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S T A T U T E S,
OF HIS MAJESTY'S PROVINCE
OF
UPPER CANADA,

PASSED IN THE

SECOND SESSION OF THE TWELFTH PROVINCIAL PARLIAMENT
OF UPPER CANADA.

—:◆:—
By Authority.

SIR FRANCIS BOND HEAD, K. C. H.
LIEUTENANT GOVERNOR.

TORONTO:

ROBERT STANTON, Printer to the KING'S MOST EXCELLENT MAJESTY.

STATUTES,

OF

Upper Canada,

PASSED IN THE SECOND SESSION OF THE TWELFTH PROVINCIAL
PARLIAMENT.

MET AT TORONTO ON THE FOURTEENTH DAY OF JANUARY 1836, AND PROROGUED ON THE
TWENTIETH DAY OF APRIL 1836. IN THE SIXTH YEAR OF THE REIGN OF
WILLIAM IV.

SIR FRANCIS BOND HEAD,

LIEUTENANT GOVERNOR.

ANNO DOMINI 1836.

CHAP. I.

AN ACT to provide for the payment of Wages to Members Representing Cities and Incorporate Towns within the Province.

[Passed 7th March, 1836.]

WHEREAS an Act of the Parliament of this Province, passed in the fifth year of the Reign of His present Majesty, entitled "An Act to provide for the payment of Wages to the Members of the House of Assembly who Represent the different Towns in this Province," does not make provision for an Assessment in any Incorporate Town or City which now does, or hereafter may send a Representative or Representatives to the Commons House of Assembly, for the compensation of such Representative or Representatives: *And whereas*, it is just and right that such provision

Preamble,
Reciting 5 W. 4. c. 6.

Members for Incorporated Towns to receive Speaker's Warrant.

Demand to be made on the Common Council, not exceeding 10s. per diem.

To be levied by Assessment.

Inhabitants of Incorporated Towns exempt from contributing to wages of County Members.

Act to extend to payment of wages of former Sessions.

should be made ; *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, ' An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That after any Prorogation and Dissolution of the Assembly of this Province, it shall and may be lawful for every Member thereof now Representing, or hereafter to Represent, any Incorporated Town or City, having attended, to receive from the Speaker of the House of Assembly a Warrant under his hand and seal, signifying the time such Member hath attended his duty in said Assembly, and every Member possessed of such Warrant shall and may ask and demand of the Common Council, or other Magistrates of the Incorporated Town or City Represented by him, a sum not exceeding Ten Shillings per day for every day that the said Member shall have been engaged in the attendance of his duty in the House of Assembly, and have been necessarily absent from the place of his abode in going to and returning from the said Assambly, which sum it shall be lawful for the said Common Council, or other Magistrates, and they are hereby required to levy the same by Assessment, to be made on each and every Inhabitant Householder of such Incorporated Town or City now or hereafter to be Represented by such Member, in the same manner and form as by Law any Assessment may now or hereafter be levied for any public purpose in any such Incorporated Town or City in this Province ; and for the said Council, or other Magistrates, to order and direct the Treasurer or Chamberlain of such Incorporated Town or City to pay the amount to which any such Representative may be entitled out of the monies which may come into his hands and subject to the order of the Council or Magistrates.

II. *And be it further enacted by the authority aforesaid,* That no Rate or Assessment shall be levied on any Inhabitant Householder in any Incorporated Town or City, now or hereafter to be Represented as aforesaid, for contribution to the payment of the Wages of any Representative for any County or Riding in which such Incorporated Town or City shall be situated.

III. *And be it further enacted by the authority aforesaid,* That this Act shall extend in every respect to the payment of Wages to the Member or Members Representing any Incorporated Town or City in this

Province as shall have attended the present or former Session of this present Provincial Parliament.

CHAP. II.

AN ACT to amend and extend the provisions of an Act passed during the last Session of the Provincial Legislature, entitled "An Act to reduce to one Act of Parliament the several Laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the Reign of William the Fourth, Chapter Twelve, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the Reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads.'"

[Passed 20th April, 1836.]

WHEREAS it is expedient to repeal and amend certain clauses of an Act passed in the fifth year of His present Majesty's Reign, entitled, "An Act to reduce to one Act of Parliament the several Laws relative to the appointment and duties of Township Officers in this Province, except an Act passed in the fourth year of the Reign of William the Fourth, Chapter Twelve, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads,'" *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Twelfth and Fifty-sixth Clauses of the aforesaid Act be and the same are hereby repealed.

Preamble,
Reciting 5 W. 4. c. 8.

Sec. 12 & 56—5 W. 4.
c. 8, repealed.

Notice of appointment
of Township Officers.

II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Township Clerk of any Township, within three days after the holding of a Township Meeting for the Election of Township Officers, to put up a notice in writing at three public places in such Township, one of which to be the place where such meeting was held, containing the names of all such persons as have been chosen to any office in such Township, which shall be sufficient notice to all such as have not been sworn into office at the time of their appointment, to attend and take the oath of office within the time required by law.

Wages of Commis-
sioners 5s. per day.

III. *And be it further enacted by the authority aforesaid,* That the several Commissioners for the several Townships shall be entitled to demand and receive from the Treasurer of the District, as a compensation for performing their respective services and duties imposed upon them by the provisions of the Act hereinbefore recited, the sum of Five Shillings per day for every day they are necessarily engaged in the said duties and services, the said days to be certified by the Township Clerk, which sum the Treasurer of the District is hereby authorised and required to pay, on demand and production of such certificate, out of the public monies in his hands unappropriated and applicable to the general uses of the District: *Provided always,* that no Township Commissioner shall be entitled to receive payment for any number of days over three, nor the Town Clerk for any number of days over ten, for the duties and services which he shall or may have performed in any one year, under the provisions of the aforesaid Act; and the Commissioners aforesaid shall render an account to the Township Clerks respectively of the amount of monies so received by them for their respective services; which account, together with an account of all monies received by the said Clerk for his services, shall be by him laid before the next Township Meeting, for inspection, and immediately thereafter the said accounts shall be transmitted by the said Town Clerk to the Treasurer of the District, to be laid before the Magistrates in Quarter Sessions.

For not exceeding
three days in each
year—Of Town
Clerks, for not ex-
ceeding ten days.

Commissioners to
render Account.

Male Inhabitants be-
tween 21 and 50, not
rated, liable to two
days Statute Labour.

Penalty.

IV. *And be it further enacted by the authority aforesaid,* That every male Inhabitant between twenty-one and fifty years of age, not rated on the Assessment List, residing in any Town, Township or place, within this Province, shall be liable to work on the Highways two days in every year, in the Town, Township or place, in which he shall have been a resident for twelve days, under the same penalty as is imposed by any Act on persons refusing or neglecting to perform Statute Labour, who stand rated on the Assessment List; and in case any person shall, after having performed his Statute Labour, wish to remove to another place, the Overseer of Highways where he has done his Statute Labour for the

year, shall, if required, give him a certificate of his having done such Overseers Certificate. labour, which shall exonerate him from the performance of any further Statute Labour for the year therein mentioned.

V. *And whereas*, by the Twenty-third Clause of the said Act, passed in the fifth year of His present Majesty's Reign, it is provided, that the Collectors shall in each year collect the Assessments imposed for the previous year, which provision is inapplicable and inconvenient; *Be it therefore enacted by the authority aforesaid*, That so much of the said Clause as requires the Collector for each year to collect the Assessments made Assessments in arrears how to be collected. for the previous year, be, and the same is hereby repealed; and that the Collectors chosen for each year shall be authorised and required to collect the Assessments for that year in which they are chosen to serve, any former Law to the contrary notwithstanding: *Provided always*, that the Bond given by the Collectors appointed under the authority of the said Collectors Bond. recited Act shall be in conformity to, and in accordance with the provisions contained in this Clause, any thing in the said Act to the contrary notwithstanding:

CHAP. III.

AN ACT to prevent Bodies Corporate, within this Province, from entering upon, and taking possession of the Lands of the Crown, without permission from His Majesty.

[Passed 20th April, 1836.]

WHEREAS it is necessary for the preservation of the Rights of His Majesty, to prevent by Law the entering upon any of His Majesty's Preamble. Lands in this Province, without his assent, by any Body Corporate, created for the purpose of erecting or making Rail Roads, Canals, or other works of a like description, within the said Province: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall not be lawful Entry on Crown Lands not to be made without special license. for any Body Corporate now created, or hereafter to be created, within

this Province, their Servants or Agents, or any of them, at any time or times from and after the passing of this Act, to enter into and upon, have, hold, use or enjoy, for the purposes of such Body Corporate, or for any other purpose, any part or parts of the Lands or Grounds of or belonging to the King's Majesty; without the license and consent of His Majesty, His Heirs or Successors, for such purposes first had and obtained, signified and had under the hand and Seal of the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, any thing in any Act of Incorporation of this Province to the contrary notwithstanding.

CHAP. IV.

AN ACT to repeal and amend certain parts of an Act passed in the Thirty-sixth year of the Reign of King George the Third, entitled, "An Act to amend an Act for regulating the manner of Licensing Public Houses, and for the more easy conviction of Persons selling Spirituous Liquors without License, and for other purposes therein mentioned."

[Passed, 20th April, 1836.]

Preamble.

WHEREAS the Laws now in force inflicting Penalties upon persons selling Spirituous Liquors without License, are found by experience to prove ineffectual, by reason of the Fine in many cases being unreasonably heavy, and the Justices of the Peace having no discretion in the premises: *And whereas* it is expedient to amend the same: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of an Act of the Parliament of this Province, passed in the Thirty-sixth year of the Reign of His late Majesty King George the Third, entitled, "An Act to amend an Act entitled, 'An Act for regulating the manner of Licensing Public Houses, and for the more easy convicting of persons selling Spirituous Liquors without License,'" as fixes the penalty upon any person or persons selling Spirituous Liquors without License, shall be and the same is hereby repealed.

Act 36 Geo. 3. c. —
repealed, so far as
relates to penalties
for selling without
Licence.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, if any person or persons shall keep an Inn or Public House, for the purpose of vending Wine, Rum, Brandy, or other Spirituous Liquors, or shall vend any Wine, Rum, Brandy, or other Spirituous Liquors, unless he, she or they, shall have previously obtained a License for such purpose, as by Law required, such person or persons shall forfeit and pay a sum of money, in the discretion of the Justices before whom any such conviction shall be had, not exceeding Twenty Pounds, nor less than Five Pounds, to be levied as by the before recited Act is directed, upon being convicted on the oath of any one credible Witness, in addition to the Informer, of his, her or their, having offended against the Laws in such case made and provided: *Provided always,* that no part of the fines which may be levied under the authority of this or any former Act, shall be paid to any Informer, any provision in any former Statute of this Province to the contrary notwithstanding: *Provided always,* that all sums collected as fines, under the authority of this Act, be paid over to the Commissioners of Roads, to be by them laid out in making and repairing the Highways.

Penalty for selling without licence not to exceed £20, nor to be less than £5, in the discretion of the Magistrates.

No part to be paid to any Informer.

Proceeds of Fines to be expended on Highways.

III. *And be it further enacted by the authority aforesaid,* That in default of Goods and Chattels of the offender or offenders, to satisfy such fine, with the costs of Conviction, such offender or offenders shall be forthwith committed to the Common Gaol of the District in which the Conviction shall have been had, and the offender is resident, for a period not exceeding Three Months, nor less than One Week, or until the fine and costs be paid.

In default of goods and chattels, offender to be imprisoned.

IV. *And whereas* the great increase in the number of Licensed Inns and Public Houses in the City of Toronto, and Liberties thereof, and other District Towns, or any other Town or Village containing twenty Dwelling-houses, within a distance of one mile, within this Province, tends greatly to the increase of vice and immorality, and does not effect the object desired, namely, the accommodation of the public: *Be it therefore further enacted by the authority aforesaid,* That from and after the passing of this Act, no Certificate shall be granted for a License to keep an Inn or Public House, in the City of Toronto, or Liberties thereof, or any District Town, or any other Town or Village, containing twenty Dwelling-houses, within a distance of one mile, within any District of this Province, to any person or persons applying for the same, until the person or persons applying therefor have proved to the satisfaction of the authorities authorized by Law to grant the same, that such person or persons is or are possessed of a Dwelling-house held from year to year, or

Provisions for licensing houses in the City of Toronto, &c.

for a term of years, containing at least three Rooms beyond those required for the use of the family, and that he or they have, at the time of application, at least three good Beds in such House, over and above those required for the use of the family, and are also possessed of a good Stable, capable of stabling at least two pair of Horses.

£7 10s. to be paid
for licence in the City,
&c.

V. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, no License shall be issued to any person or persons within the City of Toronto, and other District Towns and Villages, containing twenty Dwelling-houses, within a distance of one mile, within this Province, for the sale of Wine, Brandy, Rum, or other Spirituous Liquors, by retail, or for keeping an Inn or Public House, upon the payment of a less sum for such License than the sum of Seven Pounds Ten Shillings, Provincial Currency, any Law, usage or custom, to the contrary notwithstanding.

Brewers not to sell
by retail, less than
three gallons, without
a licence.

Duty on such licence.

Penalty on Brewer
selling by retail with-
out licence.

How recoverable.

Prosecution to be
before two or more
Justices.

VI. *And be it further enacted by the authority aforesaid*, That no Brewer resident in the City of Toronto, or Liberties, or within one mile thereof, or any District Town within any District of this Province, shall, after the passing of this Act, sell Beer by retail in a less quantity than Three Gallons, without first having obtained a License for such purpose, from the Justices by Law authorised to issue Licenses for the keeping of Ale and Beer Houses, and that every Brewer applying for such License as aforesaid shall pay such sum of money therefor, not exceeding Two Pounds Ten Shillings, as the Justices granting the same shall think reasonable and just; to be applied, collected and accounted for, in the same manner as the duties payable on Ale and Beer House Licenses; and any Brewer hereafter selling any Beer by Retail contrary to this Act, without having obtained such License as aforesaid, shall be subject to the like pains and penalties by Law inflicted upon persons keeping Ale and Beer Houses without License; to be prosecuted and applied according to the provisions of an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, entitled "An Act to restrain the selling of Beer, Ale, Cider and other Liquors not Spirituous, in certain Towns and Villages in this Province, and to regulate the manner of Licensing Ale-houses within the same."

VII. *And be it further enacted by the authority aforesaid*, That all prosecutions and convictions to be had under this or any former Law of this Province for vending Wine, Rum, Brandy or other Spirituous Liquors, or Beer, Ale, Cider, or other Liquors not Spirituous, without License, shall and may be heard, adjudged and determined, by any two or more Justices of the Peace for the District in which the party or parties com-

plained of shall be resident, or where the offence was committed, any Law to the contrary notwithstanding. }

VIII. *And be it further enacted by the authority aforesaid,* That the Inspectors of Licences in each District of this Province shall furnish to the respective Clerks of the Peace for his District, and to the Chamberlain of the City of Toronto, on or before the first day of February in each and every year, a list in writing, of all persons who have taken out Licences in their respective Districts, and in the City of Toronto, either as Inn or Tavern Keepers, or as wholesale Store-keepers, which said lists shall be published by the said Chamberlain of the City of Toronto, and by the Clerks of the peace respectively of the several Districts, in at least two Newspapers published in each of the said Districts.

Inspector of Licences to furnish to Clerk of the Peace a list of licences annually.

IX. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue in force for four years from the passing thereof, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

Act to continue in force four years.

CHAP. V.

AN ACT to Incorporate the City of Toronto and Lake Huron Rail Road Company.

[Passed 20th April, 1836.]

WHEREAS certain Inhabitants of the Home District have petitioned for the passing of a Law Incorporating a Joint Stock Company for the purpose of constructing a single or double track wooden or iron Rail Road or Way, commencing at the City of Toronto, in the Home District, and extending to some portion of the navigable waters of Lake Huron within the limits of the Home District; *And whereas* it is expedient to incorporate a Joint Stock Company for that purpose; *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That James Leslie, John

Preamble.

Ewart, Francis Hincks, George Stegman, Silas Burnham, John Sproule, Samuel Shaw, Joseph Dennis, James Lever; William C. Ross, William Stennett, William Copland, James W. Brent, William Rees, Thomas D. Harris, James Cull, William Higgins, William J. O'Grady, Edward Lane, William Henry Boulton, George Cartwright Strachan, John Watkins, Alexander Burnside, James Rogers Armstrong, William Ware, William Atkinson, James Stanton, and William Henry Lee, with all such persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be and are hereby ordained; constituted, and declared to be a Body Corporate and Politic in fact, by and under the name and style of the City of Toronto and Lake Huron Rail Road Company; and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by the same name of the City of Toronto and Lake Huron Rail Road Company, shall be by Law capable of purchasing, having and holding, to them and their successors, any Estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, and otherwise departing therewith, for the benefit and on account of the said Company from time to time as they shall deem necessary and expedient; *Provided always nevertheless*, that the real estate to be held by the said Company shall be only such as shall be required to be held by them for the purpose of making, using and preserving the said Rail Road, and for objects immediately connected therewith.

Incorporation of Stockholders.

Common Seal.

Company may hold lands.

Authority to construct Rail-road:

Between City of Toronto and Lake Huron.

Company may contract for land.

II. *And be it further enacted by the authority aforesaid*, That the said Company, and their Agents and Servants, shall have full power under this Act to lay out, construct, make and finish, a double or single iron or wooden Rail Road or Way, at their own costs and charges, in and over any part of the country lying between the City of Toronto and some portion of the navigable waters of Lake Huron within the limits of the Home District, and to take, carry, and transport thereon passengers, goods and property, either in carriages used and propelled by the force of steam, or by the power of animals, or by any mechanical or other power, or by any combination of power which the said Company may choose to employ.

III. *And be it further enacted by the authority aforesaid*, That the said Company are hereby empowered to contract, compound, compromise and

agree, with the owners or occupiers of any Lands upon which they may determine to construct the said Rail Road, either by purchase of so much of the said Land and privileges as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall and may be entitled to receive from the said Company in consequence of the said intended Rail Road being made and constructed in and upon his, her, or their respective Lands; and in case of any disagreement between the said Company and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful from time to time for each owner or occupier so disagreeing with the said Company, either upon the value of the Lands and tenements or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent persons, who together with one other person to be elected by ballot by the persons so named shall be arbitrators to award, determine, adjudge, and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said Arbitrators shall be and are hereby required to attend at some convenient place in the vicinity of the said intended Rail Road, to be appointed by the said Company, after eight days notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in this Province, any one of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment: *Provided always*, that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to Arbitration as hereinbefore provided.

Disagreement to be settled by arbitration.

Award to be final.

Arbitrators to be sworn.

Award to be subject to Court of King's Bench, as in ordinary cases.

IV. *And be it further enacted by the authority aforesaid*, That whatever sum of money be finally awarded to any person or persons for compensation of property required to be occupied, or for damages occasioned by the interference of the said Company with his or their property, rights or privileges, shall be paid within three months from the time of the same being awarded, and in case the said Company shall fail to pay the same within that period, then their right to assume any such property, or commit any act in respect of which such sum of money was awarded shall wholly cease, and it shall be lawful for the proprietor to re-sume his

Compensation to be paid within three months.

occupation of such property, and to possess fully his rights and privileges in respect thereof, free from any claim or interference from the said Company.

Authority to explore
and take lands.

V. *And be it further enacted by the authority aforesaid,* That the said City of Toronto and Lake Huron Rail Road Company shall have full power and authority to explore the country lying between the City of Toronto and the navigable waters of Lake Huron, and to designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of a double or single Rail Road, with their necessary Rail-ways, to connect the City of Toronto with the navigable waters of Lake Huron; and for the purposes aforesaid, the said Company, and their Agents, Servants and Workmen, are hereby authorised and empowered to enter into and upon the lands and grounds of or belonging to the King's Majesty, His Heirs or Successors, or to any other person or persons, Bodies politic or corporate, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said double or single Rail Road, and all such matters and conveniencies as they shall think proper and necessary for making, effecting, preserving, improving, completing and using, on the said intended Rail Road; and also to make, build, erect, set up, in and upon the route of the said Rail Road, or upon the lands adjoining or near the same, all such works, ways, roads and conveniencies, as the said Company shall think requisite and convenient for the purposes of the said Rail Road; and also from time to time to alter, repair, amend, widen, or enlarge the same, or any of the conveniencies above mentioned, as well for carrying or conveying goods, commodities, timber, and other things, to and for the said Rail Road, as for the carrying or conveying of all manner of materials necessary for making, erecting, finishing, altering, repairing, amending, widening or enlarging, the works of or belonging to the said Rail Road; and also place, lay, work, and manufacture the said materials, on the ground near to the place or places where the said works, or any of them, are or shall be intended to be made, erected, repaired or done, and to build and construct the several works and erections belonging thereto; and also to make, maintain, repair and alter, any fences or passages under or through the said Rail Road, or which shall communicate therewith, and to construct, erect, and keep in repair, any piers, arches, or other works, in and upon and across any rivers or brooks, for making, using, maintaining and repairing the said Rail Road and side-paths; and also to construct, make, and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving,

Erection of works.

Manufacture of
materials.

completing and using the said Rail Road, in pursuance and within the true intent and meaning of this Act, they, the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned for all damages to be sustained by the owners or occupiers of such lands, tenements and hereditaments.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the President and Directors of the said Company from time to time to fix, regulate, and receive the tolls and charges to be received for transportation of property or persons on the single or double Rail Road or Way aforesaid, hereby authorised to be constructed, erected, built, made and used, or on any part thereof, when made and completed. Regulating and receiving of Tolls.

VII. *And be it further enacted by the authority aforesaid,* That the said double or single Rail Road or Way, and all materials which shall be from time to time got or provided for constructing, building, maintaining, or repairing the same, and the said tolls on goods, wares and merchandize, or passengers, as hereinbefore mentioned, shall be, and the same are hereby, vested in the said Company and their Successors, forever. Rail-road to be vested in the Company.

VIII. *And be it further enacted by the authority aforesaid,* That so soon as the double or single iron or wooden Rail Road or Way shall be so far completed, or that any part thereof shall be so far completed, as to be capable of being used for transportation of property or passengers, the said Company shall have full power and authority to ask for, demand, receive, recover and take, the tolls or dues, to and for their own proper use and benefit, on all goods, merchandizes and passengers, using or occupying the said double or single iron or wooden Rail Road or Way, or such part thereof as shall be completed as aforesaid, or any other convenience, erection or improvement, built, occupied or owned by the said Company, to be used therewith, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried, on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and shall have full power to erect and maintain such toll-houses and other buildings for the accommodation and proper transaction of their business as to them may seem necessary. Tolls, when payable.

IX. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the construction of their single or double Water courses not to be obstructed.

Rail Road or Way to intersect or cross any stream of water or water course, or any road or highway lying on the route of the said Rail Road or Way, between the City of Toronto and the navigable waters of Lake Hurou, as aforesaid, it shall and may be lawful for the Company to construct their single or double Rail Road or Way across or upon the same; *Provided*, that the Company shall restore the stream or water-course or road or highway thus intersected, to its former state, or in a sufficient manner not to impair its usefulness; and shall moreover erect and maintain, during the continuance of this Company, sufficient fences on the line of the route of their single or double Rail Road or Way.

Liability of persons wilfully damaging property of the Corporation.

X. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully do or cause to be done any act or acts whatever, whereby any building, construction or work, of the said Company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said Company double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said Company, by action of debt to be brought in any Court of Record in this Province.

Affairs of the Company to be managed by eleven Directors, one of whom to be President.

Mode of Election.

XI. *And be it further enacted by the authority aforesaid*, That the property, affairs and concerns, of the said Company, shall be managed by eleven Directors, one of whom shall be chosen President, who shall hold their offices for one year, which said Directors shall be Stockholders to the amount of at least ten Shares, and be elected on the first Monday in July in each and every year, at the City of Toronto, at such time of the day as the majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any Newspaper or Newspapers that may be published in the Home District, at least one month previous to the time of holding the said Election; and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy; and all Elections for such Directors shall be by ballot; and the eleven persons who shall have the greatest number of votes at any Election shall be Directors; and if it shall happen at any such Election that two or more have an equal number of votes, in such manner that a greater number of persons than eleven shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders hereinbefore authorised to hold such Election shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of eleven;

and the said Directors so chosen, as soon as may be after said Election, shall proceed in like manner to elect by ballot one of their number to be President, and one other of their number to be Vice-President; and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors.

Choice of President.

Vacancies in the Direction.

XII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to the number of votes proportioned to the number of shares which he or she shall have held in his or her own name at least one month prior to the time of voting, according to the following rates, that is to say—One vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten.

Scale of Votes

XIII. *And be it further enacted by the authority aforesaid,* That if in any case it should at any time 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 Company shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful on any day to hold and make an election of Directors, in such manner as shall have been regulated by the by-laws and ordinances of the said Company.

Corporation not dissolved by non-election of Directors on day specified.

XIV. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a majority of them, shall have power to make and subscribe such rules and regulations, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate, and effects of the said Company, and touching the duty of the officers, clerks, and servants, and all such other matters and things as appertain to the business of the said Company, and shall also have power to appoint as many officers, clerks, and servants for carrying on the said business, with such salaries as to them shall seem fit.

Directors may make By-Laws.

XV. *And be it further enacted by the authority aforesaid,* That on the first Monday in the month of July next, a meeting of the Stockholders shall be held in the City of Toronto, who, in the same manner as hereinbefore provided, shall proceed to elect eleven persons to be Directors, who shall elect by ballot one of their number to be their President, and another of their number to be Vice-President, and shall continue in office until the first Monday in the month of July after their election, and who

First meeting of Stockholders.

during such continuance shall discharge the the duties of Directors in the same manner as if they had been elected at the annual election : *Provided always*, that if shares to the amount of fifty thousand pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days notice thereof given in any paper or papers published in the Home District.

Capital limited to
£500,000

XVI. *And be it further enacted by the authority aforesaid*, That the whole of the capital stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act shall not exceed in value five hundred thousand pounds, to be divided into shares of twelve pounds ten shillings each, and that the shares of the capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing and holding the same to any person or persons, and such transfer shall be entered and registered in a book or books, to be kept for that purpose by the said Company.

Directors on their ap-
pointment may call
for 10 per Cent.

XVII. *And be it further enacted by the authority aforesaid*, That as soon as Directors shall have been appointed, as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company by giving thirty days notice in any newspaper published in the said Home District, for an instalment of ten per cent. upon each share which they or any of them may respectively subscribe, and that the residue of the sums or shares of the Stockholders shall be payable by instalments in such time and in such proportion as a majority of the Stockholders at a meeting expressly convened for that purpose shall agree upon, so that no such instalment shall exceed ten per cent. nor become payable in less than thirty days after public notice in the newspaper or newspapers, as aforesaid : *Provided always*, that the said Directors shall not commence the construction of the said Rail Road or Way until the first instalment shall be paid in.

Forfeiture of Shares.

XVIII. *And be it further enacted by the authority aforesaid*, That if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay at the time required any instalment or instalments as shall be lawfully required by the Directors, as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares, as aforesaid, with any amount which shall have been previously paid thereon, and that the said share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon shall be accounted for and applied in like manner as other monies of the said Company : *Provided always*, that the purchaser

or purchasers shall pay the said Company the amount of the instalments required, over and above the purchase money of the share or shares so purchased by him or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such shares so purchased, as aforesaid : *Provided always*, that thirty days notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the Home District, and that the instalments due may be received in redemption of any such forfeited share at any time before the day appointed for the sale thereof.

^{30 days' notice of Sale.}

XIX. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable, and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits, and losses, such statement to appear on the books, and to be open to the perusal of any Stockholder at his or her reasonable request.

^{Annual Dividend.}

XX. *And be it further enacted by the authority aforesaid*, That this Act shall be deemed and taken to be a public Act, and as such shall be judiciously noticed by all Judges, Justices of the Peace, and other persons without being specially pleaded.

^{Public Act.}

XXI. *And be it further enacted by the authority aforesaid*, That notwithstanding the privileges hereby conferred, the Legislature may, at any time hereafter, make such addition to this Act, or such alteration of any of its provisions as they may think proper for affording just protection to the public or to any person or persons, body politic or corporate, in respect to their estate, property, or rights, or any interest therein, or any advantage, privilege, or convenience connected therewith, or in respect to any way or right of way, public or private, that may be affected by any of the powers given by this Act.

^{Legislature may alter this act.}

XXII. *And be it further enacted by the authority aforesaid*, That if an action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the facts committed, and not afterwards, and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

^{Limitation of Actions.}

XXIII. *Provided always, and be it further enacted by the authority aforesaid*, That the said double or single Rail Road or Way shall be

^{Rail Road to be commenced within three years.}

And completed within
Ten.

commenced within three years from the date hereof, and be completed within ten years after the passing of this Act, otherwise this Act, and every matter and thing herein contained, shall be utterly null and void.

Restriction against
Banking.

XXIV. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall extend to authorise the said Company to carry on the business of Banking.

CHAP. VI.

AN ACT to Incorporate certain persons therein-mentioned under the name and style of the Niagara and Detroit Rivers Rail Road Company.

[Passed 20th April, 1836.]

Preamble.

WHEREAS John Baptiste Baby, François Baby, John Prince, Charles Elliot, Alexander Chewett, George Jasperson, John Gorrie Watson, James Dougall, John B. Langhton, Joseph Woods, John Gentle, Adam Gentle, William Elliot, Charles Baby, Thomas Paxton, Robert L. Wood, William Gaspé Hall, Benjamin Parker Cahoon, Benjamin Doughty Townsend, Edward Ermatinger, Bela Shaw, James Givens, John Bostwick, George J. Goodhue, John Redsin Woodward, and Richard Dowdle Drake, have by Petition prayed to be Incorporated as a Joint Stock Company for the purpose of constructing a Double or Single Iron or Wooden Rail Road or Way, commencing at the Niagara River, in the Township of Bertie, in the District of Niagara, and extending to the River Detroit, in the Township of Sandwich, in the Western District : *And, whereas,* it is expedient to Incorporate the said Petitioners for the purposes hereinbefore mentioned : *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Jean Baptiste Baby, François Baby, John Prince, Charles Elliot, Alexander Chewett, George Jasperson, John Gorrie Watson, James Dougall, John B. Langhton, Joseph Woods, John Gentle, Adam Gentle, William Elliot, Charles Baby, Thomas Paxton, Robert L. Wood, William Gaspé Hall, Benjamin Parker Cahoon, Benjamin Doughty Townsend,

Commissioners.

Edward Ermatinger, Bela Shaw, James Givens, John Bostwick, George J. Goodhue, John Redsin Woodward, and Richard Dowdle Drake, shall be and they are hereby appointed Commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Niagara and Detroit Rivers Rail Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of the said Company, first giving reasonable notice of the times and places of taking said subscriptions.

II. *And be it further enacted by the authority aforesaid,* That the capital stock of the said Niagara and Detroit Rivers Rail Road Company shall be five hundred thousand pounds, in shares of six pounds five shillings each, and that as soon as four thousand shares of said stock shall be subscribed, the subscribers of said stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a Body Corporate and Politic, by the name and style of the Niagara and Detroit Rivers Rail Road Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, leasing, selling, and conveying estates, either real, personal, or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further, and in their Corporate names may sue and be sued; and may have a Common Seal which they may alter and renew at pleasure, and shall have and enjoy and may exercise all powers, rights, and privileges which appertain to Corporate Bodies, for the purposes mentioned in this Act: *Provided always,* that nothing herein contained shall extend to authorise the said Company to carry on the business of Banking.

Incorporation.

Common Seal.

Banking prohibited to the Company.

III. *And be it further enacted by the authority aforesaid,* That the said Niagara Rivers Rail Road Company shall have full power and authority to explore the Country lying between the River Niagara, in the Township of Bertie, in the Niagara District, and the River Detroit, in the Township of Sandwich, in the Western District, and designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of a Double or Single Rail Road, with their necessary Rail Ways, to connect the River Niagara, in the Township of Bertie, in the Niagara District, and the River Detroit, in the Township of Sandwich, in the Western District; and for the purposes aforesaid the said Company and their agents, servants, and workmen are hereby authorised and empowered to enter into and upon the lands and grounds of or belonging to the King's Majesty, his Heirs or Successors, or to any other person or persons, Bodies

Power to explore.

And establish lines of a double or single Rail Road.

Power of entry on Lands,

to survey and take levels,

and cut timber.

to erect works.

and alter the same;

to manufacture materials on the ground,

make and repair fences.

construct piers &c on Rivers.

Satisfaction for Damages.

Authority to contract for Lands &c.

Politic or Corporate; and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said Double or Single Rail Road, and all such matters and conveniences as they may think proper and necessary for making, effecting, preserving, improving, completing, and using on the said intended Rail Road; and to fell and cut down all timber or trees standing or being within one hundred and fifty feet on each side of said line of Rail road; and also to make, build, erect, and set up in and upon the route of the said Rail Road, or upon the land adjoining or near the same, all such works, Ways, Roads, and conveniences as the said Company shall think requisite and convenient for the purposes of the said Rail Road; and also from time to time to alter, repair, amend, widen, or enlarge the same or any of the conveniences above-mentioned, as well as for the carrying or conveying goods, commodities, timber, or other things to and upon the said Rail Road, as for carrying or conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening, or enlarging the works of or belonging to the said Rail Road; and also to place, lay, work and manufacture the said materials on the ground near to the place or places where the said works or any of them are or shall be intended to be made, erected, repaired, or done, and to build and construct the several works and erections belonging thereto; and also to make, repair, maintain, and alter any fences or passages under or through the said Rail Road, or which shall communicate therewith; and to construct, erect, and keep in repair any piers, arches, or other works in and upon and across any rivers or brooks, for making, using, or maintaining and repairing the said Rail Road and side paths, and also to construct, make, and do all other matters and things which they shall think necessary and convenient for making, effecting, and preserving, improving, completing, and using the said Rail Road, in pursuance and within the true intent and meaning of this Act; they the said Company doing as little damage as possible in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned for all damages to be sustained by the owners or occupiers of said lands, tenements, and hereditaments.

IV. And be it further enacted by the authority aforesaid, That the President and Directors of said Company, to be appointed as hereinafter mentioned, are hereby authorised and empowered to contract, compound, compromise, and agree with the owners or occupiers of any lands upon which they may determine to construct the said Rail Road, either by purchase of so much of the said land and privileges as they shall require for the purposes of the said Company, or for the damage which he, she,

or they shall and may be entitled to receive of the said Company, in consequence of the said intended Rail Road being made and constructed in and upon his, her, or their respective lands; and if the parties cannot agree, or if the owner or owners, or any of them be a *femme covert*, under age, *non compos mentis*, or out of the District in which the land or property wanted may lie, application may be made to any Justice of the Peace of such District, who shall thereupon issue his warrant, under his hand and seal, directed to the Sheriff of the said District, or if the Sheriff be interested, to one of the Coroners of said District, requiring him to summons a Jury of twelve freeholders in the District, not in any way interested in the matter or related to the parties, to meet on or near the land or property, or materials to be valued, on a day named in the said warrant, not less than five nor more than ten days after the issuing of the same, and if at the said time and place any of the persons summoned do not attend, the said Sheriff or Coroner shall immediately summon as many as may be necessary with the persons in attendance as Jurors, to furnish a pannel of twelve Jurors, and from whom each party, or his, her, or their agent or attorney, or if either be not present in person or by agent, the Sheriff or Coroner, for him, her, or them, may strike off three Jurors, and the remaining six shall sit as a Jury of Inquest of damages, and before they act as such the Sheriff or Coroner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the land, or the taking of the materials or other property required by the said Company; and the said Jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to the said Company, and the other to the person claiming compensation; and the property taken and the boundaries of the land occupied by the said Company shall be set forth in such inquisition, and if, upon motion made in the Court of King's Bench in the Term following, the Court on hearing the parties shall find just cause for setting such inquisition or award aside, then an order may be made by the said Court for that purpose; and it shall be lawful for the person claiming compensation to proceed in the same manner as hereinbefore directed for obtaining another valuation, and the inquisition or award that may be made thereupon, shall be in like manner subject to the controul of the Court of King's Bench upon hearing of the parties: *Provided always*, that upon the money assessed as the valuation in any such investigation being paid or legally tendered to the person entitled to the same, the property so taken and valued shall immediately thereupon vest in the said Corporation as fully as if the same had been legally transferred by the owner thereof for such term of time as the same may be required for the purposes authorised by

In case of disagreement.

Jury to be summoned.

Duty of Sheriff in case of non-attendance of persons summoned.

Jury to be sworn.

Inquisition to be in writing.

Property to be set forth in inquisition.

Inquisition may be set aside by Court of K. B.

and another valuation made.

Property to vest on money being tendered

Compensation to
Sheriff and Jurors.

this Act, and if the money, when tendered, should not be received, it shall nevertheless be incumbent on the said Corporation, at any time thereafter to pay the same on demand without costs; and that the Sheriff and Coroner, and Jurors to be summoned under this Act shall be entitled, for the services rendered by them, to be compensated in the same manner as is provided for similar services by the the twentieth clause of an Act of the Parliament of this Province, passed in the third year of His present Majesty's reign, entitled "An Act granting to His Majesty a sum of money, to be raised by Debenture, for the improvement of the Navigation of the River St. Lawrence."

