. This Act shall be deemed to be a Public Act; and shall be held and taken as forming part and portion of the Acts incorporating the Mayor, Councillors and Citizens of the City of Quebec. Public Act Interpretation.

C A P. L X.

An Act to amend the Acts relating to the Corporation of the City of Montreal, and for other purposes.

[Assented to 30th June, 1864.]

WHEREAS the Corporation of the City of Montreal have by their petition represented that in consequence of the rapid extension of the City of Montreal, it has become necessary to make out a general plan of the said city, and to lay out, Preamble.

out, fix and determine the public streets and squares opened or to be opened, continued, extended or widened, within the limits of the said city, and for that purpose to vest in the said city, incorporated under the name of the Mayor, Aldermen and Citizens of the city of Montreal, more ample powers than those conferred upon the said city by its Act of Incorporation, and the acts amending the same; and whereas much difficulty is oftentimes experienced in the carrying out of the laws now in force relating to expropriations, for the purposes of public utility, and the delays and loss of time consequent upon the defective working of the said laws; and whereas it is expedient to make certain changes and modifications in the municipal administration of the said city: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

GENERAL PLAN OF THE CITY OF MONTREAL.

Corporation to employ surveyors to lay out streets of the city

1. It shall be lawful for the said corporation, at any time, to cause public streets, highways, places and squares, within the whole extent of the limits of the said city, to be laid out, fixed and determined, at the city's expense, under the direction and supervision of the Road Committee and the City Surveyor, and to give a name to each of the said public streets, highways, places, and squares; and for that purpose the said corporation may employ a sufficient number of surveyors or other competent persons who shall, with all due diligence, proceed to lay out, fix and determine, under the direction and supervision aforesaid, and under as uniform a system as circumstances may admit, such public streets, highways, places and squares, of such dimension, width and extent, as may appear to them most desirable for the public interest; Provided any such highway or street shall not be less than forty feet in width.

Proviso.

The said surveyors may enter upon property.

They shall make out plans of streets, &c.

They shall place boundary stones at corners of new streets.

2. The said surveyors or other persons employed in the exercise of the duties assigned to them, in and by the preceding section, may, and they are hereby authorized to, enter in day time upon any property or real estate within the limits of the said city; they shall, under the direction and supervision aforesaid, make out plans or maps indicating the streets, highways, public places, and squares now existing, as well as those which they shall lay out and determine, by and in virtue of the present Act; and they shall designate upon the said plans or maps, the new lines of the streets or sections of streets, public highways, places and squares, that the said corporation may have resolved to widen, in the interest of the public; and they are hereby enjoined to place solid and durable boundary-stones at each angle or corner of the new streets and public squares, and places by them laid out and established; which said boundary-stones shall be shewn upon the said plans or maps.

3. It shall be lawful for the said corporation to cause the said streets, public highways, places and squares to be laid out, and the plan or map thereof to be made for each ward separately, according to the present division of the city, beginning by such ward as may be deemed advisable; but the plans or maps of the different wards of the said city shall be so made as to correspond with each other in such a manner as that, when completed, they shall make but one and the same plan, to be known as "The General Plan of the City of Montreal."

The laying out of streets and plan may be made by sections.

To form but one plan when completed.

4. When the plan or map for any one of the wards of the said city shall be completed, the said corporation, by their attorney and counsel, shall apply, by summary petition to the Superior Court for Lower Canada, in the District of Montreal, to obtain the confirmation and ratification of the said plan or map, after having given public notice of the day and hour at which such petition shall be so presented in four newspapers, two of which published in the French language and two in the English language in the said city; provided that the said notice shall have at least two insertions in each of the said four newspapers, and that one month at least shall elapse between the date of the last insertion of the said notice, and that of the presentation of the said petition; the same formalities shall be observed for the plan or map of each of the other wards of the said city, as such plan is completed.

Plan for each section, when completed, subject to confirmation by Superior Court.

5. Every such plan or map of a ward, when confirmed by the said Superior Court, shall be final, decisive and binding upon the said corporation and the proprietors therein interested, and upon all other persons whomsoever; and no indemnity or damage shall be claimed or granted at the time of the opening of any of the new streets, public places or squares shown on the said plan, or at the time of the widening of any of the streets, public places or squares indicated on the said plan, for any building or improvement whatsoever that the proprietors or other persons whomsoever may have made or caused to be made, after the confirmation of the said plan, upon any land or property, reserved either for new streets, public places or squares, or for the widening of any of the said streets, public places or squares of the said city; provided that nothing contained in this Act shall be construed as depriving the said corporation of the right of widening or extending any of the streets, public places or squares designated in the said plan, after its confirmation, if deemed advisable so to do.

Plan when confirmed to be final and binding upon all parties concerned.

6. A duplicate of each of the said plans shall be deposited immediately after its completion in the office of the Prothonotary of the said court, and another in the archives of the said corporation; and when such plan shall have been confirmed and ratified by the Superior Court as aforesaid, the City Clerk shall make an entry upon the duplicate of the said plan deposited in the archives of the said corporation in the following words:

Duplicate of plan provided for.

words: "confirmed by the Superior Court on the
"day of _____, one thousand _____."

New streets,
when to be
opened.

7. The said corporation of the City of Montreal shall have all the necessary powers to open to the public, whenever the said corporation shall deem it advantageous to do so in the interest of the city, any new street, highway, public place or square shewn on the said plans or maps, and also to widen any of the streets, public places or squares thereon indicated as widened, after having adopted, however, the formalities and procedure hereinafter prescribed relative to the mode of expropriation and the levying of special assessments.

Term, new
streets, how to
be interpreted.

8. The designation of new streets and public places or squares, in and by this Act, applies to such streets, public places or squares as have not been opened and named before the passing of this Act.

Penalty for
interfering
with bound-
ary stones.

9. Any person who shall remove, or in any manner whatsoever injure, the boundary stones mentioned in the second section of this Act shall be held as guilty of a misdemeanor, and punishable accordingly; and it shall be competent for the Recorder's Court, of the said city, to take cognizance of, and adjudicate upon, such misdemeanors.

EXPROPRIATION AND SPECIAL ASSESSMENT.

Repeal of former enactments relative to expropriations, &c.

10. The sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth, seventieth, seventy-first and seventy-fourth sections of the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's reign, chapter one hundred and twenty-eight, the fourth section of the Act passed in the sixteenth year of Her Majesty's reign, chapter one hundred and twenty-eight, and the thirty-fifth, thirty-sixth, thirty-seventh and fifty-first sections of the Act passed in twenty-third year of Her Majesty's reign, chapter seventy-two, and generally all the provisions of the said Acts, or any other Acts, inconsistent with the enactments of the present Act, shall be, and they are hereby severally repealed.

City Council may order opening or widening of streets and acquire land for that purpose.

11. The Council of the said City of Montreal shall have full power and authority to order, by resolutions, the opening, extending or widening of streets, public highways, places or squares, or the construction of public buildings, and to order at the same time that such improvement shall be made out of the city's funds, or that the cost thereof shall be assessed in whole or in part, upon the pieces or parcels of land belonging to parties interested in, or benefited by the said improvement, and to purchase, acquire, take and enter into any land, ground or real property whatsoever within the limits of the said city, either by private agreement or amicable arrangement between the Corporation of the said city and the proprietors or other

Under what formalities.

other persons interested, or by complying with all the formalities hereinafter prescribed, for opening streets, public squares, markets or other public places, or for continuing, enlarging or improving the same, or a portion of the same, or as a site for any public building to be erected by the said Council.

12. All corporations or bodies, and all husbands, tutors, guardians, curators, *grevés de substitution* or trustees, who are or shall be seized or possessed of, or interested in any piece or pieces, lot or lots of ground or real property within the said city, selected and fixed upon by the said Council for any of the purposes aforesaid, may not only for themselves, but for and on behalf of all persons whom they represent, or for whom or in trust for whom they are, or shall be seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, *femes-couvert* or other persons, contract for, sell and convey such piece or pieces, lot or lots of ground or real property to the said Corporation; and such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding; and all corporations and persons whatever, so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which he, she, or they shall respectively make by virtue of or in pursuance of this Act, without however diminishing, in any manner whatever, the responsibility of such corporations and persons towards those whom they represent, as regards the purchase money or compensation of such sales or conveyances.

Corporations,
Tutors, hus-
bands. &c.,
may sell and
convey to the
City Council.

13. In case the council of the said city, after having resolved upon undertaking and carrying out any of the said works or improvements for which it has been necessary to acquire one or more lots of ground or real property, or any part of such lots of ground or real property, within the limits of the said city, cannot come to an amicable arrangement with the persons seized or possessed of, upon any title whatsoever, or interested in, the said lots of ground or real property, or any part thereof, or who may be absent or unknown, as regards the price or compensation to be paid for the said lots of ground or real property, or any part thereof (the said corporation, however, shall not be bound to take any step or proceeding towards securing such amicable arrangement), such price or compensation shall be fixed and determined in the following manner, to wit :

Mode of pro-
cedure in
cases of expro-
priation.

1. The corporation of the said city, by their attorney or counsel, shall give special notice addressed through the Post Office to the person in whose name the property was lastly assessed on the Assessment Roll, as proprietor at his actual or last known domicile and shall also give public notice in at least two newspapers, one of which published in the French and the other in the English language, in the said city, which

Notice of ap-
plication to
the Superior
Court for ap-
pointment of
Commission-
ers.

said notice shall have two insertions in each of the said newspapers, that they will by and through their said attorney and counsel present on the day and hour mentioned in the said notice, to the Superior Court of Lower Canada, in and for the District of Montreal, sitting in term, or to any of the Judges of the said Court in Chambers, pending the vacation, and during the months of July and August in each and every year, a petition calling upon the said Court or any one of the Judges thereof respectively, to choose and nominate three competent and disinterested persons to act as Commissioners to fix and determine the price or compensation to be allowed for each and every such lot of ground or real property, or any part thereof, which may be required by the said corporation for the purposes of the said improvements, and which shall be designated in the said notice by giving the boundaries (*tenants et aboutissants*); and one month at least shall elapse from the date of the last insertion of the said notice in the said newspapers, to the day appointed for the presentation of the said petition; and the said notice shall moreover, be posted in both languages, twenty days previous to the date of the presentation of the said petition, in three different places, upon each and every lot of ground or real property liable to expropriation, or in the immediate vicinity thereof;

Said notice to be posted on property to be expropriated.

Appointment of Commissioners by the said Court.

2. The court or judge, as the case may be, to whom the said petition shall have been presented, shall appoint three commissioners as aforesaid, and fix the day on which the said commissioners shall begin their operations, and also the day on which they shall make their report; provided always, it shall be lawful for the said court, or the said judge, to extend the said delays upon reasonable grounds being shown to that effect;

Commissioners held to accept appointment under penalty.

3. The judgment embodying the said appointment shall be served, with as little delay as possible; upon the said commissioners, who shall be held to accept the said office and to perform the duties thereof, under the penalty of a fine of one hundred dollars, which it shall be competent for the said Superior Court to inflict upon each of the said commissioners upon proof of his, or their, refusal or neglect to perform the said duties; but the exemptions provided for, in behalf of certain persons, by the second section of chapter eighty-four of the Consolidated Statutes for Lower Canada, relating to Juries, shall apply equally to any of the said commissioners, who may appertain to any one of the classes of persons mentioned in the said last cited section;

Exemptions.

City Surveyor to furnish Commissioners with plan, &c.

4. Immediately after the appointment of the said commissioners, it shall be the duty of the city surveyor to furnish them with a plan or map shewing the proposed improvement, as also the pieces or parcels of ground or real estate to be expropriated;

5. The said commissioners, before proceeding, shall be duly sworn before the Prothonotary of the said Superior Court in the form specified in the annexed schedule, marked A; and they shall be vested with the same powers and entrusted with the same duties as are conferred by the laws in force in Lower Canada upon experts in reference to appraisements; and they shall be entitled to receive a remuneration not exceeding four dollars per day each, during the whole time they shall of necessity be occupied in the performance of the said duties;

Commissioners to be sworn.

Their powers, &c.

Salary.

6. The said commissioners may, if they deem proper, call upon the proprietors or parties interested, to give them communication of their title deeds; and upon their failing to comply with such demands the said commissioners are hereby authorized to procure copies of the said title deeds at the cost of the said proprietors or parties interested; and the amount of said costs shall be deducted from the price or compensation to be finally awarded to the said proprietors or parties interested for the expropriation;

Commissioners to be furnished with title deeds of lots to be expropriated.

7. It shall be the duty of the said commissioners to diligently proceed to appraise and determine the amount of the price, indemnity or compensation which they shall deem just and reasonable for each of the pieces or parcels of land or real estate, the expropriation whereof shall have been resolved upon by the City Council or for the damages caused by such expropriations; and the same commissioners may act and adjudicate upon the price or compensation for all and every the pieces or parcels of land or real estate, buildings or parts of buildings thereon erected required for any improvement which the said council may have ordered to be made or carried out at one and the same time; and the said commissioners are hereby authorized and required to hear the parties and to examine and interrogate their witnesses, as well as the members of the city council and the witnesses of the said corporation; but the said examination and interrogatories shall be made *viva voce* and not in writing, and shall consequently not form part of the report to be made by the said commissioners, any law, usage or custom to the contrary notwithstanding; provided always, that if in the discharge of the duties devolving on the said commissioners by virtue of the present Act, there should occur a difference of opinion between them as to the value of the piece of land or real estate about to be expropriated, or upon any other question within their province, the decision of two of the said commissioners shall have the same force and effect as if all the said commissioners had concurred therein;

Procedure for ascertaining value of property.

Examination of parties and witnesses.

Proviso: decision of two Commissioners to be binding.

8. In every case wherein the corporation of the said city may have resolved to carry out and execute any of the works or improvements aforesaid, at the city's expense exclusively, the said commissioners shall be held to determine and award when the expropriation shall apply to or affect but a portion of the property or real estate, what may be the damage to or deterioration

Increased value of residue of property to be taken into consideration in certain cases.

in value of the residue of the property or real estate by the separation from it of the part required by the said corporation, and they shall determine, first, the intrinsic value of the part of the property and premises to be taken, and, secondly, the increased value, if any, of the residue of the property caused by the proposed improvement, and the difference between the intrinsic value of the part of the property and premises required and the increased value aforesaid shall constitute the price or compensation which the party or parties interested shall be entitled to, and when the said commissioners shall determine and award that the increased value is equivalent to or in excess of the intrinsic value of the part of the property and premises required, then they shall not award any price or compensation for the part so required or liable to expropriation ;

In case the Commissioners fail in the due performance of their duties ; proceedings may be stayed, &c.

9 If one or more of the said commissioners, at any time after their appointment, shall fail in the due performance of the duties assigned to them in and by the present Act, or shall not fulfil the said duties in a faithful, diligent, and impartial manner, it shall be lawful for the corporation of the said city, by its attorney, to apply, by summary petition, to the said Superior Court, or to a judge thereof, as the case may be, to stay the proceedings of the said commissioners, and to remove and replace the commissioner or commissioners who may have forfeited or violated his, or their, obligations ; and upon such petition the said court, or judge, may issue such orders as may be deemed conformable to justice ;

In case of death, &c., of Commissioners, others to be appointed.

10. In case any of the said commissioners should, after being appointed, die, or be unable to act, the said court, or one of the judges thereof, as the case may be, shall, upon a summary petition to that effect, to be presented by the corporation of the said city, after two clear days' notice to be established to the satisfaction of such Court or Judge, replace such commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor ;

Parties to be heard by Commissioners after public notice.

11. So soon as the said commissioners shall have completed the proceedings relating to the appraisement, and determined the price or compensation for the pieces or parcels of land or real property about to be expropriated, they shall give public notice by means of two placards, one in the French, and the other in the English language, to be posted upon or in the immediate vicinity of such pieces or parcels of land or real estate, that on the day mentioned in the said notice, all parties interested or claiming indemnity, who may consider themselves aggrieved by the said appraisement, shall be heard before them in one of the rooms of the City Hall ; and when such parties aggrieved or claiming indemnity shall have been heard as aforesaid, it shall be lawful for the said commissioners to maintain or modify, at their own discretion, the appraisement made by them of any piece or parcel of land or real estate as aforesaid ;

12. On the day fixed in and by the judgment appointing the said commissioners, the corporation of the said city, by their attorney or counsel, shall submit to the said Superior Court, or to one of the Judges thereof respectively, the report containing the appraisement of the said commissioners, for the purpose of being confirmed and homologated to all intents and purposes; and the said Court or Judge, as the case may be, upon being satisfied that the proceedings and formalities hereinbefore provided for have been observed shall pronounce the confirmation and homologation of the said report which shall be final as regards all parties interested, and consequently not open to any appeal.

Report of Commissioners to be submitted to the Court for confirmation.

No appeal afterwards.

14. In case any street, public place or square shall be laid out and determined before the confirmation and homologation of any of the plans or maps of the said city, hereinbefore provided for, or if any street, public place or square shown and designated on the said plans or maps, shall be widened or extended after the confirmation and homologation of the said plans or maps, no indemnity or damage shall be allowed or granted for buildings, structures or improvements which the proprietors or other persons whomsoever, shall have caused to be erected or made upon any of the pieces or parcels of land, or real property which the corporation of the said city may resolve to acquire for public purposes, from the time that the public notice mentioned in the sub-section number one of the next preceding section, shall have been posted upon the said pieces or parcels of land or real estate, as aforesaid.

No indemnity granted for buildings erected on property about to be expropriated, after posting up of notice.

15. The corporation of the said city shall, within fifteen days from and after the confirmation and homologation of the report of the said commissioners, make, in the hands of the Prothonotary of the said Superior Court, whose duty it shall be to grant to the said corporation a written acknowledgment thereof, a deposit and consignment of the price or compensation and damages settled and determined in and by the said report; and the act of such deposit and consignment shall constitute, in behalf of the corporation of the said city, a legal title to the property of each of the said pieces or parcels of land or real estate, and from thence all proprietors of, or other persons whatsoever interested in, the said pieces or parcels of land or real estate, shall lose and be divested of all their rights or claims thereto, and the said corporation shall be vested with the said pieces or parcels of land or real estate, and may of right and without any further formality enter on possession of, and use the same for any of the purposes authorized in and by this Act; any law, statute or usage to the contrary notwithstanding.

After the confirmation of Report, Corporation to deposit amount of compensation, &c.

Effect of deposit.

16. Any expropriation made in virtue of the present Act shall have the effect of removing and paying off all mortgages or privileges with which the said pieces or parcels of land or real estate may be burdened or encumbered at the time; but the

Mortgages on land expropriated, removed.

Recourse of mortgagees on the price.

the price or compensation deposited in the hands of the Prothonotary, as aforesaid, shall be held to represent the said pieces or parcels of land or real estate as regards all mortgagees or privileged creditors, whose rank and priority shall be preserved in the distribution to be made of the money deposited conformably to this Act.

Money—how to be distributed.

17. When the money shall have been deposited and assigned in the hands of the Prothonotary, in accordance with the provisions of the next preceding section, the said Superior Court shall determine the mode of calling forth the creditors of the party entitled to such money, or his legal representatives and all other parties interested, and issue such orders as may be deemed advisable and just as regards the delivery or distribution of the money, or any other matter in connection with the claims or demands of the parties interested; Provided, always, that when the price or compensation and damages shall be paid in whole or in part to the party entitled to the same (but this proviso shall not be held to apply to his creditors,) the amount of such price or compensation and damages shall not be subject to the tax imposed by and in virtue of the twelfth Victoria, chapter one hundred and twelve, nor to the commission which the Prothonotary of the said Superior Court is entitled to receive, nor to any tax, commission or impost.

Proviso: compensation not liable to tax under 12 V. cap. 112.

Exception.

Provisions extended to compensation for alterations of levels, &c.

18. All the provisions contained in the thirteenth section of the present Act with regard to the appointment of commissioners and the mode of ascertaining the value of the pieces or parcels of land or real estate taken by the corporation of the said city, shall be and are hereby extended to all cases in which it shall become necessary to ascertain the amount of compensation to be paid by the said corporation to any proprietor of real estate or his representatives, for any damage he or they may have sustained by reason of any alteration, made by order of the said council, in the level of any footpath or sidewalk, or by reason of the removal of any establishment subject to be removed under any by-law of the said corporation, or to any party by reason of any other act of the said council for which they are bound to make compensation, and with regard to the amount of compensation for which damage the party sustaining the same and the said corporation shall not agree; and the amount of such compensation shall be paid at once by the said corporation to the party having a right to the same, without further formality; and any person who shall erect any building whatever upon or contiguous to any established or contemplated street, public place or square in the said city, without having previously obtained from the city surveyor the level of such street, public place or square, shall forfeit his or her claim for damages or compensation by reason of any injury caused to the property when such level shall be settled and determined by the said council, through the road committee.

Parties to obtain proper level before building.

19. In all cases where, for the purpose of opening any street, square, market-place or other public place, or for continuing, enlarging or otherwise improving the said streets, squares, market-places, or other public places, or as a site for any public building to be erected by the said corporation, the said corporation shall deem it advantageous to purchase and acquire, or take or enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said corporation so as aforesaid, to purchase and acquire an extent over and above what may be required for the above purposes; Provided; nevertheless, such extent do not exceed one hundred feet in depth by whatever length may exist, and such extent of one hundred feet may be taken out of one or both sides of the said street, square, market-place or site for any public building, in case the proposed improvement applies to both sides of such street, square, market-place or site, as aforesaid; Provided also that if any proprietor, a portion of whose property may be required for the above purposes, objects to the said corporation taking or acquiring more than the piece or parcel of his lot required for any of the said purposes, such proprietor shall make known his objection by causing a written notice to that effect to be served upon the said corporation at least two days previous to the day fixed as aforesaid on which the said Commissioners are to begin their operations; in which case the said corporation can only take and acquire the piece or parcel of land required for the improvement and no more.

Corporation may acquire a certain extent of land over and above portion required for improvement.

Proviso: extent limited.

Proviso: party may object and corporation shall then take only land required for the improvement.

20. The corporation of the said city may open, continue or widen any streets or highways, and establish public parks or squares, beyond the limits of the said city, and acquire any piece or parcel of land required for any of the said purposes, in the same manner, and by following the same formalities as those prescribed in and by the present Act for similar improvements within the limits of the said city; Provided; always, that before exercising any of the powers conferred upon it by the present section; the said corporation shall be held to obtain the consent of the municipality within the limits of which such powers are to be exercised, and such last mentioned municipality is hereby empowered to exempt from any tax or assessment, if it sees fit so to do, the public parks, squares or public places to be opened or established as aforesaid.

Power to open streets, &c., beyond the city limits.

Proviso: consent of municipality to be first obtained.

21. Corporations, ecclesiastical or civil, whose property, or any part of whose property, shall be conveyed to, or taken by the said corporation of the city of Montreal, under the authority of this Act, may invest the price or compensation paid for the property so conveyed or taken, in other real property in any part of this Province; and may take and hold the same, without Her Majesty's Letters of Mortmain, any law to the contrary notwithstanding.

Corporations may invest price or compensation, &c.

In cases where proprietors have to pay cost or part of cost of improvement: City assessors to assess such cost.

22. So soon as the report of the said commissioners shall have been confirmed and ratified by the said Court, or by one of the judges thereof, as the case may be, conformably to the tenth sub-section of the thirteenth section of this Act, it shall be the duty of the assessors of the said city, in all cases where the said Council may have ordered, in conformity with the eleventh section of this Act, that the cost of the said works or improvements shall be borne in whole or in part, by the proprietors or parties interested, benefited or to be benefited by the said works or improvements, to assess and apportion in such manner as to them may appear most reasonable and just, the price or compensation, indemnity, damage and cost of such expropriation or improvement, in whole or in part, conformably to the resolution of the said Council, upon all and every the pieces or parcels of land or real estate which have been benefited, or may hereafter be benefited by such improvement; and the said assessors shall have the exclusive power or privilege to determine what pieces or parcels of land or real estate shall have been or may be benefited, and to what relative or comparative amount; and the said assessors shall, for the purposes of the said improvement, base their valuation upon the actual value of the said pieces or parcels of land or real estate, in view of the said improvement.

Assessment Roll, when completed to be deposited, &c.

23. Immediately after the completion of the said special assessment roll, the said assessors shall deposit the same, duly certified along with a plan or map, designating all and every the pieces or parcels of land or real estate subject to or liable for the said special assessment, in the office of the city clerk, for the examination and inspection of all parties interested; and they shall give public notice of the completion and deposit of the said special assessment roll as aforesaid, in at least two newspapers published in the said city, which notice shall have at least two insertions in one newspaper published in the French language, and a like number of insertions in one newspaper published in the English language; and every proprietor or interested party may, within fifteen days from and after the at last insertion of the said notice, apply to the said assessors to make known his grievances, in case such proprietor or interested party shall deem himself aggrieved by the manner in which his property may have been assessed, and thereupon the said assessors may, and they are hereby empowered to maintain or modify, at their discretion, the special assessment roll; provided that the delay of fifteen days aforesaid once expired the said special assessment roll shall of right be confirmed and become in force by the mere lapse of time.

Public notice to be given.

Revision of Assessment Roll.

Proviso.

Special Assessment how recoverable.

24. The special assessment mentioned in the next preceding section may be recovered by the corporation of the said city in the same manner as any other tax or assessment which the said corporation are authorized to impose by their charter and the several Acts amending the same.

25. The duties assigned to the said assessors by the twenty-first and twenty-second sections of the present Act may be performed with the same force and effect by the concurrent majority of the said assessors; and in every case where a difference of opinion may arise between the said assessors, the decision of the majority of all the assessors shall have the same force and effect as if the whole of the said assessors had concurred therein.

Duties may be performed by a majority of the assessors.

26. The mode prescribed in the preceding sections for expropriations and for levying and determining special assessments shall have force and effect, and shall be followed and applied, not only as regards works and improvements which the council of the said city may hereafter order to be carried out, but also with respect to all and every the works and improvements which the said council may have resolved at any time before the passing of this Act to carry out.

New mode of expropriation extended to improvements ordered before passing of this Act.

27. It shall be lawful for the council of the said city to order, by resolution, certain works or improvements in the streets, public places or squares of the said city, such as dressed-stone paving, flagstone or brick footpaths or side-walks, or grading, and to defray the cost of the said works or improvements out of the city funds, or to assess the cost thereof, in whole or in part, as the said council may, in their discretion, deem proper, upon the proprietors or usufructuaries of the real estate situate on either side of such streets, public places or squares in proportion to the frontage of the said real estate respectively; and in the latter case in shall be the duty of the city surveyor to apportion and assess the cost of the said works or improvements, or such part thereof as the said council may have determined should be borne by the said proprietors or usufructuaries upon the said real estate, according to the frontage thereof as aforesaid; and the said assessment, when so made and apportioned, shall be due and recoverable, the same as all other taxes and assessments, before the Recorder's Court.

Local improvements extended to stone paving, &c.

28. Every person without a domicile or place of business within the limits of the said city, shall be deemed to be absent, within the meaning of the present Act.

Who shall be deemed absent.

29. Any bailiff of the Superior Court for the district of Montreal, may serve and post up the notifications required by the present Act, and make a return thereof under his oath of office.

Bailiffs authorized to serve notices, &c.

WIDENING OF NOTRE DAME STREET.

30. Whereas it has been found expedient and in the interest of the proprietors in Notre Dame Street, and also of the citizens of the city of Montreal generally, to complete the widening and enlarging of the said street, which may be considered

Recital.

as

as the leading thoroughfare of the said city, the said corporation is hereby authorized to carry out the said improvement in the manner hereinafter prescribed :

Notre Dame street to be widened in its whole extent.

1. Notre Dame Street, in the said city, shall be widened in its whole extent, from Dalhousie Square to McGill Street, to a uniform width of forty-four feet, French measure ; and the necessary ground or land for that purpose shall be taken on the north-west side of the said street, with the exception of a small portion at the extreme east end thereof, with requires to be widened on both sides ;

To be divided into sections.

2. That said Notre Dame Street, for the purposes of the said improvement, shall be divided into four sections, as follows :

First Section. That portion of Notre Dame Street lying between St. Lambert and St. François-Xavier Streets, between St. Peter and Dollard (late Guillaume) Streets, and between Gosford and Bonsecours Streets ;

Second Section. That portion of Notre Dame Street lying between St. Peter and St. François Xavier Streets ;

Third Section. That portion of Notre Dame Street lying between St. Lambert and St. Gabriel Streets, and between Dollard (late Guillaume) and McGill Streets ;

Fourth Section. That portion of Notre Dame Street lying between St. Gabriel and Gosford Streets, and from Bonsecours Street to Dalhousie Square ;

One year allowed for each section.

3. One year shall be allowed to complete each section, the first year to begin from the date of the passing of this Act ;

Cost of improvement—by whom borne.

4. One half of the cost of the said improvement shall be borne by the said corporation out of the proceeds of the loan hereinafter provided for, or out of the general funds of the said city, and the other half by the proprietors in the said Notre Dame Street, by means of a special assessment to be levied, as hereinafter provided, upon the real estate fronting on Notre Dame Street, the whole of which shall be held to have been equally benefited by the said improvement, and shall be equally rated or assessed to provide one-half the expense of the said improvement, as aforesaid ; and the assessed value of all real estate fronting on the said street for the present year (one thousand eight hundred and sixty-four), shall be held to be the assessed value thereof for all the purposes of the said improvement ;

Commissioners to take up each section

5. It shall be the duty of the said commissioners and they are hereby authorized, to take up each section of Notre Dame street as aforesaid *serialim*, but without intermission, and to complete

complete their labors for the four sections as early as possible before the expiration of the present year one thousand eight hundred and sixty-four;

of Notre Dame street *seriatim*, &c.

6. In the appraisal or valuation to be made by the said Commissioners, of the pieces or parcels of land or real estate required to widen Notre Dame street as aforesaid, no claim for damages arising from leases made after the passing of this Act shall be considered as valid or binding upon the said corporation.

As to leases made after the passing of this Act.

31. After the confirmation and homologation of the report of the said commissioners for each section of Notre Dame street as aforesaid, the council of the said city may levy, by by-law, a special rate or assessment on all real estate fronting on the said street, according to the assessed value thereof as aforesaid, sufficient to cover one-half the expenditure incurred in completing the widening of the section of Notre Dame street referred to and embraced in the said report, which said special rate or assessment shall be payable at such period or periods as the said council may fix and determine.

City Council may levy special assessment on real estate in Notre Dame street.

32. It shall be lawful for the said council, by any such by-law, to extend the time or period fixed for the payment of the said rate or assessment, and to charge interest not exceeding seven per centum on the amount of all such rates or assessments for which a delay may be granted, as aforesaid.

And grant delay for payment of said assessment.

33. Any proprietor in the second, third or fourth sections of Notre Dame street aforesaid, whose property, or a portion of whose property, is required for the said improvement, who may be desirous of anticipating the time fixed for carrying out the said improvement in front of his property, may do so, by amicable arrangement, at any time before the confirmation and homologation of the report of the said commissioners for the section of the said street in which such proprietor is interested, or after the confirmation and homologation of the said report by an acceptance of the terms or price set upon his property in the said report.

Proprietors in 2nd, 3rd or 4th sections may anticipate period fixed for the improvement.

34. For the purpose of enabling the said corporation to meet its share of the expenditure to be incurred in widening Notre Dame street as aforesaid, it shall be lawful for the said corporation to effect a special loan, not to exceed one hundred and fifty thousand dollars, to be designated "The Notre Dame Street Loan."

Loan of \$150,000 for the Notre Dame street improvement.

MISCELLANEOUS PROVISIONS.

35. For the purpose of extending and completing the drainage of the said city, it shall be lawful for the said corporation to borrow, over and above the amount of the loan which the

Loan of \$150,000 to complete the

said

drainage of
the city.

said corporation is authorized to make in and by the provisions of the first section of the Act passed in the twenty-fifth year of Her Majesty's reign, chapter forty-four, such sum or sums of money, not exceeding one hundred and fifty thousand dollars, as the said corporation may find it necessary or expedient to borrow for the extension and completion of the drainage of the city.

Loan of \$60,-
000 for a new
Hay Market.

36. For the purpose of establishing a new Hay Market in the said city, it shall be lawful for the said corporation to effect a special loan of sixty thousand dollars, to be designated "The New Hay Market Loan."

Corporation
may issue de-
bentures for
the above
loans, their
form, &c.

37. It shall be lawful for the corporation of the said city to issue under the hand of the mayor and the seal of the said corporation, debentures or corporation bonds to the amount of the respective sums which the said corporation is empowered to borrow, in and by the three next preceding sections, payable twenty-five years after the date of the issue thereof respectively, and bearing interest, payable semi-annually, on the first day of May and November in the 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 Notre Dame Street Loan*," "*The Drainage Loan*," or "*The New Hay Market Loan*," at the case may be, to designate the object and purpose for which they shall be issued; they may be issued from time to time, at such periods and for such amounts as shall be deemed expedient, and they may have coupons annexed to them for the half yearly interest payable on them, which coupons, being signed by the Mayor or the Treasurer of the said corporation, shall be respectively payable to the bearer thereof when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said corporation; and the possession of any such coupons by the corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such debentures or bonds; and as well the interest as the principal thereof are and shall be secured on the general funds of the said corporation.

Interest, cou-
pons, &c.

Amount of
loans may be
borrowed in
this Province
or elsewhere.

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

39. Whereas the mode hitherto adopted of enforcing payment of assessments, taxes, duties, water-rates and other city dues, by defaulters in the said city, has been found to be cumbersome and dilatory and attended with great loss to the revenue of the said city; and whereas it is expedient to adopt a more summary and effectual mode of recovering the same: therefore, upon the return by the City Assessors, of the assessment roll for any of the wards of the said city, and the revision and completion of the same, or upon the return of any supplementary roll of assessment, the Treasurer of the said city shall give public notice (according to form B, in the schedule hereunto annexed) in at least two newspapers published in the English language, and two newspapers published in the French language, that the said assessment roll or supplementary return is completed and deposited in his office, and that all persons whose names appear therein as liable for the payment of any assessment, tax or duty, are required to pay the amount thereof to him or his assistants, at his office in the City Hall, within twenty days from the date of the last insertion of the said notice in the said newspapers; provided that the said notice shall have at least four insertions in each of the said newspapers.

Recital.

Notice to Rate-payers.

Form B.

40. If at the expiration of the said twenty days any assessment, tax or duty remain unpaid, the said Treasurer shall leave, or cause to be left, at the usual place of residence, domicile, office or place of business of the person owing such assessment, tax or duty, or with him personally, a statement in detail of the various sums and of the total amount of assessments, taxes or duties exclusive of water rates, and shall at the same time, in and by a notice annexed to such statement, (according to form C, in the schedule hereunto annexed) demand payment of the assessment, taxes or duties therein mentioned, together with the costs of the service of such notice, according to such tariff as the council of the said city may establish.

Special notice to rate-payers in arrears.

Form C.

41. The provisions of the next preceding section shall not apply to persons residing beyond the limits of the said city; the said persons shall be bound to pay their assessments, taxes or duties, within thirty days after the public notice mentioned in the thirty-ninth section of this Act, without it being necessary that any demand should be made upon them either personally or at their domicile, office or place of business.

The preceding section not to apply to non-residents.

42. If any person in the said city neglects to pay the amount of assessments, taxes or duties imposed upon him, for the space of fifteen days after such demand made as aforesaid, the Treasurer of the said city shall levy the same, with costs, by warrant to be issued by the Recorder's Court of the said city (according to form D, in the schedule hereunto annexed) authorizing the seizure and sale of the goods and chattels of the person

If parties neglect to pay for the space of fifteen days, assessments to be levied by seizure and sale.

Form D.

Subrogation
of parties hav-
ing hypothecs.

person bound to pay the same, or of any goods and chattels in his possession, wherever the same can be found within the said city; and no claim of property or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments, taxes or duties and costs, out of the proceeds thereof; provided always that any party having any hypothec, lien, or privilege upon property real or personal out of the proceeds of which the said Corporation shall be paid any assessments due which shall have accrued in respect of other property, such party shall be subrogated to and shall have the right to exercise the rights and privileges possessed by the said Corporation at the time of such payment in respect of such other property as to such assessments.

Notice of sale.

Form D.

43. Before proceeding to the sale of the goods and chattels of any person indebted as aforesaid, the Treasurer of the said city shall give public notice (Form E) of the day and place of sale, and of the name of the person whose goods and chattels are to be sold, which said notice shall be affixed or posted in a conspicuous place at the entrance of the City Hall of the said city, at least forty-eight hours previous to such sale.

Surplus of
product of
sale to go to
the proprie-
tor.

If the right to
surplus is
claimed by
divers parties.

44. If the goods and chattels seized are sold for more than the whole amount of assessments, taxes or duties 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, taxes or duties 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 said Treasurer until the respective rights of the parties be determined by the Recorder's Court.

Notice to
water tenants.

Form F.

45. Within a week from and after the time appointed by any by-law of the said council for the payment of the water rates imposed for any supply of water given or furnished from the Montreal Water Works in the said city, the Treasurer of the said city shall give public notice (according to form F, in the schedule hereunto annexed) in at least two newspapers published in the French language, and two newspapers published in the English language, that the said water rates are due, and that all persons liable for the payment of any of the said rates are required to pay the amount thereof to him, at his office, within twenty days from the date of the last insertion of the said notice in the said newspapers; provided that the said notice shall have at least four insertions in each of the said newspapers.

46. If at the expiration of the said twenty days any of the said water rates remain unpaid, the said Treasurer shall leave, or cause to be left at the usual place of residence, domicile, office, or place of business of such person in arrear, or with him personally, a statement (according to form C; in the schedule herunto annexed) in detail of the various sums and the total amount of water rates due by such person, and shall at the same time, in and by a notice annexed to such statement, demand payment of the water rates therein mentioned, together with the costs of the service of such notice, according to such tariff as the said council may establish.

Special notice
to water ten-
nants in ar-
rears.

Form C.

47. If any person in the said city, neglects to pay the amount of water rates due by him, for the space of fifteen days after such demand made as aforesaid, the Treasurer of the said city shall levy the same with costs in the same manner as unpaid assessments; taxes or duties, are levied under the forty-second, forty-third and forty-fourth sections of this Act.

If water ten-
ants neglect
to pay rates
to be levied
by seizure and
sale.

48. From and after the passing of this Act the City Clerk of the City of Montreal shall cease to Act *ex-officio* as Clerk of the Recorder's Court of the said city, but a fit and proper person shall be named and appointed during pleasure, by the council of the said city, to act as clerk of the said court, with the same powers as those conferred upon the City Clerk, in relation to the said court, by the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, and the Act sixteenth Victoria, chapter twenty-seven.

City Clerk to
cease being
Clerk of Re-
corders Court.

Clerk to be
appointed by
City Council.
His powers,
&c.

49. It shall not be necessary hereafter to register at full length the proceedings and judgments of the Recorder's Court, of the City of Montreal, in so far as regards the prosecution and conviction of all persons charged with drunkenness or with any of the offences mentioned in the thirty-second section of the Act twenty-third Victoria, chapter seventy-two, intituled: *An Act to amend the provisions of the several Acts for the incorporation of the city of Montreal*, but it shall suffice in such cases that a roll of all convictions before the said Court, giving the name of the defendant, the date of conviction and the nature of the offence, be kept, without further registration; any law or usage to the contrary notwithstanding.

Certain Judg-
ments of
Recorder's
Court to be
summarily
registered.

50. The council of the said city shall have power, in any by-law or ordinance passed for any purpose set forth in the Act incorporating the said city, or any Acts amending the same, for enforcing the provisions thereof, to impose a fine not exceeding twenty dollars and costs of prosecution, with imprisonment in the common gaol or in the house of correction, at hard labor, for a period not exceeding one calendar month.

Fines and
penalties for
violation of
city by-laws.

51. All fines and penalties sued for, imposed, levied or recovered in the said Recorder's Court, under and by virtue of any

Fines in the
Recorder's

any

Court to belong to Corporation.

any Statute now or hereafter to be in force shall belong to and form part of the general fund of the said city; any law to the contrary notwithstanding.

Fine and penalty for assaulting Policemen in the execution of their duty.

52. If any person shall commit an assault and battery on any police officer or constable appointed under the Act fourteenth and fiftieth Victoria, chapter one hundred and twenty-eight, in the execution of his duty, or shall aid or incite any person so to do, every such offender, upon being convicted thereof before the Recorder's Court of the said city, shall, for every such offence, forfeit and pay a fine not exceeding twenty dollars and costs of prosecution, and shall, moreover, be imprisoned in the common gaol or the house of correction at hard labor, for a period not exceeding two calendar months; Provided always, the said court shall have the option to adjudge the said offender to the said fine and imprisonment with costs as aforesaid, or to the said fine and costs, and in default of immediate payment of the said fine and costs, that the said offender be imprisoned at hard labor for a period not exceeding two calendar months, unless the said fine and costs be sooner paid.

Proviso: as to punishment of offender.

Jurisdiction of the Recorder's Court extended to cases between Lessors and Lessees.

53. The Recorder's Court of the said City of Montreal shall have concurrent jurisdiction with the Circuit Court, or with any Judge of the Superior Court in the District of Montreal, as to matters between Lessors and Lessees, and may act in virtue of the Act of the Consolidated Statutes for Lower Canada, chapter forty, intituled: *An Act concerning Lessors and Lessees*, and of the Legislative provisions amending the same, in the same manner and with the same formalities, as the said Circuit Court, or any of the Judges of the said Superior Court is directed to proceed in and by the above last cited Act, as regards the ejection of the lessee for committing waste upon the premises or part of the premises leased, or for refusing or neglecting to pay his rent or any part of his rent, or for using the premises leased, contrary to the intent for which they were leased, or because the term of his lease, either written, verbal, or presumed, is expired; and the said Recorder's Court shall have and possess, to that end, all the necessary powers and authority including that of issuing writs of summons, execution and possession, and to fix and determine the costs to be paid by the losing party, which cost however shall not include any attorney's fees; Provided always that the competence of the said Recorder's Court shall be limited to cases where the consideration or annual value of the property occupied shall not exceed the sum of one hundred dollars, and which shall apply to premises or real estate situate within the limits of the said city.

Proviso: power limited to property of a certain value.

And also recovery of servant's wages, &c.

54. The said Recorder's Court shall also have summary jurisdiction over all demands not exceeding twenty-five dollars for the recovery of wages and salaries of servants, journeymen or laborers employed by the day.

55. Whereas by an Act of the Parliament of this Province, passed in the eighteenth year of Her Majesty's reign, chapter one hundred and forty-two, the property, estate, chattels and effects bequeathed by the late John Conrad Marsteller, for the purpose of establishing in the said City of Montreal a House of Industry were transferred from the hands of the late wardens of the House of Industry, to and made to vest in the said Corporation of the City of Montreal; and whereas it is believed that the purposes for which the said late John Conrad Marsteller so bequeathed the said property, will be more effectually accomplished by transferring the said property to a duly established and permanent Institution or Institutions in the said city, having for object to relieve and assist the poor: therefore, it shall be lawful for the corporation of the said city, at any time after the passing of this Act, to transfer all and every the estates, property, moneys, chattels and effects vested in and now in the hands and possession of the said corporation, as aforesaid, to any duly established and permanent institution or institutions, in the said City of Montreal, having for object to relieve and assist the poor, and provided with a House of Refuge, with power to hold, use, appropriate, sell and dispose of the said estates, property, moneys, chattels and effects to the best advantage possible, for the exclusive purposes of a House of Night Refuge, notwithstanding anything contained in the said last cited Act; provided, however, and it is hereby expressly enacted, that in any institution or institutions to which a transfer may be made of the said estates, property, moneys, chattels and effects, or any part thereof, under the provisions of this section, admission shall be given to the poor, indiscriminately and without any distinction of creed or nationality.

Recital.
City Council authorized to transfer estate of late J. C. Marsteller, to certain Institutions.

Proviso: condition of transfer.

56. Whereas the corporation of the said city is authorized in and by the Act passed in the twenty-seventh year of Her Majesty's reign, chapter fifty-four, to aid the Grand Trunk Railway Company of Canada in the establishment of a City Terminus at or near Chaboillez Square, in the said City of Montreal, by means of a grant of money to the amount of fifty thousand dollars; and whereas it is deemed more expedient that the said grant should be applied towards purchasing the necessary ground to be acquired for establishing the said railway terminus: therefore it shall be lawful for the corporation of the said city to purchase and acquire, in the same manner as the said corporation is authorized to acquire or expropriate property or real estate for the opening or widening of streets generally, in and by the present Act, all pieces or parcels of land or real estate required to establish, enlarge, or improve the said terminus and to connect the rails of the said company with the harbour of the said city from any point not more than four hundred feet beyond the south-western limits of the said city; provided, however, the price or compensation to be paid by the corporation of the said city for the said pieces or parcels

Recital.

City Council authorized to acquire property to the extent of \$50,000 for the Grand Trunk Railway City Terminus.

Proviso.

of land or real estate, to be acquired as aforesaid, shall not exceed the said sum of fifty thousand dollars and that the excess of cost over or beyond that amount, if any, shall be borne and paid by the said company.

Council to have power to license, regulate or prohibit musical saloons, &c.

57. In addition to the subjects for the which corporation of the said city is authorized to pass by-laws, in and by the tenth section of the Act passed in the twenty-third year of Her Majesty's reign, chapter seventy-two, shall be included musical saloons or establishments wherein intoxicating liquors are sold and wherein instrumental music or singing, or both, are used as a means of attracting customers ; and the council of the said city shall have power and authority, by any such by-law to license, regulate or prohibit any such musical saloons or establishments, under such conditions and restrictions as the said council may deem expedient to impose in the interest of the public.

To make rules and regulations for the erection of buildings.

58. The council of the said city shall have power, from time to time, by a by-law or ordinance to make such rules and regulations, as to the erection and construction of houses or buildings of any description whatsoever, as the said council may deem expedient for the safety of the citizens, or for preventing accidents by fire, or for the embellishment or better appearance of the said city, and also for the regulation of the height of the chimneys of factories so as to render such factories as little injurious as possible to the health of the citizens ; and by any such by-law or ordinance, the said council may appoint one or more fit and proper persons whose duty it shall be, and who are hereby authorized, to visit and examine at suitable times and hours, to be established in such by-laws, as well the interior as the exterior of all such houses or buildings in the said city, for the purpose of ascertaining whether the rules and regulations to be made as aforesaid, have been duly observed and obeyed ; and the said council may also, by any such by-law or ordinance, impose such fines not exceeding twenty dollars, with imprisonment not exceeding two calendar months unless such fine be sooner paid, as they may deem expedient for enforcing the same.

Inconsistent enactments repealed.

59. All the provisions of any law or laws inconsistent with the provisions of this Act shall be and the same are hereby repealed ; and the present enactment shall not have the effect of reviving any Act or part of an Act repealed by the said law or laws.

By-laws heretofore made not affected by this Act.

60. 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.

Public Act.

61. This Act shall be a Public Act.

FORM

FORM A.

"I, _____ having been appointed Commissioner under the provisions of the (*cite the Act*) do swear that I will faithfully, impartially, honestly, and diligently execute all the duties of the said office according to the best of my judgment and ability. So help me God."

FORM B.

Public notice is hereby given that the Assessment Roll of the City of Montreal, for the _____ ward of the said City, (*or* the supplementary roll of Assessment for the ward of the said city) is completed and is now deposited in the office of the undersigned, in the City Hall. All persons whose names appear therein as liable for the payment of any assessment, tax or duty, are hereby required to pay the amount thereof to the undersigned at his said office, within twenty days from this day, without further notice.

City Treasurer.

CITY HALL,
Montreal, (*date*).

FORM C.

CORPORATION OF MONTREAL.

CORPORATION OF MONTREAL.

Mr.

MR.

COPY OF ACCOUNT.

To the Mayor, Aldermen and Citizens of the City of Montreal,

Notice Served, \$

To Assessments, &c. or Water Rates, &c.

*(Date of Notice.)**(Here State Account.)*

Costs,

SIR,

\$

Notice,

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,

whereof, execution will issue against your Goods and Chattels.

CITY HALL,
Montreal, (date)

Costs, (Signature)

Notice,

City Treasurer.

FORM D.

Province of Canada, }
City and }
District of Montreal. }

IN THE RECORDER'S COURT OF THE
CITY OF MONTREAL.

The Recorder of the City of Montreal :

Debt.....	\$	
Costs.....		
Warrant.....		
	\$	

To any Bailiff of the Recorder's Court, of the City of Montreal, in the said City and District of Montreal.

WHEREAS, A. B., (name and designation of debtor,) hath been required by the Treasurer of the said City of Montreal, to pay into his hands for and on behalf of the said City, the sum of being the amount due by him to the said City, as appears by the collection-roll of the said City for the year 18 ; and whereas the said A. B. hath neglected and refused to pay unto the said 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 treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the treasurer of the said city, 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

you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under the hand of the Clerk
of the said Recorder's Court at Mont-
real aforesaid, this
day of _____ in the year }
of Our Lord _____

Y. X.
Clerk of the
Recorder's Court.

FORM E.

Public notice is hereby given that on _____ next, the
day of _____ instant, (*or next*), the goods and chattels of the
parties hereinafter named and designated now under seizure
for non-payment of assessments (*or other dues as the case may
be*), will be sold by public auction, at the hours and places
hereinafter mentioned, to wit:

NAMES.	AMOUNT.	PLACE OF SALE. No. STREET.	HOUR OF SALE.

(Signature).

City Treasurer.

CITY HALL,
Montreal, (*date*.)

FORM F.

Public notice is hereby given that the water rates for the current year are now due; and all persons liable to pay the same, are hereby required to pay the amount thereof to the undersigned at his said office, within twenty days from this day, without further notice.

City Treasurer.

CITY HALL,
Montreal, (date)

CAP. LXI.

An Act to amend the Acts incorporating the City of Three Rivers.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the corporation of the City of Three Rivers have, by their petition to the Legislature, prayed that the Acts incorporating the said City may be amended 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:

Act 20 V. cap. 129, cited.

Further provisions for enforcing payment of taxes due by strangers

Penalty for refusing payment.

Proviso.

Penalties under by-laws may be sued for by

1. In addition to the powers vested in the Secretary-Treasurer of the said City, by the third sub-section of the thirtieth section of the Act passed in the twentieth year of Her Majesty's reign, intituled: *An Act to make more ample provision for the incorporation of the town of Three Rivers*, the said Secretary-Treasurer shall levy, with costs, by virtue of a warrant under the hand of the Mayor, and under the provisions of the said section, all taxes imposed on strangers (that is on persons not having their domicile in the City,) and if any stranger shall neglect or refuse to pay any such tax on the first demand thereof, then, if such stranger has no movable property in the City, or if his movable property cannot be found therein, the said Secretary-Treasurer may, without any further warrant, cause such stranger to be arrested and brought before the Mayor, and, on such stranger being convicted of having refused or neglected to pay such tax, he shall be liable to be fined by the Mayor, in a sum which shall not be less than one dollar nor more than five dollars, and, in default of immediate payment of such fine, shall be sentenced to be imprisoned in the common gaol for a period not exceeding fifteen days, in the discretion of the Mayor; Provided, always, that all movable property found in the possession of any such stranger shall be considered as belonging to him.

2. All suits and prosecutions for the contravention of any by-law of the corporation, or of any provision of any Act relating to the incorporation of the said City, or for the recovery of any fine

fine or penalty incurred by reason of any such contravention, the corporation may be brought and prosecuted in the name and on the behalf of the said corporation, and no officer or member of the corporation shall be incompetent as a witness therein, and any such fine or pecuniary penalty shall then belong to the said corporation.

3. It shall not hereafter be necessary that any suit or proceedings in any court be had in order to effect the sale of any real property in the said City for taxes due thereon, but any such property shall be advertised, and may be sold (if the taxes thereon are not previously paid) in the manner provided by the Consolidated Municipal Act for Lower Canada, with respect to the advertisement and sale of lands on which municipal taxes are not paid; and so much of the provisions and enactments of the fifty-ninth and sixty-first sections of the said Lower Canada Municipal Act, as amended by any subsequent Act or Acts now in force, as relates to the sale of lands for taxes and the redemption thereof, and other incidents of such sale, shall apply to the sale of real property for taxes in the said City of Three Rivers, and the Secretary-Treasurer shall, with respect to the same, have all the powers and duties vested in, or assigned to, the Secretary-Treasurer of a county, as if the said City were a county within the meaning of the said Act.

Real property may be sold for city taxes in the manner provided by the general Municipal Act.

Sect. 59 and 61 of the said Act to apply.

4. Every person who shall hereafter be elected as Mayor, or as Councillor, in the said City, shall, in addition to the oath prescribed by the tenth section of the said Act, passed in the twentieth year of Her Majesty's reign, chapter one hundred and twenty-nine, take the following oath:

Additional oath of qualification to be taken by the Mayor.

"I, A. B., do solemnly swear that I possess, as the proprietor thereof, immovable property, within the City of Three Rivers, of the value of eight hundred dollars, over and above all charges and incumbrances affecting the same, and over and above all my just debts. So help me God."

5. It shall not be necessary in any prosecution before a Justice or Justices of the Peace for contravention of any by-law of the said corporation, or of any provision of the Acts relating to the incorporation of the said city, that the evidence should be taken in writing, unless the parties require that it be so taken.

Evidence in cases under by-laws need not be in writing.

6. The term of imprisonment limited in the forty-third section of the said Act, twentieth Victoria, chapter one hundred and twenty-nine, as that for which an offender may be committed in the cases mentioned in the said section, is hereby extended to two months, and the said section is amended and shall be read and construed as if the words "two months" were inserted therein instead of the words "one month"—wherever they occur in the said section.

Imprisonment under 20 V., c. 129, s. 43 extended.

No person to vote until he has paid his taxes.

7. After the passing of this Act no person shall be entitled to vote, or shall vote, at any election of Mayor or Councillor for the said City, or with reference to any matter concerning the business, management, or administration of the said corporation, unless he has paid all taxes due by him to the said corporation, at least fifteen days before the election or meeting at which his vote is to be given.

Council may erect certain piers in the river St. Lawrence.

8. The Council of the said City may erect piers in the river St. Lawrence, at such places between the eastern limits of the parish of Champlain and the western limits of the said City as may be deemed most suitable for ensuring the formation of an ice bridge opposite the said City and the upper part of the district of Three Rivers; provided that such piers shall not be placed in the ship channel of the said river, and shall be erected upon such sites and plans of construction only as shall be approved by the Governor in Council; and the said Council is hereby authorized to apply out of the public moneys of the said City such sums as may be necessary to defray the expense of erecting the said piers, and to borrow for the same purpose a sum of money not exceeding eight thousand dollars.

Power to pay for the same and to borrow money for that purpose.

Public Act.

9. This Act shall be deemed a Public Act.

C A P. L X I I.

An Act to extend the powers of the Local Municipality of St. Colombe de Sillery. -

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the municipal council of the parish of St. Colombe de Sillery, in the County of Quebec, have by their petition represented that it is advisable that the said Municipality should be erected into a County Municipality; And whereas it is expedient so far to grant the prayer of the said petition, as to give certain extended powers to the said municipality, which are now exercised by the County Council: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Council may pass By-laws for certain purposes.

1. From and after the passing of this Act, the Local Municipality of Saint Colombe de Sillery shall have all the powers of a County Municipality for the following objects only:

Sale of liquors.

1. 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;

Licenses to tavern keepers.

2. For determining under what restrictions and conditions, and in what manner, the Collector of Inland Revenue of the Revenue

Revenue Division shall grant licenses to shop keepers, tavern keepers, or others, to sell such liquors ;

3. For fixing the sum payable to the said local municipality for each such license, and such sum shall be received by the said Local Municipality and shall form part of the funds thereof ;

Tax on licenses.

4. 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 ;

Government of tavern keepers, &c.

And no Collector of Inland Revenue shall grant any license for the sale of any such liquors aforesaid, in the said municipality, if such sale has been prohibited by by-law, nor if 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 Collector of Inland Revenue.

Collectors of Inland Revenue to observe such By-laws.

2. This Act shall be deemed a Public Act.

Public Act-

C A P. L X I I I .

An Act to erect the Parishes of Ste. Brigitte, St. Wenceslas, St. Celestin, St. Leonard and Ste. Eulalie, in the County of Nicolet, into local municipalities.

[Assented to 30th June, 1864.]

WHEREAS it has been represented, by petition, that the Township of Aston, in the County of Nicolet, is very generally settled throughout its whole extent, and contains, with small portions of the Townships of Horton, Wendover and Bulstrode, four parishes civilly erected and which are as many centres of business and population, and that the interests of these parishes are quite diverse, and difficulties consequently arise in the working of the Municipal law in these localities ; and also that the parish of Ste. Brigitte is formed partly of three parishes and is in three counties, rendering the execution of its municipal functions difficult : 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 first day of July next, the Township of Aston with the double concession of Pays Brûlé in the fiefs Godfroy and Roquetaillade, that part of the second range of the Township of Horton, situated to the north-east of Rivière-au-Loup, the fourth, fifth, sixth, seventh, eighth and ninth ranges of the augmentation of the Township of Bulstrode, and the thirteenth and fourteenth ranges of the Township of Wendover, shall

Four new municipalities constituted.

shall form four separate local municipalities in the County of Nicolet; for that purpose the said part of the second range of Horton and the part of the augmentation of the Township of Bulstode above described, shall be and they are hereby detached from the County and District of Arthabaska, and shall form part of the County of Nicolet and of the District of Three Rivers for all civil purposes whatsoever; and the said municipalities shall respectively bear the names of St. Celestin, St. Leonard, Ste. Eulalie and St. Wenceslas.

- St. Leonard. **2.** The Municipality of St. Leonard shall include the parish of St. Leonard as civilly erected by His Excellency's proclamation bearing date the eighteenth day of June, one thousand eight hundred and sixty-two.
- St. Wenceslas. **3.** The Municipality of St. Wenceslas shall include the parish of St. Wenceslas as civilly erected by His Excellency's proclamation bearing date the eighteenth day of July one thousand eight hundred and sixty-two, and the part of the fifth range of the Township of Aston detached from the parish of St. Celestin to form part of the said parish of St. Wenceslas, shall also be detached therefrom for municipal purposes and for all civil purposes whatsoever.
- St. Celestin. **4.** The Municipality of St. Celestin shall include the double concession of Pays Brûlé heretefore detached from the parish and municipality of St. Grégoire, and the first, second, third, fourth and fifth ranges of the Township of Aston and of the Gore and augmentation thereof, not including however the part of the said fifth range of the Township of Aston lying within the limits of the municipality and parish of St. Wenceslas.
- Ste. Eulalie. **5.** The Municipality of Ste. Eulalie shall include the parish of Ste. Eulalie as civilly erected by His Excellency's proclamation bearing date the eighteenth July, one thousand eight hundred and sixty-two, and also the fourth, fifth, sixth, seventh, eighth and ninth ranges of the augmentation of the Township of Bulstode, which shall also form part of the said Parish of Ste. Eulalie for all civil purposes, and shall be detached from the County and District of Arthabaska and annexed to the County of Nicolet and the District of Three Rivers.
- Certain lots annexed to St. Wenceslas. **6.** Lots numbers one, two, three, four and five, in the tenth range of the Township of Aston, and lots numbers three, four and five in the eleventh range of the said township, shall form part of the Municipality of St. Wenceslas until other provision is made in respect thereof.
- Appointment of Councillors, &c. **7.** Upon or after the first day of July next, the present Municipal Council of the Township of Aston shall transmit to His Excellency the Governor General of this Province, a list of the

the persons qualified by law to fill the offices of Mayor and Councillors for the new Municipalities aforesaid, that of St. Celestin excepted; and the persons thereunto appointed by the Governor, shall remain in office until the next general election of councillors, which shall be held in the ordinary manner prescribed by law as shall also all subsequent elections.

8. On the first Monday after the day on which the said new Appointment of officers. councillors shall have been duly notified of their appointment as aforesaid, they (the said councillors) shall assemble at a place and hour to be appointed by the then Mayor of the Township of Aston to appoint the new municipal officers (those then in office being discharged), and to fix the place at which the meetings of the new municipal councillors shall be held.

9. The valuation rolls at present in force shall continue so Valuation rolls. to be until they are amended or renewed according to law, and all parties interested may obtain copies thereof in whole or in part upon the conditions and subject to the regulations and tariffs in force in the municipalities in possession thereof for the time being.

10. All documents of record in the archives of the present Records of Municipality of Aston, how to be dealt with. municipality of the Township of Aston shall remain in the archives of the municipality of St. Wenceslas, at which place the municipal council of the Township of Aston now sits, but all the inhabitants or parties interested in the Township of Aston, residing beyond the limits of the Municipality of St. Wenceslas, may have access to the said archives and make use thereof in the same manner and subject to the same conditions as the inhabitants of the said Municipality of St. Wenceslas; and the same provisions shall apply as regards archives other than those of the Municipality of Aston, which may be required by the inhabitants of, or other interested parties residing in the said new municipalities erected in virtue of this Act.

11. The parish of Ste. Brigitte shall form a municipality Municipality of Ste. Brigitte. under the name of the Municipality of Ste. Brigitte, and shall comprise all the territory included in the said parish of Ste. Brigitte as civilly erected by proclamation of His Excellency the Governor of this Province, dated the twelfth November, one thousand eight hundred and sixty-three,—less the portion of the Township of Wendover contained in the said parish; the part of the said parish contained in the District of Richelieu and County of Yamaska shall be detached from the said county and district and attached to the County of Nicolet and District of Three Rivers, for all civil purposes whatsoever.

12. Immediately after this Act shall have been sanctioned, Appointment of Councillors His Excellency the Governor in Council shall appoint seven persons

of the municipality of Ste. Brigitte.

persons to fill the office of Councillors of the said Municipality of Ste. Brigitte, and the first on the list of the said Councillors so appointed, who shall be qualified according to law, shall fill the office of Mayor of the said Municipality.

Limits for School purposes.

13. The limits assigned to the new municipalities hereby erected, shall be the limits of the said municipalities for school purposes, from and after the first day of July next.

Public Act.

14. This Act shall be deemed a Public Act.

CAP. LXIV.

And Act to erect certain new Municipalities in the County of Drummond, by the names of Kingsey Falls and South Durham.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the inhabitants of Kingsey Falls, in the county of Drummond, and of the parish of St. Fulgence de Durham, have severally by petition, prayed for the passing of an Act to erect the said localities into separate Municipalities, and it is expedient that their prayer be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Municipality of Kingsey Falls.

1. From and after the first day of January, one thousand eight hundred and sixty-five, the last four ranges of the township of Kingsey, the last four lots of the first range and the last eleven lots of the second, third, fourth, fifth and sixth ranges of the township of Warwick, shall be separated from the townships of Kingsey and Warwick, and shall form a separate municipality, under the name of "The Corporation of the Municipality of Kingsey Falls."

Addition to Tingwick.

2. The last four lots of the first range of Tingwick, now forming part of the municipality of Warwick, shall hereafter form part of the municipality of Tingwick.

St. Fulgence de Durham made a Municipality.

3. From and after the first day of the month of January, one thousand eight hundred and sixty-five, the parish of St. Fulgence de Durham, except that part of the eighth range of the township of Durham which is included in the said parish, shall be detached from the municipalities of Durham and St. André d'Acton, and erected into a separate municipality, and the inhabitants thereof shall constitute a body politic and corporate, under the name of the "Corporation of the municipality of South Durham," for all municipal purposes whatsoever, to all intents and purposes as though the said erection had taken place in the manner required by the provisions of the Lower Canada Consolidated Municipal Act and of the Acts, amending the same.

4. The said municipalities shall form part of the county of Drummond for municipal purposes.

All to be in
Drummond
County.

5. The municipal council of each of the said municipalities may elect its mayor, appoint its officers and all persons required to carry out the municipal Acts, complying with the provisions thereof as regards notices to be given, and may do all things within the limits of its jurisdiction, as if it had been organized in January, one thousand eight hundred and sixty-four, and the councillors and officers so appointed shall remain in office until the appointment of their successors in the ordinary course of the municipal law.

Powers and
duties of each
Municipal
Council.

6. If either of the said councils think proper to do so, it may obtain, from the municipal councils interested, an extract, certified by the Secretary-Treasurers of the said municipalities, of the valuation rolls last made relating to the properties situated within the limits of such new municipality, and such certified extracts shall serve as a valuation roll for the new municipality until another shall have been made.

Valuation
Rolls.

7. Those portions of the municipalities affected by this Act, with are situated beyond the limits of the new municipalities, shall continue to form municipalities under their present names and designations.

Former muni-
cipalities con-
tinued.

8. The first election of councillors for the said municipalities shall take place on the first Monday of the month of January, one thousand eight hundred and sixty-five, at a meeting of the municipal electors.

First election
of Councillors.

9. The meeting shall be called and announced by public notice given by three electors, and presided over by a person selected for that purpose by the electors present, and the person so selected shall have all the powers conferred on persons presiding at elections by the Consolidated Municipal Act, and shall conduct the proceedings in conformity with the provisions of that Act.

Proceedings
about election.

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

Act not to af-
fect debts of
any Muni-
cipality.

11. This Act shall be deemed a Public Act.

Public Act.

C A P . L X V .

An Act to change the limits of certain Municipalities
in the Counties of Wolfe and Arthabaska.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the inhabitants of the several municipalities hereinafter mentioned, have prayed for alterations in the limits of certain municipalities in the counties of Wolfe and Arthabaska: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Municipality
of North
Ham.

1. On and after the first day of January, one thousand eight hundred and sixty-five, the tenth and eleventh ranges of the township of Wolfestown, shall be separated from the said township and attached to the municipality of the township of North Ham, for all municipal and school purposes whatsoever, and the part so attached shall be under the control of the municipal and school authorities of North Ham, as if it had previously formed part of the said municipality.

Municipality
of Victoria-
ville.

2. On and after the first day of January, one thousand eight hundred and sixty-five, the municipality of Victoriaville shall comprise the territory specified in the proclamation erecting civilly the parish of Ste. Victoire, in the county of Arthabaska.

Municipality
of Artha-
baska.

3. On and after the first day of January, one thousand eight hundred and sixty-five, the municipality of Arthabaskaville shall comprise, besides the territory at present contained within its limits, that part of the municipality of Victoriaville, recently attached to the parish of St. Christophe for civil purposes.

Valuation
rolls.

4. If the Council of each of the said Municipalities think proper to do so, it may obtain from the Municipal Councils interested, an extract, certified by the secretary-treasurers of such municipalities, of the valuation-rolls last made of all the properties situated within the limits of such municipalities, and such certified extract added to the valuation roll of the Corporation shall serve as a valuation-roll for the municipality, until another shall have been made.

Remainder of
Municipal-
ities.

5. The parts of present municipalities situated beyond the limits of the said municipalities, shall continue to form municipalities under their present names and designations.

As to debts
previously
incurred.

6. Nothing herein contained, or that may be authorized or done in pursuance of this Act, shall have the effect of releasing any part of the territory hereby detached from any municipality, from

from the debts or obligations contracted before the passing of this Act, by the municipality of which it formed a part.

7. This Act shall be deemed a Public Act.

Public Act.

C A P. L X V I.

An Act to confirm and continue the Parish of St. Gabriel de Brandon as a Municipality.

[Assented to 30th June, 1864.]

WHEREAS, ever since the year one thousand eight hundred and fifty-five, there has existed, *de facto*, a municipal corporation in the County of Berthier, under the name of "The Corporation of the Parish of Saint Gabriel de Brandon," which has exercised exclusive municipal jurisdiction and authority over the extent of territory comprehended within the limits of the Parish of St. Gabriel de Brandon, as civilly erected by proclamation of His Excellency the then Governor General, bearing date at Quebec, the seventeenth day of February, one thousand eight hundred and fifty-three; and whereas doubts have arisen as to whether a parish municipality has existed, according to law, within the said limits: Therefore, 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 municipality of the Parish of Saint Gabriel de Brandon, comprising the tract of land above described, is and has been, as aforesaid, and shall be held to be and to have been, as aforesaid, a municipality legally established for all and every the purposes of the Lower Canada Municipal and Road Act, 1855, the Lower Canada Consolidated Municipal Act, and the Acts amending the same, and also a school municipality for all and every the purposes of the Acts relating to Common Schools in Lower Canada; and the inhabitants of the said parish are, and have been, as aforesaid, and shall be held to be and to have been, as aforesaid, a corporation or body politic, under the name of "The Corporation of the Parish of Saint Gabriel de Brandon," notwithstanding that such parish is partly comprised and included in the Township of Brandon; and all by-laws, acts and proceedings of the said corporation of the said parish, and also of the School Commissioners for the municipality of the said parish, are and shall be and shall be held and deemed to be as valid, and the Mayors, Councilors, Secretary-Treasurers and other officers of the said parish, and the Commissioners and other officers of the said school municipality shall be held and deemed to have been as validly elected and appointed as if no such doubts as aforesaid had existed; nothing herein contained shall render valid and legal any such by-laws, acts or proceedings which would not have been valid and legal if such doubts had not existed.

Parish declared to be and to have been a municipality.

By-laws, &c, confirmed.

Proviso.

Appeal given
to parties
aggrieved by
By-laws.

2. In order that parties be not prejudiced by the passing of this Act, it shall be lawful for any party aggrieved by such by-laws, acts or proceedings, to appeal within four months from the passing of this Act to the County Council in all cases in which an appeal lies to the said County Councils under Chapter twenty-four of the Consolidated Statutes for Lower Canada, notwithstanding that the delay for such appeal should have expired.

Councillors
may be elect-
ed, and when
certain pro-
visions to
apply.

3. And whereas, owing to such doubts, no meeting for the general election of local councillors was held, and no local councillors were elected, in the said municipality in the month of January now last past, such meeting may be held and such councillors may be elected there, on the second Monday in July next after the passing of this Act; and the provisions of the thirty-first, thirty-second, thirty-third and thirty-fourth sections of the Lower Canada Consolidated Municipal Act shall apply, *mutatis mutandis*, to the said public meeting and election, and to the councillors then and there elected.

Public Act.

4. This Act shall be a Public Act.

C A P . L X V I I .

An Act to divide the township of Lochaber, in the county of Ottawa, into two separate municipalities, to be named respectively "Lochaber" and "St. Malachy."

[Assented to 30th June, 1864.]

Preamble.

WHEREAS it is expedient to amend the Lower Canada Consolidated Municipal Act, by dividing the township of Lochaber, in the county of Ottawa, into two separate municipalities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Township of
Lochaber di-
vided into
two municipi-
alities.

Lochaber.

1. From and after the first day of August, in the year of our Lord one thousand eight hundred and sixty-four, the township of Lochaber, in the county of Ottawa, shall be divided into two municipalities, that is to say: The present municipality of the township of Lochaber shall thereafter comprise and consist of all the ranges and lots in the said township, except the lots lying westward of number fifteen (exclusive) in ranges seven, eight, nine, ten, eleven and twelve, but shall not, by reason of such alteration in its limits, be deemed a new municipality; and the remainder of the said township of Lochaber, that is to say: Ranges numbers seven, eight, nine, ten, eleven and twelve, from lots number fifteen in each (exclusive) westward,—forming part of the parish canonically erected, of St. Malachy,—shall form a new municipality

St. Malachy.

municipality for all the purposes of the Lower Canada Consolidated Municipal Act, and the Acts amending the same, under the name of "The municipality of the parish of St. Malachy."

2. Within three months after the passing of this Act, an election of councillors shall be held in each of the said municipalities, upon notice to that effect given in each by three qualified electors, and seven councillors shall be elected to form the council of each of the said municipalities, in the manner prescribed by the Lower Canada Consolidated Municipal Act, and the Acts amending the same; and they shall be invested with all the powers conferred by the said Act and Acts on local councils.

First election
in each munici-
pality.

3. The funds belonging to the present municipality of the township of Lochaber, shall be divided between the two said municipalities formed out of it, and its debts shall be paid by them, in proportion to the assessment roll for each municipality, and the assets shall be collected by the municipality of the township of Lochaber, which shall, from time to time, when required, account for the share of the said municipality of the parish of Saint Malachy.

Division of
present funds.

4. This Act shall be deemed a Public Act.

Public Act.

C A P. L X V I I I.

An Act to change the tenure of the Indian lands in the Township of Dundee, in the County of Huntingdon.

[Assented to 30th June, 1864.]

WHEREAS the Township of Dundee in Lower Canada, containing an area of eleven thousand one hundred and eighty-one acres of land, was set apart for the use and benefit of the Indians of the Tribe Iroquois of Saint Regis, at an early period of the Government of Canada, as an Indian Reservation; And whereas the said Indians have, through their representatives appointed by Her Majesty's Government, leased all their rights in such lands for fixed ground rents, and have given up possession of the same, after having so leased and conveyed them, and the parties to whom such lands were so conveyed, have, at great expense, cleared the same, erected buildings thereon, and otherwise improved them, thereby greatly enhancing their value; And whereas doubts have arisen respecting the legality of the said leases or conveyances, and such doubts tend to obstruct the further improvement of such lands, and it is desirable, and for the interest of the said Indians as well as of the individuals holding such lands, and for the community generally, that all such doubts should be removed and the said Indians duly compensated, and that the purchasers and lessees should have the right of redemption of such

Preamble.

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

Leases made before a certain day confirmed.

Proviso : as to reserved rent.

Purchaser or lessee may redeem the rent and on what terms.

Proviso.

Letters Patent may issue for land so redeemed: and when.

Proviso : mines to be reserved.

Accounts to be kept, &c.

1. All leases, *baux emphytéotiques*, or *baux à longues années* granted for a longer period than thirty years by the St. Regis Indians, or their representatives, of the said lands of the Township of Dundee, which shall have been passed before the first day of March, one thousand eight hundred and sixty-four, and which at the time the same were executed, or prior to the date above mentioned, were approved by a recognized agent of the Indian Department, shall be considered to have been legally made ; Provided always, that an annual ground rent of not less than at the rate of five dollars for each lot of one hundred *arpents*, French measure, shall have been stipulated in favor of the said Indians.

2. Any purchaser or lessee, or the heirs, representatives, assignee or assignees of any purchaser or lessee of any lot or part of a lot of the Indian lands in the Township of Dundee, now in the possession of the same, may redeem the rent annually accruing upon such land or lot, or part of lot of land, under the leases mentioned in the preceding section of this Act, by paying to the Indian Department, in addition to any arrears that may be due, the capital represented by such rent at the rate of five per cent., which payment as to capital shall be made to the Commissioner of Crown Lands, as Superintendent-General of Indian Affairs, who is hereby authorized to receive the same and grant a receipt therefor ; provided such redemption shall be made within five years after the passing of this Act ; and upon such redemption by the payment aforesaid, and upon satisfactory evidence of survey being furnished to the Crown Lands Department, letters-patent may be issued granting such lot or part of a lot of land in fee simple, and clear of all charges, in favor of the said Indians, to the person entitled to redeem and having redeemed the same, or his heirs, assigns or legal representatives ; and such letters patent shall issue forthwith after such redemption, if the said lands shall have been then surrendered to Her Majesty, for the purposes of this Act, by a deed of surrender, executed by a majority of the Chiefs of the said Indians of the Tribe Iroquois of St. Regis, with the approval and to the satisfaction of the Governor General in Council ; and if such surrender be not so made at the time of the said redemption, then the said letters patent shall issue so soon thereafter as the said surrender shall have been executed ; Provided always that in all such letters patent all mines of Lead, Tin, Coal and Copper and all mill sites shall be reserved by the Crown in trust for the said Indians of St. Regis.

3. The said Commissioner of Crown Lands, as Superintendent-General of Indian Affairs, shall keep an account of all sums deposited in his hands, and shall pay over the interest thereon annually

annually or semi-annually to the said Indians, in any way which he may deem most beneficial to them.

4. This Act shall be deemed a Public Act.

Public Act.

C A P. L X I X.

An Act to enable the Huron Indians of La Jeune Lorette, to regulate the cutting of wood in their Reserve.

[Assented to 30th June, 1864.]

WHEREAS continual deprivations are committed by Indians and others on the Reserve belonging to the Tribe of Huron Indians at Lorette, which is situated in the parish of St. Ambroise de la Jeune Lorette, and is commonly known as the *Quarante Arpents*, and whereas, with the view of securing to the families of the said Tribe a supply of firewood and timber for their ordinary requirements, it is necessary that the cutting of the standing timber thereon, should be regulated by Legislative enactment: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Any person who shall cut any wood of the said Reserve without the permission in writing of the Council of Chiefs of the said tribe, as hereinafter prescribed, shall be deemed to have cut the same wrongfully and shall be liable to a fine not exceeding eight dollars; and further be condemned to forfeit the value of the timber so cut; and the said fine and forfeiture shall belong one half to the informer and the other to the Indian Fund, such fund to be specially applied to the maintenance of the said tribe.

What shall be deemed a wrongful cutting of wood.

Penalty and how applied.

2. Any person who shall purchase, from the said Indians or others, any wood cut in the said Reserve, shall thereby incur the penalty imposed by the foregoing section.

Penalty on purchaser.

3. Any person guilty of any of the offences above mentioned may be prosecuted before a Justice of the Peace on the complaint of any person whomsoever, and the said Justice may cause his judgment to be enforced by distress and sale of the movable effects to the offender, and in default of movable property by imprisonment of the offender for a period not exceeding one month.

Recovery of penalties.

4. Any person who shall be prosecuted under this Act shall be bound to prove that he was entitled to cut wood in the said Reserve, if he pleads that he was so entitled.

Onus of Proof.

5. The more effectually to secure the carrying out of this Act, it is enacted that the Council of Chiefs of the Huron Tribe of Lorette,

Council of Chiefs to

make by-laws,
as to such
wood.

Lorette, shall be empowered to make by-laws, to be submitted for the approval of the Head of the Indian Department :

1. For fixing the conditions upon which the wood shall be cut and distributed ;
2. For granting to the said Indians permission, in writing, to cut wood in the said Reserve, indicating the quality and quantity of the wood required, and the place at which it is to be cut ;
3. For strictly and effectually carrying out the provisions of this Act.

Public Act.

6. This Act shall be deemed a Public Act.

C A P . L X X .

An Act to enable the proprietors of the Islands Du Moine and Des Barques to make regulations for the better government of the said Islands.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the land-owners of the Islands Du Moine and Des Barques have, by their petition to the Legislature, prayed to be empowered to make by-laws and regulations for the better government of the said islands: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Judge to decide claims :
Appeal.

1. Before proceeding to the organization of the corporation to be constituted under the authority of this Act, the land-owners in the said islands, or any ten or more of them, shall appear before the Judge of the Superior Court for the district of Richelieu, sitting in vacation, and present a petition, *requête libellée*, together with such titles and evidence as they think proper; and the said judge shall thereupon proceed to adjudicate upon the respective rights of the said petitioners in the said islands, and shall give his judgment in the premises, from which an appeal shall lie to the Court of Queen's Bench, subject to all the provisions of chapter seventy-seven of the Consolidated Statutes for Lower Canada, intituled: *An Act respecting the Court of Queen's Bench*; And as soon as the said land-owners, at least ten in number, shall have been declared such by the said judge, it shall be competent for them to call, by public notice given for a period of two months in a newspaper published in the district of Richelieu, and another in the city of Montreal, and after a notice thereof shall have been read on two consecutive Sundays at the doors of the churches of St. Pierre de Sorel, St. Michel d'Yamaska and St. Robert, immediately after divine service in the forenoon, a public meeting to be held at Sorel of the land-owners recognized

Meeting for
election of
Trustees.

recognized as such, or who may hereafter be declared such by the said judge in vacation; and at such meeting the said land-owners shall proceed to elect from among the proprietors so declared such as aforesaid a chairman and five trustees for the purpose of managing and directing the business relating to the aforesaid islands, in conformity to this Act; and the chairman and trustees so elected as aforesaid, shall be and are hereby made and declared a body politic and corporate, by the name and style of the "Chairman and trustees of the islands Du Moine and Des Barques," and as such may have uninterrupted succession, and may have a common seal, and shall and may sue and be sued, and do and execute all acts whatsoever relating to the trust aforesaid, which it may be necessary and lawful for them to do and execute.

Corporate name and powers of Trustees.

2. At the first meeting called and held as aforesaid, the majority of such land-owners present shall appoint some fit and proper person present, to preside at such meeting; the said chairman shall declare in writing, under seal, the names of the persons who have been elected chairman and trustees of the said islands.

Chairman at meeting. He shall declare the Trustees elected.

3. The chairman and trustees so elected shall hold office for two years, and no longer, unless re-elected.

Term of office.

4. At the expiration of each two successive years, after the first election of the said chairman and trustees, it shall be the duty of the chairman to give notice verbally, immediately after Divine service in the forenoon and in writing affixed on the doors of the churches of the parishes of St. Pierre de Sorel, St. Michel d'Yamaska, and St. Robert, on the Sunday or holiday preceding the day hereby appointed for the election of such chairman and trustees, informing the land-owners of the said islands, qualified as aforesaid, that the ensuing election will take place pursuant to this Act, and requiring their attendance accordingly; and the chairman shall preside at such election, and declare who are the persons chosen and elected as chairman and trustees for the period then next ensuing.

Subsequent elections of Trustees. Notice of such elections.

Who shall preside, &c.

5. If at any time any election to be had under this Act shall not take place at the time hereby appointed therefor, the said corporation shall not on that account cease, but such election may take place at any time thereafter, of which the chairman shall have given due notice in the manner aforesaid.

Provision in case of failure of election.

6. In case of the death, resignation or incapacity of the chairman or any of the trustees, such chairman or trustee shall be replaced by an election notified, held and conducted in the manner aforesaid, held for that purpose upon the requisition of any of the members of the corporation (the formalities hereinbefore required in respect of the calling of a meeting being duly observed), and the person so elected shall serve

Vacancies in the trust how filled.

serve only for the period during which the chairman or trustee he replaces would have served.

Clerk to the Trustees.

7. The said corporation may appoint a clerk, and may allow him such salary, to be paid out of the funds thereof, as shall be agreed upon by a majority of the votes at any meeting of the said land-owners assembled as aforesaid for the purposes of this Act; the corporation may in its discretion revoke such appointment and make a new one, and this as often as circumstances may require.

Case of absence, &c, of chairman provided for.

8. In case of the absence or illness of the chairman, it shall be lawful for the oldest of the trustees to summon and call and preside at meetings of the said corporation concerning the trust hereby reposed in them, when and as often as he shall be thereunto required by any two of the trustees.

