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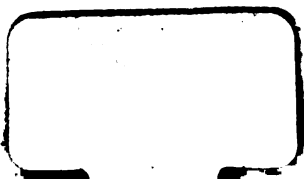
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PROVINCIAL STATUTES

OF

CANADA,

ENACTED by Her Most Excellent Majesty, Our Sovereign Lady VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., by and with the advice and consent of the Legislative Council and Assembly of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Third and Fourth years of Her Majesty's Reign, intituled, "*An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada.*"

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YASSEL GORWATS

P R O V I N C I A L S T A T U T E S

O F

C A N A D A .

ANNO REGNI QUARTO-DECIMO & QUINTO-DECIMO

V I C T O R I Æ ,

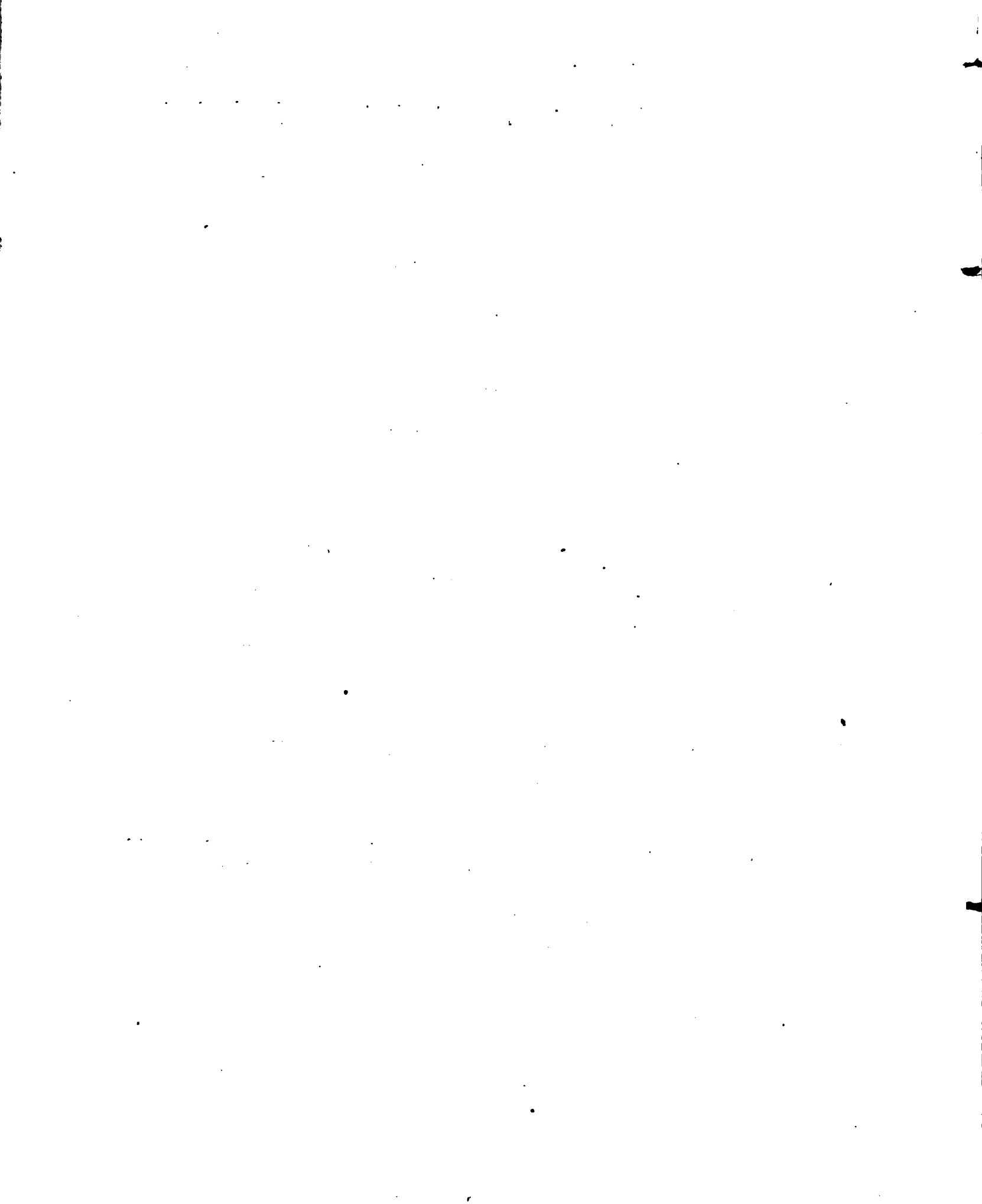
DEI GRATIÂ BRITANNIARUM REGINÆ.

HIS EXCELLENCY THE RIGHT HONORABLE

JAMES, EARL OF ELGIN AND KINCARDINE, K. T.

GOVERNOR GENERAL.

**BEING THE FOURTH SESSION OF THE THIRD PROVINCIAL PARLIAMENT OF
C A N A D A .**





ANNO QUARTO-DECIMO & QUINTO-DECIMO

VICTORIÆ REGINÆ.

CAP. I.

An Act to repeal the several Acts of the Parliaments of Lower and Upper Canada now in force for the trial of controverted Parliamentary Elections in the two sections of the Province respectively, and to provide by one General Act for the Trial of all Parliamentary Election Petitions.

[2d August, 1851.]

WHEREAS as well for the purpose of having one uniform system for the trial of all controverted Parliamentary Elections as for that of consolidating and amending such of the provisions of the Acts now in force for the conduct of trials of Elections in the two sections of the Province respectively, as it is deemed desirable to retain, it is expedient to repeal the several Acts of the Parliaments of the late Provinces of Lower and Upper Canada making provisions for such trials, and to provide by one General Act for the trial of all Parliamentary Election Petitions: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same—

Preamble.

1. ELECTION PETITIONS AND THEIR RECEPTION.

I. That every Petition presented to the Commons House of Legislative Assembly of this Province, within the time hereinafter for that purpose limited with respect to such Petition, and complaining of an undue election or return of a Member to serve in Parliament, or complaining that no return has been made according to the requisition of any Writ issued for the election of a Member to serve in Parliament, or complaining of the special matters contained in any such return, and which Petition shall be subscribed by some person who voted or had a right to vote at the Election to which the same relates, or by some person claiming to have had a right to be returned or elected thereat, or alleging himself to have been a Candidate at the Election, shall be deemed an Election Petition.

What shall be deemed an Election Petition.

II. And be it enacted, That in the case of every such Election Petition arising out of an Election held in consequence of the expiration or dissolution of any Parliament, such Election Petition shall be presented to the Commons House of Legislative Assembly within the first fourteen days of the Session of Parliament which shall commence or be held on or next after the Return Day of the Writ under which such Election was held, provided the said House shall on the last of such fourteen days have entered upon, and gone through with that head or division of the daily routine of the business thereof which consists in the presenting and bringing up of Petitions; and if the

When to be presented, if arising out of an election held in consequence of the expiration or the dissolution of a Parliament.

the said House in such last mentioned case shall not have entered upon and gone through with such head or division of the said daily routine on such last day, that then, and in every such case, such Petition shall be so presented upon the first day thereafter upon which the said House shall have entered upon and gone through with such head or division of the said daily routine as aforesaid.

When to be presented, if arising out of an election held otherwise than in consequence of the expiration or dissolution of a Parliament, the return being made when Parliament shall not be in session or on one of the last 14 days of a session.

III. And be it enacted, That in the case of every such Election Petition arising out of any Election held otherwise than in consequence of the expiration or dissolution of any Parliament, if the day on which the Return upon such Election shall be brought into the office of the Clerk of the Crown in Chancery shall be a day on which Parliament shall not be in Session, or shall be one of the last fourteen days of any Session, then, and in every such case, such Petition shall be so presented within the first fourteen days of the Session of Parliament which shall commence and be held next after the day on which such Return shall have been so brought into the said office of the said Clerk of the Crown in Chancery, provided the said House shall on the last of such last mentioned fourteen days have entered upon and gone through with that head or division of the daily routine of the business thereof which consists in the presenting and bringing up of Petitions; and if the said House, in such last mentioned case shall not have entered upon and gone through with such head or division of the said daily routine on such last day, then, and in every such case, such Petition shall be so presented to the House upon the first day thereafter upon which the said House shall have entered upon and gone through with such head or division of the said daily routine as aforesaid.

When to be presented, if Parliament be in session at the time of the return and sit 14 days afterwards.

IV. And be it enacted, That in the case of every Election Petition arising out of an Election held otherwise than in consequence of the expiration or dissolution of any Parliament, if the day on which the Return upon such Election shall be brought into the office of the Clerk of the Crown in Chancery shall be a day on which Parliament shall be in Session, but not one of the last fourteen days of any such Session, then, and in every such case, such Petition shall be so presented within the first fourteen days next after such return shall have been so brought into the said office of the said Clerk of the Crown in Chancery as aforesaid, provided the said House shall on the last of such fourteen days have entered upon and gone through with the said head or division of the daily routine of the business thereof which consists in the presenting and bringing up of Petitions; and if the said House, in such last mentioned case, shall not have entered upon and gone through with such head or division of the said daily routine on such last day, then, and in every such case, such Petition shall be so presented upon the first day thereafter upon which the said House shall have entered upon and gone through with such head or division of the said daily routine as aforesaid.

Petition may be presented and brought up at any period of the day, as a matter of privilege.

V. And be it enacted, That nothing herein contained shall preclude the presenting and bringing up of any such Election Petition, as a matter in which the privileges of the House are concerned, during any part of any day on which such Election Petition might be presented and brought up, according to the provisions of the next preceding three sections of this Act, by reason merely of the routine period for presenting and bringing up such Petition for such day having passed, provided the same shall be so presented and brought up at a time and in the manner agreeable in other respects to the orders and practice of the said House.

What shall not be a Session within the meaning of this Act.

VI. And be it enacted, That no Session of Parliament which shall not have lasted for fifteen days at the least, including the day of its meeting and the day of its prorogation, shall be deemed a Session thereof within the meaning of the second, third and fourth sections of this Act or any of them.

Longer periods allowed for presenting petitions complaining of bribing or corruption.

VII. And be it enacted, That if any such Election Petition shall contain any allegation of bribery or corruption, with a specific allegation of any payment of money or other reward having been made by any Member, or on his account, or with his privity, since the time of the return of the Writ under which such Election shall have been held, in pursuance or in furtherance of such bribery or corruption, then, and in every such case, twenty-eight days shall be allowed instead of fourteen days for the presenting of such Petition, which twenty-eight days shall in all such cases be reckoned from the day of such payment

payment exclusive of such day, and in all the cases in which by the next five preceding sections of this Act, a further time is allowed beyond the fourteen days therein and thereby limited for presenting and bringing up Election Petitions not containing any such charge of bribery or corruption as aforesaid, a like further time shall be allowed beyond the said twenty-eight days herein and hereby limited for presenting and bringing up Election Petitions containing any such charge of bribery or corruption as aforesaid; and all the provisions hereinbefore contained for such purpose in the second, third, fourth and fifth sections of this Act, shall apply as if the same had been here repeated *mutatis mutandis*, in respect of Election Petitions containing any such charge of bribery or corruption as aforesaid, and the said twenty-eight days hereby allowed for the presenting and bringing up of the same as aforesaid.

VIII. And be it enacted, That no Petition, although otherwise within the description of an Election Petition contained in the first section of this Act, shall be deemed to be an Election Petition within the meaning of the same, unless it shall have been presented to the said Commons House of Legislative Assembly within the time for that purpose limited, with respect to such Petition, by the provisions contained in the six next preceding sections of this Act.

IX. And be it enacted, That the Petitioner may at any time after the presentation of every such Election Petition, withdraw the same upon giving notice in writing under his hand or under the hand of his agent to the Speaker, and also to the sitting Member or his agent, and also to the party who may have been admitted to oppose the prayer of such Petition, that it is not intended to proceed with the Petition, and in such case the Petitioner shall be liable to the payment of such costs and expenses as may have been incurred by the sitting Member or other party complained of in such Petition, and also by any party admitted to oppose the prayer of such Petition, to be taxed as hereinafter provided.

2. RECOGNIZANCES.

X. And be it enacted, That before any Election Petition shall be presented to the House, a Recognizance shall be entered into by one, two, three or four persons, as sureties for the person subscribing such Petition, for the sum of Two Hundred Pounds in one sum, or in several sums of not less than Fifty Pounds each, for the payment of all costs and expenses which under the provisions herein contained shall become payable by the person subscribing the Petition to any witness summoned in his behalf, or to the sitting Member, or other the party complained of in such Petition, or to any party who may be admitted to defend such Petition as hereinafter provided, or to any person who on the application of such Petitioner for the issue of a Commission to take evidence on such trial, may be appointed a Commissioner for that purpose, or to any Clerk, Bailiff or other Officer employed by such Commissioner in or about, or in any way relating to the execution of the Commission issued to him in that behalf; and such Recognizance may be in the form or to the like effect as is set forth in the Schedule to this Act annexed marked A (1,) with such alteration as may be necessary to adapt such form to the circumstances of the case.

XI. And be it enacted, That before any application shall be made to any Select Election Committee appointed under this Act, on the part of any sitting Member interested or concerned in any such Election Petition, for the issuing of a Commission to take evidence upon the trial thereof, a Recognizance shall be entered into by one, two, three or four persons, as sureties for such sitting Member, for the sum of One Hundred Pounds in one sum, or in several sums of not less than Twenty-five Pounds each, for the payment of all costs and expenses which under the provisions herein contained shall become payable by such sitting Member to any Commissioner who may be appointed for taking such evidence for such trial, or to any Clerk, Bailiff or other Officer employed by such Commissioner in or about, or in any way relating to the execution of such Commission, which Recognizance shall be entered into before the Speaker or a Justice of the Peace, as is herein provided with respect to other

Recognizances

No petition to be deemed an Election Petition unless presented in due time.

On what conditions a petition may be withdrawn.

Security for costs, to be given before the petition is presented; amount and form of recognizance, &c.

Security for costs, to be given by sitting Member demanding a commission; amount and form of recognizance, &c.

Recognizances to be entered into under this Act, and shall be accompanied by Affidavits of the sufficiency of the sureties as is provided with respect to the same, or a deposit of money may be made in lieu of such Recognizance, or a deposit of money in lieu of some part of the amount required to be so secured, and a Recognizance for the residue thereof shall be made and entered into as is hereby provided with respect to such other Recognizance, and such Recognizance may be in the form or to the like effect as is set forth in the Schedule to this Act annexed marked A (2), with such alteration as may be necessary to adapt such form to the circumstances of the case.

Parties entering into recognizances to justify their sufficiency on oath.

XII. And be it enacted, That any person who enters into any such Recognizance shall testify upon oath in writing, to be sworn at the time of entering into the said Recognizance, and before the same person by whom his Recognizance is taken, that he is seized or possessed of real or personal estate (or both) above what will satisfy all his just debts, of double the clear value of the sum for which he is bound by his said Recognizance, and every such Affidavit shall be endorsed upon or annexed to the Recognizance, and such Affidavit may be in the form or to the like effect as is set forth in the Schedule to this Act annexed marked A (4), with such alterations as may be necessary to adapt such form to the circumstances of the case.

Sureties to be mentioned by their names and additions.

XIII. And be it enacted, That in every such Recognizance and Affidavit of sufficiency of sureties, shall be mentioned the christian and surnames in full, and the usual places of residence or business of the persons becoming sureties as aforesaid, with such other description of the sureties as may be sufficient to identify them easily.

Recognizances to be entered into before the Speaker, or a Justice of the Peace, &c.

XIV. And be it enacted, That every Recognizance hereinbefore required, shall be entered into, and every Affidavit of sufficiency of sureties hereinbefore required shall be sworn before the Speaker of the said House, or a Justice of the Peace; and the said Speaker, and also every Justice of the Peace, is hereby empowered to take the same, and every such Recognizance and Affidavit taken before a Justice, being duly certified under the hand of such Justice, shall be delivered to the said Speaker, who shall thereupon cause the same, as well as all such Recognizances and Affidavits taken before himself, to be filed in the office of the Chief Clerk of the said House, for the information of the House and its Committees, and of all parties concerned or interested in the same.

Money may be deposited instead of giving recognizance.

XV. And be it enacted, That any person by whom an Election Petition is signed, or any such sitting Member by whom an application for the issue of a Commission to take evidence as aforesaid is about to be made, may, instead of procuring a Recognizance for the amount or the full amount of the sums of Two Hundred Pounds and one Hundred Pounds respectively hereinbefore required for such purpose, pay into the hands of the Chief Clerk of the Commons House of Legislative Assembly of this Province, for the like purposes for which such Recognizance is hereinbefore required, either the whole or any part of such Two Hundred or One Hundred Pounds, as the case may be, which he thinks fit, not being less than Fifty Pounds, and in such case such person shall, if the whole of such sum be paid in, be required to find no sureties for such purpose, and if a part only of such sum be paid in, he shall then be required to find sureties for so much only of the said sum of Two Hundred Pounds or of One Hundred Pounds respectively, as the sum paid into the hands of such Chief Clerk as aforesaid falls short of such Two Hundred Pounds or One Hundred Pounds, as the case may be; and every sum so paid into the hands of such Chief Clerk as aforesaid, shall be carried by him to the credit of an account to be opened by him with the Speaker of the said House by his name of office, and shall be paid out by such Chief Clerk for the time being, from time to time, in discharge of such Warrants as may from time to time be issued for that purpose upon him by the Speaker of the said House for the time being, in pursuance of the provisions of this Act; and the said Chief Clerk shall preserve in his books a remembrance of the Petition upon which every such sum of money shall have been paid into his hands as aforesaid, as the same shall have been stated by the party paying in the same, and shall grant to such party a receipt or certificate for the same, and no money shall be deemed for the purposes of this Act to have been paid into the hands of such Chief Clerk until such receipt or certificate shall be procured and delivered

How such money shall be dealt with.

to

to the Speaker of the said House, who shall thereupon cause a copy of the same, certified under his hands, to be filed in the office of the Chief Clerk of the said House, for the information of the House and its Committees, and of all parties concerned or interested in the same, and shall thereupon re-deliver the original of such receipt or certificate with a Memorandum under his hand of the same having been delivered to him according to the provisions of this Act to the party by whom the same was so delivered to him as aforesaid.

XVI. And be it enacted, That no Election Petition shall be received unless, at the time it is presented to the House, it be endorsed with a certificate under the hand of the Speaker of the said House, that the Recognizance hereinbefore required has been entered into and received by him, with the required Affidavit of sufficiency of sureties thereunto annexed or endorsed, or that the Chief Clerk's receipt or certificate for the amount of such Recognizance has been delivered to him, or that a Recognizance with Affidavits of sufficiency for part, and the Chief Clerk's receipt or certificate for the residue of such amount, has been so delivered to him as aforesaid.

XVII. And be it enacted, That no application shall be entertained by any Select Election Committee under this Act, on the part of any sitting Member interested or concerned in any such Election Petition, for the issue of any Commission to take evidence upon such trial, unless, at the time of such application, there shall be produced to such Select Committee copies,—certified under the hand of the Speaker or the Chief Clerk of the Commons House of Legislative Assembly to be true copies of the same,—of the Recognizance herein required, to be entered into on behalf of such sitting Member,—of all Affidavits by which the sufficiency of the sureties in such Recognizance shall have been established,—or of the Chief Clerk's certificates of the deposit of money in lieu of such Recognizance,—or of such Recognizances and Affidavits for any part of such amount,—and of the Chief Clerk's certificates for the residue thereof, as the case may be, together with an Affidavit from such sitting Member that he is acquainted with the persons who have entered into such Recognizance, if any have been given as aforesaid, and that he has reason to believe irrespective of having the same sworn to by such persons, and that he does verily believe that such persons are worth the amounts respectively stated by them in their said Affidavits of sufficiency respectively; and every such Recognizance shall have the same requirements as to the names and description of parties and the manner of taking the same, as is hereinbefore provided with respect to the Recognizances required of Petitioners.

XVIII. And be it enacted, That in case, at the time of any such application on the part of the sitting Member for the issue of any such Commission as aforesaid, it shall be objected on the part of the Petitioners in such Election Petition, that the sureties of such sitting Member, or any of them, are not really worth the amounts stated in their Affidavits of sufficiency respectively, or that such Recognizance is objectionable upon similar grounds to those hereinafter mentioned in the twentieth section of this Act or any of them, or any other that shall appear to such Select Committee to require explanation or correction, it shall and may be lawful for such Select Committee, if upon hearing the parties they shall deem it just to do so, to give time to such Petitioner to make good such objection, and to make such orders from time to time as to the same, and as to the putting in of new Recognizances or a deposit of money in lieu thereof or part thereof, and as to the justification of the sufficiency of the persons entering into any such Recognizances, as to such Select Committee shall appear just in the premises; and all such orders shall be binding upon the parties interested or concerned in such Election Petition, and the neglect of any party to obey the same shall be attended with such consequences in respect of the same, and the prosecution or defence of his case before such Select Committee, and the payment of costs to the party or parties inconvenienced or delayed, which shall be taxed and recovered as hereinafter provided for the costs and expenses of prosecuting or opposing Election Petitions, as such Election Committee shall think fit to order and direct in that behalf, or the payment of such costs and expenses may be made a condition to allowing the party to proceed with

Petition not to be received unless the Speaker's certificate of recognizance or deposit be endorsed thereon.

What must be certified and done before an application by sitting Member for a commission to take evidence can be entertained.

Objections to recognizances of or on behalf of sitting Member how to be heard and disposed of

his prosecution or defence if such Select Committee shall think fit so to order and direct; Provided always nevertheless, that no such sitting Member shall obtain the benefit of any evidence taken on his behalf, under any such Commission until he shall have perfected the security hereby required in that behalf, either by Recognizance or deposit as hereinbefore provided, and shall have obtained an order of such Select Election Committee allowing the same as sufficient.

Names of sureties,
&c., to be entered by
the Clerk in book.

XIX. And be it enacted, That on or before the day when any such Petition is presented to the House, or when notice of the intention of any sitting Member to apply to the Select Committee for the trial of such Election Petition for the issue of a Commission to take evidence upon such trial, shall have been served on the Petitioners, the names and descriptions of the sureties, where there are sureties, as set forth in the Recognizance, and the amount of the Chief Clerk's receipts or certificates of deposits in lieu of the Recognizance, shall be entered in a book to be kept by the Chief Clerk of the said House in his office, and the said book, and also the Recognizance and Affidavits, and the Chief Clerk's said receipts or certificates, shall be open to the inspection of all parties concerned.

Objections to
recognizances of
Petitioners may be
taken by sitting
Member or Electors
supporting his
election.

XX. And be it enacted, That any sitting Member petitioned against, or any Electors petitioning and admitted parties to defend the election or return, may object to any such Recognizance on the ground that the same is invalid, or that the same was not duly entered into or received by the Speaker, with the affidavit thereunto annexed or endorsed as hereinbefore required, or on the ground that the sureties or any of them are insufficient, or that a surety is dead, or that he cannot be found or ascertained for the want of a sufficient description in the Recognizance, or that a person named in the Recognizance has not duly acknowledged the same: Provided always, firstly, that the ground of objection shall be stated in writing under the hand of the objecting party or his agent, and shall be delivered to the Speaker of the said House, within ten days, or not later than twelve o'clock at noon of the eleventh day after the presentation of the Petition; and provided also, secondly, that if such eleventh day happen to be a Sunday or other Statutory Holiday, it shall be sufficient, if such notice of objection be delivered to the Speaker not later than twelve o'clock at noon of the following day, or of the first day thereafter which shall not be a Sunday or Statutory Holiday; and provided also, thirdly, that the said Speaker shall thereupon cause the said objection to be forthwith filed in the office of the Chief Clerk of the said House, for the inspection of the House and its Committees, and of all parties concerned or interested in the same.

Proviso.

Proviso.

Proviso.

Notice of objections,
to be posted up.

XXI. And be it enacted, That as soon as any such statement of objection is received by the said Speaker, he shall cause the Chief Clerk of the House to put up an acknowledgment thereof in some conspicuous part of his office, and shall appoint a day for hearing such objections, not less than three nor more than five days from the day on which he received such statement; and the Petitioner and his agent shall be allowed to examine and take copies of every such objection.

Speaker to decide on
objections.

XXII. And be it enacted, That at the time appointed, the Speaker of the said House shall enquire into the alleged objections, on the grounds stated in the notice of objection, but not on any other ground; and for the purpose of such enquiry, he may examine upon oath any persons tendered by either party for examination by him, and may also receive in evidence any Affidavit relating to the matter in dispute before him, sworn before him, or before any Justice of the Peace, and the said Speaker may, if he thinks fit, adjourn the said enquiry from time to time until he decide on the validity of such objection, and he may, if he thinks fit, award costs to be paid by either party to the other, which costs shall be taxed and recovered as hereinafter provided for the costs and expenses of prosecuting or opposing Election Petitions, and the decision of the Speaker shall be final and conclusive against all parties.

Provision in case of
the death of any
surety.

XXIII. And be it enacted, That if any surety die, and his death be stated as a ground of objection before the end of the time allowed for objecting to Recognizances, the Petitioner may pay into the hands of the Chief Clerk of the Commons House of Legislative Assembly of this Province on the account of the Speaker, the sum for which the deceased surety

surety was bound ; and upon the delivery of the receipt or certificate of the said Chief Clerk for such sum to the Speaker, within three days after the day on which the statement of such objection was delivered to the said Speaker, the Recognizances shall be deemed unobjectionable if no other ground of objection thereto be stated within the time before mentioned for stating objections to Recognizances.

XXIV. And be it enacted, That if the Speaker have received any statement of objection to the Recognizances of any such Election Petition, and have decided that such Recognizances are objectionable, he shall forthwith report to the House that such Recognizances are objectionable ; but if he shall have decided that such Recognizances are unobjectionable, or if he have not received any such statement of objection, then, as soon as the time hereinbefore allowed for stating any such objection has elapsed after the presentation of the Petition, or as soon thereafter as he has decided upon the statement of objection, he shall report to the House that the Recognizances to such Petition are unobjectionable, and every such report shall be final and conclusive to all intents and purposes ; and the Chief Clerk of the said House shall make out a list of all Election Petitions on which the Speaker has reported to the House that the Recognizances are unobjectionable, in which list the Petitions shall be arranged in the order in which they are so reported upon, and a copy of such list shall be kept in the office of the said Chief Clerk, and shall be open to the inspection of all parties concerned or interested in the same.

Speaker to report his decision to the House, and it shall be final.

List to be kept by Clerk.

3. ADMISSION OF PARTIES TO DEFEND.

XXV. And be it enacted, That if at any time before the appointment of a Select Committee, as hereinafter provided, to try any Election Petition, the Speaker of the Commons House of Legislative Assembly shall be informed by a certificate in writing, subscribed by two of the Members of the said House, of the death of any sitting Member whose election or return is complained of in such Petition, or of the death of any Member returned upon a double return, whose election or return is complained of in such Petition, or that a Writ of Summons has been issued under the Great Seal of the Province to summon any such Member to Parliament as a Legislative Councillor of this Province, or if the said Commons House of Legislative Assembly shall have resolved that the seat of any such Member is by law become vacant, or if the House be informed by a declaration in writing, subscribed by any such Member and delivered to the Speaker within fourteen days after the day on which any such Petition was presented, whether such fourteen days or any of them shall occur during a Session of Parliament or during a prorogation thereof, that it is not the intention of such Member to defend his election or return, in every such case, notice thereof shall immediately be sent by the Speaker to the General Committee of Elections, and to the Members of the Chairmen's Panel hereinafter mentioned, and also to the Sheriff or other Returning Officer for the County, Riding, City, Town, Borough or place to which such Petition relates, and such Sheriff or other Returning Officer shall cause a true copy of such notice to be affixed in some conspicuous place in or near to the place where the nomination for such election was held ; and such notice shall also be inserted by order of the Speaker, in one of the next two Government Official Gazettes of the Province, and shall as soon as may be, be communicated by him to the House.