Passage not to be im-
peded by rail roads
crossing.

V. *And be it further enacted by the authority aforesaid,* That whenever in the construction of said Rail Road it shall be necessary to cross or intersect any established road, it shall be the duty of the said President and Directors so to construct the said Rail Road across such established road as not to impede the passage of persons or property along the same, or when it may be necessary to construct it through the lands of any individual, it shall be their duty to provide for such individual proper wagon ways across said Rail Road from one part of his land to the other.

Company liable to
damages for not pro-
viding sufficient wa-
gon-ways.

VI. *And be it further enacted by the authority aforesaid,* That if said Company shall neglect to provide proper wagon ways across said Rail Road, as required by the preceding clause of this Act, it shall be lawful for any individual to sue such Company, and to recover such damages as a Jury may think him, her, or them entitled to for such neglect or refusal on the part of the said Company.

Authority to contract
with other rail road
companies to cross
their lines.

VII. *And be it further enacted by the authority aforesaid,* That if it shall be necessary for the said Rail Road Company, in the selection of the route or the construction of the said Rail Road, to be by them laid out and constructed, or any part of it to connect the same with or to cross any Rail Road, Canal, dam, or bridge, made or erected by any Incorporated Company, or authorised by any law of this Province, it shall be lawful for the said President and Directors to contract with such other Corporation for the right to cross or use such road, canal, dam, or bridge, or for the transfer of such of the Corporate or other rights and privileges of such Corporation to the said Company hereby incorporated as may be necessary in that respect, and every such other Incorporation, acting under the laws of this Province, is hereby authorised to make such contract or transfer by and through the agency of the persons authorised by the respective Acts of Incorporation to exercise their Corporate power, or by any persons who are by the law of this Province intrusted with the management and direction of such Rail Road, Canal, dam, or bridge, or any of the

rights or privileges aforesaid, and every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the several parties under their respective Corporate seals, shall vest in the Company hereby Incorporated all such rights and privileges, and the right to use and enjoy the same, as fully as they are used and enjoyed by the said Corporation in whom they are now vested.

VIII. *And be it further enacted by the authority aforesaid,* That the President and Directors shall have power to purchase with the funds of the Company, and place on any Rail Road constructed by them under this Act all machines, wagons, carriages or vehicles of any description, which they may deem necessary and proper for the purposes of transportation on said Rail Road; and that they shall have power to charge for tolls and transportation, such sums as shall be established by the by-laws of the said Company hereby Incorporated; and it shall not be lawful for any other Company or any other person or persons to transport any passengers or merchandise or property of any description whatever, along said Road or any part of it, without the license or permission of the President and Directors of the said Company; and the said Rail Road, with all its improvements, works and profits, and all machinery used on said Rail Road for transportation, are hereby vested in the said Company Incorporated by this Act and their Successors forever; and the shares of the Capital Stock of said Company shall be considered personal property; and shall be transferable agreeably to the by-laws of said Company, and subject to be taken in execution agreeably to such laws as are or may be hereafter in force.

Company may purchase machines, wagons &c.,

and may charge Tolls.

Company to have exclusive right to transport passengers or merchandize.

Rail road and works to be vested in the Company.

Shares to be deemed personal property.

IX. *And be it further enacted by the authority aforesaid,* That the President and Directors shall annually or semi-annually, make such dividend as they may deem proper, of the net profits of the resources of the said Company; deducting the necessary expenses, and they shall make the dividend among the Stockholders of the said Company in proper proportions to their respective shares.

Annual Dividend

X. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully, knowingly and maliciously, by any means whatever, injure, impair or destroy any part of the Rail Road constructed by said Company under this Act, or any of the necessary works, buildings or machinery of said Company, such person or persons so offending, shall each of them, for every such offence, forfeit and pay to the said Company, a sum not exceeding three times the amount of damage caused by such offence; which may be recovered in the name of said Company, by an

Penalty for malicious injuries to works.

Treble damage.

action of debt in any Court having competent jurisdiction; and shall also be subject to an indictment, and upon conviction of such offence, shall be punished by fine and imprisonment at the discretion of the Court.

Subject to indictment.

Tolls, when payable

Regulations for transport of goods and passengers.

Toll Houses may be erected.

XI. *And be it further enacted by the authority aforesaid,* That so soon as a double or single iron or wooden Rail Road shall be so far completed for the distance of ten miles at any one place, as to be capable of being used for transportation of property or passengers, the said Company shall have full power and authority to ask for, demand and receive, recover and take, the tolls or dues to and for their own proper use and benefit, on all goods, merchandise and passengers using or occupying the said Rail Road or any other convenience, erection or improvement built, occupied or owned by the said Company, to be used therewith; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried, on the same; as well as the manner of collecting all tolls and dues on account of transportation and carriage; and shall have full power to erect and maintain such toll houses and other buildings for the accommodation and proper transaction of their business as to them may seem necessary.

Provision in cases of rail road crossing Rivers &c.

Water-courses to be restored.

XII. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the construction of their single or double Rail Road to intersect or cross any stream of water or water course lying on the route of the said Rail Road, between the river Niagara in the Township of Bertie, in the Niagara District, and the river Detroit in the Township of Sandwich, in the Western District, it shall and may be lawful for the Company to construct their double or single Rail Road across or upon the same: *Provided,* that the said Company shall restore the stream or water course thus intersected or crossed, to its former state or in a sufficient manner not to impair its usefulness; and shall, moreover, erect and maintain, during the continuance of the Company, sufficient fences upon the line of the route of the double or single Rail Road.

President and Directors to fix Tolls.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the President and Directors of the said Company from time to time to fix, regulate and receive, the tolls and charges to be received for transportation of property or persons on said double or single Rail Road as aforesaid hereby authorised to be constructed, erected, built, made and used.

First instalment of 5 per Cent, when payable.

XIV. *And be it further enacted by the authority aforesaid,* That so soon as a President and Directors have been appointed as hereinafter mentioned, it shall and may be lawful for them to call upon the Stock-

holders of the said Company by giving thirty days notice thereof in any newspaper published in the Niagara, London and Western Districts, for an instalment of five per cent upon the stock which they or any of them shall respectively have subscribed; and that the residue of the stock subscribed by the Stockholders shall be payable by instalments in such time and in such proportions as a majority of the Stockholders at a meeting expressly convened for that purpose shall agree upon; so that no such instalment shall exceed five per cent nor become payable in less than thirty days after the public notice in the newspaper or newspapers aforesaid: *Provided always*, that the said President and Directors shall not commence the construction of the said Rail Road until the first instalment be paid in.

Residue payable as the majority of Stockholders may agree.

No instalment to exceed 5 per Cent.

Commencement of the work.

XV. *And be it further enacted by the authority aforesaid*, That if any Stockholder or Stockholders as aforesaid shall refuse or neglect to pay at the time required any such instalment or instalments as shall be lawfully required by the President and Directors as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid, with any amount which shall have been previously paid thereon; and that the share or shares may be sold by the said President and Directors; and the sum or sums accruing therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other monies of the said Company: *Provided always*, that the purchaser or purchasers shall pay the said Company the amount of the instalment required over and above the purchase money of the share or shares so purchased by him her or them as aforesaid immediately after the sale, and before they shall be entitled to the certificate of such share or shares so purchased as aforesaid: *Provided always*, that thirty days notice of the sale of such forfeited share or shares shall be given in any newspaper or papers published in the Niagara, London and Western Districts; and that the instalment due may be received in redemption of any such forfeited share or shares at any time before the day appointed for the sale thereof.

Forfeiture of Shares by non-payment of instalments.

Sale of forfeited Shares.

30 days notice.

XVI. *And be it further enacted by the authority aforesaid*, That the said Corporation hereby created shall have power to construct a single or double Rail Road from the river Niagara in the Township of Bertie in the Niagara District, to the river Detroit in the Township of Sandwich in the Western District; to be located under the direction of Richard Dowdle Drake, Alexander Douglass, William Elliott, Benjamin Parker Cohoon, Francis Caldwell, Francis L. Walsh, John Prince, Bela Shaw, and John Alexander Wilkinson, who are hereby appointed Commissioners for that purpose; with power to transport, take and carry property and persons

Company authorized to construct Rail road from the River Niagara to the River Detroit,

under the direction of Commissioners named.

upon the same by the power and force of steam or of animals or by any mechanical or other power or by any combination of such powers.

XVII. And be it further enacted by the authority aforesaid, That if the said Corporation shall not within two years from the passage of this Act commence the construction of said Rail Road and shall not within ten years from the passing of this Act construct, finish and put in operation the whole of the said Rail Road; then on failure of the Company to construct the said Rail Road within the ten years time above mentioned, the rights and privileges of the said Corporation under this Act shall be null and void as to such parts of the said Rail Road as are not finished within the time limited by this Act and to them only.

Rail Road to be commenced within two and completed within Ten years.

XVIII. And be it further enacted by the authority aforesaid, That whenever four thousand shares of the aforesaid Stock shall have been subscribed, if within two years after the passing of this Act the Commissioners first herein mentioned shall call a general meeting of the Stockholders at such time and place as they may appoint by giving thirty days public notice of such meeting, and at such meeting the Commissioners shall lay the subscription book before the subscribers then and there present, and thereupon the Subscribers or Stockholders who shall attend either in their own proper persons or by proxy or a majority of them shall elect nine Directors by ballot, and the nine persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any election that two or more have an equal number of votes in such manner that a greater number than nine shall by a plurality of votes appear to be chosen Directors, then the Stockholders herein before authorised to hold such election shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors so as to complete the whole number of nine; and the said Directors so chosen so soon as may be after the said election shall proceed in like manner to elect by ballot one of their number to be President; a majority of whom shall be competent to manage the affairs of the Company, and in said election and on every occasion wherein a vote of the Stockholders is to be taken, every share shall entitle the holder thereof to one vote, and every Stockholder may vote by himself or by proxy.

Election of Directors.

To consist of Nine.

Equality of votes.

To be decided by Ballot.

President.

Annual Election of Directors.

XIX. And be it further enacted by the authority aforesaid, That to continue the succession of President and Directors of said Company, nine Directors shall be chosen as herein before mentioned annually on the first Monday in June at such place as may be appointed by the Directors; and if any vacancy shall occur by death resignation or otherwise,

of any President or Director before the year for which he shall have been elected shall have expired, a person to fill such vacant place for the residue of the year may be appointed by the Directors of said Company or a majority of them, and that the President and Directors of said Company shall hold and exercise their offices until a new election of President and Directors, and all elections which are by this Act or by the by-laws of the Company to be made on any particular day, if not made on such day may be made within thirty days thereafter.

XX. *And be it further enacted by the authority aforesaid,* That a general meeting of the Stockholders shall be held annually at the time and place appointed for the appointment of President and Directors; and a meeting may be called any time during the interval between the said annual meetings, by the President and Directors, or by the Stockholders owning not less than one fourth of the whole Stock, by giving thirty days public notice of the time and place of meeting, and when any such meeting shall be called by the Stockholders the notice shall specify the particular object of the call, and if at any such meeting thus called a majority in value of the Stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day not exceeding three days, without transacting any business; and if within three days Stockholders having a majority of the Stock do not attend such meeting, then the same shall be dissolved.

Meetings of Stockholders.
Adjournment.

XXI. *And be it further enacted by the authority aforesaid,* That at the annual meetings of the Stockholders of said Company it shall be the duty of the President and Directors of the preceding year to exhibit a clear and distinct statement of the affairs of the Company; and at any called meeting of the Stockholders a majority of those present in person or by proxy may require similar statements from the President and Directors, whose duty it shall be to furnish them when required, and at all general meetings of the Stockholders a majority in value of all the Stockholders in said Company may remove from office any President or any of the Directors of said Company and may appoint others in their stead: *Provided,* That the intention to propose such removal shall have been specified as one of the reasons for calling such meeting.

Statement of the affairs to be exhibited at Annual Meetings.
Removal of officers.

XXII. *And be it further enacted by the authority aforesaid,* That the President and Directors of the said Company before he or they act as such, shall respectively swear or affirm as the case may be, that he will well and truly discharge the duties of his office to the best of his skill and judgment.

President and Directors to be sworn.

Officers' wages.

XXIII. *And be it further enacted by the authority aforesaid,* That the President and Directors or a majority of them shall have power to appoint, contract with and determine the compensation of all such officers Engineers, Agents or servants whomsoever as they may deem necessary for the transaction of the business of the Company, and remove them at pleasure; and the said President and Directors or a majority of them, shall have power to determine the manner of adjusting and settling all accounts against the said Company, also the manner and evidence of transfers of Stock in said Company, and they shall have power to pass all by-laws which they may deem necessary for the carrying into execution all the powers vested in the Company hereby Incorporated: *Provided,* such by-laws shall not be repugnant to the laws of this Province.

By-Laws.

Public Act.

XXIV. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed and taken to be a Public Act; and as such shall be judicially noticed by all Judges, Justices of the Peace, and other persons without being specially pleaded:

Navigation of the Grand River not to be affected.

XXV. *And be it further enacted by the authority aforesaid,* That this Act shall not be construed to give power to the said Company to erect ways or works of any description upon or over the Grand River so as to interfere with the free use of the Navigation thereof:

Legislature may alter this Act.

XXVI. *And be it further enacted by the authority aforesaid,* That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act or such alteration of any of its provisions as they may think proper for affording fit protection to the public or to any person or persons, body politic or corporate, in respect of their estate, property or rights or interest therein or any advantage, privilege or convenience connected therewith, or in respect to any way or right of way public or private, that may be affected by any of the powers given by this Act.

Limitation of Actions.

XXVII. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six Calendar Months next after the fact committed, and not afterwards; and the Defendant or Defendants in such action or suit may plead the general issue only and give this Act and the special matter in evidence on the suit.

Lateral Branches to Rail Road.

XXVIII. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend or be construed to extend to

prevent at any future period, the Hamilton and Port Dover Rail Road Company or any other Company now formed or hereafter to be formed, from establishing Lateral Branches from said Rail Road to Queenston, Niagara, Hamilton, London, Chatham, or any other place between the Township of Sandwich in the Western District, and Bertie in the Niagara District.

CHAP. VII.

AN ACT to Incorporate a Company to construct a Rail Road from Burlington Bay, to Lake Huron.

[Passed, 20th April, 1836.]

WHEREAS certain Inhabitants of the Districts of Gore and London have petitioned for the passing of a Law Incorporating a Joint Stock Company for the purpose of constructing a single and double track wooden or iron Rail Road or Way, commencing at Wellington Square, Burlington Bay, or Dundas, in the District of Gore, which ever place may be considered most advantageous and proper by a majority of the Directors, and extending to the Harbor of Goderich in the District of London; *And whereas*, it is expedient to Incorporate a Joint Stock Company for such purposes: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That John Gamble, James Durand, John Watt, James B. Ewart, William J. Kerr, William Chisholm, John Chisholm, Philo Bates, George Chisholm, Hiram Smith, Ashael Davis, Thomas Stinson, Robert G. Dunlop, E. C. Taylor, Abraham Crisman, George Clement, Absalom Shade, John A. Cornwall, with all such persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body Corporate and Politic in fact, by and under the name and style of the Huron and Ontario Rail Road Company; and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being

Preamble.

Incorporation.

Common Seal.

Power to hold real
and personal Estate.

contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure; and also that they and their successors by the same name of the Huron and Ontario Rail Road Company shall be by Law capable of purchasing, having and holding, to them and their successors, estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith for the benefit and on account of the said Company from time to time as they shall deem necessary and expedient; *Provided always nevertheless*, that the real estate to be held by the said Company shall be only such as shall be required to be held by them for the purpose of making, using and preserving the said Rail Road and for objects immediately connected therewith.

To construct Rail
Road.Between Wellington
Square, Burlington
Bay or Dundas and
Goderich.

II. *And be it further enacted by the authority aforesaid*, That the said Company and their Agents and Servants shall have full power under this Act to lay out, construct, make and finish a double or single iron or wooden Rail Road or Way, at their own costs and charges, on and over any part of the country lying between Wellington Square, Burlington Bay, or Dundas in the District of Gore, and the Town of Goderich in the District of London; and to take, carry and transport thereon passengers, goods and property either in carriages used and propelled by the force of steam or by the power of animals, or by any mechanical or other power, or by any combination of power which the said Company may choose to employ.

Authority to purchase
Lands.In case of disagree-
ment arbitrators to be
named.

III. *And be it further enacted by the authority aforesaid*, That the said Company are hereby empowered to contract, compound, compromise and agree with the owners or occupiers of any lands upon which they may determine to construct the said Rail Road, either by purchase of so much of the said land and privileges as they shall require for the purposes of the said Company, or for the damages which he she or they shall and may be entitled to receive of the said Company in consequence of the said intended Rail Road being made and constructed in and upon his, her or their respective lands; and in case of any disagreement between the said Company and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful from time to time for each owner or occupier so disagreeing with the said Company, either upon the value of the lands and tenements or private privileges proposed to be purchased, or upon the amount of the damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent persons

who together with one other person to be elected by ballot by the persons so named, shall be Arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same; the award of the majority of whom shall be final; and the said Arbitrators shall be and are hereby required to attend at some convenient place in the vicinity of the said intended Rail Road to be appointed by the said Company after eight days notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for either of the said Districts of Gore or London; any of whom may be required to attend the said meeting for that purpose well and truly to assess the damages between the parties according to the best of his judgment; *Provided always*, that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration as hereinbefore provided.

Their award to be final.

Arbitrators to be sworn.

Award subject to be set aside by the Court of K. B.

IV. *And be it further enacted by the authority aforesaid*, That whatever sum of money may be finally awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his her or their property, rights or privileges, shall be paid within three months from the time of the same being awarded; and in case the said Company shall fail to pay the same within that period, then their right to assume any such property or commit any act in respect of which such sum of money was awarded shall wholly cease, and it shall be lawful for the proprietor to resume his occupation of such property and to possess fully his rights and privileges in respect thereof, free from any claim or interference from the said Company.

Amount awarded to be paid within three months.

Or owner may resume the property.

V. *And be it further enacted by the authority aforesaid*, That the said Huron and Ontario Rail Road Company shall have full power and authority to explore the country lying between Wellington Square, Burlington Bay or Dundas in the District of Gore, and the Town of Goderich in the District of London, and to designate and establish and for the said Company to take, appropriate, have and hold to and for the use of them and their successors, the line and boundaries of a single or double Rail Road with their necessary Rail Ways to connect Wellington Square or Burlington Bay in the District of Gore, and the Harbor of Goderich in the Dis-

Authority to explore and take Lands.

tract of London, and for the purposes aforesaid the said Company and their Agents, Servants, and Workmen are hereby authorised and empowered to enter into and upon the lands and grounds of or belonging to the King's Majesty, His Heirs and Successors, or to any other person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, as they shall think necessary and proper for making the said double or single Rail Road; and all such matters or conveniences as they shall think fit, proper and necessary for making, effecting, preserving, improving, completing and using on the said intended Rial Road; and also to make, build, erect, and set up in and upon the route of the said Rail Road, or upon the lands adjoining or near the same, all such works, ways, roads and conveniences as the said Company shall think requisite and convenient for the purposes of the said Rail Road; and also from time to time to alter, repair, amend, widen or enlarge the same or any of the conveniences above mentioned, as well for carrying or conveying goods, commodities, timber and other things to and for the said Rail Road, as for the carrying or conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending or enlarging the works of or belonging to the said Rail Road; and also place, lay, work and manufacture the said materials on the ground near to the place or places where the said works or any of them are or shall be intended to be made, erected, repaired or done, and to build and construct the several works and erections belonging thereto; and also to make, maintain, repair and alter any fences or passages under or through the said Rail Road, or which shall communicate therewith, and to construct, erect and keep in repair any piers, arches or other works in and upon and across any rivers or brooks for making, using, maintaining and repairing the said Rail Road and side paths; and also to construct, make and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Rail Road in pursuance and within the true intent and meaning of this Act; they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned, for all damages to be sustained by the owners or occupiers of such lands, tenements and hereditaments.

To erect works.

President and Directors to establish Tolls.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the President and Directors of the said Company from time to time to fix, regulate and receive the Tolls and charges to be received for transportation of property or persons on the single or double Rail Road or Way aforesaid hereby authorised to be constructed, erected, built, made and used.

VII. *And be it further enacted by the authority aforesaid,* That the said double or single Rail Road or Way and all materials which shall be from time to time got or provided for constructing, building, maintaining and repairing the same, and the said Tolls on goods, wares, merchandize or passengers as hereinbefore mentioned, shall be and the same are hereby vested in the said Company and their Successors forever.

The Rail Road to be vested in the Company.

VIII. *And be it further enacted by the authority aforesaid,* That soon as the double or single iron or wooden Rail Road or Way shall be so far completed as to be capable of being used for transportation of property or passengers, the said Company shall have full power and authority to ask for, demand, receive, recover and take the tolls and dues to and for their own proper use and benefit, on all goods, merchandize and passengers using or occupying the said double or single iron or wooden Rail Road or Way, or any other convenience, erection or improvement built, occupied or owned by the said Company, to be used therewith, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage; and shall have full power to erect and maintain such Toll-houses and other buildings for the accommodation and proper transaction of their business as to them may seem necessary.

Tolls, when payable.

IX. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the construction of their single or double Rail Road or Way to intersect or cross any stream of water or water-course, or any road or high way lying on the route of the said Rail Road or Way between Wellington Square, Burlington Bay or Dundas in the District of Gore, and Goderich in the District of London, it shall and may be lawful for the Corporation to construct their single or double Rail Road or Way across and upon the same; *Provided,* that the Corporation shall restore the stream or water-course or road or highway thus intersected to its former state, or in a sufficient manner not to impair its usefulness; and shall moreover erect and maintain during the continuance of this Corporation, sufficient fences upon the line of the route of their single or double Rail Road or Way.

Water-courses not to be obstructed.

X. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully do or cause to be done any act or acts whatever whereby any building, construction or work of the said Corporation, or any engine, machine or structure or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and

Persons damaging the works to forfeit double the amount.

pay to the said Corporation double the amount of damages sustained by such offence or injury; to be recovered in the name of the said Corporation by action of debt, to be brought in any Court of record in this Province.

Authority to construct Rail Road.

Between Wellington Square, Burlington Bay, Dundas, and Goderich.

XI. *And be it further enacted by the authority aforesaid,* That the said Company, or their Agents or servants, at any time after the passing of this Act, under and by virtue of its provisions, shall and may construct, erect, and build and finish a double or single iron or wooden Rail Road or Way, as aforesaid, on any part or portion of the country lying between Wellington Square, Burlington Bay, or Dundas, in the District of Gore, and the Town of Goderich, in the District of London; and also that the said Rail Road or Way contemplated by this Act shall not in any degree interfere with or encroach on any fee simple, right, or private easement or privilege of any individual now holding and enjoying the same or entitled thereto without the permission first had and obtained either by the consent of the owner thereof, or by virtue of reference authorised by this Act.

Affairs of the Company to be managed by seven Directors.

Time and mode of Election.

XII. *And be it further enacted by the authority aforesaid,* That the property, affairs, and concerns of the said Company shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their offices for one year, which said Directors shall be Stockholders to the amount of at least ten shares, and be elected on the first Monday in June in each and every year, at Wellington Square, at such time of the day as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any newspaper or newspapers that may be published in the said Districts of Gore and London, at least one month previous to the time of holding the said election, and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose, in their own proper persons or by proxy, and all elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes in such manner that a greater number of persons than seven shall by plurality of votes appear to be chosen Directors, then the said Stockholders hereinbefore authorised to hold such election, shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of seven; and the said Directors, so chosen, as soon as may be after said election, shall proceed in like manner to elect by ballot one of their number to be President; and if any vacancy or vacancies shall at any

Election of President.

time happen among the Directors by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors.

Vacancies in Direction.

XIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to the number of votes proportioned to the number of shares which he or she shall have held in his or her own name at least one month prior to the time of voting, according to the following rates, that is to say—One vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten.

Scale of Votes.

XIV. *And be it further enacted by the authority aforesaid,* That in case it should at any time 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 day to hold and make an election of Directors, in such manner as shall have been regulated by the by-laws and ordinances of the said Corporation.

Corporation not dissolved by Directors not being chosen on day prescribed.

XV. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a majority of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate, and effects of the said Company, and touching the duty of the officers, clerks, and servants, and all such other matters and things as appertain to the business of the said Corporation; and shall also have power to appoint as many officers, clerks, and servants for carrying on the said business, with such salaries and allowances as to them shall seem fit.

Directors empowered to make By-Laws.

XVI. *And be it further enacted by the authority aforesaid,* That on the first Monday in the month of June next, a meeting of the Stockholders shall be held at Wellington Square, who, in the same manner as hereinbefore provided, shall proceed to elect seven persons to be Directors, who shall elect by ballot one of their number to be their President, and shall continue in office till the first Monday in June after their election, and who during their continuance shall discharge the duties of Directors in the same manner as if they had been elected at the annual election: *Provided always,* that if shares to the amount of fifty thousand pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken

First meeting of Stockholders.

up, and at least thirty days notice thereof given in any paper or papers published in the Districts of Gore or London.

Capital limited to
£350,000

Power to extend
Capital.

Shares, when
transferable.

Proviso against
Banking.

XVII. *And be it further enacted by the authority aforesaid,* That the whole capital stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value three hundred and fifty thousand pounds; with a privilege to the said Company of extending the amount to five hundred thousand pounds; and that shares of the capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing and holding the same to any other person or persons; and such transfer shall be entered and registered in a book or books, to be kept for that purpose by the said Company: *Provided always,* that nothing herein contained shall extend to authorise the said Company to carry on the business of banking.

Directors may call
for 5 per cent.

Residue to be paid by
instalments;

not exceeding 5 per
cent.

XVIII. *And be it further enacted by the authority aforesaid,* That so soon as Directors have been appointed, as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days notice thereof in any newspaper published in the aforesaid Districts of London and Gore, for an instalment of five per cent. upon each share which they or any of them may respectively subscribe; and that the residue of the sums or shares of the Stockholders shall be payable by instalments, in such time and in such proportions as a majority of the Stockholders at a meeting expressly convened for that purpose shall agree upon, so that no such instalments shall exceed five per cent. or become payable in less than thirty days after public notice in the newspaper or newspapers aforesaid: *Provided always,* that the said Directors shall not commence the construction of the said Rail Road or Way until the first instalment shall be paid in.

Forfeiture of Shares.

XIX. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders; as aforesaid, shall refuse or neglect to pay at the time required any instalment or instalments as shall be lawfully required by the Directors as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid, with any amount which shall have been previously paid thereon; and that the said share or shares may be sold by the said Directors; and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other monies of the said Company: *Provided always,* that the purchaser or purchasers shall pay the said Company the amount of the instalment required over and above the purchase money of the share or shares so

purchased by him, her, or them, as aforesaid, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such shares so purchased, as aforesaid: *Provided always*, that thirty days notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the Districts of Gore and London; and that the instalment due may be received in redemption of any such forfeited share at any time before the day appointed for the sale thereof.

Notice of Sale.

XX. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable, and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits, and losses, such statement to appear on the books, and to be open to the perusal of any Stockholder at his or her reasonable request.

Annual Dividends.

XXI. *And be it further enacted by the authority aforesaid*, That the said Company are hereby authorised and empowered, at their own costs and charges, to construct harbours at Wellington Square, Burlington Bay, or Dundas, and at the Town of Goderich aforesaid, which shall be accessible to, and fit, safe, and commodious for the reception of such description and burthen of vessels as commonly navigate Lakes Ontario and Huron; and also to erect and build all such needful moles, piers, wharves, aqueducts, basins, docks, dams, sluices, buildings, and erections whatsoever as shall be useful and proper for the protection of the said harbours, and for the accommodation and convenience of vessels entering, lying, loading, and unloading within the same, and as shall be necessary for the accommodation of said Rail Road, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

Authority to construct Harbour at Wellington Square, Burlington Bay, or Dundas and Goderich

XXII. *And be it further enacted by the authority aforesaid*, That this Act shall be deemed and taken to be a public Act, and as such shall be judiciously noticed by all Judges, Justices of the Peace, and other persons without being specially pleaded.

Public Act.

XXIII. *And be it further enacted by the authority aforesaid*, That at any time after fifty years after the making and completing the said Rail Road or Way, His Majesty, his Heirs and Successors may assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective shares or of the sums furnished and advanced by each subscriber towards the making and completing the said double or single iron or wooden Rail

After fifty years His Majesty may assume the property.

Conditions.

Road or Way, together with such further sum as will amount to twenty per cent. upon the monies so advanced and paid, as a full indemnification to such Company; and the said double or single iron or wooden Rail Road or Way shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, his Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to the provisions of any Act of the Legislature of this Province that may be passed respecting the same: *Provided always*, that it shall not be lawful for His Majesty, his Heirs and Successors, at any time after the expiration of the said fifty years to assume the possession and property of the said Rail Road or Way, with their appurtenances aforesaid, unless it shall appear from the accounts of the said Company to be for that intent laid before the Legislature that that the Stockholders of the said Company have received every year, upon an average, the sum of twelve pounds ten shillings for every one hundred pounds they shall be possessed of in the said concern.

After such assumption
Tolls to be paid to
Receiver General.

XXIV. *And be it further enacted by the authority aforesaid*, That from and after the period when the possession of the right, interest, and property in and to the said double or single iron or wooden Rail Road or Way shall have been assumed by His Majesty, his Heirs and Successors, as hereinbefore authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of this Province, at the disposal of the Legislature thereof, and shall be accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct: *Provided always*, that the said double or single iron or wooden Rail Road or Way shall be commenced within four years after the passing of this Act, and finished in ten years, otherwise this Act, and every matter and thing herein contained shall cease and be utterly null and void.

Company's works not
to obstruct navigable
rivers.

XXV. *And be it further enacted by the authority aforesaid*, That this Act shall not be construed to give power to the said Company to erect ways or works of any description upon or over any River so as to interfere with the free use and Navigation thereof.

Alteration of this Act.

XXVI. *And be it further enacted by the authority aforesaid*, That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act or such alteration of any of its provisions as they may think proper for affording just protection to the public or to any person or persons, body politic or corporate, in res-

pect to their estate, property or rights or interest therein, or any advantage privilege or convenience connected therewith, or in respect to any way or right of way, public or private, that may be affected by any of the powers given by this Act.

XXVII. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six Calendar Months next after the fact committed, and not afterwards; and the Defendant or Defendants in such action or suit may plead the general issue only and give this Act and the special matter in evidence on the trial. Limitation of Actions.

CHAP. VIII.

AN ACT to Incorporate sundry persons under the style and title of the Gananogue and Wiltzie Navigation Company.

[Passed, 20th April, 1836.]

WHEREAS William Richards De Rinzie, Joseph Wiltzie, John McDonald, Patrick Anderson, Richard Johnson, William Green, Joshua Bates, William Webster, and James B. Howard, have by Petition, prayed to be Incorporated as a Joint Stock Company for the purpose of improving and rendering navigable the Wiltzie and Gananogue Rivers, in the County of Leeds, with such other persons as may feel disposed to undertake the said improvement: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said William Richards De Rinzie, Joseph Wiltzie, John McDonald, Patrick Anderson, Richard Johnson, William Green, Joshua Bates, William Webster, and James B. Howard, together with all such other persons as shall become Stockholders in such Joint Stock Capital as is hereinafter mentioned, shall be and are hereby ordained, constituted, and declared to be a body Corporate and Politic, in fact by and under the

Common Seal.

Power to hold real estate.

name and style of the "Gananoque and Wiltsie Navigation Company;" and by such name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts or places whatsoever, in all manner of suits, actions, complaints, matters, and causes whatsoever; and that they and their successors shall have a Common Seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by the same name of the Gananoque and Wiltsie Navigation Company, shall be in law capable of purchasing, having, and holding to them and their successors, any estate, real, personal, or mixed, to and for the use of the said Company, and demising conveying or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

Capital not to exceed £6000.

Number of shares.

Transfers to be registered.

II. *And be it further enacted by the authority aforesaid,* That the whole capital or stock, exclusive of any real estate which the said Company may have or hold by virtue of this Act shall not exceed in value six thousand pounds of lawful money of this Province; which capital shall be composed of six thousand shares of the value of one pound each, and that the said shares of the said capital stock shall be transferable, and may be from time to time transferred by the respective persons so subscribing or holding the same to other person or persons: *Provided always,* that such transfer be entered or registered in a book or books, to be kept for that purpose by the said Company, and that no such transfer shall be made by any Stockholder of the said Company until after the expiration of one year from the period when the said work is completed.

Subscribers may hold fifty shares.

£10 per cent. payable on each share subscribed.

Forfeiture of shares.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, His Majesty's subjects or others, to subscribe for any number of shares, (not exceeding in the first instance fifty,) the amount whereof shall be due and payable to the said Company in the manner hereinafter mentioned, that is to say—Ten per cent. on each share so subscribed shall be payable to the said Company immediately after the Stockholders shall have elected the number of Directors hereinafter mentioned, and the remainder by instalments of not more than twenty per cent. at such periods as the President and Directors shall from time to time direct and appoint for the payment thereof: *Provided,* that no such instalment shall be called for in less than thirty days after public notice shall have been given in hand-bills or in all the newspapers of the District of Johnstown: *Provided always,* that if any Stockholder or Stockholders, as aforesaid, shall neglect or refuse to pay to the said Company the instalments due on any share or shares held by him, her, or them at the time required by law, such Stockholder or Stock-

holders shall forfeit such share, as aforesaid, with the amount previously paid thereon, and the share or shares shall be sold by the Directors at public auction, after having given ten days notice, and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for and applied in like manner as any other proceeds of the said Company : *Provided always*, that such purchaser or purchasers shall pay to the said Company the amount of the instalment required over and above the purchase money of the share or shares to be purchased by him, her, or them, as aforesaid, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such share or shares so to be purchased, as aforesaid.

IV. *And be it further enacted by the authority aforesaid*, That so soon as two hundred shares shall have been subscribed, it shall and may be lawful for such subscribers or any of them to call a meeting at some place to be named (in the Town of Charleston,) for the purpose of proceeding to the election of the number of Directors hereinafter mentioned, and such election shall then and there be made by a majority of shares voted for in the manner hereinafter prescribed in respect of the annual election of Directors, and the persons then and there chosen shall be the first Directors, and be capable of serving until the first Tuesday in February succeeding their election, and the said Directors so soon as may be after the first election, shall proceed in like manner to elect by ballot one of their number to be President for the like period ; and the President and Directors so chosen shall, as soon as a deposit amounting to ten per centum upon the shares subscribed, as aforesaid, shall be paid to the said Directors, commence the business and operations of the said Company : *Provided always*, that no such meeting of the said subscribers shall take place until a notice is published in hand-bills or in the newspapers of the District of Johnstown, at the distance of not less than thirty days from the time of such notification.

First meeting of
Stockholder.

V. *And be it further enacted by the authority aforesaid*, That the stock, property, affairs, and concerns of the said Corporation shall be managed and conducted by five Directors, one of whom shall be chosen President, who shall hold their offices for one year, which Directors shall be Stockholders, and shall be inhabitants of this Province, and be elected on the first Tuesday in February in every year, at such time of the day and at such place near the line of the said intended navigation as the majority of the Directors for the time being shall appoint, and public notice thereof shall be given by the said Directors in hand-bills or in the newspapers printed within the District of Johnstown, of such time and place, not more than thirty nor less than fifteen days previous to the time of holding the

Affairs of the Com-
pany to be managed
by five Directors.

Time and mode of
Election.

said election ; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy, and all elections for Directors shall be by ballot, and the five persons who shall have the greatest number of votes at any election shall be Directors, except as is hereinafter directed, and if it shall happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than five shall by a plurality of votes appear to be chosen as Directors, then the said Stockholders hereinbefore authorised to hold such election, shall proceed by ballot a second time, and by plurality of votes 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 five ; and the said Directors, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President, and two of the Directors which shall be chosen at the preceding year, excepting the President, shall be ineligible to the office of Director for one year after the expiration of the time for which they shall be chosen Directors, and in case a greater number than three Directors, exclusive of the President, who served for the last year shall appear to be elected, then the election of such person or persons above the said number and who shall have the fewest number of votes shall be considered void, and such other of the Stockholders as shall be eligible and shall have the next greatest number of votes shall be considered as elected in the room of such last described person or persons, who are hereby declared ineligible, as aforesaid, and the President for the time being shall always be eligible to the office of Director, but Stockholders not residing within the Province shall be ineligible ; and if any Director shall absent himself from this Province, and cease to be an inhabitant thereof for the space of six months, his office shall be considered as vacant, and if any vacancy or vacancies should at any time happen among the Directors, or in the office of President, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors: *Provided always*, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least five shares.

Election of President.

Vacancies in the
Directions.

Scale of votes in
proportion to number
of shares.

VI. *And be it further enacted by the authority aforesaid*, That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name at least three months prior to the time of voting, (except at the first election,) according to the following rates, that is to say—At the rate of one vote for each share not exceeding four ; five votes for six shares ; six votes

for eight shares ; seven votes for ten shares ; and one vote for every five shares above ten.

VII. *And be it further enacted by the authority aforesaid,* That in case it should at any time 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 that 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 regulated by the laws and ordinances of the said Corporation.