Trustees to make By-laws, which being duly published shall bind those concerned.

9. It shall be lawful for the chairman and trustees, or a majority of them, to make and establish such rules and regulations as they may deem expedient and advantageous for the land-owners of the said islands, and the same to revoke, and annul and make others in their stead; such rules and regulations shall be approved and confirmed by a judge of the Superior Court sitting in term or vacation in the said District; they shall be read, published and posted up at the doors of the churches aforesaid, after Divine service in the forenoon, two Sundays at least before they have full force and effect, after which they shall be binding on all the proprietors *par indivis* of said islands, in so far as regards the same.

Mode of levying money to defray expenses concerning the said Common.

10. Whenever it shall be necessary to incur expenses for the management, keeping in order or improvement of the said islands, or to do any act or thing or to pay any expenses in relation thereto, an estimate of such expenses shall be first drawn up by the said chairman and trustees, or the majority of them; and they shall have power to impose and levy the amount of such estimate, and apportion the same among the said proprietors 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 said corporation before any court of competent jurisdiction which shall try, hear, and finally determine and adjudge upon 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.

Apportionment among those interested.

Recovery of assessments.

Mode of ascertaining the persons having rights in the said Common.

11. Whenever it shall be necessary to ascertain the persons who have or pretend to have a right in the said islands, and the rights or shares which each one hereafter may hold, for the purpose of making any apportionment of the costs and expenses which may be hereafter incurred, as provided in the preceding

preceding section, or for any other object, it shall be lawful for the said corporation to require all such persons to produce and exhibit their respective titles to such rights or shares, on the day and hour and at the place which they shall mention, one month's like public notice, to be published and given as aforesaid, having been given by them for that purpose; and all such titles shall be produced and exhibited before the first day of July in the year one thousand eight hundred and sixty-five; and if any land-owner in the said islands shall refuse or neglect to produce and exhibit his titles at the time and place mentioned, he shall be deemed to have renounced all his rights in the said islands, and shall be deprived of the exercise of his pretended rights in the said islands, until his title shall have been produced to the said corporation; the said corporation may contest any such title by an ordinary action, against the party claiming under the said title; Provided always, that if the said titles are not produced within thirty years from the first day of July, one thousand eight hundred and sixty-five, the party or parties claiming such rights shall be entirely and for ever barred from claiming the same, except in case of legal disability as now recognized by law.

Proviso :
-when titles
must be pro-
duced.

12. Within fifteen days after the first day of July one thousand eight hundred and sixty-five, all oppositions to the said titles must be filed before the trustees elected by virtue of this Act; and the titles and oppositions shall, after the expiration of the said fifteen days, be submitted to the judge of the Superior Court in the districts in which the said islands are situated, by forwarding them to the clerk of the said Court.

Oppositions
to be filed
within fifteen
days after 1st
July, 1865.

13. The judge whose duty it shall be to examine the titles exhibited to the said corporation, and to pronounce judgment thereupon, may, in his discretion with or without further examination, declare valid those titles which shall serve as the foundation of uncontested claims, and thereupon allow such claims.

Judgment on
uncontested
claims.

14. With respect to contested titles and claims, it shall be lawful for the said judge sitting in Circuit Court or in vacation, to permit the parties to such contestation to plead in writing, produce titles, documents and papers, examine witnesses upon oath, appoint one or more sworn *experts* or arbitrators, hear the parties who may be interrogated upon *faits et articles, serment décisoire* or *serment judiciaire*, if deemed expedient, and allow costs in the matter, all the proceedings to be in every respect similar to those in ordinary actions; and the said costs shall be recoverable by process of execution upon a writ to be issued out of the Court having jurisdiction therein, as in any ordinary case.

Proceedings
on contested
claims.

15. It shall be lawful for the said judge to make such orders and to render such interlocutory judgments, to regulate the pleadings

Judge may
make orders,
&c.

pleadings and procedure, as he shall deem most expedient for the purposes of justice.

Penalty on persons refusing to perform any duty under this Act

16. If any person who shall be lawfully called upon to perform any duty under this Act, shall refuse 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 not exceeding forty shillings currency.

Recovery of fines and penalties.

17. All fines and penalties imposed by this Act, as well as by any By-laws or Regulations which may be made or passed in pursuance of this Act, shall be recoverable on summary prosecution by any party interested before the Circuit Court, which shall have power to hear and try the same; and all fines and penalties shall be paid to the said chairman and Trustees, and by them applied to the general purposes of the said Corporation.

Application thereof.

Non resident proprietors may vote by proxy.

18. Any proprietor in the said islands declared to be such proprietor who may reside without the District of Richelieu, may appoint an attorney to vote and act at any general or special meeting of the land-owners composing the said corporation in the name, place and stead of such proprietor.

Act not to prevent demand in licitation.

19. This Act shall not deprive the owners of the said islands of the right of demanding licitation according to the forms and in the manner prescribed by law; but no such licitation shall be applied for by less than a majority of the said owners.

Public Act.

20. This Act shall be deemed a Public Act.

C A P . L X X I .

An Act to incorporate the Board of Trade of the City of Hamilton.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the Hon. Isaac Buchanan, John Ferrie, Adam Brown, Thomas C. Kerr, William P. McLaren, John Young, J. O. Macrae, James Osborne, James Cummings, William H. Glassco, Edmund L. Ritchie, William Powis, James Turner, James Mathieson, William Boice, and others hereinafter named, resident in the City of Hamilton, have by their petition to the Legislature, represented that they have associated themselves together for some time past for the purpose of promoting such measures as they have deemed important towards developing the general trade and commerce of this Province, and of the City of Hamilton in particular, and have further represented that the said association would be more efficient in its operations should an Act of incorporation conferring

conferring certain powers on them and their successors be granted; and whereas 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:

1. The said Hon. Isaac Buchanan, John Ferrie, Adam Brown, Thomas C. Kerr, William P. McLaren, John Young, J. O. Macrae, James Osborne, James Cummings, William H. Glassco, Edmund L. Ritchie, William Powis, James Turner, James Mathieson, William Boice, and George H. Gillespie, James McIntyre, Frederick W. Gates, John W. Merrton, Edward Hilton, Richard Juson, Donald McInnis, John Brown, John Eastwood, C. W. Muggridge, Dennis Moore, A. Murray, H. R. Macdonald, George H. Mills, Robert Nesbitt, junior, John Smith, M. W. Thompson, C. K. VanNorman, James Walker, Thomas Whan, J. D. Pringle, M. O'Connor, J. D. McKay, and such other persons, residents of the said City of Hamilton, as are or shall be associated with the persons above named for the purposes of this Act, in the manner hereinafter provided, and their successors, shall be and are hereby constituted a body politic and corporate, by the name of the "Hamilton Board of Trade," for the purposes mentioned in the preamble, and may, by that name, sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts of Law and Equity and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, alter and change at their will and pleasure; and they and their successors, by their corporate name, shall have power to purchase, take, receive, hold, and enjoy any estate whatsoever, real or personal, and alienate, sell, convey, lease, or otherwise dispose of the same or any part thereof, from time to time and as occasion may require, and other estate, real or personal, to acquire instead thereof; Provided always that the clear annual value of the real estate held by the said Corporation at one time shall not exceed five thousand dollars; And provided also that the said corporation shall not have or exercise any corporate powers whatsoever except such as are expressly conferred on them by this Act, or may be necessary for carrying the same into effect, according to its true intent and meaning.

Names of members.

Incorporation.

Name.

Corporate powers.

Common seal.

Property.

Proviso.

Property limited to \$5,000.

Proviso: as to powers.

2. The funds and property of the said corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful trade and commerce of this Province generally, and of the city of Hamilton in particular, or as may be necessary to attain the objects for which the said corporation is constituted according to the true intent and meaning of this Act.

Application of funds.

Place of meeting of Corporation to be its domicile.

3. The usual place of meeting of the said corporation shall be held to be the legal domicile thereof; and service at such place of any notice or process of any kind addressed to the said corporation shall be held to be sufficient service of such notice or process on the corporation.

Council of whom to consist.

4. For the management of the affairs and business of the said corporation there shall be a council, to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a president, vice-president, a secretary, and twelve other members of the said council, all of whom shall be members of the said corporation, and shall have the power and perform the duties hereinafter mentioned and assigned to the said council.

First President and members of Council.

5. The said Hon. Isaac Buchanan shall be president, the said John Ferrie shall be vice-president, the said William Powis, the secretary, and the said Adam Brown, Thos. C. Kerr, William P. McLaren, John Young, J. O. Macrae, James Osborne, James Cummings, William H. Glassco, E. L. Ritchie, James Turner, James Mathieson and William Boice, the other members of the council, until the first election to be had under the provisions of this Act,—and the council hereby appointed shall, until the said election, have all the powers assigned to the Council by this Act.

Times of general meetings of the corporation.
Notice.

6. The members of the said corporation shall hold a general meeting every three months, viz: On the first Monday in January, April, July and October, at some place within the city of Hamilton, of which notice, naming the time and place, shall be given by the secretary of the council for the time being at least three days previous to such meeting, through one newspaper or otherwise as may be thought necessary by the said council; and at the general meeting on the first Monday in the month of July the members of the said corporation present, or a majority of them, shall then and there elect in such way as shall be fixed by the by-laws of the corporation, from among the members of the corporation, one president, one vice-president, and one secretary, and twelve other members of the council, who, with the president, vice-president and secretary, shall form the council of the said corporation, and shall hold their offices until others shall be elected in their stead at the next general meeting in the month of July as aforesaid, or until they shall be removed from office or shall vacate the same under the provisions of any by-laws of the corporation; Provided always, that if the said election shall not take place on the first Monday in July as aforesaid, the said corporation shall not thereby be dissolved, but such election may be had at any general meeting of the said corporation, to be called in the manner hereinafter provided, and the members of the council in office shall remain members until the election shall be had.

Proviso: in case of failure of election.

7. If any member of the said council shall die or resign his office, or be absent for four months continuously from the meetings of the said council, it shall be lawful for the said council at any meeting thereof to elect a member of the said corporation to be a member of the said council in the place of the member so dying or resigning or being absent, and such new member shall be so elected by a majority of the members of the said council present at any meeting of the same, in case there is a quorum present at such meeting, and the member so elected shall hold office until the next annual election and no longer, unless reelected.

Election in case of death or resignation of members.

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

Proceedings at general meetings.

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

Case of retirement of members, &c.

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

Provision for enactment of By-laws.

Proviso: notice of proposed By-laws.

11. Each and every person then resident in the city of Hamilton, and having resided in the said city of Hamilton continuously for not less than two years, and being, or having been a merchant, trader, manager of a bank or insurance agent, shall be eligible to become a member of the said corporation; and at any general meeting of the said corporation it shall be lawful for any member of the said council or of the said

Persons eligible to be members.

Election of members.

Proviso: other persons may be recommended by Council.

said corporation, to propose any such person as aforesaid as a candidate for becoming a member of the said corporation, and if such proposition shall be carried by a majority of two-thirds of the members of the said corporation then present, he shall thenceforth be a member of the corporation, and shall have all the rights and be subject to all the obligations which the other members possess or are subject to; Provided always that any person not being a merchant or trader, manager of a bank or insurance agent, shall be eligible to become a member of the said corporation in manner aforesaid, in case such person shall be recommended by the council of the Board of Trade at any such meeting.

Notice of special general meeting.

12. It shall be lawful for the said council, or a majority of them, by a notice inserted in one or more newspapers published in the said city of Hamilton, three days previous to the said meeting, or by a circular signed by the secretary of the said corporation to each member, and mailed three days previous to the said meeting, to call a general meeting of the said corporation for any of the purposes of this Act.

Meetings of Council.

13. It shall be competent to the said council to hold meetings from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may by this Act or by the by-laws of the corporation, be assigned to them; and such meetings of the council shall be convened by the secretary at the instance of the president, or upon the request of any two members of the council, and the said council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the corporation, except only the power of enacting or altering any by-law or admitting any member, which shall be done in the manner provided for by this Act (and no other), and any five or more members of the council, lawfully met (and of whom the president or vice-president shall be one, or in case of their absence, any seven or more members lawfully met), shall be a quorum, and any majority of such quorum may do all things within the powers of the council; and at all meetings of the said council, and at all general meetings of the corporation, the president, or in his absence, the vice-president, or, if both be absent, any member of the council then present who may be chosen for the occasion shall preside, and shall in all cases of equality of votes upon any division, have a casting vote

How convened.

Quorum.

Who to preside.

Power to make by-laws.

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

said corporation, to propose any such person as aforesaid as a candidate for becoming a member of the said corporation, and if such proposition shall be carried by a majority of two-thirds of the members of the said corporation then present, he shall thenceforth be a member of the corporation, and shall have all the rights and be subject to all the obligations which the other members possess or are subject to; Provided always that any person not being a merchant or trader, manager of a bank or insurance agent, shall be eligible to become a member of the said corporation in manner aforesaid, in case such person shall be recommended by the council of the Board of Trade at any such meeting.

Proviso: other persons may be recommended by Council.

Notice of special general meeting.

12. It shall be lawful for the said council, or a majority of them, by a notice inserted in one or more newspapers published in the said city of Hamilton, three days previous to the said meeting, or by a circular signed by the secretary of the said corporation to each member, and mailed three days previous to the said meeting, to call a general meeting of the said corporation for any of the purposes of this Act.

Meetings of Council.

13. It shall be competent to the said council to hold meetings from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may by this Act or by the by-laws of the corporation, be assigned to them; and such meetings of the council shall be convened by the secretary at the instance of the president, or upon the request of any two members of the council, and the said council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the corporation, except only the power of enacting or altering any by-law or admitting any member, which shall be done in the manner provided for by this Act (and no other), and any five or more members of the council, lawfully met (and of whom the president or vice-president shall be one, or in case of their absence, any seven or more members lawfully met), shall be a quorum, and any majority of such quorum may do all things within the powers of the council; and at all meetings of the said council, and at all general meetings of the corporation, the president, or in his absence, the vice-president, or, if both be absent, any member of the council then present who may be chosen for the occasion shall preside, and shall in all cases of equality of votes upon any division, have a casting vote

How convened.

Quorum.

Who to preside.

Power to make by-laws.

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

15. All subscriptions of members due to the said corporation under any by-law, all penalties incurred under any by-law by any person bound thereby, and all other sums of money due to the said corporation shall be paid to the secretary thereof, and in default of payment, may be recovered in any action brought in the name of the said corporation, and it shall only be necessary to allege that such person is indebted to the said corporation in the sum of money, the amount of such arrearage, on account of such subscription or otherwise, whereby an action hath accrued to the said corporation by virtue of this Act.

Subscriptions of members.

How recoverable if not paid.

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

Proof in such action.

17. The meetings of the members of the council shall be open to all members of the said corporation who may attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the said council or the said corporation, shall be entered in books to be kept for that purpose by the secretary of the said corporation; and the entry thereof shall be signed by the president of the said council, or such other person who at the time shall preside over any such meetings; and such books shall be open at all reasonable hours to any member of the said corporation, free from any charge.

Meetings of Council to be open to members.

18. At the same time and times as are hereby appointed for the election of the said council, and in the same manner, it shall be lawful for the members of the said corporation to elect from their number twelve persons who shall form a board, which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall agree to bind themselves, by bond or otherwise, to submit the matter in dispute between them to decision of the said Board of Arbitration; such submission shall be understood to be made to any three members of the said board, who may, either by the especial order of the said board, or by virtue of any general rules adopted by them, or under any by-law of the said corporation touching the consideration of cases so submitted, be appointed to hear, arbitrate, and decide upon the case or cases so submitted to them, and such decision shall be binding upon the said Board, and the parties making the submission; and any such submission shall be according to the form set forth in the schedule to this Act, or in words to the same effect.

Election of Board of Arbitration.

References to such Board.

Form of submission.

Oath of Office
by Arbitra-
tors.

19. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe, before the president or vice-president of the said corporation, an oath that they will faithfully, impartially and diligently, perform their duties as members of the said Board of Arbitration, and this oath shall be kept among the documents of the said corporation.

Members of
Council may
be members
of Board.

20. Any member of the council of the said corporation may at the same time be a member of the said Board of Arbitration.

Examination
of witnesses,
&c., by Ar-
bitrators.

21. The three members appointed to hear any case submitted for arbitration, as aforesaid, or any two of them, shall have full power to examine upon oath (which oath any one of such three members is hereby empowered to administer) any party or witness who, appearing voluntarily before them, shall be willing to be so examined, and shall give their award thereupon in writing, and their decision, or that of any two of them, given in such award, shall bind the parties according to the terms of the submission and the provisions of this Act.

Board of Ex-
aminers for
certain in-
spectorships.

22. From and after the passing of this Act, it shall be lawful for the council of the said corporation to appoint five persons to constitute a Board of Examiners for the City of Hamilton for the year commencing on the first day of May then next, and ending on the thirtieth day of April following to examine applicants for the office of inspector of flour and meal, or of any other article subject to inspection, and for the said council to do all such other acts, matters and things connected with the inspection of flour and meal or any other article, and have as full power and be subject to the same conditions as those conferred upon and required of the councils of the Boards of Trade by virtue of the Act chapter forty-seven of the Consolidated Statutes of Canada; and the said examiners and inspector shall also be subject to all the conditions, requirements, oaths, matters and things (touching their office) set forth in the said Act.

Affirmation
instead of oath
in certain
cases.

23. Any person who may by law, in other cases, make a solemn affirmation, instead of taking an oath, may make such solemn affirmation in any case where by this Act an oath is required; and any person hereby authorized to administer an oath may in such case as aforesaid administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely in any case where an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury.

Act not to
affect Her
Majesty.

24. Nothing in this Act shall affect any rights of Her Majesty, Her Heirs or Successors, or of any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

This Act to
be a Public
Act.

25. This Act shall be deemed a Public Act.

SCHEDULE

SCHEDULE.

FORM OF A SUBMISSION TO THE BOARD OF ARBITRATION.

Know all men, that the undersigned
 and the
 undersigned (*if there be more parties, that is, more separate
 interests, mention them*), having a difference as to the respective
 rights of the said parties, in the case hereunto subjoined, have
 agreed and bound themselves under a penalty of
 dollars, to perform the award to be made by the Board of
 Arbitration of the Board of Trade of the City of Hamilton in
 the case aforesaid, under the penalty aforesaid, to be paid by
 the party refusing to perform such award to the party ready
 and willing to perform the same.

In witness whereof the said parties have hereunto set their
 hands and seals at the City of Hamilton, on the day of
 A.D., 18

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

FORM OF OATH

TO BE TAKEN BY MEMBERS OF THE BOARD OF ARBITRATION.

I swear that I will faithfully, impartially, and diligently
 perform my duty as a member of the Board of Arbitration of
 the Board of Trade of the City of Hamilton; and that I will,
 in all cases in which I shall act as arbitrator, give a true and
 just award, according to the best of my judgment and ability,
 without fear, favor, or affection of or for any party or person
 whomsoever. So help me God.

CAP. LXXII.

An Act to reconstitute the Debenture Debt of the
 City of Hamilton and to facilitate the arrangement
 thereof.

[Assented to 30th June, 1864.]

WHEREAS the large majority in number and value of the
 Creditors of the Corporation of the City of Hamilton
 have represented that they deem it expedient, with a view to
 the protection of their interests, that time should be granted to
 the said Corporation for the payment of the principal money due
 by it, and that the rate of interest stipulated to be paid on its
 Debentures should be temporarily reduced, so as to enable the
 said Corporation to resume payment, and to restore and increase
 its

Preamble.
 Recital.

its prosperity, and its capacity to meet its engagements; and whereas the said the Corporation of the Mayor, Aldermen and Commonalty of the City of Hamilton have by their petition to the Legislature represented, that they have from time to time issued Debentures for various purposes, and on the first day of July, one thousand eight hundred and sixty-three, were indebted in the following amounts (that is to say);—In Debentures for £104,600 sterling and £91,470 currency, for and in the construction of the Great Western, Galt and Guelph, Preston and Berlin, and Hamilton and Port Dover Railways, which from various causes have proved to be unremunerative; and in Debentures for £117,550 sterling, and £46,789 currency for the construction of Water Works; and in other sums for other local improvements, from none of which is any adequate return at present received; and they were also indebted on the thirty-first day of March, one thousand eight hundred and sixty-four, for considerable arrears of interest, and the finances of the Corporation have consequently become embarrassed, and several of the creditors have obtained judgments against the Corporation, and much litigation is now pending; And the said Corporation have further represented that if time is granted to them they will be eventually in a position fully to discharge the amount of the above mentioned principal debt and the above mentioned arrears of interest, but that the assessable property of the municipality is at present quite inadequate to meet the interest upon the debt, at the rate of six per cent., and that they have made an offer to their creditors for the payment of the said principal debt and arrears of interest at the time and in the manner hereinafter mentioned, with interest upon the said principal debt and arrears of interest at the rates hereinafter specified, which the creditors generally are disposed to accept; but that in order to give effect to such arrangement, and to give increased facilities to the creditors to enforce the observance of the same, the intervention of the Legislature is necessary; 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:

Corporation may issue debentures to the extent of £600,000 sterling to redeem its outstanding debt.

1. The Corporation of the City of Hamilton may from time to time pass a by-law or by-laws for authorizing the issue of Debentures with coupons attached thereto for a sum not exceeding the sum of six hundred thousand pounds sterling, or the aggregate debt of the Corporation on the thirty-first day of March, one thousand eight hundred and sixty-four, for principal and interest secured by the Debentures, whichever is the less sum, to redeem the Debentures and to secure the payment of the arrears of interest, respectively outstanding and owing on the thirty-first day of March, one thousand eight hundred and sixty-four, as above mentioned.

2. The Debentures so to be issued shall be Debentures of the City of Hamilton, and shall be made payable on the thirty-first day of March, one thousand eight hundred and ninety-four, in this Province or in Great Britain, and in sterling or Provincial currency respectively, as the Debentures in place of which this issue is intended to be made are made payable, and shall be in sums of one thousand pounds, five hundred pounds, two hundred and fifty pounds, one hundred pounds, fifty pounds, thirty-five pounds, thirty pounds, or twenty-five pounds sterling or currency; and any sum or sums less than twenty-five pounds sterling remaining uncovered by such issue shall be paid by the Corporation, in cash, on demand, to the persons entitled thereto.

Nature and form of debentures to be issued.

Small amounts to be paid in cash.

3. The Debentures may be in the form given in the schedule to this Act, or as near thereto as the Corporation find convenient, according to the places where and the money in which the same are made payable, and in the event of the bank at which such Debentures and the relative coupons are made payable in Great Britain ceasing to carry on business, the same shall be payable at such other Bank in London, England, as the Trustees constituted for the purposes of this Act from time to time appoint.

Form in Schedule may be used.

4. The interest made payable by such Debentures shall be payable half-yearly, on the first day of April and on the first day of October in each year, at the places mentioned therein, and in the coupons attached thereto, and, except as is by this Act otherwise provided, shall be at the rate of four per cent. per annum until the thirty-first day of March, one thousand eight hundred and seventy-four inclusive, and thereafter at the rate of five per cent. per annum, until the thirty-first day of March, one thousand eight hundred and eighty-four inclusive, and thereafter, until the maturity of the said respective Debentures, at the rate of six per cent. per annum,—and coupons shall be attached to the said Debentures for the payment of the said interest; the first half-yearly payment of interest shall be payable on the first day of October, one thousand eight hundred and sixty-four.

Rate of interest and when payable.

Coupons.

5. If any coupon shall be presented for payment, and shall not be paid before the expiration of forty days after the day for payment mentioned in the coupon, the half-year's interest secured by the coupon shall, immediately after the expiration of the forty days, or after presentation and refusal, whichever event shall last happen, be, if less than at the rate of six per cent. per annum, raised to a sum equivalent to that rate of interest on the sum secured by the debenture for which the coupon was issued, and the increased sum shall be payable by the Corporation upon presentation of the coupon as though such sum had been therein specified, and shall be so payable not as a penalty but as liquidated damages for the delay.

Additional interest payable as a penalty on any coupon not duly paid.

Rates for
paying in-
terest.

Proviso : as
to any sur-
plus.

Sinking Fund
for paying off
principal,
from 1st
April, 1874
to 1st April,
1884.

Sinking Fund
after 1st
April, 1884.

General Sink-
ing Fund
account.

Column in
Collectors'

6. For the payment of the said interest, both original and increased, there shall be levied and raised by the Corporation from time to time, yearly or half-yearly, or oftener if they think fit, upon the whole then assessable property of the said city, a rate or rates of so many cents on the dollar as shall be required, until the said principal and interest shall be fully paid and discharged; Provided always, that if the rate or rates to be levied from time to time shall yield more than the rate of interest from time to time payable, the surplus shall be carried to a special account, to be called the "Interest Account," and be applied to the payment of the next half-year's interest.

7. From and after the first day of April, one thousand eight hundred and seventy-four, until the thirty-first day of March, one thousand eight hundred and eighty-four inclusive, it shall be incumbent on the Corporation, in addition to the interest, to provide yearly a sum equivalent to one per cent. on the amount of the debentures issued under this Act, as and towards a general sinking fund for the purpose of paying the principal of the said debentures, and to impose a sufficient rate or rates for that purpose in addition to the other rate or rates from time to time imposed under this Act, unless the said other rate or rates from time to time imposed shall be sufficient to cover both the interest and also the said yearly sum; but it shall be incumbent upon the Corporation to impose and levy a sufficient rate to make good any deficiency that the rate or rates from time to time collected shall be insufficient to cover.

8. From and after the first day of April, one thousand eight hundred and eighty-four, until the maturity of the said debentures inclusive, it shall be incumbent on the Corporation, in addition to the interest, to provide yearly a sum equivalent to two per cent. on the amount of the debentures issued under this Act, as and towards the said general sinking fund for the purposes hereinafter mentioned, and to impose and levy a sufficient rate or rates for that purpose in addition to the other rate or rates for the time being imposed under this Act, for the payment of interest, unless the said other rate or rates for the time being imposed shall be sufficient to cover both the interest and the said yearly sum; but it shall be incumbent upon the Corporation to impose and levy a sufficient rate or rates to make good any deficiency that the other rate or rates from time to time collected shall be insufficient to cover; the rates collected by virtue of this and the immediately preceding section shall be carried to an account to be kept in name of the Trustees constituted for the purposes of this Act, and to be called the General Sinking Fund Account, and shall be exclusively applied towards paying the principal of the said Debentures.

9. In the Collectors' Rolls made up after the issue of the Debentures authorized by this Act, there shall be a column headed

headed "Rates under the Act of 1864," and it shall be the duty of the Corporation to see that every rate levied under this Act, including the sums assessed in respect of non-residents, is inserted upon the Rolls, or on a separate Roll, to be called the Non-Residents' Roll, and to deliver a duplicate of every Roll to the Trustees constituted for the purposes of this Act; and the collectors shall deposit any moneys received by them from such rates to the credit of an account to be kept in the name of the said Corporation in one of the Chartered Banks of the Province, and shall deliver the certificates of such deposits when and so often as the same are made, to the City Chamberlain, and the moneys so collected, received or deposited, shall be applicable only to the purposes mentioned in this Act, and shall be applied in no other manner whatever; and any collector or other person applying such moneys for any other purpose than is provided for in this Act, shall be civilly liable for the amount, and shall be further held guilty of a misdemeanor, and be liable to be punished by fine in any sum not being less than double nor more than fourfold the amount mis-applied, or by imprisonment for any term not being less than three calendar months, nor more than two years, or by both; and any officer of the City, or member of the Council, authorizing any such application, or assenting thereto, shall in like manner, and to the like extent, be civilly and criminally responsible, but such deposit shall be a discharge to the city for the coupons in respect of which the deposit shall be so made.

Rolls for rates under this Act.

Deposit of money collected for the same.

Penalty for misapplication of such money.

10. For the due and punctual payment of the interest by this Act stipulated to be paid, it shall be incumbent on the Corporation and their Chamberlain for the time being, to have on the fifteenth day of March, and fifteenth day of September in each year, at the credit of the account mentioned in the preceding section, a sum sufficient to pay the half-yearly interest next becoming payable in the Province after the said respective dates; and they shall also, at least fourteen days before the coupons payable in Great Britain become due, have a sum sufficient to pay the said coupons at the Bank at which the same are payable, and the Corporation shall arrange with the Bank to give notice by advertisement of the half-yearly days on which the interest payable in Great Britain will be paid.

Corporation to provide regularly sufficient money to pay the said interest.

11. The Collectors, at the close of each year and oftener if so required, shall lay before the Trustees constituted for the purposes of this Act, a statement, verified by oath or declaration, showing the amount realized by such rate or rates, the amount remaining uncollected, and the reasons alleged for the non-collection, and the amounts uncollected for the previous years, and showing also how the moneys collected have been applied, and shall furnish, and in like manner verify, any further information which may from time to time be required

Collectors to account to trustees under this Act.

Penalty for any false statement.

by the Trustees ; if they or either of them shall knowingly make any mis-statement in the above matters, he or they making such mis-statement or swearing to the same, or declaring the truth thereof, shall be held guilty of perjury.

Additional sum payable as damages by rate payers in arrear of rates under this Act.

12. If any ratepayer shall omit to pay his quota of the rate or rates authorized by this Act, by the fifteenth day of December in any year, or within sixty days thereafter, or if any taxes assessed on the assessable property of non-residents shall be in arrear for sixty days after the said fifteenth day of December, in any year, every person so in arrear, and his assessable property, shall, after the expiration of the respective sixty days, be held liable to pay to the Corporation an addition of twenty-five per cent., to the said rate or rates so imposed, and the increased sum shall be so payable, not as a penalty, but as liquidated damages for the delay ; and the Collector or Collectors shall have the like powers for levying the said addition to the rate or rates, as they had for levying the rate or rates, and shall levy the same accordingly, and the burden of proof of payment of the rate or rates shall be on the ratepayer ; and it shall not be in the power of the Council to remit such increased rate or to interfere with or alter the Assessment Roll after the same shall have been finally revised ; and the remission of such increased rate, or of any rate so finally revised and confirmed shall be absolutely null and void ; and the members of the Council assenting thereto shall be severally liable to make good the same at the suit of any ratepayer or creditor who may elect to sue therefor, for the benefit of the Corporation.

Power to levy, &c.

Council to have no power to remit.

Liability of Councillors.

Sale of real property of non-residents on which such rates are in arrear : if there be no personalty liable.

13. If any sum or sums assessed or payable in respect of any assessable property belonging to non-residents shall be in arrear and unpaid for the space of twelve calendar months after the said fifteenth day of December, or if any ratepayer shall omit to pay his quota of the rate or rates imposed upon him under this Act, or otherwise, during the period of twelve calendar months after the time herein limited for payment thereof, and there shall be no personal property liable for the payment thereof, the Chamberlain of the City shall issue a warrant under his hand and seal, directed to the high bailiff of the City, commanding him to levy and sell a sufficient part of the assessable property of such ratepayer, or of such non-resident, and such high bailiff shall thereupon immediately cause the same to be advertised for sale in one or more local papers for the space of one month, specifying the assessable property and the amount due thereon, and in default of payment of such arrears and costs, shall sell the same, and the several provisions of the Assessment laws of Upper Canada in respect to the sale of lands for taxes, save only as altered by this Act, shall be applicable to such sales, subject nevertheless to the right of redemption, given by the one hundred and forty-eighth section of the Assessment Act of Upper Canada.

14. If, and whenever the Corporation shall fail to appoint assessors by the time limited in the General Assessment Act of Upper Canada, or shall fail on or before the first day of October in any year after the issuing of any debentures authorized by this Act, to appoint one or more collectors to collect the rate or rates authorized, or shall at any time fail to impose and levy a sufficient rate or rates for the purposes of this Act, the Trustees constituted for the purposes of this Act shall, from time to time, appoint a Commissioner or Commissioners, with such reasonable salary or salaries as the said Trustees think fit, and the said Commissioner or Commissioners shall have the same power and authority as the said Corporation to appoint assessors to make up the proper Assessment Rolls, and they shall have power to call for the Assessment Rolls of the current year, and to assess and impose and levy such rate or rates, and also to prepare Assessors' or Collectors' Rolls, and place the same in the hands of Assessors or Collectors of their own selection, who are hereby authorized to act in the same manner as if they had been appointed by the Corporation, under the provisions of the said Assessment Act, and of the Act twenty-four Victoria, Chapter fifty-six, and to do whatsoever else the Trustees think fit, for any purposes of this Act, or the said Trustees shall apply to one of Her Majesty's Courts of Law or Equity in Upper Canada for a Writ, Decree or Order to compel the said Corporation to perform the duties imposed upon them by this Act.

If the corporation fail to appoint Assessors or Collectors.

Trustees to appoint Commissioners.

Powers of Commissioners.

15. Any officer or member of the Council interfering with or refusing to afford to any Commissioners, Assessors or Collectors under this Act, any books, papers, or information necessary to enable them to perform the duties cast upon them by this Act, shall be guilty of a misdemeanor, and be liable to be punished by imprisonment for any term not being less than three calendar months nor more than two years.

Punishment of Officers or Councillors interfering.

16. If and whenever it shall be made to appear to the satisfaction of a majority of the Trustees constituted for the purposes of this Act, that the Assessors, Collector or Collectors appointed by the Corporation, are not fairly and honestly performing the duties of their office, but are endeavouring to delay or prevent the collection of the rate or rates hereby authorized, the Trustees shall, from time to time, appoint such Commissioner or Commissioners, with such salary or salaries as aforesaid, who shall have the like power and authority to appoint Assessors or Collectors to proceed with the collection of the uncollected portion of such rate or rates, with such interest thereon as may be owing, and to take all such steps as may be necessary for that purpose; and it shall be the duty of the Assessors or Collectors so complained of, forthwith to hand over their Rolls and any moneys collected to such Commissioner or Commissioners, or in default they shall be guilty of a misdemeanor, and liable to be proceeded against accordingly, and,

If Assessors or Collectors do not fairly perform their duties.

Commissioners to be appointed, &c.

and, upon conviction, be punished by fine or imprisonment, or by both, in the like manner and to the like extent as under section nine of this Act.

Salaries of
Commission-
ers, &c.

17. The salary or salaries which may be assigned under the authority of sections fourteen and sixteen of this Act, to any Commissioner or Commissioners appointed under those sections or either of them, or to any other officer or officers appointed by the said Trustees, shall be paid out of, and be a charge upon, the rate or rates authorized by this Act.

Percentage
of Collectors
under ss. 14
and 16.

18. Any Collector or Collectors appointed under sections fourteen or sixteen of this Act shall be entitled to deduct out of all moneys levied by him or them on account of the rate or rates which they shall be empowered to collect, a percentage of not exceeding three per cent. as and for his or their remuneration.

Duty of Trus-
tees having
\$10,000 or
more accumu-
lated in their
hands.

19. When and so often as the funds on hand applicable to the payment of the principal of the said debentures shall amount to ten thousand dollars, or oftener if it shall be thought expedient or desirable so to do, it shall be the duty of the Trustees, by public advertisement in this Province and Great Britain, to invite tenders for the redemption of such debentures and to redeem so many as the funds on hand shall be sufficient to meet, and if no parties shall come forward to sell after such advertisement, or if the tenders received shall fail to exhaust the funds on hand then the general sinking fund hereinbefore directed to be formed shall be employed by the Trustees constituted for the purposes of this Act in or towards the redemption of the debentures issued under this Act, and from time to time owing; in the meantime, and until such payment or redemption shall take place, the said Trustees shall be at liberty to invest the moneys standing to the account of the general sinking fund in Provincial Government securities, or in such manner as they, with the consent of the Governor General in Council, shall think fit; the said Trustees may appoint a chartered Bank in Canada, in which the said general sinking fund shall be placed to their account, to be their agent for the management from time to time of the said general sinking fund; but the Trustees shall not be liable the one for any other, or for any banker, agent, or other person, or any of them, for involuntary loss.

Investment,
&c.

Trustees
under this
Act.

20. The following shall be the Trustees for the purposes of this Act, that is to say, on behalf of the City of Hamilton the class of Trustees shall be: Isaac Buchanan, of Hamilton, Esquire, Thomas C. Street, of Niagara Falls, Esquire, and the Mayor of the City of Hamilton for the time being; on behalf of the Canadian Bondholders, the Honorable J. Hillyard Cameron, of Toronto; and on behalf of Debenture-holders in Great Britain, other than Water Works Debenture-holders in

Great

Great Britain, Edgar Walter Garland, of Queen's Gate, in the County of Middlesex, Esquire; David Aitcheson, of Piccadilly, in the said County of Middlesex, Esquire; William Stobart, of Cheshunt, in the County of Herts, Esquire; and on behalf of Water Works Debenture-holders in Great Britain, David Yoolow Stewart, of Glasgow, Esquire, and James King, of Glasgow, Esquire; and five of the Trustees present in person or by proxy shall be a quorum for all the purposes of this Act; and the said Trustees shall and may vote by proxy as well as in person, the Proxy being a Trustee, or any other person; and the said Trustees shall be a Corporation by the name and style of the Trustees of the Hamilton Debenture Fund; the said Trustees or any of them shall be removable by a majority in number and value of the Debenture-holders present in person or by proxy at a General Meeting to be called for the purpose, by holders of debentures to an amount of not less than one hundred thousand pounds sterling, and to be held in London, England, upon two months' previous notice thereof, to be given by advertisement in newspapers published in the Province, and in London, Edinburgh and Glasgow; and any Trustee who may be so removed shall not be eligible for re-election.

How removable.

21. If the Trustees named in this Act, or any of them, or any Trustees or Trustee appointed as hereinafter provided, shall die, or desire to be discharged, or refuse or become unfit or incapable to act, then if such vacancy take place in the number appointed on behalf of the Corporation, the Corporation shall within six months after the occurrence of such vacancy, appoint a new Trustee; and where a vacancy shall take place amongst the other Trustees, a new Trustee shall within six months after the occurrence of such vacancy, be appointed by the surviving and acting Trustees, and the Trustee so to be appointed shall be selected from the class represented by the Trustee whose place falls to be supplied; upon every such appointment, all the estates, moneys, and powers respectively held and exerciseable under this Act shall immediately, and by force of this Act, vest in the new Trustee or new Trustees jointly with the surviving or continuing Trustees or Trustee, if any, and without the necessity of any transfer, conveyance or assignment; if the appointment of a new Trustee or new Trustees hereinbefore directed, shall not be made within the period of six calendar months as aforesaid, it shall be lawful for the Governor General in Council, upon the petition of any one or more holders of the said Debentures, from time to time to appoint a new Trustee or new Trustees to fill up the vacancy or vacancies for the time being amongst the Trustees for the purposes of this Act; and upon every such appointment all the estates, moneys, and powers then vested in the Trustees for the time being, shall in like manner immediately vest in the new Trustee or Trustees, jointly with the surviving or continuing Trustee or Trustees, if any, without the necessity of any transfer, conveyance or assignment.

How Vacancies among the Trustees shall be filled.

Transfer of moneys, &c.

If Vacancy be not filled for a certain time Governor in Council may fill it.

Remuneration
of Trustees.

When pay-
able.

22. The remuneration of the Trustees shall be one hundred pounds sterling a year, which shall be divided between them in proportion to their attendances at meetings of the Trustees held for the purposes of this Act; but no such remuneration shall be payable until default shall have been made in the payment of the said coupons.

Certain legal
and other ex-
penses to be
a first charge
on rates
under this
Act.

23. The legal expenses and costs hereinafter referred to (including one thousand two hundred pounds sterling; due and payable to Messrs Dawes and Sons, of Angel Court, Throgmorton Street, in the City of London, England, and the sum of five hundred pounds sterling, due and payable to Messrs. Towers-Clark, Robertson and Ross, of the City of Glasgow; for legal expenses incurred by the committees of bondholders in Great Britain, and for other expenses of the same committees), and the remuneration, and travelling, contingent and incidental expenses of the Trustees, and salaries of officers employed by them, and otherwise in carrying this Act into execution, shall be paid out of and be a first charge upon the rate or rates authorized by this Act; but no such remuneration other than is provided for by the next preceding section shall be payable, unless or until default shall have been made in some sum of principal or interest under this Act.

Other remedies for enforcing payment of debentures issued under this Act, not affected.

24. Nothing herein contained shall interfere with the rights of the holders of any debentures issued under this Act to pursue any other remedies at law or in equity, for the recovery of the principal or interest by the said debentures secured; and in any proceedings for the recovery of any interest it shall not be necessary to produce the debenture, but the production of the coupon shall be *prima facie* evidence that the holder of such coupon is the owner of the debenture to which it was attached, and entitled to recover thereon; and a *bona fide* payment to the holder of such coupon shall discharge the said Corporation from all further liability thereon.

Act not to take effect unless accepted by a majority of two thirds of the city Creditors.

25. This Act shall not take effect unless accepted by a majority consisting of two-thirds in value of the debenture-holders present in person or by proxy, at a meeting to be called by the Mayor of Hamilton, for the purpose, and held in London, England, of which meeting twenty-eight days' prior notice shall be given in the *Official Gazette* of Canada, in the *London Times*, and in the *Edinburgh Scotsman* and *Glasgow Herald*, but such meeting may be adjourned, and it shall not be necessary to publish a notice of such adjourned meeting.

Provisions as to right of voting at meeting of such Creditors.

26. Any person producing debentures at the meeting mentioned in the immediately preceding section, or at any adjourned meeting, shall be deemed to be the owner thereof, and entitled to vote thereupon; or in lieu thereof, any person attending such meeting may produce a certificate from the Manager of any Bank in Great Britain or Canada, and signed by

by such Manager, to the effect that the party named therein had deposited with him such and so many of the said debentures as shall be specified by number and amount in such certificate, and upon the production of such certificate, the person named therein shall be entitled to vote either in person or by proxy, in the same manner as if he had produced the debenture or debentures mentioned in such certificate, and the granter of such certificate shall retain the debentures therein specified till after the said meeting, and for the purposes of this section an official certificate of a Judgment obtained on a debenture, specifying and setting forth the number or numbers of the debentures in respect of which such judgment was recovered and the amounts thereof shall be equivalent to a debenture.

How such right shall be proved.

27. Any form of proxy authorizing the holder thereof to vote at such meeting shall be sufficient if accompanied by the production of the debenture or such certificate as mentioned in the immediately preceding section, and the certificate in writing of the Chairman of the meeting shall be taken as *prima facie* proof of the acceptance of the Act by such debenture holders, which certificate shall be filed in the office of the Provincial Secretary of Canada, and certified copies thereof by the said Secretary shall be sufficient *prima facie* evidence of the contents thereof.

As to Creditors voting by proxy.

Certificate of acceptance of Act.

28. From and after the acceptance of this Act by the debenture holders at a public meeting to be called and held in the manner hereinbefore specified, all parties holding any of the debentures of the said City of Hamilton, outstanding as hereinbefore recited, and having arrears of interest due to them as aforesaid, shall be bound to receive in exchange therefor, subject to the provisions hereinbefore contained for payment in cash of sums under twenty-five pounds sterling, an amount of new debentures to be issued under this Act, equivalent to the debentures and arrears of interest which they or their predecessors held on the first day of April, one thousand eight hundred and sixty-four, such new sterling debentures being deliverable to creditors at the City Bank, in the City of London; or if the holder shall in writing so request, at the Clydesdale Bank in Glasgow, or at the office of the Chamberlain, and in the case of all other creditors, at the office of the Chamberlain of the City of Hamilton.

Obligation of Creditors of the City after acceptance of this Act.

29. The acceptance of this Act is contingent upon the payment of all arrears of interest not covered by the issue of new debentures up to the thirty-first day of March, one thousand eight hundred and sixty-four, and of all costs of any suits or actions instituted by the debenture-holders or any of them, and which interests and costs shall be paid and borne by the said Corporation; and the costs and expenses other than any costs covered by the one thousand two hundred pounds sterling to be paid

Acceptance contingent on certain conditions.

Taxation of costs in certain cases.

paid to the said Messrs. Dawes & Sons; and five hundred pounds to the said Messrs. Towers-Clark, Robertson and Ross; shall, if desired, be taxed in the usual manner, and the production of an allocatur or certificate of the proper officer of the Court in which such suit may be pending; or in which such judgment may have been recovered, which certificates they are hereby authorized and required to give, shall be a condition precedent to requiring payment of such costs, and shall be a sufficient authority to the Chamberlain or Manager of such Bank respectively, for the payment thereof.

After acceptance of Act no action maintainable on outstanding debentures or coupons.

30. From and after the acceptance of this Act, as herein provided, no action, suit or other proceeding shall be maintained by or on behalf of any holder of any debenture hereinbefore referred to as outstanding on the first day of April, one thousand eight hundred and sixty-four, or of any coupon to such debenture; and no judgment at law or in equity, recovered in respect of such debenture or coupon shall be enforceable against the City, its property or effects; and it shall be a sufficient plea to any such suit or action, to state that a new debenture under the provisions of this Act, had been duly lodged or tendered at such place as aforesaid; and that all arrears due to such debenture holder, according to the terms and provisions of this Act, had been paid or tendered to him or duly lodged for him, and the same facts may be shown on motion to stay or set aside proceedings in any such suit or action or under any such judgment as aforesaid.

Rights of holders of Debentures issued in respect of Great Western Railway.

31. Nothing herein contained shall impair, affect, or restrict the right of any holder of debentures issued in respect of the Great Western Railway Company of this Province, to share in the dividends, past and future, payable on the stock of that Company, but the holders of such debentures shall be entitled to such dividends and such proportion of the interest above mentioned as shall make up the total amount of interest to six per cent.; Provided always, that if such dividends and interest shall exceed the said sum of six per cent., the surplus shall be carried by the Chamberlain of the said Corporation to a special account to be called the "Great Western Interest Account," and shall from time to time, be applied to the payment, or in the reduction of the next half-year's interest on the debentures in this section mentioned; and a separate account shall be kept for both the principal and interest of these debentures.

Proviso.

Rights of holder of Water Works Debentures.

32. Nothing herein contained shall impair, affect or restrict the rights of the holders of Water Works Debentures to the security they at present hold; which rights shall continue in full force and effect, and shall be enjoyed by the holders of the Water Works Debentures, to be issued by virtue of this Act, and shall apply to, and cover the payment of the principal sums contained in the said Debentures, and the interest in this Act provided to be paid thereon; and the holders of the said Debentures

Debentures shall, in addition to the interest provided to be paid by the fourth section of this Act receive and have added to their coupons one-half per cent. per annum additional interest in and for each year, and part of a year, from and after the thirty-first day of March, one thousand eight hundred and sixty-four, to the thirty-first day of March, one thousand eight hundred and seventy-four, inclusive, and one per cent. per annum additional interest in and for each year from and after the thirty-first day of March, one thousand eight hundred and seventy-four, to the thirty-first day of March, one thousand eight hundred and eighty-four inclusive, which additional interest shall be paid along with the interest provided to be paid by the fourth section hereof; and it shall be the duty of the said Corporation to levy and raise annually Water Rates or Rents (as provided in the Acts relating to said Water Works) sufficient to provide for said additional interest over and above all working expenses, including the cost of extending the line of pipes, introducing service pipes, and keeping the said works in repair, and any surplus from time to time remaining after paying the said additional interest, shall be carried to a special account, to be called the "Water Works Interest Account," and shall be held as a guarantee fund for the payment of interest on the Water Works Debentures, and in the event of the said Corporation failing to levy sufficient rates to pay the interest on the said Water Works Debentures, the money standing from time to time in said account may be applied in payment of such interest; and the said Trustees may also from time to time apply the said surplus, or part thereof, in the redemption of Water Works Debentures; and it shall also be the duty of the said Corporation, in the event of the interest stipulated to be paid by the fourth and fifth sections hereof not being raised in full from rates imposed by virtue of this Act, to levy and collect a Water Rate of an amount which will be sufficient to make up any such deficiency; and the Water Rents or Rates to be imposed during the non-payment of the Water Works Debentures, shall not in any one year be at a less rate per dollar than the Water Rents or Rates imposed for the year one thousand eight hundred and sixty-two; provided that in case of default of said Corporation to levy and raise sufficient sums to pay said additional interest in any year, the same proceedings may be taken by said Trustees to impose and collect said rates or rents, as are provided for in section fourteenth, and otherwise in this Act, or the said Debenture holders may apply to the Court of Chancery in Upper Canada for the appointment of a Receiver or Manager to levy and collect the proper rates or rents to pay the said working expenses and interest, as hereinbefore provided, or for such other relief as they may be entitled to by virtue of the Acts relating to the said Water Works.

Duty of Corporation to raise sufficient Water Rates, &c.

Water Rates during non-payment of Water Works Debentures.

Duty of Trustees if Corporation is in default.

33. The debentures issued under this Act shall be expressed to be issued under the City of Hamilton Debentures Act, 1864, but those mentioned in the two last preceding sections shall be

Great Western Railway and Water

Works De-
bentures, to
be specially
so stamped,
&c.

be specially stamped or otherwise designated as "Great Western Railway," or "Water Works" Debentures; and the holders of the Great Western Railway Debentures shall and may, if they so desire, at any time receive and take a transfer, at par, from the said Corporation of so much of the Stock of the Great Western Railway Company, as shall be equivalent to the par value of the said debentures, on the delivery of the said debentures to the Corporation.

All future
debts post-
poned to de-
bentures un-
der this Act.

34. All Debentures or Bonds or Obligations for borrowed money which may be granted by or on behalf of the Corporation after the passing of this Act, shall, as regards both principal and interest respectively, be postponed to the Debentures to be issued by virtue of this Act.

Collectors un-
der ss. 14 and
16 to give se-
curity, &c.

35. The Collectors referred to in the fourteenth and sixteenth sections of this Act shall, before entering upon the duties of their office, give security to the Municipality in the same manner as is provided for in the case of other Collectors, and they and all other officers of the Corporation shall for the purposes of this Act, be amenable to the process of the Superior Courts of Law of the Province, and be liable to be summarily proceeded against, by attachment or otherwise, for the non-performance of the duties imposed upon or required of them by this Act, in the same manner as if they had been executing a writ issued by the said Courts respectively; and the said Courts, or a Judge thereof, are hereby empowered to make such rules or orders upon such officers, for the due enforcing of the provisions of this Act as may from time to time become necessary or expedient.

Recital; as to
rates in 1862
and 1863.

36. And whereas the City Council, for the year one thousand eight hundred and sixty-two, neglected to appoint any Collector for that year, and it may be doubtful whether Collectors appointed by the Council thereafter can legally collect the rate imposed by the Council for the said year one thousand eight hundred and sixty-two, and it is desirable, nevertheless, that such rate, as also the rate imposed in the year one thousand eight hundred and sixty-three, should be collected and applied for the purposes of this Act so far as the same may extend, (but without prejudice to the power of the Council to impose any additional rate which may be requisite to meet the interest to become due in October and April next ensuing the passing of this Act, and all other sums which may be required for the government of the Municipality, and other lawful purposes of the city during that period); Therefore it is enacted, that the City Council of the said city, for the present or any future year may vary and repeal any by-laws passed in said years, and may apportion the said rates by providing for their collection in one or more years, and may appoint a Collector or Collectors to collect, levy, and raise the rates which were imposed under by-laws of the Council

Council may
provide for
the collection
of the said
rates: powers
of Collectors,
&c.

Council

Council for the years one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three, or which may be imposed by any by-law to be passed under the provisions of this section; and the said Collector or Collectors may use all and every the same means for the collection of the said rates as if they had been appointed within the time fixed by law, and the bond to be given by them and their sureties, shall be as valid and effectual as if they had been so appointed and the said rate or rates shall and may be levied, not only on the present owners and occupiers, but on any person or persons who would have been liable to pay the same if the same had been duly enforced in the years one thousand eight hundred and sixty-two, and one thousand eight hundred and sixty-three, saving and granting to the person or persons paying the same, his, her, or their remedies against any party or parties who, by agreement or otherwise, ought to make good the same; and this section shall come into operation on the passing of this Act, and shall receive effect irrespective of the provisions hereinbefore contained for the acceptance of this Act.

Proviso.

37. Nothing in this Act contained shall be construed to alter, vary or change any debt, lien, claim, right or title which the Crown may now have or hold upon or against the said Corporation of the City of Hamilton.

Rights of the Crown saved.

38. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act, and may for all purposes be cited as "The City of Hamilton Debentures Act, 1864."

Public Act, &c.

SCHEDULE.

(Form of Debenture.)

No. £ sterling

PROVINCE OF CANADA.

CITY OF HAMILTON.

DEBENTURE.

Under and by virtue of the City of Hamilton Debentures Act, 1864; and by virtue of By-law No. _____ whereby a special Rate is imposed in pursuance of that Act.

The Mayor, Aldermen and Commonalty of the City of Hamilton, promise to pay the Bearer at the City Bank, London, England, _____ sterling, on the thirty-first day of March, one thousand eight hundred and ninety-four, and the half-yearly

half-yearly Coupons hereto attached, as the same shall severally become due.

Dated at Hamilton, Upper Canada, this day of 18

A.B., Mayor.

C.D., City Chamberlain.

CITY [L.S.] SEAL.

CAP. LXXIII.

An Act to amend the Act to consolidate the Debt of the Town of Bowmanville.

[Assented to 30th June, 1864.]

Preamble.

23 V. c. 90.

WHEREAS the Corporation of the Town of Bowmanville by their petition have represented, that in consequence of the discount on the Debentures issued by them under the authority of the Act twenty-third Victoria, chapter ninety, intituled: *An Act to consolidate the Debt of the Town of Bowmanville*, having been greater than was anticipated, it is necessary, in order to meet their debts and liabilities, that the amount for which they are authorized under the said Act to issue Debentures should be increased from fifty thousand dollars to sixty-two thousand dollars; and that the said Act should be amended accordingly: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sum limited by Sect. 1 of cap 90 of 23 Vict. increased to \$62,000.

1. The first section of the Act hereinbefore mentioned is hereby amended by increasing the sum of fifty thousand dollars, therein mentioned, to sixty-two thousand dollars; and the said Corporation may issue Debentures under the authority of the said Act to the amount of sixty-two thousand dollars, and such Debentures shall be issued in accordance with the provisions of the said Act, which shall in all respects be held and construed to apply thereto.

Public Act.

2. This Act shall be deemed a Public Act.

C A P. L X X I V.

An Act to consolidate the Debt of the Town of St. Thomas, Canada West, and for other purposes therein mentioned.

[Assented to 30th June, 1864.]

WHEREAS the Corporation of the Town of St. Thomas, Preamble.
have, by their petition to the Legislature, represented that the said Corporation are indebted upon Debentures heretofore issued by them in the sum of about one hundred and ten thousand dollars for principal and interest, and that they have arranged with the holders of the said debentures to grant to them new Debentures in exchange therefor bearing the reduced rates of interest and payable as hereinafter mentioned, and have prayed for the sanction of the Legislature to carry out such arrangement: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Corporation of the Town of St. Thomas may from time to time pass a by-law or by-laws for authorizing the issue of Debentures with coupons attached thereto for a sum not exceeding the sum of one hundred and ten thousand dollars, or the aggregate debt of the Corporation on the first day of July, one thousand eight hundred and sixty-four, for principal and interest secured by the Debentures, whichever is the less sum, to redeem the Debentures and to secure the payment of the arrears of interest, respectively outstanding and owing on the first day of July, one thousand eight hundred and sixty-four, as above mentioned. Power to issue new Debentures, for \$110,000 to redeem those outstanding.

2. The Debentures so to be issued shall be Debentures of the Town of St. Thomas, and shall be made payable on the first day of July, one thousand nine hundred and four, and shall be in sums of not less than twenty-five pounds currency, or the equivalent in dollars; and any sum or sums less than twenty-five pounds remaining uncovered by such issue shall be paid by the Corporation, in cash, on demand, to the persons entitled thereto. Dates of payment of Debentures.

3. The Debentures may be in the form given in the schedule to this Act, or as near thereto as the Corporation find convenient. Form of new Debentures.

4. The interest made payable by such Debentures shall be payable half-yearly, on the first day of July and on the first day of January in each year, at the place mentioned therein and in the coupons attached thereto, and shall be at the rate of three per centum per annum until the first day of July, one thousand eight hundred and seventy-four inclusive, and thereafter at the rate of four per centum per annum, until the first day of July, one Interest when and at what rate payable.

Coupons for interest.

one thousand eight hundred and eighty-four inclusive, and thereafter at the rate of five per centum per annum, until the first day of July, one thousand eight hundred and ninety-four inclusive, and thereafter until the maturity of the said respective Debentures, at the rate of six per centum per annum,— and coupons shall be attached to the said debentures for the payment of the said interest; the first half-yearly payment of interest shall be payable on the first day of January, one thousand eight hundred and sixty-five.

Provision in case of failure to pay coupons.

5. If any coupon shall be presented for payment, and shall not be paid before the expiration of forty days after the day for payment mentioned in the coupon, the half-year's interest secured by the coupon shall, immediately after the expiration of the forty days, or after presentation and refusal, whichever event shall last happen, be, if less than at the rate of six per centum per annum, raised to a sum equivalent to that rate of interest on the sum secured by the Debenture for which the coupon was issued, and the increased sum shall be payable by the corporation upon presentation of the coupon as though such sum had been therein specified, and shall be so payable, not as a penalty, but as liquidated damages for the delay.

Rates to be raised for payment of interest.

6. For the payment of the said interest, both original and increased, there shall be levied and raised by the Corporation from time to time, yearly, or half-yearly, or oftener if they think fit, upon the whole then assessable property of the said town, a rate or rates of so many cents on the dollar as shall be required, until the said principal and interest shall be fully paid and discharged; Provided always, that if the rate or rates to be levied from time to time shall yield more than the rate of interest from time to time payable, the surplus shall be carried to a special account, to be called the "Interest Account," and be applied to the payment of the next half-year's interest.

Sinking Fund from 1874 to 1894.

7. From and after the first day of July, one thousand eight hundred and seventy-four, until the first day of July, one thousand eight hundred and ninety-four, inclusive, it shall be incumbent on the Corporation, in addition to the interest, to provide yearly a sum equivalent to one per centum on the amount of the debentures issued under this Act, as and towards a general sinking fund for the purpose of paying the principal of the said debentures, and to impose a sufficient rate or rates for that purpose in addition to the other rate or rates from time to time imposed under this Act, unless the said other rate or rates from time to time imposed shall be sufficient to cover both the interest and also the said yearly sum; but it shall be incumbent upon the Corporation to impose and levy a sufficient rate to make good any deficiency that the rate or rates from time to time collected shall be insufficient to cover.

8. From and after the first day of July, one thousand eight hundred and ninety-four, until the maturity of the said debentures, inclusive, it shall be incumbent on the Corporation, in addition to the interest, to provide yearly a sum equivalent to two per centum on the amount of the debentures issued under this Act, as and towards the said general sinking-fund for the purposes hereinafter mentioned, and to impose and levy a sufficient rate or rates for that purpose, in addition to the other rate or rates for the time being imposed under this Act for the payment of interest, unless the said other rate or rates for the time being imposed shall be sufficient to cover both the interest and the said yearly sum; but it shall be incumbent upon the Corporation to impose and levy a sufficient rate or rates to make good any deficiency that the other rate or rates from time to time collected shall be insufficient to cover; the rates collected by virtue of this and the immediately preceding section shall be carried to an account to be kept in name of the Trustees constituted for the purposes of this Act, and to be called the General Sinking Fund Account, and shall be exclusively applied towards paying the principal of the said debentures.

Sinking Fund from 1894 till maturity of Debentures.

General Sinking Fund account.

9. In the Collectors' Rolls, made up after the issue of the debentures authorized by this Act, there shall be a column headed "Rates under the Act of 1864," and it shall be the duty of the corporation to see that every rate levied under this Act, including the sums assessed in respect of non-residents, is inserted upon the Rolls, or on a separate Roll, to be called the non-residents' Roll, and to deliver a duplicate of every Roll to the Trustees constituted for the purposes of this Act; and the collectors shall deposit any moneys received by them from such rates to the credit of an account to be kept in the name of the said Corporation in one of the Chartered Banks of the Province, and shall deliver the certificates of such deposits, when and so often as the same are made, to the Town Treasurer, and the moneys so collected, received or deposited, shall be applicable only to the purposes mentioned in this Act, and shall be applied in no other manner whatever; and any collector or other person applying such moneys for any other purpose than is provided for in this Act, shall be civilly liable for the amount, and shall be further held guilty of a misdemeanor, and be liable to be punished by fine in any sum not being less than double nor more than four-fold the amount mis-applied, or by imprisonment for any term not being less than three calendar months, nor more than two years, or by both; and any officer of the Town or member of the Council, authorizing any such application, or assenting thereto, shall, in like manner, and to the like extent, be civilly and criminally responsible; but such deposit shall be a discharge to the town for the coupons in respect of which the deposit shall be so made.

Special column in Collectors' Rolls for rates under this Act.

Deposit of moneys collected.

Penalty for misapplication of any such moneys.

10. For the due and punctual payment of the interest by this Act stipulated to be paid, it shall be incumbent on the Corporation and their Treasurer for the time being, to have, on the fifteenth

Corporation always to provide a certain

amount for
payment of
interest.

fifteenth day of June and fifteenth day of December in each year, at the credit of the account mentioned in the preceding section, a sum sufficient to pay the half-yearly interest next becoming payable after the said respective dates.

Information
as to rates to
be furnished
to the Trust-
ees.

11. The Collectors, at the close of each year, and oftener if so required, shall lay before the Trustees constituted for the purposes of this Act, a statement, verified by oath or declaration, shewing the amount realized by such rate or rates, the amount remaining uncollected, and the reasons alleged for the non-collection, and the amounts uncollected for the previous years, and shewing also how the moneys collected have been applied; and shall furnish, and in like manner verify, any further information which may from time to time be required by the Trustees; if they, or either of them, shall knowingly make any mis-statement in the above matters, he or they making such mis-statement, or swearing to the same, or declaring the truth thereof, shall be held guilty of perjury.

Penalty for
misstate-
ment.

Municipal
laws to apply.

12. Except when otherwise provided by this Act, all the provisions of the Municipal and Assessment Laws of Upper Canada, relative to the levying and collecting of rates and assessments, shall be applicable to the rates and assessments to be levied and collected under this Act.

Power for
Trustees to
appoint Com-
missioners, if
the Corpora-
tion fail to
appoint As-
sessor or
Collectors.

13. If, and whenever the Corporation shall fail to appoint assessors by the time limited in the General Assessment Act of Upper Canada, or shall fail, on or before the first day of October in any year after the issuing of any debentures authorized by this Act, to appoint one or more collectors to collect the rate or rates authorized, or shall at any time fail to impose and levy a sufficient rate or rates for the purposes of this Act, the Trustees constituted for the purposes of this Act shall from time to time, appoint a Commissioner or Commissioners, with such reasonable salary or salaries as the said Trustees think fit, and the said Commissioner or Commissioners shall have the same power and authority as the said Corporation to appoint assessors to make up the proper Assessment Rolls, and they shall have power to call for the Assessment Rolls of the current year, and to assess and impose and levy such rate or rates, and also to prepare Assessors' or Collectors' Rolls and place the same in the hands of Assessors or Collectors of their own selection, who are hereby authorized to act in the same manner as if they had been appointed by the Corporation, under the provisions of the said Assessment Act, and of the Act twenty-fourth Victoria, chapter fifty-six, and to do whatsoever else the Trustees think fit, for any purposes of this Act, or the said Trustees shall apply to one of Her Majesty's Courts of Law or Equity in Upper Canada for a Writ, Decree or Order to compel the said Corporation to perform the duties imposed upon them by this Act.

Powers of
Commission-
ers.

14. Any officer or member of the Council interfering with or refusing to afford to any Commissioners, Assessors or Collectors under this Act, any books, papers, or information necessary to enable them to perform the duties cast upon them by this Act, shall be guilty of a misdemeanor, and be liable to be punished by imprisonment for any term not being less than three calendar months nor more than two years.

Penalty on officer of Corporation obstructing Commissioners, &c.

15. If, and whenever it shall be made to appear to the satisfaction of a majority of the Trustees constituted for the purposes of this Act, that the Assessors, Collector or Collectors appointed by the Corporation, are not fairly and honestly performing the duties of their office, but are endeavoring to delay or prevent the collection of the rate or rates hereby authorized, the Trustees shall, from time to time, appoint such Commissioner or Commissioners, with such salary or salaries as aforesaid, who shall have the like power and authority to appoint assessors or collectors, to proceed with the collection of the uncollected portion of such rate or rates, with such interest thereon as may be owing, and to take all such steps as may be necessary for that purpose, and it shall be the duty of the assessors or collectors so complained of, forthwith to hand over their Rolls and any moneys collected to such Commissioner or Commissioners, or in default they shall be guilty of a misdemeanor, and liable to be proceeded against accordingly, and, upon conviction, be punished by fine or imprisonment, or by both, in the like manner and to the like extent as under section nine of this Act.

Power for Trustees to appoint Commissioners, if Collectors appointed by the Corporation fail in their duty.

Duty of Assessors or Collectors complained of.

16. The salary or salaries which may be assigned under the authority of sections thirteen and fifteen of this Act, to any Commissioner or Commissioners appointed under those sections or either of them, or to any other officer or officers appointed by the said Trustees, shall be paid out of, and be charged upon the rate or rates authorized by this Act.

Salaries under the Act, charged on rates.

17. Any Collector or Collectors appointed under sections thirteen or fifteen of this Act shall be entitled to deduct out of all moneys levied by him or them on account of the rate or rates which they shall be empowered to collect, a percentage of not exceeding three per centum as and for his or their remuneration.

Collectors to deduct percentage.

18. When and so often as the funds on hand applicable to the payment of the principal of the said debentures shall amount to four thousand dollars, or oftener if it shall be thought expedient or desirable so to do, it shall be the duty of the Trustees, by public advertisement in this Province, to invite tenders for the redemption of such debentures; and to redeem so many as the funds on hand shall be sufficient to meet; and if no parties shall come forward to sell, after such advertisement, or if the tenders received shall fail to exhaust the funds on hand, then

Application of sinking fund, to redemption of Debentures.

Investment of
such fund.

the general sinking fund hereinbefore directed to be formed shall be employed by the Trustees constituted for the purposes of this Act, in or towards the redemption of the debentures issued under this Act, and from time to time owing; in the meantime, and until such payment or redemption shall take place, the said Trustees shall be at liberty to invest the moneys standing to the account of the general sinking fund in Provincial Government securities, or in such manner as they, with the consent of the Governor General in Council, shall think fit; the said Trustees may appoint a chartered Bank in Canada, in which the said general sinking fund shall be placed to their account, to be their agent for the management from time to time of the said general sinking fund; but the Trustees shall not be liable the one for any other, or for any banker, agent or other person, or any of them, for involuntary loss.

Liability of
Trustees.

First Trust-
tees under
this Act.

19. The following shall be the Trustees for the purposes of this Act (that is to say,) on behalf of the Town of St. Thomas, George Thomas Claris, Esquire, and the Mayor of the Town of St. Thomas for the time being: On behalf of the debenture-holders, the Reverend J. W. Marsh, of London, Clerk; James Henderson, of Kingston, Esquire, and the Honorable J. Hilliard Cameron, of Toronto; and three of the Trustees present in person or by proxy shall be a quorum for all the purposes of this Act; and the said Trustees shall and may vote by proxy as well as in person, the proxy being a Trustee, or any other person; And the said Trustees shall be a Corporation by the name and style of the Trustees of the St. Thomas Debenture Fund; the said Trustees or any of them shall be removable by a majority in number and value of the debenture-holders present in person or by proxy at a general meeting to be called for the purpose, by holders of debentures to an amount of not less than ten thousand pounds, and to be held in London; upon two months previous notice thereof, to be given by advertisement in newspapers published in London, Toronto and Kingston, and any Trustee who may be so removed shall not be eligible for re-election.

Power to ap-
point new
Trustees in
case of vacan-
cies.

20. If the Trustees named in this Act, or any of them, or any Trustees or Trustee appointed as hereinafter provided, shall die, or desire to be discharged, or refused or become unfit or incapable to act, then if such vacancy take place in the number appointed on behalf of the Corporation, the Corporation shall, within six months after the occurrence of such vacancy, appoint a new Trustee; and where a vacancy shall take place amongst the other Trustees, a new Trustee shall, within six months after the occurrence of such vacancy, be appointed by the surviving and acting Trustees; upon every such appointment, all the estates, moneys and powers respectively held and exercisable under this Act shall immediately, and by force of this Act, vest in the new Trustee or new Trustees jointly with

with the surviving or continuing Trustees or Trustee, if any, and without the necessity of any transfer, conveyance or assignment; if the appointment of a new Trustee or new Trustees hereinbefore directed, shall not be made within the period of six calendar months as aforesaid, it shall be lawful for the Governor General in Council, upon the petition of any one or more holders of the said Debentures, from time to time to appoint a new Trustee or new Trustees to fill up the vacancy or vacancies for the time being amongst the Trustees for the purposes of this Act, and upon every such appointment, all the estates, moneys and powers then vested in the Trustees for the time being, shall, in like manner, immediately vest in the new Trustee or Trustees, jointly with the surviving or continuing Trustee or Trustees, if any, without the necessity of any transfer, conveyance or assignment.

Governor in Council to appoint in certain cases.

Transfer of money, &c.

21. The remuneration of the Trustees shall be two hundred dollars a year, which shall be divided between them in proportion to their attendances at meetings of the Trustees held for the purposes of this Act; but no such remuneration shall be payable until default shall have been made in the payment of the said coupons.

Remuneration of Trustees.

22. The legal expenses and costs hereinafter referred to and the remuneration, travelling, contingent and incidental expenses of the Trustees, and salaries of officers employed by them, and otherwise in carrying this Act into execution, shall be paid out of and be a first charge upon the rate or rates authorized by this Act; but no such remuneration other than is provided for by the next preceding section shall be payable, unless, or until default shall have been made in some sum of principal or interest under this Act.

Certain legal expenses a charge on rates.

23. Nothing herein contained shall interfere with the rights of the holders of any debentures issued under this Act to pursue any other remedies, at law or in equity, for the recovery of the principal or interest by the said debentures secured; and in any proceedings for the recovery of any interest it shall not be necessary to produce the debenture, but the production of the coupon shall be *prima facie* evidence that the holder of such coupon is the owner of the debenture to which it was attached, and entitled to recover thereon; and a *bona fide* payment to the holder of such coupon shall discharge the said Corporation from all further liability thereon.

Saving clause as to rights of new Debenture holders for recovery of interest, &c.

24. This Act shall not take effect, unless accepted by a majority consisting of two-thirds in value of the debenture-holders present, in person or by proxy, at a meeting to be called by the Mayor of St. Thomas, for the purpose, and held in London, of which meeting fourteen days' prior notice shall be given in the *Official Gazette* of Canada, and in one newspaper published in London, Toronto and Kingston, but such meeting

Act not to take effect until accepted at a public meeting of Debenture holders.

meeting may be adjourned, and it shall not be necessary to publish a notice of such adjourned meeting.

Who shall be deemed debenture holders.

25. Any person producing debentures at the meeting mentioned in the immediately preceding section, or at any adjourned meeting, shall be deemed to be the owner thereof, and entitled to vote thereupon; or in lieu thereof, any person attending such meeting may produce a certificate from the manager of any Bank in Canada, and signed by such manager, to the effect that the party named therein had deposited with him such and so many of the said debentures as shall be specified by number and amount in such certificate, and upon the production of such certificate, the person named therein shall be entitled to vote either in person or by proxy, in the same manner as if he had produced the debenture or debentures mentioned in such certificate, and the grantor of such certificate shall retain the debentures therein specified till after the said meeting, and for the purposes of this section an official certificate of a judgment obtained on a debenture, specifying and setting forth the number or numbers of the debentures in respect of which such judgment was recovered and the amounts thereof, shall be equivalent to a debenture.

Certificate may be obtained.

Proxy at meeting.

26. Any form of proxy authorizing the holder thereof to vote at such meeting, shall be sufficient if accompanied by the production of the debenture or such certificate as mentioned in the immediately preceding section, and the certificate in writing of the Chairman of the meeting shall be taken as *prima facie* proof of the acceptance of the Act, by such debenture-holders, which certificate shall be in the office of the Provincial Secretary, and certified copies thereof by the said Secretary shall be sufficient *prima facie* evidence of the contents thereof.

Evidence of acceptance of this Act.

Exchange of outstanding for new debentures after acceptance of Act.

27. From and after the acceptance of this Act by the debenture-holders at a public meeting to be called and held in the manner hereinbefore specified, all parties, holding any of the debentures of the said Town of St. Thomas, outstanding as hereinbefore recited, and having arrears of interest due to them as aforesaid, shall be bound to receive in exchange therefor, subject to the provisions hereinbefore contained for payment in cash of sums under twenty-five pounds, an amount of new debentures to be issued under this Act, equivalent to the debentures and arrears of interest which they or their predecessors held on the first day of July, one thousand eight hundred and sixty-four, such new debentures being deliverable to creditors at the office of the Treasurer of the Town of St. Thomas.

Acceptance of Act contingent on certain conditions.

28. The acceptance of this Act is contingent upon the payment of all arrears of interest not covered by the issue of new debentures up to the first day of July, one thousand eight hundred and sixty-four, and of all costs of any suits or actions instituted by the debenture-holders or any of them, and which interest

interest and cost shall be paid and borne by the said Corporation; and the costs and expenses shall, if desired, be taxed in the usual manner, and the production of an allocatur or certificate of the proper officer of the court in which such suit may be pending, or in which such judgment may have been recovered, which certificates they are hereby authorized and required to give, shall be a condition precedent to requiring payment of such costs, and shall be a sufficient authority to the Treasurer or Manager of such Bank respectively, for the payment thereof.

Taxation of certain costs.

29. From and after the acceptance of this Act, as herein provided, no action, suit or other proceeding shall be maintained by or on behalf of any holder of any debenture hereinbefore referred to as outstanding on the first day of July, one thousand eight hundred and sixty-four, or of any coupon to such debenture; and no judgment at law or in equity, recovered in respect of such debenture or coupon shall be enforceable against the town, its property or effects; and it shall be a sufficient plea to any such suit or action, to state that a new debenture, under the provisions of this Act, had been duly lodged or tendered at such place as aforesaid, and that all arrears due to such debenture-holder, according to the terms and provisions of this Act, had been paid or tendered to him or duly lodged for him, and the same facts may be shown on motion to stay or set aside proceedings in any such suit or action or under any such judgment as aforesaid.

Tender of new Debentures a bar to recovery of old Debentures after acceptance of this Act.

30. The debentures issued under this Act shall be expressed to be issued under the Town of St. Thomas Debentures Act, 1864.

Style of new Debentures.

31. All debentures or bonds or obligations for borrowed money, which may be granted by or on behalf of the Corporation after the passing of this Act, shall, as regards both principal and interest respectively, be postponed to the debentures to be issued by virtue of this Act.

Debentures under this Act to rank before others.

32. The Collectors referred to in the thirteenth and fifteenth sections of this Act, shall, before entering upon the duties of their office, give security to the Municipality in the same manner as is provided for in the case of other Collectors, and they and all the officers of the Corporation shall, for the purposes of this Act, be amenable to the process of the Superior Courts of Law of the Province, and be liable to be summarily proceeded against, by attachment or otherwise, for the non performance of the duties imposed upon or required of them by this Act, in the same manner as if they had been executing a writ issued by the said Courts respectively; and the said Courts, or a Judge thereof, are hereby empowered to make such rules or orders upon such officers, for the due enforcing of the provisions of this Act, as may from time to time become necessary or expedient.

Security to be provided by Collectors.

Municipal
Acts to apply
to rates under
this Act.

33. With reference to the rates to be levied under this Act, and the duties of the assessors, collectors, and Town Treasurer in reference thereto, all the provisions of the Upper Canada Municipal Corporations Act, and all other Acts relating to Municipal Corporations which apply to cities, shall apply to the Municipality of the Town of St. Thomas, under this Act, but the sale of any lands for taxes under this Act, shall be made by the Sheriff of the County of Elgin, and not by any High Bailiff or High Constable of the said Town.

Rights of the
Crown.

34. Nothing in this Act contained shall be construed to alter, vary or change any debt, lien, claim, right or title which the Crown may now have or hold upon or against the said Corporation of the Town of St. Thomas.

Public Act,
&c.

35. The Interpretation Act shall apply to this Act, and this Act shall be deemed a public Act, and may for all purposes be cited as "The Town of St. Thomas Debentures Act, 1864."

SCHEDULE.

(Form of Debenture.)

No.

\$

PROVINCE OF CANADA.

TOWN OF ST. THOMAS.

DEBENTURE.

Under and by virtue of the Town of St. Thomas Debentures Act, 1864, and by virtue of By-law No. _____ whereby a special Rate is imposed in pursuance of that Act—

The Corporation of the Town of St. Thomas, promise to pay the Bearer at the office of the Town Treasurer in St. Thomas, on the first day of July, one thousand nine hundred and four, and the half-yearly coupons hereto attached, as the same shall severally become due.

Dated at St. Thomas, Upper Canada, this _____ day of _____ 18____

A. B. Mayor.

C.C., Town Treasurer.

CITY [L.S.] SEAL.

C A P .

C A P. L X X V.

An Act to enable the Corporation of the Village of Caledonia to issue new debentures to redeem certain others now outstanding.

[Assented to 30th June, 1864.]

WHEREAS the Corporation of the Village of Caledonia Preamble. have by their petition set forth, that they became subscribers to the stock of the Hamilton and Port Dover Railway Company to the extent of ten thousand pounds and issued their debentures therefor, and that from various causes therein referred to, they have become unable at present to pay the interest on such debentures, and have prayed for an Act authorizing them to issue new debentures in lieu of and exchange for those at present outstanding, with coupons attached thereto for the payment of interest at the rate of four per cent. per annum for six years, and at the rate of six per cent. thereafter, payable half-yearly on the first days of July and January in each year; the first of such payments to be made on the first day of July next, one thousand eight hundred and sixty-four; and also for power to issue debentures for the arrears of interest due on the first day of January last, and for such a sum as would represent the deficiency between the four per cent. interest and the present rate of six per cent.; And whereas the present holders of all the debentures still outstanding, have expressed their assent to the said arrangement and by their petition have prayed that the Act sought for by the said Corporation may be passed; 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:

1. It shall be lawful for the Corporation of the Village of Caledonia to pass a by-law or by-laws for authorizing the issue of debentures with coupons attached thereto, for a sum not exceeding the sum of thirty-four thousand dollars, to redeem the said debentures at present outstanding in addition to the debentures for the interest hereinafter mentioned. Corporation may issue Debentures for \$34,000.

2. The debentures so to be issued shall be debentures of the Corporation of the Village of Caledonia, and shall be made payable at the same time and place and in the same sums as the debentures in place of which the issue is intended to be made, are made payable. When to be payable.

3. The interest made payable by such debentures and the coupons to be attached thereto, shall be payable half-yearly on the first day of January and the first day of July in each year, at the rate of four per cent. per annum, until and including the first day of January, one thousand eight hundred and seventy, Rate of interest. Payable half yearly.

seventy, and at the rate of six per cent. per annum thereafter, until the maturity of the said debentures.

Arrears of interest to be capitalized.

4. The interest now in arrear, and the sum of two per cent. so to be deducted for the period of six years, shall be capitalized and treated as principal-money from the dates they severally matured, or would have matured but for the passing of this Act; and debentures shall be issued for a sum to represent such arrears and reductions calculated as follows: the arrears now due shall bear interest from the time they become due up to and inclusive of the first day of January, one thousand eight hundred and seventy, and interest in like manner shall be added to the said sums of two per cent. from the time they are at present made payable to the same period, which shall form the principal sum to be represented by such last mentioned debentures, and which shall be payable at the same period as the other debentures, and shall have coupons attached thereto, for the payment of interest at the rate of six per cent. per annum from the said first day of January, one thousand eight hundred and seventy, half-yearly, on the first days of July and January, thereafter, until the maturity of the said debentures.

Debentures for the two per cent reduction.

Form.

5. Such debentures may be in the form given in the Schedule to this Act, or as near thereto as the corporation find convenient.

Increased interest if any coupon be not paid.

6. If any coupon shall be presented for payment and shall not be paid before the expiration of forty days after the day for payment mentioned therein, the half-year's interest secured by the coupon, shall immediately after the expiration of the forty days be raised to a sum equivalent to six per cent. per annum interest on the debenture for which the coupon was issued, and the increased sum shall be payable by the corporation upon presentation of the coupon, as though the sum had been therein specified and shall be so payable, not as a penalty, but as liquidated damages for the delay.

Rate to be levied for interest and sinking fund.

7. For the payment of the said interest and the creating of a sinking fund for the payment of such debentures, there shall be levied and raised by the corporation, from time to time, yearly, upon the whole then assessable property of the said corporation, a rate or rates of so many cents on the dollar as shall be, until the said principal and interest shall be fully paid and discharged, sufficient to meet the said interest and to provide an equal yearly sinking fund sufficient for the repayment of the principal.

Governor in Council to appoint Commissioners, if the Corporation or their

8. If and whenever the Corporation of the Village of Caledonia shall fail to appoint assessors by the time limited in the Assessment Act of Upper Canada, or shall fail, on or before the first day of October, in any year after the issuing of any debentures authorized by this Act, to appoint one or more collectors

collectors to collect the rate or rates required to be raised for the payment of the interest or sinking fund for the redemption of the said debentures, or shall fail at any time to impose and levy a sufficient rate or rates for the purpose of providing for the payment of the principal and interest of such debentures, or if it shall be made to appear to the Governor in Council, that the assessors, collector or collectors appointed by the Corporation are not fairly and honestly performing the duties of their office, but are endeavouring to delay or prevent the collection of the rate or rates required to be raised, it shall be lawful for the Governor in Council upon the application of any holder or holders of debentures issued under this Act, from time to time to appoint a commissioner or commissioners with such salary as shall be deemed reasonable, and the said commissioner or commissioners shall have the same power and authority as the said corporation to appoint assessors to make up the proper assessment rolls, and they shall have power to call for the assessment rolls of the current year, and to assess, impose and levy such rate or rates, or to proceed with the collection of the uncollected portion of such rate or rates, and to take such steps as may be necessary for that purpose, and also to prepare assessors' or collectors' rolls and place the same in the hands of assessors or collectors of their own selection, who are hereby authorized to act in the same manner as if they had been appointed by the corporation under the provisions of the Assessment Laws of Upper Canada, and it shall be the duty of any assessor or collector so complained of, forthwith to hand over his rolls and any money collected, to the commissioner or commissioners so appointed as aforesaid, or in default he shall be guilty of a misdemeanor, and shall upon conviction be punished by fine or imprisonment or by both, in the discretion of the Court.