Proceedings where the contested seat becomes vacant, or the sitting Member declines defending it, before the appointment of the select Committee.

XXVI. And be it enacted, That at any time within fourteen days after the day on which any Election Petition was presented, or within twenty-one days after the day on which any notice was inserted in the Gazette to the effect that the seat is vacant, or that the Member returned will not defend his election or return, or if either of the said periods expire during a prorogation of Parliament, or during an adjournment of the Commons House of Legislative Assembly for any period exceeding seven full days exclusive of the day of adjournment and the day of meeting according to such adjournment, and if he have not done so before, then on the first day on which the House meets after such prorogation or adjournment, provided the said House shall on

Voters may within a certain period petition for leave to defend the return, or to oppose the petition against it.

such first day have entered upon and gone through with that head or division of the daily routine of the business thereof which consists in the presenting and bringing up of Petitions, and if the said House in such last mentioned case shall not have entered upon and gone through with such head or division of the said daily routine of such first day, then, and in every such case, upon the first day thereafter upon which the said House shall have entered upon and gone through with such head or division of the said daily routine as aforesaid, any person who voted or had a right to vote at the Election to which the Petition relates, may petition the said House, praying to be admitted as a party to defend such return, or to oppose the prayer of such Petition; and such person shall thereupon be admitted as a party, together with the sitting Member if he be then a party against such Petition, or in the room of such Member if he be not then a party against the Petition, and every such Petition shall be referred by the House to the General Committee of Elections hereinafter mentioned: Provided always, nevertheless, that nothing herein contained shall preclude the presenting or bringing up of such Petition of any such party during any part of any day on which such Petition might be presented as is provided by the Fifth Section of this Act respecting Election Petitions.

Proviso.

Member declining to defend not to sit or vote until Petition be decided upon.

Voters petitioning for leave to defend to give security.

Form of recognizance, &c.

Money may be deposited instead.

Proviso.

XXVII. And be it enacted, That whenever the Member whose election or return is so complained of in such Election Petition, has given notice as aforesaid of his intention not to defend the same, he shall not be afterwards allowed to appear or act as a party against such Petition in any proceedings thereupon, and he shall also be restrained from sitting in the said Commons House of Legislative Assembly, or voting on any question, until such Petition has been decided upon.

XXVIII. And be it enacted, That before any such Petition for permission to defend shall be presented to the House, a Recognizance shall be entered into on the part of such Petitioner by one, two, three or four persons as sureties for the persons subscribing such Petition, for the sum of One Hundred Pounds in one sum, or in several sums of not less than Twenty-five Pounds each, for the payment of all costs and expenses which under the provisions herein contained shall become payable by the person subscribing such Petition, to any witness summoned in his behalf, or to the person subscribing the Election Petition to which such person prays permission to appear for the purpose of defence as aforesaid, or to any person who, upon the application of such first mentioned Petitioner for the issue of a Commission to take evidence upon the trial of such Election Petition, may be appointed a Commissioner for that purpose, or to any Clerk, Bailiff or other Officer employed by such Commissioner in or about or in any way relating to the execution of the Commission issued to him in that behalf, which Recognizance shall be entered into before the Speaker or a Justice of the Peace as is herein provided with respect to other Recognizances to be entered into under this Act, and shall be accompanied by Affidavits of the sufficiency of the sureties as is provided with respect to the same, and the same may be in the form or to the like effect as is set forth in the Schedule to this Act annexed marked A (3), with such alterations as may be necessary to adapt such form to the circumstances of the case; or a deposit of money may be made in lieu of such Recognizance, or a deposit of money in lieu of some part of the amount required to be so secured, and a Recognizance for the residue thereof shall be made and entered into as is hereby provided with respect to such other Recognizance, which shall be accompanied by Affidavits of sufficiency from the sureties, and an Affidavit of belief in such sufficiency made by such Petitioner for permission to defend, as is hereinbefore provided with respect to the Recognizance to be entered into on behalf of any such sitting Member as aforesaid: Provided always nevertheless, that all objections to such sureties or the manner in which they have been put in, shall be heard and disposed of by the Select Election Committee for the trial of such Election Petition, in the same manner and subject to the like powers and provisions, as well respecting costs and the payment and recovery thereof, as respecting all other matters connected with the enquiry into and allowance of the sufficiency of such sureties as is herein provided with respect to the Recognizance hereby required to be entered into by any such sitting Member as aforesaid.

XXIX. And be it enacted, That if in the case of an Election Petition complaining of a double return, the Member whose return is complained of in such Petition have given notice, as aforesaid, that it is not his intention to defend his return, and if no party, within the period hereinbefore allowed for that purpose, have been admitted to defend such return, then if there be no Election Petition complaining of the other Member returned on such double return, it shall be lawful for the last mentioned Member, or other the persons who subscribed the Petition complaining of such double return, to withdraw such Petition by letter addressed to the Speaker, and thereupon the order for referring such Petition to the General Committee of Elections shall be discharged, and the House shall give the necessary directions for amending the said double return, by taking off the file the indenture by which the person so declining to defend his return was returned, or otherwise, as the case may require.

Provision in case of double return, when the Member petitioned against does not defend his return.

4. GENERAL COMMITTEE OF ELECTIONS.

XXX. And be it enacted, That in the first Session of every Parliament, on the first meeting of the Commons House of Legislative Assembly, on or next after the fifteenth day of such Session, and in every subsequent Session, as soon as convenient after the commencement of the Session, the Speaker shall, by Warrant under his hand, appoint six Members of the House against whose return no Petition is then depending, and none of whom is a Petitioner complaining of any election or return, to be Members of a Committee to be called "The General Committee of Elections," and every such Warrant shall be laid on the Table of the House, and if not disapproved of by the House, in the course of the three next days on which the House meets for the despatch of business, shall take effect as an appointment of such General Committee.

General Committee of Elections to be named by the Speaker; how and when.

XXXI. And be it enacted, That if the House disapprove of any such Warrant, the Speaker shall, on or before the third day on which the House meets after such disapproval, lay upon the Table of the House, a new Warrant for the appointment of six Members qualified as aforesaid, and so from time to time, until six Members have been appointed by a Warrant not disapproved by the House.

Nomination how corrected if the House disapprove it.

XXXII. And be it enacted, That the disapproval of the Warrant may be either general in respect of the constitution of the whole Committee, or special in respect of any Member or Members named in the Warrant.

Disapproval may be general or special.

XXXIII. And be it enacted, That the Speaker may, if he thinks fit, name in the second or any subsequent Warrant, any of the Members named in any former Warrant whose appointment has not been specially disapproved by the House as aforesaid.

Members not disapproved may be named again.

XXXIV. And be it enacted, That after the appointment of the General Committee, every Member appointed shall continue to be a Member of the Committee until the end of that Session of Parliament, or until he cease to be a Member of the Commons House of Legislative Assembly, or until the General Committee report that he is disabled by continued illness from attending the Committee, or until the Committee be dissolved as hereinafter provided.

Duration of the appointment.

XXXV. And be it enacted, That in every case of vacancy in the General Committee of Elections, the Speaker, on the first day on which the House meets after such vacancy is known by him, shall make known the vacancy to the House, and thereupon all proceedings of the General Committee shall be suspended until the vacancy is supplied as hereinafter provided.

Vacancies to suspend the proceedings of the Committee.

XXXVI. And be it enacted, That if the General Committee of Elections at any time report to the House, that by reason of the continued absence of more than two of its members, or by reason of irreconcilable disagreement of opinion, the said Committee is unable to proceed in the discharge of its duties, or if the House resolve that the General Committee of Elections be dissolved, the General Committee shall be thereby forthwith dissolved.

Committee may be dissolved in certain cases.

XXXVII. And be it enacted, That every appointment to supply a vacancy in the General Committee, and every re-appointment of the General Committee after the dissolution

Vacancies in Committee how filled up.

dissolution thereof, shall be made by the Speaker by Warrant under his hand, laid upon the Table of the House, on or before the third day on which the House meets after the dissolution of the Committee, or notification of the vacancy, as the case may be, and the Warrant shall be subject to the disapproval of the House in the like manner as is hereinbefore provided in the case of the first Warrant for the appointment of the General Committee, and upon any re-appointment of the General Committee, the Speaker may, if he thinks fit, re-appoint any of the Members of the former Committee not disqualified to serve on it.

Speaker to fix time and place of first meeting.

Members to be sworn.

XXXVIII. And be it enacted, That the Speaker shall appoint the time and place of the first meeting of the General Committee of Elections, and the Committee shall meet at the time and place so appointed; but no Member shall act upon such Committee until he have been sworn at the Table of the House by the Clerk, truly and faithfully to perform the duties belonging to a Member of the said Committee, to the best of his judgment and ability, without fear or favour.

Quorum of Committee, four members must concur for certain purposes.

XXXIX. And be it enacted, That no business shall be transacted by the General Committee of Elections, unless at the least four Members thereof be then present together; and no appointment of a Select Committee by the General Committee to be made as hereinafter provided, shall be of force, unless at the least four Members then present of the General Committee agree to the appointment.

Committee to regulate their own proceedings, subject to this Act.

XL. And be it enacted, That subject to the provisions of this Act, the General Committee of Elections shall make Regulations for the order and manner of conducting the business to be transacted by them.

Clerk of Committee; his appointment and duties.

XLI. And be it enacted, That the General Committee shall be attended by one of the Committee Clerks of the House, selected for that purpose by the Chief Clerk of the House, and such Committee Clerk shall make a Minute of all the proceedings of the Committee, in such form and manner as shall from time to time be directed by the Regulations or Directions of the said General Committee, and a copy of the Minutes so kept shall be laid from time to time before the said Commons House of Legislative Assembly.

As to proceedings pending before Committee when dissolved or suspended.

XLII. And be it enacted, That if, at the time of the dissolution or suspension of the proceedings of the General Committee of Elections, there be any business appointed to be transacted by such General Committee on any certain day, the Speaker may adjourn the transaction of such business to such other day as to him seems convenient.

5. PANELS.

In what cases and in what manner Members may be excused from serving on Election Committees.

XLIII. And be it enacted, That every Member having leave of absence from the House, shall be excused from serving on Election Committees during such leave; and if any Member in his place offer any other excuse, the substance of the allegations shall be taken down by the Clerk, in order that the same may be afterwards entered on the Journals, and the opinion of the House shall then be taken thereon; and if the House resolve that the said Member ought to be excused, he shall be excused from serving on Election Committees for such time as to the House seems fit, but no Member shall be so excused who does not claim to be excused before he is chosen to serve; and every Member who has served on one Election Committee, and who, within seven days after such Committee has made its final report to the House, notifies to the Clerk of the General Committee his claim to be excused from so serving again, shall be excused during the remainder of the Session, unless the House at any time resolve, upon the report of the General Committee, that the number of Members who have not so served is insufficient, but no Member shall be deemed to have served on an Election Committee, who on account of inability or accident has been excused from attending the same throughout.

Members disqualified.

XLIV. And be it enacted, That every Member who is a Petitioner complaining of an undue election or return, or against whose return a Petition is depending, shall be disqualified to serve on Election Committees during the continuance of such ground of disqualification.

XLV.

XLV. And be it enacted, That the Clerk of the Commons House of Legislative Assembly shall make out an alphabetical list of all the Members of the said House, distinguishing in such list the names of every Member for the time being excused or disqualified, and shall also notice in the list every cause of such temporary excuse or disqualification, and the duration thereof; and such list shall be openly read over in the House by the Clerk thereof, at the next meeting of the said House, on or after the Fifteenth day of the First Session of every Parliament, and be thereafter printed and distributed to the Members of the said House with the printed votes of the House.

Clerk to make list of Members, noting thereon those excused or disqualified.

XLVI. And be it enacted, That during three days next after the day of the openly reading of such list in the House as aforesaid, corrections may be made in such list by leave of the Speaker, if it appears that any name has been improperly left on or struck out of such list, or that there is any other error in such list.

How the list may be corrected.

XLVII. And be it enacted, That the list so finally corrected shall be referred to the General Committee of Elections, and the General Committee shall therefrom select in their discretion four, six or eight Members whom they think duly qualified to serve as Chairmen of Election Committees, and the Members so selected shall be formed into a separate Panel, to be called the Chairmen's Panel, which shall be reported to the House, and while the name of any Member is upon the Chairmen's Panel, he shall not be liable or qualified to serve on any Election Committee otherwise than as Chairman, and every Member placed on the Chairmen's Panel shall be bound to continue upon it till the end of the Session, or until he sooner cease to be a Member of the House, or until by leave of the House he be discharged from continuing upon the Chairman's Panel: Provided always, that every Member of the Chairmen's Panel who has served on one or more Election Committees, and who notifies to the Clerk of the General Committee of Elections his claim to be discharged from continuing upon the Chairmen's Panel, shall be so discharged accordingly, and every such Member shall be excused from serving upon any Election Committee, either as Chairman or otherwise, during the remainder of the Session, unless in either of such cases, the House should at any time resolve, upon the report of the General Committee of Elections, that the number of Members who have not so served is insufficient, but no Member of the Chairmen's Panel shall be deemed to have served on any Election Committee, who, on account of inability or accident, has been excused from attending the same throughout.

List of Chairmen for Election Committees to be made; its effect, &c.

Proviso as to Members having served as Chairmen during the Session.

XLVIII. And be it enacted, That after the Chairmen's Panel has been so as aforesaid selected, the General Committee shall divide the Members then remaining on such list into three Panels, in such manner as to them seems most convenient, but so, nevertheless, that each Panel may contain, as nearly as may be, the same number of Members, and they shall report to the House the divisions so made by them, and the Clerk shall decide by lot at the Table the order of the Panels as settled by the General Committee, and shall distinguish each of them by a number denoting the order in which they were drawn, and the Panels shall then be returned to the General Committee of Elections, and shall be the Panels from which Members shall be chosen to serve on Election Committees.

Remaining Members to be divided into three panels.

Order of panels to be decided by lot; their purpose.

XLIX. And be it enacted, That the General Committee of Elections shall correct the said Panels from time to time, by striking out of them the name of every Member who ceases to be a Member of the House, or who from time to time becomes entitled and claims as aforesaid to be excused from serving on Election Committees, and by inserting in one of the Panels, to be chosen by the General Committee at their discretion, the name of every new Member of the House not excused or disqualified for any of the reasons aforesaid, and shall also from time to time distinguish in the manner aforesaid in the said Panels, the names of the Members for the time being excused or disqualified for any of the reasons aforesaid, and the General Committee shall as often as they think fit report to the House the Panels as corrected, and as often as the General Committee reports the said Panels to the House, they shall be printed and distributed with the votes of the House, and the names of all the Members so omitted shall be also printed and distributed with the votes.

General Committee to correct the panels when necessary.

Members obtaining leave of absence may be transferred from one Panel to another.

As to Members ceasing to be such or discharged after serving, &c.

Vacancies in Chairmen's Panel how filled.

L. And be it enacted, That when leave of absence for a limited time has been granted by the House to any Member, the General Committee of Elections may transfer the name of such Member from the Panel in which it has been placed to some other Panel subsequent in rotation if they think fit to do so, having regard to the length of time for which such leave of absence has been granted, and to the number of Select Committees then about to be appointed.

LI. And be it enacted, That whenever any Member of the Chairmen's Panel ceases to be a Member of the House, or is by leave of the House discharged from continuing upon the Chairmen's Panel, or is so discharged by reason of service under the provision hereinbefore contained, the General Committee shall forthwith select another Member to be placed upon the Chairmen's Panel in his room, and in case it shall at any time appear to the General Committee that the Chairmen's Panel is too small, they may select one, two or three additional Members to place upon it, so nevertheless, that the Chairmen's Panel shall not at any time consist of more than eleven Members without the leave of the House first obtained.

6. APPOINTMENT OF SELECT COMMITTEES.

Petitions to be referred to General Committee, who shall choose Select Committees to try them, &c.
Speaker to communicate the necessary information as to recognizances, &c.

List to be made.

Proceedings when notice of death, vacancy of seat, or intention not to defend, shall be given.

When there is more than one Petition against the same return.

Select Committees to be chosen in order of list, and to report.

LII. And be it enacted, That all Election Petitions received by the House shall be referred by the House to the General Committee of Elections for the purpose of choosing Select Committees as hereinafter provided, to try such Petitions, and the Speaker shall communicate to the House and to the General Committee, every proceeding had before him concerning the Recognizances to any Election Petition, and in every case in which any Election Petition is withdrawn, or the Speaker reports to the House that the Recognizances are objectionable, the order for referring such Petition to the General Committee of Elections shall be discharged, and no further proceedings shall be had upon such Petition, and the General Committee shall make out a list of all Election Petitions, in which the Speaker has reported to the House, that the Recognizances are unobjectionable, and in which the proceedings are not suspended, in which list the Petitions shall be arranged in the order in which they were so reported upon; and in every case in which the proceedings in any Petition inserted in such list are afterwards suspended, the Petition shall be struck out of the list, and shall be again inserted at the bottom of the list, at the end of such suspension of proceedings.

LIII. And be it enacted, That when notice of the death or vacancy of the seat of any Member petitioned against, or that it is not the intention of such Member to defend his election or return, is given to the General Committee by the Speaker as hereinbefore provided, the General Committee shall suspend their proceedings in the matter of the Petition referred to in such notice, until twenty-one days after the day on which notice of such death or vacancy, or intention not to defend, has been inserted in the Gazette under the provisions hereinbefore contained; unless the Petition of some person claiming to be admitted as a party in the room of such Member be sooner referred to them.

LIV. And be it enacted, That when more than one Election Petition relating to the same election or return are referred to the General Committee of Elections, they shall suspend their proceedings in the matter of all such Petitions until the report of the Speaker, respecting the Recognizance upon each of such Petitions, or such of them as have not been withdrawn, is received by them, and upon receipt of the list of such reports, they shall place such Petitions at the bottom of the then list of Election Petitions, bracketed together, and such Petitions shall afterwards be dealt with as one Petition.

LV. And be it enacted, That the General Committee of Elections shall choose the Committees to try the Election Petitions standing in the said list of Petitions in the order in which the said Petitions stand in such list, and they shall from time to time determine how many Committees shall be chosen in each week for trying such Petitions, and the days on which they will meet for choosing such Committees, having regard to the number of Select Committees which may then be sitting for the trial of Election
Petitions,

Petitions, and to the whole number of such Committees then to be appointed, and they shall report to the House from time to time the days appointed by them for choosing such Committee.

LVI. And be it enacted, That if Parliament be prorogued after any Election Petition has been presented, but before the appointment of a Select Committee to try such Petition, the General Committee of Elections appointed in the following Session shall, within two days after their first meeting, in case the sureties have been then reported unobjectionable, appoint a day and hour for selecting a Committee to try the Petition so standing over as aforesaid: Provided always, that if the number of Petitions so standing over be so great that the times for selecting Committees to try the whole thereof cannot in the judgment of the General Committee be conveniently appointed within two days after their first meeting, the said General Committee shall within two days after their first meeting, appoint the times for selecting Committees to try so many of the said Petitions as the said General Committee deems convenient, and shall afterwards from time to time, as soon as conveniently may be, appoint the times for selecting the Committees to try the remainder of such Petitions.

Proceedings in case of prorogation before appointment of Select Committee.

Proviso: if the number of Petitions be very great.

LVII. And be it enacted, That notice of the time and place at which the Committee will be chosen to try any Election Petition shall be published, with the principal votes, not less than eight days before the day on which such Committee is appointed to be chosen; and in case the conduct of the Returning Officer is complained of, such notice shall be sent to him through the Post not less than fourteen days before the day on which such Committee is appointed to be chosen, and every such notice shall direct all parties interested to attend the General Committee of Elections by themselves or their agents, at the time and place appointed for choosing the Select Committee; and if after such notice has been published with the printed votes, or sent to the Returning Officer as aforesaid, the proceedings in the matter of such Petition become suspended, notice of such suspension shall be immediately published with the printed votes, and in case the conduct of the Returning Officer is complained of, such notice shall be sent to him through the Post.

Notices to be given before the Select Committee is chosen in any case.

LVIII. And be it enacted, That if notice of the death or vacancy of the seat of any Member petitioned against, or that it is not the intention of such Member to defend his election or return, have been inserted in the Gazette by order of the Speaker as hereinbefore provided, and no party has been admitted to defend such election or return, then, if the conduct of the Returning Officer is not complained of in such Petition, it shall not be necessary to insert such Petition at the bottom of the then list of Petitions, but the General Committee of Elections shall meet for choosing the Select Committee to try such Petition, as soon as conveniently may be after the expiration of the time allowed for parties to come in to defend such election or return, and not less than one day's notice of the time and place appointed for choosing such Committee shall be given in the printed votes of the House, and in such case it shall not be necessary to deliver to the Chairman of the Select Committee for the trial of such Election Petition, a list of the voters intended to be objected to as hereinafter is required in other cases, unless the same shall be specially ordered by such Select Committee.

Proceedings when there is no party who defends the return.

LIX. And be it enacted, That the General Committee of Elections may change the day and hour appointed by them for choosing a Select Committee to try any Election Petition, and appoint some subsequent, or by the consent of all parties concerned, some earlier day and hour for the same, if in their judgment it be expedient so to do, giving notice in the printed votes of the House, of the day and hour so subsequently appointed; and in every case in which any such change is made by them, they shall forthwith report the same to the House with their reasons for making such change.

Day appointed for choosing Committee, may be changed.

LX. And be it enacted, That notice shall be published, with the votes, of the Petitions appointed for each calendar week reckoned from Sunday to Saturday inclusive, and of the Panel from which Committees will be chosen to try such Petitions, and each Panel shall serve for a calendar week, beginning with the Panel first drawn,

Certain notices to be printed with the votes.

and

and continuing by rotation in the order in which they were drawn, and not reckoning those weeks in which no Select Committee is appointed to be chosen.

Select Committee for trying Petition, how chosen, number, &c., who disqualified.

LXI. And be it enacted, That the General Committee shall meet at the time and place appointed for choosing the Committee to try any Election Petition, and shall choose from the Panel in service four Members not being then excused or disqualified from any of the causes aforesaid, and not specially disqualified for being appointed on the Committee to try such Petition for any of the following causes, that is to say : by reason of having voted at the Election, or by reason of being the party on whose behalf the seat is claimed, or related to him or to the sitting Member by kindred or affinity in the first, second, third or fourth degree, according to the civil law.

Four Members of General Committee must agree in the choice, otherwise the General Committee adjourn the choice.

LXII. And be it enacted, That if at the least four Members then present of the General Committee of Elections, do not agree in choosing a Committee to try any Election Petition, the General Committee shall adjourn the choosing of that Committee and of the remaining Committees appointed to be chosen on the same day, to the following day, and the parties shall be directed to attend on the following day, and if such following day happen during an adjournment of the House, then on the day to which the House stands adjourned, and so from day to day until all such Committees are chosen, or until the General Committee of Elections is dissolved as hereinbefore provided ; and the General Committee shall not in any case proceed to choose a Committee to try an Election Petition until they have chosen a Committee to try every other Election Petition standing higher in the list aforesaid, the order for referring which has not then been discharged, except in the case when the day originally appointed for choosing a Committee has been changed under the provision hereinbefore contained.

Chairman to be chosen from Chairmen's Panel, &c.

LXIII. And be it enacted, That on the day appointed by the General Committee to choose an Election Committee, the Members upon the Chairmen's Panel shall, in the manner hereinafter provided, select one of such Members to act as the Chairman of such Election Committee, and when they have been informed by the General Committee that four Members of such Election Committee have been chosen, they shall communicate the name of the Member so selected by them to the General Committee, but no Member shall be so elected who would be disqualified from serving on such Committee if not upon the Chairmen's Panel ; Provided always, firstly, that if with reference to any Petition for trying which they are about to appoint a Chairman, the Members of the Chairmen's Panel receive notice from the Speaker under the provision hereinbefore contained, of the death or vacancy of the seat of the sitting Member petitioned against in such Petition, or that it is not his intention to defend his seat, they shall suspend their proceedings with regard to the appointment of a Chairman to try such Petition until the day appointed by the General Committee of Elections for selecting a Committee to try such Petition ; and provided also, secondly, that every such selection of a Chairman shall be either by the unanimous voices of all the Members of such Chairmen's Panel, or in case of the absence of any Member of such Chairmen's Panel, on any such occasion, or of the dissent of the Member proposed to be selected, or of any other Member thereof, from any such proposed selection, then, and in every such case, the Chairmen's Panel, or such of them as shall be present, shall, in the presence of the parties interested or concerned in such Election Petition, their Counsel, or agent, or such of them as shall attend, proceed to select one of such Chairmen's Panel, by lot, to be the Chairman of such Election Committee.

Proviso : in case of notice of vacancy of seat or non intention to defend.

Proviso : choice of Chairman to be unanimous or by vote.

Subject to this Act, the Members of the Chairmen's Panel may make regulations, &c.

LXIV. And be it enacted, That subject to the provisions of this Act, the Members upon the Chairmen's Panel may from time to time make such Regulations as they find convenient for securing the appointment or selection of Chairmen of Election Committees, and for distributing the duties of Chairmen among all of them.

Parties to be called and informed of names of Committee and Chairman.

LXV. And be it enacted, That as soon as the General Committee of Elections has chosen four Members of a Committee to try any Election Petition, and has received from the Members of the Chairmen's Panel the name of a Chairman to serve on such Committee,

Committee, the parties in attendance shall be called in, and the names of the Members so chosen and of the Chairman shall be read over to them.

LXVI. And be it enacted, That after hearing the said names, the parties present shall be directed to withdraw, and the General Committee may proceed to choose another Committee to try the next Petition appointed for that day, and so on, until all the Committees appointed to be chosen on that day are chosen, or until the choosing of any Committee is adjourned as aforesaid; and after any such adjournment, the General Committee shall not transact any more business on that day, except with regard to those Petitions for trying which Committees have been previously chosen.

General Committee may then proceed to next Petition, &c.

LXVII. And be it enacted, That within one half hour at furthest from the time when the parties to any Election Petition have withdrawn, or if the parties to any Election Petition be then before the General Committee of Elections, then after such other parties have withdrawn, the parties in attendance shall be again called before the General Committee in the same order in which they were directed to withdraw, and the Petitioners and sitting Member, or such party as may have been admitted as aforesaid to defend the return or election, or their agents, beginning on the part of the Petitioners, may object to all or any of the Members chosen, or to the Chairman as being then disqualified or excused for any of the reasons aforesaid from serving on the Committee for the trial of that Election Petition, but not for any other reason.

Parties may object to Members, but for certain reasons only, and when.

LXVIII. And be it enacted, That if at the least four Members then present of the General Committee be satisfied that any Member so objected to is then disqualified or excused for any of the reasons aforesaid, the parties present shall be again directed to withdraw, and the General Committee shall proceed to draw from the same Panel another Committee to try that Petition; or, if the Member to whom any such objection is substantiated be the Chairman, they shall send back his name to the Members of the Chairmen's Panel, and the Members on the Chairmen's Panel shall proceed to choose another Chairman to try that Petition, and shall communicate his name to the General Committee, and so as often as the case may require.

New Committee men or a new Chairman to be chosen if any objection be sustained.

LXIX. And be it enacted, That in the second or any following Committee, the General Committee may, if they think fit, include any of the Members previously chosen by them, to whom no objection has been substantiated, and no party shall be allowed to object to any Member included in the second or any following Committee who was not objected to when included in the Committee first chosen to try that Petition.

Members not objected to may be put on new Committee.

LXX. And be it enacted, That when four Members and a Chairman have been chosen, to none of whom any objection has been substantiated, the Clerk of the General Committee of Elections shall give notice thereof in writing to each of the Members so chosen, and with every such notice shall be sent a notice of the general and special grounds of disqualification and excuse from serving hereinbefore mentioned, and of the time and place when and where the General Committee will meet on the following day, and notice of the time and place of such meeting shall be published with the printed votes of the House.