Company not dissolved by non-election of Directors on day prescribed.

VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the said Company as to them or to the majority of them shall appear advisable, and that once in every year and oftener if thereunto required by a majority of the votes of the Stockholders, to be given agreeable to the ratios hereinbefore established, at a general meeting to be called for that purpose, an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits, and losses—such statement to appear on the books, and to be open to the perusal of any Stockholder, at his or her reasonable request.

Half-yearly Dividends.

IX. *And be it further enacted by the authority aforesaid,* That the Directors for the time being or a major part of them shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said Corporation, and touching the amount of tolls to be collected on the said navigation, the duty and conduct of the officers, clerks, and servants employed by the said Company, and all such other matters as appertain to the business of the said Company, and shall 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 shall seem meet: *Provided,* that such rules and regulations be not repugnant to the laws of this Province.

Directors may make By-Laws.

X. *And be it further enacted by the authority aforesaid,* That every Treasurer before he enters into the duties of his office shall give bond, with two or more sureties, in such sum as may be satisfactory to the Directors, with condition for the faithful discharge of his duty.

Treasurer to give security.

XI. *And be it further enacted by the authority aforesaid,* That the said Company, or any person authorised by them, shall have full power and authority to explore the country through which the Wiltse and Gana-

Authority to explore and take lands.

General powers.

noque Rivers now run, and to enter into and upon the lands and grounds of or belonging to any person or persons, bodies Politic or Corporate, and to survey and take levels of the same or any part thereof, and set out and ascertain such parts thereof as he or they shall think proper and necessary for making locks, dams, aqueducts, tunnels, culverts, bridges, and all such other improvements, matters, and conveniences as he shall think proper and necessary for making, effecting, preserving, improving, completing, and using the said navigation; and also to bore, dig, cut, trench, remove, take, carry away, and lay earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel, or sand or any other matter or things which may be dug or got in the making of the said navigation, locks, dams, tunnels, aqueducts, culverts, or other improvements, or out of any lands or grounds of any person or persons adjoining or lying contiguous thereto, and which may be necessary for the constructing or repairing the said works or improvements, or which may obstruct the making or maintaining the said navigation; and also to make, build, erect, and set up in and upon the said river, or upon the lands adjoining or near to the same, such and so many dams, bridges, tunnels, aqueducts, sluices, locks, weirs, pens for water tanks, reservoirs, drains, wharves, quays, landing-places, and other works, ways, roads, and conveniences as the said Company, or any person or persons authorised by them, as aforesaid, shall think requisite and convenient for the purposes of the said navigation; and also from time to time to alter, amend, repair, widen, or enlarge the same or any other of the conveniences above-mentioned, as well for carrying or conveying goods, commodities, timber, and other things to and from the said navigation, as for the carrying or conveying of all manner of materials necessary for making, erecting, finishing, altering, repairing, amending, widening, or enlarging the works of or belonging to the said navigation; and also place, lay, work, and manufacture the said materials on the ground near to the place or places where the said works or any of them are or shall be intended to be made, erected, repaired, or done, and construct the several locks, dams, bridges, works, and erections belonging thereto; and also to make, maintain, repair, and alter any fences or passages over, under, or through the said rivers or the reservoirs and tunnels, aqueducts, passages, gutters, water courses, and sluices respectively which shall communicate therewith; and also to make, set up, and appoint drawing-boats, barges, vessels, or rafts passing in, through, along, or upon the said River, as the Company or person or persons authorised by them, as aforesaid, shall think convenient; and to construct, erect, and keep in repair any piers, arches, or other works in, upon, and across any rivers or brooks, for making, using, maintaining, and repairing the said navigation and the towing-paths on the sides thereof; and also to construct, make, and do all other matters or things which he or they shall think necessary and convenient for

To erect works:

repair fences, &c.;

appoint drawing-boats, &c.;

to construct piers, arches, &c.

the making, effecting, preserving, improving, completing, and using the said navigation, in pursuance and within the true meaning of this Act; doing as little damage as may be in the execution of the several powers to them hereby granted.

XII. *And be it further enacted by the authority aforesaid,* That after any lands or grounds shall be set out and ascertained to be necessary for making and completing the said navigation, and other purposes and conveniences hereinbefore mentioned, the said Company or person or persons authorised by them, as aforesaid, is hereby empowered to contract, compound, compromise, and agree with all bodies politic, communities, corporations, aggregate or sole guardians, and all other person or persons, for themselves or as Trustees, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, lunatics, ideots, *femmes covert*, or other person or persons who shall occupy, be possessed of, or interested in any lands or grounds which shall be set out or ascertained, as aforesaid, for the absolute surrender to the said Company of so much of the said land as shall be required, or for the damages which he, she, or they may reasonably claim in consequence of the said improvement or other works of and belonging to the said navigation, and other constructions and erections being cut and constructed in and upon his, her, or their respective lands, and that all such contracts, agreements, and surrenders shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute, or usage to the contrary notwithstanding.

Company may contract for surrendering lands set out.

XIII. *And be it further enacted by the authority aforesaid,* That such parts and portions of land or lands covered with water, as may be so ascertained and set out by the said Company or person or persons appointed, as aforesaid, as necessary to be occupied for the purposes of the improvement of the said Navigation, and also such parts and portions as may upon alteration or deviation be ascertained and set out as necessary for the purposes thereof, shall be for ever thereafter vested in the said Company.

Lands appropriated vested in the Company.

XIV. *And be it further enacted by the authority aforesaid,* That if before the completion of the said navigation through the lands or grounds of any person or persons, no voluntary agreement shall have been made as to the amount of compensation to be paid for damages, according to this Act, the person or persons superintending the said work shall at any time after the completion of such portion of the improvement of the said navigation; upon the notice or request in writing by the proprietor of such lands, or his agent legally authorised, to appoint an arbitrator, who, at a

Claims for compensation to be settled by Arbitration.

Arbitrators to be sworn.

day to be named in such notice, shall attend upon the premises in question to meet an arbitrator to be appointed by such claimant, and such two arbitrators shall and may, before proceeding to consider the claim, appoint a third arbitrator, which three arbitrators being first sworn by some one of His Majesty's Justices of the Peace, then and there present, to give a just and true award upon the claim submitted to them, shall upon the statements of the parties and view of the premises, and upon the testimony of witnesses to be examined upon oath or affirmation, if either party shall require it, (which oath or affirmation any one of the said arbitrators is hereby authorised to administer,) make their award in writing, under their hands, of the amount of damages to be paid to such claimants.

Party declining to abide by the award to give notice within ten days.

XV. *And be it further enacted by the authority aforesaid,* That if either the person or persons superintending the said work, or the party claiming damages, as aforesaid, shall decline to abide by any such award, such refusal shall be declared in writing within ten days after such award, and damages upon such claim shall be thereafter assessed in manner following, but at the sole expense of the party refusing to abide by such award.

Mode of proceeding when award not submitted to.

XVI. *And be it further enacted by the authority aforesaid,* That in all cases in which awards shall be made to which either party shall refuse to conform, as aforesaid, it shall and may be lawful for the party dissenting from such award to serve on the other party a notice in writing, appointing a day not less than thirty days from the time of serving such notice, for having the damages for which he is entitled to claim compensation, according to this Act, assessed in the manner hereinafter provided; and the party giving such notice shall also specify some day therein which shall be at least ten days before the day appointed for such assessment, and not less than ten days from the time of serving such notice, at which he will attend at the office of the Sheriff of the District of Johnstown, for the purpose of striking a Jury to assess the damages so claimed, as aforesaid.

Jury to be struck for assessing damages.

XVII. *And be it further enacted by the authority aforesaid,* That on the day so appointed, as last aforesaid, the parties, their attorneys or agents shall attend at the Sheriff's Office, and that the Sheriff shall at the hour of one of the clock in the afternoon proceed in the presence of the parties, or such of them, their attorney or agent as may be present, to select the names of twenty-one persons from among those qualified to serve on Special Juries, and in the manner directed by law for selecting Special Juries, and that the names of such twenty-one persons so drawn being fairly written out by the Sheriff, each party or his attorney or agent attend-

ing for that purpose, shall alternately strike off one, that party beginning at whose instance the Jury is struck, until the whole number shall be reduced to seven, and that such seven persons shall be a Jury for assessing the damages to be paid to such claimant as aforesaid: *Provided always*, that in case either party shall omit to attend personally or by agent at the time appointed, the Sheriff or his Deputy shall strike in behalf of such person not attending.

XVIII. *And be it further enacted by the authority aforesaid*, That the seven persons so struck to serve as aforesaid, shall be summoned by the Sheriff to attend upon the premises in respect to which the damages are claimed as aforesaid, giving not less than ten days notice of such attendance; and that the Sheriff or his Deputy shall also attend at the time so appointed, and shall administer to the five persons who shall first answer upon being called in the order in which they shall stand upon the original list the oath following, that is to say:—

Summoning of Jury.

Attendance of Sheriff.

“I, A. B. do swear that I will well and truly assess the damages upon the claim of C. D., according to the Act in that behalf.”

Oath of Jurymen.

And thereupon the said Jury, having viewed the premises and received the testimony upon oath or affirmation of such witnesses as shall be brought before them, (which oath or affirmation the Sheriff or his Deputy is hereby authorised to administer,) shall deliver their verdict by the opinion of the majority of such Jury of the amount of damages to be paid to such claimants.

Verdict.

XIX. *And be it further enacted by the authority aforesaid*, That in estimating the claim of any individual to compensation for property taken or for damage done under the authority of this Act, the Arbitrators or Juries assessing such damages shall take into their consideration the benefit likely to accrue to each individual from the improvement of the said navigation by its enhancing the value of his property, or producing other advantages, or to award any claimant any sum as damages for the overflowing of any lands below the usual high water mark as the same has stood for the last twenty-three years: *Provided always, nevertheless*, that it shall not be competent to any Arbitrators or Jury to direct any individual claiming as aforesaid, to pay any sum in consideration of such advantages over and above the amount at which the damages of such individual shall be estimated.

Principle of estimating claim.

XX. *And be it further enacted by the authority aforesaid*, That the party desiring such Jury to be summoned shall pay to the Sheriff for

Jury to be paid by party requiring them.

striking and summoning the same, and for attending and giving the verdicts, and to each Juryman attending in pursuance of such summons the sum of ten shillings.

Amount awarded to be paid within six months.

XXI. *And be it further enacted by the authority aforesaid,* That whatever sum may be finally awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his or their property, rights, or privileges, shall be paid within six months from the time of the same being awarded, and in case the said Company shall fail to pay the same within that period, then their right to assume any such property or commit any act in respect of which such sum of money was awarded shall wholly cease, and it shall be lawful for the proprietor to resume his occupation of such property, and to possess fully his rights and privileges in respect thereof free from any claim or interference of the said Company.

Malicious injury to works punishable as a Misdemeanor.

XXII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully or maliciously break down, damage or destroy, any bank, lock, gate, sluice, or any works, machine or device, to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent, the carrying into execution or completing, supporting, or maintaining the said navigation, every such person or persons so offending shall be deemed guilty of a Misdemeanor.

Penalty for obstructing navigation.

XXIII. *And be it further enacted by the authority aforesaid,* That if any person shall float any timber upon the said navigation, or shall suffer the overloading of any boat or vessel or raft navigating in or upon the navigation of the said River, so as by such overloading the same to obstruct the passage of any other boat, vessel, or raft, and shall not immediately upon due notice given to the owner or person having the care of such boat, vessel, or raft, so obstructing the passage aforesaid, remove the same so as to make a free passage for boats, vessels, or rafts, every such owner or person floating such timber or having the care of such boat, vessel or raft, so obstructing the passage as aforesaid, shall forfeit and pay for every such offence the sum of five pounds, and if any person shall throw any ballast, gravel, stones or rubbish, into any part of the said navigation, every such person shall for every such offence forfeit a sum not exceeding five pounds.

Penalty for not removing obstructions.

XXIV. *And be it further enacted by the authority aforesaid,* That if any boat, vessel, raft or timber, shall be placed in any part of the navigation of the said River so as to obstruct the same, and the person having the care of such boat, vessel, raft or timber, shall not immediately

upon the request of any of the persons employed by the said Company remove the same, he shall for every such offence forfeit a penalty of ten shillings for every hour such obstruction shall continue; and it shall be lawful for the agents, toll gatherers, or others employed by the said Company, or person or persons by them appointed to the charge of said works, to cause any such boats, vessel, raft or timber, to be unloaded if necessary, and to be removed in such manner as shall be proper for preventing such obstruction in the navigation, and to seize and detain such boat, vessel, raft or timber, and the cargo thereof, or any part of such cargo, until the charges occasioned by such unloading and removal are paid; and if any boat or vessel shall be sunk in any part of the said navigation, and the said owner or owners, or the person or persons having the care of such boat or vessel, shall not without loss of time weigh or draw up the same, it shall be lawful for the agents, toll gatherers, or other persons employed by the said Company to cause such boat or vessel to be weighed or drawn up, and to detain and keep the same until payment be made of all expenses necessarily occasioned thereby.

Boats and rafts may be seized and detained until expenses of removing obstruction are paid.

Boats sunk to be drawn up.

XXV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the owners and occupiers of any land adjoining to the said river or navigation to use any boats thereon for the purpose of husbandry or conveying cattle from one farm or part of a farm or lands to any other farm or lands of the same owner or occupier, not passing through any lock without the consent of the person or persons in charge for the time being, without interruption and without paying any rate or duty for the same, so as the same be not made use of for the carriage of any goods, wares, or merchandise to market, or for sale, or for any person or persons for hire, and shall not obstruct or prejudice the said navigation or the towing paths thereof.

Boats used for purposes of husbandry not liable to tolls.

XXVI. *And whereas,* It may hereafter happen from floods or from unexpected accidents that weirs, gates, dams, banks, reservoirs, trenches or other works of the said navigation may be damaged or destroyed, and the adjacent lands or the property thereon thereby damaged, and that it may be necessary that the same should be immediately repaired or rebuilt to prevent further damages: *Be it therefore enacted by the authority aforesaid,* That when and so often as any such case may happen, it shall and may be lawful for any person or persons employed by the said Company, from time to time, without any delay or interruption from any person or persons whomsoever, to enter into any lands, grounds or hereditaments, adjoining or near to the said navigation or branches, reservoirs or trenches, or any of them, (not being an orchard, garden or yard,) and to dig for, work, get, carry away, and use all such stones, gravel, and other

Accidental damages to the works to be forthwith repaired.

Power to enter on lands,

and use materials.

materials as may be necessary or proper for the purposes aforesaid, without any previous treaty whatever with the owner or owners, occupier or occupiers of, or other person or persons interested in such lands, grounds or hereditaments, or any of them, doing as little damage thereby as the nature of the case will admit of, and making recompense for such damages to the owner or owners thereof, or other persons interested in such lands, grounds, property, or hereditaments, within the space of six calendar months next after the same shall have been demanded, for all damages which shall or may be done by means of such accident, and means of the digging for, getting, working, taking, carrying away, and raising such stones, gravel, and materials, or any of them; which damages, and the satisfaction and recompense in respect thereof shall be settled, adjusted, ascertained and determined, by the ways and means hereinbefore described with respect to the other damages done by the making and completing the said navigation.

Compensation to be made within six months.

Navigation may be widened to admit boats to pass each other.

XXVII. *And be it further enacted by the authority aforesaid,* That the person or persons employed by the said Company shall and may in such parts of the said navigation as shall not be of sufficient breadth for admitting a boat, vessel or raft, to turn about or lie, or for two boats or other vessels or rafts to pass each other, open or cut proper places or spaces in the lands adjoining to the said navigation, at convenient distances from each other for the turning, lying and passing of any such boat, vessel, or raft; and that the said boats, vessels and rafts, being hauled or navigated upon the said river shall, upon meeting any other boat or vessel stop or go back to and lie in the said places or spaces in such manner as shall be notified by the person or persons in charge of such navigation.

Tonnage of boats to be ascertained;

boats to be marked accordingly.

XXVIII. *And for preventing disputes touching the tonnage of any boat, barge or other vessel, navigating upon the said river: Be it further enacted by the authority aforesaid,* That the owner or master of every such boat, barge or vessel, shall permit and suffer every such boat, barge or vessel to be gauged or measured, and refusing so to permit and suffer shall forfeit and pay the sum of forty shillings; and it shall be lawful for the toll-gatherer or such other person or persons as shall be appointed for that purpose, and such owner or master each to choose one person to measure and ascertain such tonnage, and to mark the same on such boat, barge, or other vessel, which mark shall always be evidence of the tonnage in all questions respecting the payment of the aforesaid rates and dues, and if such owner or master shall refuse or decline to choose a person on his behalf as aforesaid, then the person appointed on behalf of the Company shall have alone the power of ascertaining such tonnage.

XXIX. *And be it further enacted by the authority aforesaid,* That all persons whatsoever shall have free liberty to use with horses, cattle and carriages the roads and ways to be made as aforesaid, (except the towing paths,) for the purpose of carrying any goods, wares, merchandise, timber and commodities whatsoever to and from the said navigation; and also to navigate on the improvements of the said river with any boats, barges, vessels, or rafts, and to use the said wharves and quays for loading and unloading any goods, wares, merchandize, timber and commodities, and also to use the said towing paths with horses for drawing and hauling such boats and vessels, upon payment of such rates and dues as shall be established by the said Company.

Public to have free use of the roads on payment of tolls.

XXX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company to take, occupy, use, and enjoy, such lands along the said navigation for the purposes of a towing path, and for the security and convenience of the several locks and dams as to the Directors shall seem necessary: *Provided always,* that the said towing path does not exceed forty feet in width, and the ground so taken at each dam and lock shall not embrace a greater quantity than one acre on each side of the navigation: *And provided also,* that the value of the land so taken shall be ascertained and compensated for in the manner hereinbefore prescribed for the payment of lands taken for the other purposes of this Act: *Provided always,* that the said Company shall from time to time, and at all times hereafter have power and authority to enter any lands or premises on the border of the said Wiltsie and Ganaoque Rivers, for the purpose of removing any fallen timber, or any other matter or thing that may have become, or shall be likely to become an obstruction in the said navigation.

Company authorised to hold lands for towing path not exceeding forty feet in width.

Lands at the locks and dams not to exceed an acre on each side.

Power for removal of fallen timber, &c.

XXXI. *And be it further enacted by the authority aforesaid,* That in case of refusal or neglect of payment of any such rates and dues as may be imposed by the said Company as aforesaid, for passing along the said navigation or any part thereof, on demand to the person or persons appointed to receive the same, such person may in his own name sue for and recover the same in any Court having jurisdiction thereof; or the person or persons to whom the said rates or dues ought to be paid, may and he is hereby authorised and empowered to seize and detain such boat, vessel, barge or raft for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof.

Tolls—how to be recovered.

Seizure of boats for payment.

XXXII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act or against any rule, order or by-law, of the said Company, or person or persons appointed by

Penalties and forfeitures to be recovered.

the said Company, to be made in pursuance thereof, shall upon proof of the offences respectively before any one Justice of the Peace for the District in which such offence was committed, either by the confession of the party or parties, or by the oath of one credible witness, be levied by distress and sale of the goods and chattels of the parties offending, by warrant under the hand and seal of such Justice, and the overplus, (if any,) after such penalties and forfeitures, and the charges of such distress and sale are deducted, shall be returned to the owner or owners of such goods and chattels; and in case sufficient distress and sale cannot be found or such penalties and forfeitures shall not be forthwith paid, it shall be lawful for such Justice, by warrant under his hand and seal, to cause such offender or offenders to be committed to the common Gaol of such District, there to remain without bail or *main-prise*, for such time as such Justice may direct, not exceeding twelve days, unless such penalties and forfeitures, and all reasonable charges attending the same shall be sooner paid and satisfied.

before one Justice,
by distress and sale.
In default of distress,
imprisonment not
exceeding twelve
days.

Penalties to be trans-
mitted by Justice
to Receiver General.

XXXIII. *And be it further enacted by the authority aforesaid,* That all penalties imposed by this Act, when levied and satisfied in manner aforesaid, shall be paid to the said Justice, to be by him transmitted to His Majesty's Receiver General of this Province, to be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury for the time being.

Powers of the Com-
pany to extend to
persons in their
employment.

XXXIV. *And be it further enacted by the authority aforesaid,* That all and singular the powers and authorities given by this Act to the said Company, or to the person or persons to be employed by them in superintending the construction of the said Navigation, or to the person at any time in charge thereof, shall extend so far as may be required for the purposes of this Act to all and every the persons employed or to be employed in the execution of any matter authorised to be done by this Act.

Extension of the Act
to the navigation
generally.

XXXV. *And be it further enacted by the authority aforesaid,* That all and every the powers, authorities, and privileges by this Act given relating in any manner to the improvement of the said Rivers intended to be made as aforesaid, shall extend and apply to that of the navigation to be made or improved which shall lie along the said Rivers, as well as to such parts as shall require to be wholly made and excavated through the lands affording no natural channel.

Limitation of
Actions.

XXXVI. *And be it further enacted by the authority aforesaid,* That if any plaint shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in execution of the powers and authorities, or the orders and directions here-

inbefore given or granted, every such suit shall be brought or commenced within six calendar months next after the doing or committing of such damage shall cease and not afterwards; and the Defendant or Defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear to be done so, or if any action or suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the defendant.

XXXVII. *And be it further enacted by the authority aforesaid,* That whenever it shall appear that the tolls received by the said Gananoque and Wiltsie Navigation Company in any year shall exceed twenty per cent on the capital invested, it shall and may be lawful for the Legislature of this Province to regulate the tolls to be received by the said Company in such manner as to them may appear just by any Act to be passed for that purpose.

Legislature to regulate tolls when exceeding 20 per cent on capital.

XXXVIII. *And be it further enacted by the authority aforesaid,* That notwithstanding any thing in this Act contained, it shall and may be lawful to authorise one or more public ferry or ferries across the said Rivers if it shall appear expedient, and to erect, maintain, and use such bridge or bridges over the said Rivers; and to make and use such highways leading to and from the same as shall be found necessary for public convenience, in the same manner as highways and bridges are constructed and made in other parts of this Province, and as if this Act had not been passed: *Provided always,* that such bridges shall be so constructed and made with swings and other openings as to occasion no unnecessary inconvenience to the said navigation by steam-boats or other vessels.

Ferries and bridges may be constructed.

XXXIX. *And be it further enacted by the authority aforesaid,* That at any time after fifty years after making and completing the said navigation, His Majesty, his Heirs and Successors may assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective shares, or of the sums so furnished and advanced by each subscriber towards the making and completing the said navigation, together with such further sum as will amount to twenty-five per cent upon the monies so advanced and paid, as a full indemnification to such Company; and the said navigation shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, his Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company

After fifty years the Crown may assume the property.

Conditions.

upon the conditions and subject to the provisions of any Act of the Legislature of this Province that may be passed respecting the same : *Provided always*, that it shall not be lawful for His Majesty, his Heirs or Successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said navigation, with its appurtenances as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year upon an average, the sum of twelve pounds ten shillings for every hundred pounds they shall be possessed of in the said concern.

Subsequent tolls payable to Receiver General.

XL. *And be it further enacted by the authority aforesaid*, That from and after the period when the possession of the right, interest and property, in the said navigation shall have been assumed by His Majesty, his Heirs or Successors, as hereinbefore authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of this Province, at the disposition of the Legislature thereof, and shall be accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct : *Provided always*, that the said Navigation shall be commenced within three years and completed within seven years after the passing of this Act, otherwise this Act, and every matter and thing herein contained, shall cease and be utterly null and void.

Alteration of this Act.

XLI. *And be it further enacted by the authority aforesaid*, That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act, or such alteration of any of its provisions as they may think proper for affording just protection to the public, or to any person or persons, body politic or corporate, in respect to their estate, property, or rights, or any interest therein, or any advantage, privilege, or convenience connected therewith, or in respect to any way, public or private, that may be affected by any of the powers given by this Act.

CHAP. IX.

AN ACT to Incorporate a Company under the style and title of the City of Toronto Gas Light Company.

[Passed 20th April, 1836.]

WHEREAS William Proudfoot, Clarke Gamble, William Stennett, James W. Brent, James Saxon, George P. Ridout, Joseph D. Ridout, Robert Baldwin Sullivan, Robert Hornby, Peter Paterson, William Colclough, John Ewart, Thomas D. Harris, George Monro, Silas Burnham, George Gurnett, Alexander Murray, James Cull, Henry Rowsell, William Rowsell, Francis Lewis, John Craig, and others of the City of Toronto, have petitioned the Legislature praying that an Association under the style and title of “The City of Toronto Gas Light Company” may be incorporated, the better to enable such Institution to conduct and extend the business of manufacturing Gas, and Lighting the said City of Toronto therewith : *And whereas*, it hath been considered that it would in many respects be greatly advantageous if such Corporation were established : *Be it therefore enacted* by the King’s Most Excellent Majesty, by an with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,’” and by the authority of the same, That the said William Proudfoot, Clarke Gamble, William Stennett, James W. Brent, James Saxon, George P. Ridout, Joseph D. Ridout, Robert Baldwin Sullivan, Robert Hornby, Peter Paterson, William Colclough, John Ewart, Thomas D. Harris, George Monro, Silas Burnham, George Gurnett, Alexander Murray, James Cull, Henry Rowsell, William Rowsell, Francis Lewis, and John Craig, and all such persons as hereafter shall become Stockholders of the said Company, shall be and hereby are ordained, constituted, and declared to be a body Corporate and Politic, in law, in fact, and in name by the style and title of “The City of Toronto Gas Light Company,” and by that name and style and title they and their successors shall and may have continued succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all Courts and places whatsoever ; and that they and their successors may have a common seal, and may change and alter the

Preamble.

Incorporation.

Common Seal.

same at pleasure ; and also that they and their successors, by and under the name, style, and title of “The City of Toronto Gas Light Company,” shall be capable in law of purchasing, holding, and conveying any estate, real or personal, for the use of the said Corporation, subject to the rules and conditions hereinafter mentioned.

Amount of shares. II. *And be it further enacted by the authority aforesaid,* That a share in the stock of the said Corporation shall be ten pounds of lawful money of Upper Canada, or the equivalent thereof in specie, and the number of shares shall not exceed two thousand, and that books of subscription shall be opened within one month after the passing of this Act.

Election of Directors. III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful as soon as one thousand out of the two thousand shares shall have been taken up, or ten thousand pounds out of the aforesaid capital stock of twenty thousand pounds shall have been subscribed for, the shareholders or subscribers to proceed to the election of twelve Directors, at such time and place in the said City of Toronto as the majority of such subscribers shall appoint, giving one months notice thereof in two or more of the public newspapers in the said City of Toronto, which said Directors shall be subjects of His Majesty, and Stockholders at the time of their election, and during their continuance in office, to the amount of ten shares, and shall have power to choose from among themselves a President.

Directors to be resident in Toronto. IV. *And be it further enacted by the authority aforesaid,* That no person shall be eligible to be elected or to be allowed to continue in the office of Director, unless he shall be a resident in the said City of Toronto, a subject of His Majesty, and hold in his own name and right at the least ten shares in the capital stock of the said Corporation ; and in the case of the death, resignation, or removal from the said City of Toronto of any of the said Directors, the vacancy or vacancies shall be filled up for the remainder of the year in which they may happen by the election of some one or more (if necessary) of the Stockholders by the remaining Directors.

Company not dissolved by non election of Directors on day appointed. V. *And be it further enacted by the authority aforesaid,* That in case it shall so happen that an election of Directors shall not be made on the day, when pursuant to this Act it ought to have been made, the said Corporation shall not therefor 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 regulated by the by-laws and ordinances of the said Corporation.

VI. *And be it further enacted by the authority aforesaid,* That the Directors so chosen shall serve until the first Monday in the month of May, one thousand eight hundred and thirty-seven, and shall immediately after their said election commence the business and operation of the said Corporation; and that of the said twelve Directors six shall go out of office yearly, and six from and among the Stockholders shall be elected in their stead by the Stockholders at their annual meeting, hereinafter appointed to be held in the said City of Toronto, on the first Monday in the month of May in each year; and the six Directors who shall go out of office shall be those who had the fewest votes at the time of their election: *Provided always,* that nothing in this clause contained shall prevent the re-election of the said Directors so going out of office as aforesaid.

Period of Directors' service.

Annual election.

Directors may be re-elected.

VII. *And be it further enacted by the authority aforesaid,* That Stockholders may vote by proxy or in person, and all elections shall be by ballot; and each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she (after the first election) shall have held in his or her name, at least one month prior to the time of voting, according to the following ratio—One vote for one share; two votes for four shares; three votes for six shares; four votes for eight shares; five votes for ten shares; six votes for fifteen shares; seven votes for twenty shares; eight votes for thirty shares; nine votes for forty shares; and ten votes for fifty shares.

Manner of voting at elections of Directors.

VIII. *And be it further enacted by the authority aforesaid,* That five of the said Directors shall form a quorum competent to transact all the business of the said Corporation, who at their weekly Board assembled shall and may have power to appoint Clerks and such other persons as may to them appear necessary for the carrying on the business of the said Corporation, with such salaries and allowances to each as shall seem meet and advisable; and also shall and may have power to make, prescribe, and alter such by-laws, rules, regulations, and ordinances as shall appear to them proper and needful touching the well ordering of the said Corporation, the management and disposition of its stock, property, estate, and effects; and also shall and may have power to declare yearly or half yearly dividends out of the profits of the said business, as they may deem expedient: *Provided always,* that such by-laws, rules, regulations, and ordinances shall be in no wise inconsistent with the true intent and meaning of this Act and the powers hereby granted, nor repugnant to the laws of this Province.

Five Directors to form a quorum for transaction of business.

Directors empowered to make By-Laws.

Weekly Board of
Directors to be held.

Annual meeting of
Stockholders.

Accounts of the Com-
pany to be exhibited.

IX. And be it further enacted by the authority aforesaid, That there shall be holden a weekly Board of Directors, and also an annual meeting of the Stockholders of the said Corporation, to be holden on the first Monday in May in each year, at some place to be appointed by the said Directors within the said City of Toronto; and before the Stockholders so assembled the Board of Directors shall exhibit a full and unreserved statement of the affairs of the Corporation, of the funds, property, and debts due to and from the said Company, which said statement shall be certified by the President, under his hand and seal.

Subscribers may hold
fifty shares.

Two and a half per
cent to be paid on
each share subscribed
for.

No instalment to
exceed ten per cent.

Forfeiture of shares.

X. And be it further enacted by the authority aforesaid, That it shall be lawful for any person or persons, bodies politic or corporate to subscribe for such and so many shares as he, she, or they may think fit, not however exceeding fifty shares; and that at the time of subscribing, each subscriber shall pay to the person or persons who shall have the charge of the subscription books, two and one-half per cent upon each share subscribed for to the use of the said Company, and the remainder shall be paid in such instalments as the said Directors or the majority of them shall think fit: *Provided always*, that no instalment shall exceed ten per centum upon the capital stock, nor be called in nor become payable in less than thirty days after public notice shall have been given in two or more public newspapers in the said City of Toronto; and if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay to the said Directors the instalment due upon any share or shares held by them, him, or her at the time required by law so to do, such Stockholder or Stockholders, as aforesaid, shall forfeit such shares as aforesaid, together with the amount previously paid thereon; and the said share or shares so forfeited it shall and may be lawful for the said Directors to sell, and the sum arising from such sale, together with the amount previously paid thereon, shall be accounted for and divided in like manner as the other monies of this Corporation.

Stock of the Com-
pany assignable.

Transfers to be
registered.

XI. And be it further enacted by the authority aforesaid, That the stock of the said Corporation shall be assignable and transferable, according to such rules and subject to such restrictions and regulations as the Board of Directors shall from time to time make and establish, and shall be considered as personal property: *Provided always*, that such transfer be entered or registered in a book or books, to be kept for that purpose by the said Company, and that no such transfer shall be made by any Stockholder of the said Company until twelve and a half per centum upon the original stock be paid in.

XII. *And be it further enacted by the authority aforesaid,* That the lands, tenements, and hereditaments which it shall be lawful for the said Corporation to hold shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, and further the said Corporation shall not directly or indirectly deal or trade in the buying or selling any goods, wares, and merchandize or commodities whatsoever, except such articles as are requisite for the manufacturing and supplying of Gas, or the products arising from the manufacture thereof, or in any Banking operation.

Proviso as to holding real estate,

or engaging in business.

XIII. *And be it further enacted by the authority aforesaid,* That no transferred share shall entitle the person to whom it is transferred to a vote until the expiration of one month after such transfer.

Assignees of shares not to vote until one month after transfer.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said Corporation to break up, dig and trench so much and so many of the streets of the said City of Toronto, commencing at the works of the said Corporation, and running throughout the said City of Toronto as will be necessary for laying the pipes or mains to conduct the Gas from the works of the said Corporation to the consumer thereof: *Provided always,* that the said Company shall within a reasonable time replace, relay, and make good such parts of the said streets as shall be so broken up and made use of for the purposes of the said Corporation.

Corporation may break up the streets for the purpose of laying pipes :

making good the damage.

XV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main belonging to this Corporation, or in any way surreptitiously obtain the Gas without the consent of the Board of Directors, or their officer appointed to grant such consent, he or they shall forfeit or pay to the said Corporation the sum of twenty-five pounds, and also the further sum of five pounds for every day such pipe shall so remain ; which said sum, together with the costs of suit in that behalf incurred, to be recovered by action in any Court of Law in this Province having jurisdiction competent to the same ; or in case of default of payment, such offender or offenders may be committed to the common gaol for any time not exceeding one month, at the discretion of the Court before which such offender shall be convicted.

Penalty on surreptitiously procuring Gas from the Company's pipes.

Costs of suit.

In default of payment commitment not exceeding one month.

XVI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully or maliciously break up, pull down, damage or destroy any pipes, mains, works, or device to be erected or laid down or belonging to the said Company, or improperly increase the sup-

Wilful injury to Company's works a Misdemeanor.

ply of Gas agreed for with the said Corporation, by increasing the number or size of the holes in the burner, or using without burners, or otherwise wrongfully, negligently, or wastefully burning the same, every such person or persons shall be deemed guilty of a misdemeanor.

Public Act.

XXVII. *And be it further enacted by the authority aforesaid,* That this Act be and is hereby declared to be a Public Act, and that the same may be construed as such in His Majesty's Courts in this Province.

Alteration of this Act.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall at all times hereafter be lawful for the Legislature of this Province to repeal, alter, or amend this Act.

Annual return to be made to Legislature.

XIX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Company to make a return, under the oath of the President of the said Corporation, to the Provincial Parliament once in each year, which return shall contain a full and true account of the funds and property of the said Corporation, the amount of capital subscribed and paid in, and the amount of the sums due to and owing by the said Corporation.

Act not forfeited for non-user before the 1st April, 1838.

XX. *And be it further enacted by the authority aforesaid,* That the present Act of Incorporation shall in no wise be forfeited for non-user at any time before the first day of April, one thousand eight hundred and thirty-eight.

CHAP. X.

AN ACT to Incorporate certain persons under the style and title of the Cayuga Bridge Company.

[Passed, 20th April, 1836.]

Preamble.

WHEREAS the construction of a Bridge over the Grand River, on the main Canboro and Simcoe road, at the Town of Cayuga, would greatly conduce to the advantage of the inhabitants thereof: *And whereas,* Marcus Blair, Edward M. Stewart, William Ford, George Holmes, Robert Griffith, Charles Bain, A. Stewart, John Barnard, Joseph Young, and others, by their petition have prayed for the privilege of being Incorporated for the promotion of that object: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and

assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said Marcus Blair, Edward M. Stewart, William Ford, George Holmes, Robert Griffith, Charles Bain, A. Stewart, John Barnard, Joseph Young, together with all such other persons as hereafter shall become Stockholders of the said Cayuga Bridge Company, shall be and are hereby ordained, constituted, and declared to be a body Corporate and Politic, in fact and by the name of "The Cayuga Bridge Company," and by this name they and their successors shall and may have perpetual succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by the same name of the Cayuga Bridge Company, shall be in law capable of purchasing, having, and holding any estate, real, personal, or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith for the benefit and on account of the said Company from time to time, as they shall deem necessary, not over ten acres.

Incorporation.

Common Seal.

Company may hold lands.

II. *And be it further enacted by the authority aforesaid,* That a share in the said Cayuga Bridge Company shall be six pounds five shillings, and the number of shares shall not exceed four hundred; and that the whole amount of the stock, estate, and property which the said Company shall be authorised to hold, including the capital stock or shares before-mentioned, shall never exceed in value two thousand five hundred pounds.

Amount of shares.

III. *And be it further enacted by the authority aforesaid,* That books of subscription shall be opened within one month after the passing of this Act in the District of Niagara, by such person or persons as a majority of the petitioners, at a meeting to be held in the District of Niagara for that purpose, shall appoint.

Books of subscription to be opened.

IV. *And be it further enacted by the authority aforesaid,* That as soon as the sum of two thousand five hundred pounds shall have been subscribed, it shall and may be lawful for the subscribers, or any two or more of them to call a meeting, to be held at some place in the District of Niagara, for the purpose of proceeding to the election of the number of

First meeting.