Officers fail in their duty.

Powers of such Commissioners.

9. Any officer or member of the council interfering with any commissioner or collector under this Act, or refusing to afford to him or them any books, papers or information necessary to enable them to perform the duties cast upon them by this Act, shall be guilty of a misdemeanor and be liable to be punished by imprisonment for any term not being less than three calendar months or more than two years.

Punishment of members of Corporation, &c., unduly interfering.

10. Nothing herein contained shall interfere with the rights of the holders of any debentures issued under this Act to pursue any other remedies at law or in equity for the recovery of the principal or interest by the said debentures secured.

Other remedies not affected.

11. From and after the acceptance of this Act by two-thirds in value of the debenture-holders, no action, suit or other proceeding shall be maintained by or on behalf of any holder of any debenture hereinbefore referred to as outstanding, or of any coupons to such debenture; and no judgment at law or in equity recovered in respect of such coupon or debenture, shall

After the acceptance of this Act, no further proceeding to be had on outstanding debentures.

shall be enforceable against the Corporation of the Village of Caledonia, its property or effects, and it shall be a sufficient plea to any such suit or action to state that a new debenture under the provisions of this Act had been tendered to the plaintiff therein, or lodged for him with the Treasurer of the Municipality, and the same facts may be shewn on motion to stay or set aside proceedings under any such judgment as aforesaid.

Public Act.

12. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act, and may for all purposes be cited as "The Village of Caledonia Debentures Act of 1864."

Short title.

SCHEDULE.

(*Form of Debenture.*)

No.

PROVINCE OF CANADA.

\$

VILLAGE OF CALEDONIA.

DEBENTURE.

Under and by virtue of the Village of Caledonia Debentures Act of 1864, and by virtue of By-law No. _____, whereby a rate is imposed in pursuance of that Act:

The Corporation of the Village of Caledonia promise to pay the bearer _____ currency, at _____ on the first day of July, in the year of our Lord one thousand eight hundred and seventy-six, and will also pay interest half-yearly in accordance with the coupons hereto attached as the same shall severally become due.

Dated at Caledonia, Upper Canada, this _____ day of A.D., one thousand eight hundred and sixty-four.

C. D.

A. B.

Treasurer,

Seal of [L.S.] Corporation.

C A P . L X X V I .

An Act to authorize the Corporation of the Village of Yorkville, to issue Debentures for redeeming their outstanding Debentures, for which no Sinking Fund has been set aside.

[Assented to 30th June, 1864.]

WHEREAS the Corporation of the Village of Yorkville Preamble.
have petitioned to be authorized to issue a certain amount of debentures, for the purpose of redeeming the debentures of the said Village, for which no Sinking Fund has been set aside, and which debentures were issued under By-laws number thirty, number fifty-eight, number sixty-one, number sixty-four, number seventy-nine and number eighty-four, of the said Village, passed in the years one thousand eight hundred and fifty-four, one thousand eight hundred and fifty-six, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-nine and one thousand eight hundred and sixty respectively, to build a School House and Town Hall in the said Village of Yorkville: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The Corporation of the Village of Yorkville may pass a by-law or by-laws for authorizing the issue of debentures of the said Village, for a sum not exceeding in the whole twenty thousand dollars, to redeem certain debentures of the said Village, issued under the aforesaid by-laws, dated and passed respectively, in the years one thousand eight hundred and fifty-four, one thousand eight hundred and fifty-six, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-nine and one thousand eight hundred and sixty, and numbered in the books of the said Corporation as number thirty, number fifty-eight, number sixty-one, number sixty-four, number seventy-nine and number eighty-four, and falling due as follows, viz :

Council of Yorkville may issue debentures to the amount of \$20,000 to redeem those outstanding under the said By-laws.

\$1,600	in the year	1864.
3,700	"	" 1865.
2,200	"	" 1866.
3,400	"	" 1867.
400	"	" 1868.
1,300	"	" 1869.
6,000	"	" 1870.

And it shall not be necessary with respect to any such by-law to comply with the provisions of section two hundred and twenty-four of chapter fifty-four of the Consolidated Statutes for Upper Canada, Assent of electors not required, not

Canada,

withstanding
sect. 224 of
Con. Muni-
cipal Act for
U. C.

Canada, which requires the assent of the electors of the Municipality; and the said Corporation of the Village of Yorkville, may repeal the said by-laws, numbering respectively, thirty, fifty-eight, sixty-one, sixty-four, seventy-nine and eighty-four, so far as regards the levying of rates imposed by such by-laws for the redemption of such original debentures and the payment of interest on the same.

Form, date,
interest, &c.,
of debentures.

2. The debentures to be issued under the preceding section of this Act, shall be made payable at not more than twenty years after the date thereof, and at such place or places in this Province, and shall be for such sum or sums, not less than one hundred dollars each, and in Provincial or other currency, and shall bear interest at such rate, not exceeding eight per cent per annum, as the Council of the Corporation of the said Village may think fit.

Sufficient
yearly rates
to be imposed.

3. The by-law or by-laws authorizing the issue of such debentures, shall provide for the raising of a special rate sufficient to pay the yearly interest and provide for the payment of such part of the principal sum as may fall due in each and every year according to the terms of the by-laws.

Application
of proceeds of
Debentures.

4. The proceeds of the debentures aforesaid, shall be applied in the redemption only of the debentures issued by the Corporation of the said Village, and the payment of interest accruing, as stated in the first section of this Act, as they may respectively fall due, and for no other purpose whatsoever.

Public Act.

5. This Act shall be deemed a public Act.

CAP. LXXVII.

An Act to avoid the Proclamation declaring Walkerton the County Town of the County of Bruce, and to enable the Municipal Electors of the said County to select a County Town.

[Assented to 30th June, 1864.]

Preamble.

22 V. c. 111.

WHEREAS, under the authority of the Act twenty-second Victoria, chapter one hundred and eleven, intituled: *An Act to provide for the selection of a County Town for the County of Bruce*, the Governor in Council issued a Proclamation, dated the eighth day of November, one thousand eight hundred and sixty, appointing Walkerton to be the county town of the County of Bruce, one of the United Counties of Huron and Bruce; and whereas the selection of Walkerton has not been found satisfactory to the people of the said county, and consequently no progress has been made in the erection of county buildings; and whereas the provisional council of the said

said County of Bruce have presented a petition to Parliament praying for an Act to avoid the Proclamation naming Walkerton the county town of the said county, and to enable the rate-payers of the said county to choose, by vote, whether the village of Paisley or the village of Kincardine shall be the county town of the said county; And whereas there is reason for believing that it would be for the advantage of the said county to refer the selection of the county town, in the manner hereinafter provided, to a vote of the municipal electors thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said Proclamation of the eighth day of November, one thousand eight hundred and sixty, is hereby avoided; and all Acts having reference to the settlement of the county town of the county of Bruce, are hereby repealed. Proclamation avoided, &c.

2. The selection of the county town of the County of Bruce shall be determined by a vote of the municipal electors of the said county, but such selection shall not be valid unless it receives the assent of a majority of all persons entitled to vote at such election; and in the event of no such place having such majority upon the taking of any vote under this Act, the provisional council may appoint a time for the taking of one or more votes for such selection, which votes shall be taken in the same manner and after the same notice as is herein provided for the taking of the first vote of the said municipal electors under this Act. County Town to be selected by Municipal Electors.

3. The first vote of the municipal electors for determining the said selection shall be ascertained by the following proceeding: Mode of taking the first vote.

2. The votes of the municipal electors thereon shall be taken and closed on the twentieth day of September next after the passing of this Act, at the place in each local municipality in the said County of Bruce, as now constituted, where the last municipal election was held; and Time and place.

3. The clerk of each township and village council in the several municipalities of the said county shall be the returning officer for the purposes of this Act. Who shall preside.

4. In case any returning officer does not attend, the municipal electors present may choose a returning officer; and for this purpose and all other purposes connected with ascertaining the desire of the said municipal electors under this Act, the proceedings shall be conducted in the same manner, as nearly as may be, as at municipal elections, except as herein otherwise enacted. If returning officer does not attend.

Counting the votes and declaring the result.

5. Every returning officer shall, within three days after the closing of the poll, return his poll-book, verified upon oath before a Justice of the Peace, to the clerk of the provisional council of the said County of Bruce; and the said clerk shall immediately publish a statement shewing the number of votes polled for each place respectively, and shall declare which place has the majority of votes in accordance with said statement.

Case of equality of votes provided for.

6. The place chosen as aforesaid shall be the county town of Bruce; and in case of an equality of votes between two or more places, the selection shall be made by the Reeve of that municipality within the said County of Bruce, which shall be highest rated on the last assessment roll.

Judge to decide any complaint of irregularity.

7. Any complaint of irregularity or insufficiency of the proceedings had under this Act shall be tried by a Judge of either of the Superior Courts of common law for Upper Canada; and the proceedings for the purpose shall be as near as may be those set forth in the one hundred and twenty-eighth section of the Consolidated Municipal Act for Upper Canada; provided such complaint be made within seven days after the date of such declaration as aforesaid.

And may order the vote to be taken again.

8. In case there is found to be any fatal irregularity or insufficiency in the proceedings, the Judge may order the vote to be taken anew at such time as he shall appoint; and such vote shall then be taken in the same manner and subject to all the enactments hereinbefore contained in reference to the first vote.

Publication of this Act.

9. A copy of this Act shall be published in one or more newspaper or newspapers in the County of Bruce, at least four times, after the passing of this Act, and before the day appointed for taking the said vote.

Proceedings after the County Town is chosen.

10. After the declaration of the vote as aforesaid, the provisional council shall proceed to purchase the necessary property at the place so selected under this Act, and take the necessary steps for the immediate erection of the proper county buildings at the place so selected, and shall pass the necessary by-laws for these purposes; and a certain sum of six thousand pounds, provided by by-laws of the provisional council of the County of Bruce, for the erection of county buildings, before the selection of Walkerton as aforesaid, shall be applied for or towards the erection of the county buildings at the place so selected under the provisions of this Act, as aforesaid; and all such by-laws of the provisional Council of the said County, and all debentures issued under such by-laws shall be as good and valid to all intents and purposes as if this Act had not been passed.

As to moneys already provided, &c.

Public Act.

11. This Act shall be deemed a Public Act.

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

An Act to incorporate the Village of Napanee as a Town, and for other purposes.

[Assented to 30th June, 1864.]

WHEREAS the Council of the incorporated Village of Napanee have, by their petition, prayed that it may be incorporated as a Town, and it is expedient to grant the prayer of their Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. From and after the first day of December next, the said Village of Napanee shall be incorporated as a Town, and shall enjoy all the rights, powers and privileges enjoyed by incorporated towns in Upper Canada.

Napanee to be a Town after 1st December, 1864.

2. In addition to the area now occupied by the said Village, it shall include all that portion of lot Number twenty, in the Front Concession of the Township of Richmond, which lies south of the Grand Trunk Railway tract.

Area extended.

3. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X I X .

An Act to confirm certain Side Roads in the Township of King, and to provide for the defining of the limits of the same, and of the other Road Allowances and Lines, and to establish a Road Allowance through the First Concession along and upon the southern boundary in the said Township.

[Assented to 30th June, 1864.]

WHEREAS the Municipal Council of the Township of King 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

Preamble.

peculiar

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 further, that it is desirable that the lines of side road allowances in the said township unopened, should be surveyed and confirmed; And whereas the said council have, by their petition, further represented that doubt exists whether, in the original survey of the said township, a road allowance was set out upon the southern boundary through the first concession thereof, and that it is desirable and expedient to set at rest such doubts, by declaring and confirming a road allowance through the said first concession on the said southern boundary, and they have prayed that Legislative provision be made for the said several purposes: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Side roads now travelled or to be laid out under this Act to be deemed to be on the true allowances.

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 the several lines of side road now unopened, as the same shall be hereafter severally 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 governing line of the concession; any law or usage to the contrary notwithstanding.

Municipal Council to cause a survey to be made for defining the true places of the side roads.

2. The Municipal Council of the Township of King, within two years 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 of the lines of side road as yet unopened as aforesaid, and such surveyor shall define the same by permanent cut-stone boundaries properly marked and planted at the front and rear angles of each concession, and shall deposit copies of the map and report of such survey in the office of the Commissioner of Crown Lands and in the Registry Office of the North Riding of the County of York, respectively, and the council may impose and levy a rate upon the real property of the said township to defray the expenses of surveys, maps and reports, and of the planting of such monuments, which monuments so planted shall be deemed to be the true and original boundaries.

Side roads to be drawn straight from front to rear of each concession.

3. The several side roads in the said township as mentioned in the first section of this Act, shall be drawn in a straight line from the centre of the road at present travelled at the front line of the concession to the centre of the road at the rear

rear line thereof; anything in this Act expressed or implied to the contrary notwithstanding; Provided always, that the nature of the ground admits of a road of proper grade being constructed on such straight line, and that such straight line does not intersect any valuable buildings or render it necessary to construct any expensive bridge or other road work, in which case the surveyor shall make such deviations from the straight line as the said council shall instruct him to do.

Proviso: if the straight line will not admit a proper grade.

4. In ascertaining and defining any line for side road allowance which may not have been opened, improved and travelled or only in part opened, improved, and travelled, or in respect of which there may be any dispute previous to the passing of this Act, and at all times after the passing of this Act, in ascertaining and defining any division-line or limit between lots in the said township, the same 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 side road 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 nearest side roads by this Act confirmed 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 allowances 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 notwithstanding.

How side roads which are not now opened and travelled shall be ascertained and laid out.

5. The boundaries or limits of any aliquot portion of a lot in any portion 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 directed by this Act.

Aliquot parts of lots.

6. 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 of Canada.

Boundaries under this Act not to supersede certain surveys.

7. The several lots in the township granted by letters patent and described by numbers or otherwise, as certain lots and 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

Lots in the several concessions to be deemed the same as granted, tho'

the survey under this Act may not agree with the letters patent.

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 under 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.

Road allowance on the southern boundary of the Township.

8. A road allowance, one chain in width, is hereby declared to exist, and is established from Yonge street to the rear of the first concession, between the townships of Vaughan and King, and shall be defined in the following manner, viz.: Within one year from the passing of this Act, the Municipal Councils of the Townships of Vaughan and King respectively shall appoint one or more competent Provincial Land Surveyor or Surveyors, as may be agreed upon, to survey the said road allowance, and such surveyor or surveyors shall define the same by permanent cut-stone boundaries, properly marked and planted at the front and rear angles of the above concession, and shall deposit copies of the map and report of such survey in the office of the Commissioner of Crown Lands, and in the Registry Office of the North Riding of the County of York; and such road allowance, when defined as aforesaid, shall be taken and held to be the true and unalterable road allowance between the above-named townships; any municipal or other survey to the contrary notwithstanding.

Act not to apply to a certain part of the Township.

9. It is hereby declared that the provisions of this Act are not intended to and shall not be construed to embrace that portion of the said Township of King lying to the north of the original boundary thereof, being that portion formerly belonging to the Township of West Gwillimbury and lying south of the Holland River and Marsh, and which was subsequently united to the said Township of King.

Public Act.

10. This Act shall be deemed a Public Act.

C A P. L X X X .

An Act respecting the side lines of lots in the Township of Bedford.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS certain inhabitants of the Township of Bedford, in the County of Frontenac, have by their petition represented, that the first settlements made in the said Township were made in the year one thousand eight hundred and thirty-one, but that no side lines were run until the year one thousand eight hundred and forty-two, when George Bruce, Deputy Provincial Surveyor, was employed to run divisional side lines between several lots in the eleventh, twelfth and thirteenth

thirteenth concessions of the said Township, and that he, the said George Bruce, ran such lines directly from post to post; that this mode of running lines was continued in every case where a divisional side line was established in the said Township from the year one thousand eight hundred and forty-two until the month of March in the year one thousand eight hundred and sixty-one, and that all line fences were built and all side roads were established in the said township accordingly; that it was then ascertained by Joseph O. Cromwell, Deputy Provincial Surveyor, that the said township had been originally surveyed and laid out as a double-fronted township; and that to run and establish side lines in accordance with the original survey would cause a jog of from two to three chains in the centre of each concession and a terminus of road wherever a side road allowance met with one of those jogs; and that to alter the side lines established before the month of March in the year one thousand eight hundred and sixty-one would be a great injury to the inhabitants, particularly those who have, as many have, built stone fences and established roads in the proper places according to those lines; and have prayed that it may be enacted that all the side line between lots in the said Township of Bedford shall be so drawn that the side line between any two contiguous lots in any concession of the said township shall be a line drawn 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; 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 and declares as follows:

1. All the side lines between lots in the said Township of Bedford shall be so drawn that the side line between any two contiguous lots in any concession of the said township shall be a line drawn 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.

How side lines of lots in the Township of Bedford are to be drawn.

2. All side lines so heretofore drawn or run between lots in the said township shall be the true and unalterable side lines between the said lots respectively; and all side roads heretofore established in accordance with side lines so run or drawn in the said township shall be deemed and held to have been established in the proper places.

Certain side lines and side roads in the Township confirmed.

C A P . L X X X I .

An Act to amend the Act to establish an Institution of Landed Credit (*Crédit Foncier*) in Lower Canada.

[Assented to 30th June, 1864.]

Preamble.

27 Vict. cap.
46.

WHEREAS it is expedient to amend the Act passed in the twenty-seventh year of Her Majesty's Reign, intituled: *An Act to establish an Institution of Landed Credit (Crédit Foncier) in Lower Canada*, by reducing the shareholders to a single class, and by providing for the shareholders greater security in the investment of their capital and the recovery thereof, 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:

Responsibility
of Share-
holders.23rd section
of Act re-
pealed.

1. The twenty-third section of the above cited Act is hereby repealed and the following substituted in lieu thereof: "The shareholders shall be responsible only for the amount not paid up, of their respective shares, the payment of the amount of their shares frees them from all further responsibility."

Last sentence
of 24th section
repealed.

2. The last sentence of the twenty-fourth section of the above cited Act, beginning with "the" and ending with "shareholder" is repealed.

Term of notice
of anticipatory
repayment,
&c.

3. The debtor of the *Crédit Foncier* may agree that the term of notice of anticipatory repayment shall be less than three months, and may fix the number of annuities to be paid in anticipation in virtue of any notice.

Section 54
repealed.New provision
substituted.

4. The fifty-fourth section of the above cited Act is repealed and the following substituted in lieu thereof: "The mortgage bondholders shall be collectively entitled to appoint one or more Agents, who shall be entitled to be present at all meetings of shareholders, to express their opinions and discuss them, and to see and examine the books of the *Crédit Foncier*, once in every month on such day as shall be fixed by the Directors; the mortgage bondholders shall apply to the *Crédit Foncier* for the payment of their mortgage bonds and dues, and may apply to the occupant (*détenteur*) of the immovable property mortgaged to the *Crédit Foncier*, or for the guarantee of the mortgage bonds, only after discussion of the property of the *Crédit Foncier*."

Rights of
mortgage
bondholders57th section
repealed.New provision
substituted.

5. The fifty-seventh section of the above cited Act is repealed and the following substituted in lieu thereof: "The Directors may use the reserve fund in loans or mortgage; it shall be lawful for the shareholders of the *Crédit Foncier*, by by-law passed to that effect, at the first or any other general meeting of the shareholders, to decide upon the application of the reserve fund and

and of the profits arising therefrom, and such application when once decided upon, shall not be changed unless by the express and unanimous consent of all the shareholders; provided always, that no portion of such reserve fund shall be withdrawn to be distributed as a bonus, dividend, or otherwise, until such reserve fund shall have attained an amount equal to one-fourth of the whole of the instalments paid up on the original shares; and such amount of the reserve fund, when once attained, shall be kept up by the Crédit Foncier throughout the whole period of its existence.

Application of reserve fund.

6. The fourth provision of the fifty-ninth section of the above cited Act is repealed.

Part of 59th section repealed.

7. The sixty-fourth section of the above cited Act is amended by adding the following proviso thereto: "Provided that the Crédit Foncier shall not receive any deposit in specie or in the notes of any Commercial Banks in this Province."

64th section amended.

8. The seventy-fourth and seventy-fifth sections of the above cited Act are repealed and the following substituted in lieu thereof: "The Crédit Foncier shall transmit annually to the Governor, or to either branch of the Legislature, a statement shewing its liabilities and assets, the amount of the loans effected by it, the average interest received upon such loans, the quantity and value of the real property in its possession or that shall have been mortgaged to it, together with such other information as may be so required; provided always, that the Crédit Foncier shall not, in any case, be required to divulge the name or private affairs of any individual with whom a contract shall have been entered into.

74th and 75th sections repealed.

New provision substituted. Annual return to Governor or the Legislature.

9. The Crédit Foncier may, when it shall consider it indispensable to its security, require the borrower or vendor to free (*purger*) his property from incumbrance.

Purge may be insisted on.

10. The formalities required to effect such discharge of incumbrances (*purge*) shall consist in giving a notice containing a description of the property or properties which it is proposed to free from incumbrance, the names, surname and addition of the owner thereof, and requiring all persons holding mortgages, privileges, rights or claims on such property not inserted in the certificate of the Registrar or specially reserved as herein-after mentioned, to declare the same in writing to the Registrar of the County in which such property is situate; such notice for the obtaining of such discharge of incumbrance (*purge*) shall be published in the newspapers, and for the same period of time as shall be then required by law for the publication of a notice to obtain a judgment or sentence of ratification; and such notice shall be posted up at the door of the church of the locality, or, if there be no church, at the door of the most public place in the locality in which such property is situate in the

Formalities to effect such *purge*.

Notice.

Publication of notice.

same

Effect of
purge.

same manner and for the same period of time, as shall be then necessary in the posting up of a notice to obtain a judgment or sentence of ratification; after the expiration of the time fixed for the publication of such notice, no mortgage, privilege, right or claim, which shall not have been duly declared at the office of the Registrar of the County in which such property is situate, shall affect or rank above the privileges, rights or mortgages which the Crédit Foncier shall have obtained or may obtain on such property; provided however, that such discharge of incumbrances (*purge*) shall in no way affect the rights, privileges or mortgages mentioned in the certificate of the Registrar of the county, which certificate the Crédit Foncier shall be bound to obtain and insert in the notice above mentioned; nor the hypothec of the *rente constituée* resulting from the Seigniorial Act, nor the rights and mortgages belonging to Municipalities, Schools, the Crown, married women, minors and interdicted persons.

Proviso: cer-
tain claims
excepted.

Registration
of declara-
tions.
Fee.

11. The Registrar of the county shall receive all declarations which may be delivered to him during office hours, and shall register the same in a book kept for the purpose, on payment of the usual fees, and he shall deliver to the Crédit Foncier a certified list, containing the date of the reception of each declaration, the names of the parties and the amount of each claim, in consideration of the sum of fifty cents.

CAP. LXXXII.

An Act to amend the Charter of the Eastern Townships Bank.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the Eastern Townships Bank have, by their petition, represented, that the said Bank have been unable fully to comply with the requirements of their Charter as to the payment of the capital stock of said Bank, and that the said Bank will be unable to call in the full amount of the capital stock as subscribed within the term prescribed by the Act twenty-second Victoria, Chapter seventy-nine, and desire that the period prescribed by said Act may be extended, and that a further period of five years from the first day of September next, may be allowed to them for compelling the payment in full of the capital stock of said Bank, of which capital stock one hundred and fifty thousand dollars is still unpaid; and said Bank have prayed that their Charter may be amended so as to extend the period for completing the full payment of the capital stock as aforesaid; and that the Charter may be also amended, so that said Bank may be entitled to charge any over-due bill or note held by and payable at the Bank against the deposit account of the maker or acceptor thereof; and it is expedient to grant said petition: Therefore, Her Majesty, by and with

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

1. The period limited by the Act twenty-second Victoria, chapter seventy-nine intituled : *An Act to amend the Act incorporating the Eastern Townships Bank*, for the full and complete payment of the capital stock of the said Bank shall be extended, so far as relates to the sum of one hundred and fifty thousand dollars thereof unpaid, to the expiration of three years from the first day of September, one thousand eight hundred and sixty-four, and the said Bank shall not be liable to have their Chapter declared forfeited by reason of the full amount of their capital stock not having been paid up, if before the expiration of the term of three years from the date aforesaid, the sum of one hundred and fifty thousand dollars remaining unpaid of the full amount of the capital stock of the said Bank, shall be paid in.

Delay for paying up of Capital Stock extended to 1st September, 1867.

2. The said Bank shall have a right and be entitled to charge any over-due note or bill held by and payable at the Bank against the deposit account of the maker or acceptor thereof, any law, statute or usage to the contrary notwithstanding.

Note, &c., over due may be charged to deposit account.

3. This Act shall be deemed a Public Act.

Public Act.

CAP. LXXXIII.

An Act to amend the Act intituled: *An Act to incorporate the Merchant's Bank.*

[Assented to 30th June, 1864.]

WHEREAS the Merchant's Bank have, by their petition, prayed for certain amendments to their Act of Incorporation, twenty-fourth Victoria, chapter eighty-nine, and it is expedient that the prayer of their petition be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The Directors of the said Bank, elected at the meeting of the shareholders thereof, on the twenty-eighth day of April, one thousand eight hundred and sixty-four, shall hold office as such until the first Monday of July which will be in the year eighteen hundred and sixty-five, and until the election of Directors which shall take place in that year:

Present Directors to continue till July, 1865, &c.

2. In addition to the powers conferred upon the Directors by the eleventh section of the said Act in respect of the making of by-laws, they are hereby empowered, to make a by-law or by-laws to regulate the retirement in each year of a part only of the

By-laws to regulate retirement of Directors.

Subject to
confirmation.
Proviso.

the Directors, the number of Directors who shall so retire, the mode in which the retiring Directors shall be selected, and all other matters in connection with the change to be made by such by-laws in the mode of selection of the Directors; the whole subject to confirmation by the shareholders as provided by the said section; Provided always that the number of Directors to be elected at each annual meeting shall not be less than four.

Section 38
amended.

3. The words "payable within the same," occurring in the thirty-eighth section of the said Act, are hereby repealed, and shall no longer form part of the said section.

The whole
capital need
not be called
in.

Proviso: cer-
tain enact-
ments not
affected.

4. After the payment of calls upon the subscribed capital of the said Bank, to the extent of one million of dollars, it shall not be obligatory upon the said corporation to call in the remainder of such subscribed capital; but the same may be called in or not called in either in whole or in part, as the Directors may from time to time determine; Provided always that nothing herein contained shall affect the limitations fixed by the said Act in respect of the amount of notes or bills which the said Bank may issue, or in respect of the amount of debt which the said Bank may owe, or in respect of the liability of the shareholders for double the amount of their subscribed stock.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. LXXXIV.

An Act to incorporate the Royal Canadian Bank.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS John Bell, Q.C., George T. Denison, James Metcalf, William Barber, J. P. Wheler, R. A. Harrison, S. M. Jarvis, M. R. Vankoughnet, Thomas Woodside, William McKee, Robert Walker, and others, have, by their petition, prayed that they and their legal representatives might be incorporated for the purpose of establishing a bank in the City of Toronto; and whereas it is desirable and just that the said persons, and others, who see fit to associate themselves with them, should be incorporated for the said purpose: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. The several persons hereinbefore named, and such other persons as may become shareholders in the company to be by this Act created, and their assigns, shall be and are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "The Royal Canadian Bank," and shall continue such corporation, and shall have perpetual

Corporate
name and
powers.

perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded, in all courts of law as other corporations may, and shall have the power to acquire and hold real and immovable estate for the management of their business, not exceeding the yearly value of ten thousand dollars, and may sell, alienate or exchange the same and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such Rules, Regulations and By-laws as to them shall appear proper and necessary for the right administration of their affairs, and the proper management of said Bank (such By-laws and Regulations not being inconsistent with this Act, or contrary to the laws of this Province); Provided, however, that such Rules, Regulations and By-laws shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meeting.

Real estate limited.

By-laws.

Proviso: for approval.

2. The capital stock of the said bank shall be two millions of dollars divided into forty thousand shares of fifty dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives or assigns; Provided always that if within the period of five years after the said Bank shall have commenced the business of banking, it be resolved at any annual general meeting of the shareholders of the said Bank that the capital stock thereof be reduced to the amount thereof then actually subscribed, or to the sum of one million of dollars, if the amount of stock then subscribed thereon be less than one million of dollars, and if notice of such resolution be forthwith thereafter given in the *Canada Gazette*, then and thereupon the capital of the said Bank shall be held to be reduced to one million of dollars, or to such sum exceeding one million of dollars as may then have been subscribed, and this Act shall be construed and enforced as if the capital thereof had been herein fixed at the sum to be named in such resolution.

Capital \$2,000,000. shares \$50.

Proviso.

Capital may be reduced, but not below \$1,000,000.

3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock, the persons hereinbefore mentioned and hereby incorporated shall be provisional Directors thereof; and they, or the majority of them, may cause stock books to be opened after giving due public notice, upon which stock-books shall and may be received the signatures and subscriptions of such persons or parties as desire to become shareholders in the said bank; and such books shall be opened at Toronto and elsewhere at the discretion of the said provisional directors, and shall be kept open so long as they shall deem necessary; and so soon as four hundred thousand dollars of the said capital stock shall have been subscribed upon the said stock-books and one hundred thousand dollars thereof actually paid in thereupon, a public meeting shall be called of the subscribers thereof by notices published at least

Provisional Directors.

Subscription of stock.

First meeting for election of Directors.

Election of
Directors.

two weeks in two of the newspapers of the City of Toronto, such meeting to be held at such time and place in the said city as such notice shall indicate; and at such meeting the subscribers shall proceed to elect seven directors having the requisite stock qualifications, who shall from thenceforward manage the affairs of the said corporation, and who shall take charge of the stock-books hereinbefore referred to, and shall continue in office until the first Monday in July next thereafter and until their successors in office shall be duly elected; and the said election shall be conducted in the same manner as the annual election hereinafter provided for as respects the regulating of votes according to the number of shares subscribed for; and immediately upon such election being had the functions of the said provisional directors shall cease.

Retirement of
Provisional
Directors.

Payment of
stock.

4. The shares of the capital stock subscribed for shall be paid in and by such instalments and at such times and places as the said directors shall appoint, and executors, administrators and curators paying the instalments upon the shares of deceased shareholders shall be and are respectively indemnified for paying the same; provided always that no share or shares shall be held to be lawfully subscribed for, unless a sum equal to at least ten per centum on the amount subscribed for be actually paid at the time or within thirty days after the time of subscribing; provided further that it shall not be lawful for the subscribers to the capital stock hereby authorized to be raised to commence the business of banking until a sum not less than one hundred thousand dollars shall have been duly paid in by such subscribers; and that the balance of the four hundred thousand dollars required to be subscribed for under the next preceding section shall be duly paid in within two years from such commencement; provided further that the remainder of the said capital stock shall be subscribed and paid up as follows: the sum of two hundred thousand dollars within three years, the further sum of two hundred thousand dollars within four years, the further sum of two hundred thousand dollars in five years, and the remainder of the stock when the directors shall appoint.

Proviso: ten
per cent on
subscribing.

Proviso: when
to commence
business.

Proviso: pay-
ment of re-
mainder of
stock.

Forfeiture for
non-payment
of instalments
on stock.

5. If any shareholder or shareholders shall refuse or neglect to pay any or either of the instalments upon his, her or their shares of the said capital stock, at the time or times as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the said corporation of a sum of money equal to ten per centum on the amount of such shares, and, moreover, it shall and may be lawful for the directors of the said corporation (without any previous formality other than thirty days' public notice of their intention) to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred

incurred upon the whole; and the president or vice-president or cashier of the said corporation, shall execute the transfer to the purchaser of the shares of stock so sold; and such transfer, being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the directors or shareholders, at a general meeting, from remitting, either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid, or to prevent the said bank from enforcing the payment of any call or calls by suit, in lieu of forfeiting the same.

Proviso: forfeiture may be remitted.

6. The stock, property, affairs and concerns of the said bank shall be managed by seven directors, who shall choose from among themselves a president and vice-president, who, excepting as is hereinbefore provided, shall hold their offices for one year, which directors shall be stockholders residing in the Province and natural born or naturalized subjects of Her Majesty, and be elected on the first Monday in July in each year, at such time of the day and at such place in the City of Toronto aforesaid, as a majority of directors for the time being shall appoint; and public notice shall be given by the directors as hereinbefore provided in the third section of this Act previous to the time of holding such election; and said election shall be held and made by such of the shareholders of the said bank as have paid all calls made by the directors, and as shall attend for the purpose in their own proper persons or by proxy, such persons being or having been, in either case, holders of such shares for three months previous; and all elections for directors shall be by ballot; and the said proxies shall only be capable of being held and voted upon by shareholders then present; and the seven persons who have the greatest number of votes at any election shall be directors, except as hereinafter directed; and in case of a vacancy occurring in the number of directors, the remaining directors shall fill the same by appointing the person or persons who, at the last general meeting next preceding such vacancy, had the largest number of votes; and if the vacancy so created shall be that of president or vice-president, the directors, at the first meeting after the completion of their number, shall, from among themselves, choose a president or vice-president who shall continue in office for the remainder of the year; and if it should happen at any election that two or more persons have an equal number of votes, then the directors who shall have had a greater number of votes or the majority, shall determine which of the said 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 said directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot two of their number to be the president and vice-president; provided always that no person shall be eligible to be or continue as director,

Board of Directors, their qualification and annual election.

Mode of filling up vacancies in the board.

President and Vice-President.

Proviso: qualification of Directors.

director, unless he shall hold in his name and for his own use stock in the said bank to the amount of forty shares, on which at least one thousand dollars have been paid in.

Corporation not to be dissolved for failure of election.

7. In case it should happen that an election of directors should not be made on any day when pursuant to this Act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been by the by-laws of the said bank provided.

Scale of votes by shareholders.

8. Each shareholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in the said bank in his or her own name at least three months prior to the time of voting, according to the following scale, that is to say: One share and not more than two, one vote; and for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty, and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and no shareholder shall be entitled to give a greater number of votes than twenty, nor to represent more than five hundred votes by proxies; and all questions proposed for the consideration of the said shareholders shall be determined by the majority of their votes; the Chairman elected to preside at any such meeting of the said shareholders shall vote as a shareholder only; and 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; provided always that no cashier bank clerk, or other officer of the bank shall either vote in person or by proxy at any meeting for the election of directors.

Chairman.

Joint holders of Shares.

Bank officers not to vote.

Calling of special general meetings.

9. Any number not less than twenty-five of the shareholders of said bank, who together may be proprietors of at least one hundred shares of the paid-up capital stock of said bank, by themselves or their proxies, or the directors of the said bank, or any four of them, shall have power at any time to call a special general meeting of the shareholders of the said bank, to be held at their usual place of meeting in Toronto, upon giving six weeks previous public notice, then specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the president, vice-president, or of a director or directors of the said bank 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,

If for removal of President, &c.

Suspension of officers whose

remove,

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 he be the president or the vice-president whose removal shall be proposed, his office shall be filled up by the remaining directors (in the manner provided in case of a vacancy occurring in the office of president or vice-president), who shall choose or elect a director to serve as such president during the time such suspension shall continue to be undecided upon.

removal is proposed.

10. The books, correspondence, and funds of the corporation shall at all times be subject to the inspection of the directors; but no shareholder not being a director, shall be allowed to inspect the account of any person dealing with the bank.

Inspection of books, &c.

11. At all meetings of the directors of the said corporation, not less than three of them shall constitute a board or quorum for the transaction of business; and at the said 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 have a casting vote.

Quorum of Directors.

Who shall preside.

Casting vote.

12. It shall be the duty of the directors of the said bank to make half-yearly dividends of so much of the profits of the said bank as to the majority of them may seem advisable.

Dividends.

13. The directors for the time being, or a majority of them, shall have power to make such by-laws and regulations (not repugnant to the provisions of this Act or the laws of this Province) as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said bank, and touching the duties and conduct of the officers, clerks, and servants employed therein, and all such other matters as appertain to the business of a bank, and shall also have power to appoint as many officers, clerks, and servants for carrying on the said business, and with such salaries and allowances as to them may seem meet, and who shall also appoint a director or directors, who shall each be the absolute owner of at least twenty shares in his own right, for any branch which they may establish, and shall have power to make such calls of money from the several shareholders for the time being, upon the shares subscribed for in the said bank by them respectively as the said board find necessary, and in the corporate name of the said bank to sue for, recover, and get in all such calls, or to cause and declare such shares to be forfeited to the said bank in case of non-payment of any such call; and an action may be brought to recover any money due on any such call, and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to

Directors may make by-laws for certain purposes.

Appoint officers and local Directors.

Make calls and sue for them.

And forfeit shares.

Actions for calls.

Declaration.

allege

What to be proved.

And what need not be proved.
 Proviso : as to calls.

Proviso : security from officers.

allege that the defendant is holder of one share or more, as the case may be, in the capital stock of the said bank, and is indebted for calls upon said share or shares to the said bank in the sum to which the call or calls amount, as the case may be, stating the amount and number of such calls, whereby an action hath accrued to said corporation to recover the same from such defendant by virtue of this Act; and it shall be sufficient to maintain such action to prove by any one witness, a shareholder being competent, that the defendant at the time of making such call, was a shareholder in the number of shares alleged, and to produce the by-law or resolution of the board making and prescribing such call, and to prove notice thereof given in conformity with such by-law or resolution; and it shall not be necessary to prove the appointment of the said board of directors or any other matter whatsoever; provided that each such call shall be made at intervals of thirty days, and upon notice to be given at least thirty days prior to the day on which such call shall be payable; and any such call shall not exceed ten per cent. of each share subscribed; and provided always that before permitting any cashier, officer, clerk, or servant of the corporation to enter upon the duties of his office, the directors shall require him to give bond or such other security to the satisfaction of the directors, for the due and faithful performance of his duties.

Remuneration of Directors.

14. The directors, including the said president and vice-president, shall be entitled to such emolument for their services as may be fixed by any by-law or resolution passed at the usual annual meeting of shareholders.

Condition precedent to issue of notes.

15. No bill or note for any sum whatever shall be issued or put into circulation by the said bank until one hundred thousand dollars of the capital stock of the said bank shall have been actually paid in, and shall be held by and in the actual possession of the said bank in gold or silver coin current in this Province.

Places of business.

16. The chief place or seat of business of the bank shall be in the City of Toronto; but the directors may open and establish in other cities, towns and places in this Province, branches or offices of discount and deposit of the said 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.

Directors to submit statement of affairs to annual meeting.
 What such statement must shew.

17. At every annual meeting of the shareholders of the said bank to be held in the City of Toronto in manner hereinbefore provided, the directors shall submit a clear and full statement of the affairs of the said bank, containing on the one part the amount of capital stock paid in, the amount of the notes of the bank in circulation and net profits made, and the balance due to other banks and institutions, and the cash deposited in the bank,

bank, distinguishing deposits bearing interest from those not bearing interest; and on the other part the amount of the current coin, the gold and silver bullion in the vaults of the bank, the balances due to the bank from other banks and institutions, the value of the real and other property of the bank, and the amount of debts owing to the bank, including and particularizing the amounts so owing upon bills of exchange, discounted notes, mortgages and other securities, thus exhibiting on the one hand the liabilities of or the debts due by the bank, and on the other hand the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the last dividend declared by the directors, the amount of reserved profits at the time of declaring the said dividend and the amount of debts to the bank overdue and not paid, with an estimate of the loss which may probably accrue thereon.

Rates of dividend.

18. The shares of the capital stock of the said bank shall be held and adjudged to be personal estate, and shall be assignable and transferable at the chief place of business of the said bank or any of its branches which the directors shall appoint for that purpose, and according to such form as the directors shall prescribe; but no assignment or transfer shall be valid 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 previously discharge all debts or liabilities due or contracted and not then due by him, her or them 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 less 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 endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due or liabilities contracted or not then due by the holder or holders of the 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 holder or holders of the said share or shares, any law or usage to the contrary notwithstanding.

Shares to be personal estate: assignment of shares.

Sale of shares under execution.

19. The said bank shall not, either directly or indirectly, hold any lands or tenements (save and except such as, by the first and thirty-eighth sections of this Act it was specially authorized to acquire and hold), or any ships or other vessels, or any share or shares of the capital stock of the said bank or of any other bank, nor shall the said bank, either directly or indirectly,

What the Bank may not do.

Proviso: as to mortgages and liens.

indirectly, lend money or make advances upon the security, mortgage or hypothecation 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 said bank, or of any goods, wares or merchandize, except as authorized in chapter fifty-four of the Consolidated Statutes of Canada; nor shall the said bank, either directly or indirectly, raise loans of money or deal in the buying and 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 appertains to the business of banking; provided always, that the said bank may take and hold mortgages and liens, and assignments of mortgages and liens, and hypothèques on real estate and on ships, vessels, and other personal property, by way of additional security for debts contracted to the bank in the course of its dealings, and also for such purpose may purchase any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said bank.

Proportion of discounts for Directors, limited.

20. The aggregate amount of discounts and advances made by the said bank upon commercial paper, or securities bearing the name of any director of the said bank, or the name of any co-partnership or firm in which any director of the said bank shall be partner, shall not at any one time exceed one-twentieth of the total amount of discounts made by the bank at the same time,

Discount and charges for agency and exchange.

21. The bank may allow and pay interest upon money 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 rate of discount then charged shall continue until said note or negotiable paper, so discounted, be paid or satisfied, or any judgment thereon, and when notes, bills or other negotiable securities or paper are *bonâ fide* payable at a place within the Province different from that at which they are discounted, may also, in addition to the discount, receive or retain an amount not exceeding one-half per centum of the amount of each such note, bill or other negotiable security or paper, to defray the expense of agency and exchange, subject to the regulations and rules provided in section one hundred and ten of chapter fifty-five of the Consolidated Statutes of Canada; and the bank may charge any note or bill held by, or made payable at the bank against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof.

Over-due notes may be charged to deposit account.

Bonds, Bills, &c., of Banks assignable by endorsement.

22. The bonds, obligations, and bills obligatory or of credit, of the said bank under its corporate seal, and signed by the president or vice-president and countersigned by a cashier or assistant

assistant cashier, which shall be made payable to any person or persons, shall be assignable by endorsement thereon; and bills or notes of the said bank signed by the president, vice-president, cashier, or other officer appointed by the directors of the said bank to sign the same, promising the payment of money to any person or persons; his, her, or their order, or to the bearer, though not under the corporate seal of the said bank, shall be binding and obligatory on it in like manner, and with the like force and effect as they would be upon any private person 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 said bank from authorizing or deputing from time to time, any cashier, assistant 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 of the corporation intended for general circulation, and payable to order or to bearer on demand.

Bills and notes need not be sealed.

Proviso: as to authority to sign notes.

23. And whereas it may be deemed expedient that the name or names of the person or persons intrusted 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 handwriting of such person or persons respectively; and whereas doubts might arise respecting the validity of such notes; be it therefore declared and enacted, that all bank notes and bills of "The Royal Canadian 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 shall be taken to be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person or persons entrusted and authorized by the bank to sign the same respectively, and shall be and be deemed and taken to be bank notes and bills within the meaning of all laws and statutes whatever, and shall and may be described as bank bills or notes in all indictments and civil or criminal proceedings whatsoever, any law, statute, or usage to the contrary notwithstanding.

Recital.

Name of person authorized to sign notes may be impressed by machinery.

24. The notes or bills of the bank made payable to order or bearer and intended for general circulation whether the same shall issue from the chief seat or place of business in Toronto, or from any of its branches, shall be payable on demand in specie at the place where they bear date; and each and every office of discount and deposit hereafter to be established under the management or direction of a local board of directors shall be held to be a branch bank.

Notes payable in specie at place of issue.

Branch banks.

Charter to be forfeited by long suspension of payment in specie.

25. A suspension by the said bank, either at its chief place of business in Toronto 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 said bank payable there on demand, shall, if the time of suspension extends 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 Act.

Proportion of notes, &c., in circulation to stock and gold, &c., on hand.

26. The total amount of the bills or notes 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 paid in, 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; but no bank note or bill of the bank under the nominal value of one dollar shall be issued.

One fifth of notes may be under \$4.

None under \$1.

Debts of bank not to exceed thrice the amount of stock and deposits: forfeiture of charter and liability of Directors in case of contravention.

27. The total amount of the debts which the said 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 said bank of all values in circulation shall at any time exceed the amount hereinbefore limited, the said bank shall forfeit its charter and all the privileges granted to it by this Act of incorporation; 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 or notes of the said 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 said bank or its lands, tenements, goods and 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 one newspaper published in Toronto, such director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors, administrators or curators from the liability aforesaid, anything herein contained or any law to the contrary notwithstanding; provided always,

Proviso: how a director may avoid such liability.

Proviso.

always that such justification shall not exonerate any director from his liability as a shareholder.

28. In the event of the property or assets of the said bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of the said bank shall be liable and responsible for the deficiency to the extent of double the amount of their stock, that is to say, the liability and responsibility of each shareholder shall be limited to the amount of his, her, or their shares of the said capital stock, and a sum of money equal in amount thereto; provided always that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the directors hereinbefore mentioned and declared.

Double liability of Shareholders.

Proviso: as to Directors.

29. Besides the detailed statements of the affairs of the said bank hereinbefore required to be laid before the shareholders thereof, at their annual general meetings, the directors shall make up and publish on the first Monday of each month, a statement of the assets and liabilities of the said 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 and the other liabilities at the termination of each month during the period to which the statement shall refer, and the average amount of specie and other assets that at the same time were available to meet the same; and it shall also be the duty of the directors to submit to the Governor of this Province, if required, a copy of each of such monthly statements; and if by him required, to verify all or any part of the said statement, the said directors shall verify the same by the production of the weekly or monthly balance sheets from which the said statement shall have been compiled; and furthermore the said directors shall from time to time, if required, furnish to the said Governor such further reasonable information as he may see fit to call for; provided always that the directors shall not nor shall anything 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.

Monthly statements of assets and liabilities, in form of schedule A, to be published, and submitted to the Governor.

Governor may require for their information.

Proviso: as to private accounts.

30. It shall not be lawful for the corporation hereby constituted, directly or indirectly, to 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 and privileges hereby granted shall cease.

Advance or loan to foreign States prohibited.

31. 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 Toronto, and in the *Canada Gazette* or such other Gazette as shall be generally known and described

Public notices to be given by advertisements in certain papers.

described 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.

Subscription and transfer of shares and payment of dividends in United Kingdom.

32. Books of subscription may be opened, and shares of the capital stock of the bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom of Great Britain and Ireland, in like manner as such shares and dividends are respectively made transferable and payable at the bank in the City of Toronto; and to that end the directors may from time to time make such rules and regulations, and prescribe such forms, and appoint such agent or agents, as they may deem necessary.

Authentication of transmission of shares in certain cases.

33. If the interest in any share or shares in the said 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 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 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 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 registry 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, or to vote in respect of any such share or shares; 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 or shares in the bank, which shall be made in any other country than this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul, or other accredited representative; and provided also, that nothing in this Act contained shall be held to debar the directors, cashier or other officer or agent of the bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso: before whom declaration may be made.

Proviso: as to further proof.

34. If the transmission of any share of the said 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 any 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 bank, who shall thereupon enter the name of the party entitled under such transmission in the register of shareholders.

Transmission of shares by marriage of female shareholder, or by testamentary instrument or intestacy.

35. If the transmission of any share or shares of the capital stock of the said bank be by decease of any shareholder, the production to the directors and the 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 any prerogative diocesan or peculiar court or authority in England, Wales, Ireland or any British Colony, of any testamentary or testament dative expedite 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 or her will, or letters of administration of his or her 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 or shares, in pursuance of, and in conformity to such probate, letters of administration, or other such document as aforesaid.

Transmission of shares by decease of shareholder.

36. The bank shall not be bound to see to the execution of any trust whether expressed, implied, or constructive, to which any of the shares of its stock shall 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 stands in the name of more parties than one, the receipt of one of the parties shall 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 to be bound to see to the execution of any trust or the application of any money.

37. It shall be the duty of the said bank to invest as speedily as the debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Province, payable within the same, or secured upon the Consolidated Loan Fund, one-tenth part

One tenth of capital to be invested in Provincial Debentures.

Annual re-
turn to be
made on oath.

part of the whole paid up capital of the said bank, and to make a return of the numbers and amounts of such debentures verified by the oaths and signatures of the president and chief cashier, or manager of the said bank, to the Finance Minister of Canada, 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; Provided always, that the said Directors shall not commence the ordinary business of banking, until the sum of ten thousand dollars shall have been invested in such debentures.

Proviso.

Cap. 54 of
Con. Stat.
Canada to
apply.

38. Chapter fifty-four of the Consolidated Statutes of Canada, intituled: *An Act respecting incorporated Banks*, save and except section three and the amendments thereto, shall extend to the said "The Royal Canadian Bank" and shall be read and taken to be, and form a part of the Charter of the said "The Royal Canadian Bank."

Search war-
rant for, and
seizure and
destruction of
counterfeit
notes, &c.,
&c.

39. On complaint made on the oath of one credible witness to the effect that there is just cause to suspect that any person is or has been concerned in making or counterfeiting any bank notes or bills of the bank, any magistrate may, by warrant under his hand, cause the dwelling-house, room, workshop, out-house, or other building, yard, garden, or other place, where such person shall be suspected of carrying on such making or counterfeiting to be searched; and all such counterfeit bank bills, notes and such plates, dies, rolling-presses, tools, instruments, and materials used in, or apparently adapted to the making or counterfeiting of such bills or notes, as shall be found therein or thereon, shall forthwith be carried before the same or any other magistrate, who shall cause them to be returned and produced upon any prosecution in relation thereto, in any Court of Justice; and the same after being so produced in evidence, shall be defaced or destroyed, or otherwise disposed of at the discretion of the Court.

Embezzle-
ment by
Officer of
Bank to be a
felony.

40. If the 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 money or effects entrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said bank, or belong to any person or persons, body or bodies politic or corporate, or institution or institutions, and be lodged with the said bank, the said cashier, assistant cashier, manager, clerk or servant, so offending and being thereof convicted in due form of law shall be deemed guilty of felony.

Punishment
of such felony.

41. Any person guilty 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 term less than two years in the discretion of the Court.

42. This Act shall remain in force until the first day of Duration of June, which will be in the year of Our Lord one thousand Act. eight hundred and seventy, and from that time until the end of the then next session of the Parliament of this Province.

43. This Act shall be deemed a public Act. Public Act.

SCHEDULE A.

(Referred to in the foregoing Act.)

Return of the average amount of liabilities of "The Royal Canadian Bank" during the period from the first of one thousand eight hundred and to the last day of the said month.

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.

Coin and Bullion.....	\$
Landed or other property of the bank.....	\$
Government securities.....	\$
Promissory Notes or Bills of other banks.....	\$
Balances due from other Banks.....	\$
Notes and Bills discounted.....	\$
Other debts due to the Bank, not included under the foregoing heads	\$
Total average assets.....	\$

C A P . L X X X V .

An Act to enlarge the powers of the Montreal and Champlain Railroad Company, to confirm a certain agreement entered into by the said Company, and to secure a permanent Railway City Station in Montreal.

[Assented to 30th June, 1864.]

WHEREAS the Montreal and Champlain Railroad Company and the Grand Trunk Railway Company of Canada have entered into an agreement under the corporate seals of the

the respective companies bearing date the first of January, eighteen hundred and sixty-four, which, with certain modifications, hath been approved of by the shareholders at special general meetings of the said two companies; and whereas the arrangement entered into between the said two companies will be the means of securing a central permanent station, required by the increasing trade and population of the City of Montreal, and it is requisite, before the necessary buildings are erected thereon, that the said agreement should receive Legislative sanction; and whereas the said Montreal and Champlain Railroad Company, (hereinafter called the Montreal Company,) have by their petition prayed that Legislative sanction should be given to such agreement, 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:

Agreement for lease of Montreal and Champlain Railroad to Grand Trunk Railway Co., legalized and confirmed.

1. The said agreement is hereby legalized and confirmed; and the Grand Trunk Railway Company of Canada, (hereinafter called the Grand Trunk Company,) shall be deemed to have had, since the first day of January last, and shall hereafter, on the conditions and subject to the provisions hereinafter specified, have, for the period of twenty-one years, to be reckoned from the last mentioned day, the possession, management, and control of all the lines of the Montreal Company, and of their franchises, corporate rights, rolling stock, steam ferry boats, plant, stores and tools, and of all materials belonging or appertaining to the said lines and company; and the Grand Trunk Company shall, during the aforesaid time, work and manage the traffic of the Montreal Company, shall fairly develop and promote the same, and shall have the employment and control of all the officers, employees, and servants engaged in working the said traffic.

Powers of Grand Trunk Railway Co.

2. The Grand Trunk Company shall keep correct accounts of the receipts and working expenses of the lines, as well of the Montreal Company as of the Grand Trunk Company, and of the expenditure of all kinds on both lines, necessary or incidental to the proper development and working of the traffic on the same respectively, and shall keep and maintain, as part of the working expenses, and restore the permanent way, plant, rolling stock, steam ferry boats, stores and tools of the Montreal Company, in as good order and condition as the same now are, reasonable wear and tear excepted.

Accounts to be kept and repairs to be made by Grand Trunk Railway Co.

Division of profits between the two Companies. Proviso.

3. After deducting working expenses, the net earnings of the two Companies shall be divided as follows: one-fifteenth to the Montreal Company, and fourteen-fifteenths to the Grand Trunk Company; provided always, that for each half of the years one thousand eight hundred and sixty-four, one thousand eight hundred and sixty-five, and one thousand eight hundred and sixty-six, such one-fifteenth shall not be less than, and the said Grand Trunk Company shall be bound to pay the sum

of

of at least fifty thousand dollars for each half of each of the aforesaid years; and the net profit shall always be payable on the first days of July and January of each year; and the Directors of the Grand Trunk Company shall receive, and be accountable for, the said one-fifteenth of net profits as trustees of and for the Montreal Company; in case of default for a period of sixty days, by the Grand Trunk Company to pay and make good any half-yearly part or share of profit, it shall be competent for the Montreal Company, by a notice in writing signed by the President, and under the common seal of the Company, and without any other formality, to put an end to and cancel the said agreement, and cause the same to cease and determine; and thereafter *pleno jure* the Montreal Company shall be restored to, reinstated in, and become vested with all the rights, powers, property and assets belonging, or which ought lawfully to belong to that Company.

In case of default by Grand Trunk Railway Co. to pay over; agreement cancelled.

4. The Directors of the Grand Trunk Company shall appoint from time to time two of their number, and the directors of the Montreal Company shall from time to time appoint one of their number, which three persons shall, during the continuation of the said agreement, be a joint committee, who, or a majority of whom, shall have full power to examine and certify the accounts of receipts and expenses of the two companies, to determine all questions as to the maintenance by the Grand Trunk Company of the roads and rolling stock of the Montreal Company, the propriety of the charges made against either company, the division of profits, the disposal of surplus or worn out stock, the proper development of the traffic, and other kindred matters; and in case of a difference of opinion touching any matter or thing provided for in the said agreement, such difference shall be referred to the award and final determination of three persons, one to be named by the directors of each of the said companies, and the third by the two persons so appointed, before they enter on their duties; and the decision or award of the majority of the three shall be final; and in case either company neglects for ten days to name a referee, or if any referee omits to act, the decision of the other referee or referees shall be final and conclusive; and until a new appointment, Edward Martin Hopkins, on behalf of the Montreal Company, and William Molson and Charles John Brydges, on behalf of the Grand Trunk Company, shall be such joint committee.

Affairs to be managed by a Joint Committee: their powers.

Arbitration in case of difference of opinion.

5. It shall, within five years from the passing of this Act, be competent for the Montreal Company to sell, and for the Grand Trunk Company to purchase, the entire lines, assets, rolling stock, franchise, corporate property, shares and rights of every description of the Montreal Company, for the sum of five hundred thousand dollars, in addition to assuming, (and provided that such purchase shall be subject to and conditioned with, and that the corporate property and revenues of the Montreal Company remain charged with) the payment and redemption of all the bonded

Grand Trunk Railway Co., may purchase M. & C. Railroad, within five years, for \$500,000, &c.

Or the agreement may be made perpetual.

bonded debt and preference stock specified in the schedule annexed to the said agreement and to this Act, and of such sum, if any as may be due on the disputed claim specified in section six of the Act twenty-third Victoria, Chapter one hundred and seven, in the same way and to the like extent as the corporate property and revenues and assets of the Montreal Company are now liable; and in case of such sale, the rights of all the aforesaid bond and preference shareholders shall be preserved and remain intact, and their rights and privileges may be exercised and enforced as in full, ample and complete a manner upon the revenues derived from and over all the corporate property and assets of the Montreal Company as they now could be; and subject to the like condition and charges as to preserving the rights of the bonded debt and preference stock, it shall also be competent for the said two companies to make the limited agreement hereby legalized perpetual, or for the said Montreal Company, to unite and amalgamate with the said Grand Trunk Company on such other terms and conditions as may be approved of at special meetings of the shareholders of the said two Companies respectively; and to that end the said Companies may arrange and stipulate with each other in such way and to such effect and purpose as may be necessary to carry such amalgamation and union into effect, by the transfer of the corporate rights and property of the Montreal Company to the Grand Trunk Company, or otherwise to fix the terms and conditions of such union or purchase, the rights which the shareholders in such Company shall possess thereafter, and the number of the Directors of the Company, and generally to make all such conditions and stipulations as may be found necessary for the determining of the rights of the Company respectively and of the Shareholders thereof, and the mode in which the business shall be managed and conducted; and any agreement to carry the aforesaid objects into effect shall be legal to all intents and purposes whatsoever, any thing in any Act relating to either of the said Companies contained to the contrary notwithstanding; Provided always, and it is declared that the Sinking Fund created or hereafter to be created for the redemption of the Preference Stock shall in no case become the property of nor pass to the Grand Trunk Company, but after any purchase or amalgamation shall continue to belong to the Montreal Company, and it shall be duty of the Directors of that Company, from time to time, to invest the annual surplus revenue accrued or hereafter to accrue as a Sinking Fund in accordance with the conditions on with the said stock was subscribed.

Proviso: as to Sinking Fund.

Reduction of number of Directors.

6. It shall be competent for the Directors of the Montreal Company, by a resolution of the Board, or for the shareholders by a vote at any General Meeting, to reduce the number of directors of the said company to five, and by such vote to determine which of the said Directors shall retire, and how many shall be necessary to constitute a quorum, and all the powers which might now be lawfully exercised by the present Board shall

shall devolve upon, and be exercised by a reduced number of Directors.

7. The rights and remedies of all creditors of the said two Companies of every class and degree, and of all other parties, shall continue to exist unimpaired, and be in no way affected, interfered with or lessened by this Act, or by anything to be done under the powers hereby conferred, or under the said agreement, or any other agreement; and the said Grand Trunk Railway Company of Canada so long as it shall be in possession of the said Road belonging to the said Montreal Company shall be bound to discharge all the obligations and duties of the said Montreal and Champlain Railroad Company imposed on them by the fifth section of the Act twentieth Victoria, Chapter one hundred and forty-two. Rights of creditors saved.

8. Notwithstanding the provisions of sections fifteen and sixteen of Chapter sixty-six of the Consolidated Statutes of Canada, respecting Railways, the said Montreal Company shall be responsible for all damages caused by their trains or engines to cattle, horses and other animals on the line of their Railway, unless it is established that such damages are due to the act, negligence or default of the occupants of lands on the line of the said Railway. Montreal Railway Co., to be liable for damages to cattle, &c. Exception.

9. This Act shall be a Public Act. Public Act.

SCHEDULE A.

Consolidated Bonds issued under authority of the Act twenty-fifth Victoria, Chapter fifty-seven, bearing six per cent interest.....		\$883,144 00
Preferential Stock, two thousand and twenty-three shares of two hundred dollars each.....		404,600 00
		\$1,287,744 00

C A P . L X X X V I .

An Act for the re-organization of the Port Hope, Lindsay and Beaverton Railway Company, and to authorize the said Company to acquire and hold the Harbour of Port Hope, and for other purposes.

[Assented to 30th June, 1864.]

WHEREAS the Port Hope, Lindsay and Beaverton Railway Company, by reason of financial embarrassment, have for a long time been unable to pay the interest on their mortgages and bonds; and whereas the works and structures of Preamble

of the said company are become deteriorated, and the expenditure of a large sum of money is necessary to put the said works and structures in a permanent state of efficiency; and whereas the corporation of the Town of Port Hope, the said Railway Company, and certain of the bond and other creditors of the said company have, with that view, prayed for certain amendments to the several Acts of incorporation of the said company; and whereas it would be for the advantage of the corporation of the Town of Port Hope and of the said railway company, if the harbour at the Town of Port Hope were amalgamated with, and under the control of the said railway company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Bondholders to vote with shareholders at meetings of Company.

1. At all meetings of the said company, the holders of the bonds of the said company already issued, or which may, under the provisions of this Act, be hereafter issued by the said company, shall have the same right of voting thereat, either in person or by proxy, and the same number of votes, as would be conferred by holding stock or shares in the company of equal nominal amount; and all rules as to the requisite proportion of the votes of shareholders at any such meeting shall be interpreted as applying to the total number of votes given thereat by proprietors of stock or shares and of bonds; and for the purposes of this Act, all sterling bonds of the company shall be computed at the rate of one pound, four shillings and four pence currency to the pound sterling, and the amount so to be ascertained shall, for the said purposes, be taken and considered as the nominal amount of such bonds, whenever the expression "nominal amount" is used in this Act; but if the amount of bonds held by any bondholder be not divisible without remainder by the amount of a share in the company, there shall be no vote in respect of such remainder.

Sterling bonds: how reckoned for such purposes.

Proviso.

Bonds of the Company to be registered by the holders thereof, where and how.

Notice to be given.

2. It shall be the duty of the present directors immediately after the passing of this Act, to open at their office in Port Hope, and also at the place in London, England, where the interest or principal money of any of the bonds of the company is payable, registers of the holders of all bonds already issued or which may be hereafter issued by the company, and such registers shall contain the numbers of the said bonds and the amounts thereof, and the dates of registry, and all transfers of such bonds which shall hereafter be made; and the said directors shall cause notice to be published in the *Canada Gazette*, and in one or more newspapers published in the Town of Port Hope or elsewhere along the line of railway, and also in one newspaper published in London, England, calling upon the holders of the said bonds to register the same.

No vote on any bond not

3. No vote shall at any meeting be received in person or by proxy in respect of any bond, unless such bond shall have been registered

registered at least one month prior to such meeting, at the principal office of the company in Canada or at the above-mentioned place in London, in the name of the person or persons by whom or by proxy for whom such vote shall be tendered; and for carrying this enactment into effect, bonds shall be registered on the request of the bearer thereof, at the principal office of the company in Canada or at the above-mentioned place in London, or in both as aforesaid, in the name of the bearer or in any name or names endorsed thereon by the bearer, and the registration so made at either office shall be forthwith reported at the other office, and a certificate thereof shall be delivered to the bearer on request, which shall be evidence of such registration, but no such registration shall in any way affect the right to receive any principal money or interest secured by such bond.

registered at least one month before.

How registration may be effected.

4. The present Board of Directors shall continue in office until the first Wednesday in August next, when they shall retire; and upon the said first Wednesday an election of directors under this Act shall be held at the Town of Port Hope; the qualification of a director shall be the holding in his own right of bonds or shares, or both, to the nominal amount of two hundred and fifty pounds currency; the Board of Directors so to be elected on the first Wednesday in August next, shall hold office until the third Tuesday in January, one thousand eight hundred and sixty-five, when they shall retire, and on the same Tuesday in January in every succeeding year, new directors shall be elected who shall hold office for one year; Provided always that the number of Directors to be elected by the share and bondholders shall be five, exclusive of the *ex-officio* Directors for the municipalities holding stock in the Company.

When present directors shall retire and others be elected.

Yearly elections.

Proviso: number of Elective Directors.

5. The said Port Hope, Lindsay and Beaverton Railway Company may enter into an agreement with the corporation of the Town of Port Hope and with the commissioners of the Port Hope Harbour, for the purchase by the said railway company of the said harbour and works, and of the stock and interest of the said town of Port Hope in the said railway company, upon such terms as may be agreed upon, and may make the consideration to be paid therefor a first charge and lien upon the whole amalgamated property of the said railway company; Provided always, that no such agreement shall be valid and obligatory upon the said company or upon the said corporation of the Town of Port Hope, until the same shall have been submitted to and approved of by a general meeting of the bond and stockholders of the said company, specially called for the purpose of considering such agreement, and shall also have been submitted to and approved of by the council of the corporation of the Town of Port Hope at a meeting of the said Council specially called for the purpose of considering such agreement, and the sanction of the rate-payers given to such agreement.

Company may enter into agreement within the town of Port Hope and the Commissioners of the Harbour.

Proviso: for approval.

Amalgamation of railway and harbour on confirmation of such agreement.

Corporation of Harbour Commissioners dissolved.

Old bonds may be called in and new issued.

Proviso.

Amount limited; application of money raised.

Rates of interest hereafter on new or old bonds of the Railway or Harbour Commissioners.

Such rates to be in full satisfaction of interest.

6. Upon such agreement being ratified and confirmed as aforesaid, it shall and may be lawful for the commissioners of the Port Hope Harbour, and they are hereby authorized and directed to make sale of the said harbour, and of all property vested in and held by them as such commissioners, and to transfer and convey the same to the said the Port Hope, Lindsay and Beaverton Railway Company, and upon such sale and transfer being made, the said the Port Hope Harbour shall be amalgamated with, and form part of the property of the said the Port Hope, Lindsay and Beaverton Railway Company; and thereupon the Corporation known as "The Commissioners of the Port Hope Harbour," shall be dissolved and all the powers now or heretofore vested in such Corporation relating to the constructing, repairing, maintaining and managing the said Harbour, and levying and collecting tolls thereat shall be and are hereby declared to be transferred to and vested in and may be exercised and enjoyed by and in the name and for the benefit of the said Railway Company.

7. Upon such amalgamation taking place, the said the Port Hope, Lindsay and Beaverton Railway Company may call in the bonds at present issued by the company and the debentures issued by the said commissioners of the Port Hope Harbour, and may issue new bonds to the holders thereof, secured on the whole amalgamated property of the company; Provided always, that a portion of the bonds so to be issued shall be exchanged for the bonds of the company already issued and for the said harbour debentures, and the surplus shall be applied by the company, in completing and repairing the line of railway and works of the company, and for the purposes of this Act, which surplus shall not exceed in amount the sum of fifty thousand pounds sterling.

8. The rate of interest upon the said bonds so to be issued as aforesaid, for the period of five years next after the first of July, one thousand eight and sixty-four, shall be four per cent. per annum, and no more; and for the period of five years from and after the first day of July, one thousand eight hundred and sixty-nine, shall be five per cent. per annum, and no more; and from and after the first day of July, one thousand eight hundred and seventy-four, shall be at the rate of six per cent. per annum; and the interest for those respective periods shall be payable on presentation and delivery of the coupons attached to such bonds respectively, or to the bonds already issued by the company, and shall be accepted in satisfaction of the amount purporting to be payable on such coupons respectively, and no action shall be maintainable to recover upon or in respect of any such coupons or upon any judgment founded thereon, any greater amount than the interest at the rates aforesaid; and the holders of debentures issued by the said commissioners of the Port Hope Harbour shall also, upon such amalgamation being completed, accept and be entitled to and shall receive

receive interest at the rates aforesaid, and no more, in full satisfaction of the interest on the said debentures, and no action shall be maintainable to recover upon or in respect of any such debentures any greater amount than the interest at the rates aforesaid.

9. The earnings of the company, after deduction of working expenses as hereinafter defined, and of the expense of maintaining and repairing the said harbour, shall in each half-year ending the thirtieth day of June, and thirty-first day of December, commencing with the half year ending the thirty-first day of December, one thousand eight hundred and sixty-four, be appropriated and applied in the order and manner following :

Application of earnings of the Company.

1. In payment rateably and *pari passu* of the interest for the time being on the said bonds ;

2. In payment of a dividend on the stock of the company.

10 The expression " working expenses " when used in this Act, shall mean and include all expenses of maintenance and renewal of the railway and harbour, and of the stations, buildings, works, and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working thereof, and also all such rents or annual sums as may be paid in respect of any railways or warehouses, wharves, or other property, leased to or held by the company, or in respect of the hire of engines, carriages, or waggons let to the company, rent, charges, or principal and interest on lands belonging to the company, purchased but not paid for, or not fully paid for, and also all expenses of and incident to working the railway and the traffic thereon, stores and consumable articles ; also rates, taxes, insurance and compensation for accidents or losses ; also all salaries and wages of persons employed in and about the working of the railway and traffic thereof, including wages and salaries now in arrear, and in the management of the said harbour, and all secretarial and establishment expenses including agency, legal and other like expenses.

What shall be intended by the expression " working expenses."

11. And whereas the present bondholders, through their trustees named in a certain indenture of mortgage bearing date the twenty-ninth day of December, one thousand eight hundred and fifty-five, executed by the said company for securing payment of the interest on the bonds issued by the said company, which said mortgage is made between the said company of the first part and Joseph A. Woodruff and Gilbert McMicken, as such trustees, of the second part, have been in possession of the line of railway from Port Hope to Lindsay under the terms of the same, and now are in possession thereof, and are in receipt of the earnings of the said line under the terms of a certain resolution of the directors of the said company, therefore, the said Joseph A. Woodruff and the said Gilbert

Recital: possession of trustees of mortgagees.

Railway to be delivered up to the Com-

McMicken

pany and ac-
counts to be
taken.

McMiken shall, as soon as an election of directors shall have taken place under the provisions of this Act, deliver up possession of the railway and property of the company now in their possession, by themselves or their agents, to the company, and an account shall be taken of all interest due on the bonds of the company to secure payment of which the said mortgage was granted, up to the first day of July, one thousand eight hundred and sixty-four, and of all moneys received by the said trustees or their agents, and of all moneys expended by them in the management and maintenance of the said railway and works, and of all debts due by the company and paid out of moneys received by the trustees or their agents; and the balance of interest remaining unpaid shall be paid out of the bonds hereinbefore authorized to be issued as hereinafter mentioned; and if any dispute shall arise between the said company and the said trustees touching or concerning the said accounts, receipts, and disbursements, the same shall be referred to the award and arbitrament of arbitrators to be appointed as follows: One of the said arbitrators to be named by the company, another thereof by the said trustees, and the third to be chosen by the two arbitrators so nominated before proceeding with the reference; in case the two arbitrators so nominated cannot agree on the name of the third arbitrator, it shall and may be lawful for any judge of either of the Superior Courts of Common Law of Upper Canada, on application of either party, to nominate the third arbitrator, and the decision of any two of the arbitrators shall be final.

Arbitration
in case of
difference.

Appointment
of Arbitra-
tors.

Award.

As to interest
on harbour
bonds.

12. All interest due on the debentures of the commissioners of the Port Hope Harbour, as hereinbefore mentioned, shall upon a sale as aforesaid being made, also be calculated up to the first day of July, one thousand eight hundred and sixty-four, and shall in like manner be discharged by delivering bonds of the Company, as hereinafter mentioned.

Bonds to be
issued and
accepted for
the debts of
the Company
or Commis-
sioners of the
Harbour.

13. In order to facilitate the liquidation of the company's liabilities and of the liabilities of the commissioners, the company may upon such amalgamation taking place, issue to all creditors holding *bond fide* claims against the said company, excepting those provided for in the tenth section, or against the said commissioners including all coupons in arrear on the said first day of July, one thousand eight hundred and sixty-four, and all arrears of interest on the said debentures calculated to the said first day of July, and in discharge thereof, bonds of the said company to be issued under the provisions of this Act as hereinbefore mentioned, and no judgment or other creditor of the company or of the said commissioners for a claim now existing against the company or the said commissioners, shall have any recourse against the company or its assets or revenue except for such bonds; Provided always, that the claim of George Weir, a contractor for the construction of the said harbour, and for which the said George Weir has obtained a judgment against the said commissioners, shall be paid and satisfied by

Proviso: as to
claim of
George Weir.

by the said company, either by the said bonds of the said company, to be issued to the said George Weir at such rate as may be agreed upon, or in money at the option of the said George Weir,—but in the event of the said George Weir electing to be paid in money, the said company shall pay and discharge the principal of the same at the expiration of five years from the first of July, one thousand eight hundred and sixty-four, and shall pay interest thereon half yearly, at the rate of six per cent. which interest shall be a charge under the provisions of the tenth section of this Act, and the principal shall be a first charge upon the said harbour until paid; Provided also that all creditors of the said Railway Company holding Harbour debentures as collateral security for their respective claims shall be paid in cash upon the said amalgamation taking place, and upon the transfer and surrender by such last mentioned creditors respectively of such Harbour Debentures to the said Railway Company.

Proviso: as to
Creditors
holding colla-
teral security.

14. And whereas the corporation of the Town of Port Hope, and the corporation of the Town of Peterboro', have made large advances to aid in the construction of the branch line from Millbrook to the Town of Peterboro', to the lessees of the said branch line, which said advances are secured by mortgage to trustees for the said corporations respectively, therefore it shall be lawful for the said the Port Hope, Lindsay and Beaverton Railway Company, and the said corporations or either of them, to enter into agreements for the transfer and assignment by the said corporations or either of them, and their trustees respectively, of the said advances and of the said mortgage to the said company, and of all the rights and claims of the said corporations or either of them, new held by them or either of them for such advances and upon such transfer and assignment being made, all the rights and powers conferred by the said mortgage on the said corporations respectively, or on the trustees of the said corporations respectively, shall vest in the said company, who may exercise and assert the same in the name of the company.

Recital: ad-
vances for
branch line.

Corporations
of Port Hope
and Peter-
boro' may
enter into
agreements
with the Rail-
way Co., as to
advances
made by them
to the Com-
pany.

15. The company shall, after an election of directors under this Act, have full power and authority to treat with the lessees of the branch line from Millbrook to Peterboro', for a surrender of the said lease and for a conveyance of all the lands and rolling stock and plant now held by the said lessees, and upon such surrender and conveyance being made, the said company shall hold the said branch line as part of their general undertaking, but subject nevertheless to the claims of the said corporations under the said mortgage.

Company may
treat with
lessees of
branch line.

16. It shall and may be lawful for the municipalities of the Townships of Hope and Ops, and the Town of Lindsay, respectively, shareholders in the capital stock of the said Port Hope,

Townships of
Hope and Ops
and Town of
Lindsay may

enter into agreement with the Company.

Lindsay and Beaverton Railway Company, to enter into agreements for the surrender and transfer to the said Railway Company of the capital stock so held by them respectively, and it shall be lawful for the said Company to purchase the said shares or capital stock and to make the consideration to be paid therefor, a charge and lien upon the whole amalgamated property of the said Railway Company, ranking with the lien in favor of the Corporation of the Town of Port Hope, provided for in the fifth section of this Act, or otherwise as may be agreed upon by the parties; Provided always, that until such sale or sales may take place, the interests of the said municipalities shall not be prejudiced by the operation of this Act.

Proviso.

Holders of original stock, not paid, discharged.

17. Upon such amalgamation taking place the holders of stock in the said Company, subscribed under the original Act of incorporation, who have not paid up the amount of such stock respectively, shall be discharged from the payment of the same, and the costs incurred by judgment creditors of the said company in actions brought to enforce payment of the same, shall be added to and form part of the amount of the respective claims of such judgment creditors, and shall be liquidated in the same manner as the existing claims of such creditors, are to be liquidated under the thirteenth section of this Act, and further proceedings in all such actions shall be stayed.

Rights of the Crown saved.

18. Nothing in this Act contained shall be construed in any wise to alter, vary or change any claim, right or title which the Crown may now have or hold upon or against the said corporations or any of them.

Public Act.

19. This Act shall be deemed a Public Act.

CAP. LXXXVII.

An Act respecting the Waterloo and Saugeen Railway Company.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS certain persons in the Counties of Wentworth and Wellington, who are named in the Act incorporating the Waterloo and Saugeen Railway Company, hereinafter mentioned, have by their petition represented, that the Waterloo and Saugeen Railway Company was incorporated by an Act passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, chapter one hundred and fifteen, and that the sixteenth section of the said Act requires that the said Railway should be commenced within three years, and completed within ten years after the passing of the Act; And that in consequence of the depressed state of the country in the three years next succeeding the passing of the said Act, it was deemed impossible to commence the undertaking

undertaking with any prospect of ultimate success; And they have further represented that the grounds set forth in the petition presented upon the application for the said Act of incorporation, and upon which the said Act was passed, exist in still greater force now from the increase of population and traffic in the several counties through which the said Railway is intended to be made, and that the petitioners are desirous of carrying out the said work and pray that further time be allowed for so doing; 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:

1. For and notwithstanding anything to the contrary contained and provided in the Act made and passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, intituled: *An Act to incorporate the Waterloo and Saugeen Railway Company*, the said Act and the several powers and provisions thereof (except as altered or varied by this Act), is and are declared to be in full force and effect.

Act 19, 20
Vic. cap. 115,
declared in
force.

2. The date or period of time for which Directors who may be elected under the seventh section of the said Act, or those appointed in their stead in case of vacancy, shall remain in office, and which period is, by the eighth section of the said Act, named as the first Wednesday of June, one thousand eight hundred and fifty-eight, is hereby extended to the first Wednesday in June, one thousand eight hundred and sixty-five; and the said railway shall be commenced within two years and completed within five years after the first day of January, in the year one thousand eight hundred and sixty-five.

When the
work must be
commenced
and completed.

3. It shall be lawful for the said company to enter into any agreement with any other railway company, for leasing the said railway or any part thereof, or the use thereof, at any time or times, or for any period, to such other company or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or movable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other or by both companies, of the railway or movable property of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; provided such agreement shall not be for any longer term than ten years.

Company may
make agree-
ments with
other Com-
panies for
certain pur-
poses as to
the working
of the Rail-
ways of either
or both.

4. Nothing in the Act passed in the sixteenth year of Her Majesty's Reign, chaptered thirty-nine, and intituled: *An Act to empower any Railway Company whose Railway forms part of*

Railways
Union Acts
16 Vic. cap.
39, and 16 V.

the

cap. 76, not to apply to the said Railway.

the Main Trunk Line of Railway throughout this Province to unite with any other such Company, or to purchase the property and rights of any such Company and to repeal certain Acts therein mentioned incorporating Railway Company, or in the Act passed in the same year, chaptered seventy-six, and intituled: An Act to extend the provisions of the Railway Companies Union Act to Companies whose Railways intersect the Main Trunk Line, or touch places which the said line also touches, shall be construed to apply in any wise to the said Waterloo and Saugeen Railway Company, or to the railway and works under their control, or any of them, or to any future agreement of amalgamation or otherwise, between the said company and any other railway company, or at all affecting their said railways or works.

Public Act.

5. This Act shall be deemed a Public Act.

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

An Act to revive and amend the Act incorporating the Stratford and Huron Railway Company.

[Assented to 30th June, 1864.]

Preamble.

18 Vic. cap.
184, 19, 20
Vic. cap. 26.

WHEREAS the Stratford and Huron Railway Company, incorporated by the Act passed in the eighteenth year of Her Majesty's reign, and chaptered one hundred and eighty-four, and amended by an Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's reign, and chaptered twenty-six, have by their petition prayed that the periods limited for the first election of directors, and for the completion of the Railway, may be extended, 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:

Period for first election of Directors and commencement and completion of works extended.

1. For and notwithstanding anything in the sixth section or in any other part of the Act first above mentioned, or in the first section of the Act secondly above mentioned, the first general meeting of the stockholders of the said Company for the election of directors, may be held at any time before the first day of January, one thousand eight hundred and sixty-five and the directors elected thereat shall remain in office until the first Wednesday in June, one thousand eight hundred and sixty-five; or until the next annual general meeting of the stockholders for the election of directors after the said first day of January, one thousand eight hundred and sixty-five; and the period limited by the fourteenth section of the said first mentioned Act is hereby extended, so that the said Railway may be commenced at any time within two years, and completed at any time within seven years from the passing of this Act.

2. The first and third sections of the said first mentioned Act are amended by expunging therefrom the names of Peter Reid, Riverius Hooker Lee, Alexander Barrington Orr, Peter Woods, and Patrick John Hamilton; and by inserting therein immediately preceding the word "Esquires" in the said sections respectively, the names of James Kyle, William James Imlach, James Redford, James Woods, William Buckingham, Samuel Lloyd Robarts, James Corcoran, Peter Watson, Edward Robert Sullivan, Robert MacFarlane, James Broclebank, John Gillies, Thomas Gibson and Thomas Adair.

Names of Provisional Directors changed.

3. It shall be lawful for the said Company to enter into any agreement with any other Railway Company, for leasing the said railway or any part thereof, or the use thereof, at any time or times, or for any period, to such other company, or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or movable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other or by both companies, of the railway or movable property of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by all Courts of Law and Equity respectively, according to the terms and tenor thereof; and any company or person accepting or executing such lease of the said Stratford and Huron Railway or any part thereof, shall be and hereby is empowered to exercise all the rights and privileges conferred by this Act and the Acts hereby amended not inconsistent with such lease; provided that such agreement shall not be for any longer term than ten years.

Company may enter into agreements with other Railway Companies for certain purposes.

4. It shall and may be lawful for the said Company to accept from any municipalities, corporations or persons, gifts, donations, moneys and bonds or securities for money, as a bonus or donation for the construction of the Railway first above mentioned, or for the equipment and maintenance of the said Railway, or for all of the said purposes.

Company may accept donations, &c., in aid of their undertaking.

5. It shall be lawful for the said Company to make and construct a branch from any point on the said Railway to the Village of Kincardine or any other point on Lake Huron north or south thereof, and the same shall constitute part of the Railway and works of the said Company, and all the provisions of the Acts hereby amended, and of this Act, shall extend thereto.

Power to make a branch line.