Notice to be sent to Members of Select Committee, &c.

LXXI. And be it enacted, That the General Committee shall meet on the following day at the time and place mentioned in such notice as last aforesaid; and if any such Member then and there prove to the satisfaction of at least four Members then present of the General Committee, that for any of the reasons aforesaid, he is disqualified or excused from serving on the Committee for which he has been so chosen, or if any such Member prove, to the satisfaction of at least four Members then present of the General Committee, that there are any circumstances in his case which render him ineligible to serve on such Select Committee, such circumstances having regard, not to his own convenience, but solely to the impartial character of the Tribunal, the General Committee shall proceed to choose a new Committee to try that Petition in like manner as if that Member had been objected to by any party to the Petition; and if within the space of one quarter of an hour after the time mentioned in the notice, no Member so appear, or if any Member so appearing do not prove his disqualification or excuse to the

Members may object to themselves as disqualified: proceedings if the objection be maintained.

satisfaction

satisfaction of at least four Members then present of the General Committee, the Select Committee shall be taken to be appointed.

Appointment of Select Committee to be reported to the House, and printed, &c.

LXXII. And be it enacted, That at the meeting of the Commons House of Legislative Assembly for the despatch of business next after any such Select Committee has been appointed, the General Committee of Elections shall report to the House the names of the Select Committee appointed, and shall annex to such report all Petitions referred to them by the House which relate to the return or election of which such Select Committee is appointed to try the merits, and such report shall be published with the votes.

Members of Committee to be sworn; how and when.

LXXIII. And be it enacted, That at or before four of the clock on the next day on which the House meets for the despatch of business after such report, the five Members chosen to be the Select Committee shall attend in their places, and shall before departing the House be sworn at the Table by the Clerk well and truly to try the matter of the Petitions referred to them, and a true judgment to give according to the evidence, and shall be taken to be a Select Committee legally appointed to try and determine the merits of the return of election so referred to them by the House, and the legality of such appointment shall not be called in question on any ground whatever; and the Member so appointed from the Chairmen's Panel shall be the Chairman of such Committee, and they shall not depart the House until the time for the meeting of such Committee is fixed by the House, as hereinafter provided.

Members not attending, &c. to be taken into custody.

LXXIV. And be it enacted, That if any Member of the said Select Committee do not attend in his place within one hour after four of the clock on the day appointed for swearing the Committee (provided the House sits so long, or if not, then within the like time on the following day of sitting,) or if, after attending, any Member depart the House before the said Committee is sworn, unless the Committee be discharged or the swearing of the said Committee be adjourned as hereinafter provided, he shall be ordered to be taken into the custody of the Sergeant at Arms attending the House, for such neglect of his duty, and shall be otherwise punished or censured, at the discretion of the House, unless it appear to the House by facts specially stated and verified upon oath, that such Member was by a sudden accident or by necessity prevented from attending the House.

Cases excepted.

If the Members do not attend and cannot be taken in time.

LXXV. And be it enacted, That if any such absent Member be not brought into the House within three hours after four of the clock on the day first appointed for swearing the said Committee (provided the House sits so long, or if not, then within the like time on the following day of sitting,) and if no sufficient cause be shown to the House before its rising whereon the House dispenses with the attendance of such absent Member, the swearing of the Committee shall be adjourned to the next meeting of the House, and all the Members of the said Committee shall be bound to attend in their places for the purpose of being sworn on the day of the next meeting of the House, in like manner as on the day first appointed for that purpose.

Adjournment, &c.

If Members do not attend on second day appointed, a new Committee to be chosen.

LXXVI. And be it enacted, That if on the day to which the swearing of the said Committee is so adjourned all the Members of the Committee do not attend and be sworn within one hour after four of the clock, (provided the House sits so long, or if not, then within the like time on the following day of sitting), or if on the day first appointed for swearing the said Committee, sufficient cause be shewn to the House before its rising why the attendance of any Member of the Committee should be dispensed with, the said Committee shall be taken to be discharged, and the General Committee shall meet on the following day, or if such following day happen during an adjournment of the House, then on the day to which the House stands adjourned, and shall proceed to choose a new Committee from the Panel on service for the time being in the manner hereinbefore provided, and notice of such meeting shall be published with the votes.

7. PROCEEDINGS OF SELECT ELECTION COMMITTEES.

LXXVII. And be it enacted, That the House shall refer the Petitions in each case for which a Select Election Committee shall have been so reported by the General Committee of Elections to the Select Committee so appointed and sworn, and shall order the said Select Committee to meet at a certain time to be fixed by the House, which shall be within twenty-four hours of their being sworn at the Table of the House, unless a Sunday or other Statutory Holiday intervene; and the place of their meeting shall be some convenient room or place adjacent to the House properly prepared for that purpose.

Petitions, &c. to be referred to Committee.

Time and place of meeting.

LXXVIII. And be it enacted, That every such Select Committee shall meet at the time and place appointed for that purpose, and shall proceed to try the merits of the Election Petition so referred to them, and they shall sit from day to day, Sundays and other Statutory Holidays only excepted, and shall never adjourn for a longer time than twenty-four hours, unless a Sunday or other Statutory Holiday intervene, and in such case not for more than twenty-four hours, exclusive of such Sunday or other Statutory Holiday, without leave first obtained from the House upon motion and special cause assigned for a longer adjournment; and if the House be sitting at the time to which such Select Committee is adjourned, then the business of the House shall be stayed, and a motion shall be made for a further adjournment, for any time to be fixed by the House; Provided always, that if such Select Committee have occasion to apply or report to the House, and the House be then adjourned for more than twenty-four hours, such Select Committee may also adjourn to the day appointed for the meeting of the House.

Committee shall try the petition, shall not adjourn for more than twenty-four hours without leave, &c.

Proviso.

LXXIX. And be it enacted, That the parties complaining of or defending the election or return complained of in any Election Petition, shall, except in the case provided for, in and by the fifty-eighth section of this Act, or where otherwise directed by order of the Select Committee, appointed to try the validity of such election by themselves or their agents, deliver to the Chairman of such Select Committee lists of the voters intended to be objected to, giving in the said lists the several heads of objection, and distinguishing the same against the names of the voters excepted to, and the said Chairman shall cause such lists to be filed amongst the proceedings of such Committee, open to the inspection of all parties concerned.

Lists of voters objected to, to be delivered and filed.

LXXX. And be it enacted, That when not otherwise directed by order of such Select Committee, the said lists shall and may be so delivered to the said Chairman at any time before six o'clock in the afternoon of the day on which by order of the House such Select Committee shall have been first appointed to meet, provided the said Committee shall have actually met and proceeded with the case on such day, or by the like hour of the first day on which such Committee shall actually meet, and so proceed with the case.

Within what time such lists must be delivered.

LXXXI. And be it enacted, That it shall be lawful for any such Select Committee, by an order to be made by them for that purpose, on the first day on which they shall meet and proceed with the case referred to them, or on any day to which the consideration of any application for such an order shall be adjourned, to require the delivery of such lists, in such other manner, at such other place, and to such other person as in their judgment may be more convenient to the parties concerned, or more conducive to the ends of justice, and any such order having been so made by such Select Committee, it shall and may be lawful for the said Committee, upon the subsequent consent in writing of the parties to such Election Petition to such Committee varying, altering or modifying such order or the directions therein contained, from time to time to vary, alter or modify the directions contained in such order, either as to time, place or person, as to such Select Committee shall or may from time to time appear more convenient to the parties concerned or more conducive to the ends of justice, and every such order made under the authority of this section shall, for information only, be reported by the said Committee to the House, by the second meeting of the House next after such order shall have been made by such Select Committee, with their reasons for having made the same.

Select Committee may make other order as to delivery of such lists,

Such order to be reported.

LXXXII.

Evidence restricted to votes on the lists.

LXXXII. And be it enacted, That no evidence shall be given before the Select Committee, or before any Commission issued by such Committee, against the validity of any vote not included in one of the lists of voters delivered as aforesaid, or upon any head of objection to any voter included in any such list, other than one of the heads specified against him in such list.

Members not to be absent without leave from the House.

LXXXIII. And be it enacted, That no Member of any such Select Committee shall absent himself from the same, without leave obtained from the House, or an excuse, allowed by the House at the next sitting thereof, for the cause of sickness, verified upon the oath of his medical attendant, or for other special cause shewn and verified upon oath, and in every such case the Member to whom such leave is granted or excuse allowed shall be discharged from attending, and shall not be entitled again to sit or vote on such Committee; and such Select Committee shall never sit until all the Members to whom such leave has not been granted nor excuse allowed are met; and in case all such Members do not meet within one hour after the time appointed for the first meeting of such Committee, or within one hour after the time to which such Committee has been adjourned, a further adjournment shall be made and reported to the House by their Chairman, with the cause thereof.

Committee not to sit during absence of any Member without leave, &c.

Report.

Members absent without leave, how punishable.

LXXXIV. And be it enacted, That every Member whose absence without leave or excuse is so reported, shall be directed to attend the House at its next sitting, and shall then be ordered to be taken into the custody of the Sergeant at Arms attending the House, for such neglect of his duty, and shall be otherwise punished or censured at the discretion of the House, unless it appear to the House by facts specially stated and verified upon oath, that such Member was by a sudden accident or by necessity prevented from attending the said Select Committee.

Committee not dissolved by death, &c., of — Members: new Chairman in certain cases.

LXXXV. And be it enacted, That an Election Committee shall not be dissolved by reason of the death or necessary absence of one Member or two Members thereof only, but the remaining Members shall thenceforward constitute the Committee, and if there ever be occasion for electing a new Chairman on the death or necessary absence of the Chairman first appointed, the remaining Members of the Committee shall elect one of themselves to be Chairman, and if in that election there be an equal number of voices, the Member whose name stands foremost in the list of the Committee as reported to the House, shall have a second or casting vote.

Committee reduced to less than three, to be dissolved, and another appointed.

LXXXVI. And be it enacted, That if the number of Members able to attend any such Select Committee be, by death or otherwise, unavoidably reduced to less than three, and so continue for the space of three sitting days, such Select Committee shall be dissolved, (except in the case hereinafter provided,) and another shall be appointed to try the Petition referred to such Committee; and the General Committee and Members of the Chairmen's Panel shall meet for that purpose as soon as conveniently may be after the occasion arises, at a day and hour to be appointed by the General Committee, and notice of such meeting shall be published with the votes; and all the proceedings of such former Committee shall be void and of no effect except only any Order that may have been made by them for a Commission for the examination of witnesses and the proceedings under such Order and Commission, which shall be as valid and effectual as if the dissolution of such Committee had not taken place, and shall be made use of by any other Select Committee that may be appointed to try such Election Petition, as if such Order and Commission had been made and issued under their own authority according to the provisions of this Act: Provided always, that if all the parties before the Committee consent thereto, the two remaining Members of the Committee, or the sole remaining Member, if only one, shall continue to act, and shall thenceforward constitute the Committee.

Proviso.

Committee may cause their room to be cleared.

LXXXVII. And be it enacted, That whenever any such Select Committee think it necessary to deliberate among themselves upon any question arising in the course of the trial, or upon the determination thereof, or upon any resolution concerning the matter of the Petition referred to them, as soon as they have heard the evidence and
Counsel

Counsel on both sides relative thereto, the room where they sit shall be cleared, if they think proper, whilst the Members of the Committee consider thereof.

LXXXVIII. And be it enacted, That all questions before the Committee, if for the time being consisting of more than one Member, shall be decided by a majority of voices, and whenever the voices are equal, the Chairman shall have a second or casting voice; and no Member of the Committee shall be allowed to refrain from voting on any question on which the Committee is divided.

Majority to decide; casting vote; every Member must vote.

LXXXIX. And be it enacted, That whenever the Select Committee is divided upon any question, the names of the Members voting in the affirmative, and in the negative, shall be entered in the Minutes of the said Committee, and shall be reported to the House, with the questions on which such divisions arose, at the same time with the final report of the Committee.

Yeas and Nays to be recorded.

XC. And be it enacted, That in case the parties or any of them shall desire it, and such parties or those so desiring it shall make such arrangements as in the opinion of the said Committee shall be proper and sufficient to secure such object and the payment of the necessary expense to be incurred thereby, the said Committee shall be attended by a short hand writer to be appointed by the Speaker of the Commons House of Legislative Assembly, and sworn by the Chairman of the said Select Committee faithfully and truly to take down the evidence given before such Committee, and from day to day, as occasion requires, to write or cause the same to be written in words at length for the use of the Committee.

Short hand writer, may be appointed on certain conditions, &c.

XCI. And be it enacted, That every such Select Committee may send for persons, papers and records, and may examine any person who had subscribed the Petition which such Select Committee are appointed to try, unless it otherwise appear to such Committee that such person is an interested witness, and they shall examine all the witnesses who come before them upon oath, which oath the Clerk attending such Select Committee may administer; and if any person summoned by such Select Committee, or by the Warrant of the Speaker of the Commons House of Legislative Assembly, (which Warrants the Speaker may issue from time to time as he thinks fit,) disobey such Summons, or if any witness before such Select Committee give false evidence or prevaricate, or otherwise misbehave in giving or refusing to give evidence, the Chairman of such Select Committee, by their direction, may, at any time during the course of their proceedings, report the same to the House for the interposition of the authority or censure of the House, as the case requires, and may by a Warrant under his hand directed to the Sergeant at Arms attending the Commons House of Legislative Assembly, or to his Deputy or Deputies, commit such person (not being a Legislative Councillor of the Province,) to the custody of the said Sergeant, without bail or mainprize, for any time not exceeding twenty-four hours, if the House be then sitting, and if not, then for a time not exceeding twenty-four hours after the hour to which the House stands adjourned.

Committee may send for persons, papers &c.

As to witnesses refusing to attend, misbehaving, &c.

XCII. And be it enacted, That where in this Act any thing is required to be verified on oath to the Commons House of Legislative Assembly, it shall be lawful for the Chief Clerk of the said House to administer an oath for that purpose, or an Affidavit for such purpose may be sworn before any Justice of the Peace; and that where for any incidental purpose connected with the conduct of any such trial before any such Election Committee, an Affidavit is required to be taken, to be used before such Election Committee, either by the provisions of this Act, or any Regulations that may be made by such General Committee of Elections for the better ordering of trials before such Election Committees, every such Affidavit may be taken before the said Chief Clerk of the said Commons House of Legislative Assembly, or before the Clerk of the Select Election Committee, or before a Justice of the Peace.

How witnesses shall be sworn, affidavits received, &c.

XCIII. And be it enacted, That every such Select Committee shall try the merits of the return or election complained of in the Election Petition referred to them, and shall determine by a majority of voices, if for the time being consisting of more than one Member, whether the sitting Members or either of them, or any and what other person

What points the Committee shall decide.

Decision to be final, and entered on journals, &c.

person were duly returned or elected, or whether the election be void, or whether a new Writ ought to issue, which determination shall be final between the parties to all intents and purposes, and the House, on being informed thereof by the Committee, shall order such report to be entered on their Journals, and shall give the necessary directions for confirming or altering the Return, or for ordering a Return to be made, or for issuing a Writ for a new Election, or for carrying the said determination into execution, as the case may require.

Committee may report resolutions on other points for consideration of the House.

XCIV. And be it enacted, That if any such Select Committee come to any resolution other than the determination above mentioned, they shall, if they think proper, report the same to the House for their opinion, at the same time that they inform the House of such determination, and the House may confirm or disagree with such resolution, and make such orders thereon as to them seems proper : Provided always, and it is hereby expressly declared, that the power conferred by this section upon the said House shall not extend or be construed to extend to the order or orders, resolution or resolutions, containing or declaring such determination of such Select Committee, or to any orders or resolutions of such Select Committee touching the delivery of lists of objected voters or the objections to such voters, the issue of Commissions for the examination of witnesses, or other matters arising in the course of the trial of such election, and relating merely to the conduct of such trial.

Proviso.

Committee not dissolved by prorogation : but shall proceed during the next session.

XCv. And be it enacted, That if the Parliament be prorogued after the appointment of any Select Committee for the trial of any Election Petition, and before they have reported to the House their determination thereon, such Committee shall not be dissolved by such prorogation, but shall be thereby adjourned to twelve o'clock on the day immediately following that on which Parliament meets again for the despatch of business (Sunday and all other Statutory Holidays always excepted), and all proceedings of such Committee and on any Commission to take evidence issued under the authority of such Committee, shall be of the same force and effect as if Parliament had not been so prorogued, and such Committee shall meet on the day and hour to which they are so adjourned, and shall thenceforward continue to sit from day to day in the manner hereinbefore provided, until they have reported to the House their determination on the merits of such Petition.

8. COMMISSION FOR THE EXAMINATION OF WITNESSES.

Committee may order the appointment of a commission to take evidence.

XCvI. And be it enacted, That upon its appearing to any such Select Election Committee, from the nature of the case and the number of witnesses to be examined relative to any particular allegation or allegations in the said Petition, that the same cannot be effectually inquired into before such Committee, without great expense and inconvenience to the parties or either of them, it shall and may be lawful for the said Election Committee, upon application of any of the parties before the said Committee, at any period during the course of their proceedings upon such Petition, to make an order for the nomination and appointment of a Commission in manner herein directed.

Notice of application for commission.

XCvII. And be it enacted, That every party intending to apply for the issue of such Commission, shall give to the opposite party or parties two full days' notice in writing exclusive of any intervening Sunday or other Statutory Holiday, (as on Monday for Thursday, or on Saturday for Wednesday,) of his intention to apply to the said Committee for such Commission as aforesaid.

Provisions as to the appointment of a commissioner.

XCvIII. And be it enacted, That whenever any such Select Election Committee shall think fit to make an order for the appointment of a Commission as aforesaid, it shall and may be lawful for such Committee, if they shall think fit so to do, to appoint such person to be such Commissioner as may be mutually agreed upon in writing by all the parties interested or concerned in such Election Petition, their Counsel or Agents, upon the written consent of such person to serve as such Commissioner, with an Affidavit of the due execution thereof, being laid before such Select Committee ; or in the event of all such parties not so agreeing as to the person to be appointed such Commissioner,

Commissioner, or of the said Select Committee not thinking fit to appoint the person who may be so agreed upon by such parties for that purpose, the said Select Election Committee shall appoint some one of the Circuit Judges of Lower Canada, if the election shall have been one in Lower Canada, or some one of the County Judges of Upper Canada, if the election shall have been one in Upper Canada, to be such Commissioner, and such Commissioner shall be appointed in manner herein mentioned, that is to say, on the next sitting day of such Select Committee after the said order shall have been made by the said Committee, at the time previously appointed by the said Committee for that purpose, in the presence of all the parties interested or concerned in such Election Petition, their Counsel or Agents, if they shall choose to attend, the said select Committee shall proceed to select from the list of Circuit or County Judges, as the case may require, such person as it may then appear to them to be most desirable to appoint as such Commissioner, and shall openly announce the name of such person for the information of the parties, and thereupon, either then or at such future day as the said Select Committee may allow for that purpose, any of such parties may submit to the consideration of the said Select Committee any grounds that he may have to urge against the appointment of such person as such Commissioner, and in the event of such Committee being of opinion that upon the grounds so laid before them, such person ought not to be so appointed, they shall, so soon as they have come to a resolution declaratory of the same, proceed to select and announce some other of the said Circuit or County Judges, as the case may require, for that purpose, and in like manner to hear and dispose of any grounds of objection that the parties or any of them may have to urge against the appointment of such person, and so on until they shall have selected and announced some one of such Circuit or County Judges as aforesaid against whose appointment no objection shall have been urged as aforesaid, or with respect to whom the objections so urged have been over-ruled by the said Select Committee, and thereupon such person shall by the said Committee be appointed to be such Commissioner; and in all cases of such appointment, a Warrant in the nature of a Commission, under the hand and seal of the Chairman of such Select Committee, shall be issued to such Commissioner, empowering him to examine all such matters and things as shall for that purpose be referred to him by the said Select Committee, by any order made or to be made by the said Committee for that purpose, and commanding such Commissioner under the penalty of One Hundred Pounds to repair to the County, Riding, City, Town, Borough or place in and for which the Election or Return complained of, or other subject matter of the Petition, arose or happened, on a day certain to be named in the said Warrant, and which day shall not be less than fourteen days nor more than twenty-one days distant from the day on which the said Commissioner was appointed by the said Select Committee in manner aforesaid, and in case the said Commissioners shall neglect or refuse to obey the injunction of the said Warrant, he shall forfeit the sum of One Hundred Pounds; and every such Warrant shall and may, as nearly as may be, be in the form set forth in the Schedule to this Act annexed marked B. (1) with such alteration as may be necessary to adapt such form to the circumstances of the case.

Circuit or County Judges may be appointed.

Manner of appointment.

STREET GRANT, ELECTION

Objections how heard and disposed of,

Warrant to issue to Commissioner.

Form of warrant.

New Commissioner may be appointed in certain cases.

XCIX. And be it enacted, That in every case in which any such Commissioner shall have been so appointed as aforesaid, it shall and may be lawful for the said Select Committee by whom such appointment was made, or in case of their dissolution as provided for by this Act, then for the new Select Committee appointed in their stead, in the event of such Commissioner dying or becoming incompetent or unable to act under such Commission, to supersede such Commissioner and appoint another as hereinbefore provided, and with similar powers; in every which case such new Commissioner shall have the like powers as the person first appointed, and shall and may complete the takings of any evidence that may have been only partially taken by the said former Commissioner, or take the whole anew, as by order of such Select Committee he shall be directed or required; and in every such case the Warrant for the appointment of such new Commissioner shall and may as nearly as may be in the form

set

set forth in the Schedule to this Act annexed marked B. (2) with such alteration as may be necessary to adapt such form to the circumstances of the case.

Power of a Judge, Commissioner in cases of contempt.

C. And be it enacted, That every such Commissioner when engaged in the execution of the duties of his office as such Commissioner, shall have the like power and authority to commit for contempt against him and his orders, as by law is or shall be vested in a Circuit or County Court respectively, for the like contempts against it or its orders, subject always nevertheless to an Appeal from the decision of such Commissioner, in every such case, to the Select Committee for the time being charged with the disposal of such Election Petition.

Appeal given.

Circuit or County Judge appointed a Commissioner may appoint a proper person to act for him as Judge while he is executing the Commission.

CI. And be it enacted, That upon the issue of any Commission to any Circuit or County Judge appointing him a Commissioner for the examination of witnesses under this Act, it shall and may be lawful for such Judge, by an Instrument in writing under his hand and seal, to name any other Circuit Judge, if the Judge so appointed such Commissioner shall himself be a Circuit Judge, or any other County Judge if such Judge shall himself be a County Judge, or to name any other person of the degree of Barrister at Law of that section of the Province to the judiciary of which such Circuit or County Judge shall belong, to sit for him as such Circuit or County Judge, and in every other capacity, whether judicial or otherwise, belonging or attached to the Office of such Circuit or County Judge as such Judge, during the time that such Commission for the examination of witnesses under this Act shall be in force unreturned, and for twenty days after the same shall have been superseded or returned by the Judge to whom the same shall be directed.

Instrument of appointment to be in triplicate; and where such triplicates shall be deposited, &c.

CII. And be it enacted, That every such Instrument of nomination shall contain a recital of the Commission which shall have rendered such nomination necessary, and shall be executed in triplicate, one of which triplicate originals shall, by the Judge making the same, be filed in the Office of the Clerk of such Circuit or County Court, or with any Clerk of such Court if there be more than one, another of them be delivered or sent to the person so named to sit for such Judge, and the third be transmitted to the Provincial Secretary, for the information of the Governor of the Province.

Governor may annul appointment and appoint another person.

CIII. And be it enacted, That in the case of every such nomination, it shall and may be lawful for the Governor of the Province, by an Instrument under his Privy Seal, to annul such nomination, and if he shall think fit so to do, to name by the same or any other Instrument under his Privy Seal, some other person legally qualified to have been named by such Judge himself, to sit for such Judge instead of the person so named by such Judge as aforesaid.

Powers of persons appointed to act instead of Circuit or County Judges.

CIV. And be it enacted, That in every such case the person so nominated to sit for such Judge shall, so long as his nomination shall be unannulled, and the said Commission for the examination of witnesses under this Act shall remain in force unreturned, and for twenty days after such Commission shall have been either superseded or returned, have full power and authority to sit for such Judge as such Circuit or County Judge, and in any other capacity whether judicial or otherwise belonging or attached to the office of such Circuit or County Judge, in all Courts and on all occasions wherein such Judge by or under his Commission as such Judge, or otherwise according to Law, may be required or have occasion to sit or hold any Court whatsoever, or any Sittings or Sessions of any such Court or any other Court, or otherwise to act either singly or with others, and either at Chambers or elsewhere, in the discharge of any of the duties, whether judicial or of any other character, which by the Commission of such Judge as such Circuit or County Judge belong or by law attach to his office as such Circuit or County Judge; and all judgments, decisions, decrees and acts pronounced, given, made or done by such person during such time, shall be as valid and effectual in law to all intents and purposes whatsoever, as if the same had been so pronounced, given, made or done by such Judge himself: Provided always nevertheless, firstly, That in all cases in which the Governor shall annul any such nomination as aforesaid, all such judgments, decisions, decrees and acts pronounced, given, made or done by the person whose nomination shall have been so annulled previous to his receiving notice of such nomination

Proviso.

having

having been so annulled, shall be and remain as valid and effectual in Law to all intents and purposes whatsoever, as if such nomination had not been so annulled as aforesaid : And provided also, secondly, That it shall and may be lawful for such Judge notwithstanding any such nomination, whether made by himself or the Governor of this Province as aforesaid, while the same shall be in force and without thereby annulling or superseding the same, to perform himself, if the execution of such Commission for the examination of witnesses under this Act shall not prevent his doing so, either the whole or any part of the duties of his said office of Circuit or County Judge, as if such nomination had not been made as aforesaid.

Proviso:

CV. And be it enacted, That in the case of every such nomination as aforesaid, whenever from illness of the person so nominated to sit for such Judge, or from any casualty, it may happen that such person shall not arrive in time, or shall not be able to open any Court or any Sittings or Sessions of any Court on the day appointed for that purpose, it shall and may be lawful for the Clerk or Deputy Clerk of such Court, Sittings or Sessions, after the hour of eight o'clock in the afternoon of such day, to adjourn by proclamation any such Court, Sittings or Sessions which shall be appointed to be held on that day to an early hour on the following day, not being a Sunday or Statutory Holiday, to be by him named, and so from day to day, adjourning over such Sundays and Statutory Holidays, until such person or the Judge for whom he was named to sit shall arrive to open the same, or until he shall receive other directions from such Judge, or the person so appointed to sit for such Judge as aforesaid.

Power of Clerk to adjourn the Court in case of non-arrival of the person appointed to sit for the Judge.

CVI. And be it enacted, That every person who shall have sat for any such Circuit or County Judge, by virtue of any such nomination so made under the authority of this Act as aforesaid, shall for every day that he shall have so sat for such Judge, be entitled to receive the sum of Fifty Shillings, and also in every case in which he shall be obliged to travel from the place of his usual residence to perform such duty, such further sum as shall be sufficient to cover the amount of his reasonable travelling expenses in going to, remaining at, and returning from the same, the account of every such person for such service to be rendered, taxed and allowed in the same manner as other accounts for professional services rendered to the Government. And the amount of every such account so taxed and allowed shall be paid to such person, or his personal representative, out of the Consolidated Revenue Fund of this Province, by Warrant to be issued for that purpose, in the like manner as other moneys, payable out of such Fund are, or, for the time being, may be payable according to Law.

Allowance to persons so acting for any Judge.