Election of Directors. Directors hereinafter mentioned ; and such election shall then and there be made by a majority of shares, voted for in a manner hereinafter described in respect to the annual election of Directors, and the persons then and there chosen shall be the first Directors, and be capable of serving until the first Monday in the month of May following such election.

Affairs of the Company to be managed by three Directors. One to be President.

Qualification.

Mode of election.

V. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs, and concerns of the said Company shall be managed and conducted by three Directors, one of whom shall be chosen President, who shall hold their office for one year ; which Directors shall be Stockholders to the amount of at least two shares, and be elected on the first Monday in May in each and every year, at such time of the day and at such place at or near the intended site of the works of the said Company as a majority of the Directors for the time being shall appoint ; and public notice shall be given by the said Directors in some one newspaper published in the District of Niagara, of such time and place, not more than sixty nor less than thirty days previous to the said election, as they shall think fit ; and such election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy, and all elections for Directors shall be by ballot, and the three persons who shall have the greatest number of votes at any election shall be Directors, except as is hereafter provided ; and if it shall at any election appear that any two or more persons have an equal number of votes, in such manner that a greater number of persons than three shall by a plurality of votes appear to be chosen Directors, then the said Stockholders hereinbefore authorised to hold such election shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be Director or Directors for the ensuing year so as to complete the whole number of three, and the said Directors immediately after the said election shall proceed in like manner to elect by ballot one of their number to be President, and if any Director shall absent himself from the Province and cease to be an inhabitant thereof for the space of six months, his office shall be considered vacant ; and if any vacancy or vacancies shall at any time happen among the Directors, or if the office of any person or persons connected with the said Company shall become vacant by death, resignation, or removal from the Province, the same shall be filled for the remainder of the year by such person or persons as the Director or Directors may appoint.

Scale of votes.

VI. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name

at least one month previous to the time of voting, being one vote for each share.

VII. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an election of Directors should 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 that it shall and may be lawful on any other day to hold and make an election, in such a manner as shall have been regulated by the laws and ordinances of the said Corporation.

Company not dissolved by non-election of Directors on day prescribed.

VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make yearly or half yearly dividends of the profits of the said Company as to them or a majority of them shall appear advisable.

Dividends.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, His Majesty's subjects or others, to subscribe for any number of shares not exceeding in the first instance twenty shares, the amount whereof shall be due and payable as follows, that is to say—Ten per cent on each share so subscribed shall be payable to the said Company immediately after the Stockholders shall elect the number of Directors hereinbefore mentioned, and the remainder by instalments of not more than twenty per cent, at such period as the President and Directors shall from time to time appoint: *Provided,* that no instalment shall be called for in less than thirty days after public notice shall have been given in such papers as the Directors shall see fit. *Provided also,* that if any Stockholder or Stockholders shall neglect or refuse to pay to the said Company the instalments due on any share or shares held by him, her, or them, at the time required by law, such Stockholder or Stockholders shall forfeit such share or shares as aforesaid, together with the amount previously thereon; and the share or shares so forfeited shall be sold by the Directors at public auction, after having given such notice as the Directors shall think proper, and the proceeds thereof, with what had been previously paid thereon, shall be accounted for and applied in the same manner as any other funds of the said Company: *And provided also,* that nothing herein contained shall extend to permit the purchaser or purchasers from paying up the residue of the instalments on back shares so purchased as aforesaid, before he, she or they shall be entitled to a certificate for such shares.

Subscribers may hold twenty shares.

£10 per cent to be paid on subscription.

Forfeiture of Shares.

Subscribers may increase their number of shares at the end of one month.

X. *And be it further enacted by the authority aforesaid,* That if within one month after said books of subscription shall be opened, the whole number of shares shall not be taken up and subscribed for, then it shall be lawful for any former subscriber to increase his or their subscriptions, and that after the first instalments shall have been paid to the said Company, the said shares shall become transferable on the books of the said Company.

Directors empowered to make by-laws,

XI. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate, and effects of the said Company, and touching the security to be given by and the duties and the conduct of the officers, clerks, and servants employed by the said Company, and all such other matters as appertain to the business of the said Company; and shall have power to appoint such officers, clerks, and servants as may be deemed necessary to carry on said business, and with such salaries and allowances as to them shall seem fit; also to place such tolls on travellers and carriages as may yield them a return for their outlay, not exceeding twenty per cent per annum: *Provided,* that such rules and regulations be not repugnant to the laws of this Province, and that the tolls thereon shall not exceed ten per cent more than is or may be placed on the Bridge at Brantford or Dunnville.

and establish tolls, not exceeding 20 per cent on the outlay,

or 10 per cent more than tolls at Brantford or Dunnville.

Public Act.

XII. *And be it further enacted by the authority aforesaid,* That this Act be and the same is hereby declared to be a Public Act, and that the same shall be construed as such in all His Majesty's Courts in this Province.

General issue may be pleaded.

XIII. *And be it further enacted by the authority aforesaid,* That in all actions to be hereafter brought against the said Company at any time, it shall and may be lawful for them to plead the general issue, and to give the special matter in evidence under it.

Shares transferable.

XIV. *And be it further enacted by the authority aforesaid,* That the shares of the said capital stock shall be transferable, and may from time to time be transferred by the respective persons so subscribing the same: *Provided always,* that such transfer be entered or registered in a book or books to be kept for that purpose by the Directors.

Act not forfeited for non-user before 1st January, 1840.

XV. *And be it further enacted by the authority aforesaid,* That this Act of Incorporation shall in no wise be forfeited by any non-user at any

time before the first day of January, which will be in the year of our Lord one thousand eight hundred and forty.

XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Directors to commence the operations of the said Company as soon as five per cent shall be paid in on the capital stock subscribed as aforesaid. Commencement of operations.

XVII. *And be it further enacted by the authority aforesaid,* That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act, or such alteration in any of its provisions as they may think proper, for affording just protection to the public or to any person or persons, body politic or corporate, in respect to their estate, property or rights, or any interest therein, or any advantage, privilege, or convenience connected therewith, that may be affected by any of the powers given by this Act. Future alteration of this Act.

XVIII. *And be it further enacted by the authority aforesaid,* That the said Company shall construct the said Bridge with a suitable swing, not less than thirty-six feet wide, or in such manner as will not obstruct the navigation of the Grand River, and keep a proper person or persons to open the same at any and all times; and for neglecting or refusing to keep a proper person or persons to attend the same when required, shall forfeit the sum of six pounds five shillings, to be recovered before any one of His Majesty's Justices of the Peace in and for the Niagara District, on the oath of one or more credible witness. Construction of bridge.
Person to be kept to open the same.
Penalty in case of neglect.

XIX. *And be it further enacted by the authority aforesaid,* That this Act shall continue to the full end and term of fifty years, and no longer. Continuance of the Act.

CHAP. XI.

AN ACT to Incorporate certain persons under the style and title of the Hamilton Water Works Company.

[Passed 20th April, 1836.]

WHEREAS certain inhabitants of the Town of Hamilton, in the District of Gore, have petitioned for the passing of a law Incorporating a Joint Stock Company for the purpose of supplying the said Town of Hamilton with Water: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council Preamble.

Incorporation of the
Stockholders.

and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that Andrew Miller, Hugh B. Willton, George Hyatt, Andrew McIlroy, David Kikerdall, Ebenezer Stinson, John Stinson, Samuel McDowell, Robert Foster, James Jackson, Thomas Stinson, Junior, John E. Berrell, Asa A. Parker, John Aikman, William Chapman, Richard J. Allister, William Bateson, William Lockwood, William Hale, Allan Gilmour, Simon Bradt, James Bailie, William McDonald, Thomas Botham, Robert L. Hughson, James L. Fitch, John M. Hoffman, Hugh Greig, John Mills, Cornelius Chatfield, Henry Finch, W. D. Morse, Bennet Franklin, John Lammond, Henry Magill, Edward Magill, Thomas Brown, Alexander Carpenter, Joseph D. Clement, Godfrey Huffman, A. Banker, Patrick McMullan, William Scobell, Allan N. Macnab, John Law, John Stark, Harmanus Smith, R. Wisner, William White, Brian Carpenter, Ephraim Hopkins, Milton Davis, Edmund Ritchie, Malcolm McArthur, John M. Butler, Michael Segur, with all such other persons as shall become Stockholders in such Joint Stock or Capital, as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact by and under the name and style of "The Hamilton Water Works Company," and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also that they and their successors by the same name of the Hamilton Water Works Company shall be by law capable of purchasing, having, and holding to them and their successors any estate, real, personal, or mixed, to and for the use of the said Company, and of letting, conveying, and otherwise departing therewith, for the benefit and on the account of the said Company from time to time, as they shall deem necessary and expedient.

Common seal.

May hold lands.

Company authorized
to enter upon lands,

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company and their successors and their agents, servants and workmen, and they are hereby authorised and empowered to enter into and upon the lands of any person or persons, bodies

politic or corporate contiguous to the said Town of Hamilton, and to survey, set out, and ascertain such parts thereof as they shall judge suitable and proper for the purposes of the said Company, and to contract with the owners or occupiers of the same for the purchase thereof, or of any privilege that may be required for the purposes of the said Company; and in case of any disagreement between the said Company and the owners or occupiers of such lands, or any part thereof, respecting the amount of purchase or otherwise, it shall and may be lawful for the owners or occupiers so disagreeing with the said Company upon the value of the said lands or privileges to nominate and appoint one indifferent person, and for the said Company to nominate an indifferent person, who together with one other person to be nominated by the persons so named, shall be Arbitrators to award, determine, adjudge, and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said Arbitrators shall be and they are hereby required to attend at some convenient place at or in the vicinity of the said Town of Hamilton, to be appointed by the said Company after eight days notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties, according to the best of his judgment: *Provided always*, that any award made under this Act shall be subject to be set aside, on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of Arbitration, in which case a reference may be again made to arbitration as herein before provided.

and contract with owners.

Disagreement to be settled by arbitration.

Arbitrators to be sworn.

Award to be subject to be set aside by Court of King's Bench.

III. *And be it further enacted by the authority aforesaid*, That whatever sum of money may be finally awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his or their property, rights, or privileges, shall be paid within three months from the time of the same being awarded; and in case the said Company shall fail to pay the same within that period, then their right to assume any such property or commit any act in respect of which such sum of money was awarded, shall wholly cease, and it shall be lawful for the proprietor to resume his occupation of such property, and to possess fully his rights and privileges in respect thereof, free from any claim or interference by the said Company.

Compensation awarded to be paid in three months;

and in default thereof the proprietor may resume his property.

Lands set out to become vested in the Company.

Company authorized to erect works,

for conveying water through any lands between the reservoirs and the Town of Hamilton.

Company may enter upon lands,

highways,

public streets,

and set out such parts as may be necessary;

may break up pavements to lay pipes, &c.

Company not to injure any house, garden, or orchard.

IV. *And be it further enacted by the authority aforesaid,* That the lands which shall be so ascertained and set out by the said Company for the purposes thereof, as aforesaid, shall thereupon and for ever thereafter be vested in the said Company and their successors, but subject, nevertheless, to the provision hereinbefore contained for the re-sumption of the same, as provided for in the clause last above mentioned; and it shall and may be lawful for the said Company and their successors to build, erect, or otherwise make and complete, and maintain and keep upon the said lands, or any part thereof as shall appear most suitable and convenient, all such water works, reservoirs, aqueducts, water wheels, steam engines, and other engines, pipes, and conveniences in anywise requisite for the said undertaking, and to convey the waters therefrom in, upon, or otherwise through any of the grounds and lands lying intermediate between the said reservoirs and water works, and the said Town of Hamilton, by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purposes aforesaid, the said Company and their successors, and their agents, officers, workmen, and servants are hereby empowered to go, enter, pass, and repass in, upon, over, under and through the said grounds and lands intermediate, as aforesaid, and the same to cut and dig up, if necessary, and in, upon, over, and through the highways and roads of the Township of Barton, in the said District of Gore, and through the public ways, streets, lanes, or other passages of the said Town of Hamilton, and in, upon, through or under the lands, grounds and premises of any person or persons, bodies politic, corporate or collegiate whatsoever; and to set out, ascertain, use and occupy such part or parts thereof as they the said Company or their successors shall think necessary and proper for the making and maintaining of the said works of the said undertaking, and for distributing the waters of the said Company's establishment to the different inhabitants of the said Town of Hamilton; and for this purpose to dig up and break up the soil and pavements of such highways, roads, streets, lanes, and other passages, and to sink and lay pipes, trunks, reservoirs, and other conveniences, and to make and place stop-cocks, plugs, and other contrivances for the stopping and directing the said waters in such quantity and at such time or times as the said Company or their successors shall think fit; and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said Company or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors.

V. *Provided always, and be it further enacted by the authority aforesaid,* That nothing herein contained shall extend to authorise the said

Company, or any persons acting under their authority, to take, rise, or injure or damage for the purposes of the said water works, any house or other building erected on or before the first day of June, in the year of our Lord one thousand eight hundred and thirty six, or any land then used or set apart as a garden, orchard, yard, park, paddock, plantation, planted walk or avenue to a house, nursery ground for trees, without the consent in writing of the owners or proprietors thereof first had and obtained.

VI. *And be it further enacted by the authority aforesaid,* That if any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted the said Company of proprietors hereby incorporated and empowered, as aforesaid, or their managers, servants, agents or workmen, or any of them, in doing or performing any of the works, or in the exercise of any of the powers and authorities in this Act authorised or contained, or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste and useless out of or from any of the cisterns, reservoirs, aqueducts, pipes, plugs, cocks, works, matters or things belonging to the said Company, or if any person shall bathe in any of the said reservoirs or works belonging to the said Company, or shall wash, cast, put, or throw any dog, cat, or other animal, alive or dead, or any cloth, wool, filth, dirt, or other noisome or offensive matter or thing, or cause, permit or suffer the water, contents or refuse of any such sewer or drain to run or be conveyed into any of the said reservoirs or works, pipes or conduits, or otherwise wilfully foul or cause or render noisome or impure the waters running to or contained in any such reservoirs, pipes, or conduits, every person offending in any of the cases aforesaid shall, besides being subject to action at law for the damages done thereby to the said Company, be held guilty of a Misdemeanor, and upon conviction thereof before any of the Courts of criminal jurisdiction in the District of Gore, shall be punished by such Court by fine and imprisonment, or either, at the discretion of the Court, as in other misdemeanors at common law.

Persons wilfully obstructing or damaging the works guilty of Misdemeanor,

besides being liable to action for damages.

VII. *And be it further enacted by the authority aforesaid,* That in case the works for supplying the said Town of Hamilton with water, as aforesaid, shall not be completed so as to answer the purposes of this Act within five years from and after the commencement of this Act, then and from thenceforth all the powers and authorities herein-contained relative thereto shall cease and determine, save only as to so much and such part thereof as shall have been completed within the said term of five years.

Works to be completed within five years.

VIII. *And be it further enacted by the authority aforesaid,* That the property, affairs, and concerns of the said Company shall be managed by seven Directors,

Affairs of the Company to be managed by seven Directors,

one of whom to be
President.

and conducted by seven Directors, one of whom shall be chosen President, who shall hold their offices for one year, which said Directors shall be Stockholders to the amount of at least ten shares, and be elected on the first Monday in June in each and every year, at the said Town of Hamilton, at such time of the day as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any newspaper or newspapers that may be published in the said District of Gore, at least one month previous to the time of holding the said election; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy; and all elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors, and if it shall happen at any such election that two or more have an equal number of votes, in such manner that a greater number of persons than seven shall by plurality of votes appear to be chosen Directors, then the said Stockholders hereinbefore authorised to hold such election, shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of seven; and the said Directors so chosen, as soon as may be after said election, shall proceed in like manner to elect by ballot one of their number to be President; and if any vacancy or vacancies shall at any time happen among the Directors by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors.

Mode of election.

Election of President.

Vacancies in the
Direction.

Scale of votes.

IX. And be it further enacted by the authority aforesaid, That each Stockholder shall be entitled to the number of votes proportioned to the number of shares which he, she, or they shall have held in his or her own name at least one month prior to the time of voting, according to the following rates, that is to say—One vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten.

Corporation not to be
dissolved by non-
election of Directors
on day specified.

X. And be it further enacted by the authority aforesaid, That 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 day to be named to make an election of Directors in such manner as shall have been regulated by the by-laws and ordinances of the said Corporation.

XI. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a majority of them, shall have power to make and subscribe such rules, orders, and by-laws as to them shall seem right and proper touching the management and disposition of the affairs, stock, property, estate, and effects of the said Company, and the preservation of the same from spoil or injury, and for the summary conviction of any person who shall trespass upon, injure or spoil any of the said Company's works or property; and touching the duty of the officers, clerks and servants, and all such other matters and things as appertain to the business of the said Corporation, and from time to time to alter or repeal such by-laws, orders and regulations, or any of them, and to make others, and to impose and inflict such reasonable fines and forfeitures upon and against all persons offending against the same, as to the Directors for the time being or a majority of them shall seem meet, not exceeding the sum of five pounds for any offence; such fines and forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned, which said rules, by-laws, and orders being reduced into writing, under the common seal of the said Company, and printed and published, and painted on boards, shall be hung up and affixed on the front of the said Water Works, and shall from time to time be renewed as often as the same shall be obliterated, defaced, or destroyed, (so as to render them illegible,) and that such rules, by-laws, and orders shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under them: *Provided*, that such rules, by-laws, and orders be not repugnant to the laws of the Province or to any direction in this Act contained.

Directors may make by-laws.

XII. *And be it further enacted by the authority aforesaid,* That on the first Monday in June next a meeting of the Stockholders shall be held in the said Town of Hamilton, who in the same manner as hereinbefore provided, shall proceed to elect seven persons to be Directors, who shall elect by ballot one of their number to be their President, and shall continue in office until the first Monday in June after their election, and who during such continuance shall discharge the duties of Directors in the same manner as if they had been elected at the annual election: *Provided always*, that if shares shall not be taken to the amount of one thousand pounds in the capital stock of the said Company, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days notice thereof given in any paper or papers published in the District of Gore.

First meeting of Stockholders.

XIII. *And be it further enacted by the authority aforesaid,* That the whole capital or stock of the said Company, inclusive of any real estate which the Company may have or hold by virtue of this Act, shall not exceed in value five thousand pounds, to be held in four hundred shares of twelve pounds ten shillings each; and that the shares of the said capital stock may, after the first instalment shall have been paid in, be transferred by the respective persons subscribing or holding the same to any other person or persons, and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said Company.

XIV. *And be it further enacted by the authority aforesaid,* That so soon as Directors shall have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company by giving thirty days notice thereof in any newspaper published in the aforesaid District of Gore, for an instalment of five per cent upon each share which they or any of them may respectively subscribe, and that the residue of the sums or shares of the Stockholders shall be payable by instalments in such time and in such proportions as a majority of the Stockholders at a meeting expressly convened for that purpose shall agree upon, so that no such instalments shall exceed five per cent, nor become payable in less than thirty days after public notice in the newspaper or newspapers, as aforesaid: *Provided always,* that the said Directors shall not commence the construction of any works belonging to the said Company until the first instalment shall be paid in.

XV. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay at the time required any instalment or instalments as shall be lawfully required by the Directors, as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares, as aforesaid, with any amount that shall have been previously paid thereon; and that the said forfeited share or shares may be sold by the said Directors, and the sum arising therefrom together with the amount previously paid thereon shall be accounted for and applied in like manner as other monies of the said Company: *Provided always,* that the purchaser or purchasers shall pay the said Company the amount of the instalment required over and above the purchase money of the share or shares so purchased by him, her, or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such share so purchased as aforesaid: *Provided also,* that thirty days notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the said District of Gore, and that the instal-

ments due may be received in redemption of any such forfeited share at any time before the day appointed for the sale thereof.

XVI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem desirable; and that once in each year an exact and particular statement shall be rendered of the then actual state of their affairs, debts, credits, profits, and losses, such statement to appear on the books, and to be open to the perusal of any Stockholder at any time at his or their reasonable request. Annual dividends.

XVII. *And be it further enacted by the authority aforesaid,* That all fines, penalties, and forfeitures imposed by any by-law, rule or regulation of the said Company, shall and may be recoverable with costs before any two Justices of the Peace for the said District of Gore, upon the oath of any person or persons, or on the confession of the party offending, which oath the said Justices are hereby authorised to administer, and in default of payment, the same shall be levied by distress and sale of the offenders goods and chattels, by warrant under the hand and seal of the said Justices, or one of them before whom such party was convicted; and the said fines and forfeitures, after deducting the reasonable charges of such distress and sale, shall be paid over to and for the use of the said Company, and in case sufficient distress cannot be found whereof to levy such fines, forfeitures and costs, it shall and may be lawful for such Justices, or one of them, to commit such offender or offenders to the Common Gaol or House of Correction of the District, there to remain in safe custody for such time not exceeding three months, as such Justice or Justices may order, by warrant under his or their hand or seal, hands or seals, unless such fines, forfeitures and costs shall be sooner paid. Recovery of fines and penalties.

XVIII. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed and taken to be a Public Act; and as such shall be judicially noticed by all Judges, Justices of the Peace, and other persons without being specially pleaded. Public Act.

XIX. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be brought against any person or persons, for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months after the fact committed and not afterwards, and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence on the trial. Limitation of actions.

CHAP. XII.

AN ACT for erecting a Suspension Bridge over the Niagara River at or near Queenston, in Upper Canada.

[Passed 20th April, 1836.]

Preamble.

WHEREAS Alexander Hamilton, Joseph Hamilton, Joseph Wynn, Robert Grant, Robert Hamilton, Daniel Secord, Richard Woodruff, William Wynn, William Woodruff, Malcolm Laing, Adam Brown, and William McMicking, have by Petition set forth the necessity of a Suspension Chain Bridge across the Niagara River: *And whereas*, to obviate the great uncertainty and inconvenience attending the crossing of the said River at certain seasons of the year, it is expedient that a better and more perfect mode of crossing the same than by ferry should be provided: *And whereas*, the greatly increased travel in this direction as anticipated from the prospect of a Rail Way from this Point by Hamilton to Sandwich and to Lake Huron, whereby the distance to Lake Huron will be shortened more than one-half, as compared with the present more dangerous route by water, requires to perfect the chain of communication that a Bridge should be constructed across the said Niagara River: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That all persons who shall become Stockholders pursuant to this Act, shall be and they are hereby constituted a body corporate and politic, by and under the name, style and title of "The Niagara River Suspension Bridge Company," with power to construct a Suspension Bridge across the Niagara River at or near Queenston; and the said Corporation by the name aforesaid, shall and may, they and their successors, have continued succession, and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure; and also that they and their successors under the said

Company incorporated.

Common Seal.

name of "The Niagara River Suspension Bridge Company," shall be by law capable of purchasing, having, and holding to them and their successors, any estate, real, personal, or mixed, to and for the use of the said Company, and of letting, conveying, and otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient: *Provided always, nevertheless*, that the real estate to be held by the said Company shall be only such as shall be required to be held by them for the purpose of making, using, and preserving the said Bridge, and for objects immediately connected therewith.

Company may hold lands;

but only for the purposes required by this Act.

II. *And be it further enacted by the authority aforesaid*, That the capital stock of the said Company shall be twenty-five thousand pounds, Currency, which shall be divided into shares of twenty-five pounds each.

Amount of capital.

III. *And be it further enacted by the authority aforesaid*, That the stock, property, affairs and concerns of the said Corporation shall be managed by five Directors, who shall be Stockholders, and shall be annually chosen on the first Monday in May in each year, at such place in the Town of Queenston as a majority of the Directors shall appoint, of which due notice shall be given at least ten days before such election; each Stockholder at all elections of Directors shall be entitled to vote for each share of stock held in his own name at least fourteen days previous to the time of voting; all elections shall be by ballot, and the persons having the greatest number of votes shall be Directors, and shall hold their offices for one year, and until others shall be chosen in their places; the Directors shall at their first meeting after each election appoint one of their number to be President, and some proper person to be Treasurer of the said Company.

Affairs of the Company to be managed by five Directors;

to be elected annually at Queenston.

Qualification for voting.

Election by ballot.

Appointment of President.

IV. *And be it further enacted by the authority aforesaid*, That the Directors may require from the Stockholders payment of all sums of money by them subscribed, at such times and such proportions as may be deemed proper, under the penalty of the forfeiture of their respective shares and all previous payments thereon.

Payment of shares subscribed.

V. *And be it further enacted by the authority aforesaid*, That David Thorburn, Robert Grant, William Wynn, Alexander Hamilton, and Gilbert McMicking, of Chippewa, shall be Commissioners, who shall on the first Monday in July next, in the town of Queenston aforesaid, and at such other place or places as they or a majority of them shall appoint, open books to receive subscriptions to the capital stock of said Corporation; and thirty days public notice shall be given by the said Commissioners of

Commissioners to open books for subscriptions;

giving thirty days' notice.

Books to be kept open three days at least.

£1 to be paid on each share at the time of subscribing.

First meeting for distributing.

In case the subscriptions shall exceed the amount required, shares to be apportioned.

Meeting for election of Directors.

Subscriptions to be paid over to the Directors.

Survey of intended site for bridge.

Site, &c. to be designated by certificates.

Certificates to be filed in office of Clerk of the Peace.

Persons injuring the Bridge, &c. guilty of a Misdemeanor, as well as liable for treble damages.

the time and places of opening said books in a public newspaper printed and published in the District of Niagara; and the said books shall remain open for at least three days at the several places where the same may be opened, under the direction of one or more of the said Commissioners; and the sum of one pound Currency on each share subscribed shall be paid to the said Commissioners attending at the time of making such subscription.

VI. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall assemble at the Town of Queenston aforesaid, on the first Monday of August next, or as soon thereafter as the whole capital stock of the said Corporation shall be taken up, and shall proceed to distribute the said stock among the subscribers thereto; and in case there shall be subscriptions to more than the amount of such stock within the term specified for keeping open the said books, it shall be the duty of the said Commissioners to apportion the same among the subscribers thereto, in such manner as a majority of them shall deem most advantageous to the interests of the said Corporation; and as soon as the stock shall be distributed, the said Commissioners shall give notice for a meeting of the Stockholders at such time and place as a majority of the Commissioners shall appoint, to choose five Directors; the last-mentioned notice shall be published for the same time and in the same manner as the notice hereinbefore required to be given of opening the books for subscription to the stock aforesaid; and such election shall be made at the time and place so to be appointed by such of the Stockholders as shall attend for that purpose either in person or by lawful proxy; and the said Commissioners shall deliver over the subscription money and books to the said Directors, and the time and place of holding the first meeting of Directors shall be fixed by the said Commissioners; and the said Directors shall have power to cause such examinations and surveys of the way to and location for said Bridge as may be necessary to the selection of the most advantageous scite for the same; and the said Directors shall select and by certificates designate the way to and site for said Bridge; one of which certificates shall be filed in the office of the Clerk of the Peace of the District of Niagara aforesaid, and which way and site shall be deemed the way to and site for the said Bridge, and on which the said Corporation may make and construct the said way and bridge as hereinafter mentioned.

VII. *And be it further enacted by the authority aforesaid,* That if any person shall willingly do or cause to be done any act or acts whatever, whereby the said Bridge or any work or thing appertaining thereto, shall be obstructed, impaired, weakened, injured, or destroyed, the said person

or persons so offending, shall forfeit and pay to the said Corporation treble damages sustained by means of such offence or injury, to be recovered in the name of the Corporation, with costs of suit by action of debt, and shall moreover be deemed guilty of a Misdemeanor, and be punishable by fine or imprisonment, or both, by any Court having cognizance of the offence.

VIII. *And be it further enacted by the authority aforesaid,* That whenever the said Bridge shall be completed, and its safety fully tested, and the facts certified by a majority of the Directors, the said Corporation may erect a gate, and determine and establish the rate of Tolls to be demanded for the use of the said Bridge.

What tolls to be taken.

IX. *And be it further enacted by the authority aforesaid,* That if any person shall forcibly pass the gate, without having paid the legal Toll, such person or persons shall forfeit and pay to the said Corporation five times the amount of legal Toll, to be recovered in manner aforesaid.

Persons forcibly passing the Bridge liable for five times the amount of toll.

X. *And be it further enacted by the authority aforesaid,* That the said Corporation shall have power to prescribe such rules as may be reasonable and proper, and with suitable penalties touching the speed in passing over said Bridge, and the weight to be admitted thereon at any one time; which rules, as well as the rates of Toll, shall be plainly painted upon a board or cloth, and put up on or near the gate in a conspicuous place; which penalties if incurred shall be recoverable in like manner as the penalties directly hereby imposed.

Corporation authorized to make rules.

Rules and rates of toll to be publicly exhibited.

XI. *And be it further enacted by the authority aforesaid,* That if any toll gatherer shall unreasonably and without cause delay or hinder any passenger or the passage of any property, agreeably to the rules prescribed, or shall demand or receive more than the legal Toll, he shall for every such offence forfeit the sum of one pound five shillings, Currency, to be recovered, with costs, for the use of the person so delayed, hindered or defrauded.

Toll-gatherer misconducting himself liable to penalty of £1 5s.

XII. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a majority of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duties of its officers, clerks and servants, their appointment and salaries, and all such other matters and things as appertain to the business of the said Corporation.

Power of Directors in management of Company's property.

Bridge to be constructed within ten years.

XIII. *And be it further enacted by the authority aforesaid,* That if the said Bridge shall not be constructed and used within ten years after the passing of this Act, then the said Corporation shall from thenceforth cease.

Act may be amended or repealed.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Legislature of this Province at any time to alter, amend, or repeal this Act.

CHAP. XIII.

AN ACT to establish a Market in the West Ward of the Town of Brockville.

[Passed, 20th April, 1836.]

Preamble.

WHEREAS it is expedient and necessary, and would tend to promote the benefit and convenience of the inhabitants of the West Ward of the Town of Brockville, and a large portion of the population of the Town in general to have a Market established in the said West Ward of the said Town: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, a Market shall be established and kept in the said West Ward of the said Town of Brockville, upon that piece or parcel of land situate at the corner formed by the intersection of St. Paul Street with the Kings high-way, bounded on the north by the said high-way, on the east by St. Paul Street aforesaid, on the south by the premises of William Wood, and on the west by the premises lately owned by Hiram Kilborne, and the same shall be and is hereby established as the Market Place of the said West Ward of the said Town, as soon as the Corporation of the said Town shall have obtained a deed of conveyance of the said piece or parcel of land for that purpose.

Market Place described.

Site of Market to be conveyed to President and Board within six months.

II. *Provided always, and be it further enacted by the authority aforesaid,* That unless a good and sufficient title to the said piece or parcel

of land hereinbefore mentioned and described, and hereby established as a site for the Market in the said West Ward of the said Town shall be conveyed to the President and Board of Police of the said Town and their successors in office for ever, for the use of the said West Ward of the said Town as a Market Place, within six months from and after the passing of this Act, then and in such case it shall and may be lawful for the said President and Board of Police of the said Town to fix upon any such site or place for a Market within the limits of the said West Ward thereof as they may think suitable and proper.

or another site may be selected.

CHAP. XIV.

AN ACT to repeal an Act passed in the fourth year of His present Majesty's reign, entitled "An Act to establish a Board of Police in the Town of Belleville," and to make further provisions for the establishment of a Police in said Town.

[Passed 20th April, 1836.]

WHEREAS an Act passed in the fourth year of His Majesty's reign, entitled "An Act to establish a Board of Police in the Town of Belleville," ^{Preamble.} has been found insufficient for the purposes intended, and it is expedient to repeal the said Act, and to make other provisions in lieu thereof: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the above-recited Act be and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That there shall be in the said Town of Belleville a Board of Police, to be composed and constituted in the manner hereinafter described, which shall be and is hereby declared to be a body corporate and politic, in fact and in law, by the name of "The President and Board of Police of Belleville," and by that name they and their successors may have perpetual succession, and be capable of suing and being sued, impleading and being impleaded,

Board of Police incorporated.

Common Seal.

May hold lands.

in all Courts and in all actions, causes and complaints whatsoever; and may have a common seal, and may alter the same at pleasure; and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said Town.

Limits of the Town.

III. *And be it further enacted by the authority aforesaid*, That the following shall be the limits of the said Town of Belleville, to wit:—Commencing at the limits between lots number five and six, in the first concession of Thurlow, so as a line at right angles will run on the northerly side of Wonnacott's Bridge; thence south seventy four degrees west, to the limit between lots number two and three; thence south sixteen degrees east to the Bay of Quinté; thence easterly following the winding of the Bay to the limit between lots number five and six aforesaid; thence north sixteen degrees west to the place of beginning; together with the Island opposite Mr. Baldwin's wharf and the harbour.

Qualification of voters.

IV. *And be it further enacted by the authority aforesaid*, That all the persons entitled to vote for Members of the said Corporation shall be subjects of His Majesty, and shall be the male inhabitant householders or leaseholders of a shop or other tenement within the said Town, who shall severally be possessed, for their own use and benefit, of a dwelling-house, shop, store, or other tenement therein, such dwelling-house, store, shop, or other tenement being by them held in freehold or leasehold, or who being subjects of His Majesty, and male inhabitants of the said Town at the time of such election, shall *bona fide* for one year next before the election have paid one year's rent on a dwelling-house, shop, store, or other tenement, at the rate of ten pounds per annum or upwards: *Provided always*, that if they shall within the year have changed their place of residence within the said Town, or occupied a different shop, store, or other tenement, they shall not thereby be disqualified from voting.

Qualification of Members of the Board.

V. *And be it further enacted by the authority aforesaid*, That no person shall be qualified or eligible to be elected a Member of the said Board of Police unless he shall be a subject of His Majesty, and shall have been a resident freeholder in the said Town of Belleville to the assessed value of sixty pounds or upwards for the space of one year previous to the said election.

Town divided into two Wards.

VI. *And be it further enacted by the authority aforesaid*, That for the purpose of electing the Members of the said Corporation, the said Town of Belleville shall be divided into two Wards in the following manner, that is to say—All that part of the said Town of Belleville, situated to the north and west of Bridge Street, shall be and compose the first Ward;

and that all that part of the said Town lying to the south and east of the said Bridge Street shall be and compose the second Ward ; and that each of the said Wards shall annually elect two Members.

VII. *And be it further enacted by the authority aforesaid,* That the first election of Members of the said Corporation under this Act shall be holden on the first Monday in June next, at some place within each Ward respectively, to be appointed by the Clerk of the Court of Requests for the tenth division, who shall give public notice thereof at least six days previous to the election ; and that the said Clerk shall appoint a fit and proper person to preside at the first election for each of the said Wards, which persons so appointed shall hold the said election for each Ward respectively, and shall declare the two persons in each Ward who shall have the greatest number of votes duly elected Members of the said Corporation, and shall give notice thereof to the persons so elected within six days after such election.

First election of Members.

VIII. *And be it further enacted by the authority aforesaid,* That the Members of the said Corporation so chosen shall serve until the first Monday of March in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned ; and that on the first Monday in March in every year an election shall be holden in each Ward of the said Town of Belleville for choosing Members of the said Corporation before the Bailiff of such Ward, who shall be appointed from time to time by the said Corporation, and who shall appoint the place of holding the said election, and shall give notice thereof and proceed in all respects according to the general provisions of this Act.

Annual elections.

Bailiff to be Returning Officer.

IX. *And be it further enacted by the authority aforesaid,* That before any person shall proceed to hold an election under this Act, he shall take the following oath, which any Justice of the Peace for the Midland District may administer:—" I solemnly swear that I will faithfully and impartially to the best of my ability discharge the duty of presiding Officer at the election which I am about to hold, for a Member or Members (as the case may be) of the Board of Police in the Town of Belleville—So help me God."

Form of oath.

X. *And be it further enacted by the authority aforesaid,* That the Officer presiding at any election under this Act, shall have authority, and he is hereby required at the request of any person qualified to vote at such election, to examine on oath (or affirmation when the party is allowed to affirm,) which oath or affirmation the said Officer presiding at such election is hereby authorised to administer to any candidate for the office of

Candidates and voters may be examined as to their qualification.

Member of the said Corporation respecting his qualification to be elected to the said office, and shall also have authority and is hereby required upon such request as aforesaid, to examine on oath (or affirmation when the party is allowed to affirm) any person tendering his vote at any election respecting his right to vote, and that the oath to be administered for either of the said purposes, shall and may be in the following form—

Oath to be taken.

“You shall true answer make to all such questions as the Officer presiding at this election shall put to you respecting your qualification to be elected at this election”—(or respecting your qualification to vote at this election, as the case may be)—“So help you God;” and the affirmation to be taken shall be in the common form of an affirmation to the same effect.

XI. And be it further enacted by the authority aforesaid, That if any person being examined upon oath or affirmation under this Act, touching his qualification to vote or to be elected, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof shall suffer as in other cases of wilful and corrupt perjury.

False swearing under this Act perjury.