6. Nothing in the Act passed in the sixteenth year of Her Majesty's reign, chaptered thirty-nine, and intituled: *An Act to empower any Railway Company whose Railway forms part of the Main Trunk Line of Railway throughout this Province, to*

Railways Union Acts 16 V. c. 39 and 16 V. c. 76, not to unite

apply to the said Railway. *unite with any other such Company, or to purchase the property and rights of any such Company, and to repeal certain Acts therein mentioned incorporating Railway Companies, or in the Act passed in the same year, chaptered seventy-six, intituled: An Act to extend the provisions of the Railway Company's Union Act to Companies whose Railways intersect the Main Trunk Line, or touch places which the said line also touches,* shall be construed to apply in any wise to the said Stratford and Huron Railway Company, or to the Railway and works under their control, or any of them, or to any future agreement of amalgamation or otherwise, between the said Company and any other Railway Company, or at all affecting their said Railways or works.

Public Act. 7. This Act shall be deemed a Public Act.

CAP. LXXXIX.

An Act to amend the Acts relating to the Welland Railway Company.

[Assented to 30th June, 1864.]

Preamble.
Recital.

WHEREAS the Welland Railway Company has, under the Acts relating to it, authority to raise a Share Capital to the amount of One Million Dollars, in ten thousand shares of one hundred dollars each, but by reason of certain shares not having been issued, and of the forfeiture of certain shares which have been issued, the number of shares now held in the Company is reduced to seven thousand eight hundred and thirty-six shares, representing a capital stock of seven hundred and eighty-three thousand six hundred dollars;

And whereas it is expedient that the Company should be empowered to issue the shares so remaining unissued, and to re-issue the shares forfeited, with such preferential rights of dividend and privileges as are hereafter mentioned;

And whereas it is also expedient to declare and define the capital of the Company and to authorize the Company to raise further capital, and for this and other purposes to amend the Acts relating to the Company and to enlarge its powers;

And whereas the Company have also issued debentures to the extent of one hundred thousand pounds secured by a first mortgage of the Railway, and also to the further extent of fifty thousand pounds for equipping the line and the liquidation of certain debts, and such latter debentures to the amount of fifty thousand pounds were collaterally secured by second mortgage of the Railway and by a bill of sale or assignment of the rolling stock of the Company then purchased or thereafter to be purchased with the proceeds of such debentures;

And

And whereas the interest on all such debentures so issued is now in arrear, and the Company has also become deeply indebted, and several of the creditors have obtained judgments against it, and much litigation is now pending or impending, whereby the keeping open of the Railway, which is of great importance to the interests of the Province, is imperilled;

And whereas it is absolutely necessary that further money should be raised, not only for the purpose of liquidating the debts of the Company, but for efficiently working the line, and for that purpose for purchasing or providing steamboats or propellers to be used on the lakes in connection with the trains of the Railway; and it has been agreed by a large majority of the existing bondholders, that debentures for the purpose of raising the money required shall be issued, having a preference over the existing mortgages of the said Company, and being specially and collaterally secured by a mortgage of the steam vessels or propellers, elevators and other stock or plant to be purchased or provided with the proceeds of such debentures: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. This Act may, for all purposes, be cited as the *Welland Railway Act, 1864*, and the expression "the Company," as hereinafter used, shall denote the Welland Railway Company.

Short Title of Act.

2. It shall be lawful for the Company, with the consent of a majority of the bondholders ascertained and testified as hereafter mentioned, to issue Preference Bonds or Debentures to the extent of fifty thousand pounds, to be specially designated "Preference Bonds;" and such bonds or debentures shall be a first charge on the Railway and works of the Company and on the undertaking, including in such works the rolling stock, vessels, elevators, and all other property of the said Company; but subject only to the preference hereby created, all other charges on the said Company shall retain their respective priorities and their special securities as now existing or hereby created.

Preference Bonds £50,000, may be issued.

3. The said preference bonds shall not be issued except by the consent of a majority, consisting of two-thirds in number and amount of the bond and shareholders of the Company, present in person or by proxy, at a meeting of such bond and shareholders to be held in London, after such notice in England and Canada, as, by the existing rules of the Company, would be sufficient for the calling of a meeting of the Company, the object of such meeting being especially set forth in such notice; and at such meeting bondholders may be represented by proxies in the form and according to the rules now in force respecting shareholders, and the certificate in writing of the chairman of such meeting shall be taken as *prima facie* proof

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

Evidence of such consent.

of

of the acceptance of this Act by such bond and shareholders, and of their consent to the issue of such preference bonds; such certificate shall be filed in the office of the Provincial Secretary of Canada, and certified copies by the said Secretary shall be taken and considered in all Courts of Law and Equity in this Province, as sufficient *prima facie* evidence of the contents thereof.

Mode of issue. 4. The said preference bonds shall be issued and disposed of to such persons, and in such manner, and for such term of years, at such rate of interest, not exceeding eight per cent., as the Directors shall determine, an option of subscribing for them being first given to the present bond and shareholders.

Definition of Share Capital. 5. The present authorized share capital of the Company is hereby declared to be the sum of one million of dollars, consisting of ten thousand shares of one hundred dollars each; **Proviso.** Provided that it shall be lawful for the Company to resolve that the capital shall be converted into its equivalent in pounds sterling, and the nominal amount of shares shall thereupon be altered accordingly.

Power to call up unpaid Capital. 6. The Directors may, from time to time, make calls upon the shares not paid up in full, until the same respectively shall be paid up, and the calls so made in the manner provided by law shall be recoverable as debts to the Company, in like manner as ordinary calls are recoverable; provided no call shall exceed ten per cent., and that the intervals at which successive calls shall be made shall not be less than two calendar months; **Proviso.** Provided also, that if any such shares or any calls made thereon remain unpaid at the time this Act come into force, it shall not be lawful for the said Company to enforce the payment of the same, or any part thereof, without the consent in writing, of such shareholder or his assignee.

Power to create further Share Capital. 7. It shall be lawful for the Company, with the sanction of a general meeting of the Company, convened with notice of the purpose, to raise, for the purposes of constructing a double-track, increasing the number of vessels and elevators, and the quantity of rolling stock, and in other respects for completing and perfecting their undertaking, on such terms and under such conditions as to the Directors may, from time to time, appear expedient, a further capital not exceeding one million of dollars or the equivalent in pounds sterling, and for that purpose to create and issue new shares of such nominal amount, and to issue them on such terms and at such prices, as the meeting may appoint or authorize the Directors to determine.

Power to attach preferential dividends to shares to be issued or 8. It shall be lawful for the Company to issue the shares remaining unissued and to reissue any forfeited shares as and when it may be deemed expedient, and at any meeting convened with notice of the purpose, to attach to the shares so to be

be issued and re-issued respectively, and also to the new shares re-issued to be created and issued under the authority of this Act, and hereafter. from time to time to any part or parts thereof, a right to a preferential dividend not exceeding the rate of ten per cent. per annum, with such conditions as to the right of voting, and such other privileges and incidents (if any) as such meeting may think proper and determine.

9. The calls on the shares respectively to be issued and re-issued under the authority of this Act shall be of such amount and made at such intervals as the Directors shall appoint and determine. Call on new Shares.

10. And whereas at a general meeting of the Company held at the London Tavern, Bishopsgate street, London, on the fourteenth day of December, one thousand eight hundred and fifty-nine, the following persons were duly elected Directors of the Company, videlicet: George Payne Kitson, Frederick Charles Gaussen, James Whatman Bossanquet, Samuel Parker Bidder, Richard Blaney Wade, and Thomas Brassey, Esquires, all resident in England, and William Hamilton Merritt, the younger, Elias S. Adams, and James R. Benson, resident in Canada, and at such meeting it was resolved as follows: Resolutions passed at meeting held on 14th December, 1859.

1. That at the general meeting to be holden every year for the choice of Directors, after the year one thousand eight hundred and sixty, two of the Directors who shall have been elected as residents in England, if the number of such Directors amounts to six, and one if their number amounts only to five, and none if their number does not exceed four, and one of the Directors who shall have been elected as residents in Canada, if the number of such Directors amounts to three, and none if their number does not exceed two, shall retire from office by rotation;

2. That the general meeting for the choice of Directors shall be held in the month of May in every year, unless the Directors shall appoint another day within forty-eight days after the end of that month, in which case such general meeting shall be held on such other day;

3. That the Directors who shall retire in each year shall be those who have served longest, the period of service being computed as to each Director from his election, or if he has been elected more than once, from his last election;

4. That if those who have served longest have served for equally long periods of time, and their number exceeds the number prescribed for retiring, then those who shall retire shall be chosen from them by lot;

5. That retiring Directors shall be eligible for re-election;

6. That at any meeting for choosing Directors the number of those elected as resident in England shall be made up to six, and the number of those elected as resident in Canada shall be made up to three ;

7. That every Director who ceases to reside in the country as a resident whereof he is elected, shall thereby vacate his office ;

8. That if a vacancy by death, resignation, ceasing to reside, or otherwise, happen between two meetings for choice of Directors, the Directors may elect a new Director, who shall hold his office only until the next meeting for the choice of Directors, and shall, at that meeting, vacate it before the numbers are counted for ascertaining how many are to retire by rotation ;

9. That the Directors be and they are hereby empowered to appoint a Manager to be resident in Canada, on such terms and for such remuneration as to the Directors shall seem fit, and as shall not exceed the powers of the Company ;

Order or rotation and constitution of the Board of Directors.

Therefore, the number, order of rotation and other provisions as to the appointment and constitution of the Board of Directors, prescribed by the said resolutions, shall be followed ; and the said Directors shall go out of office according to the said resolutions, unless and until the Company shall by resolution of any future special general meeting to be held under the authority of the Statutes of the Company, alter and vary such resolutions.

Acts of Directors to be valid notwithstanding defects in their appointment.

11. 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 in the appointment of any such Directors or persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Director.

Recital.

12. And whereas the Company being indebted to various persons to a large amount, judgments have been obtained against them by some of such creditors, and executions have been issued upon the rolling stock of the Company ; And whereas provisional arrangements have been made for satisfying such judgments, and vesting the rolling stock of the Company, by the issue of second mortgage bonds for fifty thousand pounds sterling, and other floating liabilities of the Company may also be provided for by means of such bonds or the moneys to be raised thereby, and such bonds were subscribed for on condition that the amount thereof to the extent of fifty thousand pounds should be a second charge upon the whole

whole undertaking (but subject to the bonds for one hundred thousand pounds then already issued) and a first charge upon such rolling stock: Be it therefore enacted, that the second mortgage bonds so issued to the extent aforesaid, and the principal and interest thereby secured shall become and be a charge upon the undertaking of the Company (subject only to the preference bonds hereby created and the bonds for one hundred thousand pounds first issued and the interest thereon), and also (subject to the said preference bonds) a first charge on all the rolling stock of the said Company and any and every replacement and renewal thereof or any addition thereto, not exceeding in the whole the amount for the time being due on such second mortgage bonds.

Second mortgage bonds to be a charge on the Road and Stock.

13. The Directors of the Company shall have full power to issue bonds in lieu of the said preference bonds, and of the present first and second mortgage bonds as the same shall respectively become due.

Bond may be replaced by new ones.

14. This Act shall be deemed a Public Act.

Public Act.

C A P . X C .

An Act to incorporate the Fergus, Elora and Guelph Railway Company.

[Assented to 30th June, 1864.]

WHEREAS George A. Drew, Charles Clarke, James M. Fraser, John Mundell, David Foote and W. P. Newman, of the village of Elora; Sem Wissler, Levi Erb and James Ross, of the township of Nichol; William Reynolds, John Smith and Hugh Roberts, of the township of Pilkington; Robert McKim and William Sturtridge, of the Township of Peel; William S. Hambly and James Davidson, of the township of Maryborough; John Smithurst and Archibald Harrison, of the Township of Minto, and others, have petitioned the Legislature for an Act of incorporation to construct a Railway from some point in or near the Town of Guelph, in the County of Wellington, to Elora, passing through the village of Fergus, or from some point in or near the Town of Guelph, to the village of Fergus, passing through the Village of Elora: 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 George A. Drew, Charles Clarke, James M. Fraser, John Mundell, David Foote, W. P. Newman, Sem Wissler, Levi Erb, James Ross, William Reynolds, John Smith, Hugh Roberts, Robert McKim, William Sturtridge, William S. Hambly, James Davidson, John Smithurst and Archibald Harrison, together with such other persons or corporations as shall become subscribers and shareholders in the Company hereby

Certain persons incorporated.

Corporate name.

hereby incorporated, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of the "Fergus, Elora and Guelph Railway Company."

Certain clauses of the Railway Act to apply.

2. The several clauses of "the Railway Act," with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "directors, their election and duties," "shares and their transfer," "Municipalities," "Shareholders," "actions for indemnity, and fines and penalties and their prosecution," "working of the Railway," and "general provisions," shall be incorporated with this Act, and the expression "this Act" when used herein, shall be understood to include the clauses incorporated with this Act, save and except in so far as they are varied by any of the provisions of this Act.

Line of Railway.

3. The said Company and their servants shall have full power and authority to lay out, construct, make and finish a double or single Iron Railway, at their own cost and charges, commencing at some point in or near the Town of Guelph, in the County of Wellington, and thence passing through the village of Fergus to the village of Elora, in the said County, or commencing at some point in or near the said town of Guelph, and thence passing through the village of Elora to the village of Fergus, according as either of the said routes may, after actual survey, be declared by the engineers of the Company to be most advantageous as regards construction and working, and be decided upon and approved by the shareholders at a general meeting of the Company called for the purpose.

Capital stock and shares.

4. The capital stock of the said company shall not exceed in the whole the sum of two hundred and forty thousand dollars (with power to increase the same as provided by the Railway Act), to be divided into twelve thousand shares, of twenty dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in such stock, and the money so raised shall be applied, in the first place, towards the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards the making, completing and maintaining the said railway and the other purposes of this Act.

Application of stock.

First Directors.

5. The said George A. Drew, Charles Clarke, James M. Fraser, John Mundell, David Foote, W. P. Newman, Sem Wissler,

Wissler, Levi Erb, James Ross, William Reynolds, John Smith, Hugh Roberts, Robert McKim, William Sturtridge, William S. Hambly, James Davidson, John Smithurst and Archibald Harrison, shall be, and are hereby constituted a Board of Directors of the said company, and shall hold office as such until other directors shall be elected under the provisions of this Act, by the shareholders, and shall have power and authority, immediately after the passing of this Act, to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, and as hereinafter provided, to call a general meeting of the shareholders for the election of directors.

Powers.

6. The said directors are hereby empowered to take all necessary steps for opening the stock books for the subscriptions of parties desirous of becoming shareholders in the said company; and every person whose name shall be written in such books as a subscriber to the said undertaking and who shall have paid, within ten days after the closing of the books, into the bank appointed by the directors, or into any of its branches or agencies, to the credit of the said company, five per centum of the amount so subscribed for, shall thereby become a member of the said company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said company.

Opening of stock books.

Five per cent to be paid on subscribing.

7. When and so soon as one-fifth part of the said capital stock shall have been subscribed as aforesaid, and five per cent. paid thereon, it shall and may be lawful for the said directors, or a majority of them, to call a meeting of the shareholders at such time and place as they may think proper, giving at least two weeks' notice in newspapers published in the county of Wellington, at which general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect nine directors, in the manner and qualified as hereinafter provided, which said nine directors shall constitute a Board of Directors, and shall hold office until the first annual meeting for the election of directors, and until others are elected in their stead; provided that if the whole of the capital stock of the said company shall not have been subscribed for, and one fourth part of the same duly paid up and deposited as provided in the foregoing section, and the work of constructing the said railway commenced *bonâ fide* by or before the first day of May, one thousand eight hundred and sixty-five, and then finished and in operation within three years, then this Act and all the provisions thereof shall become null and void.

First General Meeting and election of directors.

Proviso: time for commencement and completion limited.

8. On the last Wednesday in May in each year thereafter, or on such other day as may be fixed on by by-law of the Company,

Annual meetings and elec-

tion of Direc-
tors.

Company, there shall be holden a general meeting of the shareholders of the said company, at the principal office of the said company, in the village of Elora, at which meeting the shareholders shall elect nine directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual general meeting and election shall be published one month before the day of election in one or more newspapers published in the county of Wellington, and the election of directors shall be by ballot; and the persons so elected together with the *ex officio* directors under "the Railway Act," shall form the Board of Directors.

Board of
Directors.

Quorum of
Directors.

9. Until otherwise provided by by-law of the company, a majority of the directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one of their number as a paid director; Provided, however, that no person shall be elected director unless he shall be the holder and owner of at least twenty-five shares of the stock of the said company, and shall have paid up all calls upon the said stock.

Qualification.

Number of
votes to each
shareholder.

10. In the elections of directors under this Act, and in the transaction of all business at general shareholders' meetings, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up, and which he shall have held in his own name two weeks prior to the time of voting, and shall be entitled to vote either in person or by proxy.

Calling in
instalments
on shares.

11. The directors may, at any time, call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per cent. on the subscribed capital, and that sixty days' notice of each call shall be given in such manner as the directors shall think fit.

Notice.

Form of con-
veyances to
the Company.

Registration
thereof.

12. All deeds and conveyances of lands to the said company for the purposes of this Act, in so far as circumstances will admit, may be in the form of Schedule A, to this Act subjoined, or in any other form to the like effect; and for the purposes of due enregistration of the same the registrar of the said county of Wellington is required to register in his registry books such deeds and conveyances, upon the production and proof of the due execution thereof, without any memorial, and shall minute the enregistration or entry on such deed; and the registrar shall receive from the said company, for all fees on every such enregistration, and for a certificate of the same, fifty cents and no more, and such enregistration shall be deemed to be valid in law; any statute or provision of law to the contrary notwithstanding.

13. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Company,
may be parties to notes,
&c.

Proviso:
against issue
of Bank notes.

14. The directors of the said company shall have the power, upon being duly authorized thereto by a vote of the majority of the shareholders in the said company, present at any annual meeting in the month of May, for the purpose of electing directors, or at any other general meeting of the said shareholders, whereof notice shall have been given in the manner hereinabove provided in the case of a general annual meeting and election, and in which notice shall be stated and published the object of such meeting, to issue their bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary or treasurer, and under the seal of the said company, for the purpose of raising money, not exceeding in the whole the sum of sixty thousand dollars, for prosecuting the undertaking, and such bonds shall be and be considered to be privileged claims upon the property of the said company, and shall bear hypothec upon the said railway without registration; Provided, however, that no such bonds bearing such hypothec shall be issued until after twenty-five per cent. of the whole capital stock of the said company, as provided by this Act, shall have been expended in and upon said railway; and provided, also, that the whole amount raised by such bonds shall not exceed one half the subscribed capital stock of the company, nor be in excess of the amount actually paid up on its share capital at the time of the issue of such bonds.

Company may
issue bonds.

To what
amount.

Proviso.

Proviso.

15. And whereas it is contemplated to build a Railway from some point at or near the Town of Guelph to Southampton, on Lake Huron, and whereas a charter has been obtained for the

Company may
under certain
conditions be
amalgamated

with the Wellington, Grey and Bruce Railway Company.

the same under the name of the Wellington, Grey and Bruce Railway Company: Be it therefore enacted, that in the event of the said Wellington, Grey and Bruce Railway Company electing to construct their line from the terminus of the Fergus, Elora and Guelph Railway to Lake Huron, rather than to commence it at the Town of Guelph, then and upon their so completing it from the terminus of the Fergus, Elora and Guelph Railway to Lake Huron, the charter of the Fergus, Elora and Guelph Railway shall, should the Wellington, Grey and Bruce Railway Company so elect, merge into the charter of the said Wellington, Grey and Bruce Railway Company, and in the event of such an amalgamation taking place the Stock of the Fergus, Elora and Guelph Railway Company shall become part of the Stock of the Wellington, Grey and Bruce Railway Company, and the Stockholders in the Fergus, Elora and Guelph Railway Company shall thenceforward be deemed and become Stockholders in the Wellington, Grey and Bruce Railway Company, to the extent of their respective share or shares (the calls thereon being paid up in full) in the said Fergus, Elora and Guelph, Railway Company.

Company may enter into agreements with any other Company as to the use of the Road, &c., of either by the other.

16. It shall be lawful for the said company to enter into any agreement with any other railway company, for leasing the said railway or any part thereof or the use thereof, at any time or times, or for any period to such other company, or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other or by both companies of the railway or moveable property of either or of both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or person accepting and executing such lease shall be and is hereby empowered to exercise all the rights and privileges in this Act or the said lease mentioned, provided such agreement shall not be for any longer term than ten years.

All shareholders eligible to office.

17. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same and to be eligible to office in the said company.

Gauge.

18. The gauge of the said railway shall be five feet six inches.

Company may purchase lots of land for gravel pits, stations, &c.

19. And whereas it may be necessary for the said company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes at convenient places along their line of railway, for constructing and keeping in repair and for carrying on the business of the said railway, and,

and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found: It is therefore enacted, that it shall be lawful for the said company, and they are hereby authorized, from time to time to purchase, have, hold, take, receive, use and enjoy, along the line of the said railway or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements, and hereditaments which it shall please Her Majesty or any person or persons or bodies politic, to give, grant, sell or convey unto, and to the use of or in trust for the said company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood-yards, station-grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage, the said railway and other works connected therewith.

May dispose of such lots of land as they shall not require.

20. Nothing in the Act passed in the sixteenth year of Her Majesty's Reign, chaptered thirty-nine, and intituled: *An Act to empower any Railway Company whose Railway forms part of the Main Trunk Line of Railway throughout this Province to unite with any other such Company or to purchase the property and rights of any such Company and to repeal certain Acts therein mentioned incorporating Railway Companies*, or in the Act passed in the same year, chaptered seventy-six, and intituled: *An Act to extend the provisions of the Railway Companies Union Act to Companies whose Railways intersect the Main Trunk Line or touch places which the said line also touches*, shall be construed to apply in any wise to the said Fergus, Elora and Guelph Railway Company or to the Railway and works under their control, or any of them, or to any future agreement of amalgamation or otherwise between the said Company and any other Railway Company, or as at all affecting their said Railways or works.

Railways' Union Acts, 16 V. caps. 39 and 76 not to apply to the said Railway.

21. The Interpretation Act shall apply to this Act and this Act shall be a Public Act.

Interpretation.

SCHEDULE A.

Know all men by these presents, that I, _____ (insert the name of wife also if she is to release her dower, or for any other reason to join in the conveyance,) do hereby, in consideration of _____ paid to me (or as the case may be) by the Fergus, Elora and Guelph Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and

and confirm unto the said Fergus, Elora and Guelph Railway Company, their successors and assigns forever, all that certain parcel or tract of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway ; to have and to hold the said land and premises, together with everything appertaining thereto, to the said Fergus, Elora and Guelph Railway Company, their successors and assigns for ever, (*if dower to be released-add*), and I, (*name the wife*) release my dower in the premises.

Witness my (*or our*) hand (*or hands*) and seal (*or seals*), this day of , one thousand eight hundred and

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

Signed, sealed and delivered in the presence of

O. K.

C A P. X C I.

An Act to incorporate the "Chaudière Valley Railway Company."

[Assented to 30th June, 1864.]

Preamble.

WHEREAS Harry Abbott, James Bell Forsyth, Edward Burstall, the Honorable Thomas Ryan, Peter Arnold Shaw, the Honorable John J. C. Abbott, Elzéar Taschereau, Noel Hill Bowen, Esquires, and others, have petitioned the Legislature for an Act of Incorporation to construct a Railroad from some point on the Grand Trunk Railway, passing through the Seigniory of Lauzon and the Valley of the River Chaudière, to the State of Maine ; 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 :

Certain persons incorporated.

1. The said Harry Abbott, James Bell Forsyth, Edward Burstall, the Honorable Thomas Ryan, Peter Arnold Shaw, the Honorable John J. C. Abbott, Elzéar Taschereau, Noël Hill Bowen, together with such other persons or corporations as shall become subscribers and shareholders in the Company hereby incorporated, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of the *Chaudière Valley Railway Company*.

Corporate name.

Certain clauses of the Railway Act incorporated with this Act.

2. The several clauses of the "Railway Act," with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands

"Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for Indemnity, and Fines and Penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act; and the expression "this Act," when used herein, shall be understood to include the clauses incorporated with this Act, save and except in so far as they are varied by any of the provisions of this Act.

Interpretation.

3. The said Company and their servants shall have full power and authority to lay out, construct, make and finish a double or single iron Railway, at their own cost and charges, of the width or gauge of five feet six from such point on the line of the Grand Trunk Railway, between the Chaudière Junction and Saint Henry Stations of the Grand Trunk Railway, as the Directors of the said Company for the time being may think most advantageous, and as will ensure the best grades and best connection with the said Grand Trunk Railway, thence passing through the Parishes of St. Henry, St. Isidore, Ste. Mary's, St. Joseph, St. Francis, St. George's, and the Township of Linière, and from thence to the Province Line in the Townships of Marlow or Metogermette, at such point as to the Directors of the said Company may seem expedient; and the said Company shall have power and authority to construct the different sections of the said Railway in such order as they see fit, keeping in view the general direction as hereinabove provided.

General line of railway to be made by Company.

Power to construct by sections.

4. The Capital Stock of the said Company shall not exceed in the whole the sum of one million dollars (with power to increase the same as provided by the Railway Act,) to be divided into twenty thousand shares of fifty dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in such stock; and the money so raised shall be applied in the first place towards the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards the making, completing and maintaining the said Railway and other purposes of this Act; Provided, always, that until the said preliminary expenses shall be paid out of the Capital Stock, it shall be lawful for the Municipality of any County, City, Town or Township interested in the Railway, or otherwise, to pay out of the general funds of such municipality such preliminary expenses, which sums shall be refunded to such Municipality from the stock of the said Company, or be allowed to them in payment of the stock.

Capital stock.

Shares.

Application of capital.

Proviso: as to preliminary expenses.

First directors named.

5. The said Harry Abbott, James Bell Forsyth, Edward Burstall, the Honorable Thomas Ryan, Peter Arnold Shaw, the Honorable John J. C. Abbott, Elzéar Taschereau and Noel Hill Bowen, shall be, and are hereby constituted a Board of Directors of the said company, and shall hold office as such until other Directors shall be elected under the provisions of this Act, by the shareholders, and shall have power and authority, immediately after the passing of this Act, to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, and as hereinafter provided, to call a general meeting of the shareholders for the election of directors.

Their powers and term of office.

The said Directors to open stock books.

6. The said Directors are hereby empowered to take all necessary steps for opening the stock-books for the subscriptions of parties desirous of becoming shareholders in the said Company; and all persons subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same, but shall be liable only to the extent of their stock therein.

First general meeting and election of Directors.

7. When and so soon as one-fifth part of the said capital stock shall have been subscribed as aforesaid, and one-tenth thereof paid into a chartered Bank in the City of Quebec, to the credit of the said Company, it shall and may be lawful for the said directors, or a majority of them, to call a meeting of the shareholders at such time and place as they may think proper, giving at least two weeks' notice in one newspaper published in the City of Quebec, and in one newspaper published in the City of Montreal, at which general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy; shall elect nine directors, in the manner and qualified as hereinafter provided, which said nine directors shall constitute a Board of Directors, and shall hold office until the first Monday in March in the year following their election.

Annual general meetings and election of Directors, &c.

8. On the said first Monday of March, and on the first Monday in March in each year thereafter, there shall be holden a general meeting of the shareholders of the said Company, at the principal office of the said Company, at which meeting the shareholders shall elect nine directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual general meeting and election shall be published one month before the day of election in one or more newspapers published in the cities of Quebec and Montreal: and the election of directors shall be by ballot: and the persons so elected together with the *ex officio* directors under "the Railway Act," shall form the Board of Directors.

Notice.

Ballot.
Board of Directors.

9. Five directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one of their number as paid director or directors; provided, however, that no person shall be elected director unless he shall be the holder and owner of at least ten shares of the stock of the said Company, and shall have paid up all calls upon the said stock.

Quorum.

Proviso.

Qualification.

10. In the elections of Directors under this Act, and in the transaction of all business at general shareholders's meetings, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up, and shall be entitled to vote either in person or by proxy.

One vote for each share.

11. The directors may, at any time, call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital, and that one month's notice of each call shall be given in such manner as the directors shall think fit.

Calls for stock.

Limitation.

12. All deeds and conveyances of lands to the said Company for the purposes of this Act, in so far as circumstances will admit, may be in the form of the Schedule A, to this Act subjoined, or in any other form to the like effect; and for the purposes of due enregistration of the same, all Registrars in their respective counties are required to register in their registry books such deeds and conveyances, upon the production and proof of the due execution thereof, without any memorial, and shall minute the enregistration or entry on such deeds; and the Registrar shall receive from the said Company, for all fees on every such enregistration, and for a certificate of the same, fifty cents and no more, and such enregistration shall be deemed to be valid in law; any statute or provision of law to the contrary notwithstanding.

Form of conveyances to Company.

Registration.

Fees.

13. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President or the Secretary and Treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority

Company may be parties to bills and notes and how.

Proviso :
against is-
suing Bank
notes.

authority of the Board of Directors, as herein provided and enacted ; provided, however, that nothing in this section shall be construed to authorize the said Company to issue any notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank:

Company may
issue bonds
for money
borrowed.

14. The Directors of the said Company shall have the power, upon being duly authorized thereto by a vote of the majority of the shareholders in the said Company, present at any annual meeting in the month of March for the purpose of electing Directors, or at any other general meeting of the said shareholders, whereof notice shall have been given in the manner hereinabove provided in the case of a General Annual Meeting and election, and in which notice shall be stated and published the object of such meeting, to issue their bonds made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the undertaking; and such bonds shall be and be considered to be privileged claims upon the property of the said Company, and shall bear hypothèque upon the said Railway without registration; provided however, that no such bonds bearing such hypothèque shall be issued until after twenty-five per centum of the whole Capital Stock of the said Company, as provided by this Act, shall have been expended in and upon the said Railway; and provided also that the whole amount raised by such bonds shall not exceed one half the Capital Stock of the Company, nor be at any time in excess of the amount actually paid upon its share-capital at the time of the issue of such bonds.

Privilege at-
tached to such
bonds.

Proviso :
when they
may issue.

Proviso : as
to total
amount.

Company may
agree with
other com-
panies as to
services to be
performed by
one Company
for another.

15. It shall be lawful for the said Company to enter into any agreement with any other Railway Company, either in this Province or in any foreign State, for leasing the said Railway or any part thereof, or the use thereof, at any time or times, or for any period to such other Company, or for leasing or hiring from such other company any Railway or part thereof or the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other or by both companies, of the Railway or moveable property of either or of both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof, and any locomotive, car, carriage or tender of any foreign Railway Company brought into this Province in pursuance of any such agreement, but remaining the property of any such foreign company and intended to pass regularly along the said Railway between this Province and a foreign State, shall for all purposes of the law relative to customs, be considered as carriages

As to foreign
cars, &c.

carriages of travellers coming into this Province with the intent of immediately leaving it again; provided always that no such agreement shall be for any long term than ten years.

16. Any shareholder in the said Company, whether a British subject or alien; or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office in the said Company. Aliens may vote, &c.

17. This Act and all the provisions thereof shall become null and void unless the construction of the said railroad be commenced within two years and completed within five years of the passing of the same. Forfeiture of Act for non-user.

18. The Interpretation Act shall apply to this Act, and this shall be deemed a Public Act. Public Act.

SCHEDULE A.

(Form of Deed of Sale.)

Know all men by these presents, that I, A. B. of do hereby in consideration of paid to me by the Chaudière Valley Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Chaudière Valley Railway Company, their Successors and Assigns, all that tract or parcel of land, (*describe the land,*) the same having been selected and laid out by the said Company for the purposes of their Railway; to have and to hold the said land and premises unto the said Company, their successors and assigns forever.

Witness my hand and seal this day of one thousand eight hundred and

Signed, sealed and delivered in presence of

A. B. [L. S.]

C A P . X C I I .

An Act to amend the Act incorporating the Massawippi Valley Railway Company.

[Assented to 30th June, 1864.]

WHEREAS the Massawippi Valley Railway Company have petitioned the Legislature for certain amendments of their Act of Incorporation, and whereas it is expedient to grant Preamble.

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

Further time for commencing and completing the Railway.

1. Notwithstanding anything in the one hundred and seventeenth section of the sixty-sixth chapter of the Consolidated Statutes of Canada, known as "*The Railway Act*," and notwithstanding anything contained in the special Act of Incorporation of the said Company, the corporate existence and powers of the said Company shall be deemed to have continued and shall continue in full force and effect, provided the said railway be commenced within two years, and completed within five years, after the passing of this Act.

Time for the next and other general meetings of Shareholders extended.

2. Notwithstanding anything contained in the said Act of Incorporation, the next general meeting of Shareholders of the said Company, for the election of Directors thereof, and for the transaction of the general business of the corporation, shall be holden on the first Wednesday in September next after the passing of this Act, and thenceforward annually on the first Wednesday in September in each year thereafter, public notice of such annual general meeting and election to be given in the manner provided by the said Act.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. XCIII.

An Act to incorporate the Wellington, Grey and Bruce Railway Company.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the Hon. John MacMurrich and Francis Shanly, of the city of Toronto; Alexander Harvey, Thomas S. Parker, William Clarke, A. L. Argo, James Wilson, James Cattanach, William Robertson, John Watt, Matthew Anderson, J. B. Wyllie, Sem Wissler, John Beattie, Geo. A. Drew, James M. Fraser, John Mundel, W. P. Newman, Levi Erb, James Ross, William Reynolds, John Smith, Sidney Smith, Hugh Roberts, Charles Clarke, Robert McKim, William Sturtridge, George Allen, William S. Hambly, Alexander Dyce, James Davidson, W. Ayhurst, Charles Gillespie, A. F. Stewart, J. Stevenson, Duncan Saunders, John Smithurst and Archibald Harrison, of the county of Wellington; Alexr. MacNabb, John Gillies, James Broclebank, John Bruce, Alexander Sproat, William Miller, Thomas Adair, Thomas Orchard and William Gunn, of the county of Bruce; George Jackson, David Yeomans, John Nasmith, William Lackey, H. Wakefield and W. H. Ryan, of the county of Grey, and others, have petitioned the Legislature for an Act of incorporation to construct a Railway from the town of Guelph, in the county

county of Wellington, to or near Fergus, thence to Owen Sound and some point on Lake Huron; 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 said Hon. John MacMurrich and Francis Shanly, of the city of Toronto; Alexander Harvey, Thomas S. Parker, William Clarke, A. L. Argo, James Wilson, James Cattanach, William Robertson, John Watt, Matthew Anderson, J. B. Wyllie, Sem Wissler, John Beattie, Geo. A. Drew, James M. Fraser, John Mundel, W. P. Newman, Levi Erb, James Ross, William Reynolds, John Smith, Sidney Smith, Hugh Roberts, Charles Clarke, Robert McKim, William Sturtridge, George Allen, William S. Hambly, Alexander Dyce, James Davidson, W. Aylhurst, Charles Gillespie, A. F. Stewart, J. Stevenson, Duncan Saunders, John Smithurst and Archibald Harrison, of the county of Wellington; Alexr. MacNabb, John Gillies, James Broclevbank, John Bruce, Alexander Sproat, William Miller, Thomas Adair, Thomas Orchard and William Gunn, of the county of Bruce; George Jackson, David Yeomans, John Nasmith, William Lackey, H. Wakefield and W. H. Ryan, of the county of Grey, together with such other persons or corporations as shall become subscribers and shareholders in the Company hereby incorporated, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name and style of the "Wellington, Grey and Bruce Railway Company."

Incorporation and corporate name.

2. The several clauses of the "Railway Act" with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for indemnity, and Fines and Penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act; and the expression "this Act" when used herein, shall be understood to include the clauses incorporated with this Act, save and except in so far as they are varied by any of the provisions of this Act.

Certain clauses of the Railway Act incorporated with this Act.

3. The said Company and their servants shall have full power and authority to lay out, construct, make and finish a double or single iron Railway, at their own cost and charges, from the town of Guelph, in the county of Wellington, to the village of Southampton or other point on Lake Huron, in the county of Bruce, with a branch should they so desire it to the town of Owen Sound in the county of Grey, and with power to connect with the Great Western or Grand Trunk Railways, or both

Line or lines of Railway to be constructed.

both at or near the said town of Guelph, and crossing the Grand River about midway between the villages of Fergus and Elora.

Capital stock ;
shares ; in-
crease.

Application of
stock.

Proviso : as
to preliminary
expenses.

4. The Capital Stock of the said Company shall not exceed in the whole the sum of one million five hundred thousand dollars (with power to increase the same as provided by the Railway Act), to be divided into fifteen thousand shares, of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in such Stock ; and the money so raised shall be applied, in the first place towards the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards the making, completing and maintaining the said Railway and other purposes of this Act ; provided always, that until the said preliminary expenses shall be paid out of the Capital Stock, it shall be lawful for the Municipality of any county, city, town or township interested in the Railway, or otherwise, to pay out of the general funds of such municipality, such preliminary expenses, which sums shall be refunded to such Municipality from the Stock of said Company, or be allowed to them in payment of stock.

First Board of
Directors.

Their Powers

5. The said Hon. John MacMurrich, Francis Shanly, Charles Clarke, George A. Drew, James M. Frazer, James Ross, Alexr. MacNabb, James Broclebank, John Gillies, John Bruce, Alexander Harvey, T. S. Parker, James Cattanaeh, William Robertson, John Watt, J. B. Wyllie, Sem Wissler and George Jackson, with power to add to their number, shall be, and are hereby constituted a Board of Directors of the said Company, and shall hold office as such until other directors shall be elected under the provisions of this Act, by the shareholders, and shall have power and authority immediately after the passing of this Act, to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, and as hereinafter provided, to call a general meeting of the shareholders for the election of directors.

Opening stock
books for
subscriptions.

Five per cent
to be paid
down.

6. The said directors are hereby empowered to take all necessary steps for opening the stock books for the subscriptions of parties desirous of becoming shareholders in the said Company ; and every person whose name shall be written in such books as a subscriber to the said undertaking, and who shall have paid, within ten days after the closing of the books, into the bank appointed by the directors, or into any of its branches or agencies, to the credit of the said Company, five per centum of the amount so subscribed for, shall thereby become a member of the said Company, and shall have the same rights and

and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company.

7. And whereas it is desirable to commence and proceed with the work as soon as possible, and to make the road in sections, it is enacted that when and so soon as one-fifth part of the said Capital Stock shall have been subscribed as aforesaid, and ten per centum paid thereon, it shall and may be lawful for the said directors, or a majority of them, to call a meeting of the shareholders at such time and place as they may think proper, giving at least two weeks' notice in newspapers published in the Counties of Wellington, Grey and Bruce, at which general meeting, and at the annual general meetings, in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect eleven directors, in the manner and qualified as hereinafter provided, which said eleven directors shall constitute a Board of Directors, and shall hold office until the first annual meeting for the election of Directors and until others are elected in their stead; this Act and all the provisions thereof shall become null and void unless the construction of the said Railroad be commenced within three years, and completed within seven years of the passing of the same.

First general meeting of stockholders.

Election of Directors.

Forfeiture of Act by non-user.

8. On the last Wednesday in May in each year thereafter, there shall be holden a general meeting of the shareholders of the said Company, at the principal office of the said Company, in the village of Fergus, or elsewhere, as may be appointed by by-law, at which meeting the shareholders shall elect eleven directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual general meeting and election shall be published one month before the day of election, in one or more newspapers published in the counties of Wellington, Grey and Bruce, and the election of directors shall be by ballot; and the persons so elected together with the *ex-officio* directors under "the Railway Act," shall form the Board of Directors.

Yearly general meetings; election of Directors.

Notice.

9. One third at least of the whole number of directors may be English directors, of whom the Company at any meeting of the shareholders called for that purpose in the usual manner, may form a board in London, England, for such purposes as they in the said by-law shall provide, or in any subsequent by-laws may from time to time provide; provided always that none of the powers to be so given shall be inconsistent with the provisions of this Act, but may be the same as the powers given in this Act to the board generally.

Board of English Directors.

Proviso.

10. Any director resident beyond the limits of this province may appoint another director to be his proxy and to vote for him at the board; but no director shall act as proxy for more than

Directors may vote by proxy.

than two other directors. The appointment may be as follows, or to the like effect :

Form of
proxy.

" I appoint, _____, of _____, Esquire, one of the directors of the ' Wellington, Grey and Bruce Railway Company,' to be my proxy as a director of that Company, and as such proxy to vote for me at all meetings of the directors of that Company, and generally to do all that I could myself do as such director, if personally present at such meeting."

" Dated this _____ day of
A. D. 18 _____ .

" (Signature,) _____ A. B.

" Witness

" C. D."

Agency in
London, En-
gland.

11. The directors of the Company may, subject to the rules and regulations, from time to time, of the board, appoint an agent in the city of London, England, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London office, in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain, may be entered on the books at the London office, and scrip certificates be issued for them, and the agent or other officer shall transmit an accurate list of all such transfers and scrip certificates so issued to the Secretary or other officer of the Company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the Register kept in this Province; and thereupon the same shall be binding on the Company as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the Secretary of the Company in this Province.

Transfer of
shares there,
&c.

List of trans-
fer in England
to be forward-
ed to Cana-
na.

12. Whenever any transfer shall be made in England of any share of stock of the company, the delivery of the transfer duly executed to the agent of the Company for the time being in London aforesaid, or to the Secretary of the London Board, if formed, shall be sufficient to constitute the transferee a shareholder or stockholder in the Company in respect of the share or stock so transferred, and such agent shall transmit an accurate list of all such transfer to the Secretary of the Company in this Province, who shall thereupon make the requisite entries in the register; and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividend, as they may find expedient ;
and

Directors to
make regula-
tions.

and all such regulations not being inconsistent with the provisions of this Act, and of the Railway Act, as altered or modified by this Act, shall be valid and binding.

13. The Company shall from time to time cause the names of the several parties interested in the stock of the said Company, and the amount of interest therein of such parties respectively, to be entered in a book to be called "The Stock Register," and the several holders of such stock shall be entitled to participate in the dividends and profits of the Company, according to their respective interest therein; and such interest shall, in proportion to the amount thereof, confer on the respective holders, the same privilege of voting, qualification and otherwise as would have been conferred by shares of equal amount in the capital of the Company, but so that none of such privileges, except that of participation in the dividends and profits, shall be conferred by the holding of any aliquot part of such amount of stock, unless such aliquot part, if existing in shares, would have conferred such privileges respectively.

Stock Register to be kept. Its contents, &c.

14. Duplicates of all registers of shares and debentures of the Company and of the shareholders thereof, or of the stock register, which shall at any time be kept at the principal office of the Company in this Province (such duplicate being authenticated by the signature of the Secretary of the Company) may be transmitted to and kept by the agent for the time being of the Company in London aforesaid; or in case of the formation of a London Board, by the Secretary to such board.

Duplicates of Registers, to be sent to and kept in England.

15. Whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened, either for the purpose of increasing the capital or forming a London Board, as aforesaid, or for any other purpose, the directors may convene such meeting by advertisement and circular, in manner hereinbefore mentioned, in which advertisement and circular the business to be transacted at such meeting shall be expressly stated; and such meeting may be held at the Company's chief office in Canada, or such other place in this Province as the directors shall appoint.

Special general meetings of shareholders: how called, &c.

16. The notice of special general meetings of the Company, for any of the purposes aforesaid, shall be inserted in the same papers as are in this Act prescribed as necessary for convening ordinary general meetings of the Company, and also, if so ordered by the directors calling the same, in one or more of the daily morning newspapers published in London, England, and a copy of such notice shall also be addressed by post to each shareholder at his last known or usual address, not less than forty days before the holding of such meeting:

Notice of such meetings.

Quorum of
Directors.

17. Until otherwise provided by By-law of the Company, a majority of the directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one of their number as a paid director; provided however, that no person shall be elected a director unless he shall be the holder and owner of at least five shares of the stock of the said Company, and shall have paid up all calls upon the said stock.

Proviso: qualification of
Directors.

Scale of votes.

18. In the elections of directors under this Act, and in the transaction of all business at general shareholders' meetings, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up, and which he shall have held in his own name two weeks prior to the time of voting, and shall be entitled to vote either in person or by proxy.

Calls on stock.

19. The directors may, at any time, call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per cent on the subscribed capital, and that sixty days' notice of each call shall be given in such manner as the directors shall think fit.

Conveyances
of lands to the
Company.

20. All deeds and conveyances of lands to the said Company for the purposes of this Act, in so far as circumstances will admit, may be in the form of the Schedule A, to this Act subjoined, or in any other form to the like effect; and for the purposes of due re-registration of the same, all registrars in their respective counties are required to register in their registry books such deeds and conveyances, upon the production and proof of the due execution thereof, without any memorial, and shall minute the enregistration or entry on such deed; and the registrar shall receive from the said Company, for all fees on every such enregistration, and for a certificate of the same, fifty cents and no more, and such enregistration shall be deemed to be valid in law; any statute or provision of law to the contrary notwithstanding.

Registration
and fee there-
for.

Company may
be parties to
notes, &c.

21. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a quorum of the directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President

Vice-President or the Secretary and Treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said Company to issue any notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso: not to issue Bank notes.

22. The directors of the said Company shall have the power, upon being duly authorized thereto by a vote of the majority of the shareholders in the said Company, present at any annual meeting in the month of May, for the purpose of electing directors, or at any other general meeting of the said shareholders, whereof notice shall have been given in the manner hereinabove provided in the case of a general annual meeting and election, and in which notice shall be stated and published the object of such meeting, to issue their bonds made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the undertaking, and such bonds shall be and be considered to be privileged claims upon the property of the said Company, and shall be a charge upon the said Railway without registration; provided, however, that no such bonds secured by such charge shall be issued until after twenty-five per cent of the whole capital stock of the said Company, as provided by this Act, shall have been expended in and upon the said Railway; and provided, also, that the whole amount raised by such bonds shall not exceed one-half the capital stock of the Company, nor be in excess of the amount actually paid up on its share capital at the time of the issue of such bonds.

Company may issue debentures for money borrowed.

Proviso.

Proviso.

23. It shall be lawful for the said Company to enter into any agreement with any other Railway Company, for leasing the said Railway or any part thereof or the use thereof, at any time or times, or for any period, to such other Company, or for leasing or hiring from such other Company any Railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other or by both companies, of the railway or moveable property of either or of both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and hereby is empowered to exercise all the rights and privileges in this charter conferred.

Company may enter into agreements with other Companies as to use of either Company's Road by the other, &c.

Aliens may hold stock, vote, &c.

24. Any shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company.

Gauge.

25. The gauge of the said Railway shall be five feet six inches.

Railway's Union Act not to apply.

26. Nothing in the Act passed in the sixteenth year of Her Majesty's reign, chaptered thirty-nine, and intituled: *An Act to empower any Railway Company whose Railway forms part of the main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the property and rights of any such Company, and to repeal certain Acts therein mentioned incorporating Railway Companies*, or in the Act passed in the same year, chaptered seventy-six and intituled: *An Act to extend the provisions of the Railway Company's Union Act, to Companies whose Railways intersect the Main Trunk Line, or touch places which the said line also touches*, shall be construed to apply in any wise to the said Wellington, Grey and Bruce Railway Company, or to the Railway and works under their control, or any of them, or to any future agreement of amalgamation or otherwise, between the said Company and any other Railway Company, or at all affecting the said Railway or works.

Public Act.

27. The Interpretation Act shall apply to this Act, and this Act shall be a Public Act.

SCHEDULE A.

Know all men by these presents, that I, _____ (*insert the name of wife also, if she is to release her dower, or for any other reason to join in the conveyance*), do hereby, in consideration of _____ (*paid to me or as the case may be*) by the Wellington, Grey and Bruce Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Wellington, Grey and Bruce Railway Company, their successors and assigns for ever, all that certain parcel or tract of land situate (*describe the land*), the same having been selected and laid out by the said Company for the purposes of their Railway; to have and to hold the said land and premises, together with every thing appertaining thereto, to the said Wellington, Grey and Bruce Railway Company, their

their successors and assigns for ever, (*if dower to be released add*) and I (*name the wife*) release my dower in the premises.

Witness my (*or our*) hand (*or hands*) and seal (*or seals*),
this day of , one thousand eight hundred
and

A. B. [L. S.]

C. D. [L. S.]

Signed, sealed and delivered in the presence of

O. K.

C A P . X C I V .

An Act to incorporate the Ottawa River Navigation Company.

[Assented to 30th June, 1864.]

WHEREAS Alexis E. Montmarquet, Isaac Jones Gibb, Edward M. Hopkins, Robert W. Shepherd, Henry W. Shepherd, Alexander Bowie, and Thomas C. Hatt, have, by their petition, represented that they and other persons with whom they are associated have for some years carried on business as owners of steamers and other vessels on the Rivers Ottawa and St. Lawrence, in navigating the same, and for the transport of passengers and merchandise, and they now own the steamers "Queen Victoria," "Prince of Wales," "Phoenix," and "Atlas," and they have represented that in view of the increased traffic likely to arise they require an Act of incorporation to provide adequately for the same, that they meet with great difficulties in acquiring, holding and transmitting wharves, landing places and other property along the line of navigation, necessary for the public interest and convenience, and that they cannot sue or be sued with proper facility, 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. The said Alexis E. Montmarquet, Isaac Jones Gibb, Edward M. Hopkins, Robert W. Shepherd, Henry W. Shepherd, Alexander Bowie and Thomas C. Hatt, and all other persons who may now or hereafter become subscribers or stockholders in the said Company, and all or any other person or persons, bodies politic and corporate, who may hold any part, share or interest in the capital stock of the said Company, shall be and they are hereby constituted a body politic and corporate under the same and style of "The Ottawa River Navigation Company," and shall, by that name, have perpetual succession and a common seal, and by the same name, be capable of suing and being sued in all Courts of Justice in this Province.

Certain persons incorporated as a Company.

Corporate name and general powers.

Corporation may hold certain real estate.

General business; powers

May make agreement with the Carillon and Grenville Railway Company.

2. The said Company may also acquire and hold real estate for the construction of wharves, and the erection of warehouses and offices, at or near the different ports and places at which the vessels belonging to the said Company shall touch, and may at any time sell, exchange and dispose of the same, and purchase other property for the same purposes; the Company may construct, acquire, charter, maintain, sell and otherwise dispose of steam and other vessels, carriages, and other means of conveyance and transport, and make contracts or agreements with any person or corporation whatever, for any purposes connected with such business; may from time to time enter into any agreement for a period not exceeding twenty-one years with the Railway Company known as the Carillon and Greenville Railway Company, incorporated by various Acts of the Legislature of this Province, or the owners of the said Railway, and may acquire and hold shares of stock in the said Company or any other Company forming either by tramway or otherwise a connecting link of communication on the Ottawa River, for the regular working of any road and interchange of traffic, and for the division and apportionment of the Tolls and charges in respect of such traffic and to provide for the appointment of a Joint Committee for the better carrying into effect such arrangement or agreement with such powers and functions as may be necessary and expedient, any such agreement to be subject to the consent of two-thirds of the stockholders of both Companies voting in person or by proxy at any special meeting called for that purpose.

Capital, and provision for increase.

3. The capital stock of the company shall be two hundred thousand dollars divided into one thousand shares of two hundred dollars each, and may be increased to four hundred thousand dollars by a vote of at least two-thirds of the shareholders present at any annual or special meeting to be called for that purpose.

Certain clauses of cap. 18, 24 V. incorporated with this Act.

4. The Joint Stock Companies' General Clauses Consolidation Act, being the Act twenty-fourth Victoria, chapter eighteen, shall extend and apply to the purposes for which the parties hereinbefore named are incorporated, and the said company shall have all the powers and benefits, and be subject to the liabilities, duties and restrictions, given to and imposed upon incorporated joint stock companies by the following sections of the said Joint Stock Companies General Clauses Consolidation Act, which are accordingly hereby made applicable to the said company and shall be incorporated with and form part of this Act, and be construed as forming one Act therewith, that is to say: The fourth, fifth, sixth, seventh, eighth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-sixth, twenty-seventh, thirtieth, thirty-first, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, fortieth and forty-first sections of the said Joint Stock Companies' General Clauses Consolidation Act.

The clauses so incorporated.

5. Until the first election of the Board of Directors, the said Alexis E. Montmarquet, Isaac Jones Gibb, Edward M. Hopkins, Robert W. Shepherd, and Henry W. Shepherd shall be provisional directors of the said Company, and may provisionally exercise all the powers conferred on the directors elected at the annual meetings.

First Directors named.

6. This Act shall be deemed a Public Act.

Public Act.

C A P . X C V .

An Act to incorporate the Beauharnois, Chateauguay, and Huntingdon Navigation Company.

[Assented to 30th June, 1864.]

WHEREAS John Swanston, Owen Lynch, James Keith, Alexander Buntin, Moyse Branchaud, Jacob Dewitt, Alexander Anderson, Athanase Branchaud and G. B. Duncan, have, by their petition to the Legislature of this Province, prayed to be incorporated, together with such other persons as shall associate themselves with them to form a company, under the name of the Beauharnois, Chateauguay and Huntingdon Navigation Company, for the purpose of constructing steamboats, and employing them in the transport of passengers and merchandise on both shores of the River St. Lawrence, between Cornwall, Dundee, Beauharnois and Montreal, and other intermediate ports and in carrying out such other purposes of internal navigation as to such company may seem meet; and it is expedient to grant the prayer of the petitioners in the 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. The said John Swanston, Owen Lynch, James Keith, Alexander Buntin, Moyse Branchaud, Jacob Dewitt, Alexander Anderson, Athanase Branchaud and G. B. Duncan, and all other persons who now are or shall hereafter become subscribers or stockholders of the said company, and all other persons and bodies politic and corporate, who, as executors, administrators, heirs or assigns, or by any other legal title whatsoever, may hold stock or shares in the capital of the said company, or be interested therein, and their executors, administrators and assigns, shall be, and they are hereby constituted a body politic and corporate, under the name and style of the "Beauharnois, Chateauguay and Huntingdon Navigation Company," and under that name shall have perpetual succession and a common seal, and may sue and be sued in all courts of law in this Province; the said company may, if it shall hereafter think fit, change the calls at the ports mentioned in the preamble to this Act, or resort with its steamboats, either entirely or at the same time, to others on the St. Lawrence, or on the lakes, and being either Canadian or American ports.

Certain persons incorporated.

Corporate name and general powers.

May alter Ports called at.

Capital, shares and provision for increase of capital.

2. The capital stock of the said company shall be sixty thousand dollars, divided into shares of one hundred dollars each, with power at any annual general meeting of the company to increase the same to one hundred and fifty thousand dollars, by a vote of at least two-thirds of the shareholders present.

Certain clauses of cap. 18, 24 Vict. incorporated with this Act.

3. The Joint Stock Companies' General Clauses Consolidation Act, being the Act twenty-fourth Victoria, chapter eighteen, shall extend and apply to the purposes for which the parties hereinbefore named are incorporated, and the said company shall have all the powers and benefits and be subject to the liabilities, duties and restrictions given to and imposed upon Incorporated Joint Stock Companies by the following sections of the said Joint Stock Companies' General Clauses Consolidation Act, which are accordingly hereby made applicable and incorporated with, and shall form part of this Act, and be construed as forming one Act therewith; that is to say: the fourth, fifth, sixth, seventh, eighth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-sixth, twenty-seventh, thirtieth, thirty-first, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, fortieth and forty-first sections of the said Joint Stock Companies' General Clauses Consolidation Act.

The clauses so incorporated.

First Directors named.

4. Until the first annual general meeting of the company, as hereinbefore provided, the board of directors of the said Company shall be composed of the said John Swanston, Owen Lynch, James Keith, Alexander Buntin, Moyses Branchaud, Jacob Dewitt, Alexander Anderson, Athanase Branchaud and G. B. Duncan.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. XCVI.

An Act to incorporate the Mussassaga River Improvements Company.

[Assented to 30th June, 1864.]

Preamble.

Con. Stat. Can. cap. 68.

WHEREAS certain persons hereinafter named have, by their petition, represented that they have commenced the construction of certain improvements of the River Mussassaga, in the township of Harvey, in the county of Peterborough, in this Province, to facilitate the passing of timber through the said river, and have already expended large sums of money in such improvements; and have also represented that the said improvements have been commenced in ignorance of the eighth, ninth and tenth sections of chapter sixty-eight of the Consolidated Statutes of Canada, intituled: *An Act respecting joint-stock companies to construct works to facilitate the transmission of timber down rivers and streams*, which sections require

require than certain preliminary steps should be taken before commencing any of the works in contemplation; And whereas the said persons have prayed for the passing of an Act to remedy the said oversight, and to grant them corporate powers and control over the said improvements, in as full and ample a manner as if the said preliminary steps had been taken by them: And it is desirable to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. William Adam Scott, James W. Stone, Daniel Stone, Walter Scott and Mathew Read, together with all such other persons as have heretofore and may hereafter become shareholders in the company hereby constituted, shall be and they are hereby constituted a body corporate and politic by the name of "The Mussassaga River Improvements Company."

Incorporation and corporate name.

2. Before the company shall be entitled to exercise its corporate powers, it shall cause a report to be laid before the Commissioner of Public Works, and a copy of such report before the Municipal Council of the County of Peterborough, which report shall contain:

Reports to be made before corporate rights are exercised.

1. A detailed description of the works already constructed or to be constructed, and an estimate of their cost;

2. An estimate from the best available sources, of the quantity of different kinds of timber expected to come down the river yearly after the work has been completed; and

3. A schedule of the tolls proposed to be collected:

3. Immediately after the requirements of the preceding section have been complied with and the approval of the Commissioner of Public Works shall have been obtained as provided by section ten of the said Act, chapter sixty-eight of the Consolidated Statutes of Canada, the company shall possess all the rights, and be subject to all the obligations which are conferred or imposed upon companies organized under the said Act, chapter sixty-eight of the Consolidated Statutes of Canada, except where the same are inconsistent with the provisions of this Act, and the company shall in all things be governed by the provisions of the said Act; Provided always that the toll to be levied on saw-logs passing down the said river shall be in the proportion of one-third of a penny, instead of one-twelfth, as is by the fifty-ninth section of the said Act provided:

On complying with this Act, Company to have all powers, &c., under cap. 68, Con. Stat. Canada.

Proviso: as to toll on saw-logs.

4. This Act shall be deemed a Public Act.

Public Act.

CAP. XCVII.

An Act to incorporate the Provincial Forwarding Company (Limited).

[Assented to 30th June, 1864.]

Preamble.

WHEREAS, James Arthur Glassford, of the City of Montreal, Canada East; J. J. Birkett Jones, of the City of Montreal, Canada East; Edward Berry, of the City of Kingston, Canada West; James H. Henderson, of the City of Montreal, Canada East; and James F. D. Black, of the city of Montreal, Canada East, have petitioned the Legislature of this Province, praying that they may be incorporated with such other persons as shall become associated with them as a Company under the name and style of the "Provincial Forwarding Company," for the purpose of owning, acquiring and building barges, tug and freight steamers, elevators, and sailing vessels, using them for the purpose of transporting grain, flour, and all other freight generally, for navigating the River St. Lawrence and upper lakes, and Lake Champlain, and all rivers leading therefrom or thereto, and working the same, with power to purchase and hold warehouses, wharves and other property, real or personal, convenient to carry on the business of said company as may seem expedient and proper to grant: 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. James Arthur Glassford, J. J. Birkett Jones, Edward Berry, James H. Henderson, James F. D. Black, and all other person or persons who may or shall be and become stockholders in the said company, and all or any other person or persons, bodies politic and corporate, who, as executors, administrators, successors or assigns, may hold any part, share or interest in the capital stock of the said company, and their executors, administrators, successors or assigns shall be and are hereby constituted a body politic and corporate for the purpose hereinbefore mentioned in the preamble of this Act, under the name and style of the "Provincial Forwarding Company," and by that name shall have perpetual succession, and a common seal, and by the same name be capable of suing and being sued in all the courts of justice in this Province; the said company shall be empowered to call at ports in the River St. Lawrence and tributaries, or lakes, whether Canadian or American, as shall seem to them expedient, and the said company may make, establish and put into execution, alter or repeal, all by-laws, rules, ordinances and regulations, the same not being contrary to the laws of this Province, nor to the provisions of this Act, as may appear to them necessary or expedient for the management of the business of the said company.

Corporate name, powers and business.

By-laws.

2. The capital stock of said company, to be raised amongst the shareholders, shall be five hundred thousand dollars, with power to increase the same to one million of dollars, in shares of one hundred dollars each; the said Company may open books of subscription at such places and times as they may deem proper, and any person or persons may subscribe for and hold such and so many shares of stock in the said Company as he, she, or they may think fit, and ten per cent. thereon shall be paid at the time of subscribing, and the remainder shall be payable at such time or times as the majority of the Directors thereafter elected by the Shareholders shall appoint; and if any Stockholder shall, after notice, refuse or neglect to pay any instalment due upon the share or shares held by him, such share or shares shall or may, in the option of the Directors, become forfeited together with the amounts paid thereon, and such forfeited shares or share may be disposed of as the Directors may think fit in any manner whatsoever; the said Company may accept in payment of any share or shares, in whole or in part, any barge or barges, tug or freight steamers, sailing vessels and elevators or other stock necessary or useful to said Company at a fair valuation; when and as soon as stock to the amount of one thousand shares shall have been subscribed for in the books so opened, and not less than fifty thousand dollars thereof or its equivalent paid thereon, it shall be lawful for the Provisional Directors to call a meeting of the subscribers for such stock, for the purpose of proceeding to the election of five Directors; and the Directors then and there chosen shall hold office until the election of their successors.

Capital Stock and shares. Increase.

Subscription books and calls on stock.

Enforcing payment of calls.

Company may take vessels in payment of stock.

When the first general meeting may be held and Directors elected.

3. It shall be lawful for the said company to acquire, hold and enjoy, to them and their successors, real estate for the construction of wharves, sheds, warehouses, elevators and offices, and for such other purposes in connection therewith as they may find necessary, convenient or expedient at the different ports or places at which they may do business, and may at any time sell, exchange and dispose of the same, and purchase other property for the same purpose; Provided always, that the said company shall not any time possess real estate the value of which shall exceed the sum of one hundred thousand dollars.

Power to hold real estate.

Proviso: value limited.

4. The superintendence, control and management of the affairs of the said company shall be vested in a board of five directors, three of whom shall form a quorum; which said directors shall be stockholders in the said company, and shall be elected between the first and the twentieth day of February in each year, upon the day and at the hour and place which shall be appointed by a majority of the directors, and notice whereof shall be given in one or more newspapers published in the City of Montreal, at least ten days previous to the said election; and the said election shall be had and made by the shareholders of the said company present, personally or by proxy, at the said meeting, and all election of directors shall be

Board of five Directors;

Election; quorum, &c.

be by ballot or by open vote as may be prescribed by the by-laws of the said company; and no person shall be eligible to become a Director unless he holds forty shares in the Company; the directors elected shall choose out of their members a President, and it shall be the duty of the said president to preside at all meetings of the stockholders or directors; the president may vote at all meetings of the directors, and in case of an equal division of votes he shall also have a casting vote; any vacancy among the directors, occasioned by death, resignation, or absence from the Province, shall be filled by such person or persons as the remaining directors, or a majority of them, may appoint; and it shall be lawful for the stockholders, at any meeting specially called for that purpose, to remove all or any of the said directors, and to appoint others in their stead, in the same manner as at the annual election of directors is hereby provided for, and until the first general annual meeting of the stockholders of the said company and the election of directors as above mentioned, the said James A. Glassford, J. J. Birkett Jones, Edward Berry, James H. Henderson, and James F. D. Black, shall be the directors thereof, and continue in office as such until the appointment of their successors.

President.

Vacancies
how filled.Removal of
Directors.Provisional
Directors.

Scale of votes.

Majority to
decide.

Casting vote.

Special gen-
eral meetings:
how called,
&c.Provision in
case of failure
of election.Non liability
of sharehol-
ders beyond
their shares.

5. Each stockholder shall be entitled to one vote for each share he shall have held in his name, at least one month previous to the time of voting; and all questions brought before the stockholders at any general or special meeting shall be decided by a majority of such votes given by the stockholders then present, or by their proxies, and, in case of an equality of votes, by the casting vote of the president.

6. The president, or any two or more directors, may at any time, and from time to time, call a meeting or meetings of the stockholders, either for general or special purposes; and any four stockholders may at any time call special meetings of the company, upon giving at least ten days' notice by advertisement in one or more newspapers published in the City of Montreal, or by sending a written or printed notice to each stockholder, by post or otherwise.

7. If at any time it shall happen that an election of directors shall not be made, when on any day, pursuant to this Act; it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful, on any other day, to hold and make an election in the same manner as the annual election of directors is herein directed to be made.

8. Every Stockholder of the said Company shall, until the full amount of his stock be paid up, be jointly and severally liable for all debts and contracts made by the said Company, but not to a greater amount than a sum equal to the amount of his subscribed stock; and every stockholder may pay up the full

full amount of his stock at any time after he has subscribed for the same; and after his own stock has been paid up, no stockholder shall be personally liable for or charged with any debt whatever of the said Company, save and except as hereinafter mentioned.

9. The Stockholders in the said Company shall be jointly and severally individually liable for all debts due and owing to any of the laborers, servants and apprentices thereof for services performed for the said Company; but no stockholder in the said Company shall be personally liable in the foregoing or in any other of the cases in which personal liability is imposed by this Act for the payment of any debt contracted by the said Company which is not to be paid within one year after the same was contracted, and no judgment shall be entered up in any suit against any stockholder in the said Company for any debt so contracted unless such suit be commenced within two years from the time he ceased to be a stockholder in the said Company, nor until an execution against the said Company has been returned unsatisfied in whole or in part.

Liability for labour performed.

Limitation.

10. It shall be the duty of the directors to make such yearly dividends of the profit of the said company as to them or a majority of them shall appear advisable, and an exact and particular statement shall be annually made of their affairs, debts, credits, profits and losses, such statement to appear on the books of the company, and to be open to the perusal of any stockholder, and a copy thereof certified by the oath of the president or two of the directors, shall be transmitted annually to the three branches of the Provincial Legislature, which oath any judge, commissioner, or justice of the peace is hereby authorized to administer, and before paying and liquidating such annual dividends of the profits of the said company, and out of such dividends, the said company shall have a right to keep and retain a special and reserve fund to be employed for all acquisitions and building of steamboats, sail-vessels, barges, elevators, wharves, warehouses, sheds, and offices as may be deemed necessary by said company, and the expenses and repair of the same; a clear statement whereof shall be submitted and retained by the directors of the said company, to form part of the minutes of their deliberations; a book shall be kept in which shall be entered the name, calling, and residence of every shareholder; also, the number of shares held by each, and whether the same are held in consideration of steamboats, barges or sailing vessels, or any interest in a steamboat, barge or sailing vessel, having been transferred to the Company, and if so, whether there are mortgaged or privileged debts on such steamboat, barge or sailing vessel respectively; and every shareholder shall have the right to obtain a certificate showing the number of shares held by him, and if there are mortgaged or privileged debts, subject to the restrictions mentioned hereafter, the same shall be mentioned in the said certificate.

Yearly dividends and statement of affairs of Company.

Reserve Fund.

Book of shareholders, what to show.

Certificates of shares.

Liability of Directors paying dividends which would make the Company insolvent, &c.

11. If the Directors of the said Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office respectively; but if any Director objects to the declaring or payment of such dividend, and at any time before the time fixed for the payment thereof files a written statement of such objection in the office of the Secretary of the Company, such Director shall be exempt from such liability.

Transfer of shares.

12. The shares of the said capital stock shall be transferable and may from time to time be transferred by the respective holders and owners thereof according to the form prescribed by schedule A hereunto annexed; Provided always, that the transferor shall always be held personally liable to the said company for all or any part of the shares by him subscribed, and which shall be found to the due and owing by him at the time of such transfer; and provided that the said transferor shall not be able to transfer, cede and alienate any part of all such shares by him subscribed for, until he shall have paid to the said company all and every the sums of money which he may owe to such company, either for the whole or any part of the shares by him subscribed for, and for which he shall be indebted at the time of such transfer, cession, or alienation or which he shall owe to the said company upon old accounts, promissory notes and otherwise.

Proviso: all calls must be first paid up.

And all debts to the Company.

Company not bound to see to trusts, to which shares may be subject.

13. 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 discharge to the company 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 company have had notice of such trust, and the company shall not be bound to see to the application of the money paid upon such receipt.

Directors may exercise their powers out of Canada, or by agents.
Exception.

14. The directors of the said company may act as directors in this Province or elsewhere, and shall and may appoint one or more agents in this Province or elsewhere, and for such time and on such terms as to them shall seem expedient; and the directors may, by any by-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the directors themselves or any of them, may lawfully do, perform and exercise, except the power of making by-laws; and all things done by any such agent by virtue of the powers in him vested by such by-law, shall be valid and effectual to all intents and

Acts of agents to be valid.

and purposes as if done by such directors themselves; anything in this Act to the contrary notwithstanding.

15. The directors aforesaid shall have the power, if they think fit, to receive and take into the stock of the said Company such barges, tug and freight steamers, sailing vessels and elevators as may have already been built or acquired by individual shareholders for the purpose of this company; Provided always, that nothing in this Act contained shall in any way affect or impair the rights and claims of third parties in or to the said barges, tug-steamers or sailing vessels, or other property.

Steamers may be taken as stock.

Proviso.

16. The directors of the company shall take the said barges, tug and freight steamers, sailing-vessels and elevators at their cost, or at such valuation as shall be put upon them by persons mutually chosen to decide the same, and such valuation shall be credited to the shareholders as payment made on account of their stock, but no shareholder shall be entitled to claim, from the directors, any money payment for such barges, tug and freight steamers, sailing vessels or elevators so taken into the stock of the company, unless by special agreement to that effect.

How such steamers shall be valued.

17. Every contract, agreement or bargain by the company, or by any one or more of the directors on behalf of the company, or by any agent or agents of the company, and every promissory note made or endorsed, and every bill of exchange drawn, accepted, or endorsed, by such director or directors on behalf of the company, or by any such 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 said company; and in no case shall it be necessary to have the seal of said 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-laws; Provided always, that nothing in this section shall be construed to authorize the said company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as notes of a bank.

Contracts, &c., may be validly executed without the corporate seal of Company.

Proviso: Company not to issue bank notes.

18. Any service of process made at the office of the company in the City of Montreal, only, and in case the company should have no such office, then upon the president of the said company, shall be held and deemed to be good and sufficient service by all Courts of Justice in this Province.

Service of process.

19. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE A

(Referred to in the foregoing Act.)

For value received from _____ of _____ I (or we) do hereby assign and transfer to _____ of _____ shares (on each of which has been paid _____ dollars) in capital Stock of the "Provincial Forwarding Company," the office of which is at Montreal, subject to the rules and regulations of the said company, hereby obliging myself (or ourselves,) to fulfil the conditions imposed by the proviso contained in the thirteenth section of the Act of incorporation of the said company.

In testimony whereof, I (or we) have signed these presents at the office of the said company, this _____ day of _____, one thousand eight hundred and _____.

(Signature of the transferor, or of his attorney.)

Witness :

I (or we) do hereby accept the foregoing assignment of _____ shares in the capital stock of the "Provincial Forwarding Company," assigned to me (or us) as above mentioned, this _____ day of _____, one thousand eight hundred and _____.

(Signature of the transferee, or of his attorney.)

Witness :

CAP. XCVIII.

An Act to amend the Act intituled: *An Act to incorporate the Canada Marine Insurance Company.*

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the promoters of the Canada Marine Insurance Company have petitioned for certain amendments to the Act of incorporation of the said company, and it is expedient that the prayer of their petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Additional powers; as to insurance against fire, on lives, against accidents,

I. In addition to the powers by the said Act conferred upon the said company, they are hereby authorized and empowered to make and effect contracts of assurance with any person or persons, body politic or corporate, against loss or damage by fire to any property or effects, real or personal, movable, or immovable,

immovable, whether on shore or afloat, and on any life or lives, and on or against any event, loss or risk, in any manner dependent on any life or lives, and also against all accidents whatever, either by land or sea, and against sickness, and also against all error, default, irregularity, misconduct, dishonesty or malversation of clerks and *employés* of every description, depositaries, warehousemen, and all persons employed about the management of the affairs of others, in whole or in part, or entrusted with their property, moneys or effects, and to grant annuities, the whole for such time or times, and for such premises or considerations, upon such conditions and under such modifications and restrictions as may be bargained or agreed upon by and between the company and the person or persons agreeing with them for such insurance, or set forth in the policy or other writing issued as evidencing the contract of assurance, and to cause themselves to be reinsured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all other necessary matters and things connected therewith, and proper to promote the objects thereof.

misconduct of employees, &c.

Granting annuities.

Re-insurance.

2. Hugh Allan, John Redpath, Robert Anderson, Edward M. Hopkins, the Honorable Louis Renaud, the Honorable John J. C. Abbott, John Ogilvy, H. H. Whitney, Andrew Allan and Gordon Gates Mackenzie, shall be provisional directors of the said company, and they and a majority of them are hereby invested with all the powers and authority by the said Act conferred upon the parties named therein, or the majority of them.

Provisional Directors.

3. The number of directors of the said company, fixed by the said Act, as forming the board of directors, is reduced to seven, of whom four shall be a quorum for the transaction of business; and such reduced number of directors and such reduced quorum thereof, respectively, shall have all the powers and privileges by the said Act conferred upon the number of directors therein named, and the quorum thereby fixed.

Reduction of number of Directors.

Quorum.

4. Instead of seven directors being elected at every annual meeting, four of the directors then holding office shall remain, and hold office as such during the ensuing year; the remaining three directors only shall retire but shall be eligible for re-election, and three new directors only shall be elected at such annual meeting; and it shall be the duty of the directors, previous to such annual meeting, to decide by ballot or otherwise, upon the directors who shall retire, and to cause the names of such retiring directors to be communicated to the stockholders at such meeting before the election of their successors.

Three Directors only to be elected each year: the other four to remain.

5. The words, "and the notes, bills and securities of special partners hereinafter described," to be found in the fifth section of the said Act; and the words, "including the amount of notes

Section 5 and 19 amended.

notes

Section 23 repealed and provision substituted.

Dividends.

When only the Company shall be organized.

Proviso: as to calls.

Change of Corporate name.

Public Act.

notes or securities contributed by special partners for the time being," to be found in the nineteenth section of the said Act, are hereby repealed; the twenty-third section of the said Act is also hereby repealed, and in lieu thereof it is hereby provided—that "at each annual general meeting, after the allowance of such interest to shareholders, and of such reduction to insurers as aforesaid, and after the submission of the said statement and approval thereof by the shareholders, the Board of Directors shall declare such dividend in favor of stockholders, out of the net profits of the preceding period, as they shall think fit, and which dividend shall be paid in cash."

6. The organization of the company shall not take place until four hundred thousand dollars of the stock thereof shall have been subscribed, and the business of the company shall not be proceeded with until one hundred thousand dollars thereof shall have been paid in; provided always, that it shall be competent for the Board of Directors of the said company to make the calls for any portion of the amounts required to be paid in hereinbefore, and by the fifteenth and sixteenth sections of the said Act, but which shall not be required for the purposes of the business of the said company, payable in approved endorsed promissory notes, payable on demand to the said Company in whole or in part, at the discretion and upon the call of the Board of Directors, and to make such regulations with regard to calls upon such promissory notes, and with regard to the interest thereon, as they may deem fit.

7. The name of the said company is hereby changed to "The Citizens' Insurance and Investment Company," by which name it shall hereafter be called, known and distinguished, and under which it shall possess and enjoy all the corporate and other rights, powers and privileges, and be subject to all the obligations hereinbefore and in and by the said Act conferred and imposed upon the said company under the name and description of "The Canada Marine Insurance Company."

8. This Act shall be deemed a Public Act.

C A P. X C I X .

An Act to grant certain powers to the Beaver Mutual Fire Insurance Association.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the Beaver Mutual Fire Insurance Association have, by their petition, set forth that they have been organized and have carried on business in the City of Toronto, since the month of December, one thousand eight hundred and sixty, as a Mutual Fire Insurance Association, under the provisions

provisions of the Act respecting Mutual Insurance Companies, and have prayed that, for the better management of the affairs of the Association, additional powers be conferred upon them, and it is expedient that the prayer of the said petition 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 said Association may hold their annual meeting for the election of Directors at such time in each year as may appear most expedient to the Board of Directors.

Time for annual meeting to be settled by Directors.

2. The said Association may issue Policies and collect Premiums thereon in cash for insurance for terms of two or more years; and parties so paying in cash shall not be liable to any further charge or assessment whatsoever; nor shall they be held to be members of the said Association in any respect.

Premiums on certain Policies may be taken in cash; Insured not to be members.

3. The Association may form a reserve fund to consist of all moneys which shall remain on hand in each or any year, after payment of the ordinary expenses and losses of the said Association; and for that and other purposes of the Association, the Directors may levy an annual assessment on the premium notes held by the said Association; and such reserve fund may be applied either to pay off the guarantee stock of the said Association, if the Directors shall so determine, or to pay such other liabilities of the Association as cannot be provided for out of the ordinary receipts for the same or any succeeding year; Provided that no assessment for any amount over and above one-third of a dollar on each hundred dollars of insured property shall be levied in any one year, unless and until the whole of such reserve fund shall have become exhausted; Provided also that such reserve fund shall be invested in Provincial Debentures or other securities of the Provincial Government.

Reserve Fund may be formed, its composition and application.

Proviso: assessments limited.

Proviso: investment.

4. Whenever any assessment is made on any premium note given to the Association, for any risk taken by the Association, or as a consideration for any Policy of Insurance issued or to be issued by the Association, and an action is brought to recover such assessment, the certificate of the Secretary of the Association, specifying such assessment and the amount due to the Association on such note by means thereof, shall be taken and received as *prima facie* evidence thereof in all Courts and places whatsoever.

Certificate of Secretary to be *prima facie* evidence in action for assessment.

5. In case of the failure or neglect on the part of any policy holder to pay the amount of any premium note given for insurance, or any assessment thereon, on the day when the same shall be due, or within thirty days thereafter, the policy on account of which such note was given, or assessment made, shall

Failure to pay premium note within thirty days after due to vitiate Policy.

shall become void and of none effect for and during such period as the said note or assessment shall remain unpaid; Provided that it shall be optional with the Directors to enforce payment of the said note or assessment at their discretion.

Proviso.

Classification of Directors as to order of going out of office to be determined by ballot.

6. Before the next annual meeting for the election of Directors, the Directors, or a quorum of them, shall determine among themselves by ballot,—first, which five of the present Directors shall continue in office for one year, and the said Directors, after such ballot, shall be known as standing first in the list of Directors; secondly, which five of the present Directors shall continue in office for two years, and the said Directors, after such ballot, shall be known as standing second on the list of Directors; and the present Directors, except the ten so selected by ballot, shall all go out of office at the next meeting for the election of Directors, and at such meeting there shall be five Directors elected, who shall continue in office for three years, and shall be known as standing third on the list of Directors.

Directors to retire in rotation—five every year.

7. The Directors shall retire from office in the following rotation, that is to say:—Five Directors at each annual meeting after the next, commencing with the five Directors standing first on the list of Directors, and in the same manner the five Directors standing next on the list at every annual meeting thereafter; the retiring Directors shall always be eligible for re-election, and the Directors shall hold office for three years, and until the next annual meeting thereafter.

Re-eligible.

Proxies to be registered; and not to be held by Agent of Association.

8. No Agent or Sub-Agent of the Association shall receive or hold proxies for voting at meetings of the said Association; and no proxy to vote thereat shall be valid unless the same shall have been entered by the Secretary, in a book to be kept for this purpose, at least one month before the meeting at which such proxies shall be acted upon.

Qualification of Directors.

9. Directors of the Association, being proprietors of guarantee stock to the amount of two hundred dollars, on which not less than ten per cent, shall have been paid up, shall not be required to be also insurers in such Association.

Re-Insurance.

10. The Directors may make arrangements with any Mutual or other Insurance Company for the re-insurance of risks, on such conditions with respect to payment of premiums thereon as may be agreed between them.

Assurance on lives of cattle. Proviso.

11. The Association may issue Policies of Assurance upon the lives of horses, cattle or live stock of any kind; Provided that no such Policies shall be issued for terms exceeding two years, and the holders thereof shall not be held to be members of the said Association.

12. The Act respecting Mutual Insurance Companies, being chapter fifty-two of the Consolidated Statutes for Upper Canada, except in so far as the same may be inconsistent with this Act, shall apply in all its provisions to the Beaver Mutual Fire Insurance Association.

Con. Stat. U.
C. cap. 52 to
apply.

13. The said Association shall make and furnish to the Governor and to each of the Houses of the Parliament of this Province, during the first fifteen days of the first session of the said Parliament in each and every year, a full and unreserved statement of the affairs of the said Association, and of its funds, property and securities, shewing the amount in real estate, in bonds and mortgages, in notes and the securities thereof, in public debt and other stock, and the amount of debt due to and from the said Association; and also a list of the Stockholders and of the Directors of the said Association.

Company to
make yearly
return to
Parliament.

14. This Act shall be deemed a Public Act.

Public Act.

C A P . C .

An Act to amend the Acts relating to the Charter of the Canada Company.

[Assented to 30th June, 1864.]

WHEREAS an Act was passed by the Imperial Parliament in the sixth year of the reign of His late Majesty King George the Fourth, intituled: *An Act to enable His Majesty to grant to a Company to be incorporated by Charter, to be called The Canada Company, certain lands in the Province of Upper Canada, and to invest the said Company with certain powers and privileges, and for other purposes relating thereto*; And whereas, by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the nineteenth day of August, in the seventh year of the reign of His said late Majesty King George the Fourth, a charter was granted, in accordance with the provisions of the above recited Act, to certain persons therein named by the name of the Canada Company; And whereas by a certain other Act of the Imperial Parliament, passed in the ninth year of the reign of His said late Majesty King George the Fourth, intituled: *An Act to alter and amend an Act for enabling His Majesty to grant to a Company to be incorporated by Charter, to be called The Canada Company, certain lands in the Province of Upper Canada*, it was enacted among other provisions as follows: "That it shall and may be lawful for the said company, by warrant of attorney or written instrument, under their corporate seal to constitute and appoint two or more persons, being in Upper Canada, to execute conveyances in the name and on behalf of the said company to any individual or individuals, of any part of the lands granted to, or purchased or held

Preamble.