CVII. And be it enacted, That for the taking down in writing Minutes of all the proceedings of such Commissioner in executing the duties imposed upon him by this Act, and of all such evidence as shall be given or produced before him, in as accurate a manner as may be, and for the proper and orderly conduct of his proceedings in this behalf, every such Commissioner shall have full power to appoint one or more Clerks, and such and so many Bailiffs and other Officers as he may deem requisite or necessary for that purpose, subject always nevertheless to the control and direction of the said Select Committee charged for the time being with the trial and disposal of such Election Petition, and which Clerks and other Officers shall respectively take before such Commissioner the oaths set forth for that purpose in the Schedule to this Act annexed marked B. (4) (5).

How paid.

Commissioner may employ Clerks and Bailiffs, &c.

How paid.

They shall be sworn.

CVIII. And be it enacted, That no person shall be appointed by such Commissioner under this Act to be a Clerk, Bailiff or other Officer to assist such Commissioner as aforesaid, who shall have voted at the Election in question, or who shall have or claim any right or title to vote for the County, Riding, City, Town, Borough or place, respecting which the Election or Return complained of, or other subject matter of such Petition arose or happened, without the consent and approbation in writing of all the parties interested or concerned in such Election Petition : Provided always nevertheless, that any objection to the appointment of such Clerk, Bailiff or other Officer, shall be made at the time of his being appointed, or at the first sitting of the Commissioners after such appointment shall have been made, otherwise any such

Certain persons not to be Clerks, Bailiffs, &c.

Proviso : when the objection must be made.

objection

objection shall be invalid and of none effect, and such appointment shall be valid and effectual to all intents and purposes.

Such appointments to be entered on minutes.

CIX. And be it enacted, That a note of the appointment of every such Clerk, Bailiff or other Officer by such Commissioner, shall be made in the Minutes of such Commission, and be open at all reasonable times to the inspection of all parties interested or concerned in such Election Petition.

What documents shall be transmitted to the Commissioner, by the Chairman of Committee.

CX. And be it enacted, That the Chairman of the said Select Committee shall address to the said Commissioner a true copy of the Petition which shall have been referred to the said Committee, and of the said lists and disputed votes and statements of the several parties which shall have been delivered according to the provisions of this Act, together with a true copy of the Order made by the said Committee, specially assigning and limiting the facts or allegations, matters and things respecting which the said Commissioner is required and directed to examine evidence and to report the same, together with all such other documents and papers as the said Select Committee shall think proper, all which Warrants, Petitions, Orders and Papers, shall be conveyed to such Commissioner through the Post Office, in the manner hereinafter prescribed for the transmission to the proper Court of Recognizances taken and estreated, or otherwise proceeded upon under this Act.

Committee may be adjourned during the execution of the Commission.

CXI. And be it enacted, That immediately after the completion of the proceedings aforesaid, the said Chairman of the said Select Committee shall thereupon report the proceedings of the said Committee to the House, and shall ask permission of the House for the said Committee to adjourn until such time as the Speaker shall by his Warrant in manner herein mentioned, direct the said Committee to re-assemble, and upon such permission being granted, it shall and may be lawful for the said Committee to adjourn accordingly; any thing herein contained to the contrary thereof in any wise notwithstanding.

Commissioner to open his Court at the time assigned, &c.; proceedings.

CXII. And be it enacted, That on the day appointed in and by the Warrant appointing such Commissioner, and at such place as he shall have appointed for that purpose, between the hours of ten in the forenoon and four in the afternoon, the said Commissioner shall proceed to open his Court or commence his proceedings by reading the Warrant of the said Chairman of the said Select Committee, and also the copy of the Petition and other papers transmitted by the said Chairman, and the said Commissioner shall, before further proceeding on the business of his said Commission, take and subscribe the oath set forth in the Schedule to this Act annexed, marked B (3), which said Oath the said Commissioner shall take and subscribe in the presence of the parties interested or concerned in such Election Petition, or their Agents, or such of them as shall attend, and the taking of the same shall be noted in the Minutes of such Commission, and if any person shall act as a Commissioner in the execution of this Act without having first taken and subscribed such Oath, he shall for such offence forfeit and pay the sum of One Hundred Pounds.

He shall be sworn.

Penalty for acting before taking oath.

Sittings of the Commissioner.

As to adjournments of such sittings.

CXIII. And be it enacted, That the said Commissioner shall sit every day, Sundays and Statutory Holidays only excepted, from the hour of ten in the morning till four in the afternoon, and shall never adjourn except by the consent in writing of all the parties to such Election Petition or their Agents, or by permission of the Select Committee appointed for the trial of such Election Petition, or in the case provided for by the next section of this Act, for a longer time than twenty-four hours, unless Sunday or some other Statutory Holiday or Holidays shall intervene, and in case of such intervention, every sitting or adjournment shall be within twenty-four hours from the time of appointing or fixing the same, exclusive of such Sunday or other Holiday or Holidays as aforesaid.

In case of sickness, accident, &c., report to be made to the Committee, and verified by affidavit.

CXIV. And be it enacted, That the said Commissioner shall not, except as before excepted, omit such daily sittings except in cases of sudden accident or necessity, or in case of illness; and that such cases of sudden accident or necessity shall forthwith be specially reported to the said Select Committee by such Commissioner, and be verified upon the Oath of the said Commissioner, and also in case of sickness by the

Oath

Oath of the Physician, if any there be attending such Commissioner, or if there be no Physician in attendance, then by the Oath of some third party who shall be cognizant of the fact, which Oaths shall be made before one of Her Majesty's Justices of the Peace; and that any Commissioner who shall so omit such daily sittings without such lawful excuse, shall for every day on which he shall so absent himself, forfeit and pay the sum of Twenty-five Pounds.

Penalty for omitting to sit without lawful excuse.

CXV. And be it enacted, That upon every such Special Report from such Commissioner, the said Select Committee shall be ordered to meet as is provided upon the transmission of his final Report and Return, and the said Select Committee shall thereupon proceed to hear the parties interested or concerned in such Election Petition, or such of them as shall choose to attend for that purpose, their Counsel or Agent, upon such Special Report, and if it appear to such Select Committee upon the facts laid before them upon Affidavit, either in such Special Report, or by the parties or any of them, either that the Commissioner is dead, or that he will be unable to complete the duties imposed upon him by the said Commission within a reasonable time for that purpose, such Select Committee shall and may proceed to supersede the same, and to appoint another Commissioner thereupon as hereinbefore provided for that purpose: Provided always nevertheless, that notwithstanding any thing herein contained to the contrary, in the event of the death of any such Commissioner, the Clerk employed by him in keeping the Minutes of his proceedings under the same, shall and may, either by the consent of all the parties interested or concerned in such Election Petition, their Counsel or Agent, or by direction of such Select Committee, make a Report and Return of all the proceedings had and taken by such Commissioner, which Report and Return shall in such case be equally available for all the purposes of this Act as if made by such Commissioner himself.

Proceedings to be had by the Committee on such report.

Proviso.

CXVI. And be it enacted, That if any such Commissioner shall be prevented from attending at the day and place appointed as aforesaid by any sudden accident, necessity or illness, to be verified upon Oath in manner herein directed, he shall not be liable to the said penalty of Twenty-five Pounds; any thing herein contained to the contrary notwithstanding.

Commissioner to be excused in case of sickness, &c.

CXVII. And be it enacted, That it shall and may be lawful for the said Commissioner from time to time to adjourn to any place within the County or Riding, City, Town, Borough or place in which the Election was held different from that in which such Commissioner shall in the first place have opened his Court or commenced his proceedings under such Warrant, in all cases where it shall appear to him expedient or necessary so to do.

Commissioner may adjourn to other places.

CXVIII. And be it enacted, That the said Commissioner shall have power at all times by Warrant under his hand and seal, to send for all persons, papers and records, and shall examine all witnesses who shall come before him, upon Oath or Affirmation, as the case may require, and shall examine all matters referred to him, and shall in all respects have the same powers and authorities for examining the said matters so referred to him as Select Committees of the Commons House of Legislative Assembly for the trial of Election Petitions have for examining the matters and things referred to such Select Committees, and the said Commissioner shall proceed in examining all and every witness or witnesses who shall come before him, and in scrutinizing the rights of any voter or voters, and in all matters and things whatsoever referred to him in the same course and manner, and according to the same Rules, as Select Committees of the Commons House of Legislative Assembly for the trial of Election Petitions ought and are empowered to proceed in like cases, and the Clerk appointed by the said Commissioner shall from time to time make or cause to be made true copies of the Minutes of all the proceedings before the said Commissioner, and of all such evidence as shall be given or produced before him, and shall give one such copy to each of the parties interested, or his or their agent, or to such of them as shall demand the same, on being paid, for each folio of the said copy consisting of one hundred words, the sum of Six Pence: and within

Power of Commissioner to send for persons, papers, &c.

Other powers.

His Clerk to make copies of evidence, minutes, &c.

Fee.

ten

Return to be made by
Commissioner to the
Speaker.

ten days after the evidence before the said Commissioner shall be closed, touching the matters and things referred to him, the said Commissioner shall cause copy of the Minutes of all his proceedings to be made, and shall examine the same with the said Minutes, and shall sign and seal the said copy, and shall transmit the same by his Clerk, through the Post Office, in the manner hereinafter prescribed for the transmission to the proper Court of Recognizances taken and estreated or otherwise proceeded upon under this Act, to the Speaker of the Commons House of Legislative Assembly of this Province, who shall accordingly communicate the same to the said House, and upon the transmission of the said copy, the said Commissioner shall adjourn in order to receive such further orders from the Select Committee upon the Petition in question, as such Committee may from time to time think requisite and necessary.

No Barrister or
Counsel allowed to
plead, &c., before
Commissioner.

CXIX. And be it enacted, That the said Commissioner shall not permit or suffer any Barrister or Counsel to plead before him, or to examine or cross-examine any of the witnesses, but that the said Commissioner shall himself examine and cross-examine all the witnesses that shall be produced before him.

Evidence tendered
before Commissioner,
may be received by
him conditionally, if
he doubts whether it
ought to be taken.

CXX. And be it enacted, That in case at any time in the course of the said proceedings before the said Commissioner, any of the said parties shall tender or offer to produce to the said Commissioner any witness or evidence to, of or concerning any matter or thing whatsoever in issue before the said Commissioner, which witness or evidence the said Commissioner shall be of opinion ought not to be examined, heard or received, the said Commissioner shall state in writing the reasons and grounds upon which he has rejected the said evidence, and enter the same upon the Minutes of his proceedings, and it shall and may be lawful to and for the party tendering or offering to produce such witness or evidence, to require of the said Commissioner that the said witness or evidence shall be examined, heard and received by and before him *de bene esse*, and the testimony of such witness or the purport of such evidence shall accordingly be taken down in writing by the Clerk to the said Commissioner, separately and apart from all other evidence before the said Commissioner, and a copy thereof, with a statement of the purpose to or for which the said witness or evidence was produced, and by whom the same was produced, shall be signed and sealed by the said Commissioner in the nature of a Bill of exceptions to evidence, and the same shall be transmitted by the said Commissioner, together with all the other proceedings before him in manner herein mentioned; and if the Select Committee for the trial of such Election Petition shall be of opinion that the tendering and offering of such witness or evidence was frivolous or vexatious, or that the testimony of such witness or the purport of such evidence was impertinent or irrelevant to the matter at issue before the said Commissioners, the said Committee shall report such their opinion to the House, together with their opinion on the other matters relating to the said Petition, and the party who shall before the said Commissioner have opposed the examining, hearing or receiving of such witness or evidence shall be entitled to receive from the person or persons who shall have produced such witness or evidence, the full costs and expenses which such party or parties shall have incurred in opposing the same, or by reason of the same being received in manner aforesaid, which costs and expenses shall be ascertained and recovered in the same manner as by this Act is or hereafter may be provided by law for the recovery of costs and expenses in case of frivolous or vexatious Petitions, or frivolous or vexatious opposition to such Petitions.

Committee to
determine as to
relevancy of such
evidence.

As to costs, if the
evidence be rejected.

When the return of
the Commissioner is
received, Speaker to
direct the Committee
to re-assemble.

CXXI. And be it enacted, That within two days after the copy of the said proceedings before the said Commissioner shall be received by the Speaker of the Commons House of Legislative Assembly, the said Speaker shall issue a Warrant under his hand and seal, directing the Select Committee upon the Petition in question to re-assemble and to meet again on some day within the space of fourteen days from the date of such Warrant, provided Parliament shall be then sitting, and in case Parliament shall not be then sitting to meet on some day within one month after the commencement of the next Session of Parliament; and that the said Select Committee shall accordingly re-assemble and meet again, and shall take the proceedings of the said Commissioner into

Their proceedings
when so re-assembled.

consideration,

consideration, and shall proceed to try and determine the merits of the said Petition, but such Select Committee shall not call for or receive any other or further evidence written or parole respecting any matters or things which shall have been tried and examined by the said Commissioner in manner aforesaid, except when the power to do so shall have been specially reserved and the points to which such new evidence should be directed shall have been specially set forth in the order for the issue of such Commission, but, except as aforesaid, the said Committee shall determine on all such matters and things from the written Minutes of the evidence and proceedings before the said Commissioner, and the Certificates of the said Commissioner so signed, sealed and transmitted as aforesaid: Provided always, that the said Committee shall and may be at liberty to hear Counsel as to the effect of the said evidence in like manner as they may do respecting any other matter in question before them; and that the said Select Committee shall report their own opinion to the House upon the whole merits of the said Election or other matter of the said Petition.

Effect of evidence returned.

Proviso.

CXXII. And be it enacted, That if the Speaker of the Commons House of Legislative Assembly shall receive a copy of such proceedings when the said House shall be adjourned for a longer period than one month from the day on which the said Speaker is directed to issue his Warrant for the re-assembling and meeting of any such Committee, then and in such case the said Speaker shall in such Warrant direct such Committee to re-assemble and meet on some day within one month next after the day to which the House may be adjourned, and if the said Speaker shall have directed the Committee to meet on any day, and if the said House shall subsequently adjourn to a day beyond the day so appointed for the re-assembling and meeting of such Committee, then and in such case, the said Speaker shall issue another Warrant directing such Committee to re-assemble and meet on some day within one month next after the day to which the said House may be adjourned, instead of on the day first appointed in pursuance of the provisions of this Act.

Provision if, when the return is received, the House be adjourned for more than one month.

CXXIII. And be it enacted, That the Speaker of the said House, upon issuing any such Warrant for the re-assembling of any such Select Committee, shall cause a notice of the issue of such Warrant, and of the day therein fixed for such re-assembling, to be published in the Government Official Gazette of the Province, and to be also inserted in the votes from thenceforth until the day so appointed for the re-assembling of such Select Committee as aforesaid.

Notice of such direction to re-assemble to be published.

CXXIV. And be it enacted, That, as it may be impracticable in some instances, on account of the quantity of evidence taken under such Commission, for such Commissioner to transmit a copy of the Minutes of his proceedings to the Speaker of the said House, within ten days after the evidence before him shall be closed, it shall and may be lawful for such Commissioner in such cases to transmit such copy with all convenient despatch, and at the same time assign the reasons for such delay, which reasons the Select Committee upon the Petition in question are hereby directed to investigate, and report their opinion thereupon to the House at the time they make their report on the merits of such Petition.

Provision if the Commissioner cannot transmit his return within the time prescribed.

CXXV. And be it enacted, That the said Select Committee shall from time to time during the continuance of the said Commission, and at any time before reporting their final opinion to the House on the merits of the Petition in question, have full power and authority to direct any further or other Warrant to the said Commissioner, under the hand and seal of the Chairman of the said Committee, ordering and directing the said Commissioner to resume his sittings as such Commissioner for such purposes as shall be in the said Warrant specified, and that such and the like proceedings shall be had upon such further Warrant of the Chairman of the said Committee as are herein directed with respect to the said Warrant of the Chairman of the said Committee herein first above mentioned.

Committee may direct, further proceedings before the Commissioner.

CXXVI. And be it enacted, That when any such Select Committee shall re-assemble to try and determine the merits of any such Election Petition, after any proceedings shall have been had by or before any Commissioner appointed for examining any matters

Committee may send for books, &c. produced before Commissioner.

matters which shall have been referred to him by such Select Committee, it shall and may be lawful for such Select Committee to send for all or any such Books, Papers and Records, or other written Documents, as were produced in evidence before such Commissioner, in like manner as such Select Committee, might have done if no such proceedings had been had by or before such Commissioner, and without directing any Warrant to the said Commissioner, and without ordering or directing the said Commissioner to resume his sittings as aforesaid; Provided always, nevertheless, that such Select Committee shall in all other respects proceed to try the merits of such Election Petition, in the manner directed by this Act, and shall determine on all such matters and things as shall have been tried and examined by the said Commissioner from the written Minutes of the evidence and proceedings before the said Commissioner, and from the inspection of such Books, Papers, Records and Documents, so far only as may relate to such evidence and proceedings; but such Select Committee shall not call for or receive in evidence any extracts from such Books, Papers, Records or Documents other than such as were received and produced before such Commissioner, nor to any point or matter not in issue before such Commissioner.

Proviso.

Commissioner may issue summons to witnesses, and when.

CXXVII. And be it enacted, That it shall and may be lawful for every such Commissioner as well before as after he shall have held his first Sitting under his Commission, or taken the oath of Office herein prescribed for him as such Commissioner, and he is hereby authorized and empowered by Warrant under his hand and seal, directed to any one or more Constable or Constables, or to any of his Bailiffs in that behalf, or to any other person or persons specially appointed by such Commissioner, to summon and require the attendance of any witness or witnesses or other person or persons before him at the day and place to be mentioned in such Warrant.

Penalty on witness as failing to attend when summoned.

CXXVIII. And be it enacted, That if any person so summoned as a witness as aforesaid, shall neglect or refuse to attend without lawful excuse to be determined by the said Commissioner, or if any witness before such Commissioner shall prevaricate or shall otherwise misbehave in giving or refusing to give evidence, or if any person shall be guilty of any contempt or misbehaviour whatsoever of or towards the said Commissioner while sitting and acting in the execution of his said Commission, the said Commissioner shall, and he is hereby empowered, by a Warrant under his hand and seal, and directed to the Gaoler of the Common Gaol, of the County, City or place in which the said Commissioner shall sit, to commit such person, not being a Legislative Councillor of this Province, to the custody of the Gaoler, without bail or mainprize, for any time not exceeding Six Calendar months.

As to summoning any Member of Parliament.

CXXIX. And be it enacted, That in case it shall be requisite to summon any Member of either House of Parliament who shall be then attending his duty in Parliament, to give evidence before the said Commissioner, in such case the Commissioner shall certify the same to the Speaker of the Commons House of Legislative Assembly, who shall report the same to the House for its direction thereupon.

Remuneration of Commissioner.

CXXX. And be it enacted, That every Commissioner so to be appointed in manner aforesaid shall, immediately after the Select Committee on the Petition in question shall have made their final Report to the House on the merits of the said Petition, be entitled to demand and receive from the party or parties interested or concerned in such Election Petition, upon whose application to such Select Committee such Commissioner shall have been appointed, Fifty Shillings for every day which such Commissioner shall have been necessarily engaged on the said Commission, and also his travelling expenses at the rate of One Shilling for every mile which such Commissioner shall have travelled from and to his usual place of abode in his attendance on the execution of such Commission; and that the Clerk to the said Commissioner shall also, upon his transmitting the said copy of such proceedings in manner aforesaid, be entitled to demand and receive from such party or parties as aforesaid, such sum or sums for his attendance on the execution of the said Commission as the said Commissioner shall under his hand certify to be reasonable, not exceeding the amount of Twenty Shillings for each day of

Travelling expenses.

Remuneration of Clerk.

his

his attendance on the execution of the said Commission, together with such sum for the copy of the evidence transmitted to the Speaker of the House in manner aforesaid, as the said Commissioner shall think fit, not exceeding the sum of Six Pence for every folio consisting of one hundred words which the said copy shall contain.

CXXXI. And be it enacted, That the Clerk to be appointed by any such Commissioner shall from time to time make, or cause to be made, true copies of the Minutes of all proceedings before such Commissioner, and of all such evidence as shall be given or produced before him, and shall give one such copy to each of the parties interested, or to his or their Agent, or to such of them as shall demand the same, on being paid, for each folio of the said copy consisting of one hundred words, the sum of Six Pence, and no more; and that for copies of the said Minutes and evidence to be transmitted to the Speaker of the Commons House of Legislative Assembly, in manner directed by this Act, such Clerk shall receive from the party or parties interested or concerned in such Election Petition, upon whose application to such Select Committee such Commissioner shall have been appointed, such sum as the said Commissioner whose Clerk he was shall think fit, not exceeding in any case the sum of Six Pence for every folio consisting of one hundred words which such copy shall contain, and no more; any thing herein contained to the contrary notwithstanding.

Clerk to furnish copies of minutes, &c.

Remuneration.

CXXXII. And be it enacted, That the Bailiffs and other Officers employed by such Commissioner in and about the execution of such Commission, shall receive from the party or parties interested or concerned in such Election Petition, the sum of Ten Shillings per day, while in actual attendance on the sittings of such Commissioner, and at the rate of Six Pence per mile for every such mile travelled in performing any of the duties properly belonging to them under this Act: Provided always, nevertheless, firstly, that for the service of any Summons on any witness requiring him to attend before the Commissioner, such Bailiff or other Officer, unless the same be specially directed by the said Commissioner in writing under his hand to be served at the expense of all the parties interested or concerned in such Election Petition, shall be entitled to receive his fees for the service thereof, only from the party who shall employ such Bailiff or other Officer to serve the same: And provided also, secondly, that such Commissioner shall not require the daily attendance of any such Bailiff or other Officer upon him at the time of his holding such sittings, unless he shall find it necessary to do so, in every which case he shall in his Report state the grounds upon which he acted in so requiring the attendance of such Bailiff or other Officer as aforesaid.

Remuneration of bailiffs and other officers employed by commissioner.

Proviso.

Proviso.

CXXXIII. And be it enacted, That every such Commissioner and Clerk, Bailiff or other Officer, shall have the like remedy upon the Recognizance required to be entered into by every Petitioner under this Act, for their services in the execution of such Commission as is hereby given to any persons summoned as witnesses by such Petitioner.

Commissioner, &c., to have remedy on recognizance.

9. COSTS.

CXXXIV. And be it enacted, That whenever any Select Committee appointed to try any Election Petition reports to the House that such Petition was frivolous or vexatious, the parties, if any, who have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the persons, or any of them, who signed such Petition, the full costs and expenses which such parties have incurred in opposing the same, such costs and expenses to be ascertained in the manner hereinafter directed.

As to costs on frivolous or vexatious petition.

CXXXV. And be it enacted, That whenever such Committee reports to the House that the opposition made to any such Petition by any party appearing before them was frivolous or vexatious, the persons who signed such Petition shall be entitled to recover from the party with respect to whom such report is made, the full costs and expenses which such Petitioners have incurred in prosecuting their Petition; such costs and expenses to be ascertained in the manner hereinafter directed.

As to costs on frivolous or vexatious opposition.

As to costs where there is no opposition.

CXXXVI. And be it enacted, That whenever no party has appeared before any such Committee in opposition to such Petition, and such Committee reports to the House that the election or return, or the omission or insufficiency of a return complained of in such Petition was vexatious or corrupt, the persons who signed such Petition shall be entitled to recover from the sitting member (if any) whose election or return is complained of in such Petition, (such sitting Member not having given notice as aforesaid of his intention not to defend the same) or from any other persons admitted by the house as aforesaid to oppose such Petition, the full costs and expenses which such Petitioners have incurred in prosecuting their Petition; such costs and expenses to be ascertained in the manner hereinafter directed.

As to costs on frivolous or vexatious objections.

CXXXVII. And be it enacted, That if any ground of objection be stated against any voter in any list of voters intended to be objected to as hereinbefore provided, and if such Select Committee be of opinion that such objection was frivolous or vexatious, they shall report the same to the Commons House of Legislative Assembly, together with their opinion on the other matters relating to the said Petition, and the opposite party shall in such case be entitled to recover from the party on whose behalf any such objections were made, the full costs and expenses incurred by reason of such frivolous or vexatious objections; such costs and expenses to be ascertained in the manner hereinafter directed.

As to costs on unfounded allegations.

CXXXVIII. And be it enacted, That if either party make before the said Select Committee any specific allegation with regard to the conduct of the other party or his Agents, and either bring no evidence in support thereof, or such evidence that the Committee is of opinion that such allegation was made without any reasonable or probable ground, the Committee may make such orders as to them may seem fit for the payment by the party making such unfounded allegation to the other party, of all costs and expenses incurred by reason of such unfounded allegation; such costs and expenses to be ascertained in the manner hereinafter directed.

How the costs and expenses payable under this Act, shall be ascertained.

CXXXIX. And be it enacted, That the costs and expenses adjudged by any such Select Committee as aforesaid, to be paid, or which otherwise may become payable under the provisions of this Act, to any party prosecuting or opposing or preparing to oppose any Election Petition, or to any witness summoned to attend before any Committee, under the provisions of this Act, shall be ascertained in manner following, that is to say: on application made to the Speaker of the Commons House of Legislative Assembly, by any such Petitioner, Party or Witness, for ascertaining such costs and expenses, not later than three calendar months after the determination of the merits of such Petition, or after any Order of the House for discharging the order of reference of such Petition to the General Committee of Elections, or after the withdrawal of any Petition, as hereinbefore provided, the Speaker shall make an order that the same be taxed, and shall proceed to examine and tax such costs and expenses, and shall report the amount thereof, together with the name of the party liable to pay the same, and the name of the party entitled to receive the same, to the House, and shall also, upon application made to him, deliver to the party a certificate signed by him, expressing the amount of the costs and expenses allowed in such Report, with the name of the party liable to pay the same, and the name of the party entitled to receive the same, and such Certificate so signed by the Speaker shall be conclusive evidence for all purposes whatever, as well of the amount of the demand as of the title of the party therein named to recover the same from the party therein stated to be liable to the payment thereof; and the party claiming under the same shall, upon payment thereof, give a receipt at the foot of such certificate, which shall be a sufficient discharge for the same.

Speaker's certificate to be conclusive evidence of costs.

Speaker may examine persons on oath as to costs.

CXL. And be it enacted, That the Speaker may examine upon Oath any party claiming any such costs or expenses, and any witnesses tendered to him for examination, and may receive Affidavits, sworn before himself, or before any Justice of the Peace, relative to such costs and expenses,

CXLI. And be it enacted, That the party entitled to such taxed costs and expenses, or his or her personal representatives, may demand the whole amount thereof so certified as above, from any one or more of the persons liable to the payment thereof, and in case of non-payment thereof on demand, may recover the same by action of debt in any of Her Majesty's Courts which would have jurisdiction over the same, were it an ordinary debt of a similar amount, in which action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the sum mentioned in the said Certificate, and the said Plaintiff shall, upon filing the said declaration, together with the said Certificate and Affidavit of such demand as aforesaid, be at liberty to sign judgment as for want of a plea by *nil dicit*, or otherwise, according to the course of the Court in which the action shall be pending, or to have judgment entered or rendered in his favor according to the same, and take out execution for the said sum so mentioned in the said Certificate, together with the costs of the said action according to due course of law: Provided always, nevertheless, firstly, that the validity of such Certificate (the handwriting of the Speaker thereunto being duly verified) shall not be called in question in any Court; and provided always also, secondly, that the party so impleaded may, if he think fit, put in any defence that he may have to such action, according to law and the practice of such Court.

In what manner costs may be recovered.

CXLII. And be it enacted, That in every case it shall be lawful for any person from whom the amount of such costs and expenses has been so recovered, to recover in like manner from the other persons, or any of them (if such there be) who are liable to the payment of the same costs and expenses, a proportionate share thereof according to the number of persons so liable, and according to the extent of the liability of each person.

Parties may recover from those jointly liable with them.