Scrutiny may be had upon requisition of three voters,

XII. And be it further enacted by the authority aforesaid, That if the election of any Member of the Board of Police aforesaid, shall be complained of either on the ground of want of qualification in the person returned, or on the ground that such person had not a majority of legal votes at such election, it shall be the duty of the person appointed by the Clerk of the Court of Requests for the tenth division, as aforesaid, to preside at the election for the Ward in which such person or persons against whose return such complaint shall have been made may have been elected after the first election to take place under this Act, upon receiving within forty-eight hours after the termination of the election a written requisition signed by any three inhabitants of the Town, having a right to vote at such election, to appoint a time and place within the Town for which the election was held, for entering upon a scrutiny into the matters complained of; and that such time shall be within six days after the election, and that such person so appointed, as aforesaid, shall have power to summon witnesses and to take evidence on oath, respecting the matters to be enquired into, and shall determine upon the validity of the election or return as shall appear to him to be right according to the evidence; and and in case an election shall be declared void, but it shall not appear proper for any cause to amend the return by substituting the name of any person as entitled to have been returned at such election, then he shall after giving eight days notice thereof, hold a new election of a Member to serve according to this Act, and that if after any election to be holden, after a Board of Police under this Act shall have been completely orga-

within six days of the election.

New election may be held on giving eight days notice.

After a Board of Police shall have been organized, scrutiny to be held before the Corporation,

nized, a requisition signed as aforesaid shall within forty-eight hours after the termination of such election be served upon the President or any other Member of the said Corporation, it shall be lawful for the said Corporation, and they are hereby required to appoint a time for entering upon a scrutiny of the matters complained of at any place within said Town, which time shall be within six days after the election, and the Corporation or such Member or Members thereof as shall not be individually concerned in the question to be determined, shall have power to summon witnesses and to take evidence on oath respecting the matters to be enquired into, and shall determine upon the validity of the election or return as shall appear to be right according to the evidence; and in case an election shall be declared void, but it shall not appear proper for any cause to amend the return or substitute the name of any other person as entitled to have been returned at such election, then the Corporation shall issue their precept for a new election, as in other cases under this Act.

within six days after election;

witnesses may be summoned.

In case of void election, precept for new election to issue.

XIII. *And be it further enacted by the authority aforesaid,* That before the person presiding at such election, or any Member of the said Corporation shall enter upon any such trial or scrutiny, as aforesaid, he shall take an oath in the following form before some one of the Justices of the Peace for the Midland District, that is to say—"I do solemnly swear that I will truly and impartially, to the best of my judgment, try and determine the merits of the complaint against the election of A. B. as a Member of the Board of Police of the Town of Belleville—So help me God."

Presiding Officer at such scrutiny to be sworn.

Form of oath.

XIV. *And be it further enacted by the authority aforesaid,* That any witness who being duly summoned to attend upon such trial or scrutiny, shall wilfully neglect or refuse to attend, shall on conviction before any one of His Majesty's Justices of the Peace for the Midland District, having been duly summoned to answer such complaint, be liable to be imprisoned on the commitment of the said Justice in the common gaol of the District for a time not exceeding one month; and if any witness shall upon any trial or scrutiny wilfully and corruptly swear falsely, he or she shall be deemed guilty of wilful and corrupt perjury.

Witnesses neglecting to attend liable to imprisonment.

False swearing perjury.

XV. *And be it further enacted by the authority aforesaid,* That the person presiding at any such election shall give public notice immediately upon declaring the result of the election of the time and place at which the Members of the said Corporation so chosen are first to meet, which meeting shall be at such time and place in the said Town as the Clerk of the Court of Requests for the tenth division, after the first election, or the Corporation after every subsequent election shall appoint, being within ten days after each general election of Members; and that at such meet-

Presiding Officer to give notice of the meeting of the Board.

Meeting within ten days of the election.

A fifth Member to be appointed by the Board.

In case of disagreement, precept to be issued for election of such fifth Member.

ing a fifth Member of the said Corporation shall be appointed by the concurrent voice of any three of the Members chosen, which person shall possess the same qualifications as are required by this Act of the other Members to be chosen, as aforesaid; and in case they cannot agree in the election or appointment of such fifth person they shall issue a precept to either of the persons appointed by the Clerk of the Court of Requests for the tenth division as aforesaid, after the first election, or to any of the Bailiffs so to be appointed as aforesaid, after every subsequent election, requiring him to appoint some proper time and place within the said Town, giving forthwith eight days notice thereof, and then and there proceed to the election of such fifth Member of the Corporation by the electors of the Town generally, at which election the person to whom such precept shall be directed shall preside, and shall declare that person elected who shall have the greatest number of votes of the persons present qualified to vote, and shall within six days thereafter give notice thereof to the person so elected.

Members elected to appoint a President.

XVI. *And be it further enacted by the authority aforesaid,* That the five Members elected as aforesaid, shall within ten days after their election or appointment, or election of a fifth Member of the Corporation as aforesaid, appoint one of their number President; and the said President and Members shall form the said Corporation, and shall hold their office until the first Monday in March in the ensuing year, and until the election and formation of a new Board.

Members refusing to take the oath of office to forfeit £10.

XVII. *And be it further enacted by the authority aforesaid,* That if either of the Members elected or appointed, as aforesaid, shall neglect or refuse after ten days notice thereof, to take the oath of office hereinafter contained, which any one of the said Members so to be elected or appointed is hereby authorised to administer to the others, he shall for such neglect or refusal forfeit the sum of ten pounds, to be recovered with costs by information before any Justice of the Peace of the Midland District, who is hereby authorised to proceed in the same manner as is hereinafter provided for the recovery of any penalty for the transgression of any order or regulation of the said Corporation: *Provided,* that no person having been elected a Member of the said Corporation during his absence from the said Town, or who at the time of the election shall openly give notice to the Officer presiding that he will not accept the office shall be subject to the penalty hereinbefore stated for his refusal to act as a Member of the said Corporation.

Exceptions.

XVIII. *And be it further enacted by the authority aforesaid,* That in case any vacancy shall at any time happen among the Members of the

said Corporation, by neglect or refusal to take the oath of office hereinafter contained within the time hereinbefore limited, or by death, removal from the Town, or from any other cause, the remaining Members or a majority of them shall, under their hands, within ten days after notice of such vacancy, appoint a person duly qualified, according to the provisions of this Act, to fill such vacancy; and in case the said remaining Members or a majority of them cannot agree on such appointment, then and in such case, the Corporation shall issue a precept to the Bailiff to hold such election, giving notice of the time and place of holding such election, and the Member so appointed or elected shall hold his office until the next annual election, and in case any such vacancy shall happen among the Members elected at the first election of Members of the said Corporation by one of the Members neglecting or refusing to take the oath of office as aforesaid, or otherwise, then the precept from the remaining Members shall be issued to either of the persons appointed by the Clerk of the Court of Requests for the tenth division, as is hereinbefore provided.

Vacancies to be supplied.

XIX. *And be it further enacted by the authority aforesaid,* That in case it shall at any time happen that an election or appointment of Members of the said Corporation shall 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 that it shall and may be lawful on any other day to hold and make an election or appointment of Members in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

Corporation not dissolved by non-election of Members on day specified.

XX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Corporation from time to time, to establish such ordinances, by-laws and regulations as they may think reasonable in the said Town to regulate victualling houses and ordinaries, where fruit and victuals shall be sold; to regulate wharves and quays; to regulate the weighing of hay and measuring of wood; to regulate carts and cartmen; to regulate slaughter-houses; to prevent the firing of any guns, maskets, pistols, squibs and fire-balls, or injuring or destroying trees growing for shade or ornament in the said Town; to prevent the pulling down or defacing of sign boards, or inscribing or drawing any indecent words or figures or pictures on any building, wall, fence, or other public place, and generally to prevent vice and preserve good order in the said Town; to enter into and examine all dwelling-houses, warehouses, shops, yards, and out-houses, to ascertain whether any such places are in a safe and secure condition; to appoint Fire Wardens and fire engineers; to appoint and remove firemen; to make such rules and by-laws as may be thought expedient for the conduct of such Fire Companies as may be

Authority to make by-laws,

raised with the sanction of the said Corporation ; to compel any person to aid in the extinguishment of any fire ; to require the inhabitants to provide and keep fire-buckets and scuttles and ladders to their houses ; to stop or authorise any other person to stop any one riding or driving immoderately in any street, or riding or driving on any side-walk, or to inflict fines for any such offence ; to regulate the assize of bread ; to prevent and abate and remove any nuisance ; to restrain and prevent any cattle, horses or swine from running at large ; to prevent and remove encroachments in any street ; and to make such rules and regulations for the improvement, good order, and government of the said Town, as the said Corporation may deem expedient, not repugnant to the laws of this Province, except in so far as the same may be virtually repealed by this Act ; and to enforce the due observance thereof by inflicting penalties on any person for the violation of any by-law or ordinance of the said Corporation, not exceeding one pound ten shillings ; and to fix upon and to appoint such days and hours for the purpose of selling butchers' meat, butter, eggs, poultry, fish, and vegetables, and to make such other orders and regulations relative thereto, as they shall deem expedient.

and enforce penalties.

appoint days and hours for sale of provisions.

XXI. And be it further enacted by the authority aforesaid, That for the purpose of raising a fund to provide for the purchasing any real estate for the use of the said Town ; to procure fire engines, aqueducts, and a supply of pure and wholesome water ; for lighting, paving, flagging, and repairing the streets ; and for all other purposes deemed expedient and necessary by the said Corporation for the welfare and improvement of the said Town, it shall and may be lawful for the said Corporation to lay an assessment annually upon the persons rated or liable to be rated on any assessment for property in the said Town, not exceeding threepence on the pound, exclusive of the sum such person may be rated for in and upon any other assessment of this Province ; and it shall be the duty of the Clerk of the Peace of the said District to select from a general assessment of the Township of Thurlow a list or assessment of the ratable property that every person owns or possesses in the said Town, and lay the same before the Corporation annually, upon its organization after every general election.

Annual assessment to be made for the purposes of this Act.

not exceeding 3d. in the pound.

A list of ratable property to be made annually by Clerk of the Peace.

Collection of rates.

XXII. And be it further enacted by the authority aforesaid, That if any person shall refuse to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of ten days after demand duly made of the same by the Collector to be appointed by the said Corporation for that purpose, the said Collector shall and he is hereby required to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay after having obtained a warrant for that pur-

pose from some one of His Majesty's Justices of the Peace, who is hereby authorised to grant the same upon information made on oath before him of the neglect or refusal to pay the said assessment, and to render the overplus, if any there shall be over and above the said rate, to the owner thereof, after deducting the legal charges of the distress and sale.

XXIII. *And be it further enacted by the authority aforesaid,* That the said Corporation may from time to time appoint and at their discretion remove and re-appoint a Surveyor of Streets for the said Town, a Clerk, an Assessor or Assessors, a Bailiff or Bailiffs, a Collector or Collectors, a Treasurer, and so many and such other officers as they may require, and assign the duty and services to be performed by each with such salaries or allowances as to them may seem meet, and may take such reasonable security for the due performance of the duties assigned to any officer or servant as they shall think proper.

Appointment of town officers.

XXIV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall not be lawful for any person holding lands within the boundaries of the said Town to lay out any new street or protract any street or streets already laid out, which new street or protraction of a street shall be less than sixty-six feet in width.

New streets not to be less than sixty-six feet wide.

XXV. *And be it further enacted by the authority aforesaid,* That any rule or regulation of the said Corporation for the infraction of which any penalty is inflicted, before it shall have effect shall be published in one or more of the newspapers published within the District, and shall be affixed in four of the public places in the said Town of Belleville; and that in like manner shall be published in each and every year before the annual election an account of all monies received and in the Treasury, and the amount expended and for what purpose.

By-laws to be published.

XXVI. *And be it further enacted by the authority aforesaid,* That if any person shall transgress the orders or regulations made by the said Corporation, under the authority of this Act, such person shall for every such offence forfeit the sum which in every such order, rule or regulation shall be specified with costs, to be recovered by information before the said Corporation, to be levied of the goods and chattels of such offender, and in default of such goods and chattels, the offender shall be liable to be committed to the common gaol of the District for a time not exceeding one month, in the discretion of the said Corporation, before whom such offender shall have been convicted; and that no person shall be deemed an incompetent witness upon any information under this Act, by reason of

Penalties imposed by by-laws recoverable before the Corporation ;
To be levied, &c. and in default, commitment, not exceeding one month,
Inhabitants competent witnesses.

Complaints to be made within fifteen days.

his being an inhabitant of the said Town of Belleville : *Provided always*, that the information and complaint for a breach of any order or regulation of the said Corporation shall be made within fifteen days after the time of the offence committed.

Application of penalties.

XXVII. *And be it further enacted by the authority aforesaid*, That all penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Corporation, and applied in the same manner as other monies coming into the said Treasury for the public uses of the said Town.

Corporation invested with authority of Justices.

XXVIII. *And be it further enacted by the authority aforesaid*, That the said Corporation shall and may in the said Town of Belleville perform all the functions and exercise the authority now by law given to Justices of the Peace acting within their divisions, with respect to making or amending any street, highway, or road within the said Town.

Authority to raise £1,000 by way of loan, for building market-house.

XXIX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the Corporation of the said Town to borrow the sum of one thousand pounds of and from any person or persons, body politic or corporate, willing to lend the same, for the purpose of building a Market-House, and for purchasing one or more Fire Engine or Fire-Engines, and for such other purposes for the benefit of the said Town as may be deemed necessary, and to provide some fit and proper place where the same may be kept.

Interest to be paid out of the assessments;

and the principal to be liquidated within ten years.

XXX. *And be it further enacted by the authority aforesaid*, That the said Corporation shall set apart so much of the assessments authorised by this Act to be raised for the use of the said Town as may be sufficient to pay the yearly interest of the said sum of one thousand pounds, and to liquidate the principal in a term not longer than ten years from and after the making of such loan.

Presiding officer to have casting vote at elections.

XXXI. *And be it further enacted by the authority aforesaid*, That in case an equality of votes shall happen at any election for the Members of the said Corporation, it shall and may be lawful for the person presiding at the said election to give a casting vote, and that except in case of the votes being equal it shall not be lawful for the person presiding at any election under this Act to vote at such election.

Limitation of actions.

XXXII. *And be it further enacted by the authority aforesaid*, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be

brought within six calendar months next after the fact committed and not afterwards, and the Defendant or Defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

FORM OF OATH.

I, A. B. swear that I will faithfully discharge the duties of a Member of the Board of Police of the Town of Belleville, to the best of my skill and knowledge—So help me God.

Form of oath for members of the board.

CHAP. XV.

AN ACT for the preservation of the Fishery within Burlington Bay.

[Passed 20th April, 1836.]

WHEREAS an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, chapter thirty-seventh, entitled “An Act for the better preservation of the Herring Fishery at the outlet of Burlington Bay,” hath been found insufficient for the purposes intended, and it is necessary to repeal the said Act, and to make further provision for the preservation of the said Fishery: *Be it therefore enacted* by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America,’ and to make further provision for the Government of the said Province,” and by the authority of the same, That the above-recited Act shall be and the same is hereby repealed.

Preamble.
Reciting 4 Geo. 4,
c. 37.

The recited Act
repealed.

II. *And whereas*, The use of Seines and Nets in the said Burlington Bay is found to be destructive to the Fishery by destroying the spawn deposited on the shallow parts thereof: *Be it therefore enacted by the authority aforesaid*, That it shall not be lawful from and after the passing of this Act at any time to draw any Seine or other Net in the said Bay, except within the distance of half a mile from the land at the outlet thereof.

Seines not to be used
within half a mile of
Burlington Bay.

Gill nets, &c. obstructing the passage of fish prohibited.

III. *And be it further enacted by the authority aforesaid,* That no person shall at any time set Nets, commonly called Gill Nets, in the waters of Burlington Bay, nor shall any person set any Net or other device whatsoever, so as to prevent the free passage of the fish to and from the said Bay.

Penalty not exceeding £5, for any offence committed under this Act ;

To be recovered before one Justice ;

Commitment in default of payment ;

Application of penalties.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall offend against the provisions of this Act, every person so offending shall forfeit and pay a sum not exceeding five pounds, nor less than ten shillings, with costs, on conviction before any one or more of His Majesty's Justices of the Peace for the District of Gore, on the oath of one or more credible witness or witnesses, or in default of payment shall be committed to the common gaol of the District for a term not exceeding thirty days, nor less than two days, unless the penalty and costs be sooner paid; one-half of the said penalty to be paid to the informer or informers, and the other half into the hands of His Majesty's Receiver General, to and for the public uses of this Province, to be accounted for to His Majesty, through the Lords Commissioners of his Treasury for the time being, in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct.

CHAP. XVI.

AN ACT to alter and amend an Act passed in the eighth year of His Majesty's reign, entitled "An Act to confer upon His Majesty certain powers and authorities necessary to the making, maintaining, and using the Canal intended to be completed under His Majesty's direction, for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein-mentioned."

[Passed, 20th April, 1836.]

Preamble:
Reciting 8 Geo. 4,
c. 1.

WHEREAS doubts have arisen whether under the provisions of the Act passed in the eighth year of the reign of His late Majesty, chapter one, entitled "An Act to confer upon His Majesty certain powers and authorities necessary to the making, maintaining, and using the Canal intended to be completed under His Majesty's direction for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein-mentioned," it was intended to afford remuneration for the damages sustained by any person or persons in consequence of stone, earth, timber, wood, or other materials having been taken under the authority of the said Act for the construction of the said Canal, as well as the

repairs thereof, and also whether damages sustained by reason of the constructing or keeping up the said Canal under the said Act, arising from injuries occasioned by the diversion of water from its natural course or channel, or from dams erected causing the water to rise and flow back on mill sites, mills, and other machinery, or from any other causes not mentioned: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That if in the constructing, keeping up, supporting, or repairing the said Canal, any stone, earth, timber, wood or other materials shall have been or may hereafter be taken under the authority of the said recited Act, the owner or owners thereof, or of the land from which the same shall have been or may be so taken, shall be entitled to receive recompense for all damages sustained or to be sustained by him or them by means thereof, the same as with respect to any other damage done by the making, completing or repairing of the said navigation; and all such damages and the satisfaction and recompense in respect thereof shall be settled, adjusted, ascertained, and determined by the same ways and means and in the same manner as are described, required, and provided for by the said Act, with respect to other damage done by the making, completing, or repairing of the said navigation.

Owners of land entitled to damages for stone, earth timber, &c. used on account of the Canal.

Damages to be adjudged in the same manner as provided for by 8 Geo. 4, c. 1.

II. *And be it further enacted by the authority aforesaid*, That if the owner or owners of any mill sites, or of mills or other works driven by water, shall have sustained or shall hereafter sustain any injury or damage by the making, completing, or repairing of the said navigation by reason of any obstruction, or from the diversion from its natural course or channel of any water heretofore flowing to such mill sites or mills, or used to propel or carry on such mills, machinery, or other works, or by reason of the damming up of water, and causing it to rise and flow back upon such mill sites or mills or other works, then recompense shall be made to the owner or owners of such mill sites or mills, machinery, or other works, for all damages sustained or to be sustained by him or them by the means aforesaid, the same as in respect to any other damage done by the making, completing, or repairing of the said navigation; and all such damage, and the satisfaction and recompense in respect thereof shall be settled, adjusted, ascertained and determined by the same ways and

Owners of Mill-sites, &c. entitled to damages.

Such damages also to be adjusted as provided by 8 Geo. 4, c. 1.

means and in the same manner as are described, required and provided for by the said Act, with respect to other damage done by the making, completing, or repairing of the said navigation.

Subsequent purchasers not debarred the right of claiming compensation.

Provided such purchases not made for the purpose of preferring claims to compensation.

When claim waived subsequent assignee not entitled to compensation.

Former owners, or their assigns, to receive compensation at discretion of Arbitrators.

III. *And be it further enacted by the authority aforesaid*, That persons who have already claimed, or who may after the passing of this Act claim compensation for damages done to their lands on the Rideau Canal shall not be debarred from receiving such compensation by reason of their having acquired the title after the commencement of the said works, under a purchase made before such commencement: *Provided*, that the persons so claiming compensation are the real owners of the property damaged, and have not acquired the same for the purpose of preferring such claim: *And provided also*, that when the former owner shall have either compromised or waived his claim, or have been satisfied therefor, the assignee shall not be entitled to compensation under this Act; and that in all cases of a sale of property made after the commencement of the works the compensation shall be made either to the former owner or to the assignee, as it may appear just to the arbitrators under the facts proved to them.

CHAP. XVII.

AN ACT to amend the Charter of the Port Hope Harbour and Wharf Company.

[Passed 20th April, 1836.]

Preamble.

WHEREAS it is expedient to increase the Capital Stock of the Port Hope Harbour and Wharf Company, to enable them to make further improvements in completing the works of the said Harbour: *And whereas also*, it is expedient to extend the time allowed in the Charter of the said Company for finishing the contemplated Harbour: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Capital Stock of the said Company be increased from six hundred shares to eight hundred

Capital of the Company increased from £7,500, to £10,000.

shares of twelve pounds ten shillings each, making the Capital Stock of the said Company ten thousand pounds, instead of seven thousand five hundred pounds; and that the said new Stock shall be opened for subscription on the first Monday in July next, and that the shares so subscribed shall be payable at such time and in such manner as the Directors shall appoint: *Provided always*, that thirty days notice of opening the books shall be published in the Upper Canada Gazette, and in the papers of the Newcastle District, and the books shall be opened in Toronto, Port Hope, and Montreal: *And provided also*, that not more than twenty per cent shall be called in at any one time on the new Stock so subscribed, of which thirty days notice shall be published in manner aforesaid.

New stock to be opened first Monday in July next.

Notice of opening the Books.

II. *And be it further enacted by the authority aforesaid*, That the period allowed for completing the said Harbour, according to the Act of Incorporation, shall be extended eleven years from the passing of the said Act, any thing therein contained to the contrary thereof in any wise notwithstanding.

Period of completing the Harbour extended to eleven years.

CHAP. XVIII.

AN ACT to authorise the establishment of Mutual Insurance Companies in the several Districts of this Province.

[Passed 20th April, 1836.]

WHEREAS divers loyal subjects of His Majesty, being inhabitants of this Province, have by their petition represented the great advantages that would arise from the introduction into this Province of the principle of Mutual Insurance against losses by Fire, and have prayed the interference of the Legislature to enable them to bring the said principle into effective operation: *And whereas*, it hath been made apparent that the said representation is well founded and it is expedient that the prayer of the petitioners be granted: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful at any time for any ten freeholders in any District in this Province to call a meeting of the freeholders of such District for the

Preamble.

Ten Freeholders of any District authorized to call a meeting to establish a Fire Insurance Company therein.

Meeting to be advertised.

purpose of considering whether it be expedient to establish in such District a Fire Insurance Company on the principle of Mutual Insurance: *Provided always*, that such meeting shall be called by an advertisement mentioning the time, place, and object of such meeting, published and inserted during three weeks immediately preceding such meeting in all the public newspapers published in the District in which the meeting is to be holden, if any is published therein, and in case no newspaper should be published in said District the meeting may be convened by advertisement posted up in some public place in three or more Townships in said District.

Subscription book to be opened.

II. *And be it further enacted by the authority aforesaid*, That if at such meeting there shall not be fewer than thirty freeholders present, and a majority of them shall determine that it is expedient to establish such Company, they may elect three persons from among the freeholders of the District then present to open and keep a book in which all freeholders in the District may sign their names, and enter the sums for which they shall be respectively bound to effect insurance with the Company.

Limitation as to lands, &c. to be held by the Company.

III. *Provided always, and be it further enacted by the authority aforesaid*, That the lands, tenements, and hereditaments which it shall be lawful for the said Companies respectively to hold shall be only such as shall be requisite for its accommodation in relation to the convenient transaction of its business, or such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, and further the said Company shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandize, or commodities whatsoever.

Incorporation of Company.

IV. *And be it further enacted by the authority aforesaid*, That whenever the number of persons duly qualified who shall have signed their names in the said subscription book shall be forty or more, and the sums for which they shall have bound themselves to effect insurance shall amount together to ten thousand pounds Currency, or upwards, such persons and all other persons who may thereafter become members of the said Company by effecting insurances therein in the manner hereinafter provided, 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 Mutual Fire Insurance Company," and their legal addition shall be of the District by name for which the Company shall have been established, and by that name may mutually insure their respective dwelling-houses, stores, shops, and other buildings, household furniture, and mer-

chandise against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means, excepting that of design in the assured, or by the invasion of an enemy or insurrection, and by that name they and their successors shall and may have continued succession, and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by their corporate name aforesaid, shall be capable of purchasing, having, and holding to them and their successors any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, and otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

Common Seal.

Authority to hold lands.

V. *Provided always, and be it further enacted by the authority aforesaid,* That there shall not be more than one such Company in any one District, and that whenever any such Company shall be established in and for any District, no other such Company shall be established in and for the same under the authority of this Act, but the Company so first established shall alone have the right of insuring property lying within such District, under the authority of this Act; but nothing herein contained shall be construed to prevent any person from causing any such property to be insured by any person or Company by whom it may lawfully have been insured if this Act had not been passed: *And provided further,* that nothing herein contained shall prevent any such Company, after it shall have been lawfully incorporated under the provisions of this Act, from insuring any property, movable or immovable, lying within the District for which it is established, although the owner of such property be not a freeholder in such District, nor to prevent any person so insured from becoming a member of the Company.

One Company only to be formed in each District.

VI. *And be it further enacted by the authority aforesaid,* That all and every the person and persons who shall at any time become interested in the said Company by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken to be Members thereof for and during the terms specified in their respective policies and no longer, and shall at all times be concluded and bound by the provisions of this Act.

Insurer to be member of the Company during the term of his policy.

Affairs of the Company to be managed by a Board of seven Directors;

one to be chosen President.

Qualification of Directors.

Mode of election.

Election of President.

Vacancies to be supplied.

Number of votes in proportion to shares

VII. *And be it further enacted by the authority aforesaid,* That the property, affairs and concerns, of the said Company, shall be managed and conducted by a Board of Directors, to be chosen annually, on the first Monday in June, and to be composed of seven persons, one of whom shall be chosen President, and such persons shall hold their offices for one year; which said Board of Directors shall be Members of the said Company, and insurers therein to the amount of two hundred pounds, at least, for the time they hold office, and be elected at such place within the District, and at such time of the day, as a majority of the Board for the time being shall appoint; and public notice thereof shall be given in such of the Provincial newspapers printed and published within such District, and in such other manner as the Board of Directors for the time being shall order and direct, and at least thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the members of the said Company as shall attend for that purpose in their own proper persons, or by proxy; and all elections for such Directors shall be by ballot; and the seven persons who shall have the greatest number of legal votes at any such election shall be the Directors; and if it shall happen at any such election that two or more members have an equal number of votes, in such manner that a greater number of persons than seven shall, by a plurality of votes, appear to be chosen Directors, then the said members of the said Company hereinbefore authorised to hold such election, shall proceed to elect by ballot until it is determined 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 so chosen, as soon as may be after the said election, shall proceed in like manner to elect, by ballot, one of their own number to be President; and if any vacancy or vacancies shall at any time happen among the Directors, during the current year of their appointment, by death, resignation, or removal from the District, such vacancy or vacancies shall be filled up for the remainder of the year in which they may so happen, by a person or persons to be nominated by a majority of the remaining Directors, and as soon as may be after any such vacancy or vacancies shall have occurred.

VIII. *And be it further enacted by the authority aforesaid,* That each Member of the said Company shall be entitled to the number of votes proportioned to the amount by him or her insured, at least one month prior to the time of voting, according to the following rates, that is to say:—for any sum insured in the said Company amounting to one hundred pounds—one vote; four hundred pounds—two votes; nine hundred pounds—three votes; and one vote for every six hundred pounds above nine hundred.

IX. *And be it further enacted by the authority aforesaid,* That in case at any time it shall happen that an election of Directors shall 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 be lawful, on any subsequent day, to hold and make an election of Directors, in such manner as shall have been regulated by the By-laws and Ordinances of the said Corporation: *Provided,* that such election be held within ten months from the annual day appointed for holding such election; and the Directors appointed at such subsequent day of election shall be invested with all and every such powers and authorities contained in this Act, as if they had been duly elected on the annual day of election appointed by this Act, and shall hold office for the remainder of the current year of such their election.

Corporation not dissolved by non-election of Directors on day specified.

X. *And be it further enacted by the authority aforesaid,* That the said Board of Directors for the time being shall superintend the concerns of the said Company, and shall have the management of the funds and property thereof, and of all matters and things thereunto relating, and not otherwise provided for by the said Company, and shall have power from time to time to appoint a Secretary, Treasurer, and such other Officers, Agents and Assistants, as to them may seem necessary, and prescribe their duties, fix their compensation or allowances, take such security from them as they may deem necessary, or may be required by this Act, for the faithful performance of their respective duties, and remove them at pleasure and appoint others in stead, determine the rates of insurance, the sum to be insured on any building, and the sum to be deposited for the insurance thereof, and to order and direct the making and issuing of all policies of insurance, the providing of books and stationery, and other things needful for the Office of the said Company, and for carrying on the affairs thereof, and may draw upon the Treasurer for the payment of all losses which may have happened, and for expenses incurred in transacting the concerns of the said Company, and may hold their meetings monthly and oftener if necessary, for transacting the business of the said Company; and shall keep a record of their proceedings, and any Director disagreeing with the majority of the Board at any meeting may enter his dissent with his reasons therefor on record.

Powers and duties of Board of Directors.

Record of their proceedings.

XI. *And be it further enacted by the authority aforesaid,* That the said Board of Directors for the time being shall have power to make and subscribe such by-laws, ordinances, rules and regulations, and to repeal, alter and amend any by-laws, rules, ordinances or regulations previously made as to them shall appear needful and proper touching the management and disposition of the affairs and property of the said Company, and

Authority to make by-laws.

Five Directors to constitute a quorum.

President to have a casting vote.

Each member of the Company to deposit promissory note.

£5 per cent thereon to be paid.

Remainder, how payable.

At the expiration of the insurance, amount unpaid to be relinquished to signers of notes.

Liability of members to pay their proportion of losses.

touching the duty of the Officers, Agents, and Assistants of the said Company, and all such other matters and things as appertain to the business of the said Company, and not being contrary to the laws of this Province; and that five Directors shall constitute a quorum for the transaction of business, and the decision of a majority of the Directors present at any sitting of the Board, provided there be a sufficient number to constitute such quorum, shall be binding and conclusive, and be deemed and taken to be the act and deed of the whole Board; and upon all occasions where there shall be an equality of votes at any such sitting of the said Board, the President shall have a casting vote, and the said Board shall have power to convene at any time a general meeting of the Company upon any urgent occasion.

XII. *And be it further enacted by the authority aforesaid,* That every person who shall become a member of the said Company by effecting insurances therein, shall, before he receives his policy, deposit his promissory note payable to the said Company, for such a sum of money as shall be determined by the Board of Directors; a part of which said note not exceeding five per cent shall be immediately paid to the Treasurer for the purpose of discharging the incidental expenses of the institution; and the remainder of the said deposite note shall be payable in part or the whole at any time when the Board shall deem the same requisite for the payment of losses or other expenses; and at the expiration of the term of insurance, the said note or such part of the same as shall remain unpaid after deducting all losses and expenses occurring during the said term, shall be relinquished and given up to the signer thereof.

XIII. *And be it further enacted by the authority aforesaid,* That every member of the said Company shall be and is hereby bound and obliged to pay his or her proportion of all losses and expenses happening or accruing in and to the said Company during the continuance of his or her policy of insurance, and all the right, title, interest, and estate at the time of insurance of the assured, of, in, or to the buildings insured by and with the said Company, to the lands on which the same shall stand, and to all other lands thereto adjacent, which shall be mentioned and declared liable in the policy of assurance, shall stand pledged to the said Company; and the said Company shall have full power to sell, demise or mortgage the same or any part thereof, to meet the liabilities of the assured, for his, her, or their proportion of any losses or expenses happening or accruing to the said Company during the continuance of his or her policy, which sale, demise, or mortgage shall be made in such manner as shall be specified in the policy of the assured.

XIV. *And be it further enacted by the authority aforesaid,* That in case of any loss or damage by fire happening to any member upon property insured in and with the said Company, the said Member shall give notice thereof in writing to the Board of Directors or some one of them, or to the Secretary of the Company within thirty days after such loss or damage shall have happened; and the Directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of such loss or damage; and if the party suffering shall not be satisfied with the determination of the Directors, the question shall then either be submitted to three disinterested persons as referees, one of whom shall be named by the Board, and one by the suffering party, and the two referees so named shall name the third, and the decision or award of a majority of them shall be binding; or the suffering party may bring an action against the said Company for the loss or damage sustained, and if upon the trial of the said action a greater sum shall be recovered than the amount determined upon by the Directors, the party suffering shall have judgment therefor against the said Company, with interest thereon from the time such loss or damage happened, and notice given thereof as aforesaid, with costs of suit; but if no more shall be recovered than the amount so previously determined by the Board, then the plaintiff or plaintiffs in such suit shall have judgment for such amount, and shall not be entitled to costs against the defendants, but the defendants shall be entitled to costs against the said plaintiff or plaintiffs, as in the case of a verdict for the defendant; *Provided always,* that no execution shall issue against the said Company upon any judgment until after the expiration of six months from the recovery thereof.

Proceedings in case of loss by fire.

Directors to determine amount of loss.

In case of difference, amount to be settled by arbitration;

or party suffering may bring his action.

If no more be recovered than amount determined by the Board, plaintiff to pay costs.

Execution not to issue against Company until six months after judgment.

XV. *And be it further enacted by the authority aforesaid,* That the Directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the recovery of any judgment, as aforesaid, against the said Company for such loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same in such manner and form as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the Treasurer within thirty days next after the publication of said notice; and if any member shall for the space of thirty days after the publication of such notice, neglect or refuse to pay the sum assessed upon him, her, or them, as his, her, or their proportion of any loss or damage, as aforesaid, in such case the Directors may sue for and recover the whole amount of his, her, or their deposit note or notes, with costs of suit; and the money thus collected shall remain in the Treasury of the said Com-

Directors to settle the amount which members are to pay on every loss by fire.

In default of payment Directors may sue for whole amount of deposit notes.

Balance to be returned to the party at expiration of insurance.

pany, subject to the payment of such losses and expenses as shall or may thereafter accrue during the continuance of his, her or their policy ; and the balance, if any remaining, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which insurance was made.

Provision for payment in case of losses shall exceed whole amount of deposit notes.

By assessment on the members, not exceeding one per cent at any one time.

Members paying deposit notes before loss, discharged from liability.

XVI. *And be it further enacted by the authority aforesaid,* That if it shall ever so happen that the whole amount of deposit notes shall be insufficient to pay the loss occasioned by any one fire or fires, in such case the sufferers insured by the said Company shall receive towards making good their respective losses a proportionate dividend of the whole amount of such deposit notes, according to the sums by them respectively insured; and in addition thereto a sum to be assessed in such manner as shall be provided by any by-law of the said Company on all the members of the said Company, not exceeding one pound currency upon every one hundred pounds by them respectively insured ; and the said members shall never be required to pay at any one time for any loss or damage occasioned by fire, more than one pound upon every one hundred pounds currency insured in the said Company, in addition to the amount of his, her, or their deposit notes ; but any member upon payment of the whole of his or her deposit note, and surrendering his or her policy before any subsequent loss or expense has occurred, shall be discharged from the said Company.

Insurances not to exceed seven years.

Policies to be void in certain cases.

XVII. *And be it further enacted by the authority aforesaid,* That the said Company may make insurance for any term not exceeding seven years, and any policy of insurance issued by the said Company, signed by the President, and countersigned by the Secretary, (but not otherwise,) shall be deemed valid and binding on the said Company, in all cases where the assured has a title in fee simple unincumbered to the building or buildings insured, and to the land covered by the same ; but if the assured have a less estate therein, or if the premises be incumbered, the policy shall be void, unless the true title of the assured and the incumbrances on the premises be expressed therein and in the application therefor.

Losses to be paid within three months. No allowance for ornamental work.

XVIII. *And be it further enacted by the authority aforesaid,* That the Directors shall settle and order the payment of all losses within three months after they shall have been notified, as aforesaid ; but no allowance is to be made in any case for gilding, historical or landscape painting, stucco or carved work.

Policy rendered void on alienation of property insured ;

XIX. *And be it further enacted by the authority aforesaid,* That when any house or other building shall be alienated by sale or otherwise, the

policy shall thereupon be void, and be surrendered to to the Directors of the said Company to be cancelled, and upon such surrender the assured shall be entitled to receive his, her, or their deposit note or notes, upon payment of his or their proportion of all losses and expenses that have accrued prior to such surrender: *Provided always*, that the grantee or alienee having the policy assigned to him, her, or them, may have the same ratified and confirmed to him, her, or them, for his, her, or their own proper use and benefit, upon application to the Directors, and with their consent within thirty days next after such alienation, on giving proper security to the satisfaction of the Directors for such portion of the deposit or premium note as shall remain unpaid; and by such ratification and confirmation the party causing the same, shall be entitled to all the rights and privileges and be subject to all the liabilities to which the original party insured was entitled and subjected under this Act.

but assignee may have the same confirmed to him by Directors.

XX. *And be it further enacted by the authority aforesaid*, That if any alteration shall be made in any house or building by the proprietor thereof after an insurance has been made thereon with the Company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, then and in every such case the insurance made upon such house or building shall be void, unless an additional premium and deposit after such alteration may be settled with and paid to the Directors, but no alterations or repairs in buildings not increasing such risk or hazard shall in any wise affect insurance previously made thereon.