Recital of Imperial Acts relating to the Canada Company.

held by, the said company, in the manner and subject to the restrictions in the said Act of Parliament mentioned, and which conveyances shall be made under the signatures of the said attorneys and under such seal as hereinafter mentioned; and it shall be lawful also for the said company to appoint and commit to the custody of such their attorneys for the time being, a seal for the purpose of executing such conveyances as aforesaid, and such seal from time to time to break, alter, or renew, as to them may seem meet, and every conveyance to be made and executed in manner aforesaid by such attorneys for the time being as aforesaid of the said company, shall be valid and effectual in law to all intents and purposes whatsoever, and that the seal of the said company affixed to any conveyance, deed, or instrument in writing, or to any memorial or memorials thereof, for the purpose of the registration of the said conveyance, deed, or instrument in writing, in the proper office for registering the same, in Upper Canada, shall of itself be sufficient evidence of the due execution of such conveyance, deed, or instrument in writing, or the memorial thereof, by the said company, for all purposes respecting the said registration, and no further evidence or verification of the signatures of the Directors who shall attest the sealing of such conveyance, deed, or instrument in writing, or the memorial thereof, shall be required for the purpose of such registry, any law or custom now in force in the said Province of Upper Canada notwithstanding." And whereas the said Canada Company have, by petition under their corporate seal, prayed for certain additional powers and privileges to be granted to the said company, and it is expedient that the same should be allowed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Deeds, &c.,
under the
corporate or
official seal
of the Com-
pany to be
prima facie
evidence.

1. Any deed and conveyance, or written instrument, purporting to be under the corporate seal of the said Canada Company, or under the official seal of the said Canada Company, now or heretofore used by the attorneys of the said Canada Company in this Province, under the said last recited Act of the Imperial Parliament, shall be receivable in evidence as *prima facie* proof in any court of justice, or legal or equitable proceeding, or before any tribunal, or the Legislative Council or Assembly, that such deed, conveyance, or written instrument, has been duly executed by the said Canada Company, or by their attorneys, as the case may be; without any proof of the said corporate or official seal, as aforesaid, or of the signature or appointment, or of the official character, of the person or persons appearing to have signed the same.

Such deeds
shall be suffi-
cient for pur-
poses of re-
gistration
without fur-

2. Any deed, conveyance, or written instrument, or any memorial of any deed, conveyance, or written instrument, purporting to be under the corporate seal of the Canada Company, or under the official seal of the said Canada Company, now or heretofore used by the attorneys of the said Canada Company
in

in this Province, under the said last recited Act of the Imperial Parliament, shall be considered as duly executed by the said Canada Company, or their said attorneys, as the case may be, for registration purposes, upon being produced to the registrar of any county, without any further proof or verification, and such registrar shall register the same without any further proof of such corporate or official seal or other proof whatever.

ther verification.

3. All leases made at any time by the said Canada Company, or by their attorneys for the time being, or by one or more of them, for the benefit of the said company, are hereby confirmed as to the power of the making and the due execution thereof by the said Company, but to no further or other extent whatsoever.

Leases by the Company confirmed.

4. The said Canada Company shall register a copy of their charter under their corporate seal, in the office of the registry of deeds in and for the city of Toronto, and a printed or written copy of such charter, certified by the registrar of the city of Toronto, under his hand, to be a true copy of the said charter as registered in his office, shall be sufficient evidence of such charter, and of all the particulars contained therein, in any court of justice or judicial proceeding, or before any tribunal, or before the Legislative Council or Assembly, in any suit, matter, or cause whatsoever.

Company may register a copy of their charter.

Effect of such registration.

5. This Act shall be deemed a Public Act.

Public Act.

C A P. C I.

An Act to grant certain powers to the Canada West Farmers' Mutual and Stock Insurance Company.

[Assented to 30th June, 1864.]

WHEREAS the Canada West Farmers' Mutual and Stock Insurance Company have by their petition prayed, that in order to promote the interests of the Company, additional powers may be granted to them, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows

Preamble.

1. For the purpose of equalizing the assessments which the said company is now authorized by law to make, and of providing for the speedy and certain payment of losses incurred and for expenses of management, the said company may, from time to time, raise an equalization or reserve fund by assessing its premium notes in such manner and at such times as shall appear most expedient to the directors; provided always that the sum to be paid by each member shall be in proportion to his premium note, and shall not exceed one per cent. for the

Company may raise an equalization or reserve fund.

Proviso: amount limited.

three

three years' risk on the hundred dollars insured on isolated ordinary farm property, until the whole equalization or reserve fund be exhausted.

Company may issue policies for cash, as well as for premium notes.

2. The company may issue policies and collect premiums in cash for insurance, for terms of one, two or three years, as well as policies with a premium note, and in any such case where a fixed cash rate is paid, the company may dispense with a premium note.

Directors may issue debentures or notes, for loans, for paying losses, &c.

3. The directors shall have power from time to time to issue debentures or to make promissory notes of the company, bearing interest at a rate not exceeding seven per cent. per annum, or to make or accept bills or drafts, for such sums and to such an amount as may be necessary for the purpose of paying or of raising money by loan to pay any loss or losses sustained by the company, or expenses, or for other purposes of the company; but they shall not issue any note payable to bearer or intended to circulate as money or as a Bank note; provided always, that no such debenture, promissory note, bill or draft, shall be for a less amount than one hundred dollars.

Not to issue Bank notes. Not for less than \$100.

Amount of debentures, &c., limited.

4. The whole amount of such debentures, promissory notes, bills or drafts, at any one time outstanding, shall not exceed one fourth part the amount then unpaid on the deposit or premium notes held by the company.

Not to be payable at a longer date than one year.

5. Such debentures, promissory notes, bills or drafts shall not in any instance be drawn so as to become payable in more than one year after the issuing thereof.

Assessment on premium notes to pay debts.

6. The directors of the said company may always assess upon the members thereof, in proportion to the amount of their premium notes respectively, such sum or sums as may be necessary to pay any such debentures, notes, bills or drafts then outstanding and the interest thereon.

Public Act.

7. This Act shall be deemed a Public Act.

C A P . C I I .

An Act for the relief of the Western Permanent Building Society.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the Western Permanent Building Society have by their Petition represented that the said Society is in an insolvent condition and unable to pay its shares in full, that for some years no new shares have been issued, and that the Directors have been for some years past at the instance of the Society engaged solely in winding up its affairs, and have prayed that in order to enable the Directors finally to close the affairs

affairs and dealings of the Society to the best advantage, all powers necessary for the accomplishment of such object should be given and granted unto them; and whereas 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:

1. The Directors of the said Society for the time being, or a majority of them, shall have full power and authority to terminate the said Society and to wind up its affairs in such way and manner as to them shall seem best.

Power to wind up Society.

2. The said Directors for the time being, or a majority of them, shall have full power to collect and get in the debts owing to the said Society, and to compound or compromise for same or any of same, to realize the securities belonging to the said Society, and for that purpose to bring all actions or suits at law or in equity, and also to make sale of the securities, or any of same, or of the properties comprised therein, or any of same, or of any part of same, and to grant all necessary and proper deeds and assurances of same to purchaser or purchasers, such Deeds to be executed in the way and manner as is provided for the execution of Deeds or Assurances in the Act of Parliament under which the said Society was established and exists, or any of same, and also to adjust and settle and to compromise or submit to arbitration all accounts, debts, claims, demands, disputes, and matters which do or shall subsist or arise between the said Society and other body or bodies corporate, or person or persons, as in their discretion they may think just and proper, and further to do and perform all other acts, deeds, and things necessary for the full and proper accomplishment of said objects, ends and purposes; provided always, that nothing herein contained shall release the said Society or the Shareholders thereof from any existing liability to the creditors of the said Society if any such there be.

Directors to have power to collect debts, &c., &c.

To adjust, settle, submit to arbitration, &c.

3. This Act shall be a Public Act.

Public Act.

C A P. C I I I .

An Act to extend the charter of the Upper and Lower Canada Bridge Company.

[Assented to 30th June, 1864.]

WHEREAS the Upper and Lower Canada Bridge Company, incorporated in the year one thousand eight hundred and sixty, for the purpose of constructing a toll-bridge on the river Ottawa, from the township of Litchfield, in the county of Pontiac, to the township of Horton, in the county of Renfrew, have by their petition represented that they were unable to complete the said bridge within the time limited by their Act of incorporation,

Preamble.

incorporation, and have prayed for an extension of the time for completing the same; 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:

Limitation of time for completing the bridge repealed.

1. So much of section nineteen of the Act passed in the twenty-third year of Her Majesty's reign, incorporating the said company, as provides that the bridge to be constructed by them shall be erected and completed within four years from the passing thereof, is hereby repealed.

Time for completion fixed. Forfeiture for non-completion.

2. The said company shall erect and complete the said bridge, with the necessary toll-house, toll-gate and dependencies, within four years from the day of the passing of this Act; and if the same be not so completed as to afford a convenient and safe passage over the same within the time last mentioned, the privileges conferred by the said Act of incorporation, shall cease and become void.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . C I V .

An Act to authorize Joseph Barsalou, Esquire, Merchant, of the city of Montreal, to levy Tolls on a Bridge in course of erection by him over the River Yamaska, opposite the city of St. Hyacinth, in the County of St. Hyacinth.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS, with the view of connecting the North and South shores of the River Yamaska, opposite the city of St. Hyacinth, Joseph Barsalou, Esquire, Merchant, of the city of Montreal, and proprietor *par indivis* of the grist mill in the city of St. Hyacinth, is constructing a bridge over the said river, from the end of Bourdages street in the said city on the North-west side of the said River, to a lot of land between the house of the Widow Biunx, and that of Gerard J. Nagle, on the south-east side of the said river, the said bridge being a fixed bridge throughout six hundred and eighty feet in length by about fifteen feet in breadth and height, having six piers between the approaches, and one hundred feet between the centre of each pier; And whereas, by his petition, he prays to be empowered to collect tolls on the said bridge, and whereas also the Municipal Council of the city of St. Hyacinth, and the parishes of St. Hyacinthe and of St. Hyacinthe le Confesseur, and other parties interested, have, by their petition to the Legislature, prayed that the said privilege may be granted to the said Joseph Barsalou, and it is expedient to grant the prayer

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

1. The said Joseph Barsalou is hereby authorized to erect and construct, at his own cost and expense, a Toll House and Toll Gate near 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 Bridge, Toll House, Toll Gate and other dependencies, according to the true intent and meaning of this Act.

Toll house, &c., may be erected.

2. For the purpose of maintaining and supporting the said bridge, the said Joseph Barsalou, his heirs and assigns, 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, doing as little damage as possible, and making just and reasonable compensation to the owners and occupants of all lands altered or damaged or made use of, for the value of such lands, or for the damage caused by the works necessary for the construction and maintenance of the Bridge, Toll House or other dependencies.

Lands may be taken, &c, making compensation.

3. In case of difference of opinion or dispute as to the amount of such compensation, the sum to be paid shall be fixed and determined by two arbitrators, one to be chosen by each party, and the said arbitrators, before proceeding to hear the parties, shall choose a third arbitrator, who shall not be interested nor related to any one of the parties within the degree prohibited in civil proceedings; and they are empowered, having given two days' notice to the parties, to hear the parties and their witnesses, and to examine their other evidence, and the proceedings being terminated they shall give their decision in the case, which they shall cause to be drawn up before notaries; the decision shall be forthwith communicated by the said Joseph Barsalou or his assigns, to the party interested, and the amount fixed by the majority of the arbitrators shall at the same time be tendered to the said party; provided always that the said Joseph Barsalou shall not begin the erection of the said toll house and other works by which any person may be deprived of his lands or suffer damage until the estimated price of such lands or the amount of such damages shall have been paid to the said party, or until the said amount shall have been tendered to him.

Arbitration in case of dispute as to value.

Amount awarded to be paid before taking possession.

4. The said bridge and the said toll house, toll gate, and other dependencies now or hereafter to be erected on or near to the said bridge, and also the ascents or approaches to the said bridge shall be vested in the said Joseph Barsalou, his heirs and assigns,

Bridge, &c., vested in Jos. Barsalou.

Proviso.

assigns, for ever; provided always that after the expiration of fifty years from the passing of this Act, it shall be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the said bridge, toll house and dependencies, and the ascents and approaches thereto, upon paying to the said Joseph Barsalou or his heirs and assigns, the value which the same shall at the time of such assumption bear and be worth.

Certain tolls may be levied.

5. So soon as it shall be certified by two Justices of the Peace of the District of St. Hyacinth, after examination made by three *experts* to be appointed and sworn by the said Justice of the Peace, that the said Bridge has been constructed in a suitable manner, and after such certificate shall have been published in some newspaper published in the District of St. Hyacinth, it shall be lawful for the said Joseph Barsalou, his heirs and assigns, 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:

The rates.

For every carriage or other four-wheeled vehicle, loaded or unloaded, with a driver and four persons or less, drawn by two or more horses, or other beasts of draught.....	\$0 20
For every two-wheeled chaise, caleche, cabriolet, and for every cariole or other similar vehicle, loaded or unloaded, with a driver and two persons or less, if drawn by two horses or other beasts of draught.....	0 15
If drawn by one horse or other beast of draught.....	0 10
For every cart, <i>train</i> , or other similar vehicle, loaded or unloaded, drawn by two horses or oxen, or other beasts of draught, with the driver.....	0 08
If drawn by one horse or other beasts of draught.....	0 05
For every foot passenger.....	0 01
For every horse, mare, mule or other beast of draught, loaded or unloaded.....	0 03
For every person on horseback.....	0 04
For every bull, ox, cow, or other head of horned cattle, and any other horned cattle of any description whatsoever.....	0 02
For every pig, goat, sheep, calf or lamb, on foot.....	0 01

Rates may be diminished.

6. The said Joseph Barsalou, his heirs and assigns, may diminish the rates aforesaid, and they shall be bound to post up in some conspicuous place, near the toll gate, a table in the English and French languages, of the rates payable for the passage of the said bridge.

Certain persons, &c., ex-

7. Provided always that no person, horse or carriage employed in conveying a mail or letters under the authority of Her Majesty's

Majesty's Post Office, nor the horses nor carriages, laden or unladen, and drivers attending officers and soldiers of Her 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 or coming, provided they are not otherwise loaded, shall be chargeable with any toll or rate whatsoever; and provided also that persons, horses or carriages, going to or returning from a funeral, and all persons with horses or carriages going to or returning from their usual place of religious worship on Sunday and on *fêtes d'obligation*, shall be exempt from the payment of tolls or rates on the said bridge.

empt from toll.

8. The said tolls shall be, and the same are hereby vested in the said Joseph Barsalou, his heirs and assigns, for ever; provided that if Her Majesty shall, after the expiration of fifty years, assume the possession and property of the said bridge, 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 Barsalou, for all and every the purposes of this Act.

Tolls vested in Barsalou, &c., or in Her Majesty if she assume the bridge.

9. 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 bridge and its dependencies, or any road or avenue leading thereto, every person so offending in each of the cases aforesaid, shall, for every offence, forfeit a sum not exceeding eight dollars.

Penalty on passing without payment.

10. After the Bridge shall be open for the use of the public, no person shall erect or cause to be erected any bridge or bridges, maintain or cause to be maintained, any means of communication for the carriage of any person, cattle or carriage whatsoever for hire, across the said River Yamaska, at the place above mentioned, any where within one mile above and eight arpents below the said bridge, under penalty of a fine of eight dollars, for each person, animal or carriage conveyed across the said river on any bridge or means of communication constructed and maintained for hire; provided that nothing in this Act shall be construed to deprive the public of the right of crossing the said river within the limits aforesaid, by wading, or in canoes or otherwise, without payment.

No new bridge, ferry, &c., within a certain distance.

11. 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.

Wilful injury to bridge, felony.

Bridge to be kept in good repair by Barsalou.

Provision if he fails so to do.

12. The said Joseph Barsalou shall be bound to keep and maintain the said bridge and dependencies in good repair, so as to afford a safe and convenient passage for travellers, cattle, and vehicles; and in case the said bridge shall at any time become impassable or unsafe, the said Joseph Barsalou, his heirs, and assigns, shall, and they are hereby required, within one year from the time at which the said bridge shall, by the Court of Queen's Bench in the exercise of its criminal jurisdiction, in and for the said District of St. Hyacinth, be ascertained to be impassable or unsafe, and notice thereof to them by the said Court shall have been given, 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 part thereof as shall be remaining, shall be and be taken, and considered to be the property of Her Majesty, and the said Joseph Barsalou and his assigns shall cease to have any right, title or claim of, in, or to the said bridge.

Her Majesty's rights saved.

13. Nothing in this Act, or in any provision thereof, shall extend to diminish or extinguish the rights and privileges of Her Majesty the Queen, Her Heirs and Successors, nor of any person or persons, body politic or corporate, in any of the things therein mentioned, except as to the power and authority hereby given to the said Joseph Barsalou.

Enforcement of penalties.

14. The penalties hereby inflicted shall, upon proof of the offence respectively before any one or more of the Justices of the Peace for the said District of St. Hyacinth, either by the confession of the offender or by the oath of one or more credible witnesses (which oath such Justices or either of them are hereby empowered 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 one-half of such penalties respectively shall belong to Her Majesty, and the other half to the person suing for the same; and the proceedings in such cases shall be conducted in conformity with the provisions of Chapter one hundred and three of the Consolidated Statutes of Canada, "respecting the duties of Justices of the Peace out of Sessions, in relation to summary proceedings and orders."

Fines, &c., reserved.

15. The moneys to be levied by virtue of this Act, and not hereinbefore granted to the said Joseph Barsalou, his heirs and assigns, and the several fines and penalties hereby inflicted, shall be, and the same are hereby reserved to Her Majesty, Her Heirs and Successors, for the public uses of this Province and the support of the Government thereof.

Dimensions of bridge.

16. The said bridge shall be completed within three years from the passing of this Act, and shall be erected in manner following,

following, viz : six hundred and eighty feet in length, fifteen feet in breadth and in height, with six piers between the approaches and an opening of one hundred feet between each pier.

17. This Act shall be deemed a Public Act.

Public Act.

C A P . C V .

An Act to incorporate the Eastern Townships Eldorado Gold and Copper Mining Company.

[Assented to 30th June, 1864.]

WHEREAS the persons hereinafter named have, by petition, represented that they are desirous of associating themselves together for the purpose of carrying on mining operations in the County of Stanstead, in the District of St. Francis, in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for 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. Albert Knight, William S. Hunter, William S. Easton, Shipley W. Snow, and S. L. French, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic, by the name of "The Eastern Townships Eldorado Gold and Copper Mining Company."

Incorporation.

Name.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, copper, and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such lands, and mining rights in lands in the district aforesaid, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings and machinery, and other improvements thereon, and sell and dispose of the same and acquire others in their stead, as the company may deem to be for its advantage, and acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing gold, copper, and other ores and metals ; provided, however, that the acquisition of such royalty or percentage shall not entitle the company to carry on any mining operations beyond the limits of the said district, but such company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district.

Business of Company.

Real property.

Proviso.

3. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into shares not less than five dollars

Capital Stock and shares

may be increased.

dollars each, as the directors shall determine; and which said capital stock may be from time to time increased as the wants of the company require, by vote of the stockholders, at a meeting of the company called for the purpose, to an amount not exceeding one million dollars in the whole; provided always, that no such increase of stock shall be made until the whole amount of the original stock of the company shall have been *bonâ fide* paid in.

Proviso.

Payment of instalments on shares, and forfeiture of shares for non-payment.

4. The capital stock shall be paid by the subscribers therefor, when, where and as the Directors of the Company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote reciting the fact and duly recorded in their records, 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 the by-laws or votes of the company may provide.

Assignment of shares: all calls to be first paid.

5. The stock of the company shall be deemed personal estate and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Votes of shareholders.

6. At all meetings of the company, every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder not in arrear, and is in conformity with the by-laws.

Proviso.

Qualification, election and quorum of Directors.

7. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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, present in person, 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; but a failure to elect directors or any failure of directors, shall not dissolve the corporation, and an election

Provision in case of failure to elect.

election may be had at any general meeting of the company called for the purpose; provided that voting by proxy shall not be allowed at any meeting of the board of directors.

8. The board of directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make, to adopt a common seal, to make, from time to time, any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments on stock and payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the company within the Province or elsewhere, the calling of meetings of the company and of the board of directors, the quorum, the requirements as to proxies, the procedures 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, but every such by-law, and every repeal, amendment and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; 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 in all courts of law as *prima facie* evidence of such by-law.

Powers of Board of Directors.

To make By-laws for certain purposes.

Proof of By-Laws.

9. Until the first election of such board, the said Albert Knight, Wm. S. Hunter, Wm. S. Easton, Shipley W. Snow, and Samuel L. French, shall be a provisional Board of Directors for the said Company, with full power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the Company at such time and place within this Province or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organize the Company and conduct its affairs.

Provisional Board of Directors.

Powers.

10. In addition to their ordinary place of business within this Province, the Company may establish and have any place or places of business in this Province, in Great Britain, or in the United States of America, and may at any one thereof, order, direct, do and transact their affairs and business or any thereof, in such manner as may be prescribed by their by-laws.

Places of business.

Company not bound to see to trusts on shares.

11. 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 discharge to the Company for any dividend or money payable in respect of such share, 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.

Liability of shareholders limited.

12. 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 unpaid upon their shares in the stock thereof.

Contracts, &c., need not be under Seal.

13. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the Company by the directors, officers, agents or servants of the Company, in accordance with their powers under the by-laws or by vote of the Company, shall be binding upon the Company; and in no case need the seal of the Company be affixed thereto, nor shall such directors, officers, agents or servants, thereby become individually liable to any third party therefor; but the Company shall issue no bank note, or note to circulate as money.

Proviso.

Commencement of operations.

Proviso: forfeiture for non-user.

14. The Company shall not commence operations under this Act, until at least ten per centum on the amount of their capital stock shall have been paid in; provided always, that unless mining operations be commenced under this Act within five years from the passing thereof, and continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said Company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Public Act.

15. This Act shall be deemed a Public Act.

C A P. C V I.

An Act to incorporate the Ophir Gold Mining Company.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the persons hereinafter named have, by petition, represented that they are desirous of associating themselves together for the purpose of carrying on mining operations in the District of St. Francis, in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an Act to that end;

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:

1. Ozro Morrill, B. Pomeroy, Chas. C. Colby, Albert P. Ball and Albert Knight, together with all such other persons as shall become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic, by the name of "The Ophir Gold Mining Company." Incorporation.
Name.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, copper, and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such lands, and mining rights in lands in the district aforesaid, not at any time exceeding two thousand acres, in superficies, and construct and maintain such buildings and machinery, and other improvements thereon, and sell and dispose of the same and acquire others in their stead, as the company may deem to be for its advantage, and acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing gold, copper, and other ores and metals; provided, however, that the acquisition of such royalty or percentage shall not entitle the company to carry on any mining operations beyond the limits of the said district, but such company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district. Business of
Company.
Real property.
Proviso.

3. The capital stock of the company shall be the sum of one million dollars, divided into shares of five dollars each; and which said capital stock may be from time to time increased, as the wants of the company require, by vote of the stockholders, at a meeting of the company called for the purpose, to an amount not exceeding two million dollars in the whole; Provided always, that no such increase of stock shall be made until the whole amount of the original stock of the company shall have been *bonâ fide* paid in. Capital Stock
and shares.
Increase.
Proviso.

4. The capital stock shall be paid by the subscribers therefor, when, where and as the Directors of the Company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote reciting the fact, and duly recorded in their records, 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 the by-laws or votes of the company may provide. Payment of
instalments
on shares, and
forfeiture of
shares for
non-payment.

Assignment of shares : calls to be first paid.

5. The stock of the company shall be deemed personal estate and be assignable in such manner only; and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Votes of shareholders.

6. At all meetings of the company, every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder not in arrear, and is in conformity with the by-laws.

Proviso.

Qualification, election, and quorum of Directors.

7. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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, present in person, 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; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose; Provided that voting by proxy shall not be allowed at any meeting of the board of directors.

Provision in case of failure to elect.

Proviso.

Powers of Board of Directors.

To make By-laws for certain purposes.

8. The Board of Directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make, to adopt a common seal, to make, from time to time, any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments on stock and payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the company, within the Province or elsewhere, the calling of meetings of the company and of the board of directors, the quorum, the requirements as to proxies, the procedures 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

penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the company, but every such by-law, and every repeal, amendment and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; 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 in all courts of law as *prima facie* evidence of such by-law.

Proof of By-laws.

9. Until the first election of such board, the said OZRO Morrill, B. Pomeroy, Chas. C. Colby, Albert P. Ball, and Albert Knight, shall be a provisional Board of Directors for the said Company, with full power to fill vacancies; to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts; convene the first general meeting of the company at such time and place within this province or elsewhere, as they shall determine; and to do other acts necessary or proper to be done to organize the Company and conduct its affairs.

Provisional Board of Directors.

Powers.

10. In addition to their ordinary place of business within this province; the Company may establish and have any place or places of business in this province, in Great Britain, or in the United States of America, and may at any one thereof, order, direct, do and transact their affairs and business or any thereof; in such manner as may be prescribed by their by-laws.

Places of business.

11. 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 discharge to the Company for any dividend or money payable in respect of such share, 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 on shares.

12. 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 unpaid upon their shares in the stock thereof.

Liability of Shareholders limited.

13. All contracts; promissory notes, bills of exchange, and engagements made on behalf of the Company by the Directors, officers, agents or servants of the Company, in accordance with their powers under the by-laws or by vote of the Company, shall be binding upon the Company; and in no case need the seal of the Company be affixed thereto, nor shall such directors officers, agents or servants, thereby become individually liable

Contracts, &c., need not be under Seal.

Proviso. to any third party therefor; but the Company shall issue no Bank note, or note to circulate as money.

Commence-
ment of oper-
ations.
Proviso:
forfeiture for
non-user.

14. The Company shall not commence operations under this Act, until at least ten per centum on the amount of their capital stock shall have been paid in; Provided always, that unless mining operations be commenced under this Act within five years from the passing thereof, and continued *bond fide*, this Act of incorporation shall be null and void, saving only to the said Company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Public Act.

15. This Act shall be deemed a Public Act.

CAP. CVII.

An Act to incorporate the River Famine Gold Mining Company.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS Willis Russell and O. A. Russell have by petition represented that they with others are desirous of associating themselves together for the purpose of carrying on mining operations in the District of Beauce, and in the Province of Canada, and that they can do so to better advantage by the aid of a chapter of incorporation, and have 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:

Incorporation.

1. Willis Russell, Wm. A. Russell, O. A. Russell, Wm. A. Hall, and Wm. C. Dunton, together with all other persons who shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic, by the name of "The River Famine Gold Mining Company."

Name.

Business of
Company.

2. The Company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, copper and other ores and metals, and for these purposes may acquire and hold by purchase, lease or other legal title, such lands and mining rights in lands in the district aforesaid, not at any time exceeding two thousand acres, in superficies, and construct and maintain such buildings and machinery, and other improvements thereon, and sell and dispose of the same and acquire others in their stead, as the company may deem for its advantage, and acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing gold, copper, and other ores and metals; provided however that the acquisition of such royalty or percentage shall not entitle the company to carry on any mining operations beyond the limits of the said district;

Real property.

Proviso.

district; but such company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district.

3. The capital stock of the company shall be the sum of one million dollars, divided into shares of five dollars each; and which said capital stock may be from time to time increased, as the wants of the company require, by vote of the stockholders, at a meeting of the company called for the purpose, to an amount not exceeding two million dollars in the whole; provided always that no such increase of stock shall be made until the whole amount of the original stock of the company shall have been *bona fide* paid in.

Capital Stock
and shares-
Increase.

Proviso.

4. The capital stock shall be paid by the subscribers therefor when, where, and as the directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote reciting the fact and duly recorded in their records, 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 the by-laws or votes of the company may provide.

Payment of
instalments
on shares, and
forfeiture of
shares for
non-payment.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Assignment of
shares, all
calls to be
first paid.

6. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder not in arrear, and is in conformity with the by-laws.

Votes of
shareholders.

Proviso.

7. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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, present in person, shall be a quorum thereof; and in case

Qualification,
election, and
quorum of
Directors.

case

Provision in case of failure to elect.

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; but a failure to elect directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose; provided that voting by proxy shall not be allowed at any meeting of the board of directors.

Proviso.

Powers of Board of Directors.

To make By-laws for certain purposes

8. The board of directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company,) regulating the calling in of instalments on stock and payment thereof, the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the company within the Province or elsewhere; the calling of meetings of the company and of the board of directors; the quorum; the requirements as to proxies; 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; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; 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 in all courts of law as *prima facie* evidence of such by-law.

Proof of By-laws.

Provisional Board of Directors.

Powers.

9. Until the first election of such board the said Willis Russell, Wm. A. Russell, O. A. Russell, Wm. A. Hall and Wm. C. Dunton, shall be a provisional board of directors for said company, with full power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province, or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Places of business.

10. In addition to their ordinary place of business within this Province, the company may establish and have any place

or places of business in this Province, Great Britain or in the United States of America, and may, at any one thereof, order, direct, do, and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

11. 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 discharge to the company for any dividend or money payable in respect of such shares, 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 on shares.

12. 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 unpaid upon their shares in the stock thereof.

Liability of shareholders limited.

13. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the company by the directors, officers, agents, or servants of the company in accordance with their powers under the by-laws, or by vote of the company, shall be binding upon the company, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the company shall issue no bank note or note to circulate as money.

Contracts, &c., need not be under Seal.

Proviso.

14. The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid in; provided always that unless mining operations, be commenced under this Act within five years from the passing thereof and continued *bona fide*, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Commencement of operations.

Proviso: forfeiture for non-user.

15. This Act shall be deemed a Public Act.

Public Act.

C A P. C V I I I .

An Act to incorporate the Du Loup Gold Company.

[Assented to 30th June, 1864.]

WHEREAS Willis Russell and O. A. Russell have, by petition, represented that they, with others, are desirous of associating themselves together for the purpose of carrying on

Preamble.

on

on mining operations in the District of Beauce, and in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation; and have 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:

- Incorporation.** 1. S. L. French, C. W. Galloupe, S. D. Nickerson, Wm. A. Russell, P. C. Brooks, Leverett Saltonstall and Willis Russell, together with all other persons who shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic, by the name of *The Du Loup Gold Company*.
- Name.**
- Business of Company.** 2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, copper and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such lands, and mining rights in lands in the district aforesaid, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings and machinery, and other improvements thereon, and sell and dispose of the same and acquire others in their stead, as the company may deem to be for its advantage, and acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing gold, copper and other ores and metals; provided, however, that the acquisition of such royalty or percentage shall not entitle the company to carry on any mining operations beyond the limits of the said district, but such company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district.
- Real property.**
- Proviso.**
- Capital Stock and shares.** 3. The capital stock of the company shall be the sum of one million dollars, divided into shares of five dollars each, and which said capital stock may be from time to time increased as the wants of the company require, by vote of the stockholders, at a meeting of the company called for the purpose, to an amount not exceeding two million dollars in the whole; Provided, always, that no such increase of stock shall be made until the whole amount of the original stock of the company shall have been *bonâ fide* paid in.
- Increase.**
- Proviso.**
- Payment of instalments on shares, and forfeiture of shares for non-payment.** 4. The capital stock shall be paid by the subscribers therefor, when, where and as the Directors of the Company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by
- vote

vote reciting the fact and duly recorded in their records, 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 the by-laws or votes of the company may provide.

5. The stock of the company shall be deemed personal estate and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Assignment of shares; calls to be first paid.

6. At all meetings of the company, every shareholder, not being in arrears in respect of any instalment called for, 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 is held by a shareholder not in arrear, and is in conformity with the by-laws.

Votes of shareholders.

Proviso.

7. The affairs of the company shall be administered by a board of not less than five, and not more than seven directors, being severally holders of a least one 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, present in person, 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; but a failure to elect directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose; provided that voting by proxy shall not be allowed at any meeting of the board of directors.

Qualification, election and quorum of Directors.

Provision in case of failure to elect.

8. The board of directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make, from time to time, any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and 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 and place for holding the annual

Powers of Board of Directors.

To make By-laws for certain purposes.

annual and other meetings of the company within the Province or elsewhere; the calling of meetings of the company and of the board of directors; the quorum; the requirements as to proxies; the procedures 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; but every such by-law, and every repeal, amendment and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; 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 in all courts of law as *prima facie* evidence of such by-law.

Proof of By-laws.

Provisional Board of Directors.

Powers.

9. Until the first election of such board, the said S. L. French, C. W. Galloupe, S. D. Nickerson, Wm. A. Russell, P. C. Brooks, Leverett Saltonstall and Willis Russell, shall be a provisional Board of Directors for the said company, with full power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company at such time and place within this province or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Places of business.

10. In addition to their ordinary place of business within this province, the company may establish and have any place or places of business in this Province, in Great Britain, or in the United States of America, and may at any one thereof, order, direct, do and transact their affairs and business or any thereof, in such manner as may be prescribed by their by-laws.

Company not bound to see to trusts on shares.

11. 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 discharge to the company for any dividend or money payable in respect of such shares, 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.

Liability of shareholders.

12. 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 unpaid upon their shares in the stock thereof.

13. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the company by the directors, officers, agents or servants of the company, in accordance with their powers under the by-laws or by vote of the company, shall be binding upon the company; and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants, thereby become individually liable to any third party therefor; but the company shall issue no bank note, or note to circulate as money.

Contracts, &c., need not be under Seal.

Proviso.

14. The company shall not commence operations under this Act, until at least ten per centum on the amount of their capital stock shall have been paid in; provided, always, that unless mining operations be commenced under this Act within five years from the passing thereof, and continued *bonâ fide*, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Commencement of operations.

Proviso: forfeiture for non-user.

15. This Act shall be deemed a Public Act.

Public Act.

C A P. C I X.

An Act to incorporate the Atlas Gold Mining Company.

[Assented to 30th June, 1864.]

WHEREAS the persons hereinafter named have, by petition, represented that they are desirous of associating themselves together for the purpose of carrying on mining operations in the District of Beauce, in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for 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. James Muir, William S. Fowle, the younger, Henry W. Warner, Thomas J. Lee and James Foley, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic by the name of "The Atlas Gold Mining Company."

Incorporation.

Corporate name.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, copper, and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such lands, streams and mining rights in lands in the counties of Beauce, Dorchester and Megantic, and construct and maintain such buildings and machinery, and other improvements thereon, and may utilise the

Business of Company.

Real property.

the waters of the streams and rivers adjoining the same by the construction of dams, waterways, and other erections, and sell and dispose of the same and acquire others in their stead, as the company may deem for its advantage, and may acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing gold, copper, and other ores and metals, and generally may exercise all the powers which are incident, and are commonly understood to belong to mining companies; provided, however, that the acquisition of such royalty or percentage shall not entitle the company to carry on any mining operations beyond the limits of the said district, but the company may carry on mining, smelting and manufacturing operations elsewhere in the said Province than in the said district.

Proviso.

Capital Stock,
Shares.
Increase.

3. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into shares of five dollars each; which said capital stock may be from time to time increased as the wants of the company require, by vote of the stockholders, at a meeting of the company called for the purpose, to an amount not exceeding one million dollars in the whole; Provided always, that no such increase of stock shall be made until the whole amount of the original stock of the company shall have been *bona fide* paid in.

Proviso.

Payment of
instalments
on shares, and
forfeiture of
shares for
non-payment.

4. The capital stock shall be paid by the subscribers therefor, when, where and as the Directors of the Company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote reciting the fact and duly recorded in their records, 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 the by-laws or votes of the company may provide.

Assignment of
shares; calls
to be first
paid.

5. The stock of the company shall be deemed personal estate and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe; but no shares shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Votes of
shareholders.

6. At all meetings of the company, every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder not in arrear, and is in conformity with the by-laws.

Proviso.

7. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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, present in person, 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; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose; Provided that voting by proxy shall not be allowed at any meeting of the board of directors.

Qualification, election and quorum of directors.

Provision in case of failure to elect.

Directors not to vote by proxy.

8. The board of directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make, to adopt a common seal, to make, from time to time, any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments on stock and payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the company within the Province or elsewhere, the calling of meetings of the company and of the board of directors; the quorum, the requirements as to proxies, the procedure in all things at such meetings, the site of their chief place of business, and of any other offices 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; but every such by-law, and every repeal, amendment and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; 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 in all courts of law as *prima facie* evidence of such by-law.

Powers of Board of Directors.

To make By-laws for certain purposes.

Proof of By-laws.

9. Until the first election of such Board, the said James Muir, William S. Fowle, the younger, Henry W. Warner, Thomas J. Lee and James Foley, shall be a provisional Board of Directors for the said Company, with full power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments,

Provisional Board of Directors.

Powers.

issue

issue certificates and receipts; convene the first general meeting of the Company at such time and place within this province or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organize the Company and conduct its affairs.

Places of business.

10. In addition to their ordinary place of business within this province, the Company may establish and have any place or places of business in this province, in Great Britain, or in the United States of America, and may at any one thereof, order, direct, do and transact their affairs and business or any thereof; in such manner as may be prescribed by their by-laws.

Company not bound to see to trusts on shares.

11. 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 discharge to the Company for any dividend or money payable in respect of such share, 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.

Liability of shareholders limited.

12. 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 unpaid upon their shares in the stock thereof.

Contracts, &c., need not be under seal.

13. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the Company by the directors, officers, agents or servants of the Company, in accordance with their powers under the by-laws or by vote of the Company, shall be binding upon the Company, and in no case need the seal of the Company be affixed thereto, nor shall such directors, officers, agents or servants, thereby become individually liable to any third party therefor; but the Company shall issue no Bank note, or note to circulate as money.

Proviso.

Commencement of operations.

Proviso: forfeiture for non-user.

14. The Company shall not commence operations under this Act, until at least five per centum of the amount of their capital stock shall have been paid in; Provided always, that unless mining operations be commenced under this Act within five years from the passing thereof, and continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said Company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Public Act.

15. This Act shall be deemed a Public Act.

C A P . C X .

An Act to incorporate the South Ham Gold and Copper Mining Company.

[Assented to 30th June, 1864.]

WHEREAS the persons hereinafter named have by petition represented, that they desire to engage in the business of exploring, mining, smelting; manufacturing and disposing of gold, copper and other ores in the County of Wolfe, in the District of Arthabaska, in the Province of Canada, and that they can do so better advantage by the aid of a charter of incorporation, and have prayed for 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. J. Willard Rice, Samuel B. Locke, William Augustus Russell, Oramel N. Russell and Willis Russell, together with all such other persons as shall become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic, by the name of *The South Ham Gold and Copper Mining Company*.

Incorporation.

Name.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing, and selling gold, copper, and other ores and metals, and for these purposes may acquire and hold by purchase, lease, or other legal title, such lands and mining rights in lands in the district aforesaid, not at any time exceeding two thousand acres in superficies; and construct and maintain such buildings and machinery and other improvements thereon, and sell and dispose of the same, and acquire others in their stead, as the company may deem to be for its advantage, and may acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing gold, copper and other ores and metals ; Provided, however, that the acquisition of such royalty or percentage shall not entitle the company to carry on any mining operations beyond the limits of the said district; but such company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district.

Business of Company.

Real property.

Proviso.

3. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into shares of five dollars each, and may be from time to time increased, as the wants of the company require, by vote of the stockholders, at a meeting of the company called for the purpose, to an amount not exceeding one million dollars in the whole ; Provided always, that no such increase of stock shall be made until the whole amount of the original stock of the company shall have been *bonâ fide* paid in.

Capital Stock.

Shares.

Increase.

Proviso.

Payment of instalments on shares, and forfeiture of shares for non-payment.

4. The capital stock shall be paid by the subscribers therefor, when, where, and as the directors of the company shall require, or as the By-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote reciting the fact and duly recorded in their records, 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 the by-laws or votes of the company may provide.

Assignment of shares; calls to be first paid.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Votes of shareholders.

6. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder not in arrear, and is in conformity with the by-laws.

Proviso.

Qualification, election and quorum of Directors.

7. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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, present in person, 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; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose; Provided that voting by proxy shall not be allowed at any meeting of the board of directors.

Provision in case of failure to elect.

Powers of Board of Directors.

8. The Board of Directors shall have full power in all things to administer the affairs of the company, and make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company); regulating the calling

calling in of instalments on stock, and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the company within the Province or elsewhere; the calling of meetings of the company and of the board of directors; the quorum; the requirements as to proxies; 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; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; 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 in all courts of law as *prima facie* evidence of such by-law.

To make By-laws for certain purposes.

Proof of By-laws.

9. Until the first election of such board, the said J. Willard Rice, Samuel B. Locke, William A. Russell, Oramel N. Russell and Willis Russell, shall be a provisional board of directors for said company, with full power to fill vacancies, to open stock-books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province, or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Provisional Board of Directors.

10. In addition to their ordinary place of business within this Province, the company may establish and have any place or places of business in this Province, in Great Britain or in the United States of America, and may at any one thereof order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

Places of business.

11. 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 discharge to the company for any dividend or money payable in respect of such shares, 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.

Execution of trusts.

Liability of
shareholders.

12. 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 unpaid upon their shares in the stock thereof.

Contracts,
&c., need not
be under Seal.

13. All contracts, promissory notes, bills of exchange and engagements made on behalf of the company by the directors, officers, agents, or servants of the company, in accordance with their powers under the by-laws or by vote of the company, shall be binding upon the company, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the company shall issue no bank note, or note to circulate as money.

Proviso.

Commence-
ment of oper-
ations.

Proviso: for
feiture for
non-user.

14. The company shall not commence operations under this Act until at least ten per centum on the amount of their capital stock shall have been paid in; Provided always, that unless mining operations be commenced under this Act, within five years from the passing thereof, and continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Public Act.

15. This Act shall be deemed a Public Act.

C A P. C X I.

An Act to incorporate the Kennebec Gold Mining Company.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the persons hereinafter named have, by petition, represented that they are desirous of associating themselves together for the purpose of carrying on mining operations in the District of Beauce, in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an act to that end; and whereas the said persons, with others their associates, have been provisionally organised as a joint stock company under the Act chapter sixty-three of the Consolidated Statutes of Canada, as appears by their declaration, filed with the Registrar of the Registration division of Montreal, bearing date the sixth of April, one thousand eight hundred and sixty-four, and it is necessary that the property and assets of such joint stock company should be transferred to and vested in the corporation hereby established; and whereas it is expedient that such prayer be granted: Therefore, Her Majesty, by and with the advice

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

1. The Honorable Thomas Ryan, Donald Lorn MacDougall, Edward M. Hopkins, Andrew Wilson, Thomas Reynolds and Harry Abbott, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic, by the name of "The Kennebec Gold Mining Company," and all and every the estate and property, real and personal, belonging to the said joint stock company, and all debts and claims now due to or possessed by the said company, shall be and are hereby transferred to and vested in the said corporation hereby established, which shall in like manner be liable to and for all debts due by or claims upon the said joint stock company.

Incorporation.

Corporate name:

Property and liabilities of Joint Stock Company transferred to that hereby constituted.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, copper and other ores and metals, and for these purposes may acquire and hold, by purchase, lease or other legal title, such lands, streams and mining rights in lands in the district aforesaid, and construct and maintain such buildings and machinery, and other improvements thereon, and may utilise the waters of the streams and rivers adjoining the same by the construction of dams, waterways, and other erections, and sell and dispose of the same and acquire others in their stead, as the company may deem for its advantage, and acquire any royalty or percentage payable for the privilege of mining, smelting, or manufacturing gold, copper, and other ores and metals, and generally may exercise all the powers which are incident, and are commonly understood to belong to mining companies; provided however that the acquisition of such royalty or percentage shall not entitle the company to carry on any mining operations beyond the limits of the said district; but such company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district.

Business of Company.

Real property.

Proviso.

3. The capital stock of the company shall be the sum of five hundred thousand dollars divided into shares of five dollars each; which said capital stock may be from time to time increased, as the wants of the company require, by vote of the stockholders, at a meeting of the company called for the purpose, to an amount not exceeding one million dollars in the whole; provided always that no such increase of stock shall be made until the whole amount of the original stock of the company shall have been *bonâ fide* paid in.

Capital Stock.

Shares.

Increase.

Proviso.

4. The capital stock shall be paid by the subscribers therefor, when, where, and as the directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid;

Payment of instalments on shares and forfeiture of shares for non-payment.

and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote, reciting the fact and duly recorded in their records, 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 the by-laws or votes of the company may provide.

Assignment of shares; calls to be first paid.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Votes of shareholders.

6. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder not in arrear, and is in conformity with the by-laws.

Proviso.

Qualification, election and quorum of directors.

7. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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, present in person, 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; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose; provided that voting by proxy shall not be allowed at any meeting of the board of directors.

Provision in case of failure to elect.

Directors not to vote by proxy.

Powers of Board of Directors.

To make By-laws for certain purposes.

8. The board of directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made, any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company,) regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds

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 and place for holding the annual and other meetings of the company within the Province or elsewhere; the calling of meetings of the company and of the board of directors; the quorum; the requirements as to proxies; 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; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; 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 in all courts of law as *prima facie* evidence of such by-law.

Proof of By-laws.

9. Until the first election of such board, the said Honorable Thomas Ryan, Edward Martin Hopkins, Andrew Wilson, Thomas Reynolds, and Harry Abbott, shall be a provisional board of directors for the said company, with full power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organise the company and conduct its affairs.

Provisional Board of Directors.

Powers.

10. In addition to their ordinary place of business within this Province, the company may establish and have any place or places of business in this Province, in Great Britain or in the United States of America, and may, at any one thereof, order, direct, do, and transact their affairs, and business, or any thereof, in such manner as may be prescribed by their by-laws.

Places of business.

11. 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 discharge to the company for any dividend or money payable in respect of such shares, 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.

12. The shareholders of the company shall not, as such, be held responsible for any act, default, or liability whatsoever of the

Liability of shareholders limited.

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 unpaid upon their shares in the stock thereof.

Contracts, &c., need not be under seal.

13. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the company by the directors, officers, agents, or servants of the company, in accordance with their powers under the by-laws or by vote of the company, shall be binding upon the company, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the company shall issue no bank note or note to circulate as money.

Proviso.

Commencement of operations.

Proviso: forfeiture for non-user.

14. The company shall not commence operations under this Act until at least five per centum of the amount of their capital stock shall have been paid in; provided always, that unless mining operations be commenced under this Act within five years from the passing thereof and continued *bonâ fide*, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Public Act.

15. This Act shall be deemed a Public Act.

C A P . C X I I .

An Act to incorporate the Havalah Gold Mining Company.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the persons hereinafter named have, by petition, represented that they are desirous of associating themselves together for the purpose of carrying on mining operations in the District of St. Francis, in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for 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:

Incorporation.

1. Charles C. Colby, Ozro Morrill, A. P. Ball, B. Pomeroy, and Albert Knight, together with all such other persons as shall become shareholders in the Company hereby constituted, shall be, and they are hereby made a body corporate and politic, by the name of "The Havalah Gold Mining Company."

Name.

Business of Company.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, copper, and other

other ores and metals, and for these purposes may acquire and hold by purchase, lease or other legal title, such lands and mining rights in lands in the district aforesaid, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings and machinery, and other improvements thereon; and sell and dispose of the same and acquire others in their stead, as the company may deem to be for its advantage, and may acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing gold, copper, and other ores and metals; provided, however, that the acquisition of such royalty or percentage shall not entitle the company to carry on any mining operations beyond the limits of the said district; but such company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district.

Real property

Proviso.

3. The capital stock of the company shall be the sum of one million dollars, divided into shares of five dollars each, which said capital stock may be from time to time increased, as the wants of the company require, by vote of the stockholders, at a meeting of the company called for the purpose, to an amount not exceeding two million dollars in the whole; provided always that no such increase of stock shall be made until the whole amount of the original stock of the company shall have been *bonâ fide* paid in.

Capital Stock.

Shares.

Increase.

Proviso.

4. The capital stock shall be paid by the subscribers therefor, when, where, and as the directors of the company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day, upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote, reciting the fact and duly recorded in their records, 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 the by-laws or votes of the company may provide.

Payment of instalments on shares, and forfeiture of shares for non-payment.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid unless it has been declared forfeited for non-payment.

Assignment of shares; calls to be first paid.

6. At all meetings of the company, every shareholder, not being in arrear in respect of any instalment called for, 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

Votes of shareholders.

Proviso. entitled to vote ; and all votes may be given in person or by proxy ; provided always the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws.

Qualification, election and quorum of Directors.

Provision in case of failure to elect.

7. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of a least one 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, present in person, 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; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose; provided that voting by proxy shall not be allowed at any meeting of the board of directors.

Powers of Board of Directors.

To make By-laws for certain purposes.

Proof of By-laws.

8. The board of Directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company,) regulating the calling in of instalments on stock and payment thereof, the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointments, 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 and place for holding the annual and other meetings of the company within the Province or elsewhere; the calling of meetings of the company and of the Board of Directors; the quorum; the requirements as to proxies; 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; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company, 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 in all courts of law as *prima facie* evidence of such by-law.

9. Until the first election of such board, the said Chas. C. Colby, Ozro Morrill, A. P. Ball, B. Pomeroy and Albert Knight, shall be a provisional board of directors for the said company, with full power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province, or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organise the company and conduct its affairs.

Provisional
Board of Di-
rectors.

10. In addition to their ordinary place of business within this Province, the company may establish and have any place or places of business in this Province, in Great Britain, or in the United States of America, and may, at any one thereof, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

Places of
business.

11. 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 discharge to the company for any dividend or money payable in respect of such shares, 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 on
shares.

12. 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 unpaid upon their shares in the stock thereof.

Liability of
shareholders.

13. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the company, by the directors, officers, agents or servants of the company, in accordance with their powers under the By-laws, or by vote of the company, shall be binding upon the company, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the company shall issue no Bank Note, or Note to circulate as money.

Contracts,
&c., need not
be under Seal.

Proviso.

14. The company shall not commence operations under this Act, until at least ten per centum on the amount of their capital stock shall have been paid in; Provided always, that unless mining operations be commenced under this Act within five years from the passing thereof, and continued *bonâ fide*, this Act of Incorporation shall be null and void, saving only to the said

Commence-
ment of oper-
ations.

Proviso: for-
feiture for
non-user.

said Company the right to part with any real estate which they may hold, and to make such conveyances as may be necessary for that purpose.

Public Act.

15. This Act shall be deemed a Public Act.

C A P. C X I I I .

An Act to incorporate the Magog Gold Mining Company.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the persons hereinafter named have by petition represented, that they are desirous of associating themselves together for the purpose of carrying on mining operations in the District of St. Francis, in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for 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:

Incorporation.

1. B. Pomeroy, Ozro Morrill, Chas. C. Colby, Albert P. Ball and Albert Knight, together with all such other persons as shall become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic, by the name of "The Magog Gold Mining Company."

Name.

Business of Company.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing, and selling gold, copper, and other ores and metals, and for these purposes may acquire and hold by purchase, lease, or other legal title, such lands and mining rights in lands in the district aforesaid, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings and machinery and other improvements thereon, and sell and dispose of the same, and acquire others in their stead, as the company may deem to be for its advantage, and acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing gold, copper and other ores and metals; provided, however, that the acquisition of such royalty or percentage shall not entitle the company to carry on any mining operations beyond the limits of the said district; but such company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district.

Real property.

Proviso.

Capital Stock.

Shares.

Increase.

3. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into shares of two dollars and fifty cents each; and which said capital stock may be from time to time increased, as the wants of the company require,

require, by vote of the stockholders, at a meeting of the company called for the purpose, to an amount not exceeding one million of dollars in the whole; provided always, that no such increase of stock shall be made until the whole amount of the original stock of the company shall have been *bona fide* paid in. Proviso.

4. The capital stock shall be paid by the subscribers therefor when, where, and as the directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote reciting the fact and duly recorded in their records, 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 the by-laws or votes of the company may provide. Payment of instalments on shares, and forfeiture of shares for non-payment.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment. Assignment of shares; calls to be first paid.

6. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder not in arrear, and is in conformity with the by-laws. Votes of shareholders. Proviso.

7. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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, present in person, 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; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose; provided that voting by proxy shall not be allowed at any meeting of the board of directors. Qualification, election and quorum of Directors. Proviso in case of failure to elect.

Powers of Board of Directors.

To make By-laws for certain purposes.

8. The Board of Directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company), regulating the calling in of instalments on stock, and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the company within the Province or elsewhere; the calling of meetings of the company and of the board of directors; the quorum; the requirements as to proxies; 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; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; 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 in all courts of law as *prima facie* evidence of such by-law.

Proof of By-laws.

Provisional Board of Directors.

9. Until the first election of such board, the said B. Pomeroy, Ozro Morrill, Chas. C. Colby, Albert P. Ball and Albert Knight, shall be a provisional board of directors for said company, with full power to fill vacancies, to open stock-books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province, or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Places of business.

10. In addition to their ordinary place of business within this Province, the company may establish and have any place or places of business in this Province, in Great Britain or in the United States of America, and may at any one thereof order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

Company not bound to see to trusts on shares.

11. 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

name the same shall stand in the books of the company, shall be a discharge to the company for any dividend or money payable in respect of such shares, 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.

12. 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 unpaid upon their shares in the stock thereof. Liability of shareholders.

13. All contracts, promissory notes, bills of exchange and engagements made on behalf of the company by the directors, officers, agents, or servants of the company, in accordance with their powers under the by-laws or by vote of the company, shall be binding upon the company, and in no case need the seal of the said company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the said company shall issue no bank note or note to circulate as money. Contracts, &c., need not be under Seal. Proviso.

14. The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid in; provided always, that unless mining operations be commenced under this Act, within five years from the passing thereof, and continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose. Commencement of operations. Proviso: forfeiture for non-user.

15. This Act shall be deemed a Public Act.

Public Act.

CAP. CXIV.

An Act to incorporate the Bunker Hill Gold Mining Company.

[Assented to 30th June, 1864.]

WHEREAS the persons hereinafter named have, by petition, represented that they are desirous of associating themselves together for the purpose of carrying on mining operations in the District of St. Francis, in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for 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 Preamble.

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

- Incorporation.** 1. B. Pomeroy, Ozro Morrill, Chas. C. Colby, Albert P. Ball, and Albert Knight, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic, by the name of "The Bunker Hill Gold Mining Company."
- Name.**
- Business of Company.** 2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, copper and other ores and metals, and for these purposes may acquire and hold by purchase, lease or other legal title, such lands and mining rights in lands in the district aforesaid not at any time exceeding two thousand acres, in superficies, and construct and maintain such buildings and machinery, and other improvements thereon, and sell and dispose of the same and acquire others in their stead, as the company may deem for its advantage, and acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing gold, copper, and other ores and metals ; provided however that the acquisition of such royalty or percentage shall not entitle the company to carry on any mining operations beyond the limits of the said district ; but such company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district.
- Real property.**
- Proviso.**
- Capital Stock.** 3. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into shares of two dollars and fifty cents each ; and which said capital stock may be from time to time increased, as the wants of the company require, by vote of the stockholders, at a meeting of the company called for the purpose, to an amount not exceeding one million dollars in the whole ; provided always that no such increase of stock shall be made until the whole amount of the original stock of the company shall have been *bond fide* paid in.
- Shares.**
- Increase.**
- Proviso.**
- Payment of instalments on shares, and forfeiture of shares for non-payment:** 4. The capital stock shall be paid by the subscribers therefor when, where, and as the directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid ; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote, reciting the fact and duly recorded in their records, 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 the by-laws or votes of the company may provide.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Assignment of shares; calls to be first paid.

6. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder not in arrear, and is in conformity with the by-laws.

Votes of shareholders.

Proviso.

7. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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, present in person, 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; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose; provided that voting by proxy shall not be allowed at any meeting of the board of directors.

Qualification, election and quorum of Directors.

Provision in case of failure to elect.

8. The board of directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company,) regulating the calling in of instalments on stock and payment thereof, the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the company within the Province or elsewhere; the calling of meetings of the company and of the board of directors; the quorum; the requirements as to proxies; the procedure in all things at such meetings; the site of their chief place of business, and of any other

Powers of Board of Directors.

To make By-laws for certain purposes.

other

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; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; 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 in all courts of law as *prima facie* evidence of such by-law.

Proof of By-laws.

Provisional Board of Directors.

9. Until the first election of such board the said B. Pomeroy, Ozro Morrill, Chas. C. Colby, Albert P. Ball and Albert Knight, shall be a provisional board of directors for said company, with full power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province, or elsewhere, as the shall determine, and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Places of business.

10. In addition to their ordinary place of business within this Province, the company may establish and have any place or places of business in this Province, Great Britain or in the United States of America, and may, at any one thereof, order, direct, do, and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

Company not bound to see to trusts on shares.

11. 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 discharge to the company for any dividend or money payable in respect of such share, 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.

Liability of shareholders.

12. 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 unpaid upon their shares in the stock thereof.

Contracts, &c., need not be under Seal.

13. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the company by the directors, officers, agents, or servants of the company in accordance with their powers under the by-laws, or by vote of the company, shall

shall be binding upon the company, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the company shall issue Proviso. no bank note or note to circulate as money.

14. The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid in; provided always that unless mining operations be commenced under this Act within five years from the passing thereof and continued *bonâ fide*, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Commencement of operations.
Proviso: forfeiture for non-user.

15. This Act shall be deemed a Public Act.

Public Act.

C A P. C X V.

An Act to amend the Acts incorporating the St. Lawrence Mining Company.

[Assented to 30th June, 1864.]

WHEREAS the St. Lawrence Mining Company have by their petition represented that they are duly incorporated under the Act eighteenth Victoria, chapter fifty, and the Act amending the same, and are desirous of obtaining power to increase the capital stock of the said Company and to amend their Act of incorporation in other respects; 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. For and notwithstanding anything in the Act first above mentioned contained, the capital stock of the company may from time to time be increased, as the wants of the company require, by vote of the stockholders, at a meeting of the company called for the purpose, to an amount not exceeding one million dollars in the whole; Provided, always, that the provisions of the eighth section of the said Act shall apply to such increase in all other respects except the amount of the capital, which is hereby authorized to be extended as aforesaid. Increase of capital.
Proviso.

2. After the passing of this Act, the corporation may change and remove their office from the city of Quebec, and may establish the same elsewhere in this Province if they see fit, and all the provisions of the twelfth section of the Act first above mentioned shall thereafter apply as fully to such office, as to the present office at Quebec; Provided always, that such change. Company may remove its office.
Proviso.

change shall be sanctioned by a majority of such of the shareholders as shall be present, in person or by proxy, at any meeting of the shareholders called to consider the same.

~~Section 24 re-
pealed.~~

~~Company may
have more
than one
office.~~

3. The twenty-fourth section of the Act first above mentioned is hereby repealed, and instead thereof it is enacted, that in addition to their ordinary place of business within this Province, the company may establish and have any place or places of business in this Province, in Great Britain or in the United States of America, and may at any one thereof, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

~~Company not
bound by
trusts on
shares.~~

4. 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 discharge to the company for any dividend or money payable in respect of such share, 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.

~~Sect. 11
amended.~~

5. The words "removal out of the Province" in the eleventh section of the Act first above mentioned, are hereby repealed and the words "other disqualification" substituted therefor, and the said words shall be read and taken as forming part of the said section.

~~Public Act.~~

6. The Act shall be deemed a Public Act.

C A P. C X V I.

An Act to incorporate the Belvidere Mining and Smelting Company.

[Assented to 30th June, 1864.]

~~Preamble.~~

WHEREAS the persons hereinafter named have, by petition, represented, that they have in their possession certain real property in the township of Ascot, in the district of St. Francis, on which they have discovered a mine of Copper known as the *Belvidere Mine*, and have to a considerable extent developed and proved the same, that they desire to engage in the business of exploring, mining, smelting, manufacturing and disposing of copper and other ores, in said township of Ascot and elsewhere in Lower Canada, and they can do so to better advantage with the aid of a Charter of Incorporation, and have prayed that a Charter of Incorporation for such purpose may be granted to them, and it is expedient that such prayer be granted: Therefore, Her Majesty, by and with the advice and consent

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

1. E. Clark, John Johnston, E. H. Clark, E. T. Brooks and John Hallowell, together with all such other persons as shall become shareholders in the Company hereby constituted; shall be, and they are hereby made a body corporate and politic, by the name of *The Belvidere Mining and Smelting Company*.

Certain persons incorporated.
Name.
2. The Company may carry on the business of exploring for, mining, smelting, manufacturing and selling copper and other ores and metals, and for these purposes may acquire and hold by purchase, lease or other legal title, such lands and mining rights in lands in the district aforesaid, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings and machinery and other improvements thereon, and sell and dispose of the same, and acquire others in their stead, as the Company may deem to be for its advantage, and acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing copper and other ores and metals; Provided, however, that the acquisition of such royalty or percentage shall not entitle the Company to carry on any mining operations beyond the limits of the said district, but such Company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district.

Powers of Company.
Real property.
Royalty.
3. The capital stock of the Company shall be the sum of five hundred thousand dollars, divided into shares of not less than five dollars each, and may be from time to time increased, as the wants of the Company require, by vote of the stockholders at a meeting of the Company called for the purpose, to an amount not exceeding one million dollars in the whole; Provided, always, that no such increase of stock shall be made until the whole amount of the original stock of the Company shall have been *bonâ fide* paid in.

Capital Stock.
Shares.
Increase.
Proviso.
4. The capital stock shall be paid by the subscribers therefor, when, where and as the Directors of the Company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the Directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the Directors may, by vote, reciting the fact and duly recorded in their records, 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 the by-laws or votes of the Company may provide.

Payment of instalments on shares, and forfeiture of shares for non-payment.

Assignment of shares ; calls to be first paid.

5. The stock of the Company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe ; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Votes of shareholders.

6. At all meetings of the Company, every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder not in arrear, and is in conformity with the by-laws.

Proviso.

Qualification, election and quorum of Directors.

7. The affairs of the Company shall be administered by a Board of not less than five, and not more than seven Directors, being severally holders of at least one 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, present in person, 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 ; but a failure to elect Directors, or any failure of Directors, shall not dissolve the Corporation, and an election may be had at any general meeting of the Company called for the purpose ; Provided that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Powers of Board of Directors.

8. The Board of Directors shall have full power in all things to administer the affairs of the Company, and to make or cause to be made any purchase and any description of contract which the Company may by-law make, to adopt a common seal, to make, from time to time, any and all by-laws, (not contrary to law or to the votes of the Company,) regulating the calling in of instalments on stock and payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the Company within the Province or elsewhere ; the calling of meetings of the Company and of the Board of Directors, the quorum, the requirements as to proxies, the procedure in all things at such meetings, the site of their chief place of business, and of any other offices

To make By-laws for certain purposes.

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; but every such by-law, and every repeal, amendment and re-enactment thereof, shall have force only until the next annual meeting of the Company unless confirmed at some general meeting of the Company; 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 in all courts of law as *prima facie* evidence of such by-law.

Proof of By-laws.

9. Until the first election of such Board, the said E. Clark, John Johnston, E. H. Clark, E. T. Brooks and John Hallowell, shall be a Provisional Board of Directors for said Company, with full power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the Company, at such time and place within this Province, or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organize the Company and conduct its affairs; Provided, always, that notice of all meetings of the Company shall be given in some newspaper published in the district of St. Francis, and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Provisional Board of Directors.

Powers.

Proviso: notice.

10. In addition to their ordinary place of business within this Province, the Company may establish and have any place or places of business in this Province, in Great Britain, or in the United States of America, and may, at any one thereof, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

Places of business.

11. 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 discharge to the Company for any dividend or money payable in respect of such share, 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 on shares.

12. 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 unpaid upon their shares in the stock thereof.

Liability of shareholders.

13. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the Company, by the directors, officers,

Contracts, &c., need not

officers,

be under
Seal.

officers, agents or servants of the Company, in accordance with their powers under the by-laws, or by vote of the Company, shall be binding upon the Company, and in no case need the seal of the said Company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the said Company shall issue no bank note, or note to circulate as money.

Actions by or
against Com-
pany.

Witnesses.

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

Commence-
ment of oper-
ations.

Proviso: for-
feiture for
non-user.

15. The Company shall not commence operations under this Act, until at least ten per centum on the amount of their capital stock shall have been paid in; Provided, always, that unless mining operations be commenced under this Act, within five years from the passing thereof, and continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said Company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Public Act.

16. This Act shall be deemed a Public Act.

CAP. CXVII.

An Act to incorporate the Stadacona Mining and Smelting Company.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the persons hereinafter named have, by petition represented, that they desire to engage in the business of exploring, mining, smelting, manufacturing, and disposing of copper and other ores, in the County of Lotbinière, in the District of Quebec, in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for 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:

Incorporation.

1. William S. Hunter, William Sheafe, Chas. W. Galloupe, S. L. French, and J. W. Wolcott, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic, by the name of "The Stadacona Mining and Smelting Company."

Name.

Business of
Company.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling copper and other ores.

ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such lands and mining rights in lands in the district aforesaid, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings and machinery, and other improvements thereon, and sell and dispose of the same, and acquire others in their stead, as the company may deem to be for its advantage and acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing copper and other ores and metals; provided however that the acquisition of such royalty or percentage shall not entitle the company to carry on any mining operations beyond the limits of the said district; but such company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district.

Real property.

Proviso.

3. The capital stock of the company shall be the sum of two hundred and fifty thousand dollars, divided into such a number of shares not exceeding twenty-five dollars and not less than five dollars each, as the directors shall determine; and which said capital stock may be from time to time increased, as the wants of the company require, by vote of the stockholders at a meeting of the company called for the purpose, to an amount not exceeding one million dollars in the whole; provided, always, that no such increase of stock shall be made until the whole amount of the original stock of the company shall have been *bonâ fide* paid in.

Capital Stock.

Shares.

Increase.

Proviso.

4. The capital stock shall be paid by the subscribers therefor, when, where, and as the directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote, reciting the fact and duly recorded in their records, summarily forfeit any share whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide.

Payment of instalments on shares, and forfeiture of shares for non-payment.

5. The stock of the company shall be deemed personal estate; and be assignable in such manner only, and subject to such conditions and restrictions, as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Assignment of shares; calls to be first paid.

6. At all meetings of the company, every shareholder, not being in arrears in respect of any instalment called for, shall be entitled

Votes of shareholders.

entitled

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 is held by a shareholder not in arrear, and is in conformity with the by-laws.

Proviso

Qualification, election and quorum of Directors.

7. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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 present in person, 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; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation; and an election may be had at any general meeting of the company called for the purpose; provided that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Provision in case of failure to elect.

Powers of Board of Directors.

8. The Board of Directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make, to adopt a common seal, to make from time to time any and all by-laws, (not contrary to law or to the votes of the company,) regulating the calling in of instalments on stock, and payment thereof, the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the company within the Province or elsewhere; the calling of meetings of the company and of the board of directors; the quorum; the requirements as to proxies; the procedures 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; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company, 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 in all courts of law as *prima facie* evidence of such by-law.

To make By-laws for certain purposes.

Proof of By-laws.

9. Until the first election of such Board, the said Wm. S. Hunter, Wm. Sheafe, C. W. Galloupe, Samuel L. French, and J. W. Wolcott, shall be a provisional Board of Directors for said company, with full power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province or elsewhere as they shall determine, and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Provisional
Board of Di-
rectors.

10. In addition to their ordinary place of business within this Province, the company may establish and have any place or places of business in this Province, in Great Britain, or in the United States of America, and may, at any one thereof, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

Places of bu-
siness.

11. 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 discharge to the company for any dividend or money payable in respect of such share, 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 on
shares.

12. 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 unpaid upon their shares in the stock thereof.

Liability of
shareholders.

13. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the company, by the directors, officers, agents, or servants of the company, in accordance with their powers under the by-laws, or by vote of the company, shall be binding upon the company; and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the company shall issue no Bank note, or note to circulate as money.

Contracts,
&c., need not
be under Seal.

Proviso.

14. The company shall not commence operations under this Act until at least ten per centum on the amount of their capital stock shall have been paid in; Provided, always, that unless mining operations be commenced under this Act within five years from the passing thereof, and continued *bonâ fide*, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they

Commence-
ment of oper-
ations.

Proviso: for-
feiture for
non user.

they may hold, and to make such conveyances as may be necessary for that purpose.

Public Act.

15. This Act shall be deemed a Public Act.

CAP. CXVIII.

An Act to incorporate the St. Francis Mining and Smelting Company.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the persons hereinafter named have, by petition, represented, that they desire to engage in the business of exploring, mining, smelting, manufacturing and disposing of copper and other ores, in the County of Richmond, in the District of St. Francis, in the Province of Canada, and that they can do so to better advantage by the aid of a Charter of Incorporation, and have prayed for 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:

Incorporation.

1. Thomas Tait, John Simmons, C. W. Galloupe, S. D. Nickerson, Edwin Lambson, John G. Tappan, and Henry H. Drake, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic, by the name of "The St. Francis Mining and Smelting Company."

Name.

Business of Company.

2. The Company may carry on the business of exploring for, mining, smelting, manufacturing and selling copper and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such lands and mining rights in lands in the district aforesaid, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings and machinery and other improvements thereon, and sell and dispose of the same, and acquire others in their stead, as the Company may deem to be for its advantage, and acquire any royalty or percentage payable for the privilege of mining, smelting, or manufacturing copper or other ores and metals; Provided, however, that the acquisition of such Royalty or percentage shall not entitle the Company to carry on any mining operations beyond the limits of the said district, but such Company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district.

Real property.

Proviso.

Capital Stock.
Shares.

3. The capital stock of the Company shall be the sum of five hundred thousand dollars, divided into such a number of shares not exceeding twenty-five dollars and not less than five dollars

dollars each, as the Directors shall determine ; and which said capital stock may be from time to time increased, as the wants of the Company require, by vote of the stockholders at a meeting of the Company called for the purpose, to an amount not exceeding one million dollars in the whole; Provided always, that no such increase of stock shall be made until the whole amount of the original stock of the Company shall have been *boná fide* paid in.

Increase.

Proviso.

4. The capital stock shall be paid by the subscribers therefor, when, where, and as the directors of the Company shall require, or as the By-laws may provide ; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid ; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the Directors may by vote, reciting the fact and duly recorded in their records, 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 the by-laws or votes of the company may provide.

Payment of instalments on shares, and forfeiture of shares for non-payment.

5. The stock of the company shall be deemed personal estate and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Assignment of shares ; calls to be first paid.

6. At all meetings of the Company every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder not in arrear, and is in conformity with the by-laws.

Votes of shareholders.

Proviso.

7. The affairs of the company shall be administered by a Board of not less than five and not more than seven directors, being severally holders of at least one 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, present in person, 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 ; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation ; and

Qualification, election and quorum of Directors.

Provision in case of failure to elect.

and an election may be had at any general meeting of the company called for the purpose; provided that voting by proxy shall not be allowed at any meeting of the board of directors.

Powers of Board of Directors.

To make By-laws for certain purposes.

8. The Board of Directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws, (not contrary to law or to the votes of the company,) regulating the calling in of instalments on stock, and payment thereof, the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the company within the Province or elsewhere; the calling of meetings of the company and of the Board of Directors; the quorum; the requirements as to proxies, the procedures 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; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company unless confirmed at some general meeting of the company; 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 in all courts of law as *prima facie* evidence of such by-law.

Proof of By-laws.

Provisional Board of Directors.

9. Until the first election of such Board, the said Thomas Tait, John Simmons, C. W. Galloupe, S. D. Nickerson, Edwin Lambson, John G. Tappan, and Henry H. Drake, shall be a provisional board of directors for said company, with full power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this province or elsewhere as they shall determine, and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Places of business.

10. In addition to their ordinary place of business within this Province, the company may establish and have any place or places of business in this Province, in Great Britain, or in the United States of America, and may, at any one thereof, order, direct, do and transact their affairs and business or any thereof, in such manner as may be prescribed by their by-laws.

11. 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 discharge to the company for any dividend or money payable in respect of such share, 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 on shares.

12. 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 unpaid upon their shares in the stock thereof.

Liability of shareholders.

13. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the company, by the directors, officers, agents or servants of the company, in accordance with their powers under the by-laws, or by vote of the company, shall be binding upon the company; and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the Company shall issue no bank note, or note to circulate as money.

Contracts, &c., need not be under seal.

Proviso.

14. The Company shall not commence operations under this Act, until at least ten per centum on the amount of their capital stock shall have been paid in; provided always, that unless mining operations be commenced under this Act within five years from the passing thereof, and continued *bond fide*, this Act of Incorporation shall be null and void, saving only to the said Company the right to part with any real estate which they may hold, and to make such conveyances as may be necessary for that purpose.

Commencement of operations.

Proviso: forfeiture for non-user.

15. This Act shall be deemed a Public Act.

Public Act.

C A P . C X I X .

An Act to incorporate the Alliance Mining and Smelting Company.

[Assented to 30th June, 1864.]

WHEREAS the persons hereinafter named have by petition represented that they desire to engage in the business of exploring, mining, smelting, manufacturing and disposing of copper and other ores, in the County of Lotbinière, in the District of Quebec, in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for Act to that end; and whereas

Preamble.

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:

- Incorporation.** 1. Albert Knight, William S. Hunter, William S. Easton, S. D. Nickerson and S. L. French, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made, a body corporate and politic, by the name of "The Alliance Mining and Smelting Company."
- Name.**
- Business of Company.** 2. The company may carry on the business of exploring for, mining, smelting, manufacturing, and selling copper and other ores and metals, and for these purposes may acquire and hold by purchase, lease, or other legal title, such lands and mining rights in lands in the district aforesaid, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings and machinery and other improvements thereon, and sell and dispose of the same, and acquire others in their stead, as the company may deem to be for its advantage, and acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing copper and other ores and metals; Provided, however, that the acquisition of such royalty or percentage shall not entitle the company to carry on any mining operations beyond the limits of the said district; but such company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district.
- Real property.**
- Proviso.**
- Capital Stock.** 3. The capital stock of the company shall be the sum of two hundred and fifty thousand dollars, divided into such a number of shares not exceeding twenty-five dollars and not less than five dollars each, as the directors shall determine; and which said capital stock may be from time to time increased, as the wants of the company require, by vote of the stockholders at a meeting of the company called for the purpose, to an amount not exceeding one million dollars in the whole; Provided, always, that no such increase of stock shall be made until the whole amount of the original stock of the company shall have been *bonâ fide* paid in.
- Shares.**
- Increase.**
- Proviso.**
- Payment of instalments on shares, and forfeiture of shares for non-payment.** 4. The capital stock shall be paid by the subscribers therefor, when, where, and as the Directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the Directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the Directors may, by vote, reciting the fact and duly recorded in their records, summarily forfeit any share whereon such payment is not made, and

and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Assignment of shares; calls to be first paid.

6. At all meetings of the company every shareholder, not being in arrears in respect of any instalment called for, 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 is held by a shareholder not in arrear, and is in conformity with the by-laws.

Votes of shareholders.

Proviso.

7. The affairs of the company shall be administered by a Board of not less than five and not more than seven directors, being severally holders of at least one 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, present in person, 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; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose; Provided that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Qualification, election and quorum of Directors.

Provision in case of failure to elect.

8. The Board of Directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make, to adopt a common seal, to make from time to time any and all by-laws, (not contrary to law or to the votes of the company,) regulating the calling in of instalments on stock and payment thereof, the issue and registration of certificates of stock; the forfeiture of stock for non-payment, the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the company, within

Powers of Board of Directors.

To make By-laws for certain purposes.

within the Province or elsewhere, the calling of meetings of the company and of the board of directors, the quorum, the requirements as to proxies, the procedures 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; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company unless confirmed at some general meeting of the company; 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 in all courts of law as *prima facie* evidence of such by-law.

Proof of By-By-laws.

Provisional Board of Directors.

9. Until the first election of such board, the said Albert Knight, Wm. S. Hunter, Wm. S. Easton, S. D. Nickerson and Samuel L. French, shall be a Provisional Board of Directors for said company, with full power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province, or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Places of business.

10. In addition to their ordinary place of business within this Province, the company may establish and have any place or places of business in this Province, in Great Britain, or in the United States of America, and may, at any one thereof order, direct, do, and transact their affairs and business, or any thereof, in such manner as may be prescribed by their By-laws.

Company not bound to see to trusts on shares.

11. 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 discharge to the company for any dividend or money payable in respect of such share, 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.

Liability of shareholders.

12. 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 unpaid upon their shares in the stock thereof.

13. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the company, by the directors, officers, agents, or servants of the company, in accordance with their powers under the By-laws, or by vote of the company, shall be binding upon the company, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the company shall issue no Bank Note, or Note to circulate as money.

Contracts, &c., need not be under Seal.
Proviso.

14. The company shall not commence operations under this Act, until at least ten per centum on the amount of their capital stock shall have been paid in; Provided, always, that unless mining operations be commenced under this Act within five years from the passing thereof, and continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said Company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Commencement of operations.
Proviso: forfeiture for non-user.

15. This Act shall be deemed a Public Act.

Public Act.

C A P . C X X .

An Act to incorporate the Sherbrooke Mining and Smelting Company.

[Assented to 30th June, 1864.]

WHEREAS the persons hereinafter named have by petition represented, that they have in their possession certain real property in the township of Ascot, in the district of St. Francis, on which they have discovered a mine of Copper known as "The Sherbrooke Mine," and have to a considerable extent developed and improved the same; that they desire to engage in the business of exploring, mining, smelting, manufacturing and disposing of copper and other ores in the said township of Ascot and elsewhere in Lower Canada, and they can better do so with the aid of a charter of incorporation, and have prayed for 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. E. Clark, John Johnston, E. H. Clark, E. T. Brooks and John Hallowell, together with all such other persons as shall become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic, by the name of "The Sherbrooke Mining and Smelting Company."

Certain persons incorporated.
Name.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing, and selling copper and other ores

Business of Company.

Real property. ores and metals, and for these purposes may acquire and hold by purchase, lease, or other legal title, such lands and mining rights in lands in the district aforesaid, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings and machinery and other improvements thereon, and sell and dispose of the same, and acquire others in their stead, as the company may deem to be for its advantage, and acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing copper and other ores and metals; provided, however, that the acquisition of such royalty or percentage shall not entitle the company to carry on any mining operations beyond the limits of the said district; but such company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district.

Royalty.

Capital Stock.

Shares.

Increase.

Proviso.

3. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into shares of not less than five dollars each, and may be from time to time increased, as the wants of the company require, by vote of the stockholders at a meeting of the company called for the purpose, to an amount not exceeding one million dollars in the whole; provided, always, that no such increase of stock shall be made until the whole amount of the original stock of the company shall have been *bond fide* paid in.

Payment of instalments on shares, and forfeiture of shares for non-payment.

4. The capital stock shall be paid by the subscribers therefor when, where, and as the directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote reciting the fact and duly recorded in their records, 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 the by-laws or votes of the company may provide.

Assignment of shares; calls to be first paid.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Votes of shareholders.

6. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder not in arrears, and is in conformity with the by-laws. Proviso.

7. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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, present in person, 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; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose; provided that voting by proxy shall not be allowed at any meeting of the board of Directors.

Qualification,
election and
quorum of
Directors.

8. The board of directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company), regulating the calling in of instalments on stock, and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the company within the Province or elsewhere; the calling of meetings of the company and of the board of directors; the quorum, the requirements as to proxies, 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; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; 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 in all courts of law as *prima facie* evidence of such by-law.

Powers of
Board of Di-
rectors.

To make By-
laws for cer-
tain purposes.

Proof of By-
laws.

Provisional
Board of Di-
rectors.

Powers.

Notice of
meetings.

Places of
business.

Company not
bound to see
to trusts on
shares.

Liability of
shareholders.

Contracts,
&c. need not
be under Seal.

Actions by or
against Com-
pany.

Witnesses.

9. Until the first election of such board, the said E. Clark, John Johnston, E. H. Clark, E. T. Brooks and John Hallowell, shall be a provisional board of directors for said company, with full power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province or elsewhere as they shall determine, and to do other acts necessary or proper to be done to organize the company and conduct its affairs; provided always, that notice of all meetings of the company shall be given in some newspaper published in the district of St. Francis, and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

10. In addition to their ordinary place of business within this Province, the company may establish and have any place or places of business in this Province, in Great Britain, or in the United States of America, and may at any one thereof order, direct, do, and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

11. 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 discharge to the company for any dividend or money payable in respect of such share, 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.

12. 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 unpaid upon their shares in the stock thereof.

13. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the company by the directors, officers, agents, or servants of the company, in accordance with their powers under the by-laws or by vote of the company, shall be binding upon the company; and in no case need the seal of the company be affixed thereto; nor shall such directors, officers, agents, or servants thereby become individually liable to any third party therefor; but the company shall issue no bank note or note to circulate as money.

14. Any description of action may be prosecuted and maintained between the company and any shareholder thereof; and no stockholder not being himself personally a party to such action, shall be incompetent as a witness therein.

15. The company shall not commence operations under this Act until at least ten per centum on the amount of their capital stock shall have been paid in; provided, always, that unless mining operations be commenced under this Act, within five years from the passing thereof, and continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Commence-
ment of oper-
ations.
Proviso: for-
feiture for
non-user.

16. This Act shall be a Public Act.

Public Act.

C A P . C X X I .

An Act to incorporate the Halifax Mining Company.

[Assented to 30th June, 1864.]

WHEREAS A. P. Ball hath, by his petition, represented that he, with others associated with him, are desirous of engaging in the business of exploring for, mining, manufacturing, and disposing of copper and other ores, in the Township of Halifax, in the County of Megantic, in the District of Arthabaska, in the Province of Canada; and that they can do so to better advantage by the aid of a charter of incorporation, and hath prayed for the passing of an Act to that end; 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. A. P. Ball, Jacob Sleeper, J. C. Hoadley, Carlos Pierce, and Albert Knight, together with all other persons who 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 "Halifax Mining Company."

Certain per-
sons incor-
porated.

Name.