CXLIII. And be it enacted, That if any person having subscribed an Election Petition presented under this Act, or any sitting Member or any Petitioner admitted to defend such Petition instead of such sitting Member, neglect or refuse for the space of seven days after demand to pay to any witness summoned on his behalf before any Select Election Committee appointed under the provisions of this Act, or before any Commissioner appointed for taking evidence by such Committee, the sum so certified as aforesaid by the Speaker under the authority of this Act to be due to such witness, or if such Petitioner or other party neglect or refuse, for the space of six months after demand, to pay to any party opponent to him upon the trial of such Petition the sum so certified by the Speaker as aforesaid to be due to such party for his costs and expenses, and if such neglect or refusal be, within one year after the granting of such certificate, proved to the Speaker's satisfaction by Affidavit sworn before the said Speaker or before a Justice of the Peace, in every such case every person who has entered into a Recognizance on behalf of such Petitioner or other party, relating to such Petition under the provisions of this Act, shall be held to have made default in his said Recognizance, and the Speaker of the Commons House of Legislative Assembly shall thereupon certify such Recognizance into the Superior Court for Lower Canada, if such Recognizance shall have been taken in Lower Canada, or into the Court of Queen's Bench or Common Pleas for Upper Canada, if such Recognizance shall have been taken in Upper Canada, and shall also certify that such person has made default therein, and such certificate shall be conclusive evidence of the validity of such Recognizance and of such default, and the Recognizance, being so certified, shall be delivered by the Clerk of the Commons House of Legislative Assembly, or some person deputed by him for that purpose, into the hands of the Chief Justice, or one of the Judges of the Court into which the same shall be so certified by the said Speaker, or into the hands of some Officer of such Court appointed by such Court to receive the same, or shall be transmitted by such Clerk through the Post in manner hereinafter mentioned, to the Chief Justice or other Judge of such Court as the case may require, and in every such case such delivery or transmission of such Recognizance shall have the same effect as if the same were estreated or otherwise proceeded upon for the like purpose from or in a Court of Law, according to the Laws of that section of the Province in which such Recognizance shall have been so taken as aforesaid, and the course of the Court to which

Recognizances to be estreated if cost- be not paid within certain periods.

the same shall have been so transmitted as aforesaid, and the validity of such certificate (the handwriting of the Speaker thereunto being duly verified,) shall not be called in question in any such Court upon the ground of any matter having arisen anterior to the date of such certificate.

Provision for the transmission of recognizances by post.

CXLIV. And be it enacted, That for the purpose of transmitting any such Recognizance through the Post as aforesaid, the Clerk of the Commons House of Legislative Assembly, or some other person appointed by the Speaker for that purpose, shall carry such Recognizance under a cover directed to the Chief Justice or one of the Judges of the Court into which the same shall be so certified as aforesaid, to the General Post Office of the place where such Recognizance shall then be with the other Records of the said House, and there deliver the same to the Post Master or Deputy Post Master of such place for the time being, or to the person discharging the duties of such Post Master or Deputy Post Master therein for the time being, who on receipt thereof shall give an acknowledgment in writing of such receipt to the person from whom the same is received, and shall keep a duplicate of such acknowledgment signed by the parties respectively to whom the same is so delivered, and the said Post Master or Deputy Post Master, or person performing the duties of such Post Master or Deputy Post Master, shall despatch all such Recognizances by the first Post or Mail after the receipt thereof, to the person to whom the same is directed, accompanied with proper directions to the Post Master or Deputy Post Master of the town or place to which the same is directed, or person performing the duties of such Post Master or Deputy Post Master at such place for the time being, requiring him forthwith to carry such Recognizance, and to deliver the same to the person to whom the same is directed, who (or some officer appointed by the Court for that purpose) is hereby required to give such Post Master or Deputy Post Master, or person performing the duties of such Post Master or Deputy Post Master, a Memorandum in writing under his hand, acknowledging the receipt of every such Recognizance, and setting forth the day and hour the same was delivered by him as aforesaid, which Memorandum shall also be signed by the person receiving the same, and be by him transmitted by the first or second Post afterwards to the said Post Master or Deputy Post Master of the office from which the same was so transmitted to him as aforesaid.

Course when proceedings are to be had in that part of the Province where the Recognizance was not taken.

CXLV. And be it enacted, That when it shall become necessary or desirable to proceed upon any such Recognizance in the other section of the Province in which the same was not taken, it shall and may be lawful, upon filing an exemplification of such Recognizance under the Seal of the Court into which the same shall have been so returned, as provided by the one hundred and forty-third Section of this Act, to proceed thereon as if such Recognizance had been taken in such other section of the Province and duly returned into the Court in which such exemplification thereof shall be so filed as aforesaid.

Application of moneys deposited instead of Recognizance.

CXLVI. And be it enacted, That if the costs and expenses intended to be secured by any Recognizance instead of which any moneys shall have been deposited in the hands of the Chief Clerk of the Commons House of Legislative Assembly of this Province, be not paid pursuant to the provisions of this Act, all such moneys, or so much thereof as may be necessary for that purpose, shall be applied in such order of payment as the Speaker of the said House for the time being in his discretion may think fit, in satisfaction of such costs and expenses, or so much thereof as can be thereby satisfied, and thereafter the residue of such moneys, if any, shall be paid to the party by whom or on whose account the same were so deposited as aforesaid.

Application of the proceeds of recognizances estreated.

CXLVII. And be it enacted, That all moneys which shall be received or recovered by reason or in pursuance of the estreating of or otherwise proceeding upon any such Recognizance as aforesaid, shall, after deducting all expenses incurred in respect thereof, be forthwith paid by the proper officer for that purpose into the hands of the Chief Clerk of the Commons House of Legislative Assembly of this Province, to the credit of the Speaker of the said Commons House of Legislative Assembly by his name of office, and shall be applied in manner hereinafter mentioned, in satisfaction,

so far as the same will extend, of the costs and expenses intended to be secured by such Recognizance.

CXLVIII. And be it enacted, That any person who has entered into any such Recognizance may, before the same has been estreated or otherwise proceeded upon as aforesaid, pay the sum of money for which he is bound by such Recognizance into the hands of the Chief Clerk of the Commons House of Legislative Assembly of this Province, to the credit of the said Speaker's account, and the Speaker, upon production to him of a receipt or certificate from the said Chief Clerk for the sum so paid in, shall endorse on the Recognizance in respect of which such money has been so paid in, a Memorandum of such payment, and thereupon such Recognizance shall, so far as regards the person by or on whose behalf such money has been so paid, be deemed to be vacated, and shall not afterwards be estreated or otherwise proceeded upon as aforesaid, as against him, but such Recognizance shall continue to be in force as regards any other person who has entered into the same.

Money may be paid in by any cognitor, in discharge of the recognizance.

CXLIX. And be it enacted, That in every case in which any money is paid into the hands of such Chief Clerk, to the credit of the said Speaker's account as hereinbefore provided, a receipt or certificate of the amount so paid in shall be delivered to the Speaker by the person paying in the same, and such money shall in the first place, and in such order of payment as the Speaker in his discretion may think fit, be applied in satisfaction of all the costs and expenses for securing payment of which such Recognizance was given, or so much thereof as can be thereby satisfied, and thereafter the residue (if any) shall be paid to the party by whom or on whose account the same was paid in.

Receipt for and application of money so paid in.

10. MISCELLANEOUS PROVISIONS.

CL. And be it enacted, That if any Sheriff or other Returning Officer shall wilfully delay, neglect or refuse duly to return any person who ought to be returned to serve in Parliament for any County, Riding, City, Town, Borough or place in this Province, such person may, in case it have been determined by a Select Committee appointed in the manner hereinbefore directed, that such person was entitled to have been returned, sue the Sheriff or other Officer having so wilfully delayed, neglected or refused duly to make such return at his Election, in any of Her Majesty's Superior Courts of Record of original jurisdiction for Lower or Upper Canada, and shall recover double the damages he has sustained by reason thereof, together with full costs of suit, provided such action be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of any proceedings in the Commons House of Legislative Assembly relating to such Election.

Action against returning officer for not making return of person duly elected, or delaying such return, &c.

CLI. And be it enacted, That all pecuniary penalties in and by this Act imposed, shall and may be recovered, with full costs of suit, by any person or persons who shall sue for the same by action of debt in any Court in this Province having jurisdiction to the amount of such penalties respectively; and it shall be sufficient for the Plaintiff or Plaintiffs to declare that the Defendant or Defendants is or are indebted to him or them to the amount of the penalty sued for, by virtue of this Act.

Recovery of pecuniary penalties, under this act.

CLII. And be it enacted, That every indictment, information or action for any offence against this Act, or any forfeiture incurred under the same, shall be found, filed or commenced within one year after the commission of the fact on which such indictment, information or action shall be grounded, or within six months after the conclusion of the proceedings in the Commons House of Legislative Assembly, relating to the Election Petition on the trial of which such fact shall have arisen, and not afterwards.

Limitation of time for prosecuting offences against this act.

CLIII. And be it enacted, That all Mayors and Aldermen of Cities, and all Mayors, Town Reeves and other Heads of any of the Municipal Corporations in this Province, and other the like persons, as well as all other persons having by Statute for the time being *ex officio* Magisterial power in any part of this Province, shall, within the limits of their jurisdiction in that respect, be and be held to be Justices of the Peace within the meaning of this Act.

Who shall be deemed a Justice of the Peace for the purposes of this Act.

CLIV.

Questions concerning the regularity of any proceedings to be decided solely by the Select Committee.

CLIV. And be it enacted, That all questions as to the sufficiency or regularity of any proceeding had, taken or followed, either by the Commons House of Legislative Assembly, or the Speaker, Clerk or other Officer thereof, or by the Select Committee appointed for the trial of any such Election Petition, or the Chairman, Clerk or other Officer thereof, or by any Commissioner appointed to take evidence upon any such trial, or any Clerk, Bailiff or other Officer acting under such Commissioner, or by any of the parties interested or concerned either in the prosecution or defense of such Election Petition, his Counsel or Agent in the conduct of the case of such party upon such Election Petition, shall, so far as the same regards the trial and disposal of such Election Petition by such Select Committee, and the action of the House upon the Report of such Select Committee, be wholly judged of and determined by such Select Committee, and not by the said House ; and no order or resolution of the said House respecting the sufficiency or regularity of any such proceeding shall in any wise be binding upon such Select Committee as far as regards the trial and disposal of such Election Petition.

Omission to observe affirmative provisions not to be fatal, if declared by the Committee not to affect the substance of the question at issue.

CLV. And be it enacted, That the neglect or omission of any party interested or concerned either in the prosecution or defense of any such Election Petition, to observe strictly any of the directions contained in this Act respecting any proceeding or course of proceeding to be by him had or followed in the prosecution or defense of any such Election Petition, except only where by the use of negative as well as affirmative terms the intention of the Legislature shall have been manifested, that such proceeding or course of proceeding, and no other, as to time, place and circumstance, or any of them respectively, should be had or followed in such case, shall not render such proceeding, or course of proceeding, or the subsequent proceedings of such Select Committee in the trial and disposal of such Election Petition, necessarily void or of none effect, provided that such Select Committee shall thereupon come to a resolution to be reported to the Commons House of Legislative Assembly, with the reasons of such Committee for coming to the same, that such neglect or omission hath not so affected the position of the parties to such Election Petition, or any of them, or the proceedings before them in relation to the same, as to interfere with or prevent the disposal by such Select Committee of any of the substantial questions raised upon such Election Petition, upon the true merits thereof.

If such omission affects the merits of the case, the party in default to be considered as having abandoned his case, *quo ad* such cause.

CLVI. And be it enacted, That whenever any such neglect or omission as is referred to in the next preceding section of this Act shall, in the opinion of such Select Committee, affect the position of the parties to such Election Petition, or any of them, or the proceedings before them in relation to the same, so as to interfere with or prevent the disposal by such Committee of any of the substantial questions raised upon such Election Petition, upon the true merits thereof, the said Committee shall, by a resolution to be adopted by them and reported to the House, with the reasons therefor as aforesaid, declare the same, and thereupon the party in default shall not be thereafter received further to proceed with his case, so far as any such question is concerned, but shall be dealt with in every respect as if he had then voluntarily ceased further to prosecute his case as respects the same ; except only, firstly, that it shall remain open to such party to contend, if he think fit, that his case as to any such question had been then already sufficiently established in respect of the same or any part thereof, to entitle him to the decision of the said Select Committee in his favor upon the same ; And except, also, secondly, that such resolution shall not preclude such Select Committee from taking into consideration such neglect or omission, and all the circumstances attending the same, in coming to a conclusion as to whether the prosecution or defense of such party was or was not frivolous or vexatious, and reporting the same to the said House as aforesaid.

Exceptions.

Exceptions.

How the omission shall be dealt with, if declared not to affect the substance of the question.

CLVII. And be it enacted, That in every such case of neglect or omission as is referred to in the next preceding section of this Act but one, the default of the party guilty of such neglect or omission, shall and may in their discretion be dealt with by the Select Committee for the trial of such Election Petition, either by the imposition upon such party, for the benefit of the party or parties opponent, of such conditions in respect

of

of the future conduct of his case or any part thereof, or by granting time or other indulgence to such party or parties opponent for facilitating the conduct of their case or cases, or some part or parts thereof, or by the imposition of costs to be paid by the party in default to such party or parties opponent as aforesaid, or any or either of them, and by making the payment of such costs a condition precedent to permitting such party in default to proceed with his case or some part or parts thereof, or in such other manner as to such Select Committee shall or may under all the circumstances thereof appear just in that behalf.

CLVIII. And be it enacted, That the non-observance by the Commons House of Legislative Assembly, or the Speaker, Clerk, or other Officer thereof, or by the Select Committee appointed for the trial of any such Election Petition, or the Chairman, Clerk, or other Officer thereof, or by any Commissioner appointed to take evidence upon any such trial, or any Clerk, Bailiff, or other Officer acting under such Commissioner, of any of the directions contained in this Act respecting any proceeding or course of proceeding to be had or taken by them respectively, in the disposal of such Election Petition, or the trial thereof, except only where, by the use of negative as well as affirmative terms the intention of the Legislature shall have been manifested, that only such proceeding or course of proceeding, and no other, as to time, place and circumstance, or any of them respectively, should be had or taken in such case, shall not render such proceeding or course of proceeding, or the subsequent proceedings of such Select Committee in the trial and disposal of such Election Petition, necessarily void or of none effect, provided that such Select Committee shall thereupon come to a resolution, to be reported to the Commons House of Legislative Assembly, with the reasons of such Committee for coming to the same, that such neglect or omission hath not so affected the position of the parties to such Election Petition, or any of them, or the proceedings before them in relation to the same, as to interfere with or prevent the disposal by such Committee of any substantial question raised upon such Election Petition upon the true merits thereof; but in every such case where necessary, such non-observance shall be supplied, in the case of non-observance by the said House, or the Speaker, Clerk, or other Officer thereof, under the direction of the House itself, and in the case of such non-observance by the said Select Committee, or the Chairman, Clerk, or other Officer thereof, or by any such Commissioner for taking evidence as aforesaid, or any Clerk, Bailiff or other Officer acting under him as aforesaid, then under the direction of such Select Committee, so as to occasion to the parties prosecuting and defending such Election Petition as little inconvenience, delay or expense as may be.

Provision if the party omitting to comply with the directions of the Act, be it House, the Speaker, the Clerk, Committee, Chairman, &c.

CLIX. And be it enacted, That in all such cases of non-observance as are referred to in the next preceding section of this Act, where such non-observance shall have taken place on the part of the Speaker, Clerk or other Officer of the Commons House of Legislative Assembly, or on that of the Select Committee appointed for the trial of any such Election Petition, or the Chairman, Clerk, or other Officer thereof, or on that of any Commissioner appointed to take evidence upon any such trial, or any Clerk, Bailiff, or other Officer acting under such Commissioner, the persons guilty of such non-observance, may, by order of the said House in its discretion, be taken into the custody of the Sergeant at Arms attending such House, or his Deputy, for such non-observance, and be otherwise dealt with, at the like discretion of the said House, by censure or imprisonment, or by requiring them to make such satisfaction to the parties so interested or concerned in such Election Petition, or any of them, as to the said House may seem just, and by commitment of such persons, or any of them, in execution, for such period as the said House may deem proper, or until such satisfaction be made to such parties or any of them, according to the judgment come to by the said House in that behalf, or by all or any of such means as in the discretion of the said House shall seem just. Provided always nevertheless, that every such proceeding by the said House shall, in all cases except that of the Speaker of the said House, or in that of the said Select Committee or the Chairman or other Member thereof, be had and taken by the

How the Speaker, Clerk or other officer of the House, omitting to observe the directions of the Act, may be punished or dealt with.

Proviso.

the said House only upon a special report of such non-observance made by such Select Committee to the said House, and not otherwise.

As to cases where no express provision is made by this Act.

CLX. And be it enacted, That if with regard to any Election Petition, any case shall arise as to which no express provision is made by this Act, and in which if it were treated as a case wholly without the purview of this Act, there would be a manifest failure of justice, without any error, fault or neglect of any of the parties interested, then such case shall not be held to be omitted, but it shall be lawful for the House, Speaker, General Election Committee, Chairmen's Panel, Select Committee, or Commissioner, as the case may be, to adopt such proceeding as they or he shall deem most consonant to the express provisions, spirit and intent of this Act, and when such proceeding shall not be taken by the House, to report the same to the House, for the information thereof only, and such proceeding shall not be held illegal, unless it be inconsistent with some express provision of this Act, or some other existing provision of law.

Repeal of Acts inconsistent with this Act.

CLXI. And be it enacted, That the several Acts of the Parliaments of the late Provinces of Lower and Upper Canada, set forth in the Schedule to this Act annexed marked C, and containing a description of the Acts repealed by this Act, so far as the same shall be in force at the commencement of this Act, and all Acts continuing or making permanent any of the said Acts, or continued or made permanent by any of them, shall be and the same are hereby repealed: Provided always nevertheless, firstly, that no Act or part of an Act repealed by any of the Acts hereby repealed, shall be revived by the passing of this Act; and no Act or part of an Act perpetuated or continued by any of the Acts hereby repealed, (except such as are hereby expressly repealed,) shall be repealed by the passing of this Act; And provided also, secondly, that this repeal of the said Scheduled Acts, shall not extend or be construed to extend to any act done, or to be done, or to any proceeding had or to be had, as growing out of or as incident to any Election Petition presented during the present Session of Parliament, under the said Scheduled Acts, or any of them, all which acts and proceedings shall have effect, and shall and may be had, continued and completed as if this Act had not been passed, and the Recognizances entered into in respect of such Petitions shall be taken to be and remain in force, and shall take effect in all respects as if this Act had not been passed.

Proviso.

Proviso.

Short title.

CLXII. And be it enacted, That in citing this Act, it shall be sufficient in all cases to use the expression, "The Election Petitions Act of 1851."

SCHEDULES.

A (1.)—RECOGNIZANCE ON THE PART OF PETITIONER

(Referred to in the Tenth Section of this Act.)

CANADA, }
TO WIT: }

Be it remembered, that on the _____ day of _____, in the year of Our Lord one thousand eight hundred and _____, Before me the Honorable A. M. Speaker of the Honorable the Commons House of Legislative Assembly of the Province of Canada, (or before me N. M. Esquire, one of Her Majesty's Justices of the Peace for &c., or Mayor, Alderman or Town Reeve of _____ in _____ Canada, as the case may be) at _____ in _____ came A. B. of &c., Esquire, (as the case may be) C. D. of &c., E. F. of &c., and G. H. of &c., and acknowledged himself (or severally acknowledged themselves) to owe to Our Sovereign Lady the Queen, the sum of Two Hundred Pounds, (or the following sums, that is to say: the said A. B. the sum of _____, the said C. D. the sum of _____, the said E. F. the sum of _____, and the said G. H. the sum of _____, to be levied on his (or their respective) Goods and Chattels, Lands and Tenements, to the use of Our said Sovereign Lady the Queen, Her Heirs and Successors.

The

The condition of this Recognizance is such, that if (*here insert the names of the Petitioner, and if more than one, add or any of them*) shall well and truly pay all sums of money, costs and expenses which shall become payable by him, (*or them*) in respect of the Election Petition signed by him, (*or them*) relating to the (*here insert the name of the County, Riding, City, Town, Borough or place*) which shall become payable by the said Petitioner (*or Petitioners*) under the Election Petitions Act of 1851, to any witnesses summoned in his (*or their*) behalf, or to the sitting Member (*or Members*) or other party complained of in the said Petition, or to any party who may be admitted to defend the same as provided by the said Act, or to any person who upon the application of such Petitioner (*or Petitioners*) for the issue of a Commission to take evidence on the trial of the said Election Petition, shall be appointed Commissioner for that purpose, or to any person who may be appointed Commissioner in the place of such first mentioned Commissioner under the provisions of the said Act, or to any Clerk, Bailiff or other Officer appointed by any of such Commissioners under the authority of the same, then this Recognizance to be void, otherwise to be of full force and effect.

Taken and acknowledged before me } at the day and place aforesaid, } in pursuance of the Election } Petitions Act of 1851. }	A. B. C. D. E. F. G. H.
A. N. Speaker, or N. M. Justice of the Peace (Mayor, &c., <i>as the case may be</i>) for &c.	

A (2.)—RECOGNIZANCE ON THE PART OF THE SITTING MEMBER.

(Referred to in the Eleventh Section of this Act.)

CANADA, }
 TO WIT: }

Be it remembered, that on the _____ day of _____, in the year of Our Lord, one thousand eight hundred and _____, Before me the Honorable A. N. Speaker of the Honorable the Commons House of Legislative Assembly of the Province of Canada, (*or before me N. M. Esquire, one of Her Majesty's Justices of the Peace for &c., or Mayor, Alderman or Town Reeve of _____, in Canada, as the case may be*) at _____ in _____ came A. B. of &c. Esquire, (*or as the case may be*) C. D. of &c., E. F. of &c., and G. H. of &c., and acknowledged himself (*or severally acknowledged themselves*) to owe to Our Sovereign Lady the Queen the sum of One Hundred Pounds (*or the following sums, that is to say: the said A. B. the sum of _____ Pounds, the said C. D. the sum of _____ Pounds, the said E. F. the sum of _____ Pounds, and the said G. H. the sum of _____ Pounds*) to be levied on his (*or their respective*) Goods and Chattels, Lands and Tenements, to the use of Our said Sovereign Lady the Queen, Her Heirs and Successors.

The condition of this Recognizance is such, that if (*here insert the name of the sitting Member or Members,*) the sitting Member (*or Members*) for the County (Riding, City, Town, Borough, *or Place*) of _____ in Upper (*or Lower*) Canada, in this present Parliament, shall well and truly pay all sums of money, costs and expenses which shall become payable by him (*or them*) to any person who upon the application of such sitting Member (*or Members*) for the issuing of a Commission to take evidence on the Trial of an Election Petition, presented (*or to be presented*) to the Commons House of Legislative Assembly, under the Election Petitions Act of 1851, relating to the said County (Riding, &c., *as the case may be,*) shall be appointed Commissioner for that purpose, or to any person who may be appointed Commissioner, in the place of such first

first mentioned Commissioner, under the provisions of the said Act, or to any Clerk, Bailiff or other Officer appointed by any of such Commissioners under the authority of the same, then this Recognizance to be void, otherwise to be of full force and effect.

Taken and acknowledged before me } at the day and place aforesaid, } in pursuance of the Election } Petitions Act of 1851. }	A. B. C. D. E. F. G. H.
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A. N. Speaker,
or
 N. M.
 Justice of the Peace, (Mayor, &c., *as the case may be,*) for &c.

**A (3.)—RECOGNIZANCE ON THE PART OF PETITIONER FOR
 PERMISSION TO DEFEND.**

(Referred to in the Twenty-eighth Section of this Act.)

CANADA, }
 TO WIT: }

Be it remembered, that on the _____ day of _____, in the
 year of Our Lord, one thousand eight hundred and _____, before me the
 Honorable A. N., Speaker of the Honorable the Commons House of Legislative
 Assembly of the Province of Canada (*or before me N. M., Esquire, one of Her Majesty's*
Justices of the Peace for &c.,) or Mayor, Alderman or Town Reeve of
 in _____ Canada (*as the case may be,*) at
 _____ in _____ came A. B. of &c., Esquire, (*as the case may be,*)
 C. D. of &c., E. F. of &c., and G. H. of &c., and acknowledged himself (*or severally*
acknowledged themselves) to owe to Our Sovereign Lady the Queen, the sum of One
 Hundred Pounds (*or the following sums, that is to say: the said A. B. the sum of*
 _____ Pounds, the said C. D. the sum of _____ Pounds, the
 said G. H. the sum of _____ Pounds, and the said G. H. the sum of
 _____ Pounds,) to be levied on his (*or their*) Goods and Chattels, Lands and Tenements,
 to the use of Our said Sovereign Lady the Queen, Her Heirs and Successors.

The condition of this Recognizance is such, that if (*here insert the name of the*
Petitioner for permission to defend,) a Petitioner (*or Petitioners*) to the Commons
 House of Legislative Assembly of this Province, for permission to defend an Election
 Petition presented or to be presented to the said House, whereby the Seat (*or Seats*) of
 (*here insert the name of the sitting Member or Members*) the sitting Member (*or*
Members) for the County, (Riding, City, Town, Borough *or* Place) of
 in Lower (*or* Upper) Canada, (*as the case may be*) is (*or are*) or may be affected, and
 which said sitting Member (*or Members*) hath (*or have*) or is (*or are* expected to
 decline defending such Seat (*or Seats,*) shall well and truly pay all sums of money,
 costs and expenses, which shall become payable by him (*or them*) in respect of the
 Petition for permission to defend such Election Petition, which shall become payable
 by the said Petitioner (*or Petitioners,*) for permission to defend under the Election
 Petitions Act of 1851, to any Witness summoned on his (*or their*) behalf, or to the
 Petitioner (*or Petitioners*) in such Election Petition, or to any person who upon the
 application of such Petitioner (*or Petitioners*) for permission to defend for the issue
 of a Commission to take evidence on the trial of such Election Petition, shall be
 appointed Commissioner for that purpose, or to any person who may be appointed
 Commissioner in the place of such first mentioned Commissioner, or to any Clerk,
 Bailiff

Bailiff or other Officer appointed by any of such Commissioners under the authority of the same, then this Recognizance to be void, otherwise to be of full force and effect.

Taken and acknowledged before me } at the day and place aforesaid, in } pursuance of the Election Petitions } Act of 1851. }	A. B.
	C. D.
	E. F.
	G. H.

A. N. Speaker,

or

N. M.

Justice of the Peace (Mayor, &c., as the case may be) for &c.

A (1.) AFFIDAVIT OF SUFFICIENCY OF SURETIES.

(Applicable to any of the foregoing Recognizances, and referred to in the twelfth Section of this Act.)

CANADA, }
TO WIT: }

A. B. of &c., (as in the Recognizance) in the within (or annexed) Recognizance mentioned, maketh oath (or affirmeth) and saith that he, this Deponent, (or affirmant) is seized of Real Estate, (or is possessed of Personal Estate,) (or is seized and possessed of Real and Personal Estate respectively, as the case may be) over and above what will satisfy and discharge all his just debts to the amount of (double the amount for which he is bound in the Recognizance.)

Sworn by the said Deponent (or } affirmed by the said affirmant) } at the time and place of his } entering into the said Recogn- } izance. }	A. B.
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Before me,

A. N. Speaker,

or

N. M.

Justice of the Peace (Mayor, &c., as the case may be) for &c.

SCHEDULES.

B 1. COMMISSION FOR THE EXAMINATION OF WITNESSES.

(Referred to in the ninety-eighth Section of this Act.)