Alteration of premises after insurance made.

XXI. *And be it further enacted by the authority aforesaid*, That in case any building or buildings situated upon leased lands and insured by the Company be destroyed by fire, in such cases the Directors may retain the amount of the premium note given for insurance thereof until the time for which insurance was made shall have expired, and at the expiration thereof the assured shall have the right to demand and receive such part of said retained sum or sums as has not been expended in losses and assessments.

Directors may retain premium notes on leased lands until expiration of insurance.

XXII. *And be it further enacted by the authority aforesaid*, That if insurance on any house or building shall be and subsist in said Company, and in any other office or from and by any other person or persons at the same time, the insurance made in and by said Company shall be deemed and become void, unless such double insurance subsist with the consent of the Directors, signified by endorsement on the back of the policy signed by the President and Secretary.

Policy void in case of insurance in any other Company without consent of Directors.

First meeting.

XXIII. *And be it further enacted by the authority aforesaid,* That any ten members of the Corporation to be so formed as hereinbefore mentioned, may call the first meeting of any such Company at such time and place within the District, as they may determine upon for holding such meeting by advertising the same in such of the Provincial newspapers printed and published within the District as they shall think proper, giving at least thirty days notice of the time, place and design of such meeting for the purpose of choosing the first Board of Directors, of making and establishing by-laws, and of transacting any business necessary and proper to carry into effect the provisions and intentions of this Act: *Provided however,* that no policy of insurance shall be issued by the Company until application shall be made for insurance on twelve thousand five hundred pounds at the least.

Directors to give bonds to District Treasurer,

who may institute suits thereon,

and certify to the Court who is prosecutor.

Judgment to be entered for the whole penalty for the benefit of any other plaintiff.

XXIV. *And be it further enacted by the authority aforesaid,* That each and every of the Directors of the said Company shall, before he enters upon the duties of his office, give a bond to the Treasurer of the District in which said Company is formed, in the sum of five hundred pounds currency, (or such further sum as may be fixed by any by-law or ordinance,) together with two good and sufficient sureties in the sum of two hundred and fifty pounds each, to the satisfaction of the said Treasurer, conditioned for the faithful discharge of the duties of his office, agreeable to the provisions of this Act, and the by-laws, regulations, ordinances, requirements and restrictions made or to be made in pursuance thereof; and on the complaint of any person who has been injured by the misconduct of any Director, it shall be the duty of the said Treasurer to institute a suit or action at law against such Director and his sureties upon the bond to be so given, as aforesaid, upon receiving security to indemnify the said Treasurer against costs, and to certify to the Court who is the prosecutor in any such cause, and the said Court may on motion of the defendants in such cause, order the prosecutor to find sureties to indemnify the defendants for their costs should he fail to prosecute or recover; and if the defendants shall plead performance of the condition of said bond the prosecutor may reply as many breaches respecting his interest as he shall think fit; and the Jury on trial of such issues as shall be put to them shall assess damages for such breaches as the prosecutor shall prove, and the Court shall enter up judgment for the whole penalty of the bond, and issue execution in favour of the prosecutor for such a sum as the Jury shall have found for damages and costs; and the judgment shall remain for the benefit of such other person or persons as may by *scire facias* thereon shew that they have been injured by any breaches of the condition of such bond; and if the prosecutor shall fail to recover in such suit

the Court shall award costs to the defendants, and issue execution for the same against such prosecutor.

XXV. *And be it further enacted by the authority aforesaid,* That each and every of the Treasurers and Secretaries to any Company to be formed under the provisions of this Act shall, before they enter upon the duties of their respective offices, give bonds to the Company in the sum of five hundred pounds currency, with two good and sufficient securities in two hundred and fifty pounds each, to the satisfaction of the Board of Directors, conditioned for the faithful discharge of the duties of their respective offices, agreeable to the provisions of this Act, and of the by-laws, rules, and regulations of the Company made pursuant thereto. Treasurer and Secretary to give bond.

XXVI. *And be it further enacted by the authority aforesaid,* That the Legislature of this Province may at any time hereafter make such additions to this Act or such alterations in any of its provisions as they may think proper should the public interest require it. Alteration of this Act.

CHAP. XIX.

AN ACT to extend the time of commencing the Cobourg Rail Road.

[Passed 20th April, 1836.]

WHEREAS by an Act passed in the fourth year of His Majesty's Reign, entitled, "An Act to incorporate certain persons under the style and title of the Cobourg Rail Road Company," it was among other things enacted, that the said Rail Road should be commenced within the term of two years from the passing of that Act: *And whereas,* it appears from the petition of the Directors of the Company that although a large portion of the stock has been subscribed, and levels have been taken, and plans made of the projected road, yet from various unforeseen circumstances the Company will not be able to commence the same within the time prescribed by the before recited Act: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North

Time for commencing operations extended. America, and to make further provision for the Government of the said Province," and by the authority of the same, That the time within which the said Cobourg Rail Road Company are held bound to commence their operations shall be further extended to the term of three years from the passing of this Act.

CHAP. XX.

AN ACT to repeal and amend certain parts of an Act passed in the third year of His Majesty's Reign entitled, "An Act to Incorporate a Company under the style and title of the British America Fire and Life Assurance Company."

[Passed 20th April, 1836.]

Preamble;

recites 3 W. 4, c —.

4th, 6th, 7th, 9th, 10th, 12th and 17th clauses repealed.

WHEREAS it is expedient to repeal part of and amend an Act passed in the third year of the Reign of His present Majesty, entitled "An Act to Incorporate a Company under the style and title of the British America Fire and Life Assurance Company:" *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the fourth, sixth, seventh, ninth, tenth, twelfth and seventeenth, Sections of the said first recited Act be and the same are hereby repealed.

Present Directors to hold their office until 1st of August next.

II. And be it further enacted by the authority aforesaid, That the persons now chosen Directors of the said Corporation shall hold their offices until the first Monday in the month of August next, and until the election of their successors in office.

Annual election of Directors to be on 1st of August.

Election by Ballot.

III. And be it further enacted by the authority aforesaid, That there shall be annually, on the first Monday in August, an election of Directors, which election shall be by ballot, and shall be held and made by such of the Stockholders as shall attend at the house of business of the said Corporation in the City of Toronto, in their own proper persons or by proxy, and the seventeen persons who shall have the greatest number of votes at any such election shall be the Directors, except as is hereinafter directed;

and if it should happen at any election that two or more persons shall have an equal number of votes, in such manner that a greater number of persons than seventeen shall by plurality of votes appear to be chosen as Directors, then the said Stockholders hereinbefore authorised to hold such election shall proceed to ballot a second time, and by plurality of votes 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 seventeen; and three of the Directors which shall be chosen in any year shall be ineligible to the office of Director for one year after the expiration of the time for which they shall be chosen Directors, and in case a greater number than fourteen of the Directors who served for the last year shall appear to be elected, then the election of such person or persons above the said number, and who shall have the fewest votes shall be considered void, and such other of the Stockholders as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons, and who are hereby declared ineligible, as aforesaid; and Stockholders not residing in the Province shall be ineligible; and if any Director shall remove out of, and continue absent from the said Province for the space of six calendar months, his office shall be considered as vacant; and if any vacancy or vacancies should at any time happen among the Directors by death, resignation, or removal from the said Province, such vacancy or vacancies shall be filled up for the remainder of the year in which they shall happen by the election of some one or more of the Stockholders, by the remaining Directors, who shall be especially summoned to attend at the Board for that purpose: *Provided always*, that no person shall be eligible to be elected or shall continue a Director who shall not be a Stockholder to the amount of at least twenty shares.

Three of the Directors ineligible for one year after expiration of their term of office.

Stockholders not resident in the Province ineligible.

Director absent six months from the Province vacates his office.

Vacancies in the Direction supplied.

IV. *And be it further enacted by the authority aforesaid*, That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name at least three months prior to the time of voting, according to the following ratios, that is to say—At the rate of one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten; and that Stockholders actually resident within the Province of Upper Canada, and none others may vote at such election by proxy: *Provided always*, that no person, co-partnership, or body politic shall be entitled to more than fifteen votes at any such election.

Scale of votes in proportion to shares.

V. *And be it further enacted by the authority aforesaid*, That the stock of the said Company shall be assignable and transferable, and may from

Transfer of stock.

time to time be transferred by the respective holders thereof: *Provided always*, that such assignment and transfer shall be entered in a book of the said Company, to be kept for that purpose, and shall be signed by the person or persons respectively making and accepting such assignments or transfers, their respective attornies or agents.

Directors authorized to make by-laws,

to declare dividends,

and appoint officers.

Parts of 13th and 15th clauses of 3 W. 4, c. —, relating to dividends and stock repealed.

Majority of Directors to be present.

Seven Directors to constitute a quorum.

Presiding Director to have a casting vote.

VI. *And be it further enacted by the authority aforesaid*, That any number of the Directors of the said Company being a majority of the said Directors, shall have full power and authority to make, prescribe, and alter such by-laws, rules, regulations, and ordinances as shall appear to them proper and needful, touching the well ordering of the said Corporation, the management and disposition of its stock, property, estate, and effects; and also to call in any instalment or instalments of the capital stock of such Company, at such time and season, and times and seasons as they shall think fit, giving due notice thereof according to the fifteenth section of the said Act, entitled “An Act to Incorporate a Company under the style and title of the British America Fire and Life Assurance Company;” also to declare and cause to be paid or distributed to the respective Stockholders of the said Company any dividend or dividends of profits at such times and seasons as they shall deem expedient; and also to appoint clerks and such other persons as to them may appear necessary for the carrying on the business of the said Company with such salary and allowances to each as they shall think meet and advisable; that so much of the thirteenth section of the said last-mentioned Act as requires such dividends to be declared at the annual meeting of the court of proprietors, and as requires the sense of three-fourths of the Directors there assembled to declare such dividend; and also so much of the fifteenth section of the said Act as makes the said capital stock or any part thereof payable in such instalments as a majority of the Stockholders at a meeting expressly called for that purpose should agree upon, be and the same are hereby repealed: *Provided always*, that for the purposes in this section of this present Act mentioned, except as hereinafter specially provided, a majority of the Directors at least shall be present and assisting.

VII. *And be it further enacted by the authority aforesaid*, That any seven or more of the Directors of the said Company shall be a quorum of the Board of Directors for the purpose of transacting and managing the details of business and affairs of the said Company, and all questions before them shall be decided by a majority of voices or votes, each Director to have one vote; and in case of an equality of votes, the Governor, Deputy Governor, or presiding Director, shall give the casting vote over and above his proper vote as a Director: *Provided always*, that nothing

herein contained shall be construed to authorize the calling in instalments of capital stock, declaring dividends of profits, making, prescribing, or altering any by-laws or ordinances of the said Company, or repealing the same, or the appointment of any officers or clerks of the said Company by any lesser number of Directors, or in any other manner than is mentioned and provided in the next preceding section of this Act.

Restriction as to the operation of this Act.

VIII. *And be it further enacted by the authority aforesaid,* That the Governor, or in his absence the Deputy Governor shall preside at the said Board of Directors, and in case they shall both be absent, it shall and may be lawful for the Directors present to elect from amongst themselves a Chairman, and the Chairman so elected shall preside at such meeting.

President of the Board.
In President's absence a Chairman to be elected.

IX. *And be it further enacted by the authority aforesaid,* That the Governor or Deputy Governor, with any two of the Trustees of the said Company and the Managing Directors, shall have power to make, grant and enter into all and any assurances in the name and on behalf of the said Company: *Provided always,* that the same shall not be contrary to any by-laws, rules, regulations or rates of premium, ordered and appointed by any Board of Directors; and that all and any policy of assurance, grant of annuity, or other contract of assurance shall be under the seal of the said Company, and signed by the Governor or Deputy Governor, together with the Managing Director, and any two of the Trustees of the said Company.

The Governor and two Trustees may grant assurances:
the same not to be contrary to by-laws.
Policies to be under the Seal of the Company, and signed by the Governor, Managing Director, and two Trustees.

X. *And be it further enacted by the authority aforesaid,* That all contracts, checks, drafts, acceptances, and other writings, intended to be in any wise binding on the said Company, and not under seal, shall be signed by the Managing Director, and certified by the Governor or Deputy Governor of the said Company, as being in pursuance of the order or resolution of the Board of Directors: *Provided always,* that the Managing Director shall have full power and authority to demand and receive any sum or sums of money which shall be due and payable to the said Company, and to grant receipts or other acquittances for the same.

Contracts, acceptances, &c. not under seal to be signed by the Managing Director and certified by the Governor.
Managing Director to have full power to demand and receive sums due to the Company.

XI. *And be it further enacted by the authority aforesaid,* That in case the said Board of Directors shall think it more expedient in any case or cases to enforce the payment of any instalment or instalments of stock in the said Company, held by any person or persons, and called in and unpaid, than to forfeit the same, it shall and may be lawful for the said Company to sue for and recover of and from such person or persons such instalment or instalments aforesaid, which shall be so called in, and which shall be unpaid at the time or times when the same are or shall be due or

Board of Directors may sue for instalments of stock due.

payable, which said instalment or instalments shall be sued for and recovered in any action or actions of debt in any Court having jurisdiction of the same.

After instalments called in no transfer valid until such instalment paid.

XII. *And be it further enacted by the authority aforesaid,* That after any instalment or instalments of the said stock shall be so called in that no transfer or transfers of such stock shall have any validity until such instalment or instalments on the same shall have been fully paid and discharged, any thing hereinbefore contained to the contrary notwithstanding.

Liabilities of Stockholders.

XIII. *And be it further enacted by the authority aforesaid,* That the Stockholders of the said Corporation shall be liable and responsible for the debts and liabilities thereof in their individual and private capacity to the amount of their respective shares, and no more.

Managing Director may be Treasurer.

XIV. *And be it further enacted by the authority aforesaid,* That the Managing Director of the said Company shall and may also be Treasurer thereof, and that as soon as conveniently may be after the passing of this Act, the said Managing Director shall give a bond with two or more sufficient sureties in any penal sum not less than two thousand pounds, which may be satisfactory to the Board of Directors—which said bond shall be conditioned for the due and faithful discharge of the duties of Treasurer and Managing Director, as aforesaid.

Security to be given by Treasurer.

Subscribers having paid one or more instalments are at liberty to withdraw from the Company,

within three months.

Company to refund monies paid by parties retiring.

XV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons who, having subscribed for any number of shares in the capital stock of the said Company, may have paid in one or more instalments upon said stock, to withdraw his, her or their name or names from the said Company within three months from the passing of this Act, and upon notice in writing within the time aforesaid, to be given to the Managing Director of such intention to withdraw from the said Company, the said Company shall and they are hereby required to refund to such person or persons all such monies as shall have been paid by such person or persons as stock or proportion of stock in the said Company.

Alteration of this Act.

XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Legislature of this Province at any time to repeal, alter or amend any part of this Act.

Company not to have power of Banking.

XVII. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend or be construed to extend to vest in the

said Company any Banking powers whatever, any law, usage or custom to the contrary notwithstanding.

CHAP. XXI.

AN ACT continuing the Road Acts of one thousand eight hundred and thirty-three and one thousand eight hundred and thirty-four, and rendering the Commissioners accountable for the expenditure of the Road Monies granted by the same.

[Passed, 20th April, 1836.]

WHEREAS the provisions of an Act passed during the last Session of the Provincial Parliament, entitled “An Act to continue the Road Acts of one thousand eight hundred and thirty-three and one thousand eight hundred and thirty-four,” have not been fully complied with, and it is expedient to extend the time allowed for such compliance: *Be it therefore enacted* by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,’ and by the authority of the same, That the period for complying with the provisions of the said recited Act shall be further extended to the first day of September next after the passing of this Act.

Preamble.

Continuation of the Road Acts of 1833 and 1834.

II. *And be it further enacted by the authority aforesaid,* That if the Commissioners appointed by the Act to which this Act refers shall neglect or refuse to expend the monies remaining unexpended by them at the time of the passing of this Act, during the present year, it shall be the duty of the Township Commissioners to sue for and recover the same from the Commissioners so neglecting or refusing to expend the same, and the said Township Commissioners shall expend such sums so recovered in the same manner as the said Road Commissioners ought to have done by virtue of the said Act.

Township Commissioners to sue for any monies left unexpended.

CHAP. XXII.

AN ACT to authorise the Commissioners of the late Pretended Bank of Kingston to dispose of certain Real Estate, and for other purposes therein mentioned.

[Passed 20th April, 1836.]

Preamble.

WHEREAS the Commissioners appointed under and by virtue of an Act passed in the tenth year of the reign of His late Majesty Lord King George the Fourth, entitled "An Act to make more effectual provision for settling the affairs of the late Pretended Bank of Upper Canada," have taken and received in payment and satisfaction of certain debts due to the said institution divers lands and real estate which it is expedient and necessary to authorise the said Commissioners to sell and convey: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Commissioners or a majority of them shall from and after the passing of this Act have full power and authority to bargain and sell for such sum or sums of money as they in their discretion shall think proper to accept and receive for the same, all lands and real estate which now are or which may hereafter be vested in them as Commissioners, as aforesaid; and upon making any such sale of lands or real estate, as aforesaid, the said Commissioners or a majority of them shall have full power and authority, under their hands and seals, to make and execute a conveyance or conveyances of all and singular the lands and real estate so by them sold, as aforesaid, to the purchaser or purchasers thereof; which said conveyance or conveyances shall convey and confirm to such purchaser or purchasers, his, her or their heirs or assigns, the lands or real estate in such conveyance or conveyances mentioned and described, they the said Commissioners at the time of executing such conveyance or conveyances being legally seized of the lands or real estate mentioned and described therein.

Commissioners
authorized to sell real
estate,

and execute convey-
ances.

Application of monies
arising from such
sales.

II. *Provided always, and be it further enacted by the authority aforesaid,* That all monies which shall or may come into the hands of the said

Commissioners from the sale of any lands or real estate, as aforesaid, shall be applied in the same manner and for the same purposes that any other monies which have or may come into their hands as Commissioners as aforesaid, are by law directed to be applied and apportioned.

CHAP. XXIII.

AN ACT to authorise the sale of the old site of the Gaol and Court House, in the District of Newcastle.

[Passed 7th March, 1836.]

WHEREAS the present Court House and Gaol for the District of Newcastle is erected upon a new site of half an acre of land conveyed by the Honorable Zaccheus Burnham : *And whereas*, it is expedient to authorize the sale of the old site : *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That it shall and may be lawful for the Clerk of the Peace of the said District, and he is hereby required to sign, seal, and deliver a good and sufficient deed or conveyance of the said old site at such times and in such lots, and to such person or persons as the Magistrates of the said District in General Quarter Sessions assembled, shall at any time order and direct ; which deed or conveyance, when executed, shall convey the lands mentioned therein to the purchaser or purchasers thereof, according to the terms and conditions therein expressed freed and discharged from all trusts whatsoever under and by virtue of which the said premises are now held by the person or persons to whom the same were conveyed.

Preamble.

Clerk of the Peace of the Newcastle District authorised to convey the site of the old Court House and Gaol.

II. *And be it further enacted by the authority aforesaid*, That the purchase money arising from the sale of the aforesaid old site, shall be paid into the hands of the Treasurer of the said District, payable and subject to such order as the Magistrates shall from time to time make : *Provided always*, that such money shall be applicable only to the purchase of such additional ground adjoining the present site, and making such enclosures

Application of monies arising from such sale.

and erections thereupon and about the said prison as the Magistrates shall deem expedient and necessary for the security, comfort and convenience thereof.

CHAP. XXIV.

AN ACT to authoresse the erection of a Mill-Dam upon the River Thames, in the London District.

[Passed 7th March, 1836.]

Preamble.

WHEREAS it hath been represented by the petition of sundry persons inhabiting upon or near the banks of the River Thames, in the Township of Mosa, in the County of Middlesex, and District of London, that the erection of Mills upon the said River on Lot number twenty-eight of the broken front of the said Township, and which is situated upon the right bank or north-westerly side of the said River Thames, and between said River and the Long Woods Road, would tend greatly to increase the general prosperity and wealth of the surrounding country: *And whereas*, the natural fall of the said River at this place is not of that magnitude as to render the water privilege efficient at all seasons of the year for Mill purposes, and it will be therefore necessary to erect a Dam across the said River at the above-mentioned site: *And whereas*, the erection of a Dam of a sufficient height to fully effect the purpose desired will not flood or otherwise injure any lands lying above the same: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for any person or persons owning the lands on both sides of the said River Thames, at the place mentioned, or in case of not owning said land, having first obtained permission by an instrument under his or their hands and seals from the proprietor or proprietors of the said lands, his or their heirs and assigns, to erect a Dam upon the above-mentioned site of such height only as will not flood or otherwise injure any lands lying above the same: *Provided always*, that such Dam or Dams shall be constructed with suitable locks for the safe and convenient passage of such boats or other craft as are now or

Authority to construct Mill-dam across the Thames.

Manner in which such dam to be constructed.

may hereafter be in use upon the said River, and also with inclined planes of not less than forty feet in length and thirty feet in width, with good and sufficient aprons for the safe passage of rafts and the ascent of fish, to be maintained and kept in good repair by the person in possession of said water privilege, free from toll or other charge, as long as the said Dam or Dams shall exist.

II. *And be it further enacted by the authority aforesaid,* That if the passage aforesaid shall at any time be obstructed for the period of twenty days successively, the grant hereby intended to be made shall be absolutely void. Obstruction of passage to render grant void.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Legislature of this Province at any time hereafter, when in their opinion the public interest shall require it, either to amend or repeal this Act. Act may be amended, or repealed,

CHAP. XXV.

AN ACT for the relief of William Conway Keele.

[Passed 20th April, 1836.]

WHEREAS an Act was passed in the second year of His late Majesty's reign, entitled "An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's reign, entitled 'An Act for the better regulating the Practice of the Law, and to extend the provisions of the same:'" *And whereas,* it is among other things enacted, that from and after the passing of the said Act, no person shall be admitted by the Court of King's Bench to practice as an Attorney in this Province unless upon an actual service, under articles for five years, with some practising Attorney in this Province: *And whereas,* it appears by the petition of William Conway Keele, a native of England, now resident in this Province, and by certificates and documents produced in support thereof, that he was admitted an Attorney of His Majesty's Court of King's Bench in England in the year of our Lord one thousand eight hundred and twenty; and also that he came into this Province in the hope of being allowed to practise his profession of the Law, and without knowing that any Provincial enactment existed to the contrary, and that he has been actively engaged as the Chief or Managing Clerk in the Office of His Majesty's Attorney General in this Province ever since the sixth day of July, one thousand eight hundred and thirty-three, but not under any written arti- Preamble.

cles, and that he was desirous of practising the Law in this Province at the expiration of such further period of time, to be computed from the said sixth day of July, one thousand eight hundred and thirty-three, and under such terms and conditions as might be deemed requisite: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That any thing in the said recited Act to the contrary notwithstanding, the Court of King's Bench may at its discretion admit the said William Conway Keele to practise as an Attorney in this Province, upon his proving to the satisfaction of the said Court that he has hereafter served under articles of Clerkship with some practising Attorney in this Province, for and during such period of time as shall from and after the passing of this Act, make up the full period of five years required by law, to be computed from the said sixth day of July, one thousand eight hundred and thirty-three, and that such service shall to all intents and purposes be deemed an actual and sufficient service, in compliance with the said Act, as if the said William Conway Keele had during the whole of the said period of five years been actually serving under articles of Clerkship.

Court of K. B. authorised to admit W. C. Keele as an Attorney on proving service under articles.

CHAP. XXVI.

AN ACT for the relief of Andrew Deacon.

[Passed 20th April, 1836.]

Preamble.

WHEREAS Andrew Deacon, Esquire, Collector of Customs at the Port of Hallowell, in the District of Prince Edward, has by the Laws of this Province been prevented from receiving any per centage on certain monies collected as duties at the said Port, and paid into the hands of the Receiver General of this Province, in consequence of the said Andrew Deacon not reporting the same to the Inspector General within the period prescribed by law: *And whereas*, it is expedient to afford relief to the said Andrew Deacon: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assem-

bled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, entitled ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, ‘That it shall and may be lawful for the Inspector General of this Province to allow to the said Andrew Deacon, as Collector at the said Port of Hallowell, the regular per centage to which the said Andrew Deacon would by law be entitled, on all monies heretofore collected at the said Port, and which may be paid into the hands of the Receiver General of this Province, as if the said monies had been accounted for according to, and within the period prescribed by law.

Inspector General
authorised to allow
per centage to
Andrew Deacon.

CHAP. XXVII.

AN ACT to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coin made current by Law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this Province.

[Passed 20th April, 1836.]

WHEREAS it is expedient to amend the Laws for the regulation of certain Coins current in this Province: *Be it therefore enacted* by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, entitled ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, ^{Preamble.} That the first, second, third, fourth, and eighth sections of an Act passed ^{1st, 2nd, 3rd, 4th and 8th sections of 36 Geo 3, c. 1,} in the thirty-sixth year of the reign of King George the Third, entitled “An Act for the better regulation of certain Coins current in this Province,” and also an Act passed in the forty-ninth year of His Majesty’s ^{49 Geo. 3, c. 8,} reign, entitled “An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of His Majesty’s reign, entitled ‘An Act for the better regulation of certain Coins current in this Province, to equalize them to the Standard weight and value of the like Coins in the Province of Lower Canada,” and also an Act passed in the seventh year ^{7 Geo. 4, c. 4,} of the reign of His late Majesty King George the Fourth, entitled “An Act to repeal part of an Act passed in the thirty-sixth year of His late

Majesty's reign, entitled 'An Act for the better regulation of certain Coins current in this Province, and to make further provision for the regulation of the British Silver and Copper Coinage current in this Province,' and also another Act passed in the eleventh year of the reign of His said Majesty King George the Fourth, entitled "An Act for the better regulation of the Currency," shall be and the same are hereby repealed.

and 11 Geo. 4, c. 6,

repealed.

Gold and Silver coins herein mentioned to be current and a legal tender.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the Gold and Silver Coins hereinafter mentioned shall pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this Province, at the weights and rates following, that is to say:—

Of Gold Coins:

- The British Guinea, weighing five pennyweights nine and a half grains Troy, at one pound five shillings and sixpence;
- The British Sovereign, weighing five pennyweights three and a half grains Troy, at twenty-four shillings and fourpence;
- The Eagle of the United States of America, coined before the first day of July, one thousand eight hundred and thirty-four, weighing eleven pennyweights six grains Troy, at fifty-three shillings and fourpence;
- The Eagle of the United States of America, coined since the first day of July, one thousand eight hundred and thirty-four, weighing ten pennyweights eighteen grains Troy, at fifty shillings;

And of Silver Coins:

- The British Crown, at six shillings;
- The British Half Crown, at three shillings;
- The British Shilling, at one shilling and threepence;
- The British Sixpence, at sevenpence half-penny;
- The Spanish Milled Dollar, at five shillings, equal to four shillings and sixpence Sterling money of Great Britain;
- The Dollar of the United States of America, at five shillings;
- The Mexican Dollar, coined in the years one thousand eight hundred and thirty-one, one thousand eight hundred and thirty-two, and one thousand eight hundred and thirty-three, at five shillings;

And all the higher and lower denominations of the said Gold and Silver Coins shall also pass current, and be deemed a legal tender in payment of all debts and demands whatsoever in this Province in the same proportions respectively.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons shall colour, gild, or case over with gold or silver, or with any wash or materials producing the colour of gold or silver, any Coin of coarse gold or of coarse silver, or of base metal resembling any Coin made or declared to be current by this Act, or if any person or persons shall bring or cause to be brought into this Province any forged, false, or counterfeit money, like to any of the Gold or Silver Coin made or declared to be current in this Act, knowing the same to be false, forged or counterfeit, or any Coin of coarse gold or of coarse silver, or of base metal, coloured, gilded or cased over with gold or silver, or with any wash or materials producing the colour of gold or silver, and resembling any such Coin, or any piece of gilded silver resembling any such Coin, knowing the same, every such person shall for every such offence be deemed guilty of felony, and upon conviction thereof shall be liable to suffer such punishment as is provided by the twenty-fifth clause of a certain Act of the Parliament of this Province, passed in the third year of the reign of His present Majesty, entitled "An Act to reduce the number of cases in which Capital Punishment may be inflicted, to provide other punishment for offences which shall no longer be Capital after the passing of this Act, to abolish the privilege called Benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction."

Counterfeiting, or importing any such coin when counterfeited, declared felony.

Punishable under the 25th clause of 3 W. 4. c. 4.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall after the passing of this Act, utter or tender in payment to any person or persons any false or counterfeit money, counterfeited to any of the Gold or Silver Coins made or declared to be current by this Act, as hereinbefore specified, or to any of the higher or lower denominations thereof, knowing the same to be false or counterfeit, and shall be thereof convicted, every such person so offending shall be liable to suffer such punishment as is provided for any of the offences mentioned in the last preceding clause of this Act.

Uttering such false or counterfeit money punishable as by the preceding clause.

V. *And be it further enacted by the authority aforesaid,* That such of the Gold or Silver Coins made or declared current by this Act, as are depreciated in weight more than one twenty-fifth part of their full weight shall not be legal money in this Province.

Coin when depreciated in weight not a legal tender.

VI. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue in force for four years, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Act to be in force four years.

CHAP. XXVIII.

AN ACT to provide for the making and keeping in repair the West Gwillimbury Road and Bridge, and to authorise the erection of a Toll Gate thereon.

[Passed 20th April, 1836.]

Preamble.

WHEREAS divers inhabitants of the County of Simcoe have by their Petition set forth the necessity of expending a sum of money for putting and keeping in repair the Bridge and Road leading from Yonge Street, near the Holland Landing, through part of West Gwillimbury, to Evans' Tavern in the said Township, known as the Road laid out and established by George Lount, Esquire, Deputy Surveyor, and upon which the public money has hitherto been expened: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That Thomas Drury, Joseph Hodgins, Adney Penfield, William Laughton, and Francis Phelps, be Commissioners with power to make such improvement on the said Bridge and Road as to them may be deemed expedient and necessary, and who shall have power to do and perform all and whatsoever act and acts, thing and things necessary and proper to carry the intentions of this Act into effect; and who shall after the completion of such Bridge and Road have power to erect a Gate and fix such tolls and rates as to them may appear just and necessary; and shall report to the Governor, Lieutenant Governor, or person administering the Government of this Province, for the information of the Legislature, on or before the first day of December in each and every year, all matters by them done by virtue of this Act, with an account in detail of all monies by them received and paid under the provisions thereof.

Appointment of Commissioners;

their powers.

Commissioners to report.

£1000 to be raised on credit of tolls.

II. And be it further enacted by the authority aforesaid, That it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government, so soon after the passing of this Act as he may deem expedient, to authorise and direct His Majesty's Receiver General of this Province to raise, by loan, from any person or persons, body politic or corporate, who may be willing to advance the same upon the credit of

the tolls to be collected under the authority of this Act, a sum not exceeding one thousand pounds, at a rate of interest not exceeding six per cent, payable half-yearly in this Province.

III. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Receiver General of this Province to cause or direct any number of Debentures to be made out for any such sum or sums of money, not exceeding in the whole the sum of one thousand pounds, as any person or persons, bodies politic or corporate shall agree to advance on the credit of the said tolls, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and that for each loan or advance three several Debentures shall issue at the same time, bearing date on the day on which the same shall actually be issued, and being each for the payment of one-third of the sum so advanced, at the expiration of eight, nine, and ten years respectively, with interest at the rate aforesaid, from the date of each Debenture until the same shall be discharged; and every such Debenture shall and may be signed by the Receiver General of this Province.

Debentures to be issued by Receiver General.

When payable.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forge or counterfeit any such Debenture, as aforesaid, which shall be issued under the authority of this Act, and uncanceled, or any stamp, endorsement or writing thereon or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit endorsement or writing thereon, or shall demand to have any such counterfeit Debenture or any Debenture with such counterfeit endorsement or writing thereupon or therein, exchanged for ready money by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the Debentures so tendered in payment or to be exchanged, or the endorsement or writing thereupon or therein to be forged or counterfeited with intent to defraud His Majesty, his Heirs and Successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending being thereof lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony.

Forging, or uttering forged Debentures, felony.

V. *And be it further enacted by the authority aforesaid,* That the Receiver General of the Province shall before each Session of the Provincial Parliament, transmit to the Governor, Lieutenant Governor, or person administering the Government, correct accounts of the numbers, amounts, and dates of the different Debentures which he may have issued under the authority of this Act; of the amount of the Debentures redeemed by him

Receiver General to transmit account of Debentures to Lieut. Governor previous to each session.

and the interest paid thereon respectively ; and also of the amount of the said Debentures outstanding and unredeemed at the periods aforesaid, and of the expenses attending the issuing the same, to be laid before the Legislature of the Province.

Interest on Debentures payable half yearly.

VI. *And be it further enacted by the authority aforesaid,* That the interest growing due upon the said Debentures shall be payable in half-yearly periods, to be computed from the dates thereof, and shall and may be paid on demand by the Receiver General of the Province who shall take care to have the same endorsed on each Debenture at the time of payment thereof, expressing the periods up to which the interest shall have been paid, and who shall take receipts for the same respectively ; and that the Governor, Lieutenant Governor, or person administering the Government shall after the thirtieth day of June and the thirty-first day of December in each year, issue warrants to the Receiver General for the payment of the amount of interest that shall have been advanced according to the receipts to be taken by him, as aforesaid.

Payment of Debentures when due.

VII. *And be it further enacted by the authority aforesaid,* That a separate warrant shall be made to the Receiver General by the Governor, Lieutenant Governor, or person administering the Government for the time being for the payment of each Debenture as the same becomes due, and be presented in favour of the lawful holder thereof ; and that such Debentures as shall from time to time be discharged and paid off shall be cancelled and made void by the Receiver General.

Notice of Debentures becoming due.

VIII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures or any of them shall respectively become due, according to the terms thereof, it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government, (if he thinks proper so to do,) to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures to present the same for payment, according to this Act ; and after the insertion of the said notice for three months, if any Debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such Debentures after the expiration of six months shall cease, and be no further payable in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

When Interest to cease.

Vacancies amongst Commissioners to be filled up by Lieut. Governor.

IX. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government, to nominate and appoint, under his hand and seal, such person or persons as he shall see fit to fill any vacancy or vacancies, which

from time to time may happen in the said Board of Commissioners by death, resignation or otherwise.

X. *And be it further enacted by the authority aforesaid,* That the said Commissioners may from time to time appoint such engineers, agents, officers, workmen and servants as they may think fit, and pay them with such salaries as they may deem just and reasonable to carry into effect the provisions of this Act, taking, when necessary, good security for the faithful discharge of the trust reposed.

Commissioners may appoint officers, workmen, &c,

XI. *And be it further enacted by the authority aforesaid,* That no Commissioner or Secretary, appointed under the provisions of this Act, shall be directly or indirectly concerned, engaged or interested in any contract or agreement for the performance of any work which may be necessary under the authority of this Act.

No Commissioner or Secretary to engage in any contract under this Act.

XII. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall at their first general meeting, held after the said Bridge and Road shall be completed, ascertain and fix the rates and dues to be taken by this Act, and that it shall be lawful for the said Commissioners to alter the said rates and dues at any subsequent meeting, after giving two months notice of their intention so to do, and that a schedule of rates and dues shall be affixed on the gate of the said Bridge.

Amount of tolls to be settled by Commissioners.

XIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners, if they think proper, may commute the tolls with any person or persons, by taking of him or them a certain sum, either monthly or annually, in lieu of such tolls.

Commutation of tolls.

XIV. *And be it further enacted by the authority aforesaid,* That the said several tolls or dues shall be paid to such person or persons, and in such manner and under such regulations as the said Commissioners shall direct or appoint, and in case of denial or neglect of payment of any such tolls or dues, or any part thereof, on demand, to the person or persons appointed to receive the same, as aforesaid, the said Commissioners may sue for and recover the same in any Court having jurisdiction thereof.

Tolls, how and to whom payable.

XV. *And be it further enacted by the authority aforesaid,* That if any person shall wilfully or maliciously break down, damage or destroy any bank, gate, or any works, machine or device to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent the carrying into execution this Act, or completing, supporting, or maintaining the said Bridge, every such person so offending shall be deemed guilty of a Misdemeanor.

Wilful injuries to works declared misdemeanors.

Evading payment of tolls;
penalty 10 shillings.

XVI. *And be it further enacted by the authority aforesaid,* That any person or persons who shall after proceeding on any part of the said Road with any of the carriages or animals liable to toll, turn out of the same into any other road, and shall enter the said Road beyond the said Turnpike Gate, without paying toll, whereby such payment shall be evaded, such person or persons shall for every such offence forfeit and pay the sum of ten shillings, which said sum shall be expended on the said Road or Bridge towards the payment of the principal and interest of the sum expended thereon; and any one Magistrate of the Home District shall, on conviction of said offender, fine him in the said penalty, to be collected in the same way as other forfeitures under this Act.

All persons on payment of tolls to have right to use the road &c.