2. The company may carry on the business of exploring for, mining and smelting copper and other ores, and metals and minerals, in the said county of Megantic, and of manufacturing, dealing in, and disposing of such ores, metals and minerals, and may do all things necessary or convenient thereto not inconsistent with the rights of other parties.

Business of
the Company.

3. The company may, by any legal title, acquire and hold any lands or mining rights necessary or requisite for the carrying on of such business, not exceeding two thousand acres in superficies; and construct and maintain such buildings, machinery and other improvements thereon; and they may sell and dispose of the same and acquire others in their stead, as the company may deem for its advantage, and may acquire any royalty or percentage for the privilege of mining or smelting copper, or other ores or metals, within the said county.

May acquire
land and sell
it.

Royalty.

- Capital stock and shares. 4. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into one hundred thousand shares of five dollars each, and may be from time to time increased, as the wants of the company require, by vote of not less than two-thirds of the shareholders, at a meeting of the company called for the purpose, to an amount not exceeding one million dollars in the whole; such stock to be paid for and issued as herein provided for the original stock.
- Increasing capital. 5. The capital stock shall be paid by the subscribers therefor, when, where, and as the directors of the company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote reciting the facts, 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 the by-laws or votes of the company may provide.
- How the stock to be paid. If not paid promptly, interest to be charged. Forfeiture for non-payment. 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 matters, 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.
- How payment of subscribed stock may be enforced. Proof in actions for calls. 7. The stock of the company shall be deemed personal-estate, and be assignable in such manner only, and subject to such conditions and restrictions as are by the by-laws prescribed; but no share shall be assignable except to this company, until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.
- Stock personal property and how assignable. 8. 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 one hundred thousand dollars, and may make the bonds, debentures and other securities they shall grant for such sums, payable in sterling or currency, at such rate of interest, and at such:
- When half of the stock is paid up the Company may borrow \$100,000 on bonds.

such place or places in this Province, or elsewhere, as they shall deem advisable; and such bonds, debentures and 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.

May hypothecate their property.

9. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder, and is in conformity with the by-laws.

Meetings and manner of voting thereat.

Proviso.

10. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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 such directors, unless otherwise provided by the by-laws, may vote by proxy, and a majority of such board, present in person or by proxy, until otherwise provided by the by-laws, 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; but a failure to elect directors shall not dissolve the corporation, but all proper acts by the said directors shall be valid and binding as against the company until their successors shall be elected; and an election may be had at any general meeting of the company called for the purpose as prescribed by the by-laws.

Board of Directors, how elected, and qualification of a Director.

How a vacancy among Directors may be filled.

11. The board of directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any contract not contrary to law; to adopt a common seal and to alter the same at pleasure; from time to time to make any and all by-laws (not contrary to law) regulating the issue and registration of certificates of stock, the calling in of instalments on stock, and the payment thereof; the forfeiture of stock for non-payment; the disposal of forfeited stock and 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

Powers of the board.

To make By-laws for certain purposes.

by them to the company; their remuneration and that (if any) of the directors; the time and place for holding the annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the quorum; the requirements as to proxies; 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 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 in all courts of law as *prima facie* evidence of such by-law.

Copies of By-laws to be *prima facie* evidence thereof.

Who shall be first directors.
Their powers.

12. Until the first election of such board of directors, A. P. Ball, Jacob Sleeper, J. C. Hoadley, Carlos Pierce and Albert Knight, shall be a provisional board of directors, with power to open stock books, to purchase property, issue and assign shares of stock in payment therefor, which shares so issued shall be considered to be fully paid shares, to convene general meetings of the company at such time and place as they shall determine, and generally to do and perform all matters and things which any other board of directors is empowered to do, and any other acts necessary and proper to be done to organize the company and conduct its affairs.

Company may establish places of business in Great Britain and the United States.

13. In addition to their ordinary place of business within this Province, 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 one thereof, order, direct, do, and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws or by resolution of the board of directors.

Company not liable as Trustees.

14. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share or shares, and the receipt of the person in whose name the same shall stand in the books of the company, shall be a discharge to the company for any dividend or money payable in respect of such share or shares, 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.

Liability of shareholders defined.

15. 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 calls, if any, remaining unpaid on their shares in the stock thereof; Provided, however, that the stockholders of the Company shall be severally individually liable *pro rata* to the amount of stock

Proviso: as to debts to laborers

stock held by them respectively for all debts that may be due and owing to all or any of their laborers for services performed for such corporation.

16. All contracts, promissory notes, bills of exchange, and engagements, made on behalf of the company by the directors, officers, agents, or servants thereof, in accordance with their powers under the by-laws, or by vote of the company, shall be binding upon the company, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the company shall issue no bank note or note to circulate as money.

Company bound by the acts of their servants.

May not issue bank notes.

17. Any description of action may be prosecuted and maintained between the company and any person or corporation whatever, whether he or she be a shareholder or otherwise, and no shareholder, not being himself a party to such action, shall be incompetent as a witness therein.

Prosecution of actions; who may be competent witnesses.

18. The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid in.

Company may not commence operations before 10 per cent. of stock is paid in.

19. This Act shall take effect immediately, and shall be deemed and be a Public Act.

Public Act.

C A P. C X X I I.

An Act to incorporate the Lévis Mining Company of Canada E st.

[Assented to 30th June, 1864.]

WHEREAS the persons hereinafter named have by petition represented that they desire to engage in the business of exploring for, mining, manufacturing, and disposing of copper and other ores, in the Province of Canada East, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for the passing of an Act to that end; and whereas it is expedient that such prayer be granted: Therefore, Her Majesty, and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. J. Jobin, F. X. Thompson, L. Cloutier, P. Lefrançois, L. Frechette, J. G. Gagnon and O. Begin, together with all such other persons as shall become shareholders in the Company hereby constituted, shall be, and they are hereby made a body corporate and politic, by the name of "The Lévis Mining Company of Canada East."

Incorporation.

Corporate name.

- Business of the company.** **2.** The Company may carry on the business of exploring for, mining, smelting, manufacturing, and selling copper and other ores and metals, and for these purposes may acquire and hold by purchase, lease, or other legal title, such lands or mining rights in lands in Canada East, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings and machinery and other improvements thereon, and sell and dispose of the same, and acquire others in their stead, as the company may deem to be for its advantage, and may acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing copper or other ores and metals; Provided, however, that the acquisition of any such royalty or percentage shall not entitle the company to carry on any mining, smelting, or manufacturing operations beyond the limits of Canada East.
- Real property.**
- Proviso.**
- Capital stock.** **3.** The capital stock of the company shall be the sum of fifty thousand dollars, divided into shares of not less than fifty dollars each, and may be from time to time increased, as the wants of the company require, by vote of the stockholders at a meeting of the company called for the purpose, to an amount not exceeding two hundred thousand dollars in the whole; Provided always, that no such increase of stock shall be made until after the whole amount of the original stock of the company shall have been *bonâ fide* paid in.
- Shares.**
- Increase.**
- Proviso.**
- Calls on stock** **4.** The capital stock shall be paid by the subscribers therefor when, where, and as the directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote reciting the facts and duly recorded in their records, 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 the by-laws or votes of the company may provide.
- Forfeiture of stock for non-payment.**
- Stock to be personalty: how assignable.** **5.** The stock of the Company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.
- Votes.** **6.** At all meetings of the Company, every shareholder, not being in arrear in respect of any instalment called for, 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; **Proxies.**
 Provided always, the proxy is held by a shareholder, not in
 arrear, and is in conformity with the by-laws.

7. The affairs of the Company shall be administered by a **Directors.**
 Board of not less than five, and not more than seven Directors,
 being severally holders of at least four shares of stock, who **Qualification.**
 shall be elected at the first general meeting; and thereafter **Election.**
 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 **Quorum.**
 otherwise provided by the by-laws, shall be a quorum thereof;
 and in case of the death, resignation, removal or disqualification **Vacancies.**
 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; but a failure to elect Direc- **Provision in**
 tors, or any failure of Directors, shall not dissolve the Corpora- **case of failure**
 tion; and an election may be had at any general meeting of the **to elect.**
 Company called for the purpose; Provided, always, that voting **Proviso.**
 by proxy shall not be allowed at any meeting of the Board of
 Directors.

8. The board of directors shall have full power in all things **Powers of**
 to administer the affairs of the company, and make or cause to **directors.**
 be made any purchase and any description of contract which
 the company may by law make; to adopt a common seal; to **Making By-**
 make from time to time any and all by-laws (not contrary to **laws for cer-**
 law or to the votes of the company,) regulating the calling in **tain purposes.**
 of instalments on stock, and payment thereof; the issue and
 registration of certificates of stock; the forfeiture of stock for
 non-payment; the disposal of forfeited stock and 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 and place for holding the
 annual and other meetings of the company; the calling of
 meetings of the company, and of the board of directors; the
 quorum; the requirements as to proxies; 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 admit-
 ting of regulation by by-law, and the conduct in all other par-
 ticulars of the affairs of the company; but every such by-law, **By-laws must**
 and every repeal, amendment and re-enactment thereof, shall **be confirmed**
 have force only until the next annual meeting of the company, **by stockhold-**
 unless confirmed at some general meeting of the company; and **ers.**
 every copy of any by-law, under the seal of the company, and **Proof of By-**
 purporting to be signed by any officer of the company, shall be **laws.**
 received in all courts of law as *prima facie* evidence of such
 by-law.

Enforcing
payment of
calls by ac-
tion.

9. 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 an 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.

Proof.

Liability
limited.

10. No shareholder of the said company shall be held in any manner liable for the payment of any debt or claim due by the said company to any amount exceeding that of the share or shares which he may hold in the capital stock of the said corporation.

Property of
Association
vested in
Company.

11. All and every the property and effects, real and personal, belonging to the association at the time of the passing of this Act, or which they may hereafter acquire, and all debts due to the said association, and all claims which they may hold at the said period, shall be and they are hereby transferred to and vested in the company; and the said company shall, in like manner, be liable for all the debts due by the said association, and for all claims existing against it; and the administrators of the said association at the time of the passing of this Act shall be the directors of the said corporation, to all intents and purposes, as though they had been elected in virtue of this Act, until their successors shall have been elected in the manner hereinbefore provided.

Present Direc-
tors continued
in office.

Provisional
Directors.

Their powers.

12. Until the first election of such board, the said J. Jobin, F. X. Thompson, L. Cloutier, P. Lefrançois, L. Frechette, J. G. Gagnon and O. Begin, shall be a provisional board of directors of the company, with power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province as they shall determine, and to do other acts necessary or proper to be done to organize the company and conduct its affairs; provided, always, that notice of all meetings of the company shall be given in two newspapers published, one in the French language and the other in the English language, in Canada East aforesaid, and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Proviso: no-
tice of meet-
ings.

13. In addition to their ordinary place of business within this Province, the company may establish and have any place or places of business in this Province, in Great Britain, or in the United States of America, and may at any one thereof order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

Places of business in the Province or elsewhere.

14. 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 discharge to the company for any dividend or money payable in respect of such shares, 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 on stock.

15. 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 unpaid upon their shares in the stock thereof.

Liability of shareholders limited.

16. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the company by the directors, officers, agents, or servants of the company, in accordance with their powers under the by-laws or by vote of the company, shall be binding upon the company, and in no case need the seal of the said company be affixed thereto, nor shall such directors, officers, agents, or servants thereby become individually liable to any third party therefor; but the said company shall issue no bank note or note to circulate as money.

How company may become parties to contracts, notes, &c.

Proviso.

17. The Company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in; provided always, that unless mining operations be commenced and continued *bond fide*, under this Act within five years from the passing thereof, this Act of Incorporation shall be null and void, saving only to the said Company the power and right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

When to commence business.

Proviso: forfeiture of Act for non-user.

18. This Act shall be deemed a Public Act.

Public Act.

C A P . C X X I I I .

An Act to incorporate the Massawippi Mining Company.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS G. B. Rolleston hath, by his petition, represented that he, with others, associated with him, are desirous of engaging in the business of exploring for, mining, manufacturing, and disposing of copper and other ores, in the County of Stanstead, in the District of St. Francis, and in the Province of Canada; and that they can do so to better advantage by the aid of a charter of incorporation, and has prayed for the passing of an Act to that end; 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 :

Certain persons incorporated.

1. G. B. Rolleston, Alexander Macdonald, A. Knight, Thomas White, Alexander Macdonald, Isaac B. Kimball, John C. Macdonald, H. B. Wilson, Horatio Wadleigh, Moses Field and A. P. Ball, together with all other persons who 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 "Massawippi Mining Company."

Name.

Business of the Company

2. The company may carry on the business of exploring for, mining, and smelting copper and other ores, and metals, and minerals, in the said District of St. Francis, and of manufacturing, dealing in, and disposing of such ores, metals and minerals, and may do all things necessary or convenient thereto not inconsistent with the rights of other parties.

May acquire land and sell it.

3. The company may, by any legal title, acquire and hold any lands or mining rights necessary or requisite for the carrying on of such business, not exceeding two thousand acres in superficies, and construct and maintain such buildings and machinery, and other improvements thereon, and they may sell and dispose of the same and acquire others in their stead, as the company may deem for its advantage, and may acquire any royalty or percentage for the privilege of mining, or smelting copper, or other ores or metals, within the said county.

Royalty.

Capital stock and shares.

Increasing capital.

4. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into one hundred thousand shares of five dollars each, and may be from time to time increased, as the wants of the company require, by vote of not less than two-thirds of the shareholders, at a meeting of the company called for the purpose, to an amount not exceeding one million dollars in the whole; such stock to be paid for and issued as herein provided for the original stock.

5. The capital stock shall be paid by the subscribers therefor, when, where, and as the Directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the Directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the Directors may, by vote, reciting the facts, 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 the by-laws or votes of the company may provide.

How the stock to be paid.

If not paid promptly, interest to be charged.

Forfeiture for non-payment.

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.

How payment of subscribed stock may be enforced.

Proof in actions for calls.

7. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as the by-laws prescribe, but no share shall be assignable, except to this company, until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Stock personal property and how assignable.

8. 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 one hundred thousand dollars, and may make the bonds, debentures and other securities they shall grant for such sums payable in sterling or 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,

When half of the stock is paid up the Company may borrow \$100,000 on bonds.

Hypothec may be granted.

notaries, shall create the hypothec thereby purporting to be declared.

Meetings and manner of voting thereat.

9. At all meetings of the Company every shareholder, not being in arrears in respect of any instalment called for, 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 is held by a shareholder, and is in conformity with the by-laws.

Proviso.

Board of Directors, how elected, and qualification of a Director.

10. The affairs of the company shall be administered by a Board of not less than five and not more than seven directors, being severally holders of at least one 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 such directors, unless otherwise provided by the by-laws, may vote by proxy, and a majority of such board, present in person, or by proxy, until otherwise provided by the by-laws, 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; but a failure to elect directors, shall not dissolve the corporation, but all proper acts of the said directors shall be valid and binding as against the company until their successors shall be elected; and an election may be had at any general meeting of the company called for the purpose as prescribed by the by-laws.

How a vacancy may be filled.

Powers of the board.

11. The Board of Directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any contract not contrary to law; to adopt a common seal and to alter the same at pleasure; from time to time to make any and all by-laws (not contrary to law), regulating the issue and registration of certificates of stock; the calling in of instalments on stock and the payment thereof; the forfeiture of stock for non-payment; the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the company; the calling of meetings of the company and of the Board of Directors; the quorum; the requirements as to proxies; 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;

To make By-laws for certain purposes.

company; 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 in all courts of law as *prima facie* evidence of such by-law.

Copies of by-laws to be *prima facie* evidence thereof.

12. Until the first election of such Board of Directors, G. B. Rolleston, Alexander Macdonald, A. Knight, Thomas White and A. P. Ball, shall be a provisional Board of Directors, with power to open stock books, to purchase property, issue and assign shares of stock in payment therefor, which shares so issued shall be considered and be fully paid shares, to convene general meetings of the company, at such time and place as they shall determine, and generally to do and perform all matters and things which any other board of directors is empowered to do and any other acts necessary or proper to be done to organize the company and conduct its affairs.

Who shall be first Directors.

Their powers.

13. In addition to their ordinary place of business within this Province, 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 one thereof, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws or by resolution of the board of directors.

Company may establish places of business in Great Britain and the United States.

14. The company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, in respect of any share or shares; and the receipt of the person in whose name the same shall stand in the books of the company, shall be a discharge to the company for any dividend or money payable in respect of such share or shares, 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 liable as Trustees.

15. 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 calls, if any, remaining unpaid on their shares in the Stock thereof; Provided however, that the stockholders of the Company shall be severally individually liable *pro rata* to the amount of stock held by them respectively for all debts that may be due and owing to all or any of their laborers for services performed for such corporation.

Liability of shareholders defined.

Proviso: as to debts for labor.

16. All contracts, promissory notes, bills of exchange and engagements made on behalf of the company, by the directors, officers, agents or servants thereof in accordance with their powers under the by-laws, or by vote of the company, shall be binding upon the company; and in no case need the seal

Company bound by the acts of their servants.

of the company be affixed thereto, nor shall such directors, officers, agents or servants, thereby become individually liable to any third party therefor; but the company shall issue no bank note or note to circulate as money.

May not issue bank notes.

Prosecution of actions; who may be competent witnesses.

17. Any description of action may be prosecuted and maintained between the company and any person or corporation whatever, whether he or she be a shareholder or otherwise, and no shareholder, not being himself a party to such action, shall be incompetent as a witness therein.

Company may not commence operations before 10 per cent. of stock is paid in.
Public Act.

18. The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid in.

19. This Act shall take effect immediately, and shall be deemed and be a Public Act.

C A P. C X X I V.

An Act to incorporate the Yamaska Mining Company.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS Augustin Shurtleff hath, by his petition, represented that he, with others associated with him, are desirous of engaging in the business of exploring for, mining, manufacturing, and disposing of copper and other ores, in the County of Brome, in the District of Bedford, and in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and hath prayed for the passing of an Act to that end; 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:

Certain persons incorporated.

1. Augustin Shurtleff, Ozro Morrill, A. P. Ball, Charles Pierce, and C. C. Colby, together with all other persons who 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 "Yamaska Mining Company."

Name.

Business of the Company.

2. The company may carry on the business of exploring for, mining and smelting copper and other ores, and metals, and minerals, in the said County of Brome, and of manufacturing, dealing in, and disposing of such ores, metals and minerals, and may do all things necessary or convenient thereto not inconsistent with the rights of other parties.

May acquire land and sell it.

3. The Company may, by any legal title, acquire and hold any lands or mining rights necessary or requisite for the carrying on of such business, not exceeding two thousand acres in superficies,

superficies; and construct and maintain such buildings, machinery and other improvements thereon, and they may sell and dispose of the same and acquire others in their stead, as the Company may deem for its advantage, and may acquire any royalty or percentage for the privilege of mining or smelting copper, or other ores or metals, within the said county. Royalty.

4. The capital stock of the Company shall be the sum of four hundred thousand dollars, divided into one hundred thousand shares of five dollars each, and may be from time to time increased, as the wants of the Company require, by vote of not less than two-thirds of the shareholders at a meeting of the Company called for the purpose, to an amount not exceeding one million dollars in the whole; such stock to be paid for and issued as herein provided for the original stock. Capital stock and shares.
Increasing capital.

5. The capital stock shall be paid by the subscribers therefor, when, where and as the Directors of the Company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the Directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the Directors may, by vote, reciting the facts, 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 the by-laws or votes of the Company may provide. How the stock to be paid.
If not paid promptly, interest to be charged.
Forfeiture for non payment.

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 matters, 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. How payment of subscribed stock may be enforced.
Proof in actions for calls.

7. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as are by the by-laws prescribed; but no share shall be assignable, except to the company, until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment. Stock personal property and how assignable.

When half of the stock is paid up the Company may borrow \$100,000 on bonds.

8. 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 one hundred thousand dollars, and may make the bonds, debentures and other securities they shall grant for such sums payable in sterling or 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 and 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.

Make grant Hypothec.

Meetings and manner of voting threat.

9. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder, and is in conformity with the by-laws.

Proviso.

Board of directors, how elected, and qualification of a Director.

10. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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 such directors unless otherwise provided by the by-laws, may vote by proxy, and a majority of such board, present in person or by proxy, until otherwise provided by the by-laws, 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; but a failure to elect directors shall not dissolve the corporation, but all proper acts by the said directors shall be valid and binding as against the company until their successors shall be elected; and an election may be had at any general meeting of the company, called for the purpose, as prescribed by the by-laws.

How a vacancy may be filled.

Powers of the board.

11. The Board of Directors shall have full power in all things to administer the affairs of the Company, and to make or cause to be made any purchase and any contract not contrary to law; to adopt a common seal, and to alter the same at pleasure; from time to time to make any and all by-laws, (not contrary to law) regulating the issue and registration of certificates of stock;

To make By-laws for certain purposes.

stock; the calling in of instalments on stock, and the payment thereof; the forfeiture of stock for non-payment; the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the Company; the calling of meetings of the Company and of the Board of Directors, the quorum, the requirements as to proxies, 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 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 in all courts of law as *prima facie* evidence of such by-law.

Copies of by-laws to be *prima facie* evidence thereof.

12. Until the first election of such Board of Directors, Augustin Shurtleff, Ozro Morrill, A. P. Ball, Charles Pierce and C. C. Colby, shall be a Provisional Board of Directors, with power to open stock books, to purchase property, issue and assign shares of stock in payment therefor, which shares so issued shall be considered to be fully paid shares, to convene general meetings of the company at such time and place as they shall determine, and generally to do and perform all matters and things which any other board of directors is empowered to do, and any other acts necessary and proper to be done to organize the company and conduct its affairs.

Who shall be first directors.

Their powers.

13. In addition to their ordinary place of business within this Province, 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 one thereof, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws or by resolution of the board of directors.

Company may establish places of business in Great Britain and the United States.

14. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share or shares; and the receipt of the person in whose name the same shall stand in the books of the Company, shall be a discharge to the Company for any dividend or money payable in respect of such share or shares, 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 liable as Trustees.

15. The shareholders of the Company shall not, as such, be held responsible for any act, default or liability whatsoever

Liability of shareholders defined.

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 calls, if any, remaining unpaid on their shares in the stock thereof; Provided, however, that the stockholders of the Company shall be severally individually liable, *pro rata*, to the amount of stock held by them respectively, for all debts that may be due and owing to all or any of their laborers for services performed for such corporation.

Proviso.

Company bound by the acts of their servants.

16. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the Company, by the directors, officers, agents or servants of the Company, in accordance with their powers under the by-laws, or by vote of the Company, shall be binding upon the Company; and in no case need the seal of the Company be affixed thereto; nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the Company shall issue no bank note or note to circulate as money.

May not issue bank notes.

Prosecution of actions; who may be competent witnesses.

17. Any description of action may be prosecuted and maintained between the Company and any person or corporation whatever, whether he or she be a shareholder or otherwise, and no shareholder not being himself a party to such action, shall be incompetent as a witness therein.

Company may not commence operations before 10 per cent. of stock is paid in
Public Act.

18. The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid.

19. This Act shall take effect immediately, and shall be deemed and be a Public Act.

C A P . C X X V .

An Act to incorporate the Reid Hill Mining Company.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS W. J. Roach, John C. Hoadley, James Foley, J. W. Wolcott, W. Heywood, and C. S. Randall have, by their petition, represented that they, with others associated with them, are desirous of prosecuting researches for mineral ores and locations favorable for mining in the county of Stanstead and elsewhere in Lower Canada, and of carrying on the business of mining on an extensive scale, and that they cannot do so to advantage without the aid of an Act of incorporation, and have prayed for the passing of an Act to that end, 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:

Incorporation.

1. W. J. Roach, John C. Hoadley, James Foley, J. W. Wolcott, W. Heywood, and C. S. Randall, together with all other

other persons who shall become shareholders in the company hereby constituted, shall be and they are hereby constituted a body politic and corporate, by the name of the "Reid Hill Mining Company."

Corporate name.

2. The Company may engage in and follow the business of carrying on explorations for, and of mining for, finding and getting copper, lead and other ores, metals and minerals, within the county of Stanstead, in Lower Canada, and of smelting, 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.

Business of the Company.

3. The company may, by any legal title, acquire and hold any lands or mining rights necessary or requisite for the carrying on of such business, not exceeding two thousand acres in superficies and construct and maintain such buildings, machinery and other improvements thereon, and may sell and dispose of the same and acquire others in their stead as the company may deem for its advantage, and may acquire any royalty or percentage payable for the privilege of mining within the limits aforesaid.

Real estate limited.

Royalty.

4. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into one hundred thousand shares of five dollars each, and may be increased as hereinafter is provided.

Capital stock and shares. Increase.

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.

Calls on shares.

Interest if not promptly paid.

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 matters, but it shall be sufficient to declare that the defendant is a holder of at least 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,

Payment of calls, how enforced.

Proof in such cases.

thereon, shall be received in all courts of law as *prima facie* evidence to that effect.

Forfeiture for non-payment.

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.

Stock to be personal estate.

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.

Transfers.

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.

Loans may be raised by the Company.

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 one hundred thousand dollars, and may make the bonds, debentures and other securities they shall grant for such sums payable in sterling or currency, at such rate of interest, and in 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 mortgage their real estate or any part thereof, and in such case the enregistration, at the proper registry office, of such bond, debenture or other security, shall create the mortgage hereby purporting to be made.

Mortgages for securing loans.

Increase of capital provided for.

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 the 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 places, 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 places, 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.

12. At all meetings of the company, every shareholder not being in arrear in respect to 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.

Scale of votes.

Proxies.

13. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least fifty 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, present in person or by proxy, until otherwise provided by some by-law, shall be a quorum thereof; and such directors may vote by proxy; 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.

Election of Directors.

Qualification.

Quorum.

Vacancies.

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.

Case of failure to elect provided for.

15. Until the first election of such board, W. J. Roach, John C. Hoadley, James Foley, J. W. Wolcott, W. Heywood and C. S. Randall, shall be the provisional board of directors of the company; with power to fill vacancies occurring therein, to open stock-books, to assign stock, to make calls thereon, collect instalments, 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; Provided, that notice of all meetings of the company shall be given in some newspaper printed in the county of Stanstead, and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Provisional Directors.

Their powers.

Proviso: notice of meetings.

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 purchases and 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 of calls on stock, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for

Powers of Board of Directors; may make by-laws for certain purposes.

for non-payment, the disposal of forfeited stock and 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 the 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 the secretary or president of the company, shall be received as *prima facie* evidence of such by-law, in all courts of law.

By-laws to be confirmed by shareholders.

Proof of By-laws

Agencies in Great Britain and United States.

17. In addition to their ordinary place of business within this Province, 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 their 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 order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by the by-laws.

Company not bound to see to trusts on 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 moneys 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.

Liability of shareholders limited.

19. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever by 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 the calls,

- if

if any, remaining unpaid on their shares in the stock thereof.

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 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.

Contracts, &c., Bills, Notes, &c., how to be made.

Proviso: as to Bank notes.

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.

Actions by or against shareholders.

22. The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid in; provided always, that unless mining operations be commenced under this Act within five years from the passing thereof and be continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the company the power and right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

When to commence operations. Forfeiture for non-user.

23. This Act shall be deemed a Public Act.

Public Act.

CAP. CXXVI.

An Act further to amend the Charter of the South-Eastern Mining Company of Canada.

[Assented to 30th June, 1864.]

WHEREAS the South-Eastern Mining Company of Canada, by the Board of Directors thereof, have prayed for further amendment of their charter in the particulars hereinafter set forth; 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 South-Eastern Mining Company of Canada shall have power, at a general meeting of the company to be called specially

The shares may be specially

if any, remaining unpaid on their shares in the stock thereof.

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 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.

Contracts, &c., Bills, Notes, &c., how to be made.

Proviso: as to Bank notes.

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.

Actions by or against shareholders.

22. The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid in; provided always, that unless mining operations be commenced under this Act within five years from the passing thereof and be continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the company the power and right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

When to commence operations.

Forfeiture for non-user.

23. This Act shall be deemed a Public Act.

Public Act.

CAP. CXXVI.

An Act further to amend the Charter of the South-Eastern Mining Company of Canada.

[Assented to 30th June, 1864.]

WHEREAS the South-Eastern Mining Company of Canada, by the Board of Directors thereof, have prayed for further amendment of their charter in the particulars hereinafter set forth; 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 South-Eastern Mining Company of Canada shall have power, at a general meeting of the company to be called specially

The shares may be cons-

specially

solidated into
shares of \$50
each.

especially for the purpose, and by a vote representing not less than two-thirds in number of the stockholders, and two-thirds of the amount of stock issued, to resolve and determine that every ten shares of the nominal value of five dollars each of the capital stock of the company already issued, shall be consolidated, and shall hereafter reckon and stand as one share only of the capital stock, of the nominal value of fifty dollars, and that any portion of the capital stock not yet issued shall be divided into and issued in shares of the value of fifty dollars each, instead of five dollars each, as provided in the Acts hereby amended.

Conditions of
consolidation.

2. The consolidation of the shares shall be effected upon such conditions and in such time, place and manner, as the majority of the stockholders of the company at such meeting may ordain; and in the event of no provisions to that effect being made at such meeting, then upon such conditions and in such time, place and manner as the directors for the time being may, by by-law, determine.

Public Act
and how to be
construed.

23 V. cap.
126, 24 V. c.
105, cited.

3. This Act shall be a Public Act, and shall be construed and applied to all intents as though forming part of the Act passed in the twenty-third year of Her Majesty's reign, intituled: *An Act to incorporate the South-Eastern Mining Company of Canada*, amended in the twenty-fourth year of Her Majesty's reign, and of an Act, intituled: *An Act to amend the Charter of the South-Eastern Mining Company of Canada*, passed in twenty-fourth year of Her Majesty's reign, and hereby amended; and the expression, "The Charter of the South-Eastern Mining Company of Canada," shall constitute a sufficient citation, as well of this Act as of the said Acts hereby amended.

Citation of
said acts and
this Act.

CAP. CXXVII.

An Act to incorporate the Marrington Canada Mining Company, (Limited.)

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the persons hereinafter named have, by petition, represented that they 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 that part of the Province of Canada heretofore 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 the said Province, but cannot do so to advantage unless by the aid of an Act 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

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

1. The Right Honorable Lord Aylmer, Edward Wright, William Foot, John Francis Waller, Gilbert Sanders, Edward Fottrell, Robert Gray, Alexander Boyle, Charles Edward Bagot, William Journeaux, Thomas Meredith Archer, Esquires, together with all such other persons 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 Marrington Canada Mining Company, (Limited,)* and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name may sue and be sued, plead and be impleaded in all courts whether of Law or Equity whatsoever.

Incorporation.

Corporate name.

2. The Company may engage in and follow the business of carrying on explorations for, and of mining for, finding and getting copper, lead and other ores, metals and minerals, within the said Province, and of smelting, 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.

Business of the Company.

3. The Company may acquire and hold, by purchase, lease, or other legal title, such lands and mining rights in lands in the said Province, and construct and maintain such buildings and machinery and other improvements thereon, and may demise, lease, exchange, or sell and dispose of the same, and acquire others in their stead, as the Company may deem to be for its advantage ; and may acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing copper or other ores and metals.

Real estate.

Royalty.

4. The Capital Stock of the Company shall be the sum of seventy-five thousand pounds sterling, divided into fifteen thousand shares of five pounds sterling each, and may be increased as hereinafter provided.

Capital stock.

Shares.

Increase.

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 five pounds sterling per centum per annum, upon the amount of every unpaid call, from the day appointed for payment of such call.

Calls.

Interest on calls overdue.

6. The Company may enforce payment of such calls and interest by action or suit in any competent court ; and in such action

Enforcement of calls ; what

action

only need be alleged in action.

action or suit 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 an 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 and equity as *prima facie* evidence to that effect.

Evidence.

Forfeiture for non-payment of calls.

7. If any call made upon any share or shares be not paid within such time as by the resolution declaring such call may be limited in that behalf, such share or shares may be summarily forfeited in such manner as the by-laws shall prescribe; 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.

Stock to be personal estate.

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.

Transfers; calls must be first paid.

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.

Increase of capital.

10. If the said amount of Stock be found insufficient, the Company, by a vote of the shareholders, 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 hundred and fifty thousand pounds sterling; and in such case, the new Stock shall be paid in upon such conditions, at such times and places, 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 places, 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; Provided always, that no such increase of stock shall be made until not less than one-half of the original stock of the said Company shall have been *bona fide* paid in.

Proviso.

Scale of votes.

11. At all meetings of the company every shareholder, not being in arrear in respect of any call shall be entitled to one vote for every share up to ten, and one additional vote for every five shares beyond the first ten up to one hundred shares; and

an additional vote for every ten shares after the first hundred ; 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 is held by a shareholder not in arrear, and is in conformity with such requirements as the by-laws of the Company may prescribe, and not otherwise ; any shareholder being a lunatic or idiot, may vote by his committee or curator.

Proxies.

12. The affairs of the Company shall be administered by a board of eleven directors, being severally holders of at least twenty shares of stock, and the Right Honorable Lord Aylmer, Edward Wright, William Foot, Robert Gray, Alexander Boyle, Edward Fottrell, William Journeaux, Charles Edward Bagot, and Gilbert Sanders, shall be the first directors, who shall hold office until the annual general meeting which shall take place on the second Wednesday in September next, when one-third of the number shall retire, and in every subsequent year one-third, or the nearest number to one-third, shall retire ; the one-third or nearest number to retire during the first and second years ensuing the first ordinary meeting of the Company, shall, unless the directors agree among themselves, be determined by ballot ; in any subsequent year the one-third or other nearest number who have been longest in office shall retire ; provided, always, that a retiring director shall be eligible for re-election.

First Directors named.

Term of office.

Retirement of Directors.

Re-eligible.

13. Three members of such board present in person shall be a quorum thereof ; the Company, at any general meeting at which any directors retire in manner aforesaid, shall fill up the vacated offices by electing a like number of persons ; if, at any meeting at which an election of directors ought to take place, the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place, or at such other place as shall be by the said meeting appointed ; and if, at such adjourned meeting, the places of the vacating directors are not filled up, the vacating directors, or such of them as have not had their places filled up, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

Quorum.

Filling vacancies among Directors.

Adjourned meeting.

14. The Company may, from time to time, in general meeting, increase or reduce the number of Directors, and may also determine in what rotation such increased or reduced number is to go out of office ; any casual vacancy occurring in the board of directors may be filled up by the directors ; but any person so chosen shall retain his place so long only as the vacating director would have retained the same if no vacancy had occurred ; the Company may, in general meeting, by special resolution, remove any director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead ; the person so appointed shall hold

Increase of number of Directors.

Casual vacancy.

Removal of Directors.

office

office only during such time as the director in whose place he is appointed would have held the same if he had not been removed.

Powers of Board of Directors.

To make by-laws for certain purposes.

15. 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 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 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 and equity.

By-laws must be confirmed at general meeting.

Proof of by-laws.

Places of business and agencies.

16. The principal office of the Company shall be, in the first instance, in Dublin, in the United Kingdom of Great Britain and Ireland ; but the Company may remove their principal office to, and in addition may have and establish any place or places of business in Great Britain or Ireland, or in the Province of Canada or the United States of America, and may at all or any one or more 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, respectively, and may, at any or all of such place or places of business, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by the by-laws.

17. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the person in whose name or names 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 money paid upon such receipt.

Company not bound to see to trusts on stock.

18. The shareholders of the Company shall not, as such, be held responsible for any act, default, or liability whatsoever of the Company or the directors thereof, or for any engagement, claim, payment, loss, injury, transaction, matter or thing, whatsoever, relating to or connected with the Company, beyond the amount of the shares in the Stock thereof.

Limited liability of shareholders.

19. Every contract, agreement 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 accordance with the instructions of the board, shall be binding upon the Company, except as aforesaid; 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.

How Company may become parties to contracts, notes, &c.

Proviso.

20. The Company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in; Provided always, that unless mining operations be commenced under this Act within five years from the passing thereof, this Act of incorporation shall be null and void saving only to the said Company the power and right to part with any chattel, property or real estate which they may hold or have acquired, and to make such conveyances as may be necessary for that purpose.

When Company may commence operations.

Proviso: forfeiture of Act by non-user.

21. This Act shall be deemed a Public Act.

Public Act.

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

An Act to incorporate the Escott Mining Company of Canada.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS Frederick T. Bush, J. W. Wolcott, Thomas Cross, James Foley, and John C. Davie, have, by their petition, represented that they, with others associated with them, are desirous of prosecuting researches for mineral ores and locations favorable for mining in the county of Leeds and elsewhere in Upper Canada, and carrying on the business of mining on an extensive scale, and that they cannot do so to advantage without the aid of an Act of incorporation, and have prayed for the passing of an Act to that end, 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:

Incorporation.

1. Frederick T. Bush, J. W. Wolcott, Thomas Cross, James Foley, and John C. Davie, together with all other persons who shall become shareholders in the company hereby constituted, shall be and they are hereby constituted a body politic and corporate by the name of the "Escott Mining Company of Canada."

Corporate name.

Business of the Company.

2. The company may engage in, and follow the business of carrying on explorations for, and of mining for, finding and getting copper, lead and other ores, metals and minerals within the county of Leeds, in Upper Canada, and of smelting, 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 estate limited.

3. The company may, by any legal title, acquire and hold any lands or mining rights necessary or requisite for the carrying on of such business, not exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery and other improvements thereon, and they may sell and dispose of the same and acquire others in their stead as the company may deem for its advantage, and may acquire any royalty or percentage payable for the privilege of mining within the limits aforesaid.

Royalty.

Capital stock and shares.

4. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into twenty-five thousand shares of twenty dollars each, and may be increased as hereinafter is provided.

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.

Calls on shares.

Interest thereon if not paid.

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 matters; but it shall be sufficient to declare that the defendant is a holder of at least 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.

Payment of calls, how enforced.

Proof in such cases.

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 personal estate.

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.

Transfers.

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 one hundred thousand dollars, and may make the bonds, debentures or other securities they shall grant for such sums, payable in sterling or currency, at such rate of interest, and in such place or places in this Province or elsewhere as they shall deem advisable; and such bonds, debentures or other securities may

Loans may be raised by the Company.

Mortgages for be

securing
loans.

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 mortgage their real estate or any part thereof, and in such case the enregistration at the proper registry office, of such bond, debenture or other security, shall create the mortgage thereby purporting to be made.

Increase of
capital pro-
vided for.

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 the 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 places, and in such manner as the company at such meetings shall have ordained, or (in default of express decision to that end, then) upon such conditions, at such times and places, 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.

Scale of votes.

12. At all meetings of the company every shareholder not being in arrear in respect to 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.

Qualification.

Quorum.

Proxies.

Vacancies.

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 fifty 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, present in person or by proxy, until otherwise provided by some by-law, shall be a quorum thereof, and such directors may vote by proxy; 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.

Case of failure
to elect pro-
vided for.

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.

15. Until the first election of such Board, Frederick T. Bush, Thomas Parsons, W. Tracy Eustis, S. T. Snow, James Foley, James M. Keith and S. Cushing, junior, shall be the provisional Board of Directors of the company, with power to fill vacancies occurring therein, to open stock books, to assign stock, to make calls thereon, collect instalments, 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; provided that notice of all meetings of the company shall be given in some newspaper printed in the county of Leeds, and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Provisional
Directors.

Their powers.

Proviso: no-
notice of meet-
ings.

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 purchases and 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 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 particulars of the affairs of the company, and may, from time to time, repeal or 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 the purpose, shall only have power until the next annual meeting of the company, and shall require to be confirmed thereat, and every copy of any by-law under seal of the company and purporting to be signed by the secretary or president of the company, shall be received as *prima facie* evidence of such by-law in all courts of law.

Powers of
Board of Di-
rectors; may
make by-laws
for certain
purposes.By-laws to be
confirmed by
shareholders.Proof of By-
laws.

17. In addition to their ordinary place of business within this Province, the company may establish and have any place or places of business in Great Britain or in the United States of

Agencies in
Great Britain
and 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 order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by the by-laws.

Company not bound to see to trusts on 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 moneys 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.

Liability of shareholders limited.

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 the calls, if any, remaining unpaid on their shares in the stock thereof.

Contracts, &c., Bills, Notes, &c., how to be made.

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 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.

Proviso: as to Bank notes.

Actions by or against shareholders.

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 to commence operations.

22. The company shall not commence their operations under this Act until at least ten per centum on the amount of their capital stock has been paid in; provided always, that unless

unless mining operations be commenced under this Act, within five years from the passing thereof, and continued, *bonâ fide*, this Act of incorporation shall be null and void, saving only to the company the power and right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Forfeiture for non user.

23. This Act shall be deemed a Public Act.

Public Act.

C A P . C X X I X .

An Act to incorporate the Canada Exploring and Mining Company.

[Assented to 30th June, 1864.]

WHEREAS the persons hereinafter mentioned have by petition represented that they desire to engage in the business of exploring for, mining, manufacturing and disposing of copper and other ores in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and have 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. A. McLean Howard, Jeremiah Carty, Edward Blake, C. Gamble, Edward M. Miles, D. B. Read, John Boxall, Thomas Hodgins, Robert Hay, James Worthington, T. H. Ince, Adam Crooks, Nicol Kingsmill, James Ross, W. H. Smith, Walter S. Lee, W. Hewitt, Henry Graham, John Hector, W. S. Finch, Stewart Wells, C. P. Reid, Benjamin Walton, W. A. Stollery, William T. Aikins, John W. Cox, Wm. H. Dunsbaugh, together with all such other persons 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 Canada Exploring and Mining Company."

Incorporation.

Corporate name.

2. The said company may carry on the business of exploring for and mining, smelting, manufacturing and selling copper, lead and other ores, metals and minerals, within the limits of the Province of Canada, 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 land in or upon which such things are to be done.

Business of the Company.

3. The company may, by any legal title, acquire and hold any land or mining right on lands in the Province of Canada, necessary or requisite for the carrying on of such business as aforesaid; provided the total price or purchase money thereof, so held at any one time, do not exceed one hundred thousand dollars; and they may sell, lease, or otherwise dispose of the same,

Real property.

Amount limited.

- Extent. same, and acquire others in their stead, as they shall see fit, not at any time exceeding ten thousand acres.
- Capital stock. 4. The capital stock of the company shall be the sum of twenty thousand dollars, divided into four thousand shares of five dollars each, to be paid for as the directors may decide, and may be increased as hereinafter is provided.
- Shares. Increase. 5. 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 how assignable. 6. 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 the admission of new shareholders, or otherwise, to a total amount of not more than one hundred thousand dollars, and in such case, the new stock shall be paid in upon such conditions, at such time 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 time 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 amount, with power always to sell, lease, or otherwise dispose thereof, as they shall see fit; Provided always, that no such increase of stock shall be made until after the whole amount of the original stock of the company shall have been *bonâ fide* paid in.
- How stock may be increased. 7. At all meetings of the company, every shareholder shall be entitled to as many votes as he holds shares in the stock of the company; all votes may be given in person, or by proxy.
- Proviso. 8. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, who shall be stockholders in the company, 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 three members of such board shall, until otherwise provided by the by-laws, be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, the board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, but such election may take place at any general meeting of the company duly called for that purpose.
- Director. Votes. Proxies. Directors. Election. Quorum. Vacancies. Failure not to dissolve corporation.

9. Until the first election of such board, James Ross, James Worthington, Jeremiah Carty, W. H. Smith, and Henry Graham (who may select two more directors from amongst the qualified stockholders) shall be the provisional board of directors of the company, with power to fill vacancies occurring therein, to open stock books, 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; provided always that notice of all meetings of the company shall be given in some newspaper (if any) published in the county in which the company conducts its business, and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Provisional
Directors.

Powers.

Notice of
meetings.

10. The Board of Directors of the Company shall have full power in all things to administer the affairs of the company, and 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, as to calls and the payment thereof, the issue and registration of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and 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, their remuneration, 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; Provided always that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Powers of
Directors.By-laws for
certain pur-
poses.By-laws to be
confirmed.Proof of by-
laws.

Proviso.

11. In addition to their ordinary place of business in this Province, the company may establish and have any place or places of business in Great Britain, or in the United States of America,

Places of bu-
siness.

America, and may, at any one thereof, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

Company not bound to see to trusts on stock.

12. 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 binding and valid 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.

Liability of shareholders limited.

13. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatever of the company, or for any engagement, claim, 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.

Contracts, &c.

14. All contracts, promissory notes, bills of exchange and engagements made on behalf of the company by the directors, officers, agents, or servants of the company, in accordance with their powers under the by-laws, or by vote of the company, shall be binding upon the company, and in no case need the seal of the company be affixed thereto; nor shall such directors, officers, agents or servants, thereby become individually liable to any third party therefor; but the company shall issue no bank note or note to circulate as money.

Proviso.

When to commence business.

Proviso: forfeiture of charter by non-user.

15. The Company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in; Provided always, that unless mining operations be commenced under this Act, within five years from the passing thereof, and be continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said Company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Public Act.

16. This Act shall be deemed a Public Act.

C A P . C X X X .

An Act to incorporate the British American Exploring and Mining Association.

[Assented to 30th June, 1864.]

WHEREAS the persons hereinafter named have, by petition, represented that they desire to engage in the business of exploring for, mining, manufacturing, and disposing of copper and other ores, and of mines and mining locations in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and have 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:

1. The Honorable Wm. Pearce Howland, the Honorable Wm. McMaster, Lewis Moffat, C. S. Gzowski, David L. Macpherson, James Metcalfe, John Worthington, John Crawford, Dalrymple Crawford, and Edward C. Jones, together with all such other persons 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 British American Exploring and Mining Association."

Preamble.

Incorporation.

Corporate name.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing, and selling copper and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such lands in this Province as they may deem necessary, and may work and develop such mines wholly or in part, and may construct and maintain such buildings and machinery, and other improvements thereon, and sell and dispose of the same and acquire others in their stead, as the company may deem to be for its advantage, and may acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing copper or other ores and metals; Provided, however, that the acquisition of any such royalty or percentage shall not entitle the company to carry on any mining, smelting, or manufacturing operations beyond the limits of the said Province.

Business of the Company.

Royalties.

Proviso.

3. The capital stock of the company shall be the sum of two hundred thousand dollars, divided into shares of five dollars each, and may be from time to time increased, as the wants of the company require, by vote of the stockholders, at a meeting of the company called for the purpose, to an amount not exceeding five hundred thousand dollars in the whole.

Capital and shares.

Provision for increase.

4. The capital stock shall be paid by the subscribers therefor, when, where, and as the directors of the company shall require,

Interest on calls unpaid.

Forfeiture for non-payment.

require, or as the by laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day, upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records, 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 the by-laws or votes of the company may provide.

Stock to be personalty, and how assignable.

5. The stock of the company shall be deemed personal estate and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid unless it has been declared forfeited for non-payment.

Votes of shareholders.

6. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder not in arrear, and is in conformity with the by-laws.

Proxies.

Proviso.

Board of Directors.

Qualification.

Election.

Voting.

Quorum.

Vacancies.

Failure to elect.

7. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one hundred share 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 such directors may vote by proxy, and four members of such board, present in person or by proxy, until otherwise provided by the by-laws, 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; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

Powers of the Board to make by-laws for certain purposes.

8. The Board of Directors shall have full power in all things to administer the affairs of the company, and make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments on stock and payment thereof; the issue

issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal or forfeited stock and 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 and place for holding the annual and other meetings of the company; the calling of meetings of the company and of the Board of Directors; the quorum; the requirements as to proxies; the procedures 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; but every such by-law, and every repeal, amendment and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; 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 in all courts of law as *prima facie* evidence of such by-law.

By-laws must be confirmed.

Proof of by-laws.

9. Until the first election of such board the said Hon. Wm. Pearce Howland, Honorable Wm. McMaster, Lewis Moffat, C. S. Gzowski, David L. Macpherson, James Metcalfe, John Worthington, John Crawford, Dalrymple Crawford, and Edward C. Jones, shall be a provisional board of directors of the company, five of whom, including one of the two first above named gentlemen, shall form a quorum, with power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the Company, at such time and place within this Province as they shall determine, and to do other acts necessary or proper to be done to organize the Company and conduct its affairs; Provided always, that notice of all meetings of the Company shall be given in some newspaper published in the county in which the head office of the company is situate, and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Provisional Directors.

Quorum and powers.

Proviso: notice of meetings.

10. In addition to their ordinary place of business in this Province, 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 one thereof, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

Places of business.

11. 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

Company not bound to see to trusts on shares.

be a discharge to the company for any dividend or money payable in respect of such shares, 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.

Limited liability of members.

12. 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 their shares in the stock thereof.

How contracts may be executed.

13. All contracts, promissory notes, bills of exchange and engagements made on behalf of the company by the directors, officers, agents, or servants of the company, in accordance with their powers under the by-laws, or by vote of the company, shall be binding upon the company, and in no case need the seal of the company be affixed thereto; nor shall such directors, officers, agents or servants, thereby become individually liable to any third party therefor; but the company shall issue no bank note or note to circulate as money.

Seal not required.

Not to issue bank notes.

Actions between Company and members.

14. Any description of action may be prosecuted and maintained between the company and any shareholder thereof, and no stockholder, not being himself personally a party to such action, shall be incompetent as a witness therein.

When to commence business.

15. The Company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid in.

Public Act.

16. This Act shall be deemed a Public Act.

C A P . C X X X I .

An Act to incorporate "The Portlock Harbour Mining Company."

[Assented to 30th June, 1864.]

Preamble.

WHEREAS James C. Vandyke, Alexander Morris, William B. Lambe, James H. Walton, William Overfield and Frederick A. Vandyke, junior, have, by their petition, represented that they, with others associated with them, are desirous of engaging in the business of exploring for, mining, procuring, manufacturing, refining and vending Petroleum Oil, and so forth, in the Province of Canada; and that they can do so to better advantage by the aid of a Charter of Incorporation, and have prayed for the passing of an Act to that end; and whereas, it is expedient to grant such prayer: Therefore, Her Majesty,

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

- 1.** James C. Vandyke, Alexander Morris, William B. Lambe, James H. Walton, William Overfield, Elijah R. Myer and Frederick A. Vandyke, junior, together with all other persons who shall become shareholders in the company hereby constituted shall be and they are hereby constituted a body politic and corporate, in fact and in name, by the name, style and title of "The Portlock Harbour Mining Company," and by that name shall and may sue and be sued, and have all the rights vested in corporations by the Interpretation Act. Certain persons incorporated.
Corporate name and powers.
- 2.** The company may carry on the business of exploring for, procuring, manufacturing, purifying, vending, dealing in, and disposing of metals, petroleum oils, copper and other ores and minerals in the territory on and near the shores of Lake Huron, and the waters adjacent thereto, and may do all things necessary or convenient thereto not inconsistent with the rights of other parties. Business of the Company.
- 3.** The company may, by any legal title, acquire and hold any lands or mining rights necessary and requisite for the carrying on of such business, and construct and maintain such buildings, machinery and other improvements thereon, and may sell and dispose of the same and acquire others in their stead, as the company may deem necessary, or for their advantage, and may acquire any royalties or percentage for the privilege of procuring or taking away of oil, ores, metals, minerals, or valuable products from their property, or of manufacturing and vending the same on any lands owned or rented by them. May acquire lands and sell and rent the same.
Royalties.
- 4.** The capital stock of the company shall be the sum of five hundred thousand dollars, divided into shares of ten dollars each, and may be from time to time increased, as the wants of the company may require, by a vote of not less than two-thirds of the shareholders, at a meeting of the company called for the purpose, to an amount not exceeding one million of dollars in the whole; such stock to be paid for and issued as herein provided for the original stock. Capital stock and shares.
Increase.
- 5.** The capital stock shall be paid for by the subscribers therefor, when, where, and as the Directors of the Company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws may prescribe, and within the time limited by such notice, the How stock to be paid.
Interest on calls in arrears.
- Directors

directors may, by vote reciting the facts, 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 the by-laws or votes of the company may provide.

Payment of
subscribed
stock, how
enforced.

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 the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear 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, 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.

Stock to be
personal es-
tate, and how
assignable.

7. The stock of the Company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as are by the by-laws prescribed; but no share shall be assignable except to the company, until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Company may
borrow
\$100,000 on
bonds and
when.

8. The company may, from time to time, after at least one half their stock has been paid in, and not sooner, borrow in this Province, or elsewhere, any sums not exceeding in all one hundred thousand dollars, and may make the bonds, debentures and other securities they may grant for such sums payable 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 and other securities may be made payable to bearer, or transferable by simple endorsement or otherwise, and may be in such form as the directors of the company may deem fit, and for securing the payment of any such sum and interest, the company may mortgage their real or personal estate, or any part thereof, in such manner as they may deem advisable.

May grant
mortgage.

Manner of
voting.

9. At all meetings of the Company, every shareholder not being in arrear in respect of any instalment called for, 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 is held by a shareholder, and is in conformity with the by-laws.

Proxies.

10. The affairs of the company shall be administered by a Board of Directors of not less than five nor more than seven, being severally the holders of not less than one hundred shares of stock, who shall be elected at the first general meeting of the subscribers to the capital stock, or as soon thereafter as may by a majority then present be deemed practicable; and shall be elected thereafter at each annual meeting of the company, to hold office until their successors are elected; and such Directors unless otherwise provided by the by-laws, may vote by proxy, and may, if otherwise qualified, be re-elected; and a majority of such Directors present in person or by proxy, shall at any meeting, until otherwise directed by the by-laws, be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, the board, if they see fit, may fill the vacancy until the next annual meeting of the company and election, by appointing any qualified shareholder thereto; but a failure to elect directors at any time, or to hold any regularly provided meeting, shall not dissolve the said corporation, but all proper acts of the directors shall be valid and binding as against the company, until their successors shall be elected, and the failure or omission to elect such directors may be supplied by and at any special meeting, to be called as the directors in conformity with the by-laws of the corporation may see fit to appoint; and until such election of new directors, those who may be in office for the time being, shall be, and continue in office, and exercise all the rights and powers thereof, until such new election be made, as hereinbefore provided.

Board of Directors, election and qualification of.

Filling vacancies.

Provision in case of failure to elect.

11. The Board of Directors shall have power in all things to administer the affairs of the Company, and to make or cause to be made any purchase of real or personal estate, not contrary to law; to adopt a common seal, and the same to alter or abolish at pleasure; to grant, bargain, and sell their lands, or other property, in fee simple or otherwise; make by-laws for the government of the Company, not contrary to law, and the same to alter or amend at pleasure; regulate the issuing and registration of the certificates of stock; the calling in of instalments on stock, and the payment thereof; the forfeiture of stock for non-payment—the disposal of forfeited stock and the proceeds thereof—the transfer of stock, and the declaration and payment of dividends, and to do all things whatsoever necessary or requisite to carry out the objects of the corporation, and vest the present property and bonds of the said association, whether held by them or by others in trust for them, in the corporation hereby created; they may appoint and declare and regulate the functions and duties of all necessary agents, officers and servants of the Company, and their removal at pleasure; fix the security, if any, to be given by them to the Company; their remuneration; and that (if any) of the Directors or any of the officers thereof; regulate the time and place of holding the annual and other meetings of the Company and of the Directors—the calling of meetings of the Company and of the Board of Directors—

Powers of the Board of Directors.

To make By-laws for certain purposes.

Directors—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-laws; to carry into force all and every provision and stipulation contained in the agreement of association mentioned in the first section of this Act, with respect to the appropriation and allotment, whether conditional or otherwise, of the shares of the said Company, and also with respect to all other matters or things in the said articles or in the resolutions adopted by the said associators provided for, not inconsistent with the present Act, and the conduct in all other particulars of the affairs of the Company; and every copy of any by-law or order, ordinance or resolution of the said Company, under the seal of the Company, attested by the officer in charge thereof, or purporting to be so attested, shall be received in all courts of law as *prima facie* evidence of such by-law, order, ordinance or resolution.

Proof of By-laws.

Who shall be first Directors, and their powers.

12. Until the first election of a Board of Directors in pursuance of this Act, James C. Vandyke, Alexander Morris, James H. Walton, Elijah R. Myer, William Overfield, and Frederick A. Vandyke, junior, are, and shall be a Provisional Board of Directors, with all the powers, rights and privileges, and subject to all the restrictions and regulations as are provided for in this Act, and shall exercise the office of Directors until their successors are regularly elected and qualified to act; and they may as such, open stock books, purchase property, and issue and assign shares in payment thereof, which shares so issued shall be considered to be fully paid shares; convene general meetings of the company at such time and place as they shall determine, and generally do and perform all matters and things which any other Board of Directors is empowered to do, and any act necessary and proper to be done to organize the Company and conduct its affairs.

Company may establish places of business.

13. In addition to such ordinary place of business within this Province, as the Company may establish for the conduct of their business, the Company may establish and have any place or places of business in Great Britain, or in any of the States of the United States of America, and may, at any one thereof, order, direct, do and transact their affairs and business, or any part thereof, in such manner as may be prescribed by their by-laws or by resolution of the Board of Directors.

Interpretation clause.

14. The word “lands,” in this Act, shall include all lands, tenements and hereditaments and real or immovable property whatsoever; and all words importing the singular number or the masculine gender only, shall extend to more than one person; party, or thing, and to females as well as males; and the word “shareholder” shall include the heirs, executors, administrators, curators, legatees, or assigns of such shareholder; or any other

other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do anything, power shall be intended also to do all things which may be necessary to the doing of such thing; and generally all words and clauses herein shall receive such liberal and fair construction as will best ensure the carrying into effect of this Act according to its true intent and spirit; and the Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, in respect to any share or shares, and the receipt of the person in whose name the same shall stand on the books of the Company, shall be a discharge to the Company for any dividend or money payable in respect of such share or shares, 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 liable as trustees.

15. 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 calls, if any, remaining unpaid on their shares in the stock thereof; Provided, however, that the stockholders of the Company shall be severally individually liable, *pro rata*, to the amount of stock held by them respectively, for all debts that may be due and owing to all or any of their laborers for services performed for such corporation.

Liability of shareholders limited.

Proviso.

16. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the company by the directors, officers, agents, or servants thereof, in accordance with their powers under the by-laws or by vote of the Company, shall be binding upon the Company, and in no case need the seal of the Company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the Company shall issue no bank note or note to circulate as money.

Company bound by the acts of their servants.

17. Any description of action may be prosecuted and maintained between the Company and any person or corporation whatever, whether he or she be a shareholder or otherwise; and no shareholder not being himself a party to such action, shall be incompetent as a witness therein.

Liability to actions, and who may be witnesses.

18. The Company shall not commence operations under this Act, until at least ten per centum of their capital stock shall have been paid in.

Ten per cent. of stock to be paid in before Company commence business.

19. Provided always, that unless mining operations be commenced under this Act within five years from the passing thereof

Forfeiture for non-user.

thereof and continued *bonâ fide*, this Act of Incorporation shall be null and void, saving only to the Company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Public Act. **20.** This Act shall take effect immediately, and shall be deemed and be a Public Act.

CAP. CXXXII.

An Act to incorporate the Consolidated Copper Company.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS James McMaster hath, by his petition, represented that he, with others associated with him, are desirous of engaging in the business of exploring for, mining, manufacturing, and disposing of copper and other ores, in the county of Brome, in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and hath prayed for the passing of an Act to that end; 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:

Certain persons incorporated.

1. James McMaster, William Frazer, John Leighton, William H. Dwinelle and William J. Gelston, together with all other persons who 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 *Consolidated Copper Company*.

Name.

Corporate powers.

2. The company may carry on the business of exploring for, mining and smelting copper and other ores, and metals and minerals, in the said county of Brome, and of manufacturing, dealing in and disposing of such ores, metals and minerals, and may do all things necessary or convenient thereto not inconsistent with the rights of other parties.

May acquire land and sell it.

3. The company may, by any legal title, acquire and hold any lands or mining rights necessary or requisite for the carrying on of such business, not exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery and other improvements thereon, and may sell and dispose of the same, and acquire others in their stead, as the company may deem for its advantage, and may acquire any royalty or percentage for the privilege of mining or smelting copper, or other ores or metals, within the said county.

Royalties.

Capital stock and shares.

4. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into one hundred thousand shares

shares of five dollars each, and may be from time to time increased, as the wants of the company require, by vote of not less than two-thirds of the shareholders, at a meeting of the company called for the purpose, to an amount not exceeding one million dollars in the whole; such stock to be paid for and issued as herein provided for the original stock.

Increasing capital.

5. The capital stock shall be paid by the subscribers therefor when, where, and as the directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote reciting the facts, 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 the by-laws or votes of the company may provide.

How the stock to be paid.

If not paid promptly interest to be charged.

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.

How payment of subscribed stock may be enforced.

7. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as are by the by-laws prescribed; but no share shall be assignable except to this company, until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Stock to be personal property and how assignable.

8. 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 one hundred thousand dollars, and may make the bonds, debentures and other securities they shall grant for such sums payable in sterling or 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

When half of the stock is paid up the Company may borrow \$100,000 on bonds.

And grant
hypotheec.

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 registration 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.

Meetings and
manner of
voting there-
at.

Proviso.

9. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder, and is in conformity with the by-laws.

Board of Di-
rectors, how
elected, and
qualification
of a Director.

How a vacan-
cy may be
filled.

10. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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 such directors, unless otherwise provided by the by-laws, may vote by proxy, and a majority of such board, present in person or by proxy, until otherwise provided by the by-laws, 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; but a failure to elect directors shall not dissolve the corporation, but all proper acts by the said directors shall be valid and binding as against the company until their successors shall be elected; and an election may be had at any general meeting of the company called for the purpose as prescribed by the by-laws.

Powers of the
board.

To make by-
laws for cer-
tain purposes.

11. The board of directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any contract not contrary to law; to adopt a common seal and to alter the same at pleasure; from time to time make any and all by-laws (not contrary to law) regulating the issue and registration of certificates of stock, the calling in of instalments on stock, and the payment thereof: the forfeiture of stock for non-payment; the disposal of forfeited stock and 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 and place for holding the annual and other

other meetings of the company ; the calling of meetings of the company and of the board of directors ; the quorum ; the requirements as to proxies ; 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 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 in all courts of law as *prima facie* evidence of such by-law.

Copies of by-laws to be *prima facie* evidence thereof.

12. Until the first election of such board of directors, James McMaster, William Frazer, John Leighton, William H. Dwinelle and William J. Gelston, shall be a Provisional Board of Directors, with power to open stock books, to purchase property, issue and assign shares of stock, in payment therefor, which shares so issued shall be considered to be fully paid shares, to convene general meetings of the company, at such time and place as they shall determine, and generally to do and perform all matters and things which any other board of directors is empowered to do, and any other acts necessary and proper to be done to organize the company and conduct its affairs.

Who shall be first directors.

13. In addition to their ordinary place of business within this Province, 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 one thereof, order, direct, do, and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws or by resolution of the board of directors.

Company may establish places of business in Great Britain and the United States

14. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share or shares, and the receipt of the person in whose name the same shall stand in the books of the company, shall be a discharge to the company for any dividend or money payable in respect of such share or shares, 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 liable as trustees.

15. 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 calls, if any, remaining unpaid on their shares in the stock thereof ; Provided, however, that the stockholders of the Company shall be severally individually liable *pro rata* to the amount of stock held by them respectively for all debts that may be due and owing to all or any of their laborers for services performed for such corporation.

Liability of shareholders defined.

Proviso : as to debts for labor.

Company bound by the acts of their servants.

16. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the company, by the directors, officers, agents, or servants thereof, in accordance with their powers under the by-laws, or by vote of the company, shall be binding upon the company, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the company shall issue no bank note or note to circulate as money.

May not issue bank notes.

Prosecution of actions; who may be competent witnesses.

17. Any description of action may be prosecuted and maintained between the company and any person or corporation whatever, whether he or she be a shareholder or otherwise, and no shareholder, not being himself a party to such action, shall be incompetent as a witness therein.

Company may not commence operations before 10 per cent. of stock is paid in.

18. The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid in.

Public Act.

19. This Act shall take effect immediately, and shall be deemed and be a Public Act.

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

An Act to incorporate "The Bedford Copper Company."

[Assented to 30th June, 1864.]

Preamble.

WHEREAS George A. Freeman hath, by his petition, represented that he, with others associated with him, are desirous of engaging in the business of exploring for, mining, manufacturing and disposing of copper and other ores, in the County of Brome, in the Province of Canada, and that they can do so to better advantage by the aid of a Charter of Incorporation, and hath prayed for the passing of an Act to that end; 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:

Certain persons incorporated.

1. George A. Freeman, William A. Shepard, Joseph Yeoman, William F. Buckley, and Sylvester Taylor, together with all other persons who 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 Bedford Copper Company."

Name.

Business of the Company.

2. The Company may carry on the business of exploring for, mining and smelting copper and other ores, and metals and minerals, in the said County of Brome, and of manufacturing, dealing

dealing in and disposing of such ores, metals and minerals, and may do all things necessary or convenient thereto not inconsistent with the rights of other parties.

3. The Company may by any legal title, acquire and hold any lands or mining rights, necessary and requisite for the carrying on of such business, not exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery and other improvements thereon, and may sell and dispose of the same and acquire others in their stead as the Company may deem for its advantage, and may acquire any royalty or percentage for the privilege of mining or smelting copper, or other ores or metals, within the said county.

May acquire land and sell it.

Royalty.

4. The capital stock of the Company shall be the sum of six hundred and twenty-five thousand dollars, divided into one hundred and twenty-five thousand shares of five dollars each, and may be from time to time increased, as the wants of the Company require, by vote of not less than two-thirds of the shareholders, at a meeting of the Company called for the purpose, to an amount not exceeding one million of dollars in the whole; such stock to be paid for and issued as herein provided for the original stock.

Capital stock and shares.

Increase.

5. The capital stock shall be paid by the subscribers therefor, when, where, and as the Directors of the Company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the Directors, with the interest thereon, after such demand or notice as the by-laws may prescribe, and within the time limited by such notice, the Directors may, by vote, reciting the facts, 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 the by-laws or votes of the Company may provide.

How the stock to be paid.

If not paid promptly interest to be charged.

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 the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear 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.

How payment of subscribed stock may be enforced.

Stock to be personal property and how assignable.

7. The stock of the Company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as are by the by-laws prescribed; but no share shall be assignable, except to this Company, until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

When half of the stock is paid up the Company may borrow \$100,000 on bonds.

8. The Company, from time to time, after at least one-half their stock has been paid in and not sooner, may borrow, in this Province or elsewhere, any sums not exceeding in all one hundred thousand dollars, and may make the bonds, debentures, and other securities they shall grant for such sums, payable in sterling or 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.

And grant mortgage.

Meetings and manner of voting thereat.

9. At all meetings of the Company, every shareholder not being in arrear in respect of any instalment called for, 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 is held by a shareholder, and is in conformity with the by-laws.

Board of Directors, how elected, and qualification of a Director.

10. The affairs of the Company shall be administered by a Board of not less than five and not more than seven Directors, being severally holders of at least one 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 such Directors, unless otherwise provided by the by-laws, may vote by proxy, and a majority of such Board, present in person or by proxy, until otherwise provided by the by-laws, 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; but a failure to elect Directors shall not dissolve the Corporation; but all proper acts of the said Directors shall be valid and binding as against the Company, until their successors shall be elected; and an election may be had at any general meeting of the Company called for the purpose as prescribed by the by-laws.

How a vacancy may be filled.

11. The Board of Directors shall have full power in all things to administer the affairs of the Company, and to make or cause to be made, any purchase and any contract not contrary to law; to adopt a common seal, and to alter the same at pleasure; from time to time to make any and all by-laws, not contrary to law, regulating the issue and registration of certificates of stock, the calling in of instalments on stock and the payment thereof,—the forfeiture of stock for non-payment,—the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the Company; the calling of meetings of the Company and of the Board of Directors; the quorum; the requirements as to proxies; 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 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 in all courts of law as *prima facie* evidence of such by-law.

Powers of the board.

To make by-laws for certain purposes.

Copies of by-law to be *prima facie* evidence thereof.

12. Until the first election of such Board of Directors, George A. Freeman, William A. Shepard, Joseph Yeoman, W. F. Buckley, and Sylvester Taylor shall be a Provisional Board of Directors, with power to open stock books, to purchase property, issue and assign shares of stock in payment therefor, which shares so issued shall be considered and be fully paid shares; to convene general meetings of the Company at such time and place as they shall determine, and generally to do and perform all matters and things which any other Board of Directors is empowered to do, and any other act, necessary and proper to be done to organize the Company and conduct its affairs.

Who shall be first Directors.

13. In addition to their ordinary place of business within this Province, 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 one thereof, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws, or by resolution of the Board of Directors.

Company may establish places of business in Great Britain and the United States.

14. The Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, in respect of any share or shares, and the receipt of the person in whose name the same shall stand in the books of the Company, shall be a discharge to the Company for any dividend or money payable

Company not liable as Trustees.

payable in respect of such share or shares; 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.

Liability of shareholders defined.

15. 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 calls, if any, remaining unpaid on their shares in the stock thereof; Provided, however, that the stockholders of the Company shall be severally individually liable, *pro rata*, to the amount of stock held by them respectively, for all debts that may be due and owing to all or any of their laborers for services performed for such corporation.

Proviso.

Company bound by the acts of their servants.

16. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the Company by the directors, officers, agents, or servants thereof, in accordance with their powers under the by-laws, or by vote of the Company, shall be binding upon the Company, and in no case need the seal of the Company be affixed thereto; nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor; but the Company shall issue no bank note or note to circulate as money.

May not issue bank notes.

Prosecution of actions; who may be competent witnesses.

17. Any description of action may be prosecuted and maintained between the Company and any person or corporation whatever, whether he or she be a shareholder or otherwise, and no shareholder not being himself a party to such action, shall be incompetent as a witness therein.

Company may not commence operations before 10 per cent. of stock is paid.

18. The Company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in.

Public Act.

19. This Act shall take effect immediately, and shall be deemed and be a Public Act.

C A P . C X X X I V .

An Act to incorporate "The Huntington Copper Company."

[Assented to 30th June, 1864.]

Preamble.

WHEREAS H. Tracey Arnold hath, by his petition, represented that he, with others associated with him, is desirous of engaging in the business of exploring for, mining, manufacturing and disposing of copper and other ores, in the County of Brome, in the Province of Canada; and that they can

can do so to better advantage by the aid of a charter of incorporation, and hath prayed for the passing of an Act to that end; 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. John G. Richardson, George B. Satterlee, H. Tracey Arnold, Samuel A. Banks and James S. Merriam, together with all other persons who 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 Huntington Copper Company."

Certain persons incorporated.

Name.

2. The company may carry on the business of exploring for, mining and smelting copper and other ores, and metals and minerals, in the said County of Brome, and of manufacturing, dealing in and disposing of such ores, metals and minerals, and may do all things necessary or convenient thereto not inconsistent with the rights of other parties.

Business of the Company.

3. The company may, by any legal title, acquire and hold any lands or mining rights necessary or requisite for the carrying on of such business, not exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery, and other improvements thereon, and they may sell and dispose of the same, and acquire others in their stead, as the company may deem for its advantage, and may acquire any royalty or percentage for the privilege of mining or smelting copper or other ores or metals, within the said county.

May acquire lands and sell it.

Royalties.

4. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into one hundred thousand shares of five dollars each, and may be from time to time increased as the wants of the company require, by vote of not less than two-thirds of the shareholders, at a meeting of the company called for the purpose, to an amount not exceeding one million dollars in the whole; such stock to be paid for and issued as herein provided for the original stock.

Capital stock and shares.

Increase.

5. The capital stock shall be paid by the subscribers therefor, when, where, and as the directors of the company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day, upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote, reciting the facts, 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 the by-laws or votes of the company may provide.

How the stock to be paid.

If not paid promptly interest to be charged.

How payment of subscribed stock may be enforced.

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.

Stock to be personal property and how assignable.

7. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as are by the by-laws prescribed; but no share shall be assignable except to this company until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

When half of the stock is paid up the Company may borrow \$100,000 on bonds.

8. 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 one hundred thousand dollars, and may make the bonds, debentures and other securities they shall grant for such sums, payable in sterling or 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.

Meetings and manner of voting thereat.

9. At all meetings of the company, every shareholder, not being in arrear in respect of any instalment called for, 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 is held by a shareholder, and is in conformity with the by-laws.

Board of Directors, how elected, and qualification of a Director.

10. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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 such directors, unless otherwise provided by the by-laws, may vote by proxy, and a majority of such board, present in person or by proxy, until otherwise provided by the by-laws, 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; but a failure to elect directors shall not dissolve the corporation, but all proper acts of the said directors shall be valid and binding as against the company until their successors shall be elected; and an election may be had at any general meeting of the company called for the purpose as prescribed by the by-laws.

How a vacancy may be filled.

11. The board of directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any contract not contrary to law; to adopt a common seal and to alter the same at pleasure; from time to time to make any and all by-laws (not contrary to law) regulating the issue and registration of certificates of stock, the calling in of instalments on stock, and the payment thereof; the forfeiture of stock for non-payment, the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the company; the calling of meetings of the company and of the board of directors, the quorum, the requirements as to proxies, 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 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 in all courts of law as *prima facie* evidence of such by-law.

Powers of the board.

To make by-laws for certain purposes.

Copies of by-laws to be *prima facie* evidence thereof.

12. Until the first election of such board of directors, John G. Richardson, George B. Satterlee, H. Tracey Arnold, Samuel A. Banks and James S. Merriam, shall be a provisional board of directors, with power to open stock books, to purchase property, issue and assign shares of stock in payment therefor, which shares so issued shall be considered and be fully paid shares; to convene general meetings of the company at such time and place as they shall determine, and generally to do and perform all matters and things which any other board of directors

who shall be first Directors.

directors is empowered to do, and any other acts necessary and proper to be done to organize the company and conduct its affairs.

Company may establish places of business in Great Britain and the United States.

13. In addition to their ordinary place of business within this Province, 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 one thereof, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws or by resolution of the board of directors.

Company not liable as trustees.

14. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share or shares; and the receipt of the person in whose name the same shall stand in the books of the company; shall be a discharge to the company for any dividend or money, payable in respect of such share or shares, 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.

Liability of shareholders defined.

15. 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 calls, if any, remaining unpaid on their shares in the stock thereof; Provided, however, that the stockholders of the company shall be severally individually liable *pro rata* to the amount of stock held by them respectively for all debts that may be due and owing to all or any of their laborers for services performed for such corporation.

Proviso.

Company bound by the acts of their servants.

16. All contracts, promissory notes, bills of exchange and engagements made on behalf of the company by the directors, officers, agents, or servants thereof, in accordance with their powers under the by-laws, or by vote of the company, shall be binding upon the company; and in no case need the seal of the company be affixed thereto; nor shall such directors, officers, agents, or servants thereby become individually liable to any third party therefore; but the company shall issue no bank note or note to circulate as money.

May not issue bank notes.

Prosecution of actions; who may be competent witnesses.

17. Any description of action may be prosecuted and maintained between the company and any person or corporation whatever, whether he or she be a shareholder or otherwise, and no shareholder, not being himself a party to such action, shall be incompetent as a witness therein.

18. The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid in.

Company may not commence operations before 10 per cent. of stock is paid in.

19. This Act shall take effect immediately, and shall be deemed and be a Public Act.

Public Act.

C A P. C X X X V.

An Act to incorporate the Lower Canada Copper Mining Company.

[Assented to 30th June, 1864.]

WHEREAS Ozro Morrill, John Short, Benjamin Hutchins, Charles C. Colby and Albert P. Ball, have, by their petition, represented, that they are desirous of engaging in the business of exploring for, mining, manufacturing and disposing of copper and other ores in the township of Ascot, in the district of St. Francis, in Lower Canada, and that they can do so to better advantage by the aid of an Act of incorporation, and have prayed for the passing of an Act to that end, and it is expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Ozro Morrill, John Short, Benjamin Hutchins, Charles C. Colby, and Albert P. Ball, together with all other persons who 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 "Lower Canada Mining Company."

Incorporation.

Corporate name.

2. The Company may engage in and follow the business of carrying on explorations for, and of mining for, finding and getting copper, lead and other ores, metals and minerals within the district of St. Francis, and of smelting, 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.

Business of the Company.

3. The company may, by any legal title, acquire and hold any lands or mining rights in the said district necessary or requisite for the carrying on of such business, and construct and maintain such buildings and machinery and other improvements thereon, and sell and dispose of the same, and acquire others in their stead, as the company may deem for its advantage, not exceeding at any time two thousand acres.

Realproperty.

4. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into shares of not less than

Capital stock, Shares, Increase.

than five dollars each, and may be increased as hereinafter is provided.

- Calls on stock.** 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 cent. per annum, upon the amount of every unpaid call, from the day appointed for payment of such call.
- Interest on calls overdue.**
- Enforcing payment of calls by action.** 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 laws as *prima facie* evidence to that effect.
- Proof.**
- Forfeiture of stock for non-payment of calls.** 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.
- Stock to be personalty; how assignable.** 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.
- Previous calls must be paid.** 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.
- Provision for increase of capital.** 10. 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 dollars; and

and in such case the new stock shall be paid in upon such conditions, at such times and places, 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 places, 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; Provided always, that no such increase of stock shall be made until after the whole amount of the original stock of the said company shall have been *bonâ fide* paid in.

Right and obligations of holders of new stock.

Proviso.

11. At all meetings of the company every shareholder not being in arrear in respect to 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.

Votes.

Proxies.

12. The affairs of the company shall be administered by a board of not less than five and not 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 three members of such board, present in person until otherwise provided by some 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; Provided always, that voting by proxy shall not be allowed at any meeting of the board of directors.

Directors.

Qualification.

Election.

Quorum.

Vacancies.

Proviso.

13. 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.

Provision in case of failure of election.

14. Until the first election of such board, the said Ozro Morrill, John Short, Benjamin Hutchins, Charles C. Colby and Albert P. Ball, shall be the provisional board of directors of the company, with power to fill vacancies occurring therein, 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

Provisional Directors.

Their powers.

Previso : notice of meetings.

organization of the company, and the conduct of its affairs; Provided always that notice of all meetings of the company shall be given in some newspaper published in the district of St. Francis, and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Powers of Directors.

15. 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 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 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 of shareholders, 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 the 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 the secretary, or president of the company, shall be received as *prima facie* evidence of such by-law in all courts of law.

To make by-laws for certain purposes.

By-laws must be confirmed by stockholders.

Proof of by-laws.

Places of business in this province and elsewhere.

16. In addition to their ordinary place of business within this Province, 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 their subscriptions for such stock transferable there respectively; and may make all instalments thereon to be declared payable there respectively, and at any of such places of business they may order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by the by-laws.

Company not bound to see to trusts on stock.

17. 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

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:

18. The shareholders of the company shall not, as such, be held responsible for any act, default, or liability whatsoever by 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 the calls, if any, remaining unpaid on their shares in the stock thereof.

Liability of shareholders limited.

19. 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.

How Company may become parties to contracts, notes, &c.

Proviso.

20. The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid in ; provided always, that unless mining operations be commenced under this Act within five years from the passing thereof, and be continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the said company the power and right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

When to commence business.

Proviso : forfeiture of Act for non-user.

21. This Act shall be deemed a Public Act.

Public Act.

CAP. CXXXVI.

An Act to incorporate "The Canada Copper Company."

[Assented to 30th June, 1864.]

Preamble.

WHEREAS Philip H. Stevens hath, by his petition, represented that he, with others associated with him, are desirous of engaging in the business of exploring for, mining, manufacturing and disposing of copper and other ores, in the county of Brome, in the Province of Canada, and that they can do so to better advantage by the aid of a Charter of Incorporation, and hath prayed for the passing of an Act to that end; 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:

Certain persons incorporated.

1. Philip H. Stevens, William A. Shepard, John Leighton, George B. Sattellee and Augustus W. Greenleaf, together with all other persons who 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 Canada Copper Company*.

Name.

Business of the Company.

2. The Company may carry on the business of exploring for, mining and smelting copper and other ores, and metals and minerals, in the said county of Brome, and of manufacturing, dealing in and disposing of such ores, metals and minerals, and may do all things necessary or convenient thereto not inconsistent with the rights of other parties.

May acquire land and sell it.

3. The Company may by any legal title, acquire and hold any lands or mining rights, necessary and requisite for the carrying on of such business, not exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery and other improvements thereon, and they may sell and dispose of the same and acquire others in their stead as the Company may deem for its advantage, and may acquire any royalty or percentage for the privilege of mining or smelting copper, or other ores or metals, within the said county.

Royalties.

Capital stock and shares. Increase.

4. The capital stock of the Company shall be the sum of five hundred thousand dollars, divided into one hundred thousand shares of five dollars each, and may be from time to time increased, as the wants of the Company require, by vote of not less than two-thirds of the shareholders, at a meeting of the Company called for the purpose, to an amount not exceeding one million of dollars in the whole; such stock to be paid for and issued as herein provided for the original stock.

How the stock to be paid.

5. The capital stock shall be paid by the subscribers therefor, when, where, and as the Directors of the Company shall require,

or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the Directors, with the interest thereon, after such demand or notice as the by-laws may prescribe, and within the time limited by such notice, the Directors may, by vote, reciting the facts, 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 the by-laws or votes of the Company may provide.

If not paid promptly interest to be charged.

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 the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear 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.

How payment of subscribed stock may be enforced.

7. The stock of the Company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as are by the by-laws prescribed; but no share shall be assignable, except to the Company, until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Stock to be personal property and how assignable.

8. The Company, from time to time, after at least one-half their stock has been paid in and not sooner, may borrow, in this Province or elsewhere, any sums not exceeding in all one hundred thousand dollars, and may make the bonds, debentures, and other securities they shall grant for such sums, payable in sterling or 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 from 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 hypothecque thereby purporting to be declared.

When half of the stock is paid up the Company may borrow \$100,000 on bonds.

And grant hypothec.

Meetings and manner of voting thereat.

9. At all meetings of the Company, every shareholder not being in arrear in respect of any instalment called for, 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 is held by a shareholder, and is in conformity with the by-laws.

Board of Directors, how elected, and qualification of a Director.

10. The affairs of the Company shall be administered by a Board of not less than five and not more than seven Directors, being severally holders of at least one 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 such Directors, unless otherwise provided by the by-laws, may vote by proxy, and a majority of such Board, present in person or by proxy, until otherwise provided by the by-laws, 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; a failure to elect Directors shall not dissolve the said Corporation; but all proper acts of the said Directors shall be valid and binding as against the Company, until their successors shall be elected; and an election may be had at any general meeting of the Company called for the purpose as prescribed by the by-laws.