CANADA, }
TO WIT: }

To G. H. of &c., Esquire, one of Her Majesty's Circuit Judges in Lower Canada, (or one of Her Majesty's County Judges in Upper Canada, or as the case may be) and to all others whom it doth or may in any wise concern :

I, J. I. of &c., Esquire, Member of the Commons House of Legislative Assembly of the Province of Canada, and Chairman of the Select Committee appointed to try the merits of the Election Petition of C. D. and E. F. &c. (setting out the names of the Petitioners) against the election (or return, or election and return) of J. L., Esquire, the sitting Member (or as the case may be) for the County (Riding, City, Town, Borough or place) of _____ in _____ Canada in the said Legislative Assembly, send—Greeting :

Whereas upon the application of the said Petitioners (or of C. D. one of the said Petitioners, or of the said sitting Member, or of K. L. a Petitioner or Petitioners who has or have been admitted to defend the said Election Petition, (or as the case may be,) to

to the said Select Committee, (*or otherwise, as the case may be,*) it has been ordered by the said Committee, in pursuance of the powers vested in them by the Election Petitions Act of 1851, that a Commission shall issue for the examination of witnesses on the trial of such Election Petition, and that you the said G. H. shall be appointed such Commissioner: These are therefore, in compliance with the said orders and in pursuance of the provisions of the said Act, to nominate, constitute and appoint you the said G. H. to be such Commissioner, to examine and enquire into all matters and things to you for that purpose referred or to be referred by the said Election Committee, or any other Election Committee that may be appointed in their place for the trial of such Election Petition according to the provisions of the said Act, with all such powers and authority as by law belong to the office of such Commissioner by virtue of the said Act, or otherwise howsoever; and you are hereby expressly commanded with all necessary speed to repair to the said County (Riding, City, Town, Borough or place) of _____, and there at such place therein as you shall for that purpose appoint, on _____ the _____ day of _____ next, to proceed with the examination and enquiry aforesaid: and all and whatsoever you shall do or cause to be done in the premises you are to return to the Honorable the Speaker of the said Commons House of Legislative Assembly for the time being, in the manner and within the time by the said Act for that purpose prescribed: and this you are in no wise to omit under a penalty of One Hundred Pounds, and such other penalties as you may by law incur by reason of any such omission or neglect.

Given under my hand and seal at _____, in _____ Canada, this _____ day of _____, in the year of Our Lord, one thousand eight hundred _____, and of Her Majesty's Reign the _____
J. T. (L. S.)

(B 2.)—SIMILAR COMMISSION WHERE A NEW COMMISSIONER IS APPOINTED IN CONSEQUENCE OF THE ORIGINAL COMMISSIONER NOT BEING ABLE TO ACT.

(*Referred to in the Ninety-ninth Section of this Act.*)

CANADA, }
TO WIT: }

To G. B., Esquire, of _____, one of Her Majesty's Circuit Judges in Lower Canada, (*or one of Her Majesty's County Judges in Upper Canada, as the case may be,*) and to all others whom it doth or may in any wise concern:

I, J. I. of &c., Esquire, a Member of the Commons House of Legislative Assembly of the Province of Canada, and Chairman of the Select Committee appointed to try the merits of the Election Petition of C. D. and E. F. &c., (*setting out the names of the Petitioners*) against the Election (*or Return, or Election and Return*) of J. L. Esquire, the sitting Member, (*or as the case may be*) for the County (Riding, City, Town, Borough, or place) of _____, in _____ Canada, in the said Legislative Assembly, send—Greeting:

Whereas upon the application of the said Petitioners, (*or of C. D., one of the said Petitioners, or of the said sitting Member, or of K. L., a Petitioner or Petitioners, who has or have been admitted to defend the said Election Petition, or as the case may be*) to the Select Election Committee (*or otherwise, as the case may be,*) it was ordered by the said Committee in pursuance of the powers vested in them by the Election Petitions Act of 1851, that a Commission should issue for the examination of Witnesses on the trial of such Election Petition, and that G. H. should be appointed such Commissioner; and thereupon, by Warrant under my Hand and Seal, pursuant to the said Act (*or under the Hand and Seal of L. M., the then Chairman of the Select Election Committee, to try the merits of such Election Petition, as the case may be,*) one G. H. was appointed such Commissioner to examine and enquire into all matters and things to him for that purpose referred or to be referred by the said Election Committee, or any other
Election

Election Committee that might be appointed in their place, for the trial of such Election Petition, according to the provisions of the said Act ; And whereas in consequence of the death of the said G. H. (*or of the incapacity of the said G. H. from illness, or as the case may be,*) it has become impossible that the said Commission should be executed (*or that the execution of the said Commission should be completed,*) according to the exigency thereof, and it hath therefore been further ordered by the said Select Election Committee, that a new Commissioner should be appointed in the place of the said G. H., and that you the said G. B. should be appointed such last mentioned Commissioner : These are therefore, in compliance with the said Orders, and in pursuance of the provisions of the said Act, to supersede the said Commission, and to nominate, constitute and appoint you the said G. B. to be such Commissioner as last aforesaid, for the purposes aforesaid, with all such powers and authority as by law belong to the office of such Commissioner, by virtue of the said Act, or otherwise howsoever ; and you are hereby expressly commanded, with all necessary speed, to repair to the County (Riding, City, Town, Borough *or* Place) of _____, and there at such place therein, as you shall for that purpose appoint, on _____, the _____ day of _____ next, to proceed with the examination and enquiry aforesaid, and all and whatsoever you shall do, or cause to be done, in the premises, you are to return to the Honorable the Speaker of the said Commons House of Legislative Assembly for the time being, in the manner and within the time by the said Act for that purpose prescribed. And this you are in no wise to omit under a penalty of One Hundred Pounds, and such other penalties as you may by law incur by reason of any such omission or neglect.

Given under my hand and seal, at _____, in _____ Canada,
 this _____ day of _____, one thousand eight hundred _____,
 and of Her Majesty's Reign the _____
 I. J. (L. S.)

B (3.)—COMMISSIONER'S OATH.

(*Referred to in the One Hundred and Twelfth Section of this Act.*)

I, A. B., do swear that I will, without favor, affection or malice, and according to the best of my skill and knowledge, well and truly try and examine all such matters and things as shall be brought before me, by virtue of a Warrant, dated the _____ day of _____, one thousand eight hundred and fifty _____, under the hand and seal of the Chairman of the Select Committee of the Commons House of Legislative Assembly of this Province, on a Petition from (*here state the name or names of the Petitioner or Petitioners, and of the place to which the Petition relates*) and that I will in all things well and truly perform the duty of a Commissioner appointed to try the said matters and things, according to the Rules, Regulations and Directions contained in the Act of the Parliament of this Province, called the "Election Petitions Act of 1851." So help me God.

B (4.)—CLERK'S OATH

(*Referred to in the One Hundred and Seventh Section of this Act.*)

I, A. B., do swear that I will, without favor, affection or malice, and according to the best of my skill and knowledge, well and truly take down in writing the Minutes of all the proceedings had before you, or any person who may be appointed Commissioner in your place, as Commissioner for taking evidence on the trial of the pending Election Petition, relating to the County (Riding, &c., *as the case may be*) of &c., in as accurate a manner and as nearly as may be in the exact words in which such evidence shall be delivered, and that I will in all things well and truly perform the duty of Clerk to you, and to any person who may be appointed Commissioner in your place as such Commissioner,

Commissioner, according to the Rules, Regulations and directions contained in the Act of Parliament of this Province, called the "Election Petitions Act of 1851," and such lawful directions as I shall or may receive from you, or such other Commissioner, under the authority thereof. So help me God.

B (5.)—OATH OF THE BAILIFF OR OTHER OFFICER OF COMMISSION.

(Referred to in the One Hundred and Seventh Section of this Act.)

I, A. B., do swear that I will, without favor, affection or malice, and according to the best of my skill and power in all things, well and truly perform the duty of Bailiff, (or as the case may be) to you, and to any person who may be appointed Commissioner in your place, as Commissioner for taking evidence on the trial of the pending Election Petition relating to the County (Riding, &c., or as the case may be) of &c., according to the Rules, Regulations and directions contained in the Act of the Parliament of this Province, called the "Election Petitions Act of 1851," and such lawful directions as I shall or may receive from you or such other Commissioner under the authority thereof. So help me God.

SCHEDULE C.

Containing a description of the Acts and parts of Acts repealed by this Act.

FIRST DIVISION.

ACTS OF THE PARLIAMENT OF THE LATE PROVINCE OF LOWER CANADA.

No.	DATE AND SUBJECT.	TITLE.	EXTENT OF REPEAL.
1	48 Geo. 3, Cap. 21, (Trial.)	An Act to regulate the trial of controverted Elections or Returns of Members to serve in the House of Assembly of Lower Canada.	The Whole.
2	58 Geo. 3, Cap. 5, (Commissioners or Committees for Examination of witnesses.)	An Act to facilitate the trial of controverted Elections or Returns of Members to serve in the House of Assembly. . .	The Whole.
3	5 Geo. 4, Cap. 32, (Recognizances.)	An Act to continue for a further limited time, and amend certain Acts therein mentioned, relating to the trial of controverted Elections of Members to serve in the Assembly of this Province.	The Whole.
4	9 Geo. 4, Cap. 61, (Qualifications of Petitioners and Securities.)	An Act to amend and further to continue for a limited time, an Act passed in the fifth year of His Majesty's Reign, intituled, <i>An Act to continue for a limited time, and amend certain Acts therein mentioned, relating to the trial of controverted Elections of Members to serve in the Assembly of this Province.</i>	The Whole.

SECOND DIVISION.

ACTS OF THE PARLIAMENT OF THE LATE PROVINCE OF UPPER CANADA.

No.	DATE AND SUBJECT.	TITLE.	EXTENT OF REPEAL.
1	4 Geo. 4, (2nd Session,) Cap. 4,..... (Trial.)	An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, <i>An Act to regulate the trial of controverted Elections or Returns of Members to serve in the House of Assembly</i> , and to make more effectual Provision for such Trials.....	The Whole.
2	8 Geo. 4, Cap. 5,..... (Commissions for Examination of witnesses.)	An Act to continue and amend the laws now in force for the Trial of controverted Elections.....	The Whole.
3	3 Will. 4, Cap. 10,..... (Revival and continuation.)	An Act to revive and continue a certain Act passed in the fourth year of His late Majesty's Reign, intituled, <i>An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the Trial of controverted Elections or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such Trials</i> ; and also a certain other Act passed in the eighth year of His late Majesty's Reign, intituled, <i>An Act to continue and amend the law now in force for the Trial of controverted Elections</i>	The Whole.
4	2nd Victoria, Cap. 8, (Perpetuation.)	An Act to continue and make permanent a certain Act passed in the fourth year of the Reign of King George the Fourth, intituled, <i>An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the Trial of controverted Elections or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such Trials</i> ; and also a certain other Act passed in the eighth year of the Reign of King George the Fourth, intituled, <i>An Act to continue and amend the laws now in force for the Trial of controverted Elections</i>	The Whole.

C A P. I I.

An Act for the better Management of the Provincial Penitentiary.

[2d August, 1851.]

WHEREAS it is expedient to repeal the Act now in force relative to the maintenance and government of the Provincial Penitentiary of Canada, and to make better provision for the government thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That upon, from and after the day when this Act shall come into force, the Act of the Parliament of this Province, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to consolidate and amend the laws relative to the Provincial Penitentiary*, and all Acts or parts of Acts inconsistent with this Act, shall be and the same are hereby repealed: Provided always, that the repeal of the said Act shall not revive any Act or part of an Act thereby repealed; and that all contracts entered into, rules and regulations made, or other things lawfully done under the said Act, shall remain in force notwithstanding such repeal, as if entered into, made or done under this Act, and nothing herein contained shall invalidate the appointment of any Officer whose office is not hereby abolished,

Preamble.

Act 9 V. c. 4, repealed.

Proviso: Saving of certain contracts, appointments, &c.

abolished, but he shall continue to hold such office subject to the provisions of this Act, as if he were appointed under it, until he shall be removed ; and any person may be prosecuted and punished for any offence against the said Act committed before this Act shall be in force, as if the said Act were not repealed ; and this Act shall apply as fully and effectually to persons sentenced to confinement in the Provincial Penitentiary before this Act shall be in force as to persons so sentenced after that time.

Purposes of the Penitentiary.

II. And be it enacted, That the said Provincial Penitentiary shall be maintained as a Prison for the confinement and reformation of persons, male and female, lawfully convicted of crime before the duly authorized legal Tribunals of this Province, and sentenced to confinement therein, for a term not less than two years ; and whenever any offender convicted after this Act shall come into effect, shall be punishable by imprisonment, such imprisonment shall, if it be for two years or any longer term, be in the Provincial Penitentiary ; any thing in the Act passed in the sixth year of Her Majesty's Reign, and intituled, *An Act for better proportioning the punishment to the offence in certain cases, and for other purposes therein mentioned*, or in any other Act or Law to the contrary notwithstanding : Provided always that nothing herein contained shall prevent the reception and imprisonment in the said Penitentiary of any prisoner or prisoners sentenced for any period of time by any Military or Militia Court Martial or Military authority under any Mutiny Act.

Who shall be sent there.

6 V. c. 5.

Property vested in the Crown.
Warden to have the custody.

III. And be it enacted, That the property of the said Penitentiary, and all the property therein or thereto belonging, shall remain vested in Her Majesty, but the Warden of the Penitentiary and his Successors in Office shall have the custody thereof under the terms and conditions of this Act, and for the uses herein mentioned ; and the said Penitentiary, and all the property therein or thereto belonging, shall be exempt from all taxes.

Convicts to be received by the Warden.

IV. And be it enacted, That the said Warden shall receive into the Penitentiary all convicts legally certified to him as sentenced to imprisonment in the said Penitentiary, and shall there detain them and those now lawfully imprisoned therein until the term for which they are sentenced be completed, or until they shall be otherwise discharged in due course of law. And it is declared and enacted that in any case wherein sentence of death has been or shall hereafter be passed upon any person by any Court of this Province, and Her Majesty's Royal pardon shall have been or shall hereafter be extended to such person, on condition that he or she be imprisoned in the Penitentiary for life, or for any term of years in such pardon mentioned, such pardon hath and shall have the same effect as the judgment of a Competent Court legally sentencing such person to such imprisonment for life or other term would have, or would have had ; and on the production to him of such pardon, or a copy thereof certified by the Provincial Secretary, the said Warden shall receive and deal with the said person as if he had been legally sentenced to such imprisonment for life or other term, and such sentence had been duly certified to the said Warden.

As to commutation of sentence of death.

How convicts shall be clothed, fed and employed.

V. And be it enacted, That any and every convict in the said Penitentiary shall, during the term of his or her confinement, be clothed at the expense of the Penitentiary in garments of coarse but comfortable materials ; and shall be fed on a sufficient quantity of wholesome food ; and shall be kept constantly employed at hard labour, for the benefit of the Penitentiary, during the day time of every day in the year, except Sundays, Good Friday and Christmas-day, in such manner as the Warden shall deem most advantageous for the public, consistently with the welfare of each convict, and with the other provisions of this Act ; always excepting such convicts as shall be confined in solitude for misconduct while in the Penitentiary, or shall be incapable of labouring by reason of sickness or bodily infirmity : Provided always, that nothing herein contained shall be construed to oblige any convict of the Roman Catholic persuasion to labour on any of the following obligatory Holidays of the Church, that is to say : Circumcision, Epiphany, Annunciation, Ascension, Corpus Christi, Saint Peter and Saint Paul, All Saints and Conception. And it shall be the duty of the said Warden to keep each prisoner singly in a cell at night and during the day when unemployed,

Proviso : as to Roman Catholics.

Confinement at night, &c.

unemployed, except in cases of sickness; and when the convicts are congregated in the workshops and other places of labour, it shall be the duty of the Warden to keep them as far separate as possible, and to allow as little intercourse among them as the nature of their several employments will permit, and to forbid all conversation not absolutely required in carrying on the work being done at the moment.

VI. And be it enacted, That the said Penitentiary shall be held to include all the ground and premises within the walls surrounding the establishment, and also the wharf and vacant ground outside the south and west walls within the pickets now erected to inclose the same; and the Warden shall not permit any convict to go beyond the said boundaries of the Penitentiary at any time or for any purpose; and when it shall be necessary to employ convicts on the said wharf or vacant space outside the walls, it shall be done only under the strictest supervision and care of officers appointed to that duty: Provided always, that should the Inspectors at any time be of opinion that it would be safe and advisable and for the public interest to employ a portion of the convicts on any specific work or occupation outside the limits, but upon the ground or lot attached to the Penitentiary, they may instruct the Warden so to employ a specified number of convicts at such specified labour, and no other; but they shall first make written rules for their regulation and supervision while so employed.

What the Penitentiary shall include.

Proviso.

VII. And be it enacted, That it shall be the duty of the Inspectors of the said Penitentiary, to cause to be erected within the said Penitentiary, (at as early a period as practicable, consistently with keeping the annual grant from the funds of the Province towards the support of the Penitentiary within the sum of Six Thousand Pounds in any one year) not exceeding fifty cells with a workshop attached to each cell, adapted to carry out the "separate" or "solitary" system of discipline: Provided always, that the said solitary cells shall not be used until a set of rules, regulating the manner of their employment and stated inspection, shall have been prepared by the Inspectors, and shall have been submitted to the Governor General in Council, and received his sanction.

Additions and improvements to be made to the Penitentiary.

Proviso.

VIII. And be it enacted, That all dealings and transactions on account of the said Penitentiary, and all purchases and contracts necessary for maintaining and carrying on the establishment, shall be entered into, conducted and executed by and in the name of the Warden, subject nevertheless to all the provisions of this Act, affecting the same; and the said Warden shall be capable in law of contracting, suing and being sued in all Courts and places, and in all matters concerning the said Penitentiary or the property real or personal thereto belonging by his name of office of "The Warden of the Provincial Penitentiary," and by that name the said Warden shall be and is hereby authorized to sue for and recover all sums of money that may be or may become due from any person to the Crown, on account of the said Penitentiary, and by that name he and his Successors in office shall have perpetual succession.

Contracts, &c. to be made by the Warden.

He may sue and be sued.

IX. And be it enacted, That the said Penitentiary shall be governed by two Inspectors, to be appointed by the Governor General of this Province, and to hold office during pleasure; the said Inspectors to be subject to the control of the Governor General in Council, and to obey such orders in Council as shall be from time to time made for their government in the execution of their duty. And the said Inspectors shall be responsible for the system of discipline and management pursued in the Penitentiary, and for its success and practical efficiency; but they shall have no executive power, except that of giving instructions for the conduct and management of the Institution and its affairs to the Warden, and through him to the other executive officers: and that the said responsibility of the said Inspectors may not be lessened by the incapacity, or inefficiency, or negligence of those who are to carry out their views; in the event of the existence of such detrimental incapacity, inefficiency or negligence, on the part of any officer not by this Act made removable by the said Inspectors, they are hereby empowered, and it shall be their duty to represent to the Governor in Council without delay, that such is the case, and what is the nature of their complaint against such officer, and what is the injurious effect produced upon the Institution, and

Two Inspectors to be appointed.

Their powers and duties.

to recommend, if they see fit, the removal of such officer : Provided always, that the said Inspectors shall be incapable of and disqualified from being elected or returned to be Members of the Legislative Assembly of this Province, and also shall be subject to the penalties contained in the second Section of the Provincial Statute passed in the seventh year of Her Majesty's Reign, Chapter Sixty-five, in the event of their presuming to sit or vote as such Members.

Further duties of Inspectors.

X. And be it enacted, That it shall be the duty of the said Inspectors—

Firstly. To make and amend, from time to time, all necessary rules and regulations respecting the conduct, management, discipline and police of the said Penitentiary, consistent with this Act and the Laws of this Province; which said rules and regulations the officers of the said Penitentiary and all others employed therein shall be bound to obey.

Secondly. To consider and determine the branches of employment to be prosecuted in the Penitentiary, and the manner in which the same shall be prosecuted: whether by hiring out the labour of the convicts to contractors, or by executing orders for articles under contract, as shall be found most conducive to promote the objects of the Institution and the public interest.

Thirdly. To consider and determine the terms on which agreements shall be entered into by the Warden of the said Penitentiary, with parties contracting for the labour of the convicts or the proceeds of their labour, and also with parties contracting to supply articles for the use of the Penitentiary.

Fourthly. To consider and determine the system of secular education, and the place and time of the moral and religious training and instruction to be afforded to the convicts in the said Penitentiary, and the time for religious training and instruction shall not be determined upon without the consent of the Chaplains of the Penitentiary.

Fifthly. To consider and determine what acts on the part of the convicts shall be held as punishable offences, and the several punishments to be awarded by the Warden for such offences.

Sixthly. To consider and determine the number of Overseers, Keepers and Guards to be employed in the Penitentiary, and the routine of their several duties, the hours of their attendance, and the rules by which their conduct in the Prison shall be guided.

Seventhly. To prescribe the articles of food and clothing, and the quantities and quality thereof, to be supplied to the convicts in the said Penitentiary.

Eighthly. To consider and determine from time to time the necessary repairs, alterations or additions to the buildings and other works of the said Penitentiary, and when and how such repairs, alterations or additions shall be executed.

Ninthly. To examine and enquire, at the times hereinafter named, into all matters connected with the government, discipline and police of the said Penitentiary, and into its state and condition; also as to the conduct of its officers, and whether their duty is efficiently performed, and the objects and ends of the Institution are being attained. It shall be their duty, at the times hereinafter stated, to examine and inquire into the financial and commercial affairs of the Institution, to see that the contractors have fulfilled their agreements,—that economy and diligence are practised in every branch of the establishment,—that the finances are administered faithfully, and proper vouchers and records kept of all transactions,—that the food is wholesome and sufficient,—that offences are wisely and humanely punished,—and that order and cleanliness prevail in the Prison.

Further powers to Inspectors.

XI. And be it enacted, That for the efficient discharge of their several duties by the said Inspectors, they shall be and are hereby empowered—

Firstly. To have, severally, admission at all times to the Penitentiary and to every part of it, and to the several vouchers, books and records thereof.

Secondly. To investigate the conduct of any officer or other person employed in the Penitentiary, and into all matters by the said Inspectors deemed to affect the welfare of the Institution; and for these ends, they or either of them shall have full power to issue *Subpœnas* to compel the attendance of any officer of the Penitentiary, or any other person

person or persons as a witness or witnesses, and the production of papers and writings before them ; and any person who may have been duly summoned to attend and give evidence before the said Inspectors in pursuance of this Act, and shall refuse or wilfully neglect to appear in pursuance of such Summons, or to give evidence, shall, upon conviction thereof before one Justice of the Peace, not being one of the Inspectors, be liable to be fined in such sum, not exceeding Five Pounds, as to the Justice shall seem meet, and in default of payment thereof, together with the costs, a Warrant may be issued by such Justice to levy the same by distress and sale of the goods of the party offending, (the overplus if any to be returned to the owner,) and if no sufficient distress can be found, then the party convicted may be committed to the Common Gaol for any term not exceeding one month, unless payment be sooner made ; Provided always, that the party so convicted shall have the same appeal as a party convicted under the law for the punishment of malicious injuries to property, and any witnesses who shall appear before the said Inspectors or either of them may be examined on oath, to be administered by either of the said Inspectors.

Thirdly. To require at any time reports in writing from the Warden, or any other Officer of the Penitentiary, in relation to any matter connected with his department of duty in the Prison.

XII. And be it enacted, for the better securing the efficient discharge of their several duties by the said Inspectors, that :

Duties of the Inspectors in visiting the Penitentiary, &c.

Firstly. The said Inspectors shall visit the said Penitentiary jointly as often as they see fit, but at least four times in each year, namely in February, May, August and November of each year, and shall devote not fewer than seven consecutive days at each such joint visit to a rigid inspection of the whole affairs, management and condition of the Institution ; And in the event of the death or unavoidable absence of any one Inspector from any such quarterly visit and meeting of the Board, the Warden shall be invested with all the powers, and shall act as an Inspector at such meeting : Provided always, that the Warden shall not so act as Inspector at two consecutive meetings of the Board.

Secondly. One of the said Inspectors shall visit the said Penitentiary at least once in every month, and devote not fewer than two days to the inspection of its affairs ; and, unless otherwise arranged between themselves, the said monthly visits shall be made by them alternately.

Thirdly. The said Inspectors shall keep regular Minutes of all their visits and proceedings, whether individual or joint. The proceedings at all joint visits shall be entered by the Clerk of the Penitentiary in a Book kept for that purpose, and the decisions recorded therein, when signed by the two Inspectors, shall be the formal action of the Board of Inspectors, and have full authority according to the provisions of this Act as such, and nothing which is not therein recorded shall have such authority ; and to the said Minute Book the Warden shall have access at all times, and he shall keep himself acquainted with the contents thereof, and guide himself thereby : And the said Inspectors shall keep a Memorandum Book, in which each Inspector on his individual visits to the Prison shall enter any remarks on the state of the Prison, or on the conduct of any Officer, or any suggestions he may deem it advisable to make for the better conduct of the Institution.

Fourthly. The said Inspectors shall draw up a Code of Rules and Regulations for the government of the Prison, specifying clearly the duties of the Officers of the several grades ; which Code shall be printed and placed within access of every Officer of the Institution. And there shall further be kept a Book of Record, in which the Inspectors at their joint meetings shall enter from time to time any amendments or additions they may see fit to make to such Rules and Regulations, and any instructions or admonitions they may find it necessary to communicate to the Warden, Chaplains, Physician, Deputy-Warden or Clerk of the Penitentiary, and which shall at all times be accessible to these Officers : and there shall further be kept a similar Book of Record for the guidance of the remaining Officers of the Prison ; and all orders made by the Inspectors

in such Books of Record, consistent with this Act and the Laws of the Province, shall be followed and obeyed by the Officers of the Prison ; but no Rules or Regulations laid down by the Inspectors shall be held binding or valid unless entered therein.

Fifthly. The said Inspectors or either of them, at each monthly visit, shall examine the cash and credit transactions of the Penitentiary for the previous month, and administer the oath hereinafter provided to be taken by the Warden and Clerk to the correctness of each month's accounts, according to a Statement to be regularly furnished by the Warden and Clerk for that purpose.

Sixthly. The said Inspectors or either of them, at each monthly visit, shall inspect every cell in the Penitentiary once at least ; and they shall do so jointly at each quarterly meeting.

Seventhly. The said Inspectors at their quarterly meetings, shall require from the Warden a Statement and Balance-sheet of the affairs of the Institution for the previous three months, and shall examine and certify the correctness of the Accounts, Vouchers and Balance-sheet.

Eighthly. The said Inspectors, at the November quarterly meeting of each year, shall appoint two well qualified persons to value the property, real and personal, of the Penitentiary, according to an inventory to be prepared and furnished to them by the Warden for that purpose ; and the said valutors shall make oath to the fidelity of their said valuation, according to the best of their knowledge and belief, before any Justice of the Peace for the United Counties of Frontenac, Lennox and Addington ; and the said inventory shall be made as at the Thirty-first December of every year, and be completed, with the valuations attached, by the Twenty-fifth day of January next succeeding the date to which it is made up.

Ninthly. The said Inspectors shall require from the Warden, Chaplains and Physician, and from any other Officer they may think fit to demand it of, an annual report of the transactions and progress of their several departments in the Prison during the past year, with such details and returns as the said Inspectors may deem necessary ; which said reports shall be made up to the Thirty-first day of December of each year, and be in the possession of the Inspectors by the Twenty-fifth day of January following.

Tenthly. The said Inspectors shall make an annual report to the Governor General on or before the Tenth day of February in each year, giving a complete statement of the affairs of the Institution from the First day of January to the Thirty-first day of December of the year preceding ; and the said annual report shall comprise :

- A. A copy of the Warden's report to the Inspectors.
- B. Copies of the Chaplains' reports to the Inspectors.
- C. Copy of the Physician's annual report.
- D. A return of the names, ages, country, callings and crimes of the convicts received into the Penitentiary during the year, and the Township, Parish, County, City and District from which each came.
- E. A return of the names, ages, callings and crimes of the convicts who died in the Penitentiary during the year, and the Township, Parish, County, City and District from which each came.
- F. A similar return of the convicts who had the Royal pardon extended to them during the year.
- G. A similar return of the convicts liberated during the year by the expiration of the term for which they were sentenced.
- H. A tabular statement shewing the number of prisoners in the Penitentiary at the date to which the last previous annual report was made up, the number received during the year, the number discharged, the number then in confinement, and the average number in the Prison during the year ; and the said statement shall further show these particulars separately as to the male and female prisoners, and as to the military prisoners distinguished from the civilians.
- I. A statement of the contracts for convict labour entered into during the past year, shewing the nature, the terms and the duration thereof.