XVII. *And be it further enacted by the authority aforesaid,* That all persons whosoever shall have liberty to use with horses, cattle and carriages the Bridge, Road and approaches to be made, as aforesaid, upon payment of such tolls and dues as shall be established by the said Commissioners.

Recovery of penalties.
Distress and sale;
Commitment in default;
Not exceeding 20 days.

XVIII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or against any rule or by-law of the said Commissioners, to be made in pursuance thereof, shall upon proof of the offences respectively, before any two Justices of the Peace for the Home District, either by confession of the party or parties, or by the oath of one or more credible witness or witnesses, be levied by distress and sale of the goods and chattels of the parties offending, by warrant under the hands and seals of such Justices, and the overplus, after such penalties and forfeitures and the charges of such sale are deducted, shall be returned, on demand, to the owner or owners of such goods and chattels; and in case such sufficient distress cannot be found or such penalties or forfeitures shall not be faithfully paid, it shall be lawful for such Justices, by warrant under their hands and seals, to cause such offender or offenders to be committed to the Common Gaol of the Home District, there to remain without bail or *main prise*, for such time as the said Justices may direct, not exceeding twenty days, unless such penalties and forfeitures and all reasonable costs and charges attending the same shall be sooner paid and satisfied.

Application of penalties.

XIX. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures against this Act, or against any rule, order or by-law of the Commissioners, to be made in pursuance thereof, when levied and satisfied shall be paid to the said Commissioners, to be with all other monies received by them transmitted to His Majesty's Receiver General of this Province, to be accounted for to His Majesty through the

Lords Commissioners of His Majesty's Treasury, in such manner as His Majesty shall be pleased to direct.

XX. *And be it further enacted by the authority aforesaid,* That if any complaint shall be brought against any person or persons for any thing done or to be done in pursuance of this Act, or in execution of the powers and authorities or the orders and directions hereinbefore given and granted, every such suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damages then within six calendar months after the doing or committing such damages shall cease, and not afterwards; and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by authority of this Act, and if it shall appear to be done so, or if any action or suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the defendant. Limitation of actions.

XXI. *And be it further enacted by the authority aforesaid,* That whenever the Commissioners appointed under this Act shall be named therein, it shall be taken and construed to mean the majority of the said Commissioners, who shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper touching the management and disposition of the monies coming into their hands, and touching the duties and conduct of the officers, clerks and servants employed by them, and all such other matters as appertain to the conduct of the said Commissioners in carrying into effect the provisions of this Act. Commissioners may make by-laws.

XXII. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall have power and authority to appoint one of their own number or some other person to act in all matters relating to the management and controul of works to be carried on under their orders and directions, subject to such restrictions as the said Commissioners or a majority of them shall think proper and expedient to impose; and the said Commissioners shall and may allow to the person appointed by them, as aforesaid, for his services, out of the monies which shall come into their hands, under the provisions of this Act, such sum as they may consider proper. Overseer of works.

XXIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall hold their first meeting at such time and place as the majority of the said Commissioners may name and appoint. Remuneration for his services.

XXIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall hold their first meeting at such time and place as the majority of the said Commissioners may name and appoint. First meeting.

Governor's warrant to be issued for monies to be raised on Debentures.

XXIV. *And be it further enacted by the authority aforesaid,* That all monies which shall be raised by Debenture under the provisions of this Act, shall be paid by the Receiver General of this Province in discharge of such warrant or warrants as may from time to time be issued by the Governor, Lieutenant Governor, or person administering the Government of the Province, in favour of the said Commissioners, and shall be accounted for through the Lords Commissioners of His Majesty's 'Treasury in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct.

CHAP. XXIX.

AN ACT to repeal an Act passed in the forty-ninth year of the reign of His late Majesty King George the Third, entitled "An Act to encourage the destroying of Wolves in this Province, and to make further provision for exterminating those destructive animals."

[Passed 20th April, 1836.]

Preamble :

Reciting 11 Geo. 4,
c. 17.

The recited Act repealed.

Any person producing the head of a Wolf, with the ears on, before any Justice, upon oath made, entitled to £1 10s.

WHEREAS the Act passed in the eleventh year of His late Majesty's reign, entitled "An Act to repeal an Act passed in the forty-ninth year of His late Majesty's reign, entitled 'An Act to encourage the destroying of Wolves in this Province, and to make further provision for exterminating those destructive animals,'" has expired, and it is necessary to afford more ample encouragement for the destruction of said animals : *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, 'That the said Act passed in the forty-ninth year of the reign of King George the Third, entitled "An Act to encourage the destroying of Wolves in this Province," be and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act any person who shall produce the head of a Wolf, with the ears on, before any Justice of the Peace acting for any District in this Province, and shall make oath or affirmation, as the case may be, or otherwise prove to the satisfaction of the said Justice that the

Wolf was killed within that District or within one mile of an actual settlement in the District, shall be entitled to receive from the Treasurer of the District the sum of one pound ten shillings as a bounty for the same.

III. *And be it further enacted by the authority aforesaid,* That the said Justice of the Peace before whom the head of the Wolf shall be produced, having first cut off the ears thereof, shall give the person a certificate that the fact has been proved to his satisfaction; which certificate shall authorize the person holding the same to demand and receive from the Treasurer of the District the said sum of one pound and ten shillings for the head of every Wolf so killed and presented.

Justice to give his certificate thereof.

IV. *And be it further enacted by the authority aforesaid,* That the Treasurer of the District shall forthwith pay and satisfy the bounty to which such certificate shall entitle the person presenting the same: *Provided,* that the District funds in his hands shall enable him so to do; and if the said funds shall not enable him to satisfy the same forthwith, then the Treasurer shall pay the same out of the monies of the District which shall next thereafter come into his hands.

Treasurer of District to pay the bounty from funds in hands;

or if funds deficient, then from next monies received.

V. *Provided always, and be it further enacted by the authority aforesaid,* That it shall not be lawful for the Treasurer of any District to pay and satisfy the bounty to which such certificate shall entitle the person presenting the same until he shall have paid the other annual expenses of the District, arising from the building of a Court House and Gaol, and keeping the same in repair; the fees of the Clerk of the Peace and salary of the Gaoler; the maintenance of the prisoners; and the wages of the Members of the House of Assembly, any thing herein contained to the contrary notwithstanding.

Other District expenses to be first paid.

VI. *And be it further enacted by the authority aforesaid,* That when the funds of any District will not enable the Treasurer of such District to pay and satisfy the bounty to which such certificate shall entitle the person presenting the same, each certificate, as aforesaid, for having destroyed a Wolf, shall be a lawful tender to the full value and amount therein specified for and towards the discharge of any District rate or assessment to be collected from any person or persons within the District wherein such Wolf shall have been destroyed, and shall as such be accepted and taken as equivalent to so much of the current money of the Province by the Collector of any Township within the District, to be paid and delivered over to the District Treasurer, by whom the same shall in like manner be taken and accepted as a lawful tender, and equivalent to so much of the current money of this Province.

Certificate to be, in certain cases, a lawful tender in discharge of rates or assessments.

Act to be in force
four years.

VII. *And be it further enacted by the authority aforesaid, That this Act shall continue and be in force for and during the term of four years, and from thence to the end of the then next ensuing Session of Parliament and no longer.*

CHAP. XXX.

AN ACT to continue the Improvement of certain Roads in the Home District.

[Passed 20th April, 1836.]

Preamble.

WHEREAS the improvement of the Public Highways approaching the City of Toronto, under the authority of an Act of the Parliament of this Province, passed in the third year of the reign of His present Majesty, entitled “An Act to raise a sum of money to improve certain Roads in the vicinity of the Town of York, and for other purposes therein mentioned,” has fully realized the advantages anticipated, and given general satisfaction: *And whereas* it is desirable that such improvements should be continued on the said three Public Highways in the Home District:—*Be it therefore enacted* by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, entitled ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, That it shall and may be lawful for the Receiver General of this Province, as soon after the passing of this Act as may be deemed expedient, to raise, by way of loan, from any person or persons, body politic or corporate, who may be willing to advance the same on the credit of the tolls to be levied and collected on the roads hereby authorised to be imposed, and not paid or chargeable against the general revenue of this Province, any sum or sums of money, not exceeding in the whole Thirty-five Thousand Pounds, which said sum of thirty-five thousand pounds shall be appropriated and applied as follows, that is to say—To continue the Macadamization of the Yonge Street road, the sum of Fifteen Thousand Pounds; to continue the Macadamization of the Kingston road, the sum of Ten Thousand Pounds; to continue the Macadamization of the Dundas Street road, the sum of Ten Thousand Pounds.

Receiver General
authorised to raise by
loan on credit of the
tolls the sum of
£35,000.

Appropriation :

on the Yonge Street
Road £15,000;
Kingston Road
£10,000;
Dundas Street
£10,000.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver General for the time being to cause or direct any number of Debentures to be made out, (distinguishing the road on the toll of which such Debentures are to be secured) for such sum or sums of money, not exceeding for Yonge Street road the sum of fifteen thousand pounds; for Kingston road the sum of ten thousand pounds; and for Dundas Street road the sum of ten thousand pounds, as any person or persons, bodies corporate or politic, shall agree to advance on the credit of the tolls of each road; which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and shall be signed by the Receiver General for the time being.

Receiver General authorized to issue Debentures, distinguishing the different Roads; not exceeding £15,000 for Yonge Street; £10,000 for Kingston Road; £10,000 for Dundas Street.

III. *And be it further enacted by the authority aforesaid,* That the Debentures to be issued for each road shall be secured by the tolls of such road; and the Trustees to be appointed by this Act shall have power and authority only over the road to which they are appointed; and each Turnpike or Macadamized road shall be solely managed by such Trustees, and the tolls thereof shall be applied solely on the Debentures issued on such road, and for the purposes mentioned in this Act, as regards each road.

Debentures to be secured by the tolls. Power of the Trustees limited to their respective Roads; and tolls thereon applied solely to the Debentures issued on such road.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver General for the time being to pay such sum and sums of money, out of the said loan so to be raised on the said Debentures, as the Trustees for each of the said roads respectively may require, for such parts of the work as may be from time to time completed, or for such materials as may be from time to time furnished, on such Trustees certifying that such sum or sums is or are necessary to enable them to proceed with such portion or portions of the work as are in a course of being finished, or for such materials furnished and delivered, not exceeding in the whole the sum of thirty-five thousand pounds.

Receiver General authorized to pay monies in advance on certificate of Trustees that such sums are necessary to proceed with the roads.

V. *And be it further enacted by the authority aforesaid,* That the interest due upon the said loan or Debentures, shall and may be payable in half-yearly periods, to be computed from the date thereof, out of the funds hereafter provided, and shall and may be paid by the Receiver General of this Province for the time being, who shall take care to have the same endorsed on each Debenture, at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same respectively; and that the Receiver General of the Province shall pay the interest on the said loan or Debentures half-yearly, as the same becomes due, out of the funds provided by this Act.

Interest to be payable half-yearly. Payment to be endorsed on the Debentures.

Forging, Counterfeiting, or uttering counterfeit Debentures to be Felony.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forge or counterfeit any such Debenture, as aforesaid, which shall be issued under the authority of this Act, and uncanceled, or any stamp, endorsement, or writing thereon or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit endorsement or writing thereon, or shall demand to have any such counterfeit Debenture or any Debenture with such counterfeit endorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture so tendered in payment to be exchanged, or the endorsement or writing thereupon or therein to be forged or counterfeited, with intent to defraud His Majesty, his Heirs and Successors, or the persons appointed to pay off the said Debentures, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon.

On Debentures becoming due Receiver General may give notice to bearer to present them for payment:

VII. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures or loan or any part thereof respectively becomes due, according to the terms thereof, it shall and may be lawful for the Receiver General of this Province, if he think proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures to present the same for payment, according to this Act; and if after the insertion of the said notice for three months, any Debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such Debentures, after the expiration of the said six months, shall cease and be no further payable in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

After which Interest to cease.

Trustees authorized to make surveys and estimates:

VIII. *And be it further enacted by the authority aforesaid,* That the Trustees of each of the said roads hereinafter mentioned, shall have full power and authority on the road to which they are appointed Trustees, as aforesaid, to cause the necessary surveys and estimates to be made, preparatory to the continuing the said improvements, and by public tender or otherwise, as they shall deem most advantageous, to contract for the construction and completion of any part of the said road, or for the supply of any materials therefor, for the due performance of all which contracts the said Trustees shall demand and take such good and sufficient security as they shall deem reasonable in each case.

and to make contracts

upon good security.

Trustees authorized to amend, widen and repair Highways, Roads and Bridges,

IX. *And be it further enacted by the authority aforesaid,* That the said Trustees shall and they are hereby authorized to cause the said high-ways

or roads, and bridges on the said roads, to be amended, widened, and repaired in such manner as they shall think proper, and to settle the direction of any of the said roads, or change or alter or shorten, or make them more accessible, and to make or cause to be made causeways, and to cut or make drains, ditches or trenches through any grounds lying contiguous to the said roads, to make passage for the water when it may be found necessary from such ditches or trenches, through the lands or premises of any adjacent proprietor, and also to keep clear such drains, ditches, passages, and outlets, and the workmen authorized by them may go upon the said lands for that purpose: *Provided always*, that reasonable satisfaction be made to the owner or occupier of such lands or premises for the damage to be done thereby; and if the said owner or occupier shall not be satisfied with the allowance offered, the same shall be decided by a Jury of the Home District, at the Court of Quarter Sessions, to be empannelled and sworn for that purpose at the request of the party aggrieved, and if such verdict shall not exceed the amount offered, the owner of the said land shall pay the costs of the Court, on the assessment of such damages; and in case the verdict of the said Jury shall exceed the offer made by the said Commissioners, then the costs of such trial and assessment shall be paid by the said Commissioners out of any monies in their hands for the purposes of the said road.

and settle the direction of, or alter the same;

and make Causeways and cut Drains &c. through contiguous lands.

Authority to enter upon lands for such purposes.

Reasonable satisfaction to be made to owners.

In case the owner shall not be satisfied, a jury may be summoned at the Quarter Sessions;

at the request of the party aggrieved.

Costs when verdict shall not exceed amount offered.

Commissioners liable, if verdict for more than sum offered.

X. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, all persons living within half a mile on either side of any of the said roads, and who are by the existing Laws of the Province, liable to perform Statute Labour, shall, and they are hereby required to commute the same, and pay the amount in money, at the rate of two shillings and sixpence per day, for every day for which they are assessed, so soon as the Macadamizing shall be completed to the lot of land on which the parties so assessed are respectively located.

Persons residing within half a mile of the road, when completed, to pay a commutation of 2s. 6d. per diem, for statute labour.

XI. *And be it further enacted by the authority aforesaid*, That the Path-Masters in the several Divisions on the said roads so to be Macadamized, as aforesaid, shall have full power and authority, and are hereby required, within their respective Divisions to demand and receive the amount of commutation for Statute Labour, to be paid under this Act; and in case any person or persons shall neglect or refuse to pay the same for the space of fourteen days after it shall be so demanded, the Path-Master of the Division shall proceed to collect it in the same manner as he is authorized by law to collect other arrears and forfeitures, by virtue of his office as Path-Master.

Path Masters may demand and receive such commutation.

In case of refusal to pay the amount, to be collected under existing law.

XII. *And be it further enacted by the authority aforesaid*, That if any Path-Master shall fail or neglect to collect and pay over the commutation

Liability of Path Master neglecting his duty.

money, as aforesaid, when required by the Trustees so to do, he shall be liable to the same penalty as is imposed for any other neglect or omission of his duty by the law in such case provided, to be levied and collected in the same manner.

Trustees empowered to receive sums collected by Path Master.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees of the respective roads, as aforesaid, or for such persons as they shall appoint, to ask for and receive from the several Path-Masters the money so collected by them.

Commutation money to be expended on roads.

XIV. *And be it further enacted by the authority aforesaid,* That the amount raised by such commutation of Statute Labour shall be expended and applied by the Trustees as follows, that is to say—So much thereof as the said Trustees shall think just and necessary on the side roads leading to the roads so to be Macadamized, as aforesaid, in any manner the Trustees may think advisable, and the remainder to go to the general fund for Macadamizing the road to which such side roads lead, and keeping the same in repair.

Trustees to report annually to the Lieutenant Governor the amount received and expended.

XV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the respective Trustees of each road, and they are hereby required to report at the close of every year to the Lieutenant Governor, or person administering the Government for the time being, for the information of the Legislature, the sum they have received and expended, together with the amount of tolls received.

Authority to make surveys, to level hills &c.

XVI. *And be it further enacted by the authority aforesaid,* That the Trustees of each road shall have power to cause the necessary surveys to be made on such road to which they are appointed Trustees; and also to have all or such of the hills on the said road reduced to the proper level; the road drained, and all necessary bridges or culverts made, so soon after the passing of this Act as they, or a majority of them may think advisable and for the public good.

Names of Trustees.

For the Yonge-street road.

Kingston road.

Dundas-street.

XVII. *And be it further enacted by the authority aforesaid,* That the following persons shall be Trustees, with full powers to carry into effect the purposes of this Act, viz:—For the Yonge Street road—Jesse Ketchum, Esquire, Toronto; Charles Thompson, John Montgomery, James Pearson, George Lount, James Davis, and D'Arcy Boulton. For the Kingston road—Thomas Helliwell, of the City of Toronto, Brewer; Daniel Knowles, Yeoman; James Beatty, now Common Councilman for the City of Toronto; Charles Coxwell Small, Esquire; and William Cawthra. For Dundas-Street road—William Warren Baldwin, Esquire; Francis Logan, of the

Township of Toronto; George Dennison, Esquire, one of the Aldermen of this City; John McFarlane, of Etobicoke, Yeoman; Jacob Cook, Abijah Lewis, and George Silverthorne, of Toronto Township, Yeoman, who shall have authority only over the road to which they are appointed Trustees; and shall have power to erect such number of Gates on or across the said road of which they are Trustees, as to them or a majority of them may appear requisite, and fix such toll as may be found necessary and expedient to answer the purposes of this Act, which rates or tolls may be altered from time to time as circumstances require: *Provided always*, that the Trustees acting under the authority of this Act, shall have power to make such equitable arrangement with any person desiring or having occasion merely to cross any Macadamized road mentioned in this Act, and without any intention to evade the tolls, as to them may seem just and reasonable.

Power to erect Toll Gates,
and fix Tolls.

XVIII. *And be it further enacted by the authority aforesaid*, That so much of the thirty-sixth clause of an Act passed in the fifth year of the reign of His Majesty King William the Fourth, entitled "An Act to reduce to one Act of Parliament the several Laws relative to the appointment and duties of Township Officers in this Province," as relates to the wilful stopping up of any highway or road in any Township, be and the same is hereby repealed, so far as relates to the operations of this Act.

So much of the 5 W. 4. c. 8. as relates to the stopping up of any Highways &c. repealed, in relation to this Act.

XIX. *And be it further enacted by the authority aforesaid*, That the Trustees for Dundas Street shall, so soon after the passing of this Act as may be practicable, continue and complete the Macadamization of Dundas Street, (known also as Lot Street) from the toll-gate at present erected thereon, eastward to Yonge Street.

Road from Toll Gate on Dundas-street to Yonge-street to be macadamized.

XX. *And be it further enacted by the authority aforesaid*, That the said Trustees for each road shall meet in the City of Toronto on the first day of May next, and elect one of their number to act as Chairman for the ensuing year; and all subsequent times and places of meeting shall be in the discretion of a majority of the Trustees.

Trustees to meet on the 1st of May next to elect chairman. Subsequent meetings to be in the discretion of the Trustees.

XXI. *And be it further enacted by the authority aforesaid*, That all acts, proceedings, orders, matters and things, relative to the execution of the trusts in the said Trustees vested, may be done and executed by a majority of them, the Chairman being always one.

Majority of the Trustees (including chairman) sufficient to act.

XXII. *And be it further enacted by the authority aforesaid*, That all the money collected at the different toll gates on each road shall be paid by the Collector to the Trustees of such road, when required by them; and

Tolls received to be paid by Collector to Trustees.

Trustees to pay over the same to the Receiver General once in three months.

To be applied, first, in payment of interest.

Overplus in redemption of the principal. Payments, how apportioned.

Principal and interest to be levied by tolls within thirty years.

Deficiency to be raised on the Inhabitants of the Home District,

by an additional rate, under an order of Quarter Sessions,

upon the application of the Receiver General.

In case the Tolls shall be insufficient, arrears of interest may be paid out of the public funds.

that it shall be the duty of the said Trustees of each road to pay the same over to His Majesty's Receiver General, at least once in three months, to be by him applied to the payment of the interest on the said loans, as it becomes due; and the overplus to be applied to the redemption of the principal: *Provided always*, that the money paid by the Trustees of each road shall be applied only to the Debentures issued for such road.

XXIII. *And be it further enacted by the authority aforesaid*, That the Trustees are empowered and required to levy such tolls as may be necessary to pay the principal and interest of the respective sums loaned for the purposes of this Act, within the term of thirty years.

XXIV. *And be it further enacted by the authority aforesaid*, That in order to raise the sum necessary to meet any deficiency left by the tolls for the purposes of this Act, such deficiencies shall be raised, levied and collected from the inhabitants of the Home District, paying or liable to pay the ordinary taxes now by law imposed, which additional rate shall be collected in the same manner as other taxes, by the Collectors of the several Townships in the said District, and paid by them to His Majesty's Receiver General, which said additional rate shall be rated, levied, and collected under and virtue of any order of the Magistrates in Quarter Sessions assembled, made in pursuance of any application of the Receiver General of this Province for that purpose, upon its being made to appear to the satisfaction of the said Justices, that the interest upon the said loan cannot be otherwise paid and discharged under the provisions of this Act.

XXV. *And be it further enacted by the authority aforesaid*, That if it shall at any time happen that the interest on the sum of money, raised under the authority of this Act, shall be in arrear and unpaid in consequence of the tolls and other means herein provided for the payment thereof, proving insufficient to meet the same, it shall and may be lawful for His Majesty's Receiver General, from and out of the monies in his hands, applicable to the public uses of this Province, to advance such sum as may be necessary to pay any balance in arrear on account of such interest, on receiving from the Governor, Lieutenant Governor, or person administering the Government of this Province, a warrant for that purpose, which warrant shall and may be issued at any time, upon application being made to the Lieutenant Governor, by the Trustees, for that purpose.

XXVI. *And be it further enacted by the authority aforesaid*, That any sum of money so advanced by the Receiver General, as aforesaid, shall

be charged against the Trustees for the said road, and shall be repaid in the same manner as any other monies borrowed for the purposes of this Act.

Monies so advanced shall be charged against the Trustees, and repaid as other monies raised under this Act.

XXVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees of such roads to raise such tolls on the said roads, from and after the expiration of fifteen years from the passing of this Act, as will enable them to keep such roads in repair, pay the interest on the said loan, and redeem the principal sum of thirty-five thousand pounds, within a period of not less than thirty years from the passing of this Act.

Trustees may raise such tolls after the expiration of fifteen years, as will be sufficient to keep the road in repair, and pay the principal and interest in thirty years.

XXVIII. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be construed to prevent the Receiver General from issuing any Debentures, authorized to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such Debenture, and from issuing other Debentures for a renewed loan to replace the same or any part thereof, so that the whole sum of Thirty-five Thousand Pounds be liquidated within the period of thirty years.

Debentures may be issued redeemable at a shorter period than thirty years, and other Debentures issued.

XXIX. *And be it further enacted by the authority aforesaid,* That His Majesty's Receiver General shall and may, and he is hereby authorized as soon after the passing of this Act as practicable, to pay off and cause the Debentures issued under the authority of the said Act passed in the third year of His Majesty's Reign, entitled, "An Act to raise a sum of money to improve certain roads in the vicinity of the Town of York, and for other purposes therein mentioned," to be paid off and discharged, and to issue Debentures, for the said Debentures to be paid off and cancelled, upon the same securities as are hereinbefore mentioned.

Receiver General authorized to pay off Debentures issued under 3 W. 4. c. — and to issue others.

XXX. *And be it further enacted by the authority aforesaid,* That no person shall leave any waggon, cart, or other carriage, nor shall lay or cause to be laid or left any matter or thing, creating an obstruction of any kind or nuisance upon any of the said roads, ditches, or drains thereof, and every person so offending shall, for every such offence, forfeit and pay a sum not exceeding Twenty Shillings.

Persons creating obstructions or nuisances upon any of these roads liable to fine not exceeding 20s.

XXXI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall cut, break down, or otherwise destroy any of the Turnpike Gates, or any Toll-house to be erected by virtue of this Act, every person so offending and being lawfully convicted, shall be deemed guilty of a misdemeanor, and punished by fine and imprisonment; and if any person or persons shall remove any earth, stone, or timber on

Destroying Turnpike Gates, a misdemeanor,

punishable by fine and imprisonment.

Persons removing earth, stone, &c. or evading tolls, liable to payment of damages and fine.

the said road, to the damage of the same, or shall forcibly pass or attempt to pass by force any of the said Gates, without having first paid the legal Toll at such Gate, such person or persons shall pay all damages by them committed, and shall forfeit and pay a fine not exceeding two pounds, nor less than ten shillings, currency, to be recovered before any two Magistrates within the Home District.

Trustees under the 3 W. 4. when to be exonerated from personal responsibility.

XXXII. *And whereas*, the Trustees appointed by the said before recited Act, passed in the third year of His Majesty's reign, chapter thirty-eight, have for the purposes of carrying the said Act into full operation, become personally responsible for the said loan, by that Act authorized to be raised: *Be it therefore further enacted by the authority aforesaid*, That as soon as the loan of Ten Thousand Pounds by the said recited Act authorized to be raised and expended, shall have been paid and discharged by the Receiver General of this Province, with the interest due thereon, out of the monies to be raised by virtue of this Act, as also other sums of money actually expended upon the said roads, as the said Trustees shall have become personally responsible for the payment of; the said Trustees shall be and they are hereby declared to be fully exonerated and discharged from all personal responsibility regarding such sums as aforesaid.

So much of 3 W. 4. c. — as affects the provisions of this Act repealed.

XXXIII. *And be it further enacted by the authority aforesaid*, That so much of the before recited Act, passed in the third year of the reign of His present Majesty, entitled, "An Act to raise a sum of money to improve certain roads in the vicinity of the Town of York, and for other purposes therein mentioned," as will in any way affect or interfere with the provisions of this Act, and not otherwise, shall be and the same is hereby repealed.

Monies authorized to be raised by this Act to be paid by the Receiver General in discharge of Lieutenant Governor's Warrants.

XXXIV. *And be it further enacted by the authority aforesaid*, That the money authorized to be issued by this Act shall be paid by the Receiver General of this Province in discharge of any warrant or warrants, issued for that purpose by the Governor; Lieutenant Governor, or person administering the Government of the same, and shall be accounted for to His Majesty through the Lord Commissioners of His Treasury, in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct.

Trustees authorized to commute tolls.

XXXV. *And be it further enacted by the authority aforesaid*, That the said Trustees, if they think proper, may commute the Tolls with any person or persons by taking of him or them a certain sum either monthly or annually, in lieu of such Tolls, and that the said Trustees shall affix in a

conspicuous place at all such Toll Gates a Table of the Rates of Tolls to be exacted and taken, to be plainly and legibly printed.

XXXVI. *And be it further enacted by the authority aforesaid,* That if any person or persons, shall, after proceeding upon any of the said roads, with any of the carriages or animals liable to Toll, turn out of the same into any other road, and shall enter the said road beyond the said Turnpike Gate or Gates, without paying Toll, whereby such payment shall be evaded, shall for every such offence forfeit and pay the sum of ten shillings, which said sum shall be expended on the said roads, or towards the payment of the principal or interest of the sum expended thereon; and any one Magistrate of the said Home District, or Alderman of the City of Toronto, shall, on conviction of said offender, fine such person in the said penalty, and from whose judgment there shall be no appeal.

Penalty for evading payment of tolls.

How recovered.

XXXVII. *And be it further enacted by the authority aforesaid,* That if any person or persons, occupying or possessing any enclosed lands near any Toll-houses or Toll-Gates, which shall be erected in pursuance of this Act, shall knowingly permit, or suffer any person or persons to pass through such lands, or through any gate, passage, or way thereon, with any carriage, or with any horse, mare, gelding, or other animal, liable to the payment of the Toll, whereby such payment shall be avoided, every person or persons so offending, and also the persons riding or driving the animal or carriage, whereon such payment is avoided, being thereof convicted, shall for every such offence, severally forfeit and pay any sum not exceeding ten shillings, which shall be laid out in improving such road.

Occupants of land adjoining Toll-gates permitting persons to pass through to evade tolls, liable to same penalty.

XXXVIII. *Provided always, and be it further enacted by the authority aforesaid,* That all persons, horses or carriages, going to, or attending, or returning from any funeral of any person, shall pass the gate free of toll.

Funeral processions exempt from tolls.

XXXIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, from time to time, by commission under his hand and seal, to nominate and appoint such person or persons as he may think fit, to fill any vacancy or vacancies which may happen in the said Board of Trustees, by death, resignation or otherwise.

Vacancies in the Board of Trustees to be filled by the Lieut. Governor.

CHAP. XXXI.

AN ACT to make good certain Monies advanced for the Contingent Expenses of the last Session of the Legislature of this Province, and also to make good certain Monies advanced in compliance with two Addresses of the House of Assembly, during the present Session.

[Passed 20th April, 1836.]

MOST GRACIOUS SOVEREIGN :

Preamble.

WHEREAS in pursuance of an Address of your Commons House of Assembly, at its last Session, to His Excellency Sir John Colborne, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of Your Majesty's Province of Upper Canada, the sum of Eight Thousand Four Hundred and Seventy-seven Pounds, Sixteen Shillings and Seven Pence Halfpenny, has been issued and advanced by Your Majesty, through your said Lieutenant Governor, to the Clerks and other Officers of the two Houses of Parliament, to enable them to pay the Contingent Expenses of the last Session of the Provincial Legislature : *And whereas*, in pursuance of two other Addresses of the Assembly, during the present Session, to His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and Knight of the Prussian Military Order of Merit, Lieutenant Governor of Your Majesty's said Province, the further sum of Two Thousand Pounds has been issued and advanced by your said Lieutenant Governor, to the Speaker of the House of Assembly, towards defraying in part the Contingent Expenses of the said House of Assembly, during the present Session: may it therefore please Your Majesty that it may be enacted, *And be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled ' An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' " and by the authority of the same, That out of the fund or funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General and unappropriated, there shall be issued and applied the sum of Ten Thousand Four Hundred and Seventy-seven Pounds, Sixteen Shillings and Seven Pence Halfpenny, to

The sum of £10,477
16s. 7½d. granted to
defray contingent
expenses.

make good the several sums which have been issued and advanced as aforesaid.

II. *And be it further enacted by the authority aforesaid,* That the due application of the said sums of money, pursuant to the direction of this Act, shall be accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of his Treasury for the time being, in such manner and form as His Majesty, his Heirs and Successors, shall be graciously pleased to direct.

To be accounted for through the Lords Commissioners of the Treasury.

CHAP. XXXII.

AN ACT to regulate the next Election in the County of Leeds.

[Passed 7th March, 1836.]

WHEREAS it is expedient to make particular provision for regulating the next Election for the County of Leeds: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the several laws of this Province relating to the election of Members of Assembly and manner of conducting Elections, shall be and the same are hereby repealed, in relation to the said County of Leeds, so far as the provisions thereof vary from this Act.

Preamble.

Election laws repealed so far as relates to the county of Leeds.

II. *And be it further enacted by the authority aforesaid,* That the election of Members to represent the said County of Leeds in Parliament, shall be held at four places within the said County, and for that purpose the said County shall be divided into four Sections—and that Section number one shall be composed of the Townships of Elizabethtown and Yonge, and the place at which the Election shall be held within such Section shall be Coleman's Corners, in Elizabethtown: Section number two, of the Townships of Leeds and Landsdown, and the place at which the Election shall be held within such Section shall be the Village of Gananoque: Section number three, of the Townships of Kitley, Burgess and Elmsley, and the place at which the Election shall be held within

Election to be held at four places, and the county divided into four sections.

first section ;

second section ;

third section ;

fourth section.

such Section shall be the Village of Smith's Falls: and Section number four, of the Townships of Bastard, North Crosby and South Crosby, and the place at which the Election shall be held within such Section shall be the Village of Beverley.

Deputy Returning Officers to be appointed:

Their duty.

III. *And be it further enacted by the authority aforesaid,* That besides the Returning Officer now required to be appointed by Law, it shall be the duty of the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, to appoint in like manner a Deputy Returning Officer to each of three of the said Sections, whose duty it shall be to hold the Election in the Section to which he shall be appointed, in the same manner and subject to the same responsibilities and penalties as Returning Officers for Counties are now liable by the Laws of this Province, and to return to the Returning Officer appointed for the said County of Leeds the Poll Book for such Section, accompanied with an affidavit of such Deputy Returning Officer and his Poll Clerk, sworn before some Justice of the Peace of the District of Johnstown, that the same contains a faithful and true record of the votes taken at such Section Election according to Law.

Returning Officer to take the votes as directed in his appointment.

Deputy Returning Officers to return poll books under a penalty of £200.

Returning Officer to attend on the tenth day at his section;

Giving the Candidates notice;

Poll books to be then exhibited and the Members returned.

IV. *And be it further enacted by the authority aforesaid,* That the Returning Officer for the said County shall take the votes in such one of the said Sections as he shall be directed to preside at in his appointment as Returning Officer for the said County, in the same manner and under the same responsibilities and penalties as other Returning Officers presiding at Elections in this Province; and upon receipt of the Poll Books or Returns from the Deputy Returning Officers of the other three Sections of the said County, which they are respectively required to return to him as aforesaid, within two days after the close of each Section Election; under the penalty of Two Hundred Pounds, it shall be the duty of the said Returning Officer, and he is hereby required to attend at the place where he received votes in the Section for which he was appointed to preside, at eleven of the clock in the forenoon, on the tenth day after the day on which such Section Election commenced (unless such day falls on Sunday, then on the Monday following) or in case the whole number of the Poll Books or Returns have not at such time been received by the said Returning Officer, then at some time thereafter (not exceeding two days after the receipt of the whole number of such Poll Books or Returns) as he shall appoint, giving the several Candidates, their Counsel or Agent, due notice to attend, and in the presence of such of the Candidates, their Counsels or Agents, and such persons as may be then and there assembled, shall exhibit the said Poll Books or Returns, and return as duly elected the two Candidates who have on the Poll Books or Returns of

the four Sections the highest number of votes, taken according to the provisions of this Act, in the same manner as if the Election for the said County had been wholly held by the said Returning Officer in person.

V. *And be it further enacted by the authority aforesaid,* That the Election in each of the said Sections shall begin on the same day, and the time of keeping open the Poll for receiving votes shall be the same as is now required by the Laws of this Province at other Elections of Members of Assembly, except that on the sixth day (if the Election shall continue so long in any Section) the Poll shall be closed at three of the clock in the afternoon.

Election to begin on the same day in each section, and poll kept open the time required by law. To be closed at 3 on the afternoon of the sixth day.

VI. *And be it further enacted by the authority aforesaid,* That the choice of Representatives for the said County shall be ascertained by the majority of the whole votes polled in the respective Sections aforesaid, and not otherwise.

Election to be determined by majority of votes.

VII. *And be it further enacted by the authority aforesaid,* That before proceeding to the discharge of his duty the Returning Officer for the said County shall take the same oath required by law to be taken by other Returning Officers at Elections of Members of Assembly in this Province, and also that he will faithfully, honestly and truly, perform the duties assigned to him in this Act as such Returning Officer, and every Poll Clerk shall take the same oath required in like manner to be taken by Poll Clerks, and that every Deputy Returning Officer shall take and subscribe the following oath: "I, A. B. do solemnly swear, that I have not directly or indirectly received any sum or sums of money, office, place or employment, gratuity or reward, or any bond, bill or note, or any promise or gratuity whatsoever, either by myself or any other person, to my use, benefit or advantage, for making any false return or statement in the Poll Book required by law to be by me transmitted to the Returning Officer for the County of Leeds, and that I will conduct myself impartially and without favour or affection to any party concerned in the present Election for the said County of Leeds, and will faithfully, honestly and truly perform the duties assigned to me by Law;"—which several oaths may be administered by any Justice of the Peace of the District of Johnstown, and shall within one month after the same are administered be severally certified by the Justice of the Peace before whom the same may be taken, and returned unto His Majesty's Court of King's Bench in this Province, and shall be kept and filed of record in the Crown Office.

Returning Officer to take the usual oath.

Poll Clerk to be sworn.

Deputy Returning Officer's oath.

Oath to be administered by any Justice and within one month to be certified to the King's Bench;

And recorded.

VIII. *And be it further enacted by the authority aforesaid,* That the Electors residing in each of the said Sections shall vote at the Election

Electors to vote in their respective sections.

Non-residents to vote in the sections where- in their property lies.

Any Elector apprehending injury may vote in any of the sections.

Voter's Oath.

Any Candidate may appoint 5 Counsel or Agents at any Section.

Returning Officer and Deputy to be Conservators of the Peace.

And may commit or hold to bail any offenders.