How a vacancy may be filled.

Powers of the board.

11. The Board of Directors shall have full power in all things to administer the affairs of the Company, and to make or cause to be made, any purchase and any contract not contrary to law; to adopt a common seal, and to alter the same at pleasure; from time to time to make any and all by-laws, not contrary to law, regulating the issue and registration of certificates of stock, the calling in of instalments on stock and the payment thereof,—the forfeiture of stock for non-payment,—the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the Company; the calling of meetings of the Company and of the Board of Directors; the quorum; the requirements as to proxies; 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 every copy of any by-law, under the seal of the Company, and purporting to be signed by any officer of

To make by-laws for certain purposes.

Copies of by-laws to be

the

the Company, shall be received in all courts of law as *prima facie* evidence of such by-law.

prima facie
evidence
thereof.

12. Until the first election of such Board of Directors, Philip H. Stevens, William A. Shepard, John Leighton, George B. Satterlee and Augustus W. Greenleaf, shall be Provisional Board of Directors, with power to open stock books, to purchase property, issue and assign shares of stock in payment therefor, which shares so issued shall be considered to be fully paid shares; to convene general meetings of the company at such time and place as they shall determine, and generally to do and perform all matters and things which any other Board of Directors is empowered to do, and any other act necessary and proper to be done to organise the company and conduct its affairs.

Who shall be
first Direc-
tors.

Their powers.

13. In addition to their ordinary places of business within this Province, 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 one thereof, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws, or by resolution of the Board of Directors.

Company may
establish pla-
ces of business
in Great
Britain and
the United
States.

14. The Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, in respect of any share or shares, and the receipt of the person in whose name the same shall stand in the books of the Company, shall be a discharge to the Company for any dividend or money payable in respect of such share or shares, 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
liable as
Trustees.

15. 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 calls, if any, remaining unpaid on their shares in the stock thereof; Provided, however, that the stockholders of the Company shall be severally individually liable, *pro rata*, to the amount of stock held by them respectively, for all debts that may be due and owing to all or any of their laborers for services performed for such corporation.

Liability of
shareholders
defined.

Proviso.

16. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the Company by the directors, officers, agents, or servants thereof, in accordance with their powers under the by-laws, or by vote of the Company, shall be binding upon the Company, and in no case need the seal of the Company be affixed thereto; nor shall such directors, officers,

Company
bound by the
acts of their
servants.

officers, agents or servants thereby become individually liable to any third party therefor; but the Company shall issue no bank note or note to circulate as money.

May not issue bank notes.

Prosecution of actions; who may be competent witnesses.

17. Any description of action may be prosecuted and maintained between the Company and any person or corporation whatever, whether he or she be a shareholder or otherwise, and no shareholder not being himself a party to such action, shall be incompetent as a witness therein.

Company may not commence operations before 10 per cent. of stock is paid in.
Public Act.

18. The Company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in.

19. This Act shall take effect immediately, and shall be deemed and be a Public Act.

CAP. CXXXVII.

An Act to incorporate the Carleton Lead Mining Company.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS Thomas J. Lee, William F. Matchett, William B. Fowle, junior, James Foley and Thomas Cross have, by their petition, represented that they, with others associated with them, are desirous of prosecuting researches for mineral ores and locations favorable for mining in the county of Lanark and elsewhere in Upper Canada, and in carrying on the business of mining on an extensive scale, and that they cannot do so to advantage without the aid of an Act of incorporation, and have prayed for the passing of an Act to that end, 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:

Incorporation.

1. Thomas J. Lee, William F. Matchett, William B. Fowle, junior, James Foley and Thomas Cross, together with all other persons who shall become shareholders in the company hereby constituted, shall be, and they are hereby constituted a body, politic and corporate, by the name of the *Carleton Lead Mining Company*.

Name.

Corporate name.

Powers and business of Company.

2. The company may engage in and follow the business of carrying on explorations for, and of mining for, finding and getting copper, lead and other ores, metals and minerals within the county of Lanark, in Upper Canada, and of smelting, 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.

3. The company may, by any legal title, acquire or hold any lands or mining rights necessary or requisite for the carrying on of such business, not exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery and other improvements thereon, and they may sell and dispose of the same, and acquire others in their stead, as the company may deem for its advantage, and may acquire any royalty or percentage payable for the privilege of mining within the limits aforesaid. Real estate limited.
Royalties.
4. The capital stock of the company shall be the sum of five hundred thousand dollars, divided into one hundred thousand shares of five dollars each, and may be increased as hereinafter is provided. Capital stock and shares.
Increase.
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. Call on shares.
To bear interest if not paid.
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 matters, but it shall be sufficient to declare that the defendant is a holder of at least 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. Payment of calls, how enforced.
Proof in such cases.
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 share 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 be assignable and transferable in such manner only and subject Stock to be personal estate.

subject to all such conditions and restrictions as shall be prescribed by the by-laws of the company.

Transfers.

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.

Loans may be raised by the Company.

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 one hundred thousand dollars, and may make the bonds, debentures and other securities they shall grant for such sums payable in sterling or currency, at such rate of interest, and in 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 mortgage their real estate or any part thereof, and in such case the enregistration at the proper registry office, of such bond, debenture or other security, shall create the mortgage hereby purporting to be made.

Mortgages for securing loans**Increase of capital provided for.**

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 the admission of new shareholders, or otherwise, to a total amount of not more than one million dollars; and in such case the new stock shall be paid in upon such conditions, at such time and places, and in such manner as the company at such meeting shall have ordained, or (in default of express decision to that end, then) upon such conditions, at such times and places, 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.

Scale of votes.

12. At all meetings of the company every shareholder not being in arrear in respect to 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 is 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 fifty 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

successors are elected, and who (if otherwise qualified) may always be re-elected; and four members of such board, present in person or by proxy, until otherwise provided by some by-law, shall be a quorum thereof; and such directors may vote by proxy; 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.

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.

Failure to elect provided against.

15. Until the first election of such board, Thomas J. Lee, William F. Matchett, William B. Fowle, jun., James Foley and Thomas Cross shall be the provisional board of directors of the company, with power to fill vacancies occurring therein, to open stock books, to assign stock, to make calls thereon, collect instalments 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; Provided that notice of all meetings of the company shall be given in some newspaper printed in the county of Lanark, and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Provisional Directors.

Their powers.

Notices of meetings.

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 purchases and 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 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

Powers of Board of Directors; may make by-laws for certain purposes.

conduct in all 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 the purpose, shall only have power 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 the secretary or president of the company, shall be received as *prima facie* evidence of such by-law in all courts of law.

By-laws to be confirmed by shareholders.

Proof of by-laws.

Agencies in Great Britain and United States.

17. In addition to their ordinary place of business within this Province, 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 their 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 order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by the by-laws.

Company not bound to see to trust on 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 persons 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 moneys 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 money paid upon such receipt.

Liability of shareholders limited.

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 the calls, if any, remaining unpaid on their shares in the stock thereof.

Contracts, &c., Bills, Notes, &c., how to be made.

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 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

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. Proviso: as to Bank notes.

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. Actions by or against shareholders.

22. The company shall not commence their operations under this Act until at least ten per centum on the amount of their capital stock has been paid in; provided always, that unless mining operations be commenced under this Act within five years from the passing thereof, and be continued *bonâ fide*, this Act of incorporation shall be null and void, saving only to the company the power and right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose. When to commence operations.
Forfeiture for non-user.

23. This Act shall be deemed a Public Act.

Public Act.

CAP. CXXXVIII.

An Act to incorporate the Nicolet Antimony Mining Company.

[Assented to 30th June, 1864.]

WHEREAS C. W. Galloupe, S. D. Nickerson, S. L. French, G. W. Simmons and Willis Russell, have, by petition, represented that they desire to engage in the business of exploring, mining, smelting, manufacturing and disposing of antimony and other ores in the county of Wolfe, in the district of Arthabaska, in the Province of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for 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. John J. May, John Simmons, Wm. S. Easton, George W. Simmons, Reuben A. Richards, Willis Russell, Nathaniel Godard, Geo. G. Tappan, Alex. H. Rice, Chas. W. Galloupe, Samuel L. French, and Sereno D. Nickerson, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic, by the name of *The Nicolet Antimony Mining Company.* Incorporation.
Name.

- Business of Company.** **2.** The Company may carry on the business of exploring for, mining, smelting, manufacturing and selling antimony and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such lands, and mining rights in lands in the district aforesaid, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings and machinery, and other improvements thereon, and sell and dispose of the same and acquire others in their stead, as the company may deem to be for its advantage, and acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing antimony and other ores and metals; provided, however, that the acquisition of such royalty or percentage shall not entitle the company to carry on any mining operations beyond the limits of the said district, but such company may carry on smelting and manufacturing operations elsewhere in the said Province than in the said district.
- Real property.**
- Royalties.**
- Proviso.**
- Capital Stock.** **3.** The capital stock of the company shall be the sum of five hundred thousand dollars, divided into shares of five dollars each, and may be from time to time increased as the wants of the company require, by vote of the stockholders, at a meeting of the company called for the purpose, to an amount not exceeding one million dollars in the whole; Provided, always, that no such increase of stock shall be made until the whole amount of the original stock of the company shall have been *bonâ fide* paid in.
- Shares.**
- Increase.**
- Proviso.**
- Payment of instalments on shares, and forfeiture of shares for non-payment.** **4.** The capital stock shall be paid by the subscribers therefor, when, where and as the Directors of the company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote reciting the fact and duly recorded in their records, 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 the by-laws or votes of the company may provide.
- Interest on calls in arrear.**
- Assignment of shares; calls to be first paid.** **5.** The stock of the company shall be deemed personal estate and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.
- Votes of shareholders.** **6.** At all meetings of the company, every shareholder, not being in arrear in respect of any instalment called for, shall be entitled

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 is held by a shareholder not in arrear, and is in conformity with the by-laws. Proviso.

7. The affairs of the company shall be administered by a board of not less than five and not more than seven directors, being severally holders of at least one 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, present in person, 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; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose; provided that voting by proxy shall not be allowed at any meeting of the board of directors. Qualification, election and quorum of Directors.
Provision in case of failure to elect.

8. The board of directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make, to adopt a common seal, to make, from time to time, any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments on stock and payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and 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 and place for holding the annual and other meetings of the company within the Province or elsewhere, the calling of meetings of the company and of the board of directors, the quorum, the requirements as to proxies, the procedures 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, but every such by-law, and every repeal, amendment and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; 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 in all courts of law as *prima facie* evidence of such by-law. Powers of Board of Directors.
To make By-laws for certain purposes.

Provisional
Board of
Directors.

Powers.

9. Until the first election of such board, the said John J. May, Wm. S. Easton, Reuben A. Richards, Samuel L. French, John Simmons and Willis Russell, shall be a provisional Board of Directors for the said Company, with full power to fill vacancies, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the Company at such time and place within this province or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organize the Company and conduct its affairs.

Places of
business.

10. In addition to their ordinary place of business within this province, the Company may establish and have any place or places of business in this Province, in Great Britain, or in the United States of America, and may at any one thereof, order, direct, do and transact their affairs and business or any thereof, in such manner as may be prescribed by their by-laws.

Company not
bound to see
to trusts on
shares.

11. 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 discharge to the Company for any dividend or money payable in respect of such share, 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.

Liability of
shareholders
limited.

12. 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 unpaid upon their shares in the stock thereof.

Contracts,
&c, need not
be under Seal.

13. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the Company by the directors, officers, agents or servants of the Company, in accordance with their powers under the by-laws or by vote of the Company, shall be binding upon the Company; and in no case need the seal of the Company be affixed thereto, nor shall such directors, officers, agents or servants, thereby become individually liable to any third party therefor; but the Company shall issue no bank note, or note to circulate as money.

Proviso.

Commence-
ment of oper-
ations.

Proviso.
Forfeiture for
non-user.

14. The Company shall not commence operations under this Act, until at least ten per centum on the amount of their capital stock shall have been paid in; provided always, that unless mining operations be commenced under this Act within five years from the passing thereof, and continued *bonâ fide*,

vide, this Act of Incorporation shall be null and void; saving only to the said Company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

15. This Act shall be deemed a Public Act.

Public Act.

CAP. CXXXIX.

An Act to incorporate "The Lancaster Oil Company."

[Assented to 30th June, 1864.]

WHEREAS James McClintock, James C. Vandyke, Henry Simons, Henry W. Gray, Frederick Steeb, Henry S. Mott and Elijah R. Myer, have, by their petition, represented that they, with others associated with them, are desirous of engaging in the business of exploring for, mining, procuring, manufacturing, refining and vending Petroleum Oil, and so forth, in the Province of Canada, and that they can do so to better advantage by the aid of a Charter of Incorporation, and have prayed for the passing of an Act to that end; 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. James McClintock, James C. Vandyke, Henry Simons, Henry W. Gray, Frederick Steeb, Henry S. Mott, Elijah R. Myer, together with all other persons who shall become shareholders in the Company hereby constituted, shall be and they are hereby constituted a body politic and corporate, in fact and in name, by the name, style and title of "The Lancaster Oil Company," and by that name shall and may sue and be sued, and shall have perpetual succession and all the rights conferred on corporations by the Interpretation Act.

Certain persons incorporated.

Corporate name and powers.

2. The Company may carry on the business of exploring for, procuring, manufacturing, purifying, vending, dealing in and disposing of Petroleum Oil, in the Counties of Lanibton and Kent, and may do all things necessary or convenient thereto not inconsistent with the rights of other parties.

Business of the Company.

3. The Company may, by any legal title, acquire and hold any lands or mining rights, necessary and requisite for the carrying on of such business, and construct and maintain such buildings, machinery and other improvements thereon, and they may sell and dispose of the same and acquire others in their stead as the Company may deem necessary, or for their advantage, and may acquire any royalties or percentage for the privilege of procuring or taking away of Oil, or of manufacturing and vending the same on any lands owned or rented by them.

May acquire lands and sell and rent the same.

Royalties.

Capital stock
and shares.
Increase.

4. The capital stock of the Company shall be the sum of five hundred thousand dollars, divided into shares of ten dollars each, and may be from time to time increased, as the wants of the Company may require, by a vote of not less than two-thirds of the shareholders, at a meeting of the Company called for the purpose, to an amount not exceeding one million of dollars in the whole ; such stock to be paid for and issued as herein provided for the original stock.

How stock to
be paid.

Interest on
calls in arrear.

Forfeiture for
non-payment.

5. The capital stock shall be paid for by the subscribers therefor when, where, and as the Directors of the Company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the Directors, with the interest thereon, after such demand or notice as the by-laws may prescribe, and within the time limited by such notice, the Directors may, by vote, reciting the facts, 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 the by-laws or votes of the Company may provide.

Payment of
subscribed
stock, how
enforced.

Proof in such
case.

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 the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect to one call or more upon one share or more, stating the number of such calls and amount of each whereby an action hath accrued to the Company under this Act ; and a certificate under their seal, 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.

Stock to be
personal es-
tate, and how
assignable.

7. The stock of the Company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as are by the by-laws prescribed ; but no share shall be assignable, except to the Company, until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Company may
borrow
\$100,000 on
bonds, and
when.

8. The Company may, from time to time, after at least one-half their stock has been paid in and not sooner, borrow, in this Province or elsewhere, any sums not exceeding in all one hundred thousand dollars, and may make the bonds, debentures, and other securities they may grant for such sums,
payable

payable 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 and other securities may be made payable to bearer, or transferable by simple endorsement or otherwise, and may be in such form as the Directors of the Company may deem fit; and for the securing the payment of any such sum and interest, the Company may mortgage their real or personal estate, or any part thereof, in such manner as they may deem advisable. May grant mortgage.

9. At all meetings of the Company, every shareholder not being in arrears in respect of any instalment called for, 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 is held by a shareholder, and is in conformity with the by-laws. Manner of voting. Proxies. Proviso.

10. The affairs of the Company shall be administered by a Board of Directors of not less than five nor more than seven, being severally the holders of not less than one hundred shares of stock, who shall be elected at the first general meeting of the subscribers to the capital stock or as soon thereafter as may by a majority then present be deemed practicable, and shall be elected thereafter at each annual meeting of the Company, to hold office until their successors are elected; and such Directors, unless otherwise provided by the by-laws, may vote by proxy, and may, if otherwise qualified, be re-elected; and a majority of such Directors present, in person or by proxy, shall at any meeting, until otherwise directed by the by-laws, be a quorum thereof, and in case of death, resignation, removal or disqualification of any Director, the Board, if they see fit, may fill the vacancy until the next annual meeting of the Company and election, by appointing any qualified shareholder thereto; And a failure to elect Directors at any time, or to hold any regularly provided meeting, shall not dissolve the said Corporation; but all proper acts of the Directors shall be valid and binding as against the Company, until their successors shall be elected, and the failure or omission to elect such Directors may be supplied by and at any special meeting, to be called as the Directors in conformity with the by-laws of said Corporation may see fit to appoint; and until such election of new Directors, those who may be in office for the time being, shall be, and continue in office, and exercise all the rights and powers thereof, until such new election be made, as hereinbefore provided. Board of Directors, election and qualification of. Proxies. Quorum. Vacancies. Provision in case of failure of election.

11. The Board of Directors shall have power in all things to administer the affairs of the Company, and to make or cause to be made, any purchase of real or personal estate, not contrary to law; to adopt a common seal, and the same to alter or abolish. Powers of the Board of Directors.

To make By laws for certain purposes.

Officers.

Proof of by-laws.

Who shall be first Directors and their powers.

abolish at pleasure; to grant, bargain, and sell their lands, or other property, in fee simple or otherwise; to make by-laws for the government of the Company, not contrary to law, and the same to alter or amend at pleasure; to regulate the issuing and registration of the certificate of stock, the calling in of instalments on stock and the payment thereof,—the forfeiture of stock for non-payment,—the disposal of forfeited stock and the proceeds thereof,—the transfer of stock and the declaration and payment of dividends, and to do all things whatsoever necessary or requisite to carry out the objects of the corporation, and to vest the present property and bonds of the said association, whether held by them or by others in trust for them, in the corporation hereby erected; they may appoint and declare and regulate the functions and duties of all necessary agents, officers and servants of the company, and their removal at pleasure; fix the security, if any, to be given by them to the Company; their remuneration, and that (if any) of the Directors or any of the officers thereof; regulate the time and place of holding the annual and other meetings of the Company and of the Directors—the calling of meetings of the Company and of the Board of Directors, 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-laws—and carry into force all and every provision and stipulation contained in the agreement of association mentioned in the first section of this Act, with respect to the appropriation and allotment, whether conditional or otherwise, of the shares of the said Company, and also with respect to all other matters or things in the said articles or in the resolutions adopted by the said associators provided for, not inconsistent with the present Act, and the conduct in all other particulars of the affairs of the Company; and every copy of any by-law or order, ordinance or resolution of the said Company, under the seal of the Company, attested by the officer in charge thereof, or purporting to be so attested, shall be received in all courts of law as *prima facie* evidence of such by-law, order, ordinance or resolution.

12. Until the first election of a Board of Directors in pursuance of this Act, James McClintock, James C. Vandyke, Henry Simons, Elijah R. Myer, Henry S. Mott, Frederick Steeb, and Henry W. Gray, are, and shall be a Provisional Board of Directors, with all the powers, rights and privileges, and subject to all the restrictions and regulations which are provided for in this Act, and shall exercise the office of Directors until their successors are regularly elected and qualified to act; and they may as such open stock books, purchase property, and issue and assign shares in payment thereof, which shares so issued shall be considered to be fully paid shares, convene general meetings of the company at such time and

and place as they shall determine, and generally do and perform all matters and things which any other Board of Directors is empowered to do, and any act necessary and proper to be done to organize the company and conduct its affairs.

13. In addition to such ordinary place of business within this Province as the said Company may establish for the conduct of their business, the Company may establish and have any place or places of business in Great Britain; or in any of the States of the United States of America, and may at any one thereof, order, direct, do and transact their affairs and business, or any part thereof, in such manner as may be prescribed by their by-laws, or by resolution of the Board of Directors.

Company may establish places of business.

14. The word "lands" in this Act, shall include all lands, tenements, and hereditaments, and real or immovable property whatsoever; and all words importing the singular number or the masculine gender only, shall extend to more than one person, party or thing, and to females as well as males; and the word "shareholder" shall include the heirs, executors, administrators, curators, legatees or assigns of such shareholder, or any other party holding the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do anything, power shall be intended also to do all things which may be necessary to the doing of such thing; and generally all words and clauses herein shall receive such liberal and fair construction as will best ensure the carrying into effect of this Act according to its true intent and spirit; and the Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, in respect to any share or shares, and the receipt of the person in whose name the same shall stand on the books of the Company, shall be a discharge to the Company for any dividend or money payable in respect of such share or shares, 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.

Interpretation clause.

Company not liable as trustees.

15. 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 calls, if any, remaining unpaid on their shares in the stock thereof; Provided, however, that the stockholders of the Company shall be severally individually liable, *pro rata*, to the amount of stock held by them respectively, for all debts that may be due and owing to all or any of their laborers for services performed for such corporation.

Liability of Shareholders limited.

Proviso: as to debts for labour.

Company bound by the acts of their servants.

Proviso: as to Bank notes.

Liability to actions, and who may be witnesses.

Ten per cent. of stock to be paid in before Company commence business under this Act.

Public Act.

16. All contracts, promissory, notes, bills of exchange, and engagements made on behalf of the Company by the directors, officers, agents, or servants thereof, in accordance with their powers under the by-laws, or under a vote of the Company, shall be binding upon the Company, and in no case need the seal of the Company be affixed thereto; nor shall such directors, officers, agents or servants thereby become individually liable to a third party therefor; but the Company shall issue no bank note or note to circulate as money.

17. Any description of action may be prosecuted and maintained between the Company and any person or corporation whatever, whether he or she be a shareholder or otherwise, and no shareholder not being himself a party to such action, shall be incompetent as a witness therein.

18. The Company shall not commence operations under this Act, until at least ten per centum of their capital stock shall have been paid in.

19. This Act shall take effect immediately, and shall be deemed a Public Act.

C A P . C X L .

An Act to incorporate The Grand Temple and Subordinate Temples of the Independent Order of Good Templars of Canada.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS certain persons have associated themselves in this Province under the names of "The Grand Temple, and Subordinate Temples, of the Independent Order of Good Templars of Canada," and have represented, by petition, that in addition to the moral object which the association has in view, they are associated for the purpose of establishing a fund for the mutual assistance and benefit of the members thereof, and of their families, in case of sickness, disability or death; and whereas, for the purpose of managing the necessary affairs of the said association, it is desirable that they should be incorporated: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Grand Temple incorporated.

1. John McWhinnie, John William Fergusson, M. D., Simeon Morrill, Hiram A. Crain, Peter W. Day, Stephen Wright, M. D., William Best, Jacob H. Burkholder, Judson W. Buck, Mungo Nasmith, Abner E. Van Norman, John R. Urquhart, Charles Taylor, Hugh Matheson and James F. Wright, members of the Grand Temple of the Independent Order of Good

Good Templars of Canada, and their successors, and such and so many other persons and parties as have become or shall become members thereof, shall be and are hereby constituted a body politic, and corporate, by the name of "The Grand Temple of the Independent Order of Good Templars of Canada, for the objects mentioned in the preamble.

Corporate name.

2. It shall be lawful for the said corporation to acquire and hold such land and immoveable estate as may be necessary for the actual use and occupation of the said corporation; provided that the real estate to be held by the said Grand Temple shall at no time exceed in value the sum of thirty thousand dollars; and it shall be lawful for the said corporation to sell, lease or otherwise dispose of the said property and estate as they may see fit.

Power to hold property.
Amount limited.

3. It shall be lawful for the said corporation to appoint such members thereof as they may think proper, in such manner as they may by their by-laws provide, for the purpose of managing the funds and property of the said corporation, and to revoke such appointments and substitute others in their places as they may think expedient, and to demand and accept such security as they may from time to time think proper, from such parties, or from any other officers appointed by the said corporation, for the performance of their respective duties, and to make, ordain and put in execution all such by-laws and rules as they may think necessary for the purposes aforesaid, not inconsistent with the laws of the Province.

Officers and security.

By-laws.

4. Each Subordinate Temple of the order of the Independent Order of Good Templars now instituted, or that may hereafter become instituted within the Province of Canada, may, in the manner hereinafter specified, be and become a body politic and corporate, by the name, number and place of location by which it is or may be designated in the said Order; and each Subordinate Temple, upon so becoming incorporated, shall have all the powers and privileges conferred upon the Grand Temple of this Act, for the sole purpose of managing their real and personal estate; provided that the real estate to be held by such Subordinate Temple shall in no case exceed the value of fifteen thousand dollars, and shall be held for their own use and occupation only.

Subordinate Temples may be incorporated and how.

Real estate limited.

5. Each Subordinate Temple which may be desirous of becoming incorporated, shall and may, by a vote of two-thirds of its members present at any regular meeting (of the intention to propose which vote, two weeks' notice at least shall be given in regular meeting of such Subordinate Temple by some member thereof, in writing), decide to become so incorporated; and upon a copy of the vote of such decision, specifying the name, number, and place of location of such Temple, and the

Proceedings for effecting the incorporation of a Subordinate Temple.

names

names of not less than ten of the members of such Subordinate Temple, under the seal of the said Subordinate Temple, and signatures of its recording secretary and presiding officer, together with a certificate of the Grand Temple, under its corporate seal and the signatures of its presiding officer and secretary, that such Subordinate Temple is in full standing in the order, being filed in the office of the registrar of the county in which such Temple is situated, the members of such Subordinate Temple, whose names may be included in such vote as aforesaid, and their associates and successors, members of such Subordinate Temple, shall be and become from the time of filing such certificate as aforesaid with such registrar, a body politic and corporate as aforesaid, by the style or name, number and place of location of such Subordinate Temple.

Corporate name.

Investing surplus monies of a Subordinate Temple.

6. It shall be lawful for the treasurer of each Subordinate Temple so incorporated, and he is hereby empowered from time to time, by and with the consent of such Subordinate Temple, to be testified in such manner as may be directed by their by-laws, to lay out and invest all such sum and sums of money as shall from time to time be collected and not required for the immediate exigencies of such Subordinate Temple, on mortgage or in public or other stock or funds, or in such other manner as such Subordinate Temple may deem best, and from time to time with the like consent to alter, sell and transfer such securities or funds respectively, and otherwise to reinvest or dispose of the same, and the certificate, bill of sale, deed or other instrument of transfer, sale or discharge of such estate or funds, or security, shall be made under the seal of such Subordinate Temple and signed by the treasurer and presiding officer of such Subordinate Temple, and all such investments shall be made and securities taken, and sales and transfers made, in the corporate name and capacity of such Subordinate Temple.

Security to be given by Treasurer.

7. It shall be lawful for such Subordinate Temple, when so incorporated, to receive from the treasurer thereof, from time to time, in their corporate name, sufficient security by bond with one or more surety or sureties or otherwise, as such Subordinate Temple may deem expedient, for the faithful performance of his duty as such, and that he will well and truly account for, and pay and invest, from time to time, all such sums of money, funds or other property as may come to his hands or under his control, belonging to such Subordinate Temple as directed by such Subordinate Temple.

Non-liability of property for private debts of members, &c.

8. No member of any Subordinate Temple so incorporated shall have any power to assign or transfer to any person or persons whomsoever, any interest which he may have to or in the funds or property of such Subordinate Temple, but the same shall at all times be and remain under the control of such Subordinate Temple, and no property or stock of any kind, belonging

belonging to such incorporated Subordinate Temple shall be subject to the payment of the private debts of any of its members, nor be liable to be taken in execution by any judgment-creditor against any individual members of such Subordinate Temple.

9. The property of each of the Subordinate Temples, when incorporated, shall alone be held responsible for the debts and engagements of the Subordinate Temple owning such property. Or of other Temples.

10. Upon the dissolution of any Subordinate Temple so incorporated, the property held by it at the time of its dissolution, after the payment of the debts and engagements of such Subordinate Temple, shall be disposed of, sold or conveyed, in such manner as the members present at any regular meeting when such dissolution shall have been determined upon by a two-third vote, may direct; and in case no disposition of the funds and property of such Subordinate Temple shall be made, then all such funds and property as such Subordinate Temple may be possessed of at the time of such dissolution shall be *ipso facto* vested in the Grand Temple aforesaid, to be by such Grand Temple applied, first to the debts or liabilities of such dissolved Subordinate Temple, and the balance (if any) in such manner as the said Grand Temple may deem best for the general interest of the Order in Canada. Disposal of property on dissolution of Subordinate Temple.

11. If, at any time hereafter, any one or more of the Subordinate Temples shall become so far involved as to be unable to meet its engagements, then, and in such case, it shall and may be lawful for the said Grand Temple to enter into and upon and take possession of the property, both real and personal, of which the said Subordinate Temple so becoming bankrupt shall be possessed, and the same and all debts owing to the said Subordinate Temple, and all liens and securities therefor, and all the rights of action of the said corporation for any goods or estate, real or personal, shall thenceforth and thereafter be and become vested in the members, trustees or officers appointed for the purpose of managing the real and personal estates and effects of the said Grand Temple, their successors and assigns, and upon so entering and taking possession of the said estates and effects of the Subordinate Temple, the said Grand Temple, so far as the said property shall extend, shall be and become liable for and subject to all debts and liabilities contracted by such Subordinate Temple in its corporate capacity, and shall and may thenceforth substitute the names or name of such trustees or trustee or officers as aforesaid for the time being, and of their successors, in all actions then pending, and in their own names or name bring and prosecute all such actions or action, suits or suit, as the said Subordinate Temple might otherwise have done, and may give such releases and such discharges as might have been given by the said Subordinate Temple, and may sell and convey all such property, both real and If any Subordinate Temple becomes insolvent, Grand Temple may take possession of its property, &c.

and personal, as the said Subordinate Temple was possessed of or was entitled to at the time of such bankruptcy, and may give all such deeds as may be necessary for the proper conveyance of the same.

Amount limited for real estate, not to be exceeded.

12. Nothing in this Act contained shall authorize the said Grand Temple to hold real estate exceeding the aforesaid value of thirty thousand dollars for a longer period, than may be reasonably necessary to allow of selling the same.

Subordinate Temple to be subject to Rules of Grand Temple.

13. All Subordinate Temples that may become incorporated under the provisions of this Act, and the members thereof, shall from thenceforward be and become subject and amenable to the by-laws, rules and regulations of the Grand Temple of the Independent Order of Good Templars of Canada, and shall have and exercise all their powers and privileges under this Act, subject to the said by-laws, rules and regulations, and not otherwise.

Members expelled to have no claim on funds.

14. When any member is expelled or suspended by any Subordinate Temple, or by the Grand Temple, or in case any member retires from such Subordinate Temple, the said member shall cease to have any interest or claim whatever upon the funds or property of such Subordinate Temple.

Subordinate Temples may be dissolved.

15. In case the Grand Temple declares the Charter of a Subordinate Temple forfeited, pursuant to the by-laws, rules and regulations of the said Grand Temple, such Subordinate Temple shall stand dissolved.

Grand Temple to make yearly Returns.

16. The said Grand Temple hereby incorporated shall present to the Governor and both Houses of the Provincial Parliament, within the first fifteen days of each Session of the said Parliament, a return shewing the amount of the real or other property held by the said Grand Temple and by each of the Subordinate Temples incorporated under the provisions of this Act, together with lists of the names of the managers, officers and members of the said Grand Temple and Subordinate Temples respectively.

Public Act.

17. This Act shall be deemed a Public Act.

C A P C X L I.

An Act to incorporate the Grand and Subordinate Divisions of the Sons of Temperance in Canada East.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS certain parties have associated themselves in this Province under the name of the "Grand Divisions and Subordinate Divisions of the Sons of Temperance in Canada

Canada East; And whereas, in addition to the moral objects which that Association has in view, they are associated for the purpose of establishing a Fund for the Mutual Assistance and Benefit of the Members thereof, and of their Families in case of sickness, disability, or death; and they have represented by Petition, that the Act eighteenth Victoria, chapter two hundred and thirty-one, under which they are already incorporated, is about to expire through efflux of time; And whereas, for the purpose of managing the pecuniary affairs of the said Association, it is desirable that the said Order of the Sons of Temperance should be incorporated: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Archibald McEachern, George Mathison, Joseph Benjamin Clif, Charles Pool Watson, John S. Hall, Joseph Dutton, Henry S. Lighthall, John Cunningham Becket, Francis Sheriff, Andrew Smith, Henry Rose, George Maclean Rose, William Scott, William Easton, William Hodgson, John Brodie, William H. Clare, George W. Cameron, Thomas Wanless, Benjamin Cole, junior, Charles Brodie, and Malcolm McLeod, all members of the "Grand Division of the Order of the Sons of Temperance of Canada East," and their successors in such membership, and such other persons as are or shall become members thereof, are hereby constituted, and shall be forthwith, a Body Politic and Corporate, by the name of "The Corporation of the Grand Division of the Order of the Sons of Temperance of Canada East" for the objects mentioned in the preamble; and by that name shall and may sue and be sued, and may engage in all necessary legal acts in any Court of Law or Equity in this Province, and shall have uninterrupted succession, according to the rules of the said Order, and a common seal.

Grand Division of the Order incorporated.

Corporate name.

Corporate powers.

2. It shall be lawful for the said Corporation to acquire and hold such real and immoveable estate as may be necessary for the actual use and occupation of the said Corporation; Provided that the real estate to be held by the said Grand Division shall at no time exceed in value the sum of forty thousand dollars; and it shall be lawful for the said Corporation to sell, lease or otherwise dispose of the said property and estate as they may see fit.

Further powers.

Proviso. Real estate limited.

3. It shall be lawful for the said Corporation to appoint such Members thereof as they may think proper, in such manner as they may by their by-laws provide, for the purpose of managing the funds and property of the said Corporation, and to revoke such appointments and substitute others in their places, as they may think expedient, and to demand and accept such security as they may from time to time deem proper, from such parties, or from any other officers appointed by the said Corporation for the performance of their respective duties, and to make, ordain and

Managers to be appointed.

Security.

By-laws.

and put in execution all such By-laws and Rules as they may think necessary for the purposes aforesaid, not inconsistent with the laws of this Province.

Subordinate Divisions to be subject to Grand Division.

4. Subordinate Divisions incorporated and to be incorporated, under this Act, and the members thereof, shall henceforward be and become subject and amenable to the by-laws, rules and regulations of the Grand Division of the Order of the Sons of Temperance of Canada East, and shall have and exercise all their powers and privileges under this Act subject to the said by-laws, rules and regulations and not otherwise.

Members expelled to have no share of funds.

5. When any Member is expelled or suspended by any Subordinate Division, or by the Grand Division, or in case any Member retires from such Subordinate Division, the said Member shall cease to have any interests or claim whatever upon the funds or property of such Subordinate Division.

Forfeiture of Charter.

6. In case the Grand Division declares the Charter of the Subordinate Division forfeited, pursuant to the by-laws, rules and regulations of the said Grand Division, such Subordinate Division shall stand dissolved.

Subordinate Divisions may become incorporated.

7. Each Subordinate Division of the Order of the Sons of Temperance now instituted, or which may hereafter become instituted, within Canada East, may, in the manner hereinafter specified, be and become a Body Politic and Corporate, by the name, number, and place of location by which it is or may be designated in the said Order; and each Subordinate Division, upon so becoming incorporated, shall have all the powers and privileges conferred upon the Grand Division of the Sons of Temperance by the first section of this Act, for the sole purpose of managing their real and personal estate, and to enforce the by-laws of such Subordinate Division, to compel the payment of all dues and rates, and generally all sums of money due to such Subordinate Division by any member thereof; Provided that the Real Estate to be held by such Subordinate Division shall in no case exceed the value of twenty thousand dollars, and shall be held for their own use and occupation only.

Proviso: as to real estate.

Mode in which Subordinate Division may become incorporated.

8. Each Subordinate Division which may be desirous of becoming incorporated, shall and may, by a vote of two-thirds of its Members present at any regular meeting (of the intention to propose which vote two weeks notice at least shall be given in a regular meeting of such Subordinate Division by some Member thereof, in writing), decide to become so incorporated; and upon a copy of the vote of such decision, specifying the name, number, and place of location of such Division, and the names of not less than ten of the Members of such Subordinate Division under the seal of the said Subordinate Division, and its Recording Scribe and Presiding Officer, together with a certificate of the Grand Division, under its corporate seal, and the

the signature of its Presiding Officer and Scribe, that such Subordinate Division is in full standing in the Order,—being filed in the office of the Registrar of the County, City, Riding, or Registration Division in which such Division is situated,—the Members of such Subordinate Division whose names may be included in such vote as aforesaid, and their Associates and Successors, Members of such Subordinate Division, shall be and become from the time of filing such Certificate as aforesaid, with such Registrar, a Body Politic and Corporate as aforesaid, by the style or name, number and place of location of such Subordinate Division: And a certificate, under the signature of such Registrar, of the filing of such certificate, shall be *prima facie* evidence in any Court of Law or Equity in this Province of such incorporation, and for all legal purposes.

Certificate of
incorporation.

9. It shall be lawful for the Treasurer of each Subordinate Division so incorporated, and he is hereby empowered, from time to time, by and with the consent of such Subordinate Division, to be testified in such manner as may be directed by their By-laws, to lay out and invest all such sum and sums of money as shall from time to time be collected and not required for the immediate exigencies of such Subordinate Division, on mortgage, or in public or other Stock or Funds, or in such other manner as such Subordinate Division may deem best, and from time to time, with the like consent, to alter, sell, and transfer such securities or funds respectively, and otherwise to reinvest or dispose of the same; and the certificate, bill of sale, deed or other instrument of transfer, sale or discharge of such estate, or fund or security, shall be made under the seal of such Subordinate Division, and signed by the Treasurer and presiding Officer of such Subordinate Division; and all such investments shall be made, and securities taken, and sales and transfers made in the corporate name and capacity of such Subordinate Division.

Provision as
to the invest-
ing of the
Funds of any
Subordinate
Division, &c.

10. It shall be lawful for such Subordinate Division, when so incorporated, to receive from the Treasurer thereof, from time to time, in their corporate name, sufficient security by bond with one or more surety or sureties or otherwise as such Subordinate Division may deem expedient, for the faithful performance of his duty as such, and that he will well and truly account for and pay and invest from time to time, all such sums of money, funds or other property as may come to his hands or under his control, belonging to the said Subordinate Division, as directed by the said Subordinate Division.

Security to be
given by the
Treasurer.

11. No member of any Subordinate Division so incorporated, shall have any power to assign or transfer to any person or persons whomsoever, any interest which he may have to or in the funds or property of such Subordinate Division, but the same shall at all times be and remain under the control of such Subordinate Division; and no property or stock of any kind belonging

Shares in prop-
erty not
transferable,
&c.

belonging to such incorporated Subordinate Division shall be subject to the payment of the private debts of any of its members, nor be liable to be taken in execution by any judgment creditor against any individual members of such Subordinate Division.

Liability of Subordinate Divisions.

12. The property of each of the Subordinate Divisions, when incorporated, shall alone be held responsible for the debts and engagements of the Subordinate division owning such property.

Disposal of property on the dissolution of any Subordinate Division.

13. Upon the dissolution of any Subordinate Division so incorporated, the property held by it at the time of such dissolution, after the payment of the debts and engagements of such Subordinate Division, shall be disposed of, sold or conveyed, in such manner as the members present at any regular meeting when such dissolution shall have been determined upon by a two-third vote, may direct; and in case no disposition of the funds and property of such Subordinate Division shall be made then all such funds and property such Subordinate Division may be possessed of at the time of such dissolution, shall be *ipso facto* vested in the Grand Division aforesaid, to be by such Grand Division applied, first to the debts or liabilities of such dissolved Subordinate Division, and the balance, if any, in such manner as the said Grand Division may deem best for the general interests of the Order in Canada East.

Provision in case any S. Division shall become insolvent, Grand Division to take possession of its property, &c.

14. If at any time hereafter, any one or more of the Subordinate Divisions shall become so far involved as to be unable to meet its engagements, then and in such case it shall and may be lawful for the said Grand Division to enter into and upon and take possession of the said property, both real and personal, of which the said Subordinate Division so becoming bankrupt, shall be possessed, and the same and all debts owing to the said Subordinate Division and all liens and securities therefor, and all the rights of action of the said corporation for any goods or estate, real or personal, shall thenceforth and thereafter be and become vested in the members, trustees, or officers appointed for the purpose of managing the real and personal estates and effects of the said Grand Division, and their successors and assigns; and upon so entering and taking possession of the said estates and effects of the said Subordinate Division, the said Grand Division, so far as the said property shall extend, shall be and become liable for, and subject to, all debts and liabilities contracted by such Subordinate Division in its corporate capacity, and shall and may thenceforth substitute the name or names of such Trustees or Officers as aforesaid, for the time being, and of their successors, in all actions then pending, and in their own names or name bring and prosecute all such actions or action, suits or suit, as the said Subordinate Division might otherwise have done, and may give such releases and such discharges as might have been given by the said Subordinate Division, and may sell and convey all such

Rights of Grand Division in such case.

such property, both real and personal, as the said Subordinate Division was possessed of, or was entitled to, at the time of such bankruptcy, and may give all such deeds as may be necessary for the proper conveyance of the same.

15. Nothing in this Act contained shall authorize the said Grand Division to hold real estate, exceeding the aforesaid value of forty thousand dollars for a longer period than may be reasonably necessary to allow of selling the same. Proviso: as to total amount of real estate.

16. Each and every member of the " Corporation of the Grand Division of the Order of the Sons of Temperance in Canada East," or of any Subordinate Division of the said Order incorporated under the provisions of this Act, shall be competent to be examined as a witness for or on behalf of or against any party in any suit or proceeding, either at law or in equity, to which the corporation of which he is a member may be a party; any law, usage or custom to the contrary notwithstanding. Members of the Corporation to be competent witnesses in suits where it is a party.

17. The said Grand Division hereby incorporated shall present to the Governor and both Houses of the Provincial Parliament, within the first fifteen days of each session of the said Parliament, a return shewing the amount of the real or other property held by the said Grand Division, and by each of the Subordinate Divisions incorporated under the provisions of this Act, together with lists of the names of the managers, officers, and members of the said Grand Division and Subordinate Divisions, respectively. Yearly returns to the Legislature.

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

CAP. CXLII.

An Act to enable the Art Association of Montreal to establish an Art Union in connection with the other operations thereof.

[Assented to 30th June, 1864.]

WHEREAS, under and by virtue of an Act passed in the twenty-third year of Her Majesty's reign, intituled: Preamble.
An Act to incorporate the Art Association of Montreal, certain 23 V. cap. 13.
 persons were incorporated as 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 were authorized to make by-laws for 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

encouragement of the fine arts ;” and whereas the said association, in their corporate capacity, have by petition set forth that it is desirable in order to enable them more efficiently to foster and encourage the fine arts, that they be authorized to establish an Art Union as one of the subsidiary undertakings aforesaid ; 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 :

Power to dispose of pictures, &c., by lot notwithstanding cap. 95, Con. Stat. Canada.

1. It shall be lawful for the said association to purchase or otherwise acquire pictures or other works of art, and distribute the same among the members of such association, or subscribers or contributors to its funds, by lot or chance, under by-laws enacted or to be enacted to regulate such distribution ; anything contained in chapter ninety-five of the Consolidated Statutes of Canada, intituled : *An Act respecting Lotteries*, or any other law, custom or usage to the contrary, notwithstanding.

Public Act

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

C A P . C X L I I I .

An Act to amend the Act of incorporation of the Canadian Literary Institute of Woodstock.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the Canadian Literary Institute of Woodstock have prayed to be empowered to raise a certain sum of money, not exceeding four thousand dollars, on the property held by the corporation, and to change the day for holding the annual meeting of the corporation ; 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 :

Power to borrow money on Mortgage.

1. The said corporation may raise, by way of loan, for the purposes of the said corporation, any sum of money they may from time to time require for the purpose of completing their buildings or otherwise improving or enlarging the same, or for paying or continuing any loan ; Provided always that the total amount of such debt shall not at any time exceed the sum of four thousand dollars ; and for securing the re-payment of such borrowed money the corporation may grant a mortgage or mortgages on their property, by deed, under the corporate seal thereof ; anything in the Act incorporating the said Institute to the contrary notwithstanding.

Proviso : amount limited.

Mortgagees not bound, &c.

2. The mortgagees under this Act shall not be bound to see to the application of the money lent.

3. The day for holding the annual meeting of the subscribers and contributors to the said institution, is hereby changed from the Thursday next before the twenty-fifth of December in each year, as provided in the third section of the Act incorporating the said Institute, to such day in the month of July in each year as the board of trustees may from time to time determine. Day of annual meeting changed.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . C X L I V .

An Act to amend the Act of Incorporation of the Iberville Academy.

[Assented to 30th June, 1864.]

WHEREAS, by the fourth section of the Act of Incorporation of the Iberville Academy, passed in the twenty-second year of Her Majesty's reign, one thousand eight hundred and fifty-eight, chapter seventy, the School Commissioners of the town of Iberville are authorized to enter into an agreement with the members of the said corporation, for the union of the Elementary School with the said Academy; and the said Commissioners have agreed to pay to the said Academy the sum of five hundred dollars a year for ten years, by deed passed before Philibert Baudoin and his colleague, notaries, dated the thirtieth of April, one thousand eight hundred and sixty-four, and the said Academy, in consideration of such sum, has bound itself to take under its control and to keep the Boy's Elementary School of the said town during the aforesaid period of time; and whereas doubts have arisen as to the right of the said Commissioners to enter into an agreement for a period of time longer than their term of office: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The fourth section of the Act, intituled: *An Act to incorporate the Iberville Academy*, twenty-second Victoria, chapter seventy, has always been intended to confer and has conferred on the said School Commissioners and the corporation of the said Academy, the right to enter into agreements in their quality aforesaid, for themselves and their successors, for the purpose mentioned in the said Act, for one year or for a longer period of time. 22 V. c. 70. sec. 4. explained.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . C X L V .

An Act to incorporate the Children's Industrial School
of the City of Hamilton.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS an institution has for some time existed in the city of Hamilton, supported by voluntary contributions and having for its object the education of destitute children of the said city and training them to habits of industry and virtue ; and whereas the management of the affairs of the said institution has hitherto been vested in a committee consisting of twenty-four ladies as directresses, treasurer, secretary and managers, elected annually ; and whereas the ladies comprising the said committee have by their petition represented that the said institution would be rendered much more efficient by giving it the character of a corporation, and have prayed that an Act may be passed for that purpose, 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 :

Incorporation.

1. Jane O'Reilly, and Helen Rae, directresses, Jane R. Ewing, treasurer; Kate E. Young, secretary; Emma MacKeand, Eliza Osborne, Catherine Young, Helen Edgar, Mary Bickle, Margaret Robb, Agnes Buchanan, Barbara MacNab, Emily Lisber, Olivia Hunter, Susan Geddes, Elizabeth A. Boice, Eliza Bickle, Hughina MacDonald, Jessie Greer, Elizabeth MacKelcan and Catherine Ferrie, managers, and all others who now are or may, from time to time, be elected to succeed them in manner hereinafter mentioned as directresses, treasurer, secretary and managers, shall be and they are hereby nominated and constituted a body politic and corporate by the name of *The Children's Industrial School of the City of Hamilton*, for the education of destitute children of the said city of Hamilton, and training them to habits of industry and virtue, and shall, by that name, have perpetual succession, and all the rights vested by the Interpretation Act in corporations generally, and shall from time to time and at all times hereafter, be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain, to and for the use of the said corporation, all lands, tenements and hereditaments which may hereafter be sold, ceded, exchanged, given, devised or granted to the said corporation, or to sell, alienate, convey, let or lease the same if need be ; provided that the annual income to be derived from such real property shall not exceed two thousand dollars ; and the said corporation shall further have the right to make and establish so many by-laws, orders and regulations (not being contrary to the laws of this Province or to this Act) as they shall deem useful and necessary for the conduct or government of the said institution ; provided always, that no

Corporate name.

Real property.

Proviso: value limited.

By-laws.

Proviso.

act

act done by such directresses and managers shall be valid and effectual unless five of such managers, and one of the said directresses or office-bearers, at the least, shall be present and the major part of these consenting thereto.

Quorum of managers, &c.

2. The said directresses, office-bearers and managers shall keep or cause to be kept in a book to be opened for that purpose, a list of all subscribers to the said institution; and a meeting of the said subscribers shall be held annually on the first Wednesday in the month of May in each year (the first of such meetings to be held on Wednesday the sixth day of July next), at such hour and place as the directresses and managers for the time being shall, by notice thereof given at least one week beforehand in some newspaper published in the city of Hamilton, appoint; And at each such meeting a report in writing of the affairs and management of the said institution, and of all moneys received and expended, and of all property, real and personal, then held by the institution and also of the number of children of each sex received into the institution, and of the number sent out for adoption or to service, shall be exhibited under their proper heads by the directresses, office-bearers and managers for the year then past; and at such meeting the ladies then present who are respectively subscribers of a sum not less in amount than one dollar annually, or donors at any one time of not less than twenty dollars, or of lands to an amount of not less in value than one hundred dollars, shall elect from the subscribers or donors of like amounts, not fewer than twelve fit and proper persons as managers of the said institution; and also a secretary, a treasurer, and a first and second directresses, and the said directresses, treasurer, secretary and managers shall be the governing body of the institution, and all vacancies which may occur in the interval between the annual meetings, in their number, from death, resignation or otherwise, may be filled up at a special meeting of the subscribers called for the purpose, by a notice given in a similar manner to that required to be given for the annual meeting; provided always, that if from any cause such annual or special meeting shall not take place at the time appointed by the notice, such meeting may be called as aforesaid at any subsequent time.

List of members.
Annual meeting.

Reports to be submitted.

Election of managers and officers.

Vacancies.

Proviso: in case of failure of election.

3. The said directresses, office-bearers and managers shall and may send out to service and apprentice thereto or to any healthy trade or business, all children having the protection of the institution aforesaid, to such person or persons and upon such terms as to the said directresses, office-bearers and managers shall seem fit and proper, and for that purpose and on behalf of and for such child and themselves, may enter into and make with any persons or person with whom such child may be placed by the said directresses, office-bearers and managers, articles of apprenticeship or agreement, and such articles or agreement may be enforced as well by action at law

Power to apprentice.

Children.

Articles in such case.

or

or in equity for breach thereof warranting such action; as by summary application to a magistrate or justice of the peace (who is hereby authorized and empowered to act thereon), on any such occasion as would, according to the laws of this Province, warrant the interference or adjudication of any one or more justice or justices of the peace in the disputes and difficulties between masters and apprentices; provided always, that a copy of the articles of indenture apprenticing such child shall, within six days from the time such articles were executed, be lodged with the clerk of the common council of the city of Hamilton, who is hereby required to file such copy; and provided further that all persons desirous of obtaining any child for the purpose of service and apprenticeship or adoption, shall deposit in the hands of the treasurer of the said institution, for the benefit of such child, not less than three dollars a year.

Proviso.

Proviso.

Power of parents given to directresses, &c.

4. The said directresses, office-bearers and managers may exercise over and with respect to the children having the protection of the said institution, such powers as their parents or guardians would have or might exercise.

Property to be applied to objects of corporation.

5. All property which shall at any time belong to the said institution as well as the revenues thereof, shall at all times be appropriated and applied exclusively to the object and purposes mentioned in this Act.

Present office-bearers to continue until new election.

Present by-laws continued.

6. The directresses, managers, secretary and treasurer of the said institution shall be and continue to be directresses, managers, secretary and treasurer of the said corporation until others shall be elected in their stead, as provided by this Act; And the by-laws, rules, orders and regulations of the said institution shall be and continue to be the by-laws, rules orders and regulations of the said corporation until altered or repealed.

Returns to Government.

7. The said corporation shall present to the Governor and both Houses of the Provincial Parliament, within the first fifteen days of each session of the said Parliament, a full return of all property, real and personal, held by them, and of their receipts and expenditure for the past year.

Public Act.

8. This Act shall be deemed a Public Act.

C A P . C X L V I .

An Act to incorporate the Humane Society of Canada.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS sundry persons have by their petition represented, that they desire to be incorporated under the name of *The Humane Society of Canada*, for the purpose of rewarding

rewarding acts of bravery in successful or unsuccessful attempts to preserve human life, and of bringing to punishment acts of cruelty to animals: 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, His Excellency ^{Incorporation.} the Right Honorable Charles Stanley Viscount Monck, Baron Monck of Ballytrammon, in the county of Wexford, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same, &c., &c.; the Honorable Thomas D'Arcy McGee, G. H. Simard, Wm. Marsden, Henri Joly, J. G. Ross, Dr. W. Rees, the Honorable Isidore Thibaudau, Dr. Moffatt, J. B. Renaud, P. Garneau, John Thomson, H. McBlain, L. J. C. Fiset, Wm. Dunn, J. M. Lemoine and Arthur Harvey, shall, together with such others as are or may become members of the Society, be a body corporate under the name and for the purposes aforesaid, and the said Right Honorable Charles ^{Corporate name.} Stanley Viscount Monck shall be the first Patron of the ^{First Patron and Officers.} Society, the said Honorable Thomas D'Arcy McGee its first President; the said G. H. Simard, Wm. Marsden, Henri Joly, and J. G. Ross, its first Vice-Presidents; the said Wm. Dunn, its first Treasurer, the said J. M. Lemoine and Arthur Harvey, its first Secretaries, and the said Dr. Wm. Rees, Isidore Thibaudau, Dr. Moffatt, J. B. Renaud, P. Garneau, John Thomson, H. McBlain, L. J. C. Fiset, jointly with the above named officers; its first Committee of Management; the whole of the above persons shall constitute the Central Board of the Society, and shall hold office until their successors are appointed as hereinafter provided. ^{And Committee of Management.}

2. As many Branch Societies as may be formed at various ^{Branch Societies.} places in Canada, upon the following conditions, shall be entitled to form part of the said Society:

1. Each Branch Society shall consist of members paying one ^{Members.} dollar annually or ten dollars for life membership;

2. Each Branch Society shall elect its own President, Vice- ^{Officers.} President, Secretary, Treasurer and other necessary office-bearers, as may be determined by its by-laws, on the first Wednesday in July in each year;

3. Each Branch Society shall, at the same meeting, state by ^{Election of members of Central Board.} resolution which gentlemen it wishes to be President, Secretaries (two,) Treasurer, and Committee (eight,) of the Central Board, and shall transmit such resolution, together with other necessary minutes, to one of the Secretaries for the time being; the gentlemen receiving the votes of most Branch Societies shall compose the Central Board for the year; in case of an equality

equality of votes, the retiring President shall have the casting vote ; the President of each Branch Society shall be *ex-officio* a Vice-President of the Central Board ;

Patron. 4. In the event of the death or resignation of the Patron of the Society, the Central Board shall have power to appoint his successor ;

One-half collections to Central Board. 5. Each Branch Society shall transmit to the Central Board one-half of its collections, for defraying the necessary expenses of publishing reports, procuring medals, &c.

Central Board to hold two Courts yearly, and for what purposes. 3. The Central Board shall hold two Courts annually, one on the first Wednesday after the first of March, and one on the first Wednesday after the first of September, at which reports from the local Societies, if any, shall be considered, and medals or other testimonials, as may be determined on under the by-laws, shall be awarded in such cases as may be reported from the local Societies ; these medals and other testimonials shall be forwarded to the local Societies for presentation.

Society to make by-laws, &c. 4. The Society shall have power to make by-laws, rules, and regulations for the management thereof, and for the expenditure of its funds for the promotion of the objects for which it was incorporated, but such by-laws must be approved by a majority of the votes of the local Societies which may be in connection with the Central Board ; each local Society to have one vote.

Contributions for specific purposes. 5. The Central Board shall have power to receive contributions and donations for specific purposes consistent with the objects of the Society.

Life boats, &c. 6. The Central Board may take steps for establishing life boats at exposed places on the coast, and for providing apparatus for the recovery of those apparently dead, either out of its own funds alone, or in connection with local Societies.

Public Act. 7. This Act shall be deemed a Public Act.

CAP. CXLVII.

An Act to incorporate the French Canadian Butchers' Benevolent Society of Montreal.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS an association known as the *French Canadian Butchers' Benevolent Society of Montreal* exists in the City of Montreal, having for its object the aid of its members in case of sickness, and the insuring of relief to the widows and children of deceased members ; and whereas the members of the said association have, by their petition, prayed to be incorporated,

incorporated, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. André Monarque, Eustache Lacoste, N. G. Ritchot, J. Baptiste Bourassa, L. Beaucaire, Cleophas Galaise, Dominique Contant and Edouard Rousseau, together with such other persons as now are members of the said institution, or may hereafter become members thereof in virtue of this Act, shall be and they are hereby constituted a body politic and corporate, in fact and in name, under the name of the *French Canadian Butchers' Benevolent Society of Montreal*, for the purpose of aiding its Members in case of sickness and insuring relief to the widows and children of Members, and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real or immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation, but not exceeding in annual value at any time the sum of two thousand dollars, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, or with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal, from time to time, in whole or in part, and also such regulations and by-laws of the said association as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered all and every the other business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Certain persons incorporated.

Corporate name and general powers.

Amount of real property limited.

Majority to make by-laws.

Further powers of Majority.

2. Provided always, that the rents, revenues, and profits arising out of all property belonging to the said Corporation, shall be appropriated and employed exclusively for the use of the said Corporation, and for the erection and repair of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Appropriation of revenue for certain purposes only.

3. All the real and personal estate at present the property of the said Association, or which may hereafter be acquired by the

Property of Association

transferred to the members thereof in their capacity as such, by purchase, Corporation. donation, or otherwise, not exceeding as regards real estate the value aforesaid, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association; and the rules, Also liabilities. regulations and by-laws now or hereafter to be established for And by-laws. the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Corporation to appoint Officers, &c. 4. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said Corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Present officers continued. 5. The present officers and directors of the said Association shall remain in office until the election of their successors.

Annual Report to the Legislature. 6. The said Corporation shall be bound to make annual reports to the Governor, and both Houses of the Provincial Parliament containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every Session of the said Parliament.

Public Act. 7. This Act shall be deemed a Public Act.

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

An Act to incorporate the Yamaska Dispensary.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS a number of persons residing in the Parish of St. Romuald de Farnham, in the County of Missisquoi, have been associated together for some time past, under the name of the "Yamaska Dispensary," for the purpose of affording relief by advice, and medical and surgical aid, to the sick poor of that parish and vicinity; and whereas the persons hereinafter named, being members of the said association, have by their petition represented that, in order to carry out more fully the benevolent designs of its founders, and to increase its usefulness, it is desirable that it should be incorporated under proper

proper regulations, and have prayed to be incorporated accordingly, 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. Thomas W. Mussen, Jean Benjamin Valiquet, Louis G. Foisy, William Donahue, François Fontaine, Louis F. H. Bourdon, George Whitfield, Edouard Cyr, John Hase, and such other persons as now are, or shall hereafter become, members of the said association, shall be, and are hereby declared to be, a body politic and corporate, in fact and in name, under the name of the "Yamaska Dispensary," for the purpose of affording relief by advice, and medical and surgical aid, to the sick poor of the parish of St. Romuald de Farnham, in the County of Missisquoi, and the vicinity of the said parish, and shall, by the same name, be able and capable to purchase, acquire, hold and enjoy, and to have, take and receive to them and their successors, but for the use and occupation only of the said corporation, any real or immovable property and estate, lying and being within this Province, not exceeding in yearly value the sum of five hundred dollars, and the same to sell, alienate and dispose of, and to purchase others in their stead for the same purpose; and by the same name, shall and may be able to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts of law and places whatsoever, in as ample and beneficial a manner as any other body politic and corporate, or as any other person may or can do, and shall have power and authority to make and establish such by-laws, orders and regulations, not being contrary to this statute or to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said corporation, or for the management thereof, and for the admission of members into the said corporation, and from time to time to alter and amend, repeal or change the said by-laws, orders and regulations, or any of them, and shall and may do and perform all matters and things relating to the said corporation and the management thereof, or which shall or may pertain thereto, subject, nevertheless, to the rules, regulations and provisions hereinafter prescribed.

Corporation,
of whom to
consist.

Corporate
name.

Real property
limited.

Corporate
powers.

By-laws.

General powers.

2. An annual general meeting of the members of the said corporation shall be held on the first Wednesday in January in every year, for the election of a Committee of Management, Secretary-Treasurer, and such other officers as to the said corporation shall seem meet, by and through a majority of the members of the said corporation, then present at such general meeting, and for the transaction of all other matters relating to the business of the said corporation and for the adjustment and settlement of the accounts and transactions of the said corporation for the then preceding year; provided always, that any five members of the said corporation may, by a requisition or notice, to be published for a period not less than one week before the time

Annual general meeting.

Election of officers.

Proviso: for special meetings.

time

Powers of
special gen-
eral meetings.

time of meeting; in some newspaper published in the district of Bedford or adjacent thereto, call a special general meeting of the members of the corporation, which requisition or notice shall specify the hour, day, place and object of the said meeting; and the members aforesaid, or the majority thereof, at such general meeting, shall have power and authority to revise, alter or rescind any by-laws, orders or regulations of the said corporation, after notice of such revision, repeal or alteration shall have been given at the general meeting next immediately preceding that at which such application shall be made and considered, and to admit new members, and to fill up all vacancies which may occur among the said committee of Management and other officers aforesaid, and generally to do and perform all such matters as may be conducive to the well-being of the said corporation.

Transfer of
property, and
liabilities of
present asso-
ciation.

3. All the estate and property, real and personal, belonging to, or hereafter to be acquired by the members of the association, as such, not exceeding in yearly value the amount of five hundred dollars as aforesaid, and all debts, claims and rights whatsoever, due to them in that quality, shall be, and they are hereby vested in the corporation hereby created; and the Committee of Management, Secretary-Treasurer, and other officers of the said association, shall remain in office until others in their stead, or the same, shall be elected at such annual general meeting to be held under this Act.

Yearly Re-
turns to the
Legislature.

4. The said Corporation shall render to the Governor General and both Houses of the Provincial Parliament, annually, a Report containing a general statement of the affairs of the corporation, which said Report shall be presented within the first twenty days of every session of the said Parliament.

Public Act.

5. This Act shall be deemed a Public Act.

C A P. C X L I X .

An Act to amend the Act to incorporate the Asylum of the Good Shepherd of Quebec.

[Assented to 30th June, 1864.]

Preamble.

18 V., c. 233.

WHEREAS the Corporation of the Asylum of the Good Shepherd, of Quebec, has, by its petition, represented that that institution was incorporated by an Act passed in the eighteenth year of Her Majesty's reign, intituled: *An Act to incorporate the Asylum of the Good Shepherd of Quebec*, for the reformation of repentant females desirous of withdrawing from vice; that since that time the corporation has added to the work above mentioned, the imparting of education to young persons of the female sex, both from the town and from the country; that they have already formed several establishments for

for that purpose, and that they propose, according as their means will permit, to form others, and to undertake such other works for the promotion of charity and education as the requirements of the time may render necessary; that by the Act above cited the said corporation is authorized to acquire, hold, possess, accept and receive to and for the purposes and use of the said corporation, any movable property or any immovable property which may be requisite and necessary for their actual use and occupation; that according to the terms of the said provision, it would appear that the right of acquiring granted to the said corporation is limited and restricted to those purposes only which are set forth in the said Act; and the said corporation have, by their said petition, prayed that the amendments necessary to the carrying out of the purposes therein mentioned, may be made to the said Act, 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. All the rights and powers granted to the said corporation by the above cited Act shall, as soon as this Act becomes law, be extended and applied to the actual maintenance, use and occupation of the said corporation, as respects all educational and charitable establishments which have been or may hereafter be formed by the said corporation, to the same extent as they apply to matters connected with the reformation of repentant females desirous of withdrawing from vice.

Power of acquiring property extended to all educational and charitable purposes.

2. This Act shall be deemed a Public Act.

Public Act.

C A P. C L .

An Act to incorporate the "Ladies Protestant House of Refuge of London."

[Assented to 30th June, 1864.]

WHEREAS an Institution for the reception of destitute women and children has been recently established in the City of London, by the undermentioned ladies, and they have petitioned that corporate powers may be conferred upon them, and whereas it is expedient to grant 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. Mesdames Margaret Ann Cronyn, Catherine Hellmuth, Louisa Goodhue, Jane Hope, Elizabeth Scott, Margaret McKenzie, Mary Stone, Jane Anderson, Phoebe Glass, Sarah Glass, M. Frederica Strathy, Isabella Abbott, Hester Higginson, Emiline Leonard, and all others who shall, under the provisions of this Act, become members of the said Institution, shall be, and are

Incorporation.

are

Corporate
name.

are hereby declared to be, a body politic and corporate, in deed and in name, by the name of the *Ladies' Protestant House of Refuge of London*, for the purposes mentioned in the Preamble.

Corporate
powers.

2. The said corporation may, from time to time, and at all times hereafter, purchase, acquire, hold, possess and enjoy, and may have, take and receive for them and their successors, to and for their actual occupation only, any lands, tenements and hereditaments, and real and immovable property and estate within this Province, so as the same does not exceed the annual value of five thousand dollars, and the same may sell, alienate and dispose of, whensoever they may deem it proper to do so; and the corporation may further acquire any other real estate or any interest therein, by gift, devise or bequest, so as the same does not exceed the like annual value of five thousand dollars, and may hold such estate or interest therein for a period of not more than seven years, and the same or any part or portion thereof, or interest therein, which may not, within the said period, have been alienated or disposed of, shall revert to the party of whom the same was acquired, or 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; and shall further have the right of appointing, from time to time, an attorney or attorneys for the management of their affairs.

Real estate
limited.

Surplus real
estate to be
sold, &c.

Appointing
attorneys.

Meetings of
members of
the corpora-
tion.

3. And the said corporation shall and may, from time to time, hold assemblies and meetings of the members of the said corporation, which shall be called together in such manner, and at such times and places as shall be directed and appointed by the by-laws, rules and regulations of the same, to transact the business of the said corporation, and shall and may, at any such meeting, elect such persons to be members of the said corporation, as they, or the major part of them present, shall see fit; Provided always, that no act done in any such assembly or meeting of the said corporation shall be valid or effectual, unless six members, at least, shall be present, and the major part of them consenting thereto.

Proviso:
Quorum at
such meet-
ings.

Power to
make by-laws.

4. And the majority of those who shall be present at any of the meetings of the said corporation, to be held in the manner aforesaid shall and may make and ordain any by-laws, rules and regulations (not being contrary to the laws of this Province or to this Act,) as they shall deem useful or necessary, for the election of a committee of management and generally for the conduct or government of the said institution, and the same, from time to time, may abrogate, repeal, change, or alter, as may be found expedient.

5. The estate, real and personal not exceeding as regards real estate the value aforesaid of the said institution, when this Act goes into force, or then held in trust for it, shall become the property of the corporation hereby created, and the officers and managing committee of the said institution shall be and continue to be the officers and managing committee of the said corporation, until others shall be elected in their stead, in conformity with the by-laws of the said corporation; and the by-laws, rules and regulations of the said institution shall be and continue to be the by-laws, rules and regulations of the said corporation until altered or repealed.

Estate of Institution transferred to corporation.

By-laws and officers continued until changed.

6. The said corporation shall render to the Governor and both Houses of the Provincial Parliament, annually, a report containing a general statement of the affairs of the corporation, which said report shall be presented within the first twenty days of every Session of the said Parliament.

Yearly report to Legislature.

7. This Act shall be deemed a public Act.

Public Act.

C A P. C L I.

An Act to incorporate "Les Sœurs du Précieux Sang" of St. Hyacinth.

[Assented to 30th June, 1864.]

WHEREAS for several years past a religious community has existed in the Parish of St. Hyacinth, in the County of St. Hyacinth, in this Province, under the name of "Sœurs du Précieux Sang" the object of the members whereof is to devote themselves in common to works of piety, mercy and charity; and whereas the said community has, through its Superior and other officers, hereinafter named, by petition represented to the Legislature, that the incorporation of the said community would increase and render more secure the advantages which result from it, and has prayed to be incorporated in conformity with the provisions hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Mesdames Catharine Aurélie Caouette, Superior of the said community, Marie Elizabeth Hamilton, Assistant, Euphrasie Caouette, Mistress of the Noviciate, Sophie Raymond, Secretary, and Lucie Gendron, Treasurer, together with such other persons as shall become members of the community and shall fulfil its objects, shall be and they are hereby constituted a body corporate by the name of "Sœurs du Précieux Sang," for the objects mentioned in the preamble.

Certain persons incorporated.

Corporate name.

Quorum of Corporation.

2. Three members of the said Corporation, of whom the Superior (and in her absence the person who performs her duties in accordance with the rules of the community) shall always be one, and the President *ex officio*, shall be a quorum, and may make and establish such rules, regulations and by-laws (not contrary to this Act or any other Act or law in force in this Province) as to them shall seem useful or necessary for the management of the community, and for the promotion of the works in view, as also for the management and administration of any personal and immovable property belonging to the Corporation.

By-laws.

Power to hold real property.

Amount limited.

And a further amount for a limited time.

Investment of proceeds.

Proceeds of property to be applied to uses of the Corporation.

Report to the Government.

Public Act.

3. The said Corporation may, from time to time, and at all times hereafter, purchase, acquire, hold, possess and enjoy, and may have, take and receive for them and their successors, to and for their actual occupation only, any lands, tenements, hereditaments, and real and immovable property and estate within this Province, so as the same does not exceed the annual value of five thousand dollars, and the same may sell, alienate and dispose of whenever they may think proper to do so; and the Corporation may further acquire any other real estate, or any interest therein, by gift, devise or bequest, so as the same does not exceed the like annual value of five thousand dollars, and may hold such estate or interest therein, for a period of not more than seven years, and the same, or any part or portion thereof, or interest therein, which may not, within the same 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.

4. All property which the Corporation shall at any time possess, and the revenue and income arising therefrom, shall be appropriated and employed exclusively for the accomplishment of the works and purposes hereinbefore mentioned of the aforesaid community, and in accordance with its rules, and for the erection, repair, and hiring of the buildings necessary for such works and purposes, for the use and advantage as well of the principal House now established at St. Hyacinth, as of the branch houses of the same Institution, which may be, from time to time, established in other parts of this Province for the same purposes.

5. The said Corporation shall render to the Governor and both Houses of the Provincial Parliament, annually, a report containing a general statement of the affairs of the Corporation, which said report shall be presented within the first twenty days of every session of the said Parliament.

6. This Act shall be deemed a Public Act.

C A P. C L I I.

An Act to incorporate the Seaman's Union Bethel, of Montreal.

[Assented to 30th June, 1864.]

WHEREAS William Lunn, Esquire, the Reverend Ephraim B. Harper, the Reverend James B. Bonar, the Reverend D. G. McVicar, and Messrs. James A. Mathewson, T. James Claxton, Hector Munro, Benjamin Lyman, Charles Alexander, John C. Becket, W. H. A. Davies, A. Walker and others, all of the City of Montreal, have, by petition, set forth that there does not exist in the City of Montreal any permanent building for promoting the religious and moral welfare of the sailors frequenting the port of Montreal, and that the establishment of such a place, exclusively devoted to these purposes, is extremely desirable, as tending to prevent that class of persons from being attracted to the haunts of dissipation; and in order to the establishment and permanent maintenance of such an institution, it is necessary that a society should be incorporated to that end, with all needful powers for the raising of funds by subscriptions or donations, and the acquisition and holding of real property and otherwise, and that they are desirous of being so incorporated under the name of the "Seaman's Union Bethel;" 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 William Lunn, Esquire, the Reverend Ephraim B. Harper, the Reverend James B. Bonar, the Reverend D. G. McVicar, and Messrs. James A. Mathewson, T. James Claxton, Hector Munro, Benjamin Lyman, Charles Alexander, John C. Becket, W. H. A. Davies, A. Walker, and all such other persons, donors or subscribers to an amount of not less than two dollars each yearly, or who may, under the provisions of this Act, become such donors or subscribers to the said institution, shall be, and they are hereby constituted, a body politic and corporate, under the name of the "Seaman's Union Bethel," for the establishing and maintenance of a Sailor's Institute in the said City of Montreal, and shall, by that name, have perpetual succession, and a common seal, and shall have power, from time to time, to alter, renew and change such common seal, and shall have power to acquire and hold for themselves and their successors under any legal title whatever, all such real estate as they may require for their actual use and occupation as such Seaman's Union Bethel, not exceeding in annual value the sum of five thousand dollars, and may sell and alienate any real estate so 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, if made six months before the death of the party making

Preamble.

Incorporation.

Corporate name and powers.

Real estate for occupation.

Other real estate may be received but must be disposed of within seven years.

Investment of proceeds. making the same, and may lawfully hold such real estate for a period not more than seven years, but the same, or any part or portion 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 the proceeds of such real estate as shall have been so disposed of during the said period, shall be invested in the public securities of the Province, stocks of chartered banks, mortgages, or other approved securities, for the use of the said corporation.

Application of revenues. 2. All the revenues of the said corporation, from whatever source they may be derived, shall be devoted exclusively to the purposes for which the said Institute was created, and to the acquisition, improvement and repair of the buildings and other real estate required to that end, and to no other purpose whatever.

Officers of the corporation. 3. The said corporation shall have power to administer their affairs by such and so many trustees, and other officers, under such restrictions as touching their election, their powers and duties, as by by-law or by-laws in that behalf they may, from time to time, ordain.

Power to make by-laws for certain purposes. 4. The said corporation shall have power to make all such by-laws, not contrary to law, as they may deem expedient, for the election of trustees, for the government, maintenance and regulation of the said Institute and of everything connected therewith, the conditions under which donors or subscribers may vote, and generally for the administration of the affairs of the said Institute, and may amend, alter and repeal such by-laws, from time to time, as they may deem fit, 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.

Altering by-laws.

Returns to the Legislature. 5. The said corporation shall be bound to make annual reports to the Governor General and both Houses of the Provincial Parliament, containing a general statement of the affairs of the corporation, which said reports shall be presented within the first twenty days of every session of the said Parliament.

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

C A P . C L I I I .

An Act to incorporate the Society called "L'Union St. Louis de la Côte St. Louis, paroisse de Montréal, comté d'Hochelaga."

[Assented to 30th June, 1864.]

Preamble.

WHEREAS an Association, under the name of "L'Union St. Louis de la Côte St. Louis, paroisse de Montréal, comté d'Hochelaga," has existed for several years at Côte St. Louis,

Louis, in the parish of Montreal, County of Hochelaga, having for its object the aid of its members in case of sickness and the ensuring of like assistance and other advantages to the widows and children of deceased members; and whereas the members of the said Association have prayed to be incorporated, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Jean Baptiste Martineau, Adolphe Dagenais, Jean Baptiste Lamoureux, Alphonse Martineau, Joseph Laloche, George Vermette, André Brazeau, Casimir Martineau, fils, Joseph Charbonneau, Dominique Masson, Ignace Boucher, Dominique Dupré, fils, Michel Dubé, Michel Hémond and Jean Marie Ecclair, together with such other persons as now are members of the said institution, or may hereafter become members thereof, in virtue of this Act, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, under the name of "Union St. Louis, de la Côte St. Louis, paroisse de Montréal, comté d'Hochelaga," for aiding its members in case of sickness and ensuring like assistance and other advantages to the widows and children of deceased members, and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real or immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation not exceeding in annual value two thousand dollars, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal from time to time, in whole or in part, and also such regulations and by-laws of the said Association as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered, all and every the other business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Certain persons incorporated.

Corporate name and powers.

Amount of real property limited.

Majority to make by-laws.

Further powers of majority.

2. Provided always, that the revenues and profits arising out of every description of movable property belonging to the said Corporation, shall be appropriated and employed exclusively

Appropriation of revenues for cer-

tain purposes only. for the use of the said Corporation, and for the erection and repair of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Property of Association transferred to corporation.

3. All real and personal estate at present the property of the said Association or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise not exceeding the value aforesaid, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association, and the rules, regulations and by-laws now or hereafter to be established for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Corporation to appoint officers.

4. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said Corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Their powers.

Annual report to the Legislature.

5. The said Corporation shall be bound to make annual reports to the Governor and both Houses of the Provincial Parliament, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every Session of the said Parliament.

Public Act.

6. This Act shall be deemed a Public Act.

C A P. C L I V .

An Act to incorporate the Quebec Typographical Society.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS an association, known as the *Quebec Typographical Society*, has existed for several years, having for its object the aid of its members in case of sickness, and the ensuring of like assistance and other advantages to the widows and children of deceased members, and also the advancement of literature among its members; and whereas the members of the

the said association have, by their petition, prayed to be incorporated, and it is expedient to grant their petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. S. Marcotte, J. N. Duquet, Et. de Varennes, R. Lamontagne, E. Contant, P. C. Chatel, Ig. Fortier, Joseph Auger, George Cloutier, V. Morel, Jos. Vienno-Michaud, John Harwood, Jas. Clifford, A. J. Jacques, Eiz. Nicolle, F. X. Malouin, A. G. Lachance, P. Dumas, Napoléon Bureau, N. Mayrand, George P. Harwood, J. F. Tourangeau, together with such other persons as now are members of the said institution, or may hereafter become members thereof in virtue of this Act, shall be and they are hereby constituted a body politic and corporate, in fact and in name, under the name of the *Quebec Typographical Society*, and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real or immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said corporation ; such lands, tenements, hereditaments, real and immovable estate not to exceed the annual rent or value of one thousand dollars ; and the said property to hypothecate, sell alienate and dispose of, and to acquire other instead thereof for the same purposes ; and any majority whatsoever of the said corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, or with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said corporation, and for the admission of members thereof ; and the same to amend and repeal, from time to time, in whole or in part, and also such regulations and by-laws of the said association as may be in force at the time of the passing of this Act ; such majority may execute and administer, or cause to be executed and administered all and every the other business and matter appertaining to the said corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Certain persons incorporated.

Corporate name and general powers.

Amount of real property limited.

Majority to make by-laws.

Further powers of majority.

2. Provided always, that the revenues and income arising from all property of the said corporation, shall be appropriated and employed exclusively for the benefit of the members of the said corporation, and for the erection and repair of the buildings necessary for the purposes of the said corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Appropriation of revenue for certain purposes only.

Property of
association
transferred to
corporation.

3. All such real and personal estate at present the property of the said association, or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the corporation constituted by this Act, and the said corporation shall be charged with all the liabilities and obligations of the said association; and the rules, regulations and by-laws now or hereafter to be established for the management of the said association, shall be and continue to be the rules, regulations and by-laws of the said corporation, until altered or repealed in the manner prescribed by this Act.

Also liabilities.

And by-laws.

Corporation
to appoint
Officers, &c.

4. The members of the said corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the corporation, and such officers, managers, administrators or servants of the said corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said corporation, as may be conferred upon them by the regulations and by-laws of the said corporation.

Their powers.

Annual report
to the Legis-
lature.

5. The said corporation shall be bound to make annual reports to the Governor General and both Houses of the Provincial Parliament, containing a general statement of the affairs of the corporation, which reports shall be presented within the first twenty days of every session of the said Parliament.

Public Act.

6. This Act shall be deemed a Public Act.

C A P . C L V .

An Act to incorporate the St. Joseph Union Society of the City of Ottawa.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS there has existed for this year past in the city of Ottawa, an Association known by the name of "The St. Joseph Union Society of Ottawa," which has for its object to aid and assist its members in cases of sickness, and to provide similar assistance and other advantages to the widows and children of deceased members.

And whereas the members of this association have asked, by petition, that it be incorporated, and it is right to accede to their request: Therefore, Her Majesty, by and with the advice and

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

1. Cuthbert Bordeleau, Leonard Demarais, Léon David, Onésime Barette, Barnabé Desjardins, Alfred Dufour, Herrick Peltier, Toussaint Menard, François Lauriol, Théophile Bellemare and Jean Baptiste Aubin, together with such other persons as now are members of the said institution, or may hereafter become members thereof, in virtue of this Act, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, under the name of "The St. Joseph Union Society of the City of Ottawa," for aiding and assisting its members in cases of sickness and of providing similar assistance and other advantages to the widows and children of deceased members, and by that name shall have power from time to time, and at any time hereafter to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real estate, being and situated in Upper Canada, necessary for the actual use and occupation of the said corporation, not exceeding in annual value two thousand dollars, and the said property to mortgage, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes ; and any majority whatsoever of the said corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in Upper Canada, as they may deem expedient and necessary for the interest and administration of the affairs of the said corporation, and for the admission of members thereof ; and the same to amend and repeal from time to time, in whole or in part, and also such regulations and by-laws of the said association as may be in force at the time of the passing of this Act ; such majority may also execute and administer, or cause to be executed and administered all and every the other business and matters appertaining to the said corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Certain persons incorporated.

Corporate name and powers.

Real property.

By-laws.

Further powers of majority.

2. Provided always, that the rents, revenues and profits arising out of every description of movable property belonging to the said corporation, shall be appropriated and employed exclusively for the use of the said corporation, and for the erection and repair of the buildings necessary for the purposes of the said corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Application of Revenue of the Corporation.

3. All real and personal estate at present the property of the said association or which may hereafter be acquired by the members

Transfer of property of members

the association to the corporation.

members thereof in their capacity as such, by purchase, donation or otherwise, not exceeding the value aforesaid, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the corporation constituted by this Act, and the said corporation shall be charged with all the liabilities and obligations of the said association, and the rules, regulations and by-laws now or hereafter to be established for the management of the said association, shall be and continue to be the rules, regulations and by-laws of the said corporation, until altered or repealed in the manner prescribed by this Act.

Appointment of Trustees and other officers.

4. The members of the said corporation, for the time being, or the majority of them, shall have power to appoint such administrators or managers for the administration of the property of the corporation, and such officers, managers, administrators, or servants of the said corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said corporation, as may be conferred upon them by the regulations and by-laws of the said corporation.

Their powers.

Annual Returns to Government.

5. The said corporation shall be bound to make annual reports to the Governor and both Houses of the Provincial Parliament, containing a general statement of the affairs of the corporation, which said report shall be presented within the first twenty days of every Session of the said Parliament.