Reports to be made by
Inspectors.

J. A balance-sheet of the affairs of the Institution at the thirty-first day of December of the year reported upon, shewing the amount of cash received from the public Exchequer since the commencement of the Institution, the existing Assets of the Penitentiary, and the loss or gain accruing by its operations since the commencement.

K. A cash balance for the past year, shewing the sum on hand on the thirty-first day of December, the cash received through the year in payment of old debts, the amount received from Government towards the support of the Prison, the amount received for convict labour, the amount received for the support of military prisoners, the amount received for articles manufactured in the Prison at the risk of the Government, and the amounts received on all other accounts during the year. The said balance-sheet shall also shew separately the sums paid for food, bedding, clothing and hospital stores for the convicts—for the salaries of the Officers—fuel and light—for the erection of new buildings and repairs—for the support of the stable—and for all other items of expenditure; also the cash on hand at the close of the year.

L. A statement of all the debts due by the Institution, shewing the names of the parties to whom each sum is due; also shewing the debts due to the Institution, with the amounts and ground of each debt.

M. An abstract of the annual Inventory and valuation herein provided for, distinguishing the estimated value of the several descriptions of property.

N. An estimate of the receipts and expenditures for the current year, and of the amount of assistance likely to be required from the Provincial Exchequer.

O. A statement shewing in what manner the convicts were employed as at the thirty-first day of December of the year reported on, and the average number at each trade or occupation during the year.

And the said annual report of the Inspectors shall make a reference to the remarkable features presented in these several documents; shall shew the progression or retrogression of the Institution in its several departments, and the probable causes thereof; and shall make special reference to the moral effects of the discipline upon the convicts, and the general success of the Institution, as regard its higher aims; and it shall be the duty of the said Inspectors to bring under the notice of the Governor General any facts which may have come under their notice in regard to the working of the criminal laws and the penal system of the Province, or any injustice or inequality, which their experience may have shewn to arise therefrom, with whatever suggestions for the amelioration of the same, or generally for the prevention of crime and the reformation of the criminal they may deem necessary and expedient.

Further particulars in such Report.

XIII. And be it enacted, That besides the said Inspectors, the Officers of the said Provincial Penitentiary, shall consist of one Warden hereinbefore named, one Protestant Chaplain, one Roman Catholic Chaplain, one Physician, one Deputy-Warden, and one Clerk; all or any of whom shall be appointed by the Governor, and hold their offices during pleasure; And there shall also be the following Officers of the Penitentiary, viz: one School-master, one Store-keeper, one Clerk of the Kitchen, one Matron, one Assistant Matron, and the requisite number, as hereinafter provided for, of Overseers, Keepers and Guards; and the said School-master, Store-keeper, Clerk of the Kitchen, Matron, Assistant Matron and Overseers, shall be appointed by the Inspectors, and the Keepers and Guards by the Warden, with the consent in writing of either of the Inspectors; and any of the said Officers appointed by the Inspectors or by the Warden with the consent of an Inspector, shall be summarily removable by the Warden with the consent in writing of any one Inspector, or by the Board of Inspectors, without further charge than that of inefficiency in the discharge of their duty, in the opinion of the said Warden and an Inspector, or in that of the Board of Inspectors.

Officers of the Penitentiary how appointed, &c.

XIV. And be it enacted, That the Board of Inspectors may for misconduct summarily suspend any of the Officers appointed by the Governor, until the circumstances of the case of which the Government shall be at once notified, are submitted and decided upon by the Governor, and the said Inspectors may, until then, cause any Officer so suspended to be removed beyond the walls of the prison: and in case of the suspension, removal,

Inspectors may suspend officers.

removal, death, or lengthened necessary absence or sickness of the Warden, the Inspectors or one of them shall act in his room, until a successor to the said Warden shall have been appointed, or until the return of the said Warden to duty; and for this purpose the said Inspectors, or the one acting, shall be and is hereby invested with full power in such event to exercise all the duties and powers of the Warden while so acting in his room. And the Warden of the said Penitentiary shall be empowered summarily to suspend for misconduct the School-master, the Store-keeper, the Clerk of the Kitchen, the Matron, the Assistant Matron, and any Overseer, Keeper or Guard in the Penitentiary until he shall have made one of the Inspectors acquainted with the facts of such alleged misconduct, and obtained his advice and consent to act therein, or shall have submitted the matter to the Board of Inspectors.

Warden may suspend certain sub-officers.

Warden to be the Chief Executive Officer of the Penitentiary; his powers, &c.

XV. And be it enacted, That the Warden shall be the Chief Executive Officer of the said Penitentiary, and as such shall have the entire executive control and management of all its concerns, subject to the rules, regulations and written instructions, from time to time duly made by the Board of Inspectors; and in all cases not provided for by such rules, regulations or written instructions, during the intermissions of the Board meetings, the said Warden shall act in such manner as he may deem most advisable; and the said Warden shall be held responsible for the faithful and efficient executive administration of every department of the Prison; and he, together with the two Inspectors, shall by virtue of their respective offices of Warden and Inspectors, without any property qualification, be the Justices of the Peace for each and every district, county and city in the Province of Canada; any law or statute to the contrary notwithstanding.

His duties.

And it shall be the duty of the Warden—

Firstly. To reside in the Penitentiary (keeping his household entirely isolated from the prisoners, and forbidding communication in any shape between them), and to visit every apartment in it, and see every prisoner under his care, at least once each day.

Secondly. To have in charge the health, conduct and safe keeping of the Prisoners; to examine into and seek the success of the religious, moral and industrial appliances used for the reformation of the convicts; and to exercise over the whole establishment a close supervision and personal direction.

Thirdly. To designate the employment of each convict, having reference to the capacity and past pursuits and habits of such convict.

Fourthly. To see that justice, kindness and morality shall prevail in the administration of every department of the prison; that no gaming or profane or indecorous language shall be indulged in by any Officer or convict; that no unnecessary severity is practised; and that sick convicts have proper medical attendance, and are supplied with such food as may be directed by the Physician.

Fifthly. To give the necessary directions to the Officers under him, and to examine whether they have been careful and diligent in the discharge of their several duties.

Sixthly. To make all purchases, sales and contracts, under the advice and instructions of the Board of Inspectors, and to superintend the industrial pursuits of the prison.

Seventhly. To keep fully, faithfully, correctly and regularly all such books, records and accounts of the financial and other transactions of the prison as the Inspectors shall from time to time direct; and especially to keep therein a regular and correct account of all moneys received by him from any source whatever by virtue of his Office, including all moneys taken from convicts or received as the proceeds of property taken from them, and of all sums paid by him, and the persons to whom and the purposes for which the same were paid; also to make out monthly, and deliver to the Board of Inspectors at each monthly visit, a return of all moneys received by him on account of the Penitentiary during the preceding month, specifying from whom each sum was received, and to whom paid and on what account, and stating also the balance in his hands at the time of rendering such account; to which return an affidavit by the Warden and Clerk of the Penitentiary shall be appended and sworn to before the Inspector for that monthly visit, stating that the said Return is correct and true in every respect to the best of their knowledge and belief. Also to cause such accounts to be kept in the workshops

workshops and other departments of labour as will shew where work is being done on account and at the risk of the public, the amount of materials consumed, and the quantity of work done by each convict; and when work is being done under Contractors, such accounts as will shew the amount of labour performed by each convict; the said accounts to be closed on a certain day of each week, for the purpose of ascertaining the industry of each convict, and detecting any negligence or misconduct therein.

Eighthly. To keep a daily Journal of the proceedings of the Prison, in which he shall enter all remarkable occurrences, noting therein especially any infraction of the Rules, or any negligence or misconduct on the part of any Officer of the Prison, as reported to him or coming within his own knowledge; any escape or attempt to escape made by any convict; any well founded complaint of bad or insufficient food, want of clothing, or cruel and unjust treatment made by any convict; and any difficulty he may find in carrying out the Rules of the Prison, or any alterations or additions to the same which may suggest themselves by daily experience. And the said Journal shall at all times be open to inspection by the Inspectors or either of them, and be formally laid before the Board of Inspectors at every meeting.

Ninthly. To admit the Inspectors at all times to every part of the Prison, and to render them every facility and assistance in the discharge of their duties; also to make to the said Inspectors all the Financial and other Reports, Returns and Inventories named in this Act, and any other Reports and Returns which the said Inspectors may, in writing, request to be prepared; and also to exact from the other Officers of the Prison all such Reports from such Officers, as to their several departments, as the Inspectors may so request.

Tenthly. To receive all persons legally certified to him as legally sentenced to imprisonment in the Penitentiary, and to keep a register of such convicts, in which he shall enter, immediately on his or her admission, the name of each convict, and under appropriate columns, the date of his or her conviction, and where born, his or her age, previous occupation, complexion, stature, crime and term of sentence; also the Court before which he or she was convicted, the County, City or District from which sent, the number of previous convictions, and when discharged and how discharged; and the Warden shall be furnished by the person delivering any convict to him with a certified copy of his sentence, and shall give to such a person a certificate of the delivery of such convict: And immediately on the admission of each convict, the Warden shall make an inventory of the clothes and other property on the person of the convict at his reception, and shall enter the same in a Book to be kept for that purpose; and the said clothing and other property shall be preserved, as well as possible, during the imprisonment of the said convict, and restored on his or her discharge. It shall also be the duty of the Warden to read to each convict on his admission the laws of the Prison in regard to escapes or attempts at escape, and as to rebellious or disorderly conduct.

Eleventhly. To be present at least three times in each week in the Dining-hall while the convicts are at breakfast and dinner, and as often at the distribution of the supper rations, with the view of examining the food and ensuring that it is good and sufficient and properly cooked: he shall also superintend or cause to be superintended the convicts when attending Divine Service whenever it may be held in either of the Chapels of the Prison, and when Service is proceeding in both Chapels simultaneously, the Warden shall be in one and the Deputy-Warden in the other. He shall also, before retiring for the night, pass through the Prison every night and satisfy himself that all is safe, and that the guard for the night is set and properly discharging the duty.

XVI. And be it enacted, That the Deputy-Warden of the Penitentiary shall be the Principal Assistant and representative in his absence, not exceeding two days, of the Warden, and during such limited absence shall exercise all the powers and fulfil all the duties of the said Warden, as far as these relate to the discipline of the Prison and the safe keeping and management of the prisoners, and the control of the subordinate Officers:

Deputy Warden: his powers and duties.

Officers: Provided always, that the Warden in the event of such absence shall make an entry of such fact in his daily Journal, and shall notify the Deputy-Warden in writing of his intended absence, and that he is in full charge of the establishment.

And it shall be the duty of the said Deputy-Warden—

Firstly. To be present always at the opening and closing of the Prison, and at all meal times and Religious Services; also to be present at all times in the absence of the Warden from the Prison, night or day, for a longer or shorter period.

Secondly. To have a constant care and superintendence, under the direction of the Warden, of the internal affairs of the Prison; to see that every subordinate Officer performs his appropriate duties, and that order, industry and cleanliness are maintained throughout the establishment. Also, especially to enforce and maintain the Police and Discipline, and see that the Rules and Regulations of the Institution and the directions of the Warden are obeyed.

Thirdly. Frequently during the day to visit the Shops, Yards, Hospitals, Cells, and other apartments of the Prison, taking every precaution for the security of the Prison and Prisoners, seeing that the Overseers keep their men diligently employed during the whole time they are in the workshops, and that the guard are vigilant and attentive to their duties; reporting strictly and promptly to the Warden, in writing, every neglect of duty, or impropriety or misconduct on the part of any Officer.

Fourthly. To attend to the clothing of the convicts, and see that it is whole and in order, and properly changed. He shall see that the rations are such as are allowed and required to be delivered to the convicts, and that they are properly cooked and served. He shall, morning and night, ascertain whether any convict is missing before he dismisses the Officers or gives the safety signal.

Chaplains: their duties.

XVII. And be it enacted, That there shall be two Chaplains of the Penitentiary; one to be an ordained Clergyman of any of the Religious Denominations of Protestant Christians recognized by the Laws of this Province, and who shall have the spiritual charge and care of all the convicts in the said Penitentiary, professing to be members or adherents of any of the said denominations; and the other to be a Priest in Holy Orders of the Church of Rome, and to have the charge and care of all the convicts professing to be members or adherents of that denomination. And the duties of each of the said Chaplains shall be—

Firstly. To devote his whole time and attention to the religious instruction and moral improvement of the prisoners.

Secondly. To maintain public religious services morning and evening with the convicts under his charge, at the opening and closing of the Prison, and at other times as the rules of the Prison may direct; to celebrate Divine Service twice every Sunday; and have the care and management of a Sabbath School for the religious instruction of the convicts.

Thirdly. To see that every convict under his charge is furnished with a Bible; the Protestant convicts with the authorized English edition without note or comment, and the Roman Catholic convicts with that version which the Chaplain of that church shall designate.

Fourthly. To be diligent in seeing and conversing with the convicts at all reasonable times in the cells, or in his private room, or in the Hospital, and in administering to them such instruction and exhortations as may be calculated to promote their spiritual welfare, moral reformation and due subordination; and for this purpose, he shall have access at all times, subject to the rules of the Prison to be made for that end, to the convicts under his charge.

Fifthly. To guard carefully against encouraging the complaints of convicts as to their Officers or treatment in the Penitentiary, and against communicating to them any information or intelligence other than relating to their duty, without first advising with the Warden thereupon,

Sixthly.

Sixthly. To take charge of a Library for the use of the convicts under his care; to select the new books purchased from time to time, and to take especial care that no book of an improper character be circulated among the convicts.

Seventhly. To visit the sick among the convicts under his charge daily.

Eighthly. To report annually to the Inspectors, or oftener when called on by them, relative to the religious and moral conduct of the convicts, the routine of duty he has followed through the year, and the fruits of his labour; with any other information or returns which the said Inspectors may desire.

Ninthly. To keep a register containing, under separate heads, the history, so far as he can learn it, of each convict under his charge, the extent of each convict's education, his habits and disposition, the crime of which he was convicted; and he shall add thereto, from time to time, remarks as to the conversations had with such convict, and his progress, morally and intellectually. And he shall also keep such records as will enable him to report annually the number of convicts received who could or could not read, and who could or could not write, and of those who could read as well as write; also the number partially educated, classically educated, temperate or intemperate, married or unmarried, and such other points of useful statistical information as shall be suggested to him by the Inspectors.

XVIII. And be it enacted, That the Physician of the Penitentiary shall have full control over and charge of the hospital, subject to the rules of the Prison, and shall attend at all necessary times to the wants of the sick convicts, whether in their cells or in the hospital. And it shall be his duty—

Physician: his powers and duties.

Firstly. To attend at the Penitentiary once every day, at a stated hour to be prescribed by the Inspectors, and in cases of emergency to repair thereto as often as may be necessary; and he shall so attend at the Penitentiary whenever he may be required so to do by the Warden, to the exclusion of all private practice.

Secondly. To keep a Register of all the sick convicts placed under his care, stating the diseases with which they are or were afflicted, distinguishing those confined in Hospital or otherwise, and the treatment adopted; also a daily Prescription-Book, and also a Register of the deceased convicts, stating their names, ages, time and cause of death, and all other circumstances which he may deem necessary, or which the Inspectors may desire; and the said Registers shall always remain at the Penitentiary, and be open for inspection.

Thirdly. To exercise a general surveillance over the cleanliness and ventilation of the Prison and the diet of the convicts, and to suggest to the Inspectors or Warden measures for the remedy of evils which may appear to him to exist.

Fourthly. To make a yearly Report, or oftener if required, to the Inspectors, in which all the information contained in his daily Registers shall be condensed, and any other information given which the Inspectors may require.

Fifthly. To examine convicts at their admission into the Prison, and note their bodily defects, for the direction of the Warden in assigning them employment.

XIX. And be it enacted, That it shall be the duty of the Clerk of the Penitentiary, under the instructions of the Warden—

Clerk: his duties.

Firstly. To keep all such Books, Records and Accounts as the Inspectors may direct to be kept in relation to the affairs of the Penitentiary.

Secondly. To attend constantly, during business hours, at the Penitentiary, except when performing any necessary duties of his office elsewhere.

Thirdly. To take bills for all supplies and materials for the Prison purchased by the Warden, and for all services rendered to the establishment, and to enter the same in the Books when ascertained and duly certified (as the Inspectors shall direct) to be correct.

Fourthly. To act as Clerk to the Board of Inspectors.

Fifthly. To pay all debts due by the Institution, under the special order, as to each debt, of the Warden, and take formal receipts in duplicate for the same; all payments to be made by Cheque on the Bank, bearing the signatures of the Warden and Clerk.

School-master; his
duties.

XX. And be it enacted, That the duty of the School-master of the Penitentiary shall be under the surveillance of the Chaplains, to teach such convicts as the Warden may select, reading, writing, and such other branches of secular knowledge, and at such times and hours, and under such regulations as the Inspectors may from time to time designate : Provided always, that he shall give his whole time and attention to his said duties, and shall assist in the Sunday-school if the Chaplains so desire.

Store-keeper : his
duties.

XXI. And be it enacted, That it shall be the duty of the Store-keeper to receive all goods, materials and stores, excepting provisions, ordered for the use of the Penitentiary by the Warden, or under contract, and to weigh or measure the same and inspect the quality, and compare the same with the Bills of Parcels, which shall in every case be demanded and received with articles coming in for the use of the Penitentiary ; and the said Store-keeper shall certify distinctly on such Bills of Parcels whether the items charged are correct or not, and if not, wherein they are not, and make any other necessary remarks on the same which he may deem necessary to a fair settlement of the Bill. And the said Store-keeper shall have the charge and care of all such Stores, Materials and Goods, and he shall keep a Stock-Book in which he shall enter, under separate heads, all such Stores, Materials and Goods, as received, and the manner and date of their expenditure as expended, so that it can be seen at once how much of any article is on hand. And the said Store-keeper shall not expend any such Stores without a regular requisition from the proper Officer as the Board of Inspectors may direct ; and the said Store-keeper shall in like manner have the charge of all bedding, clothing, tools, implements and machinery made or used in the Penitentiary, and shall keep a strict check on the receipt, expenditure and employment of the same, according to the directions of the Board of Inspectors. And the said Store-keeper, when not engaged in the more immediate duties of his office, shall aid and assist the Clerk in keeping the Books and Accounts of the Penitentiary.

Clerk of the Kitchen :
his duties.

XXII. And be it enacted, That it shall be the duty of the Clerk of the Kitchen, under the instructions of the Warden or Deputy Warden, to have particular charge of the victualling department ; to receive the provisions if sound and in good order and according to contract ; to examine and weigh or measure the same, compare the same with the bills of parcels to be invariably demanded and received with all articles so coming in, and to certify distinctly upon such bills if the charges are correct, and if not, wherein they are not ; and the said Clerk of the Kitchen shall keep a book of record of all such provisions as received, and of the daily expenditure of each article, and shewing the quantities of each at any one time on hand ; and the said Clerk of the Kitchen shall keep a list of the convicts each day in the Penitentiary, showing how many are on full diet, how many on the sick list, and how many under deprivation of meals as punishment on any one day ; and according to such list, he shall accurately weigh out and expend the stores necessary for each meal's consumption, according to the rules of the prison, and no more, and shall enter the same as expended, at the time, in the provision stock-book. And the said Clerk of the Kitchen shall have charge of the cooking and division of the rations for the convicts, under the directions of the Warden or Deputy Warden thereon ; and the said Clerk of the Kitchen shall have charge of the washing, mending and cleaning of the clothing and bedding of the convicts, and of the cleaning of the buildings, and shall be responsible for the manner in which the said duties are performed. And in the discretion of the Inspectors, the said Clerk of the Kitchen may be required to take his share of the routine duty of the prison

Overseers : their
duties.

XXIII. And be it enacted, That for every twenty-five convicts in each art, trade, or other industrial pursuit conducted in the Prison on behalf and at the risk of the Penitentiary, there shall be a Master Tradesman well skilled in such trade or other pursuit, and to be known as an "Overseer," whose duty it shall be to instruct the convicts in the business so carried on, and to act as a Foreman and Master Workman, and to direct the labour of his particular department to the greatest public advantage. And the said Overseer shall keep an accurate account of all materials expended by him and

and of the labour performed in gross, and on each article manufactured, so as to shew the labour performed by each convict weekly, and the precise cost of each article manufactured: And the said Overseers shall maintain strict silence in their several gangs, and shall insist on the performance of a reasonable quantity of work by each convict, and shall maintain subordination, and duly report to the Warden every infraction of the rules of the Prison by any convict; and the said Overseers shall remain with their gangs at all times during work hours, unless specially relieved by the Warden or Deputy Warden; and they shall aid in conducting the convicts to and from their cells, and to and from their meals, and shall perform their share, with the Keepers and Guards, as the rules and regulations may direct, of the routine duty of the Prison, and aid in carrying out the discipline thereof.

XXIV. And be it enacted, That for every fifty convicts, or for every gang containing a smaller number than fifty convicts employed under any contract in the manufacturing of articles for any party or parties, there shall be an Officer to be known as a "Keeper," who shall have the charge and management of such gang, so far as regards the maintenance of discipline, and the due observance of the rules and regulations, and the proper application of the convicts to the work in which they are employed; and it shall be the duty of such Keeper to see that silence is maintained, and that a sufficient amount of work is done and done well by each convict, and that a proper account of the same is kept; and it shall be the duty of the said Keepers to see that the rules of the Prison are strictly observed by the Contractors, their Agents and Foremen, and to report all infractions of the same to the Warden. And it shall be the duty of the said Keepers to see that the work, if any, done for the Penitentiary under contract by the convicts in their charge, shall be good and sufficient work according to the contract; and it shall be the duty of the said Keepers to remain with their gangs at all times during work hours, unless specially relieved by the Warden or Deputy Warden; and they shall aid in conducting the convicts to and from their cells, and to and from their meals, and shall perform their share with the Overseers and Guards, as the rules and regulations may direct, of the routine duty of the Prison, and aid in carrying out the discipline thereof.

Keepers: their duties.

XXV. And be it enacted, That there shall be in the Penitentiary, such number of Guards, not exceeding thirty, as the Inspectors may from time to time find needful and direct to be employed; and the said Guards shall be employed in the safe keeping of the prisoners, and in the maintenance of order and discipline.

Guards: their duties.

XXVI. And be it enacted, That the Officers of the Penitentiary shall receive the undermentioned sums annually, or in proportion thereof for such portion of any year as they shall be so employed, in full compensation for their services in their respective offices, that is to say:

Salaries of Inspectors and Officers.

- The Inspectors, a sum not exceeding the sum of Four Hundred Pounds each;
- The Warden, a sum not exceeding Five Hundred Pounds, with a free house and necessary fuel for domestic purposes;
- The Chaplains, a sum not exceeding Two Hundred and Fifty Pounds each;
- The Physician, a sum not exceeding Two Hundred Pounds;
- The Deputy Warden, a sum not exceeding Two Hundred Pounds;
- The Clerk, a sum not exceeding One Hundred and Seventy-five Pounds;
- The School-master, a sum not exceeding One Hundred and Fifty Pounds;
- The Store-Keeper, a sum not exceeding One Hundred and Twenty-five Pounds;
- The Clerk of the Kitchen, a sum not exceeding One Hundred and Twenty-five Pounds;
- The Matron, a sum not exceeding Seventy-five Pounds;
- The Assistant-Matron, a sum not exceeding Fifty Pounds;
- The Overseers, a sum not exceeding One Hundred and Twelve Pounds Ten Shillings each;
- The Keepers, a sum not exceeding Ninety Pounds each;
- The Guards, a sum not exceeding Sixty-five Pounds each.

What Officers may not exercise other callings.

And no person employed in any of the said Offices, excepting the Inspectors and Physician, shall be allowed to carry on any trade or calling of profit or emolument other than the said office in the Penitentiary; and no officer of the said Penitentiary shall have any further emolument, fee, perquisite or advantage from his or her situation than is herein stated; nor shall any Officer receive, buy from, or sell to or for any convict any article or thing whatsoever; nor shall any Officer take or receive for his or her own use, or for that of any other person, any fee, gratuity or emolument from any convict or visitor or other person connected with the said Penitentiary. Nor shall any Officer be directly or indirectly interested in any contract with, purchase by, or sale to the said Penitentiary. Nor shall any Officer employ any convict or convicts in working for his, the said Officer's, own personal benefit or accommodation; and all the Officers of the Penitentiary shall be exempted, during their continuance in office, from serving as Jurymen, Militiamen, or as Municipal or Parish Officers.

Certain Officers to give security;

XXVII. And be it enacted, That the Warden and Clerk shall severally execute bonds to Her Majesty with sufficient sureties, that is to say, the Warden in the penal sum of Two Thousand Pounds, and the Clerk in the penal sum of One Thousand Pounds, conditioned for the faithful performance of the duties of their respective offices according to law, which bonds shall be filed in the office of the Provincial Secretary; and the Inspectors may in like manner demand bonds with sureties from the Store-Keeper in the penal sum of Two Hundred and Fifty Pounds, and from the Clerk of the Kitchen in a like amount, and the said Warden, and all other Officers of the Penitentiary, shall severally take and subscribe before either of the said Inspectors the following oath of office; such oath to be filed in the office of the Clerk of the said Penitentiary:

And to take an oath of office.

“ I (A. B.) do promise and swear that I will faithfully, diligently and justly serve
“ and perform the office and duties of _____ of the Provincial Penitentiary,
“ according to the best of my abilities. I will carefully observe all the regulations of
“ the prison, and promptly report to the Warden any infractions of them by others.
“ So help me God.”

Inspectors may employ an Architect.

XXVIII. And be it enacted, That the said Board of Inspectors may employ some competent person as Architect and Master-Builder, who shall, under the orders of the said Inspectors, under the surveillance of the Warden, superintend the erection of the several buildings and other works necessary for the completion of the said Penitentiary, and for whose services the said Inspectors are hereby empowered to pay such remuneration as they shall consider just and reasonable.

Plans to be prepared by Inspectors.

XXIX. And be it enacted, That the said Inspectors of the Penitentiary shall, as soon as practicable, cause to be prepared, subject to the approval of the Governor General in Council, a plan and estimate of dwelling houses to be erected on the Penitentiary lot for the accommodation and suitable to the relative positions of the several Officers of the said Penitentiary; and when so prepared and approved, the said plans shall be carried out as speedily as practicable, consistent with keeping the annual grant from the public Exchequer towards the support of the Penitentiary within the sum of Six Thousand Pounds in any one year; and when completed, the said Inspectors shall have power to require the residence of the several Officers in the dwellings so erected, and to deduct from the salaries monthly, the reasonable rent of the dwellings so occupied.

Residence of Officers.

Visitors to be appointed: their powers and duties.

XXX. And be it enacted, That it shall be lawful for the Governor to appoint three persons to act as a Board of Visitors of the Penitentiary; and the said Visitors, or any two of them, shall have admittance into the Prison at any time during business hours on one day of each week, and shall have full opportunity of satisfying themselves that the discipline is maintained and humanely administered, and that no unnecessary suffering and no injustice are practised in the Prison; and the said Visitors, or any two of them, shall be at liberty to speak to any of the convicts; and in the event of their observing any irregularity or injustice prejudicial to the higher objects of the Institution, they shall in their discretion represent the same to the Warden, or to the Inspectors,

Inspectors, or to the Provincial Secretary, as the nature of the case may render expedient; and the said Visitors shall have the power of granting orders for the admission of persons to view the Penitentiary, under such rules as the Inspectors may make; and the said Visitors shall have no executive power in the Prison, and no supervision further than to see that the reformatory objects of the Institution are carried out, and that the convicts are humanely and justly treated.