Special Constables to be sworn.

held in the Section wherein they are so resident, or in case the Voter shall not be a resident of the said County but is otherwise legally qualified to vote therein, he shall vote in the Section in which the property on which he votes is situated: *Provided nevertheless*, that nothing herein contained shall prevent or be construed to prevent any Elector entitled to vote in the said County from voting in any of the said Sections, if he make oath or affirmation before the Returning Officer, or Deputy Returning Officer presiding, that he apprehends personal injury or insult if he attempts to vote in the Section in which he is so resident or his property is so situated as aforesaid, (as the case may be) *Provided*, that besides the oaths which may now by law be administered to Electors, every Elector before he be admitted to vote shall, if required by the Returning Officer or Deputy Returning Officer, at any Section Election at which the vote is offered, or any Candidate thereat, his Counsel, Agent, or Agents, or any Freeholder of the said county, take the following oath or affirmation before the said Returning Officer or Deputy Returning Officer, who is hereby authorised and required to administer the same. "You, A. B., do solemnly swear or affirm, that you have not before voted at the present Election for the County of Leeds, in any other Section than the one at which you now come forward to vote; that you reside in, (state the place) and that the property on which you now propose to vote, is situate in Section number (stating the number of the Section.)"

IX. *And be it further enacted by the authority aforesaid*, That any Candidate, at any Election in the said County, may by writing, appoint as many persons as he may think proper, not exceeding Five in number, to act as Counsel, Agent or Agents for him, at any Section Election.

X. *And be it further enacted by the authority aforesaid*, That the said Returning Officer and Deputy Returning Officers in the said County, from the time they are respectively appointed such Returning Officer and Deputy Returning Officers, until the Election shall be finally declared by the said Returning Officer for the said County, as aforesaid, shall be, and are hereby declared to be Conservators of the Peace, and severally vested with the same powers within the District of Johnstown, for the preservation of the peace, and apprehension, punishment, committal for trial, or holding to bail of violators of the law, as are vested in Justices of the Peace in this Province, and that the said Returning Officer and Deputy Returning Officers, may, and each of them is hereby required to appoint and swear in, such and so many Special Constables, as he may deem necessary, and as shall be sufficient for the preservation of peace and order at, and during the said Section Election, for which the said Returning Offi-

cer or Deputy Returning Officer may be appointed, and for such time thereafter as may be deemed by him expedient and necessary.

XI. *And be it further enacted by the authority aforesaid,* That every person not being a Candidate, his Counsel, Clerk, Agent or Agents, at any Section Election, or not being exempt by law, who shall refuse to be sworn in as a Special Constable, or who shall neglect his duty as such, without a legal excuse; and every person who by threats, force, or violence, attempts to destroy the freedom of any of the said Section Elections, or hinder any Elector or Electors from coming forward to vote thereat, or who creates or causes any riot, tumult, or disturbance thereat, or threatens, or uses violence to any Elector who may have voted, on account of any vote given thereat, shall be deemed guilty of a high misdemeanor, and be subject to fine and imprisonment, in the discretion of the Court, before whom the conviction shall be had.

Any person refusing to be sworn as a Special Constable, or interfering with the freedom of Election, guilty of a misdemeanor.

XII. *And be it further enacted by the authority aforesaid,* That every Justice of the Peace in the District of Johnstown, who upon being required by the Returning Officer, or Deputy Returning Officer, or any Candidate at any such Election, or any Three Freeholders of the said County, to assist in keeping the peace, who shall unreasonably refuse or neglect to use his exertions for the preservation of the peace at such Section Elections, or shall encourage or willingly permit any violence or disorder thereat, shall be deemed guilty of a high misdemeanor.

Justice of the Peace neglecting to preserve the peace guilty of a misdemeanor.

XIII. *And be it further enacted by the authority aforesaid,* That the penalty of Two Hundred Pounds imposed by this Act may be recovered in His Majesty's Court of King's Bench in this Province, by action of debt, bill, plaint, or information in the common form, one moiety whereof shall be paid into the hands of the Treasurer of the District of Johnstown, to and for the public uses of the District, and the other moiety to the person who shall sue for the same.

Recovery of Penalties.

XIV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully and corruptly swear falsely in any matter which he is required to state upon oath or affirmation by this Act, he shall on conviction thereof suffer the like pains and penalties to which any other person convicted of wilful and corrupt perjury is liable by the Laws and Statutes of this Province.

False swearing to be perjury.

XV. *And be it further enacted by the authority aforesaid,* That this Act shall not extend to any Election for the said County except that which shall be holden next after the passing of this Act.

Limitation of this Act.

CHAP. XXXIII.

AN ACT for altering and amending the Charter of the President, Directors, and Company of the Commercial Bank of the Midland District, and for increasing the number of Shares to be held in the Capital Stock of the Company.

[The Royal Assent to this Bill promulgated by Proclamation, bearing date the Twenty-seventh day of October, One Thousand, Eight Hundred and Thirty-five.]

Preamble.

WHEREAS the President and Directors of the Commercial Bank of the Midland District, and others, inhabitants of various parts of the Province, have, by their Petitions, prayed that the Capital Stock of the said Bank should be increased, to enable them to meet the demands, which the Commercial and Agricultural interests of the country require: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the second and fifth clauses of an Act, passed in the second year of His Majesty's reign, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company of the Commercial Bank of the Midland District, be, and the same are hereby repealed.

Clauses 2 & 5 of 2 W.
4, c. — repealed.

Capital not to exceed
8,000 shares, or
£200,000 stock.

H. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the number of Shares constituting the Stock of the Commercial Bank of the Midland District, shall not exceed Eight Thousand, and that the whole amount of the Stock, Estate and property, which the said Corporation shall be authorised to hold, including the Capital Stock, shall not exceed Two Hundred Thousand Pounds.

Shares in the new
stock to be £25 each.

III. *And be it further enacted by the authority aforesaid,* That each Share over and above the Four Thousand, which now form the Capital Stock, shall be Twenty-five Pounds.

Books of subscription
to be open.

IV. *And be it further enacted by the authority aforesaid,* That Books of Subscription shall be opened at the same time, in the City of Toronto, and the Towns of Kingston, Niagara, Brockville, Perth, Sandwich, Am-

herstburgh, London, Cobourg, Cornwall, and Hamilton, in the District of Gore, by such person or persons, and under such regulations, as a majority of the Directors, for the time being, may deem most beneficial.

V. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person or persons His Majesty's subjects, or foreigners, to subscribe for such and so many Shares, as he, she, or they may think fit, not however exceeding in the first instance, Eighty, and that the Shares respectively subscribed, shall be payable in Gold or Silver, and shall be payable in such instalments, as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon: *Provided,* no instalment shall exceed ten per cent. upon the increased Capital Stock, or be called for, or become payable in less than sixty days after public notice shall be given, in at least one newspaper in each District of this Province, where any newspaper is published, to that effect: *Provided always,* that if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay to the Directors, for the time being, the instalment due upon any Share or Shares held by him, her, or them, at the time required by law so to do, such Stockholder or Stockholders as aforesaid, shall forfeit such Share or Shares, with the amount previously paid thereon, and the said Share or Shares may be sold by such Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for, and divided in like manner as other monies of the Bank.

No person to subscribe for more than 80 shares.

Instalments not to exceed 10 per cent.

Forfeiture of Shares.

VI. *And be it further enacted by the authority aforesaid,* That the Subscribers or Purchasers of new Stock, shall be entitled to a share of the profits of the said Bank, in proportion to the sum actually paid in upon each and every Share subscribed or purchased by them, from the period he or they shall have so paid in the same.

Subscribers to the new stock entitled to share in the profits of the Bank.

VII. *And be it further enacted by the authority aforesaid,* That the amount of the Discounts on paper, on which the name of any Director or Officer of the Bank, or of its branches, shall appear as Drawer, Acceptor or Endorser, shall be limited to one-third of the whole Discounts of the Bank.

Limitation of Discounts on paper endorsed by the Directors.

VIII. *And be it further enacted by the authority aforesaid,* That so far as regards the right to vote for any purpose under the Charter, each Subscriber or Purchaser of new Stock, hereby authorised, shall be considered only as holding such number of Shares, as the monies actually paid in by him would be equal to at the rate of Twenty-five Pounds for each

Right of Voting.

Share, and according to the ratio established by the ninth clause of the Act passed in the second year of His present Majesty's reign, entitled, "An Act to Incorporate sundry persons under the style and title of the President, Directors and Company of the Commercial Bank of the Midland District.

If the whole shares not subscribed within two months Subscriptions may be increased.

IX. *And be it further enacted by the authority aforesaid,* That if the whole number of Shares, shall not be subscribed within two months after the said Books of Subscription shall be opened, then, and in such case, it shall and may be lawful for any former Subscriber or Subscribers, to increase his, her, or their Subscription: *Provided always,* that if the total amount of Subscriptions, within the period aforesaid, shall exceed the additional Capital Stock limited by this Act, then, and in such case, the Shares of each Subscriber or Subscribers in each District, shall, as nearly as may be proportionably reduced, until the whole number of Shares be brought down to the limits aforesaid: *And provided, nevertheless,* that nothing herein contained shall extend, or be construed to extend, to prevent the acquisition of a greater number of Shares, by purchase, after the first instalment shall have been paid in.

Provision in case the subscription shall exceed the amount required.

Dividends to be paid out of the surplus profits.

X. *And be it further enacted by the authority aforesaid,* That no dividend shall be made out of any other Funds than the surplus profits accruing periodically from the transactions of the Bank, and not from the Stock paid in, or Real Estate belonging thereto.

Annual return of the affairs of the Bank to be made to the Legislature.

XI. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the President and Cashier of the said Bank, for the time being, to make a return under oath, to the Provincial Parliament, once in each year, if required either by the Legislative Council or House of Assembly, which return shall contain a full and true account of the Capital Stock paid in; bills in circulation of Five Dollars and upwards not bearing interest; bills in circulation under Five Dollars not bearing interest; Bills and Notes in circulation bearing interest; balance due to other Banks; Cash deposited, including all sums whatever due from the Bank not bearing interest, (its Bills in circulation, and balances due to other Banks excepted); Cash deposited bearing interest; total amount due from the Bank; of the resources of the Bank; the Gold, Silver, and other coined metals in the Banking House; Real Estate; Bills of other Banks; balances due from other Banks; amount of all debts due, including Notes Bills of Exchange, and all other Stock and Funded debts of every description, excepting the balances due from other Banks; total amount of the resources of the Bank; rate and amount of the last dividend; amount of reserved profits at the time of declaring the last dividend; amount of debts due to the Bank and not paid, and considered doubtful.

XII. *And be it further enacted by the authority aforesaid,* That the Directors of the said Bank, shall not, upon pain of forfeiture of their charter, loan or advance any money or bills of the said Bank to any Stockholder or Stockholders, upon the credit of the Stock, which such Stockholder or Stockholders may hold in the said Bank, but shall require from the Stockholder or Stockholders endorsers, in all respects, as safe and substantial as would be required from any applicants for discounts, not being Stockholders.

Directors not to lend any money on security of the Bank Stock on pain of forfeiture of the charter.

XIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors or Cashier of the Bank, to allow, during the hours of business, the names of Stockholders in the said Bank, with the amount of Stock respectively owned by them, to be taken by any Stockholder who may require the same.

Any Stockholder, during the hours of business, may take the names &c of the other Stockholders.

XIV. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall be taken, or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of notes which may be issued by the said Bank, as may be deemed necessary, nor shall any thing herein contained be construed, to prevent the Legislature from applying to the said Bank, any provisions or restrictions, which by any Act of the Parliament of the Province, may be applied or enforced with respect to any of the Banks of Upper Canada.

Future alteration of this Act.

CHAP. XXXIV.

AN ACT to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Gore Bank.

[The Royal Assent to this Bill promulgated by Proclamation, bearing date the Twenty-seventh day of October, One Thousand Eight Hundred and Thirty-five.]

WHEREAS the establishment of a Bank at Hamilton, in the District of Gore, will conduce to the prosperity and advantage of Commerce and Agriculture, as well in the Province at large, as in the said District: And whereas Job Loder, Ebenezer Stinson, Elijah Secord, Richard Beasley, Daniel K. Servos, James Ritchie, Abraham K. Smith, Stephen Randal, John Young, John Wier, William McDonell, Robert Prentice, Edward Jackson, John Willson, Collin C. Ferrie, Peter Hunter Hamilton, Samuel Mills, Absalom Shade, Allan Napier Macnab, and others, by their petitions presented to the Legislature, have prayed for the privilege of being

Preamble.

incorporated: *Be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act to make more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That Job Loder, Ebenezer Stinson, Elijah Secord, Richard Beasley, Daniel K. Servos, James Ritchie, Abraham K. Smith, Stephen Randal, John Young, John Wier, William McDonell, Robert Prentice, Edward Jackson, John Willson, William Bull Sheldon, Collin C. Ferrie, Samuel Mills, Absalom Shade, Peter H. Hamilton, Allan Napier McNab, and all such persons as hereafter shall become Stockholders of the said Bank, shall be, and hereby are ordained, constituted, and declared to be, from time to time, and until the first day of August, which will be in the year of our Lord one thousand eight hundred and sixty, a body corporate and politic, in fact and in name of the President, Directors and Company, of the Gore Bank, and that by that name, they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a Common Seal, and may change and alter the same at their pleasure, and also, that they and their successors, by the same name of the President, Directors and Company of the Gore Bank, shall be in law capable of purchasing, holding or conveying, any estate real or personal, for the use of the said Corporation: *Provided*, that no incorporated Company shall be permitted to hold any Stock in the said Corporation created by this Act, unless the same shall be conveyed to it in payment of debts previously contracted, in which case, such incorporated Company shall not be entitled to vote upon such Stock, in the election of Officers.

Incorporated until
first August 1860.

Common Seal.

May hold real estate.

Shares not to exceed
8000, at £12 10s.
each.

Books of subscription
to be opened.

II. *And be it further enacted by the authority aforesaid*, That a share in the Stock of the said Bank, shall be Twelve Pounds Ten Shillings, or the equivalent thereof in specie, and the number of Shares shall not exceed eight thousand; and that Books of Subscription shall be opened at the same time in the Towns of Cornwall, Prescott, Brockville, Cobourg, Port Hope, City of Toronto, Dundas, Hamilton, Ancaster, Brantford, Niagara, St. Catharines, Amherstburg, London, and Simcoe, within

two months after the passing of this Act, by such person or persons, and under such regulations, as the majority of the said Petitioners shall direct.

III. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person, His Majesty's subjects, or foreigners, to subscribe for such and so many shares, as he, she, or they may think fit, not however exceeding in the first instance eighty, and that the shares respectively subscribed, shall be payable in gold or silver, that is to say, ten per centum to be ready as a deposit at the time of subscribing, to be called for by the Directors, hereafter appointed by virtue of this Act, as soon as they may deem expedient, and the remainder shall be payable in such instalments, as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon: *Provided* no instalment shall exceed ten per centum upon the Capital Stock, or be called for, or become payable in less than sixty days after public notice shall have been given in the Upper Canada Gazette, and in at least one newspaper in the District of Gore, to that effect: *Provided always,* that if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay to the said Directors the instalment due upon any Share or Shares held by him, her, or them, at the time required by law so to do, such Stockholder or Stockholders as aforesaid, shall forfeit such Shares as aforesaid, with the amount previously paid thereon, and the said Share or Shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other monies of the Bank.

Subscribers limited to 80 shares at first.

Ten per cent deposit.

Remaining instalments not to exceed ten per cent each.

Forfeiture of shares.

IV. *Provided also, and it is further enacted by the authority aforesaid,* That if the whole number of Shares shall not be subscribed within two months after the said Books of Subscription shall be opened, then, and in such case, it shall and may be lawful for any former subscriber or subscribers to increase his, her, or their subscriptions: *And provided further,* that if the total amount of subscriptions, within the period aforesaid, shall exceed the Capital Stock limited by this Act, then, and in such case the Shares of each subscriber or subscribers, above ten shares, shall, as nearly as may be, be proportionably reduced, until that the total number of Shares be brought down to the limits aforesaid: *and provided nevertheless,* that the said limitation, in respect to persons subscribing to the said Capital Stock, shall not extend, or be construed to extend, to prevent the acquisition of a greater number of Shares by purchase, after the said Bank shall have commenced its operations.

If the whole number of shares shall not be subscribed within two months subscriptions may be increased.

Provision in case the amount subscribed shall exceed the sum required.

V. *And be it further enacted by the authority aforesaid,* That the whole amount of the stock, estate, and property, which the said Corpo-

Capital not to exceed £100,000.

ration shall be authorised to hold, including the Capital Stock or Shares before mentioned, shall never exceed in value, one hundred thousand pounds.

Upon £25,000 being subscribed, meeting may be called for the election of Directors.

Mode of election.

The business of the Bank to commence as soon as £10,000 capital paid

Thirty days notice to be given of the meeting.

Affairs of the Company to be managed by ten Directors.

To be elected on the first Monday in August, annually.

Election to be by ballot.

VI. *And be it further enacted by the authority aforesaid,* That as soon as the sum of twenty-five thousand pounds shall have been subscribed, it shall and may be lawful for such subscribers, or the majority of them to call a meeting, at some place to be named, in the Town of Hamilton, in the District of Gore aforesaid, for the purpose of proceeding to the election of the number of Directors hereinafter mentioned, and such election shall then and there be made by a majority of shares, voted in manner hereinafter prescribed in respect of the annual election of Directors, and the persons then and there chosen, shall be the first Directors, and shall be capable of serving until the expiration of the first Monday in August, then next ensuing the said election; and the Directors so chosen, shall, as soon as the deposit amounting to ten thousand pounds, subscribed as aforesaid, shall be paid to the said Directors, commence the business and operations of the said Bank: *Provided always,* that no such meeting of the said subscribers shall take place until a notice is published in a public newspaper, in each and every District of this Province, at the distance of not less than thirty days from the time of such notification.

VII. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs, and concerns of the said Corporation, shall be managed and conducted by ten Directors, one of whom to be the President, who, excepting as is hereinbefore provided for, shall hold their offices for one year, which Directors shall be Stockholders, and shall be subjects of His Majesty, residing in this Province, and be elected on the first Monday in August, in every year, at such time of the day, and at such place, in the Town of Hamilton aforesaid, as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors in one newspaper within each and every District in this Province, of such time and place, not more than sixty, nor less than thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the said Stockholders of the said Bank, as shall attend for that purpose in their own proper persons, or by proxy; and all elections for Directors, shall be by ballot; and the ten persons who shall have the greatest number of votes at any election, shall be the Directors, except as is hereinafter directed: and if it should happen at any election, that two or more persons have an equal number of votes, in such manner, that a greater number of persons than ten, shall, by a plurality of votes, appear to be chosen as Directors, then the said Stockholders hereinbefore authorised to hold such election, shall proceed to ballot a second

time, and by plurality of votes 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 ten, and the said Directors, so soon as may be after the said election, shall proceed in like manner, to elect by ballot, one of their number to be their President; and four of the Directors which shall be chosen, at any year, excepting the President, shall be ineligible to the office of Director for one year after the expiration of the time for which they shall be chosen Directors; and in case a greater number than six of the Directors, exclusive of the President, who served for the last year, shall appear to be elected, then the election of such person or persons, above the said number, and who shall have the fewest votes, shall be considered void; and such other of the Stockholders as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected in room of such last described person or persons, and who are hereby declared ineligible as aforesaid; and the President for the time being, shall always be eligible to the office of Director, but Stockholders not residing within the Province, shall be ineligible; and if any Director shall move out of the said Province, his office shall be considered as vacant; and if any vacancy or vacancies should at any time happen among the Directors, by death, resignation, or removal from the said Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as hereinbefore directed respecting annual elections, at such time and place in the Town of Hamilton, in the District of Gore aforesaid, as the remainder of the Directors, or the major part of them, shall appoint: *Provided always*, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least twenty shares.

Directors to elect a President.

Four Directors ineligible for the year following.

President always eligible to be re-elected a Director. Non-resident Shareholders ineligible. Vacancies.

Qualification of Directors.

VIII. *And be it further enacted by the authority aforesaid*, That in case it should at any time 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 that 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 regulated by the laws and ordinances of the said Corporation.

In case the election of Directors shall not be made on the day appointed, the Corporation not dissolved.

IX. *And be it further enacted by the authority aforesaid*, That each Stockholder shall be entitled to a number of votes proportioned to the number of Shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, according to the following ratios, that is to say,—at the rate of one vote for each share, not exceeding four; five votes for six shares; six votes for eight shares; seven

Number of votes.

votes for ten shares ; and one vote for every five shares above ten ; Stockholders actually resident within the Province of Upper Canada, and none others, may vote in election by proxy : *Provided always*, that no person, copartnership, or body politic, shall be entitled to more than fifteen votes at any such election.

Dividends to be made half yearly.

Once in three years a statement of the debts, &c. to be made.

X. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Directors to make half yearly dividends of so much of the profits of the said Bank, as to them, or the majority of them, shall appear advisable, and that once in every three years, and oftener if thereunto required by a majority of the votes of the Stockholders, to be given agreeably to the ratios hereinbefore established, at a general meeting to be called for that purpose, an exact and particular statement of the debts which shall have remained unpaid, after the expiration of the original credit, for a period of treble the time of that credit, and of the surplus profits, if any, after deducting losses and dividends.

Directors may make by-laws.

XI. *And be it further enacted by the authority aforesaid*, That the Directors for the time being, or the major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Corporation, 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 shall seem meet : *Provided* that such rules and regulations be not repugnant to the laws of this Province.

Debts owing by the Corporation not to exceed three times the amount of Stock subscribed and paid.

In case of excess the Directors for the time being to be held liable ;

but may exonerate themselves by giving notice.

XII. *And be it further enacted by the authority aforesaid*, That the total amount of the debts, which the said Corporation shall at any time owe, whether by Bond, Bill, Note, or otherwise contracted, over and above the monies then actually deposited in the Bank, shall not exceed three times the sum of the Capital Stock subscribed and actually paid into the Bank, and in case of such excess, the Directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities, but this shall not be construed to exempt the said Corporation, or any estate, real or personal, which they may hold as a Body Corporate, from being also liable for, and chargeable with the said excess, but such of the said Directors who may have been absent when the said excess was contracted, or who may have dissented from the said Resolution or Act ; whereby the same was so contracted, may respectively exonerate themselves from being so liable, by giving immediate notice of the fact, and of

their absence or dissent, to the Stockholders, at a general meeting which they shall have the power to call for that purpose.

XIII. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Corporation to issue any Note or Bill under the value of Five Shillings, of lawful money of the Province of Upper Canada. Corporation not to issue notes, &c. under the value of 5s.

XIV. *And be it further enacted by the authority aforesaid,* That the lands, tenements, and hereditaments, which it shall be lawful for the said Corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been *bona fide* mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales, upon judgments, which shall have been obtained for such debts; and further, the said Corporation shall not, directly or indirectly, deal or trade in buying, or selling any goods, wares or merchandize, or commodities whatsoever: *Provided* that nothing herein contained shall in anywise be construed to hinder the said Corporation from dealing in Bonds, Bills of Exchange, or Promissory Notes, or in buying or selling Bullion, Gold or Silver. Limitation of real property to be held by the Corporation.
Company not to trade in goods or merchandize.

XV. *And be it further enacted by the authority aforesaid,* That the Shares of the said Capital Stock shall be transferable, and may be from time to time transferred by the respective persons subscribing the same: *Provided always,* that such transfer be entered or registered in a book or books, to be kept for that purpose by the Directors. Shares to be transferable.

XVI. *And be it further enacted by the authority aforesaid,* That the Bills obligatory, and of credit, under the seal of said Corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their Assignee or Assignees, and so as absolutely to transfer and vest the property thereof in each and every Assignee successively, and to enable such Assignee or Assignees to bring and maintain an action thereupon, in his, her, or their own name or names; and Bills or Notes which may be issued by order of the said Corporation, signed by the President, and countersigned by the principal Cashier, or Treasurer, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said Corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect as upon any private person or persons, if issued by

him, her, or them, in his, her, or their private or natural capacity or capacities, and shall be assignable or negotiable in like manner, as if they were so issued by such private person or persons.

Cashier and Clerks to give bonds with two sureties.

XVII. *And be it further enacted by the authority aforesaid,* That every Cashier and Clerk, before he enters into the duties of his office, shall give bonds, with two or more sureties, in such sum as may be satisfactory to the Directors, with conditions for the faithful discharge of his duty.

Interest on loans not to exceed 6 per cent.

XVIII. *And be it further enacted by the authority aforesaid,* That the said Corporation shall not demand any greater interest on any loan or discount than at the rate of six per centum per annum.

None of the Directors except the President entitled to emolument.

XIX. *And be it further enacted by the authority aforesaid,* That the Directors, excepting the President, shall not be entitled to any emolument for their services; and that five Directors shall constitute a Board for the transaction of business, of whom the President shall be one, except in case of sickness or absence, in which case the Directors present may choose a Chairman for the said meeting.

The Bank to be established at such place in Hamilton as the Directors may appoint.

XX. *And be it further enacted by the authority aforesaid,* That the said Bank shall be established, and the buildings necessary for the accommodation thereof erected, purchased or leased, and the business thereof at all times hereafter transacted at such place in the Town of Hamilton, in the District of Gore aforesaid, as the Directors, or the majority of them may appoint: *Provided always,* as soon as it may be deemed expedient, branches of the said Bank, and Offices of Deposit and Discount may be authorised by the said Directors, or the majority of them, in any other part of the said Province, under such rules and regulations, as the said Directors, or the major part of them may think proper, not repugnant to the general rules of the said Corporation.

Branch Banks may be established if expedient.

In case of refusal to pay in specie, the Bank to stop discounting on pain of forfeiting Charter.

XXI. *And be it further enacted by the authority aforesaid,* That if at any time after the passing of this Act, the said President, Directors and Company, shall refuse, on demand being made, at their Banking House, or any Branch or Branches hereafter to be established, during the regular hours of doing business, to redeem in specie or other lawful money of this Province, their said Bills, Notes, or other evidences of debt, issued by the said Company, the said President, Directors and Company, shall, on pain of forfeiture of their Charter, wholly discontinue and close their said Banking operations, either by way of Discount or otherwise, until such time as the President, Directors and Company, shall resume the redemp-

tion of their Bills, Notes, or other evidences of debt, in specie or other lawful money of this Province.

XXII. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the President and Cashier of the said Bank for the time being, to make a return, under oath, to the Provincial Parliament, once in each year, if required either by the Legislative Council or House of Assembly, which return shall contain a full and true account of the funds and property of the said Bank, the amount of its Capital Stock subscribed and paid, the amount of debts due to and from the said Bank, the amount of the Bills and Notes emitted by the said Bank in circulation, and the amount of specie in the said Bank, at the time of making such return.

Annual statement under oath to be made to the Legislature of the affairs of the Bank.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors or Cashier of the Bank, to allow during the hours of business, the names of the Stockholders in the said Bank, with the amount of Stock respectively owned by them, to be taken by any Stockholder who may require the same.

Any Stockholder during the hours of business may take the names of the Stockholders.

XXIV. *And be it further enacted by the authority aforesaid,* That nothing herein contained, shall be taken or construed to prevent the Legislature of this Province, at any time hereafter, from making such provisions as to the amount and description of Notes which may be issued by the said Bank, as may be deemed necessary; nor shall any thing herein contained, be construed to prevent the Legislature from applying to the said Bank, any provisions or restrictions which by any Act of the Parliament of this Province, may be applied or enforced with respect to any of the Banks of Upper Canada.

Future Legislative provisions respecting notes and Provincial Banks.

XXV. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the President and Cashier of the said Bank for the time being, to make a return under oath to the Provincial Parliament, once in each year, if required either by the Legislative Council or House of Assembly, which return shall contain a full and true account of—

Annual statement under oath to be made to the Legislature ;

Capital Stock paid in.

Bills in circulation of Five Dollars and upward, not bearing interest.

Bills in circulation under Five Dollars, not bearing interest.

Bills and Notes in circulation, bearing interest.

Balance due to other Banks.

Cash deposited, including all sums whatsoever due from the Bank, not bearing interest, (its Bills in circulation, and balances due to other Banks excepted.)

Of the following particulars.

Cash deposited bearing interest.

Total amount due from the Bank.

Of the resources of the Bank.

The Gold, Silver, and other coined metals in the Banking House.

Real Estate.

Bills of other Banks.

Balances due from other Banks.

Amounts of all debts due, including Notes, Bills of Exchange, and all Stock and Funded Debts of every description, excepting the balances due from other Banks.

Total amount of the resources of the Bank.

Rate and Amount of the last Dividend.

Amount of reserved profits at the time of declaring the last Dividend.

Amount of debts due to the Bank, and not paid, and considered doubtful.

No money to be lent on the security of the stock.

XXVI. *And be it further enacted by the authority aforesaid,* That the Directors of the said Bank, shall not, upon pain of forfeiture of their charter, loan or advance any money or bills of the said Bank, to any Stockholder or Stockholders, upon the credit of the Stock which such Stockholder or Stockholders may hold in the said Bank, but shall require from the Stockholder or Stockholders endorsers, in all respects as safe and substantial as would be required from any applicants for Discounts not being Stockholders.

Shareholders to be liable to double the amount of their shares.

XXVII. *And whereas,* it is expedient to afford additional security to the public, against the failure of Banks in this Province, by rendering the holders of Stock in such Banks, personally liable to a certain extent beyond the amount of Stock subscribed: *Be it therefore further enacted by the authority aforesaid,* That the Shareholders of the said Bank shall be respectively liable for the engagements of the Company, to the extent of twice the amount of their subscribed Shares, including the amount of Stock so held as aforesaid.

Further liabilities to be paid by instalments;

XXVIII. *And be it further enacted by the authority aforesaid,* That the sum for which such Stockholder or Stockholders shall be so liable, beyond the amount of the original or first value of the Stock by them respectively held, shall be called in by instalments, in the same manner as such Bank may have been authorised to call in Stock originally subscribed; and in case any Stockholder or Stockholders shall neglect or refuse to pay the amount which may be so called in, the Directors of any such Bank shall be, and they are hereby authorised to sue or prosecute, in its corporate name, in any of the Courts of Law in this Province, for such instalment; *Provided always,* that such sum or sums of money which may be so called

In case of non-payment Directors authorized to sue.

in, shall only be applied towards the payment of such debts or claims as may be outstanding against such Bank: *And provided also*, that nothing herein contained shall extend or be construed to extend to authorise such Directors to call in, or demand any sum from the Stockholders over and above a sum sufficient to discharge such debts and claims as may be outstanding as aforesaid.

XXIX. *And be it further enacted by the authority aforesaid*, That in case of the failure or insolvency of any such Bank, or in case the Stockholders shall neglect or refuse to appoint Directors, within three months after the time when by law the same should be appointed, or if such Directors shall neglect or refuse to call in the several sums for which the Stockholders are so liable, as aforesaid, in the manner aforesaid, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the government of this Province, to name and appoint five Commissioners to manage the affairs of the said Bank, who shall have and exercise all the power of Directors in the settlement of the affairs of the said Bank, but shall not be authorised to carry on any other business of Banking, except the calling in so much of the several sums, for which the respective Stockholders may be liable, as shall be sufficient to discharge the sum or sums which may be due by such Bank, together with the necessary expenses attending such management.

In case of the failure of the Bank, &c. managers to be appointed.

XXX. *And be it further enacted by the authority aforesaid*, That this present Act of Incorporation, shall, in nowise be forfeited by non-user, at any time before the first day of January, one thousand eight hundred and thirty-nine.

Charter not to be forfeited by non-user before first January 1839.

CHAP. XXXV.

AN ACT for the relief of the Heirs of the late Peter Desjardins.

[The Royal Assent to this Bill promulgated by Proclamation, bearing date the Twenty-eighth day of November, One Thousand Eight Hundred and Thirty-five.]

MOST GRACIOUS SOVEREIGN:

WHEREAS Peter Desjardins, formerly of Nesle, in the Department of Somme, in the Province of Picardie, in the Kingdom of France, and late of Dundas, in the District of Gore, in the Province of Upper Canada, Gentleman, died in this Province intestate, and without issue, some time

Preamble.

in the year of our Lord one thousand eight hundred and twenty-seven, leaving some property, both real and personal, acquired by him partly by grant from the Crown, and partly by purchase during his residence here: *And whereas*, the only relations of the said Peter Desjardins are his two Brothers, Jean Louis Thomas Desjardins, and Toussaint Desjardins, and his only Sister, Marianne Rosalie Begne, formerly Desjardins, all of whom are Aliens, and therefore incapable of inheriting the real property of their deceased Brother: *And whereas*, it is just and expedient to secure the property of the said Peter Desjardins to his said relatives; we therefore humbly beseech Your Majesty that it may be enacted, *and be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the person or persons who, if he or they were Natural-born British Subjects of His Majesty, would inherit, or would have inherited the real or personal estate within this Province of the said Peter Desjardins, shall be deemed and taken to be, and to have been a Natural-born Subject, or Natural-born Subjects of His Majesty, to all intents, constructions and purposes whatsoever, as far as respects the capacity of such person or persons to take, inherit, hold, possess, enjoy, claim, recover, convey, devise, demise or impart, any and all such real or personal estate of the said Peter Desjardins.

Persons who if they had been natural born subjects would have inherited the real or personal estate of Peter Desjardins, now qualified to inherit and dispose of the same.

CHAP. XXXVI.

AN ACT to extend to certain persons the Civil and Political Rights of Natural-born Subjects.

[The Royal Assent to this Bill promulgated by Proclamation, bearing date the Twenty-seventh day of October, One Thousand Eight Hundred and Thirty-five.]

WHEREAS Erastus Holmes Spalding, Abner Barnard, both of Blenheim, in the London District; Alvin Turner, of Zorra, in said District; Frederick Alin Spalding, Hinks Gross, of Blenheim, in the London District aforesaid; Amos Norton, of the Town of York; Eliakim Field, of Gosfield, in the Western District; Elisha Hayward, of the Town of York; Jean Petit Pont de la Haye, of York aforesaid; Brooks Bowman, Phi-

Preamble.

lander H. Bowman, of Oxford West, in the London District aforesaid; and Moses Maynard, the younger, of Brockville, in the Johnstown District, have by their several petitions set forth, that they have come into this Province with the intention of becoming subjects thereof: *And whereas*, it is just and expedient to secure the Petitioners in their Titles to their Lands, and to confer upon them the rights and privileges of Subjects of this Province: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the titles of the said Erastus Holmes Spalding, Abner Barnard, Alvin Turner, Frederick Alin Spalding, Hinks Gross, Amos Norton, Eliakim Field, Elisha Hayward, Jean Petit Pont de la Haye, Brooks Bowman, Philander H. Bowman, and Moses Maynard, or any or either of them, or the Heir or Heirs of any of them respectively, to any real estate in this Province, shall not be impeached or held invalid, or such estate held liable to be resumed by His Majesty, his Heirs or Successors, on account of his or their being an Alien or Aliens, but all and every of them the said Erastus Holmes Spalding, Abner Barnard, Alvin Turner, Frederick Alin Spalding, Hinks Gross, Amos Norton, Eliakim Field, Elisha Hayward, Jean Petit Pont de la Haye, Brooks Bowman, Philander H. Bowman, and Moses Maynard, shall be deemed, adjudged and taken, and so far as respects their capacity at any time heretofore, or now, or hereafter, to take, hold, possess, enjoy, claim, recover, convey, devise, impart or transmit, any real estate in this Province, or any right, title, privilege or appurtenances thereto, or any interest therein, to be and to have been Natural-born Subjects of His Majesty, to all intents, constructions and purposes whatsoever, as if they and every of them had been born in this Province.

Petitioners qualified to hold real estate in the Province.

II. *And be it further enacted by the authority aforesaid*, That after a residence of seven years within this Province, without having been absent more than two months at any one time, so soon as the said Erastus Holmes Spalding, Abner Barnard, Alvin Turner, Frederick Alin Spalding, Hinks Gross, Amos Norton, Eliakim Field, Elisha Hayward, Jean Petit Pont de la Haye, Brooks Bowman, Philander H. Bowman, and Moses Maynard, shall respectively have taken and subscribed the oath hereinafter inserted, or being of the persons allowed to affirm, have made the affirmation hereinafter mentioned, before some person duly authorized

After a residence of seven years, and taking the oath prescribed, petitioners confirmed in the rights and privileges of British subjects.

to administer the oath contained in an Act of the Parliament of this Province, passed in the ninth year of His late Majesty's reign, entitled, "An Act to secure and to confer upon certain Inhabitants of this Province the Civil and Political Rights of Natural-Born British Subjects," they the said Erastus Holmes Spalding, Abner Barnard, Alvin Turner, Frederick Alin Spalding, Hinks Gross, Amos Norton, Eliakim Field, Elisha Hayward, Jean Petit Pont de la Haye, Brooks Bowman, Philander H. Bowman, and Moses Maynard, shall be and are hereby admitted and confirmed in all the Privileges of British Birth within this Province.

Form of oath.

III. *And be it further enacted by the authority aforesaid,* That the persons hereinbefore mentioned shall severally take and subscribe the following oath or affirmation:—I, A. B. do sincerely promise and swear, (or affirm as the case may be,) that I will be faithful and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province, as dependant thereon—So HELP ME GOD!

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