Public Act.

6. This Act shall be deemed a Public Act.

CAP. CLVI.

An Act to incorporate the Society called "L'Union St. Jacques de Montréal."

[Assented to 30th June, 1864.]

Preamble.

WHEREAS an Association under the name of *L'Union St. Jacques de Montréal*, has existed for several years in the city of Montreal, having for its object the aid of its members in case of sickness, and the ensuring of like assistance and other advantages to the widows and children of deceased members; and whereas the members of the said association have prayed to be incorporated, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada enacts as follows:

Certain persons incorporated.

1. Alexis Dubord, Augustin Labelle, Théodore Giroux, Hercule Giroux, Magloire Pauzé, Louis Chabot, Edouard Baulloin,

Baulloin, Joseph LeBlanc, François Vermette, Léon Hurteau, Pierre Contant and M. Pelletier, together with such other persons as now are members of the said institution, or may hereafter become members thereof, in virtue of this Act, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, under the name of *L'Union St. Jacques de Montréal*, for the purpose of aiding its members in case of sickness, and ensuring like assistance and other advantages to the widows and children of deceased members thereof; and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real and immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said corporation, such lands, tenements, hereditaments, real and immovable estate not to exceed the annual value of two thousand dollars, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority whatsoever of the said corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said corporation, and for the admission of members thereof; and the same to amend and repeal, from time to time, in whole or in part, and also such regulations and by-laws as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered all and every the other business and matters appertaining to the said corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Corporate name and powers.

Amount of real property limited.

Majority to make by-laws.

Further powers of majority.

2. Provided always, that the revenues and profits arising out of every description of property belonging to the said corporation, shall be appropriated and employed exclusively for the use of the said corporation, and for the erection and repair of the buildings necessary for the purposes of the said corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Appropriation of revenues for certain purposes only.

3. All the real and personal estate at present the property of the said association, or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, not exceeding as regards real estate the value aforesaid, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the corporation constituted by this Act, and the said

Property of Association transferred to corporation.

said corporation shall be charged with all the liabilities and obligations of the said association; and the rules, regulations and by-laws now or hereafter to be established for the management of the said association, shall be and continue to be the rules, regulations and by-laws of the said corporation, until altered or repealed in the manner prescribed by this Act.

Corporation to
appoint officers.

4. The members of the said corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the corporation, and such officers, managers, administrators or servants of the said corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said corporation, as may be conferred upon them by the regulations and by-laws of the said corporation.

Their powers.

Annual report to the
Legislature.

5. The said corporation shall be bound to make annual reports to the Governor and both Houses of the Provincial Parliament, containing a general statement of the affairs of the corporation, which said reports shall be presented within the first twenty days of every session of the said Parliament.

Public Act.

6. This Act shall be deemed a Public Act.

CAP. CLVII.

An Act to enable the Lord Bishop of Montreal, with the consent of the Incumbent and Church-wardens of Trinity Church, Montreal, to raise a loan or loans on certain Church Property, for the purpose of completing Trinity Church.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the Reverend Charles Bancroft, Doctor of Divinity, Incumbent of Trinity Church, Montreal, and Andrew W. Merry and Charles Garth, Gentlemen, Church-wardens of the said Church, have, by their petition to the Legislature, represented that the Church now occupied by the Congregation of Trinity Church, Montreal, is insufficient in size for the accommodation of the Congregation of the said Church, and that the Lord Bishop of Montreal hath acquired and purchased a certain lot of land hereinafter mentioned and described, as a site for building a new Church, to be called "Trinity Church," and such new Church hath in part been built thereon, but cannot, for want of sufficient funds, be completed; and the Petitioners have prayed for authority to raise a loan or loans for the purpose of completing the said Church

Church on the security of the said lot of land, and of the Church and buildings thereon, 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:

1. It shall be lawful for the Lord Bishop of Montreal for the time being, with the consent of the said Reverend Charles Bancroft, or his successor or successors in office, as the Incumbent of Trinity Church, Montreal, and of the Churchwardens of the said Church for the time being, to borrow a sum or sums not exceeding in the whole six thousand pounds currency, from such party or parties as may be willing to lend the same, and at such rate of interest and on such terms and conditions as may be agreed upon, for the purpose of completing the said Trinity Church, and for securing the repayment of the sum so borrowed, to hypothecate, with the consent aforesaid, the lot of land hereinafter described, with the Church and other buildings thereon, all which are now vested in the said Lord Bishop of Montreal, and his successor and successors, that is to say: a certain lot of land situate and being in the St. Louis ward, on St. Denis street, in the city of Montreal, and which is bounded in front by St. Denis street, in rear by a strip of land belonging to Louis Boyer, on the north-west side partly by property belonging to one Jean Bte. Dubuc, and partly by the said Louis Boyer, and on the south-east side partly by Viger square and partly by Dubord street, and containing all the land that may be found within the said boundaries; and in default of due payment of any sum for securing which the said lot of land, church, and buildings shall be hypothecated, as aforesaid, the said lot of land, church, and buildings may be seized in execution, in satisfaction of any judgment obtained for such sum, sold by the Sheriff; and adjudged and belong to, and may be dealt with by the purchaser (or *adjudicataire*) in like manner as any other real property seized and sold in execution, and notwithstanding the said church and premises may have been set apart, consecrated, and used for public worship,—any law, usage, or custom to the contrary, notwithstanding.

Power to borrow £6000 on security of a certain lot of land, Church and buildings thereon.

Powers of creditors in default of payment.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. CLVIII.

An Act to authorize the Lord Bishop of the Diocese of Ontario, and the Rector of Kingston, to dispose of the Queen Street School Property in the City of Kingston.

[Assented to 30th June, 1864.]

WHEREAS by a deed bearing date the twenty-fourth day of July, in the year of Our Lord one thousand eight hundred and fifty-four, a certain parcel of land situate on **Queen** Preamble.

Queen Street, in the City of Kingston, more particularly described in the said deed and now known as the Queen Street School Property, was, by the Reverend William M. Herchmer, since deceased, conveyed in fee to the Right Reverend John Strachan, Lord Bishop of the Diocese of Toronto, (within which diocese the said land at the date of the deed was situate.) and the Venerable George O'Kill Stuart, Archdeacon and Rector of Kingston, upon trust for a Parochial School appurtenant to Saint George's Church in said city, to be established and continued for ever in accordance with the usages, discipline, and doctrine of the United Church of England and Ireland; and whereas, the building erected on said land for the purposes aforesaid having been destroyed by fire, it is deemed advisable to re-build the same, and the Lord Bishop of the diocese of Ontario and the Rector of Kingston are desirous of disposing of the said land, and with the proceeds of the sale thereof erecting on the land adjacent to the Cathedral and more advantageously situated, a building suitable for the purposes expressed in the said deed; and whereas doubts have arisen whether under the Act of the Parliament of this Province, passed in the twenty-fifth year of Her Majesty's Reign, and intituled: *An Act to incorporate the Synod of the Diocese of Ontario*, the said land can be sold: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Power to sell land, and make deeds of conveyance in fee simple, and take mortgage for part of price.

1. The Lord Bishop of the Diocese of Ontario for the time being may, with the consent of the Rector of Kingston, sell to any person the whole or any part of the said land, which may be described as follows:—commencing on the northerly limit of Grave (now Queen) Street, where a post has been planted at the south-eastern angle of Town Lot number thirty, and at the south-western angle of the said tract, and at the distance of three chains one link and six-tenths of a link from the limit between Town Lots numbers three hundred and seventy-seven and three hundred and seventy-eight in the said city; thence northerly along the limit between said lot number thirty and said tract, two chains eighty-nine links and nine-tenths of a link, more or less, to Colborne Street; thence easterly along the southern limit of said Colborne Street sixty feet; thence southerly parallel to the first course two chains eighty-nine links and eight-tenths of a link, more or less, to the northerly limit of Grave (now Queen) Street, and thence along the same sixty feet, more or less, to the place of beginning;—for such price as they may deem most advantageous and on such term of payment as may be agreed on, and may execute all needful deeds of conveyance in fee simple as to them may seem meet, and may receive and hold a mortgage for securing the balance of the purchase money if necessary; the purchase money accruing from such sale shall be duly invested and applied by the Lord Bishop of the Diocese of Ontario and the Rector of Kingston, towards the erection of a suitable building for a Parochial School,

according

Application of the purchase money.

according to the trust expressed in the said deed, to be erected on the land adjacent and belonging to Saint George's Cathedral in said city.

2. No person paying any money to such Lord Bishop and Rector, and obtaining their receipt, shall be required to see to the proper application of the money. Purchasers not required to see to application.

3. This Act shall be deemed a Public Act.

Public Act.

C A P. C L I X .

An Act to authorize the Incumbent and Church-wardens of St. James' Church, in the Village of Carleton Place, to lease certain minerals in and upon certain lands to the said Church belonging.

[Assented to 30th June, 1864.]

WHEREAS the Incumbent and the Church-wardens of Preamble.
St. James Church, in the Village of Carleton Place, in the County of Lanark, have, by petition, represented that Lot number two, in the seventh concession of the Township of Ramsay, in the said County, was granted on the sixteenth day of July, one thousand eight hundred and fifty-six, to the then Incumbent and Church-wardens of the said Church and their successors in office in trust for the benefit of the Incumbent of the said Church for the time being holding the license of the Lord Bishop of the Diocese of the Church of England in that mission, that certain mines and minerals have been discovered in, upon and under the said lot of land, and that the said Incumbent and Church-wardens are desirous of leasing the same for a fixed term of years and receiving as compensation therefore a certain sum of money in lieu of rent or royalty, to be invested on some good security to be held by them and their successors, in trust, for the purpose aforesaid; and whereas a satisfactory lease cannot now be made thereof; and whereas the said Incumbent and Church-wardens have prayed that an Act be passed for the purposes aforesaid, 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 Incumbent and Church-wardens of the said Church, Power to make leases for sixty years.
for the time being, may make leases of all or any part of the said lands belonging to the said Church and mission within the said Township of Ramsay, and of the mines, mineral veins, ores and metals, in, upon or under the said lands, and of the right of way over the said lands, and all other needful rights thereon, to any person or persons, or body corporate and politic, for such term of years not exceeding sixty years, as they may think

think fit, and may stipulate and agree for, and may receive such sum or sums certain, in one or more payments as they may agree upon, for such lease, subject always to the rights of the Crown.

Investment of
proceeds of
such leases.

2. The moneys raised by such lease or leases shall be invested by the said Incumbent and Church-wardens upon such securities as they shall approve of, and the same, and the rents, issues, and profits thereof shall be held in trust by them and their successors in office for the benefit of the Incumbent of the said Church for the time being; and no party paying any money to such Incumbent and Church-wardens, by way of rent or royalty, in virtue of any leases granted or made under the authority of this Act or otherwise howsoever, shall be required to see to the proper application of the money.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . C L X .

An Act to enable the Trustees of the congregation of the Presbyterian Church of Canada, in connection with the Church of Scotland, in the Township of Elgin, to convey certain real estate.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS John Elder, Thomas Helm and John Gillis, the younger, the duly appointed Trustees of the Congregation of the Presbyterian Church of Canada, in connection with the Church of Scotland, in the Township of Elgin, and County of Huntingdon, have, by their petition to the Legislature, represented that the said congregation are of opinion that it would promote their interest and ensure the peace and well-being of the said congregation, if certain real property in the Township of Elgin, in the County of Huntingdon, vested in the said trustees for the uses of the said congregation, were conveyed to the Presbytery of Montreal, of the Presbyterian Church of Canada, in connection with the Church of Scotland, or to trustees to be named by that body, and have prayed that an Act may be passed giving them the necessary powers to carry the wishes of the said congregation in this respect into effect; 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:

Property of
Elgin Church
may be con-
veyed by
Trustees to

1. The present Trustees of the Congregation of the Presbyterian Church of Canada, in connection with the Church of Scotland, in the Township of Elgin, in the County of Huntingdon, or their successors in office may, with the consent of

of a majority of the male members of the congregation present at a meeting of the members of the congregation specially called for the purpose (the proceedings at which meeting for the granting of such consent, shall be recited in the deed of conveyance hereinafter mentioned) cede and convey to trustees to be duly appointed by the Presbytery of Montreal, of the Presbyterian Church of Canada, in connection with the Church of Scotland, and their successors to be appointed in the manner to be provided in such deed, the lot of land and premises situated in the Township of Elgin, in the County of Huntingdon, the property of the said congregation, and particularly described in two deeds *sous seing privé* conveying the said lot of land to the said trustees, and executed respectively on the twentieth of January, one thousand eight hundred and fifty-eight, and on the second of February, one thousand eight hundred and fifty-nine, to be held, with the buildings and appurtenances thereon erected, by the said trustees and their successors for ever, in trust for the use and benefit of the said congregation.

Presbytery of Montreal for the use of the Congregation of Elgin.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . C L X I .

An Act to provide for the succession of Trustees to the property of the St. Gabriel Street Church and Manse at Montreal, and to settle pending litigation relative thereto.

[Assented to 30th June, 1864.]

WHEREAS by deed executed before Joseph Papineau and his colleague, notaries, on the second of April, one thousand seven hundred and ninety-two, Dame Marie Anne Lecompte Dupré, Veuve de Hertel, and others, sold to Adam Scott, William Stuart, Duncan Fisher, and others, citizens of Montreal, members of the Presbyterian Congregation then established in the said city and its environs, accepting for the glory of God and divine service, for the use of the said Presbyterian Congregation, and their successors, according to and in conformity with the usage of the Church of Scotland, such as it was by law established in Scotland, a piece of land described in the said deed, being an emplacement on the street then called St. Phillippe street, now called St. Gabriel street, consisting of all the land that might be therein contained, belonging to the vendors by their ancient titles, bounded in front by the said street, in the rear by the Reverend Pères Jésuites, now occupied by the Court House, on one side by Madam Widow Beaubien, now Hugh Taylor, and on the other side by the city ramparts, now the Champ de Mars, whereon by subscriptions and voluntary contributions a building was afterwards erected, which has continued to be used as a place of divine worship, and has been generally known by the name of the Saint Gabriel Street Church.

Preamble.
Recital.

And

And whereas on the fourth of April, one thousand eight hundred and four, the subscribers, proprietors in the said Church, adopted certain rules and regulations for the government thereof, and among other things thereby provided that no proprietor upon any pretence whatever should give his vote for a minister to any person save to one regularly bred to the ministry and licensed by some regular Presbytery in the British dominions, and who should profess to be of the persuasion, and who should adhere to the laws, government and mode of worship of the established Church of Scotland, properly so called and denominated and known to be such, and also a natural born subject of Her Majesty.

And whereas the late Reverend James Somerville, a clergyman of the said church, by his last will and testament, executed on the first day of September, one thousand eight hundred and thirty-four, bequeathed one thousand pounds, currency, in trust, to be laid out and expended as soon as practicable, and as far as the same would go towards purchasing a lot of ground, and thereon building and erecting a suitable manse or parsonage for the use of the clergyman or minister of the said Saint Gabriel Street Church, and his successors in office, with instructions to the trustees to execute and perform every act or deed necessary or requisite for more effectually securing the possession of the said lot of ground and manse or parsonage, to the clergyman or minister of the said church, and his successors in office, the same to belong to the clergyman or minister of the said church for the time being or to belong to the corporation of the said church, should any such corporation ever be erected, for the sole use and enjoyment of the said clergyman or minister, and his successors in office, whatever might be the most effectual method of securing the possession thereof.

And whereas, for the fulfilment of the trust so contained in the said last will and testament, certain lots of ground were acquired, consisting, first: of three emplacements together forming an irregular figure on the south-east side of Sherbrooke Street, Montreal, containing one hundred feet in breadth, front and rear, by one hundred and forty-one and one half feet on the north-east line in depth, and one hundred and eight and one half feet in depth on the south-west line, bounded in front by Sherbrooke Street, in rear by property of General Evans, or representatives; on the north-east side by St. Charles Borromée Street; and on the south-west by the lot next hereinafter described; the whole English measure, as acquired by deed from General Evans, executed before H. Griffin and colleague, notaries, on the twenty-first of March, one thousand eight hundred and forty; also another lot of land, contiguous to the above on the said Sherbrooke Street, containing thirty-eight feet front and rear, and one hundred and one feet in depth, English measure, as acquired from the said General Evans by deed before

before Gibb and his colleague, notaries, the tenth of December, one thousand eight hundred and forty, and thereon, as well by the funds so bequeathed and their increase, as by certain voluntary contributions, a manse or parsonage house was erected, fronting on Sherbrooke Street, in the said city of Montreal, which, with the management and control thereof, were conveyed to trustees appointed by the proprietors of pews of the said Saint Gabriel Street Church, of whom Walter Peddie is the only survivor and trustee remaining:

And whereas at meetings of the congregation of the said church, held on the twenty-eighth of August and second of September, one thousand eight hundred and forty-four, the majority did approve of the conduct of the minority of the Synod in connection with the established Church of Scotland, and determined to adhere to their protest and to follow them in the course they had taken, and thereby virtually determined to annul all previous rules and regulations inconsistent with their said resolution, and did also adhibit their sanction to the principles of the Presbyterian Church of Canada.

And whereas on the thirtieth of June, one thousand eight hundred and forty-five, a majority of the subscribers, proprietors in the said church, adopted a series of new rules and regulations, whereby it was, among other things, declared that the powers of proprietors of pews should be interpreted and limited by the laws and standards of the Presbyterian Church of Canada, and since the said year one thousand eight hundred and forty-four, two distinct organizations of regular Presbyterians have existed in this Province, each laying claim to the said property, the one being the Presbyterian Church of Canada in connection with the Church of Scotland, the other being the said Presbyterian Church of Canada, since included in the organization known by the name of the Canada Presbyterian Church, to the latter of which the majority of the congregation of the said Saint Gabriel Street Church, adhered, adopting the said new rules and regulations, and much litigation having arisen as to which of said organizations had a right to the said property, and the parties having agreed to a compromise and settlement of their differences according to the tenor and terms of the present Act, which both have petitioned for, to confirm and legalise the said compromise and settlement: Therefore, Her Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The property aforesaid, including that purchased under deed of date the second of April, one thousand seven hundred and ninety-two, with the buildings thereon, and all the members and appurtenances thereto belonging, as well as the ground acquired for the said manse or parsonage by the said deeds of the twenty-first of March and tenth of December, one thousand eight hundred and forty, the buildings

The said property vested in the Trustees of the St. Gabriel St. Church.

buildings thereon, the rents, issues and profits thereof; accrued and to accrue, and all the members and appurtenances thereto belonging, are declared to pertain to the said Presbyterian Church of Canada in connection with the Church of Scotland, and are hereby vested in Walter Peddie, Thomas Paton, Alexander Morris, Archibald Ferguson, Joseph Moore Ross, James McDougall, William Darling, Robert Esdaile, Alexander Mitchel, John Kingan and Robert Muir; who, with their successors in office, are constituted a body politic and corporate by the name of "The Trustees of the St. Gabriel Church," with power to exercise and maintain all such actions, remedies and recourse as may be necessary for the recovery, protection, management and administration thereof; Provided always, that the building at present used as the Saint Gabriel Street Church, being part of the said property, may be used by the present occupants up to the first day of November, one thousand eight hundred and sixty-five, or such earlier time as they shall have provided another place of worship, but no longer, and after which time they shall be bound to vacate the same, and no other than the said corporation of the Trustees of the Saint Gabriel Church shall thereafter have the right to hold or possess the same.

Proviso: as to present occupants.

Power to hold property.

And to sell the same.

Proviso: amount to be held permanently limited.

Corporation may lease the manse; application of rent.

Power to lease pews, and to maintain clergymen for the said Church,

2. The corporation shall have power to acquire by any lawful title, and to hold real and personal property, including that hereby vested in them, to the annual value of six thousand dollars, for the uses of the church and congregation, with full power to mortgage or hypothecate the same for money borrowed, or other liabilities incurred for the purposes of the said church; also to sell, alienate and convey the same and acquire other properties in lieu thereof, with the same power over and in regard to such other properties, the purchasers from them in no case being bound to see to the re-employment of the price; provided that any real estate acquired by devise, gift or purchase, over and above what may be necessary for the actual use and occupation of the said church and manse, shall be sold within seven years of its acquisition, and the proceeds invested in public or private securities on behalf of the said church.

3. It shall be in the power of the said corporation to lease the manse or parsonage with the land attached thereto, or any other property which may be acquired to represent the same or in addition thereto, applying the net revenues arising therefrom, after the liquidation of the debt hereinafter mentioned, for the purpose directed by the said last will and testament, save when the same shall be expended in repairs, improvements or additions to the property.

4. The said corporation shall have power to lease pews, collect the rent, and with such other revenues and moneys as may come into their hands for the purpose, keep and maintain the buildings in an efficient condition for divine service, and derive

derive revenue therefrom for the purposes of the said church and congregation and the ministers thereof, and from the proceeds and other moneys that may come into their hands for the purpose, to maintain one or more officiating clergymen for that purpose, eligible and duly qualified according to the model constitution adopted by the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland, on the thirteenth day of September, one thousand eight hundred and forty-seven, according to which constitution as it exists or may hereafter altered or amended by competent authority, ministers may from time to time be elected and appointed to officiate in the said church, and not otherwise.

Qualification of such clergymen.

5. Until a congregation shall have been regularly organized in connection with the said church, and a minister for the same duly called and inducted to the charge thereof, the aforesaid trustees shall remain in office, and three of them shall be a quorum for the transaction of business, and in the event of the death of any of them, or their residence being removed from the City of Montreal, or its environs, the remainder shall alone be the trustees, with full power to exercise all the functions of the said corporation, until their number shall have been reduced to less than five, when those remaining, as often as this occurs, shall appoint the number wanting to make up five, and after the organization of a congregation, such congregation shall themselves by rules and regulations to be by them adopted for this purpose, and approved of by the Presbytery of Montreal, in connection with the Presbyterian Church of Canada in connection with the Church of Scotland, prescribe the time and manner for the trustees to go out of office, and the election of others in their stead, but until such rules and regulations shall have been adopted and approved as aforesaid, the number of five shall be kept up by the appointments to be made by the trustees themselves, in the manner above mentioned.

Trustees to act until the congregation is regularly organized.

Elections to supply vacancies.

6. And whereas it has been agreed that the members of the congregation of the said Saint Gabriel Street Church who have adhered to the said Presbyterian Church of Canada should receive, for abandoning their claims in the premises the sum of five thousand eight hundred dollars to be employed towards building or procuring a church for themselves, and for that purpose have assumed the name of the Congregation of Knox Church, in connection with the Canada Presbyterian Church, and have organized and appointed John Ewart, William D. McLaren, Alexander McGibbon, Matthew Hutchison, Archibald Moir and Robert Gardner, as trustees to represent them under the name of the Trustees of the Knox Church, it is therefore enacted, that the said corporation of the trustees of the Saint Gabriel Church are declared to owe and to be indebted to the said trustees of the Knox Church in the sum of five thousand eight hundred dollars, payable as follows: three thousand two

\$5800 to be paid to the congregation of Knox Church for their rights in the premises.

hundred dollars on the passing of this Act, and the remainder in three equal annual payments, bearing interest at six per centum par annum, from the time that the said St. Gabriel Street Church shall be vacated by the adherents of the Canada Presbyterian Church, and the said trustees of the Saint Gabriel Church put in possession thereof, for which an action or actions at law may be maintained, and until paid all the property hereby vested in the corporation of the trustees of the Saint Gabriel Church is hereby declared specially hypothecated for the payment of the same; and the revenues of the manse or parsonage, accrued and to accrue, with such other funds as may be available, may be applied to liquidate the said debt, and the signature of the treasurer and of two trustees of the said Knox Church, shall be a sufficient discharge to evidence such payment.

Two suits now pending to be discontinued.

7. Two certain suits or actions heretofore pending before the Superior Court at Montreal, the one under the number one thousand five hundred and three, wherein the Reverend Alexander Ferrie Kemp is plaintiff, and John Fisher *et al.*, are defendants; and the other under the number one thousand seven hundred and twenty, wherein the Attorney General for Her Majesty the Queen is petitioner, and the Scotch Presbyterian Church, Saint Gabriel Street, Montreal, otherwise called the Presbyterian Congregation, otherwise commonly called the Saint Gabriel Street Church, is defendant, are hereby declared to be settled, superseded and discontinued, on the footing of each party therein interested paying the costs incurred by him or them respectively.

Public Act.

8. This Act shall be deemed a Public Act.

CAP. CLXII.

An Act to incorporate the Congregational College of British North America.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the Reverend Henry Wilkes, Doctor of Divinity, the Reverend George Cornish, Master of Arts, and William R. Hibbard, Charles Alexander, John Dougall and Charles R. Black, Esquires, have by their petition set forth, that they and others have, for many years past, been associated for the maintenance of an Institution for the training of young men for the Christian Ministry, in connection with the Congregational Denomination of Christians, under the name of the Congregational College of British North America; that the said Institution is about to be removed to Montreal; that it would greatly promote the efficiency thereof that it should there be affiliated to the McGill University, in order to which it must be incorporated; and whereas they therefore pray for the incorporation thereof by the name aforesaid, and under

under the conditions 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:

1. The said Henry Wilkes, George Cornish, William R. Hibbard, Charles Alexander, John Dougall, Charles R. Black, and all other persons who are now so associated with them for the purpose aforesaid, or who may, by virtue of this Act, replace or join them for such purpose, are hereby constituted a body politic and corporate, by the name of "The Congregational College of British North America."

Corporate name and powers.

2. The said Corporation may acquire by any legal title, and may hold any real estate required for its actual use and occupation, and may at any time dispose thereof and acquire other instead thereof; but it shall not acquire or hold any real estate whatever, not required for such its actual use and occupation.

May hold real estate for its own use and occupation only.

3. No bequest in favor of the said Corporation shall be valid, unless made at least six months before the death of the person making the same.

Bequests to Corporation.

4. All the revenues of the said Corporation, from whatever source derived, shall be devoted exclusively to the maintenance thereof, and the furtherance of the object aforesaid, namely, the training of young men for the Christian Ministry, in connection with the Congregational Denomination of Christians, and to no other purpose whatever.

Appropriation of revenues.

5. The said Corporation shall have power to administer their affairs by such and so many Directors and 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; and generally, they may from time to time make all such by-laws as they may deem requisite for the due ordering of their affairs, and may from time to time amend or repeal the same.

Appointment of Directors, &c.

6. The said Congregational College of British North America may, at any time, become affiliated to the McGill University, upon such terms as the said University and the said Corporation hereby created may agree upon.

Affiliation to McGill University.

7. The said Corporation shall at all times, when thereunto required by the Governor or either House 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 House of the Legislature may require.

Yearly return to the Legislature.

8. This Act shall be deemed a Public Act.

Public Act.

C A P . C L X I I I .

An Act to incorporate the Trustees of the American Presbyterian Society of Montreal.

[Assented to 30th June, 1864.]

Preamble.

1 W. 4, c. 56.

WHEREAS the religious congregation of Presbyterians, for whose relief an Act was passed in the first year of the reign of His Majesty King William the Fourth, intituled : *An Act to afford relief to a certain religious congregation at Montreal, denominated Presbyterians*, did, under the authority of the said Act, and in accordance with its provisions, appoint trustees for the purposes in the said Act mentioned ;

Recital.

And whereas by deed of conveyance, executed on the thirteenth day of February, one thousand eight hundred and thirty-seven, at Montreal, before N. B. Doucet and his colleague, Notaries Public, Jacob De Witt and others did sell and convey to the trustees so appointed and their successors to be appointed in the manner specified in the said deed for ever, in trust for the said congregation, a certain lot of land forming the corner of Great St. James and McGill streets in the city of Montreal, and in the said deed described, with the church or place of worship thereon erected ;

And whereas, Ebenezer C. Tuttle, Hiram Seymour, George Brush, Edwin Atwater, Clark Fitts, Noah Shaw and Benjamin Lyman are the trustees appointed as aforesaid and in the manner specified in the said deed, who now hold the said land and premises in trust as aforesaid ; and whereas the said congregation is commonly known as "The American Presbyterian Society," and is so called in the said deed of conveyance ;

And whereas the said congregation have by their petition represented the inconvenience resulting from the want of a corporate capacity and name ; and that the said congregation are desirous of selling the said land and church now held by the said trustees as aforesaid, and of applying the proceeds thereof to the purchase of a new site, and the erection thereon of a new church or place of worship, which shall be better adapted to the wants of the said congregation, and have prayed for the requisite authorization to enable the said trustees to comply with the desire of said congregation in that behalf : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Trustees incorporated.

1. The said Ebenezer C. Tuttle, Hiram Seymour, George Brush, Edwin Atwater, Clark Fitts, Noah Shaw and Benjamin Lyman and their successors for ever, to be elected in the manner hereinafter provided, shall be, and they are hereby constituted

constituted and declared to be a body corporate and politic, in name and in deed, by the name and style of "The Trustees of the American Presbyterian Society of Montreal," and shall have all the rights and powers vested in corporations generally by the Interpretation Act; and more particularly shall the said corporation have the right to sue for and recover all sums of money due and to become due for rent of pews in the church or place of worship to be at any time held by them, or for any other cause; and shall also be capable of contracting and being contracted with in relation to the funds of the said corporation, and the business for which it is now hereby constituted as hereinafter declared.

General Powers.
Special power to recover pew rents.

2. The said lot of land and the building thereon erected, now held by the said trustees as aforesaid, shall be henceforth holden by the said corporation, to be possessed thereof for ever, to and for the trusts and uses declared and expressed in respect of the same, in and by the said Act, and in this Act, and in the said deed of conveyance.

Land and building on it vested in corporation.

3. It shall be lawful for the said corporation to acquire by purchase, donation, exchange, or as a legacy, real estate to the extent and for the purposes mentioned and specified herein and in the Act cited in the preamble to this Act, and to hold and possess the real estate so acquired, and to institute and defend all suits and actions at law, for the conservation of such real estate, and of the rights of the said corporation therein and thereto; and the said corporation shall be and is hereby authorized and empowered to sell the said lot of land and building thereon erected, situated as aforesaid on the corner of Great St. James and McGill streets, in the said city of Montreal, and to apply the proceeds of such sale to the purchase of other real estate for the purposes aforesaid, and the construction thereon of a new church or place of worship for the use of the said congregation; and further, the said corporation shall be empowered to sell or alienate the whole or any portion of the real estate held or to be held in trust by them; but they shall not be empowered to alienate or sell such real estate or any portion thereof, except on a requisition or consent signed by three-fourths of the proprietors of pews in the church or place of worship of the said congregation, of at least one year's standing, and not in arrear of rent; and at the time residing in the parish of Montreal; and no sale or alienation shall be valid unless sanctioned by three-fourths of the proprietors qualified as aforesaid; Provided nevertheless that the purchaser of real estate from the said corporation shall not in any case be liable for, or bound to see to the application of the consideration money or any part thereof, and that a receipt for the same from the treasurer of the said corporation shall be a full discharge to such purchaser.

Power to acquire other property.

And to sell the present lot, &c.

And to sell any property held by them with consent of pew-holders.

Purchaser not bound to see to application of purchase money.

May raise money on mortgage.

4. It shall be lawful for the said corporation, and they are hereby authorized and empowered to raise by way of mortgage on the real estate held and to be hereafter held by the said corporation, and the church or buildings thereon erected and to be erected, such sum or sums of money as may be deemed necessary for the erection and completion of such church or buildings and their appurtenances, or for the purchase of such real estate; Provided that the like consent of three-fourths of the proprietors of pews shall be first had and obtained to mortgage for the purposes aforesaid, as is hereinbefore, in the next preceding section, provided for the sale of real estate by the said corporation.

Proviso: for consent of pew-holders.

Rights of pew holders as regards any new Church.

5. In case of the sale at any time of the church or place of worship held or to be held by the said corporation, the proprietors of pews therein shall be entitled to the same rights, and shall be proprietors to the same extent in the church or place of worship to be erected or acquired with the proceeds of such sale or otherwise, by the said corporation; and the prices at which such pews in the church so sold have been conveyed by the trustees of the said congregation before the passing of this Act, or by the said corporation after the passing of this Act, shall be allowed and credited to the proprietors thereof towards the purchase by them of pews in the church to be so erected or acquired.

Power to sell or lease pews.

6. The said corporation may make and execute conveyances of pews in such church or place of worship to persons purchasing the same, and leases to those leasing the same; such conveyances and leases to be given within a reasonable time after demand made, and at the charge of the person applying for the same; and further, it shall be the duty of the said corporation from time to time to sell, lease and rent pews upon such terms, and such only, as may be settled and appointed at meetings of the congregation to be holden as hereinafter provided; Provided that any such sale, lease or renting shall be subject to such rent-charge or other rent as may from time to time be rated and assessed in respect thereof at such meetings of the congregation.

Proviso: as to rent-charges.

How pews sold shall be held and assigned.

7. In case of the absolute purchase of any pew in such church or place of worship, the same shall be construed as a freehold of inheritance, not subject to forfeiture by change of residence, or by discontinuing to frequent the same; and the same may be bargained, sold and assigned to any purchaser thereof, and such purchaser, provided the same be duly assigned and conveyed to him, shall hold the same, with the same rights and subject to the same duties and charges, as the original purchaser thereof; Provided that if by reason of a change of residence or by discontinuing to frequent such church, any pew shall not be occupied by such pew-holder, or his family, or other person under his authority, the said corporation shall have

Proviso: in case of owner discontinuing to use the pew.

have the power to lease the said pew from year to year, in such manner and subject to such conditions for the re-occupation of the same by such proprietor, on request, as shall be provided by the by-laws of the said corporation.

8. Any pew-holder, whether by purchase or lease, and any person renting a pew, shall and may, during his rightful possession of such pew, have a right of action against any person injuring the same or disturbing him or his family in the possession thereof.

Right of action to pew-holders.

9. The rent-charge to be paid upon pews holden in freehold by the proprietors thereof, and the rent to be paid for the pews leased or rented shall be regulated from time to time by a majority of those present and qualified to vote, at the meetings of the said congregation called and held as hereinafter provided.

Rent-charges and rent, how regulated.

10. The said corporation may make, establish and put in execution, alter or repeal, such by-laws, rules and regulations respecting the temporal affairs of the said congregation as shall not be contrary to the laws of this Province or to the provisions of this Act, and as may appear to the said corporation necessary or expedient for the interests thereof; Provided that such by-laws shall have no force or effect unless and until the same shall be approved and ratified by a majority of the members of the congregation (qualified to vote as hereinafter provided), at the annual meeting of the congregation, or at a special meeting called for the purpose of submitting such by-laws for ratification.

Power to make by-laws.

Must be approved and how.

11. At all the meetings of the said corporation, duly convened, any five members thereof shall form a quorum for the transaction of business; and it shall be the duty of the secretary of the said corporation to call a meeting of the members of the said corporation, whenever required so to do by any two of the said trustees.

Quorum and meetings.

12. On the twenty-sixth day of December next after the passing of this Act, all the trustees hereinbefore named shall go out of office and shall cease to be trustees for any purpose connected with the property held and to be held in trust as aforesaid, or with the affairs of the said congregation; but shall not by reason of having been previously trustees, be disqualified from being re-elected in the manner hereinafter mentioned, nor shall any trustee who may be hereafter elected, from the fact of having been such trustee, be disqualified from re-election after his term of office shall have expired.

Retirement of Trustees and others.

13. All pew-holders in the said church or place of worship, whether holding the same by purchase or lease from the said trustees before the passing of this Act, or from the said corporation after the passing of this Act, and such pew-holders

Who only shall be deemed members of the congregation.

only,

only, shall be considered members of the said congregation, for the purposes in this Act mentioned and declared, and shall have a right to vote upon all matters submitted at the meetings of the congregation, called as hereinafter directed; Provided that no such pew-holder shall be entitled to vote at any meeting of the congregation, unless he shall have been the actual occupant of a pew for at least one year immediately previous to such meeting, and unless all the pew-rent due and payable by him shall have been paid in full up to the date of such meeting.

Proviso: one year's occupation required.

Annual meetings of the congregation.

14. An annual general meeting of the said congregation shall be held on the twenty-sixth day of December in each year, except when it falls on a Sunday, in which case such meeting shall be held on the Monday following, in the building used by the said congregation as a place of worship, notice of which meeting shall be given from the pulpit of the said church during service on Sunday, at least four days before the day appointed for such general meeting; and besides the power of election hereinafter specified, the said congregation may at such annual meeting exercise all the powers conferred upon them by this Act, and shall be competent for the transaction of business generally.

Notice.

Powers.

Election of nine Trustees and for what period.

15. At the first annual meeting of the said congregation, to be held as hereinbefore provided, there shall be elected, by a plurality of the votes of the members of the said congregation present and qualified to vote as aforesaid, nine trustees, three of whom shall be elected for a term of three years; three for a term of two years, and three for the term of one year; and such nine trustees and their successors, to be elected as hereinafter provided, shall, in virtue of such election, be members of the corporation, and shall have the same powers as the trustees hereinbefore named and incorporated, and shall go out of office at the expiration of the terms respectively for which they shall be elected, as aforesaid.

Powers.

Three Trustees to be elected yearly.

16. At every annual meeting subsequent to that mentioned in the next preceding section, the said congregation shall, in the manner aforesaid, elect three trustees as successors to the trustees whose term of office expires at the time of such annual meeting, and the three trustees so elected shall go out of office at the time of the annual meeting to be holden at the expiration of three years next after their election; and in case of a vacancy occasioned by the disqualification or death, resignation or removal from the said parish of any of such trustees, or by the failure to elect trustees at any annual meeting, such vacancy may be filled by the said congregation at the first annual meeting thereafter or at a special meeting of the congregation called for such purpose.

Vacancies, how filled.

Qualification of Trustees.

17. No person shall be eligible to the office of trustee in the said corporation unless he be the proprietor and occupier of a pew

pew in the said church, of at least one year's standing; not in arrear of rent, a stated resident of the parish of Montreal; and of the full age of the twenty-one years, and not a member of any other church or religious congregation.

18. Within ten days after each annual meeting the trustees then in office shall elect one of their number as chairman, another as secretary, and another as treasurer of the said corporation, who shall hold office till the close of the annual meeting next after their election, and vacancies in such offices may be filled at any meeting of the trustees regularly convened; and the chairman so elected shall, if present, preside at all meetings of the corporation, and also at all meetings of the congregation, and in the absence of the said chairman such one of the trustees present, as a majority of such meeting shall name, shall preside; and in case of an equality of votes at any such meeting, the chairman or other person chosen to preside, shall have the casting vote; and it shall be the duty of the secretary to keep in books for that purpose minutes or records of the proceedings had at the meetings of the said trustees, and of the said congregation, which shall be signed by the secretary, and shall be kept and held by the said corporation in trust for ever for the said congregation; and it shall be the duty of the said treasurer to collect and receive all moneys due to the said corporation, and to keep and disburse the same under the direction of the said corporation, and to keep a true and faithful account of all such receipts and disbursements.

Election of
Chairman,
Secretary, and
Treasurer.

Chairman's
duties and
powers.

Secretary's.

Treasurer's.

19. There shall be opened and kept by the said corporation a register in which shall be entered and recorded, from time to time, the proceedings and transactions of the corporation, and which register shall be open to the inspection of every proprietor or pew-holder, at all seasonable times.

Register to be
kept.

20. It shall be the duty of the said trustees, at each annual meeting, to submit a true and perfect account in writing (fairly entered in books to be kept for that purpose,) of all sums of money by them received, and of all sums rated or assessed or otherwise due and not received, and of all moneys paid by them as such trustees during their term of office; and they shall also, on going out of office, pay and deliver over to their successors in office, all sums of money, books, accounts, goods, property and other things which shall be in their hands as such trustees; and in case such trustees shall make default to render such account or deliver over such money, goods, books and other things as aforesaid, it shall be in the power of their successors to proceed against them at law for such default.

Trustees to
account at
annual meet-
ings, &c.

May be sued
in default.

21. It shall be lawful for the said corporation to call special meetings of the said congregation, by a like notice to that required to be given in respect of the annual meetings; and on a requisition signed by fifteen members of the said congregation, qualified

Special meet-
ings of the
corporation.

Proviso : purpose to be specified in notice.

qualified to vote as aforesaid, it shall be the duty of the said corporation to call a special meeting of the congregation, to be held within fifteen days after delivery of such requisition to the chairman or secretary of the corporation ; Provided that the purpose or object of such special meeting shall be specified in the said requisition and the notice calling the same ; and no business shall be transacted at any such special meeting other than that specified in the notice calling the same.

Application of the revenues of the congregation.

22. The revenues derived from the sale of the real estate held by the said corporation, from the renting of pews or from any other source, shall be the property of the said congregation, and shall be applied by the said trustees solely to the acquisition and maintenance of land and buildings for the purposes aforesaid, and to the support and maintenance of the public worship of God according to the forms, articles of faith and government of the Presbyterian Church, with which the said congregation are now in connection.

Deeds of conveyance to the corporation to be registered.

23. All deeds of conveyance of real estate which shall be made to the said corporation, shall be enregistered within twelve calendar months after the execution thereof respectively, in the office of the Prothonotary of the Court of Queen's Bench in the district in which such real estate is situated, which enregistration the said Prothonotary is hereby required to make at the request of the bearers of such deeds respectively ; and for every such enregistration the said Prothonotary shall be entitled to demand and receive at the rate of ten cents for every hundred words contained in such deeds respectively, and fifty cents for the certificate of such enregistration, and no more.

Rights of the Crown, &c., saved.

24. 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 persons, or of any body politic or corporate, such only excepted as are herein mentioned.

Public Act.

25. This Act shall be deemed a Public Act.

C A P. C L X I V .

An Act to remove doubts under the Will of the late John Gray, in his lifetime of St. Catherines, near Montreal.

[Assented to 30th June, 1864.]

Preamble.
Recital.

WHEREAS the late John Gray, in his lifetime of St. Catherines, near Montreal, Esquire, by his Will dated the thirtieth day of October, one thousand eight hundred and twenty, and the codicils thereto, dated respectively the fourth day of December, one thousand eight hundred and twenty-one, the first day of August, one thousand eight hundred and twenty-six, the

the seventeenth, eighteenth and twenty-second days of June, one thousand eight hundred and twenty-nine, executed in due form of law so as to pass real estate in either Upper or Lower Canada, left as the executors thereof, and trustees for the purposes therein mentioned; his widow, Mary Gray (or Pullman), his eldest son, Alexander Gray, William Peddie, of Montreal, Esquire, and Thomas Brown Anderson, Esquire, now President of the Bank of Montreal, all of whom survived the said testator, took upon themselves the said office, and duly proved the said Will and codicils, and acted thereunder, but of whom the said Thomas Brown Anderson is and has been for some years past, the sole survivor; And whereas, by his said Will, the testator directed his executors or the survivors of them, as soon as conveniently might be after his decease, to sell and dispose, to the best advantage, of all his lands and tenements, chattels and effects (except certain furniture and articles bequeathed to his said widow for her and her children's use), giving them full power and authority for that purpose, and at and for such prices and for such terms of payment as they might deem meet and expedient to prevent sacrifice and loss in the disposal thereof, and directed them to apply the proceeds, after paying his just debts, in the manner therein set forth, first making provision, out of the interest thereof, for his widow for life, and for his minor children during their minority, and afterwards dividing the remainder equally among his six children or their representatives; but by the said codicils of the seventeenth and twenty-second of June, one thousand eight hundred and twenty-nine, the testator, while using expressions therein which manifest his earnest desire that the provisions of his said Will should be carried out as to all his property, if the law would permit it, yet declares his fears that the law of primogeniture would, as regarded certain lands in Upper Canada, and certain others in Lower Canada held in free and common socage, defeat his intention of leaving his property to be equally divided among all his children with the provisos mentioned in his said Will, and under this erroneous impression that the law prevented his leaving the said lands to be disposed of by his executors, and the proceeds divided in the manner provided in his will, he leaves them to be divided among his children equally with respect to their value, to be allotted by his executors and drawn for by his children; And whereas the personal and other property of the testator being wholly insufficient to pay his just debts and to provide for the maintenance of his widow and minor children (which in the said codicils he again directs his executors to provide for out of the most efficient part of his fixed property), his executors being advised and believing that the said Will and codicils were to be construed as one writing, and that the intention of the testator as manifested in both was to be carried out (as all the parties interested have always desired that it should be), notwithstanding the alternative provision in the codicils in case the law would not permit effect to be given to such intention, sold a very large proportion

proportion of the said land (more than five-sixths), and conveyed them to the purchasers (who or whose legal representatives now hold them), and applied the proceeds in the manner directed by the said Will ; and whereas, of the six children of the testator who survived him, only one is now alive, two died unmarried, and another left a husband but no children, one died leaving two children and another leaving eleven, two of whom were since deceased, and the parties now entitled to share in the said estate are very numerous and have been and are dispersed in the four quarters of the globe, and this circumstance, and the minority of some of them, and other causes, made it impracticable for a long period to divide the lands remaining unsold, while doubts which had latterly been raised as to the executor's power of sale, made it difficult to sell them without considerable sacrifice ; and, whereas the said Thomas Brown Anderson hath by his petition represented the facts aforesaid, and further, that in the month of February, one thousand eight hundred and sixty-four, the parties aforesaid having for some time previously attained their majority, and the widow of the testator being deceased, the petitioner having held the office of executor for thirty-five years, and being of advanced age, and fearing that his decease before a division of the said unsold lands might occasion much difficulty and loss to all concerned, and having moreover obtained the consent of six-sevenths in number and nine-tenths in value of all the parties interested, (the others (two) not dissenting, but one being in South Africa, beyond the reach of communication, and, the other having died after having executed and sent over a power to give such consent) and having caused the said lands to be carefully valued ; with such consent as aforesaid under the hands and seals of the parties aforesaid, divided the said lands into allotments as nearly as possible proportionate in value to the shares of the parties concerned, and having caused the said allotments to be drawn for by or on behalf of the said parties, on the ninth of the said month allotted, sold and conveyed the said lands respectively to the parties who drew them, at the values set upon them as aforesaid, charging such value to each as so much money received from the said estate, and making up any inequality out of other moneys thereof, so that each party might receive the exact value of his or her share ; and, whereas the said Thomas Brown Anderson hath prayed that as well for the benefit of the parties interested in the said estate, as for the protection of innocent purchasers from them, or from him, or from him and his co-executors, all doubts as to the validity of the said sales and conveyances may be removed, and such other relief granted in the premises as hereinafter is mentioned, and it is expedient to grant his prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sales made by
executors con-

1. The sales and conveyances and the allotment, sales and conveyances made as aforesaid by the executors of the said Will

Will of the late John Gray, or the survivors of them, or by the said Thomas Brown Anderson as the sole survivor of them, are hereby confirmed and declared valid, and the said Will and the codicils thereto shall be construed and take effect as vesting in the said executors or the survivors or survivor of them, all the lands belonging to the said testator at the time of his decease, in trust to sell and dispose of the same and to apply the proceeds in the manner prescribed by the said Will, and the purchasers of such lands shall not be bound to see to the application of the purchase money; Provided always, that nothing herein contained shall be construed to give any party a better title to any of the said lands than he would have had without this Act, except only so far as depends on the construction of the said Will and codicils as regards the power of sale and other the points aforesaid, or to relieve the said Thomas Brown Anderson, or the representatives of any of his deceased co-executors, from their, or his responsibility for the due application of the proceeds of such lands, or to affect the right of any party to any portion of such proceeds, or to affect in any way any suit or proceeding pending at the time of the passing of this Act.

firmed; lands declared vested in them in trusts; purchasers relieved from obligation to see to application of purchase money.

Proviso.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . C L X V .

An Act to enable the surviving Trustees under the Will of the late Lieutenant-General Sir William Johnston, K. C. B., deceased, to sell certain lands in Canada belonging to the estate of the said General Johnston.

[Assented to 30th June, 1864.]

WHEREAS Robert Johnston, of Laputa, in the County of Donegal, in Ireland, Esquire, and James Johnston, a Lieutenant Colonel in Her Majesty's Eighth (the King's) Regiment of Foot, at present stationed at Malta, Devisees and Trustees named in the last will and testament and codicils thereto, of Lieutenant-general Sir William Johnston, Knight, Commander of the Bath, late of the Town of Southampton, England, deceased, and Jane Johnston, of the same place, spinster, only surviving daughter of the said Lieutenant-General Johnston, have represented by their petition amongst other things, that, by the will and codicils of the said late General Johnston, he devised certain lands situate in the County of Lincoln and the County of Middlesex, in Canada, unto the said petitioners, Robert Johnston and James Johnston and Lady Johnston, (since deceased), upon trust for his son the said James Johnston, for life, and after his decease, in case he should leave lawful issue of his body living at his decease, upon trust for his child or children then

Preamble.

Will of Lieut. Gen. Sir Wm. Johnston in reference to Canada lands recited.

then living, and the issue *per stirpes* of any deceased child; as tenants in common, and the heirs and assigns of such children, as in the said will is particularly set forth; but in case the said James Johnston should die without leaving lawful issue living at his decease, then upon trust for the testator's six daughters therein named; and their respective heirs and assigns, in equal shares as tenants in common, and in case of the death of any of his said daughters under age and without issue, that the shares original or accruing of them or her so dying, should be in trust for the others of his said daughters, their or her heirs and assigns for ever, as tenants in common, as in the said will is particularly set forth;

Death of widow and surviving children, except petitioners, &c., &c.

And that Lady Johnston, widow of the testator, died without having married again, and that all the other children aforesaid of the said General Johnston, except the petitioners, James Johnston and Jane Johnston, have died unmarried and without issue;

That the petitioner, James Johnston, is unmarried and without issue, and that the petitioners, James and Jane Johnston, are the only persons in existence beneficially interested in the said lands in Canada;

And that it would be for the interests of all parties that the said lands should be sold and the purchase money held subject to the trusts imposed by the testator in respect of the said lands, and they pray for authority so to do:

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

Trustees invested with power to sell lands in Canada belonging to the estate.

1. Robert Johnston and James Johnston, the trustees aforesaid, or the trustees for the time being, under the will and codicils of the said late Lieutenant-General Sir William Johnston, K. C. B., deceased, shall have power to sell and dispose of the lands owned by the estate of the said General Johnston, in Canada, either by public sale or by private contract, either in parcels or together, and either for cash or upon security by mortgage, or in such manner as to the trustees for the time being shall seem best, with or without any special or other stipulations as to title or evidence or commencement of title or otherwise, and shall have power to buy in, rescind, or vary any contract for sale, and resell without being answerable for loss occasioned thereby.

And after payment of expenses to stand possessed of residue of purchase moneys, sub-

2. The trustees for the time being shall, for the purposes of this Act, have power to execute and do all such conveyances, assurances, assignments, deeds, acts and things as they shall think fit; and shall, by and out of the moneys arising from such sale or sales, pay, and reimburse themselves for any expenses incurred in or about the execution

of any of the trusts or powers now granted them, or granted them under the provisions of the said will and codicils thereto, and pay the expenses incurred in or about the obtaining of this Act, and shall stand possessed of the residue of the same moneys, upon such trusts and with and subject to such powers as are declared by the said will and codicils in respect of the said lands in Canada thereby devised, and shall have power to invest the said moneys in such manner as to the trustees for the time being shall seem best for the benefit and advantage of the parties beneficially entitled under the said will to the lands aforesaid.

3. No purchaser or purchasers shall be bound to inquire, or to see to the application of the said purchase moneys or be responsible for their misapplication, and the receipts of the said trustees, for the time being, or of their agent or attorney, duly authorized in that behalf, shall wholly absolve any purchaser or purchasers from all responsibility in respect of the application or misapplication of the same.

Purchaser not bound to see to application of purchase money.

4. Nothing in this Act contained shall affect or prejudice any rightful claim or title of any persons who have purchased any of the said lands from the said Lieutenant-General Sir William Johnston, or his heirs.

Titles of certain persons, saved.

5. This Act shall be deemed a Public Act.

Public Act.

C A P . C L X V I .

An Act to authorize William Berczy and others, to dispose of certain lands heretofore forming part of the domain of the Seigniori of Daillebout.

[Assented to 30th June, 1864.]

WHEREAS William Berczy, Esquire, has represented by petition that he now possesses and enjoys as usufructuary the property left by his wife, the late Dame Louise Amélie Panet, but has not by law, any more than the other usufructuaries named in the will of the said lady, the right to sell or otherwise alienate any part of the said property, save and except the immovables specially enumerated in the said Will; and whereas doubts have arisen as to the right of the said William Berczy and his successors in the said usufruct to sell certain lands heretofore forming part of the domain of the Seigniori of Daillebout, belonging to the said late Dame Louise Amélie Panet; and whereas the inability of the said William Berczy and his successors in the said usufruct, legally to alienate the said lands, greatly retards the progress of settlement in the said Seigniori of Daillebout, and all the parties interested have petitioned for the passing of this Act: Therefore, Her Majesty,

Preamble.

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

Power to sell certain lands in the late Seigniority of Daillebout.

1. The said William Berczy and his successors in the said usufruct, are hereby authorized to sell and alienate all, or any part of the said land in the Seigniority of Daillebout, left by the said late Dame Louise Amélie Panet; provided always, that such sale and alienation be made upon the conditions of sale imposed by the said Dame Louise Amélie Panet, upon the sale of the lands mentioned in her holograph Will, bearing date the eleventh day of April, eighteen hundred and sixty, and duly proved on the eighteenth day of June, eighteen hundred and sixty-two; and the proceeds of such sale or sales shall be applied according to the true intent and meaning of the said Will.

Public Act.

2. This Act shall be a Public Act.

CAP. CLXVII.

An Act to authorize Maria Murney, Executrix, to sell certain portions of the Real Estate of the late Honorable Edmund Murney, and for other purposes.

[Assented to 30th June, 1864.]

Preamble.
Recital.

WHEREAS Maria Murney, of the Town of Belleville, widow of the late Honorable Edmund Murney, of the same place, has, by her Petition, represented that the Honorable Edmund Murney, late of the Town of Belleville, in the County of Hastings, died on or about the fifteenth day of August, in the year of Our Lord, one thousand eight hundred and sixty-one, having first made and executed his last will and testament in writing, dated the twenty-eighth day of February, in the year of Our Lord, one thousand eight hundred and forty-nine,—and thereby devised all his real and personal estate, after the payment of his debts, to the said Maria Murney, his wife, for her life, and at her death to his children as tenants in common, and appointed the said Maria Murney sole Executrix of his said Will—that the said Testator at the time of his death, was indebted to various parties and corporations in mortgages, bonds and simple contracts, and that these debts, to a large amount, still remain undischarged,—that the real estate affected by said mortgages and judgments is valuable and available for the maintenance of the Petitioner and the surviving children,—that a large portion of the unincumbered real estate is composed of wild lands, wholly unproductive, and causes much loss by reason of the payments of taxes and payments to agents and care-takers,—that should the creditors, who have the power, sell or foreclose the said encumbered real estate, it would cause great loss to the estate and

and injury to the widow and children of the Testator,—that under the said Will the said Maria Murney has no express power to sell any of the real estate of the said Testator for the payment of his debts,—that the said Testator had become bound to several persons that upon payment by them, respectively of the price, that he, the Testator, would make and deliver valid deeds of, or assignments of his interest in the lands in said bonds or covenants mentioned,—and that many of said parties have paid the price, and are now demanding the fulfilment of the said bonds, respectively held by them; and has prayed for relief in the premises; and whereas it is expedient to grant the prayer of the Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said Maria Murney, and Francis McAnnany, of Belleville aforesaid, Esquire, shall be, and are hereby empowered to sell and dispose of the real estate of the said late Honorable Edmund Murney, either by public auction or private contract, as to them may seem best, and to make and execute good, valid, and effectual deeds and conveyances of the same in the same manner that the said Honorable Edmund Murney might or could have done in his lifetime, and after deducting the necessary expenses attending such sale, to apply the proceeds to the payment of the debts and liabilities of the said late Honorable Edmund Murney, and the support of his said widow, and the support and education of his said children while under age and unmarried; and as each of such children attains the age of twenty-one, no such sale or disposition made thereafter, shall, without the consent of such child, affect the share of such child, such consent to be expressed by Deed; and the said Maria Murney and Francis McAnnany shall, as each child comes of age, account to such child for the sales and dispositions hereby authorized, and the application by each of them respectively of the proceeds thereof; but each of the said Trustees shall be accountable only for her or his own acts and doings in the premises, and not for those of the other of them; Provided always, that at any time on application of any creditor of the said late Honorable Edmund Murney, or of any of the said infant children, or any one lawfully authorized to act on their behalf, it shall be competent for the Court of Chancery, on good cause being shown therefor, to annul all or any of the powers hereby conferred, or to restrain the exercise of them wholly or partially, altogether or for a time, or to impose such terms and conditions upon the exercise thereof as to such Court shall, under the circumstances, seem just and expedient.

Power to M. Murney and F. McAnnany to sell real estate and pay debts of testator, &c.

As to sales after children come of age.

Proviso: powers may be restrained by Court of Chancery.

2. The said Maria Murney and Francis McAnnany, are hereby empowered to make and execute such conveyances of the estate of the said late Honorable Edmund Murney, as he had in his lifetime contracted and become bound to execute to

Power to make conveyances.

the parties holding the said bonds and agreements, or to their heirs or assigns.

Balance of proceeds to be invested.

3. The said Maria Murney and Francis McAnnany, shall from time to time, invest any balance of moneys arising from such sale or sales (after due payment of the debts of the said late Honorable Edmund Murney, and support of his said widow, and support and education of his said children while under age and unmarried,) for the benefit of the said Maria Murney, during her life; and at the death of the said Maria Murney, the same shall belong to the children of the said late Honorable Edmund Murney, as directed by the terms of his said last will and testament.

Provision for perpetuation of trust in case of death of M. Murney.

4. In case of the death of the said Maria Murney, before the final execution of the powers and trusts above mentioned, or of her becoming incapable of continuing to execute the said powers and trusts, it shall be lawful for the Court of Chancery, on the application of any one or more of the children or creditors of the said late Honorable Edmund Murney, to nominate and appoint some fit and proper person to act in the place of the said Maria Murney, as Executor and Trustee under this Act, of the estate of the said late Honorable Edmund Murney, and in like manner to appoint another in case of the death or incapacity, as aforesaid, of the person so appointed, and so as often as occasion may require.

The same in case of death of F. McAnnany.

5. In case of the death of the said Francis McAnnany, before the final execution of the powers and trusts above mentioned, or of his becoming incapable of continuing to execute the said powers and trusts, or declining to act therein, it shall be lawful for the Court of Chancery, on the application of any one or more of the children or creditors of the said late Honorable Edmund Murney, to nominate and appoint some fit and proper person to act in the place of the said Francis McAnnany, as trustee of the estate of the said late Honorable Edmund Murney, under this Act, and in like manner to appoint another in case of the death or incapacity as aforesaid, of the person so appointed, and so as often as occasion may require.

Purchaser not bound to see to application of purchase money.

6. No mortgagee, purchaser, alienee or lessee, shall be required to see to the application of the purchase money, rents or other considerations in respect of any sale, mortgage, lease or other disposition made under this Act.

Public Act.

7. This Act shall be deemed a Public Act.

CAP. CLXVIII.

An Act to enable the Trustees of the late John Whyte to dispose of certain property under his Will.

[Assented to 30th June, 1864.]

WHEREAS John Mathew Craufurd, of Vienna, in the county of Elgin, Esquire; James Colquhoun, of Berlin, in the county of Waterloo, Esquire; Isabella Whyte, of Barton Lodge, in the county of Wentworth, Widow; William Gourlay, of Barton Lodge aforesaid, Esquire; Emily Ester Elizabeth Gourlay, wife of the said William Gourlay, and Emily Whyte, residing near Edinburgh, Scotland, Spinster, have presented their petition stating, amongst other things, that John Whyte, late of Barton Lodge, in the county of Wentworth, in the Province of Canada, deceased, in and by his last Will and Testament, in writing, duly executed, for the passing of Real Estate in Upper Canada, bearing date on or about the third day of May, in the year of Our Lord one thousand eight hundred and fifty-nine, devised to the said John Mathew Craufurd and James Colquhoun, they being the trustees under the marriage settlement of the said Emily Esther Elizabeth Gourlay, daughter of the said John Whyte, and wife of the said William Gourlay, and to the survivor of them, and to the successors of them, appointed under the power of appointment contained in the said marriage settlement, and to their heirs, among other property, two hundred acres of land, being lot number ten in the fifth concession of the township of Harwich, in the county of Kent, in Upper Canada, and also a house in Murray street, being upon block twenty-one, lots eleven, twelve and thirteen on said block twenty-one, lots one, seven, eight and nine on block twenty-eight, lot seven on block thirty, and lots eight and nine on block thirty-nine, the last two being water lots on Burlington Bay, all in the city of Hamilton, in Upper Canada, to have and to hold the same to them and their heirs upon the trusts and for the purposes following, that is to say: upon trust, to allow the said Isabella Whyte to receive and enjoy, and give receipts for herself, and no other person qualified, during all the term of her natural life, the rents, issues and profit arising from the said house in Murray street aforesaid, and as to all the rest and residue of his said real property from and after his decease, and as to the said house in Murray street from and after the decease of the said Isabella Whyte, upon trust to allow his daughter, the said Emily Esther Elizabeth Gourlay, to receive and enjoy, and give receipts for all the rents, issues and profits of the same, if any, during the term of her natural life, free from the control of any present or future husband, her receipt alone to be a sufficient discharge; and from and after the decease of the said Emily Esther Elizabeth Gourlay, upon trust to allow the said William Gourlay, if he survived her, to receive, enjoy and give receipts for

Preamble.

Will of John Whyte recited.

for

for the said rents, issues and profits during the term of his natural life; and from and after the decease of both of them, the said Emily Esther Elizabeth Gourlay and William Gourlay, upon trust, to have and to hold the same, for the benefit of any or all of the children of the said Emily Esther Elizabeth Gourlay, in such manner and in such portions as she should direct by any appointment made by her, under power for that purpose contained in her said marriage settlement, and failing such appointment, then equally between all the children of the said Emily Esther Elizabeth Gourlay, share and share alike, with cross remainders between them, the issue of any such child dying during the lifetime of their father or mother to be entitled to their father or mother's share among them, as the case might be, and failing such children and their issue, at the decease of the said Emily Esther Elizabeth Gourlay, then his said real property is to be divided, in equal shares and proportions, between Thomas Whyte, his the said testator's brother, and his heirs, John Reginald Howison Craufurd, his the said testator's nephew, and his heirs, and the said John Mathew Craufurd, his the said testator's cousin, and his heirs; that the said testator declared it to be his will, that, in case of the death of any of them, the said Thomas Whyte, John Reginald Howison Craufurd, and John Mathew Craufurd, before they might enjoy the said bequests, in the event of failure of the said Emily Esther Elizabeth Gourlay's issue at her death, the said bequests should not be considered as lapsed, but should go to the respective heirs, if any; that the said testator declared it to be his will, that, having devised to the said Isabella Whyte the rents for her lifetime, of the said house in Murray street, in case she accepted the same, it should be in lieu and satisfaction of her right to dower over the remainder of his real property in order that such remainder might be fully made use of, so as to bring it into value, and that in case the garden, or any part of it, should be required for building or other profitable purposes, the same should be given up by the said Isabella Whyte;

That the said testator departed this life on or about the twenty-third day of March, in the year of Our Lord one thousand eight hundred and sixty-two; that the said Thomas Whyte departed this life on or about the twelfth day of May, in the year of Our Lord one thousand eight hundred and sixty-one, leaving one son, namely James Charles Douglass Whyte, of Belleisle en Terre, Côte du Nord, France, and the said Emily Whyte, him surviving;

That all the said lots in the said city of Hamilton, except the said lot on Murray street, on which the said house and garden stand, are not occupied and are of considerable value, but yielding little or no income, and cannot be made to do so to any extent commensurate with the value of the property, without expending a large amount of money thereon, and are
also

also a source of continual expense for taxes and other disbursements, and there are no funds provided by the said will for the payment thereof ;

That the said house and garden in Murray street aforesaid, have not let for a sum sufficient to pay the taxes thereon and other necessary expenditure, but would, on account of the size of the said garden, produce a considerable sum if sold ; that the said lot number ten, in the fifth concession of the said township of Harwich, in the county of Kent, is a wild lot and wholly unproductive, besides being liable to taxes, which there are no funds provided by the said will to pay ; that it would be a great advantage to the estate of the said John Whyte and the said petitioners, if all the said lands, and also the said house and garden in Murray street, were sold, and the proceeds invested on real or other good security, subject to the trusts of the said will ;

And whereas the said John Mathew Craufurd and James Colquhoun have prayed that they may have full power and authority, jointly, to sell and alienate all the said lots in the city of Hamilton and the said lot in Harwich ;

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 :

1. The said John Mathew Craufurd and James Colquhoun, Trustees to have power to sell the property and hold and invest the proceeds subject to the trusts of the said will. or their successors duly appointed, shall have full power and authority, jointly to sell and alienate the said two hundred acres, being lot number ten, in the fifth concession of the township of Harwich, in the county of Kent, and also the house and garden being upon block twenty-one ; lots eleven, twelve and thirteen on said block twenty-one ; lots one, seven, eight and nine, on block twenty-eight ; lot seven on block thirty ; and lots eight and nine on block thirty-nine, the last two being water lots on Burlington Bay, all in the city of Hamilton, in fee simple, and to give proper conveyances thereof, and to receive the consideration money for such sale or sales ; and in case of sale or sales on time, to take mortgages for the unpaid portions of the purchase money, and to invest the consideration money in good and sufficient securities, to be held by the said John Mathew Craufurd and James Colquhoun, subject to the same trusts as are declared and set forth in the said will of and concerning the said lands so to be sold as aforesaid.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. CLXIX.

An Act to facilitate the administration of the estates of the late Robert Shaw Miller and Eliza Mitchell, his wife.

[Assented to 30th June, 1864.]

Preamble.
Recital.

WHEREAS Robert Shaw Miller, late of the City of Montreal, Merchant, intermarried with Eliza Mitchell, of Alloa, spinster, in February one thousand eight hundred and fifty-six, and the said Eliza Mitchell being then possessed of a considerable sum of money, by a prenuptial settlement of date twenty-seventh February, one thousand eight hundred and fifty-six, duly registered in the books of the laws of Council and Session, the trusts of such sum were declared in favor of the said Eliza Mitchell and her children; And whereas the said sum was afterwards handed to the said Robert Shaw Miller, who invested the same in the purchase of real estate, loans on mortgages, joint stock shares and otherwise, in this Province; And whereas the said Robert Shaw Miller, by deed of date first February, one thousand eight hundred and sixty, conveyed and transferred such real estate, mortgages, shares and other property, to Angus Morrison and Thomas Paterson, to be held upon the trusts of the said settlement; and whereas the said Robert Shaw Miller died on the twenty-seventh September, one thousand eight hundred and sixty-two, intestate and leaving three children of the said marriage, and a posthumous child has since been born, issue of the said marriage, all him surviving; And whereas the said Angus Morrison and Thomas Paterson thereupon conveyed and transferred the said real estate, mortgages, shares and real property, to the said Eliza Mitchell; and whereas on the seventeenth of January, one thousand eight hundred and sixty-three, the said Eliza Mitchell made her Will at Alloa, duly executed according to the laws of Scotland, and thereby gave to Andrew Mitchell and Alexander Mitchell, Merchants in Alloa, her brothers, and William Paton, Coal manager of Alloa, her brother-in-law, all and sundry lands and other heritable and real estate, presently belonging, or which should belong to her at the time of her decease, and wherever situate, as also her whole movable means and estate of whatever kind, upon trusts for the equal benefit of all her children as therein mentioned; and whereas the said Eliza Mitchell died on the thirtieth of August, one thousand eight hundred and sixty-three, leaving the said four minor children of the said marriage her surviving, and whose only provision consists of the properties subject to the trusts of the said settlement; And whereas at the time of the decease of the said Eliza Mitchell, she was only a trustee of the said properties, with a bare legal estate therein, and the trustees of her said Will are advised that in consequence thereof, it is doubtful whether under the terms of the said Will, the same passed the said properties; And whereas it is very desirable that the said trustees

trustees should be able, without a sacrifice of the estate in legal expenses, to sell and realize the same, so that the proceeds may be invested for the benefit of those interested therein; And whereas it appears, that in order to carry out such object and to remove other difficulties which have occurred, in consequence of the intestacy of the said Robert Shaw Miller, and the infancy of his children, an Act of the Provincial Parliament is necessary: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. All real and personal estate in Upper Canada at the time of the decease of the said Eliza Mitchell vested in her or standing in her name, whether as trustee or otherwise, shall be and the same are hereby vested in the said Andrew Mitchell, Alexander Mitchell, and William Paton; as joint trustees thereof, and in the heirs, executors, administrators and assigns of the said Andrew Mitchell, Alexander Mitchell and William Paton, or the survivor or survivors of them, with full power to them and the survivors and survivor of them to sell and convert the same into money, and to proceed in equity to obtain foreclosure of mortgages or sale of mortgaged property, or for any other purposes connected with the realization of the said estate, without the consent or concurrence of any other party, and to exercise any power of sale which was vested in the said Robert Shaw Miller or Eliza Mitchell under or by virtue of any such mortgages; but the said trustees shall apply or invest the proceeds of the said estates when realized, for the benefit of the parties entitled thereto.

Estate of E. Mitchell vested in her executors.

Powers.

Investment of moneys.

2. To facilitate the winding up of the estate of the said Robert Shaw Miller, all real estate which stood in the name of the said Robert Shaw Miller at the time of his death, as owner, mortgagee, trustee or otherwise, is hereby vested in any person who may take out a general administration to his estate, and in the heirs and assigns of such person, as fully as the same is now vested in the said minor children of the said Robert Shaw Miller; but should any administration be taken out limited to any mortgages, standing in the name of the said Robert Shaw Miller at the time of his death, the legal estate in the lands comprized in such mortgages shall be and hereby is vested in the person to whom such limited administration may be granted, his heirs and assigns, as fully as the same is now vested in the minor children of the said Robert Shaw Miller.

Estate of R. S. Miller vested in administrator.

If administration be limited.

3. It shall not be requisite that any person applying for such general administration or limited administration, as herein mentioned for the purpose aforesaid, shall be of the next of kin to the said Robert Shaw Miller, or in anywise related to him or to his said minor children, or shall give notice of the application to the next of kin, or shall cite or summon the next of kin; but such general or limited administration may be granted

Administrator need not be next of kin, &c.

granted to such person, if the Court having jurisdiction in that behalf shall deem him or her otherwise fit and competent, and upon his or her complying with all lawful requirements in other respects.

As to property held by R. S. Miller in trust.

4. If any person who takes out such general or limited administration is satisfied that any lands or mortgages, which stood in the name of the said Robert Shaw Miller at the time of his death, were vested in or held by the said Robert Shaw Miller as trustee for another or others, such administrator shall, without suit, transfer and convey such lands or mortgages, including the mortgaged premises, to or to the use of the person or persons entitled thereto, or as he or they shall appoint.

Relief of mortgagors or purchasers.

5. In the case of mortgages on lands or real estate affected by this Act, the mortgagors, their heirs, executors, administrators, or assigns, or any person or persons purchasing any of the lands or real estate referred to in this Act, shall not be bound to see to the application of the mortgage money or purchase money, as the case may be.

Public Act.

6. This Act shall be deemed a Public Act.

C A P . C L X X .

An Act to provide for the conveyance of land sold by the late Charles Lawrence Herchmer, Esquire, deceased.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS Margaret Jemima Herchmer, Mary Elizabeth Gilderslieve, and Charles Fuller Gilderslieve, have, by their petition, represented that the late Charles Lawrence Herchmer died on or about the seventh day of May, in the year of Our Lord one thousand eight hundred and sixty, intestate, leaving him surviving his widow, Margaret Jemima Herchmer, and children, Mary Elizabeth, now wife of Charles Fuller Gilderslieve, Lawrence Kirby, George Seymour, and Helen Emily, minors now under the age of twenty-one years; that during the lifetime of the said Charles Lawrence Herchmer, he sold and disposed of by way of lottery certain park lots laid out by him on the east half of lot number nine and the west half of lot number ten in the first concession of the township of Thurlow and the broken fronts thereof, and executed deeds and received mortgages for the purchase money of the same lots or some of them, and also sold and disposed of or contracted and agreed for the sale of other real property situated elsewhere, for which no conveyances were executed by the said Charles Lawrence Herchmer before his decease; and whereas the said Margaret Jemima Herchmer, Mary Elizabeth Gilderslieve, and Charles Fuller Gilderslieve have prayed that an Act may be passed appointing the Honorable Benjamin Seymour, of the Town

Town of Port Hope, in the County of Durham and Province of Canada, Trustee for the conveyance in fee of such portions of the said Real Estate of the said Charles Lawrence Herchmer as were sold or agreed to be sold by him, but not conveyed before his decease, and have represented that the parties concerned in the said lottery were not aware that the same was illegal, or that the Imperial Statute, twelve George II, chapter twenty-eight, was in force, or would be held or adjudged to be in force in Upper Canada, and that the said park lots were disposed of in good faith and in ignorance of law; and whereas it is desirable to make some equitable provision in that behalf: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. For and notwithstanding the Imperial Statute twelve George II, chapter twenty-eight, or any other Law or Statute to the contrary, no deed or mortgage (save as hereinafter provided) made in pursuance of the said sale by lottery of the said park lots or any of them, shall be held or adjudicated to have been or to be illegal or void, solely by reason of such sale or disposal having been made by lottery in either of the cases following, namely:

Sales of portions of the said estate confirmed in certain cases although made by Lottery.

1st. In case the purchase money of such park lots respectively shall have been paid in full before the passing of this Act.

In what cases such sales shall be confirmed: payment in full.

2nd. In case when a purchaser of any such park lots respectively having executed a mortgage or suffered a lien for the purchase money to remain thereupon, shall, within one year from the passing of this Act, pay an instalment of one fifth of the amount remaining due thereupon or agree to pay the same.

Mortgage given and part payment within a certain time.

2. In every such case when the purchase money or any part thereof remains unpaid, and the purchaser shall by paying an instalment within one year from the passing of this Act, or agreeing thereto, have elected to retain such respective park lots, the balance of such purchase money as originally specified, with interest thereon, shall be paid and payable in four equal annual instalments, with interest, the first instalment whereof shall be payable at the end of the second year after the passing of this Act.

When part only of purchase money is paid: how the remainder shall be payable.

3. In all cases when the purchaser of any such park lot shall not within a year after the passing of this Act, have made his election in manner hereinbefore prescribed to retain such lot, any purchase money which he may have paid thereupon, shall be forfeited, and the deed thereof to the purchaser, and the mortgage thereof from him, shall be absolutely null and void; provided always, that the said lots so disposed of by lottery as aforesaid or any of them, shall not be forfeited under any of the provisions of the above cited Imperial Statute, but the title shall remain unaffected by any such provisions.

Forfeiture in cases of non-payment within the time hereby limited.

Proviso: land not to be forfeited under the Imp. Act.

Trustee
named.

4. The said Honorable Benjamin Seymour, of the Town of Port Hope, in the county of Durham, is hereby declared to be Trustee for the said Margaret Jemina Herchmer, Mary Elizabeth Gilderslieve, Charles Fuller Gilderslieve, Lawrence Kirby Herchmer, George Seymour Herchmer, and Helen Emily Herchmer, for the following purposes and no other:

Powers.

To convey
land.

1st. To make good and sufficient conveyances of the estate and title of the said Charles Lawrence Herchmer in such lands as were sold or promised or agreed to be sold during the lifetime of the said Charles Lawrence Herchmer, and for which no conveyances were given, to such person or persons as are or may be entitled thereto, their heirs and assigns forever.

And invest
proceeds.

2nd. To invest all such moneys as shall arise from any sale or sales made by the said Charles Lawrence Herchmer in his lifetime, on the security of Real Estate for the benefit of the said Margaret Jemima Herchmer, Mary Elisabeth Gilderslieve, Charles Fuller Gilderslieve, Lawrence Kirby Herchmer, George Seymour Herchmer and Helen Emily Herchmer, in the same proportion as they are now by law entitled.

Provision for
perpetuation
of trust.

5. In case of the death, removal from the Province, resignation, incapacity, or unwillingness to act, of the said Trustee, before the complete fulfilment of the trust hereby created, it shall be lawful for the Judge of the County Court of the County of Hastings, or one of the Judges of one of the Superior Courts at Toronto, on the written application of the heirs or any of them to nominate some fit and proper person to be a Trustee in the stead of the said Trustee appointed by this Act; and such Trustee so nominated and appointed as aforesaid shall have the same power to all intents and purposes as if expressly named and appointed in and by this Act.

Public Act.

6. This Act shall be deemed a Public Act.

CAP. CLXXI.

An Act to authorize the Law Society of Upper Canada to admit the Honorable Michael Hamilton Foley as a Barrister at Law.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS the Honorable Michael Hamilton Foley has, by his petition, represented, that he has been for upwards of thirteen years a practising Attorney and Solicitor in the Courts of Law and Equity of Upper Canada respectively,—that he has been for between three and four years a duly admitted Student at Law,—that he has been for a long time a Member of the Legislative Assembly of this Province, and has held therein

therein the offices of Executive Councillor and Postmaster General; and that by reason of the occupancy of a large portion of his time in the public service he has been unable to keep his regular terms or otherwise strictly to comply with the requirements of law and the rules and regulations of the Law Society of Upper Canada, necessary for his admission as a Barrister at Law, and has prayed that notwithstanding such non-compliance on his part and non-fulfilment of his term of service as such student, the said Law Society may be authorized to admit him to practise as a Barrister at Law, and it is under the circumstances right and expedient to grant his said 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 and may be lawful for the Law Society of Upper Canada and the Benchers thereof, in their discretion, at any time to call and admit the said Honorable Michael Hamilton Foley to the degree of a Barrister at Law, and to the practice of the Law as such, without the completion by him of the full term of service required by Law as such student, and without his compliance with the other requirements of the law or of the rules and regulations of the Law Society of Upper Canada in that behalf, any law, custom or usage to the contrary notwithstanding.

Law Society of U. C. may, in their discretion, call M. Foley to the bar.

2. This Act shall be deemed a Public Act.

Public Act.

C A P. C L X X I I.

An Act to authorize the admission of John Thompson Huggard to practise as a Barrister, Attorney and Solicitor, in the Courts of Law and Equity in Upper Canada.

[Assented to 30th June, 1864.]

WHEREAS John Thompson Huggard, of the city of Toronto, in the county of York, and Province of Canada, Gentleman, hath, by his petition, represented, that he has been for five years past a member of the Law Society of Upper Canada, of sufficient standing to entitle him to apply to be called to the degree of Barrister at Law, and that he has also for the same period been qualified, by due service under articles, to apply for admission to practise as an attorney and a solicitor in the courts of law and equity in Upper Canada, but by reason of conscientious objections to the taking of oaths, he has been prevented during the said period from presenting himself for admission as a barrister, attorney and solicitor, and he hath prayed relief in the premises, which relief it is expedient to grant: Therefore, Her Majesty, by and with the advice

Preamble.

advice

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

J. T. Huggard
may make
affirmation
instead of
taking the
usual oaths.

1. Upon his applying for admission to practise at the bar in Her Majesty's courts of law and equity in Upper Canada, or to practise as an attorney and solicitor in the said courts respectively, the said John Thompson Huggard may make solemn affirmation to the effect and in lieu of the several affidavits and oaths now required in such cases, and the said John Thompson Huggard, being otherwise qualified; and in case of his undergoing a satisfactory examination as required by the statutes in that behalf, shall be admitted accordingly.

Public Act.

2. This Act shall be deemed a Public Act.

CLXXIII.

An Act to naturalize John Porterfield.

[Assented to 30th June, 1864.]

Preamble.

WHEREAS John Porterfield, of the city and district of Montreal, Esquire, has by his petition represented that he has resided uninterruptedly in this Province during a period of two years, last past, and upwards, and that he is desirous of permanently settling in this Province, and of becoming a subject of Her Most Gracious Majesty the Queen, and has prayed that he may be naturalized as a subject of Her Most Gracious Majesty, and declared and made capable of inheriting and of enjoying the civil and political rights of a British subject; and whereas it seems meet and 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 :

John Porter-
field natura-
lized.

1. The said John Porterfield shall be deemed, adjudged, and taken to have obtained all the rights and capacities of a natural born British subject within this Province, and to have, hold, possess, and enjoy the same within the limits thereof upon, from and after the passing of this Act; provided always that the said John Porterfield shall, within three months after the passing of this Act, take and subscribe, before the Clerk of the Peace for the district of Montreal, who is hereby authorized and directed to administer the same, the Oath of Allegiance to Her Majesty, Her Heirs and Successors; and such oath, so taken and subscribed, shall be kept by the said Clerk of the Peace among the Records of his office.

Proviso: oath
of allegiance.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. CLXXIV.

An Act to naturalize Stirling Dupree Payne.

[Assented to 30th June, 1864.]

WHEREAS Stirling Dupree Payne, residing in the City of Montreal, gentleman, has by his petition represented, that he is desirous of becoming a permanent resident in this Province, and in order to be relieved from the legal incapacity under which he labors as an alien, has prayed that he may be naturalized as a subject of Her Most Gracious Majesty; and whereas it is just and 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. The said Stirling Dupree Payne shall be deemed and taken to be and to have always heretofore been, in so far as relates to his power of having, possessing, occupying, claiming, recovering, conceding, bequeathing, giving or transferring any real property in this Province, or any right, title, privilege, dependence, or interest therein, and to all matters whatsoever, a natural born subject of Her Majesty, to all intents and purposes whatsoever, as if he had been born in this Province; Provided always, that the said Stirling Dupree Payne, to entitle himself to the privileges and advantages conferred upon him by this Act, shall, within three months after the passing of this Act, take and subscribe before the Clerk of the Peace of the District of Montreal, who is hereby authorized to administer the same, the oath of allegiance to Her Majesty, Her Heirs and Successors; and such oath so taken and subscribed shall be kept by the said Clerk of the Peace amongst the records of his office.

S. D. Payne
naturalized.Proviso: oath
of allegiance.

2. This Act shall be deemed a Public Act.

Public Act.

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SECOND SESSION, EIGHTH PARLIAMENT.

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TO

ACTS OF CANADA.

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Second Session, Eighth Parliament, 27-28 Victoria.  
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