XXXI. And be it enacted, That the sums necessary to pay the salaries and other expenses of the Penitentiary shall be paid by the Receiver General of the Province, out of any unappropriated moneys in his hands, forming part of the General Revenue Fund thereof, to the Warden, in discharge of such Warrant or Warrants as may be issued for that purpose by the Governor General, and shall be duly accounted for by the Warden as he may be directed.

Expenses of Penitentiary how to be paid.

XXXII. And be it enacted, That the said Penitentiary shall be supplied with provisions by contract, which contract shall be made by the Warden annually, unless the Inspectors shall otherwise direct, with such persons as may be willing to accept the lowest terms, at a fixed price per day for each ration furnished, the articles of food and the quantities of each kind to be prescribed by the Inspectors, and inserted in the contract; and for the purpose of ascertaining who will furnish supplies on the lowest terms, the Warden shall cause a notice to be published in two of the newspapers printed in the City of Kingston, one in the City of Montreal, and one in the City of Toronto; the proposals to be offered pursuant to such notice, shall specify the lowest price per ration per day, and the contracts shall be made with those persons whose terms shall be most advantageous to the Province, and who shall give satisfactory security for the performance of their contract: Provided always, that should it be deemed by the Warden that such tenders as may be offered are not satisfactory, he may, with the consent of the Inspectors, decline the same, and advertise anew.

Provisions to be supplied by contract:

Proviso.

XXXIII. And be it enacted, That whenever any controversy shall arise relative to any claim or demand which any person may have against the said Warden on account of the said Penitentiary, such controversy may be referred to the arbitration of two or more persons mutually chosen by such Warden and the person with whom such controversy may exist, or to one person mutually chosen by the arbitrators so appointed as an umpire. And it shall be the duty of the said Warden to enforce the payment of all debts due to the Institution, as soon, and with as little expence to the Province as possible; but he may, with the approbation in writing of the Inspectors, accept of such security from any debtor, on granting time, or such composition in full settlement as may be conducive to the interests of the Province.

Arbitration in certain cases.

XXXIV. And be it enacted, That all Books of Account, Registers, Letters, Returns, Bills of Parcels, and other documents and papers relating to the affairs of the Penitentiary, shall be considered as public property, and remain therein; and the Warden of the said Penitentiary shall preserve therein at least one set of copies of all Official Reports made to the Legislature respecting the same, for which purpose, and to enable the Warden to distribute such Official Reports in exchange for the like documents from other similar Institutions, he shall be furnished by the Clerk of the Legislative Assembly with fifty copies of such Reports for distribution, when such Reports shall be printed by order of the said Legislative Assembly.

Books, &c., to be public property.

XXXV. And be it enacted, That no raft, craft, boat or vessel of any description shall be allowed to moor or anchor within three hundred feet of the shore or wharf bounding the lands of the said Penitentiary, without the permission of the said Warden being first had and obtained therefor; and any person violating the provisions of this section, shall, upon conviction thereof before a Justice of the Peace, be liable to pay a penalty of Five Pounds, to be levied by distress and sale of the offender's goods and chattels, under the Warrant of such Justice, and in default of payment of the same, with the costs thereon, and if sufficient distress cannot be found, shall be imprisoned at the discretion of the said Justice, for any period not exceeding two calendar months.

Rafts, &c., not to be moored within a certain distance of the Penitentiary.

Spirits not to be sold,
nor introduced without
leave.

XXXVI. And be it enacted, That no spirituous or fermented liquors shall on any pretence whatever be sold within the said Penitentiary; nor shall any kind of spirituous or fermented liquors be brought in the Penitentiary for the use of any Officer except the Warden, or for the use of any convict confined therein. And any person giving spirituous or fermented liquors, or tobacco, or snuff, or cigars, to any convict, or conveying the same to any convict, shall forfeit and pay the sum of Ten Pounds currency to the Warden for the use of the Prison, to be recovered by the Warden in any Court of competent Jurisdiction.

Letters not to be
brought to convicts
without leave.

XXXVII. And be it enacted, That no person shall, without consent of the Warden, bring into or convey out of the Penitentiary any letter, writing, or other article, to or from a convict, nor shall any Officer or other person employed therein write any letter on behalf of a convict; and whoever shall violate either of the provisions of this clause shall be deemed guilty of a misdemeanor, and he shall be liable to be fined or imprisoned, or both, at the discretion of the Court before which he or she may be convicted for the same.

Visitors ex officio.

XXXVIII. And be it enacted, That the following persons shall have authority to visit the Penitentiary at pleasure, namely: the Governor, the Members of the Executive Council, the Members of the Legislature, the Judges of the several Courts in this Province, including Circuit or County Judges, and Queen's Counsel; but no other person shall be permitted to enter within the walls where the prisoners are confined, except by the special permission of the Warden or Visitors, and then, under such regulations as the Inspectors shall prescribe.

Proceedings when a
convict shall die in the
Penitentiary.

XXXIX. And be it enacted, That whenever a convict shall die in the Penitentiary, it shall be the duty of the Inspectors, the Warden, the Chaplains, the Physician, the Deputy Warden, if they or any of them shall have reason to believe that the death of such convict arose from any other than ordinary sickness, to call upon the Coroner having jurisdiction to hold an inquest upon the body of such deceased convict, and on such requisition by one or more of the Officers named, the Coroner having jurisdiction shall hold such inquest, and for that end he, and the Jury and all others necessarily attending such inquest, shall have admittance to the Prison. And it shall be the duty of the Warden to cause the body of every convict who shall die in the Penitentiary to be decently interred at the expence of the Institution, unless the body be previously claimed and taken away by the friends or relatives of the deceased; and the forms and certificates to be observed and taken at the death and burial of each convict shall be clearly laid down by the Inspectors in the rules and regulations.

As to punishment and
privations.

XL. And be it enacted, That no punishments or privations of any kind shall be awarded in the Penitentiary except by the Warden or other Officer acting for the time being in his room. And the Warden shall cause to be kept a Book of Record, which shall be written up daily, shewing all complaints against convicts for improper conduct in the Penitentiary, and shewing under separate columns the date of each complaint, the name of each convict implicated in each offence, the nature of each offence, the punishment awarded to it, the date of infliction, the signature of the Officer making the complaint, and that also of the Officer who inflicted the sentence or saw it carried out; and there shall be a column in the said Book for the sentence, which shall be filled in by the Warden and signed by him. And no complaint by any Officer against any convict shall be entertained by the Warden until it is recorded in the said Punishment Book; and no punishment shall be inflicted for any offence until the day after the said offence shall have been committed; and no punishment shall be inflicted until the Warden has entered his award in the Punishment Book. Provided always, that the Warden shall have power, in the event of the refractory conduct of any convict rendering it necessary, summarily to remove such convict apart, and to place him in a cell and to keep him there until the usual hour of punishment shall have arrived. And should the Inspectors authorize corporal punishment to be inflicted in the Prison, the Warden shall have recourse to it only in extreme cases, and shall not inflict more than seventy-five lashes for any one offence; and no corporal punishment

punishment shall be inflicted until the Physician shall have certified to the bodily fitness of the convict for such punishment; nor shall any such infliction be carried out except in the presence of the Warden and Physician, nor shall corporal punishment be inflicted in any case upon any female convict in the said Penitentiary.

XLII. And be it enacted, That the Inspectors shall draw up a form of questions to be put to each convict on his or her discharge from the Penitentiary, so framed as to shew by the answers, the views of the convicts as to the discipline and the treatment of the prisoners, and the effects produced on each; and the said formula of questions shall be put immediately before his or her discharge, to every convict by the Warden in the presence of the Chaplain of such convict, and the answers of each convict shall be correctly recorded in a book kept for that purpose, and the convict shall subscribe the same after they shall have been recorded, and the Warden and Chaplain shall sign their names to the same in attestation of the correctness thereof.

Inspectors to draw up questions to be put to convicts.

XLIII. And be it enacted, That no convict shall be discharged from the Penitentiary on Sunday, but any and every sentence expiring on that day shall be held as expiring on the day previous, and the Warden shall discharge such prisoner on Saturday. And no convict shall be discharged from the Penitentiary at the termination of his or her sentence, if he or she shall then labour under any grievous illness during which he or she cannot be safely discharged—unless at the request of the said convict. And whenever any convict shall be discharged from the Penitentiary, either by pardon or expiration of sentence, it shall be the duty of the Warden to furnish such convict with the necessary clothing, ordered by the Inspectors, and with such sum of money, not exceeding Five Pounds, as the said Warden may deem proper and necessary.

Convicts not to be discharged on Sundays.

To be furnished with clothing, &c.

XLIII. And be it enacted, That no prisoner shall be compelled to leave the Penitentiary by the natural expiration of the term to which he or she was sentenced, during the months of November, December, January, February or March, and all prisoners whose sentences expire during these months shall be allowed to remain in the Penitentiary under the same discipline and control as if their sentences were still unexpired, until the first day of April following the expiration of their formal sentence. And on the said first day of April, a list shall be made of all the prisoners whose sentences expired during the five preceding months according to the date when their sentences expired, and according to such order they shall be discharged, one convict on the first April, and one on every day thereafter, until the whole have been so discharged.

Not to be discharged in winter months.

XLIV. And be it enacted, That the female prisoners shall be kept totally distinct and secluded from the males, and shall be under the charge of the Matron and Assistant Matron, subject however to all the provisions of this Act, and the rules and regulations of the Prison, so far as applicable to them.

Females to be kept separate.

XLV. And be it enacted, That the Inspectors of the Penitentiary may in their discretion prepare a separate system of discipline and employment for the military convicts, and on submitting the same for the sanction of the Governor General in Council, and receiving such sanction, they may put such system in operation as far as regards military prisoners only, notwithstanding the provisions of this Act.

Inspectors may prepare separate system for military convicts.

XLVI. And be it enacted, That whenever it shall be certified by a Board of Physicians to be appointed for the time being by the Governor in Council, such Board not to consist of less than three Physicians, that any convict confined therein is insane, and that it is desirable that such convict should be removed therefrom to the Lunatic Asylum, it shall be lawful for the Governor by Warrant under his hand directed to the Warden of the said Penitentiary to authorize him forthwith to send such convict to the Lunatic Asylum of Upper Canada, which such Warden shall accordingly do, and shall appoint some proper person to convey such convict to the said Asylum; and such convict shall be received into the said Asylum, and there safely kept, until he shall be remanded to the said Penitentiary, or his term of imprisonment therein shall have expired; and if at any time before the expiration of the said term, it shall be certified by the Physician of the said Asylum that such convict has recovered his reason, and is

Insane convicts to be removed to Lunatic Asylum, &c.

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in a fit state to be remanded to the said Penitentiary, it shall be lawful for the Governor by Warrant under his hand, directed to the Warden of the said Penitentiary, to authorize him forthwith to send for such convict from the said Asylum, and to cause him or her to be re-conveyed to the said Penitentiary and kept therein, and the said Warden shall thereupon appoint a proper person to proceed to the said Asylum and receive such convict, and convey him or her to the said Penitentiary, and such convict shall by the authorities of the said Asylum be delivered to the person so appointed and re-conveyed to the said Penitentiary; and the authorities of the said Asylum and the person appointed as aforesaid to convey any convict to the said Asylum, or to re-convey him or her to the said Penitentiary, shall have the same power and authority to detain such convict or to re-take him or her in case of an escape, and to command the assistance of any persons in re-taking him or her, or in preventing such escape, as the Warden or other Officers of the Penitentiary, or any person appointed by a Sheriff to convey any convict to the Penitentiary, after being sentenced to imprisonment therein, would have in the like case, and if the term of imprisonment of any convict shall expire while he is detained in the Lunatic Asylum, he may, nevertheless, be detained therein until discharged as sane, or delivered to his friends under a Warrant from the Governor to that effect.

Operation and duration of this Act.

XLVII. And be it enacted, That this Act shall come into operation on the first day of October next, and continue in force for three years, and from thence to the end of the next ensuing Session of Parliament, and no longer.

C A P. III.

An Act to provide for the Commutation of certain Bonds required under the Emigrant Act.

[2d August, 1851.]

Preamble.

WHEREAS it is expedient to provide for the commutation of the Bonds required in certain cases under the Act hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever any vessel arriving in this Province from sea, shall have on board one or more passengers in respect of whom the Master would otherwise, under the tenth section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to make further provision respecting Emigrants*, be bound to enter into a Bond to Her Majesty in the manner therein provided, it shall be optional with the Master of such vessel either to enter into such Bond, jointly and severally with sufficient sureties, according to the requirements of the said Act, or to pay to the Collector or Chief Officer of the Customs, who might otherwise require such Bond, such sum of money as the Emigrant Agent at Quebec (under any general instructions he may receive from the Governor) shall have fixed in that behalf, as being just and equitable and sufficient to indemnify the Province or any Municipality, Village or City, Town or County, or Charitable Institution within the same, against the risk of expense for the care, support and maintenance of such passenger or passengers during the then next ensuing three years; and the money so paid shall form part of the Emigrant Fund.

The master of any vessel may, instead of giving bond under sec. 10 of 12 V. c. 6, pay a sum of money to be fixed by the Emigrant Agent.

Application of sum so paid.

CAP. IV.

An Act to amend the Act concerning Land Surveyors.

[2d August, 1851.]

WHEREAS it is expedient to amend the Act hereinafter mentioned in certain particulars: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in this Province*, as may be inconsistent with this Act, shall be and is hereby repealed.

Preamble

Inconsistent enactments of 12 Vict. c. 35, repealed.

II. And be it enacted, That for and notwithstanding any thing in the said Act, there shall be two Boards of Examiners for the examination of Candidates for admission to practise as Land Surveyors, one to consist of the Commissioner of Crown Lands, and eight other competent persons to be appointed from time to time by the Governor, and to meet at the City of Quebec for the examination of Candidates for admission to practise as Land Surveyors in Lower Canada, and the other to consist of the said Commissioner of Crown Lands, and eight other competent persons to be appointed from time to time by the Governor, and to meet at the City of Toronto for the examination of Candidates for admission to practise as Land Surveyors in Upper Canada; and the present Board of Examiners shall be dissolved; and any three of the Members of either of the said Boards shall form a quorum; and each of the said Boards or a majority thereof shall appoint a Secretary; and the said Boards shall meet at the places hereinbefore mentioned respectively on the days appointed in and by the said Act for the meeting of the Board therein mentioned; and each of the said Boards and the Members and Secretary thereof shall, as regards the examination of Candidates for admission to practise in that section of the Province in and for which such Board shall sit, and as regards Surveyors practising therein, have the same authority, powers and duties as are by the said Act vested in the Board therein mentioned and its Secretary, and shall be bound by the same rules in the exercise and performance thereof.

Two Boards of Examiners appointed; of whom to consist.

Present Board dissolved.

Quorum.

Secretary.

Meetings.

Powers and duties.

III. And be it enacted, That for and notwithstanding any thing in the said Act, every person desiring to be examined before either of the said Boards shall give due notice thereof in writing to the Secretary of such Board at least one month previous to the meeting thereof, and shall then pay to the Secretary the fee of Five Shillings in the said Act mentioned; and each applicant obtaining a certificate shall pay to the Secretary the fee of Ten Shillings in the said Act mentioned.

Notice to be given by applicants for admission, &c.

IV. And be it enacted, That for and notwithstanding any thing in the said Act, the sum payable by each applicant receiving a certificate shall be Five Pounds Currency, and not Two Pounds Ten Shillings Currency, as in the said Act mentioned; and the said sum shall be applied and divided in the manner and to the purposes to which the said sum of Two Pounds Ten Shillings is by the said Act directed to be applied and divided.

Fee for receiving certificate.

Application.

V. And be it enacted, That for and notwithstanding any thing in the said Act, the oath of allegiance and of office to be taken by persons admitted as Surveyors, shall, if taken in Lower Canada, be deposited in the office of the Prothonotary of the Superior Court in the District of Quebec; and if taken in Upper Canada, in the Registry Office in the County of York.

Oath of allegiance where to be deposited.

VI. And be it enacted, That no instrument in writing under which any applicant for admission to practise as a Surveyor shall claim to have served with some practising Surveyor

Indentures or articles of applicants must be

filed with the
Secretary within a
certain time.

Surveyor the period of three years, one year, or six months mentioned in the third section of the said amended Act, shall avail to authorize the admission of such applicant, unless such instrument, if executed before witnesses, or a notarial copy thereof, if it be a notarial instrument, shall have been transmitted to the Secretary of the Board before whom the applicant is to be examined, within two months next after the date thereof if it be executed after the passing of this Act, or before the first day of January now next if it shall have been executed before the passing of this Act; and the said Secretary is hereby required to acknowledge by post the receipt of all such instruments or copies thereof transmitted to him, and carefully to keep the same in his office.

Recital.

Certain *Procès-Verbaux* confirmed.

VII. And whereas, owing partly to certain delays which have occurred in the distribution of the Statutes and partly to other causes, many *Procès-Verbaux* of Survey in Lower Canada have been drawn up in a manner substantially correct, but not in the precise form required by the said Act, and law suits and vexatious proceedings might grow out of the same: For remedy thereof, Be it enacted, That any *Procès-Verbal* now existing in Lower Canada which shall substantially contain such particulars as may be requisite for the full understanding of the Survey or operation to which it relates, and of the doings of the Surveyor, and the intention of the parties interested with regard to the same, shall be held to be authentic and valid, and shall have effect according to the tenor thereof, whatever be the form in which the same may have been drawn up.

VIII. And be it enacted That the Standard English Measures of Length importeed under the requirements of the Act hereby amended, shall hereafter be deposited with the Secretary of the Board of Examiners at Toronto, and the Standard French Measures of Length imported under the said Act, and the copy of the said Standard English Measures of Length now in the Office of the Commissioner of Crown Lands at Montreal (which copy shall be hereafter used as a standard for the purposes of the said Act) shall be deposited with the Secretary of the Board of Examiners at the City of Quebec, and the said Secretaries respectively, under such instructions as they shall receive from time to time from their respective Boards, shall and may examine, test and stamp Standard Measures of Length for the Surveyors bringing the same for examination, as the Commissioner of Crown Lands may do under the Act aforesaid and with the same effect, and for each measure so examined and stamped such Secretary may demand and receive Two Shillings and Six Pence Currency.

C A P. V.

An Act to make certain alterations in the Territorial Divisions of Upper Canada.

[2d August, 1851.]

Preamble.

Upper Canada divid-
ed into Counties as
for Schedule A.

WHEREAS it is expedient to make certain alterations in the present Territorial Divisions of Upper Canada, for Judicial, Municipal and other purposes: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the time when this Act shall come into force, Upper Canada shall be divided into the Counties mentioned in the Schedule to this Act marked A, which Counties shall respectively include and consist of the several Townships mentioned in the said Schedule as forming such County, and the Cities, Towns and Villages and the Liberties of the said several Cities therein: Provided always, that for municipal purposes, the Cities of Toronto, Hamilton and Kingston and the Liberties thereof shall not form part of the Counties of York, Wentworth and Frontenac within the limits whereof they are situate, but shall be Counties by themselves; and that for the purpose

purpose of representation in the Provincial Parliament, neither the said Cities nor the Liberties thereof, nor the Towns of London, Niagara, Brockville, Bytown or Cornwall respectively, shall form part of the Counties of York, Wentworth, Frontenac, Middlesex, Lincoln, Leeds, Carleton and Stormont within the limits whereof they are situate.

II. And be it enacted, That the Counties mentioned in the Schedule to this Act marked B, shall, for all Judicial and Municipal purposes, and for all other purposes whatsoever, except for purposes of representation in the Provincial Parliament, be formed into Unions, as in the said Schedule set forth; and each of such Unions, under the name of "The United Counties of _____ and _____" (naming them,) shall for all such purposes, (except as before excepted) have in common between them all such courts, offices and institutions, as by the fifth section of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties, for judicial and other purposes, and for the future dissolutions of such Unions, as the increase of wealth and population may require*, are to be had in common by Counties united under the said Act: Provided always, that any County which now has or any two or more Counties which now have between them a Registry Office for the Registration of Titles, shall continue to have the same, as before the passing of this Act, save and except that each County which is now entitled to a Representative in Parliament shall also have a separate Registry Office for the registration of titles; and Registers shall be appointed accordingly.

Counties in Schedule B, united for certain purposes.

III. And be it enacted, That all the provisions contained in the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, thirty-fifth and thirty-seventh sections of the said last recited Act, (by which sections provision is made for and with respect to the dissolution of the unions of Counties, and matters connected therewith), shall, in so far as may be consistent with the other provisions of this Act, apply to the unions of Counties formed under this Act, as fully as to those authorized by the Act above recited.

Certain provisions of 12 Vict. c. 78, to apply to Counties united under this Act.

IV. And be it enacted, That at any time after the first day of February next, it shall be lawful for the Governor of this Province, by an Order in Council, to issue a Proclamation under the Great Seal of the Province, with reference to any of the Counties of Elgin, Waterloo, Ontario, Brant, Grey, Lambton or Welland, naming a place within such County for a County Town, and erecting the Town Reeves and Deputy Town Reeves of such County then elected or thereafter to be elected for the same, into a provisional Municipal Council for such County, and declaring such Municipal Council a provisional Municipal Council under the authority of the Act last above cited, until the dissolution of the union of such County with the other County or Counties to which it is by this Act united; and each and every such provisional Municipal Council, shall, with regard to the County for which it shall be erected by such Proclamation, have, possess, exercise and perform all and singular the rights, powers, privileges and duties conferred, granted or imposed upon provisional Municipal Councils erected by Proclamation under the said recited Act, which shall apply to it in the same manner as to any provisional Municipal Council erected under the said Act: and the first meeting of such Provisional Municipal Council shall be held at the County Town appointed by such Proclamation, and at such time as shall be thereby appointed, but if not held at such time, then at any time on which a majority of the members thereof shall agree.

Proclamation may issue erecting Town Reeves of certain Counties into a provisional Municipal Council.

V. And be it enacted, That so soon as the Court House and Gaol in any one of the said Counties shall have been erected and completed at the County Town of such County according to the provisions of the fifteenth section of the Act last above cited, and the other provisions of the said fifteenth section shall have been complied with by such County, it shall and may be lawful for the Governor in Council to issue a proclamation dissolving the union between such County and the County or Counties

Dissolution of unions of Counties provided for.

with which it is united according to the Schedule B of this Act; and if it be so united with more than one County, then the remaining Counties shall form a union of Counties under this Act until they be separated in the manner by the said Act provided; and all provisions of the said Act or of this Act applicable to unions of Counties in general shall be applicable to such union, to all intents and purposes, as if such remaining Counties had been set forth as such in the said Schedule B of this Act.

Recital.

To what County property shall belong, &c. when a tract is detached from a County under this Act.

VI. And whereas in some cases Townships or other tracts of land or localities will, when this Act comes into effect, be detached from the County to which they now respectively belong, and attached to another, and it is necessary to make provision for such cases: Be it therefore enacted, That (except in those cases with regard to which it is otherwise provided by this Act) the Court House and the land thereunto attached, with all the appurtenances and dependencies thereof, and all the personal property of the County from which any Township or other tract shall be detached under this Act, and all taxes due in such County before this Act shall come into effect, and all other moneys due to such County, shall, after this Act shall come into effect, be the property of the County in which such Court House shall be situate, which, notwithstanding any change of its limits or name, shall be held to be the same County and the same Municipal Corporation with that of which such Court House was the County Court House before this Act came into effect, and shall be entitled to claim and recover and enforce all debts, effects and obligations belonging to or contracted in favor of such last mentioned County, and shall be liable for all debts or obligations due from or contracted by the same, and all By-laws of the same shall remain in force in such County as limited by this Act until repealed or altered by competent authority; and no suit, action or proceeding shall abate or be discontinued in consequence of such change of limits or of name, but may be continued and completed by or against such County, with its new limits and by its new name, as effectively as if such limits or name had not been changed: Provided always, that any County or Union of Counties under this Act, shall, after this Act shall come into force, be held to be the same Municipality and the same Corporation with the County or Union of Counties which, before the coming into force of this Act, had the same Court House, notwithstanding any change of limits or of name affected by this Act, and notwithstanding that it may after the coming into force of this Act be a Union of several Counties instead of being a single County as theretofore.

As to debts due by any County from which a tract is detached.

VII. Provided always, and be it enacted, That the County from which any Township, tract of land or locality shall be detached under this Act, shall, with reference to any County of which such Township, tract or locality is thereafter to form a part, be known as the "Elder County," and the County of which such Township, tract or locality so detached is thereafter to form a part, shall, with reference to such Elder County be known as "the Younger County;" and if a County be divided into two or more Counties, then that in which the present Court House is situate shall be the Elder County; and it shall be lawful for such Elder and Younger Counties, "or the Unions of which they respectively form part," to enter into an agreement for the adjustment and settlement of the proportion (if any) of any debt due by such Elder County, "or the union of which it forms part," which it may be just that such Younger County, "or union of Counties," should take upon itself, "in respect of such accession of Territory," with the time or times of payment thereof; and every such agreement shall both in law and equity be binding upon such Elder and Younger Counties, "or unions of Counties respectively:" Provided also, that if the said Counties, "or unions of Counties," shall not enter into such agreement, the proportion of such debt (if any) to be assumed by such Younger County, "or Union of Counties," shall be settled by arbitration in like manner as similar questions arising between a Senior and Junior County are directed to be settled in default of agreement, by the fifteenth section of the Act above cited; and the portion (if any) of such debt so agreed upon or settled, shall be a debt due by the Younger "County or union of Counties," to the Elder County "or union of Counties," and shall bear legal interest from the day
this

Proviso in case of non-agreement.

this Act shall come into effect, and its payment shall be provided for by the Municipal Council of such Younger County "or union of Counties," in like manner as is or shall be required by law with respect to other debts due by such Municipal Council, (in common with others,) and in default thereof it may be sued for and recovered as any of such other debts.

VIII. Provided always, and be it enacted, That the Townships of Waterloo, Wilmot, Wellesly, and that portion of the present Township of Woolwich not included in the new Township of Pilkington, shall be responsible for their share of the debt incurred or to be incurred for the construction of the Guelph and Dundas Road, in proportion to their respective assessments for the year of Our Lord one thousand eight hundred and forty-eight, relatively to the corresponding assessments of the other portions of the late District of Wellington, for that year, and shall have a lien on the road for the amount of any payments they may be called on to make in consequence of such liability, but any questions affecting the other debts of the said late District of Wellington, or the present County of Waterloo, or the new County of Wellington, shall be settled in the manner provided by this Act and the said last recited Act, in relation to similar cases.

Special provision as to Guelph and Dundas Road debt.

IX. And be it declared and enacted, That all the provisions and enactments of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide by one General Law for the erection of Municipal Corporations, and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada*, and of the Act amending the same, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign and chaptered sixty-four, shall, in so far as they may not be inconsistent with this Act, apply to the Counties and Townships constituted by this Act.

Acts 12 Vict. c. 81, and 13 & 14 Vict. c. 64, to apply to Counties and Townships constituted under this Act.

X. And be it enacted, That so much of the Schedules annexed to the Act herein first cited, or of any other part thereof, or of the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for better defining the limits of the Counties and Districts in Upper Canada, for erecting certain new Townships, for detaching Townships from some Counties and attaching them to others, and for other purposes relative to the division of Upper Canada into Townships, Counties and Districts*, or of the Schedules to the said Act, or of any other Act or Law, as shall be inconsistent with this Act, or as makes any provision in any matter provided for by this Act other than such as is hereby made in such matter, shall be and is hereby repealed.

Inconsistent enactments repealed.
8 Vict. c. 7.

XI. And be it enacted—

That the limits of all the Townships lying on the River St. Lawrence, Lake Ontario, the River Niagara, Lake Erie, the River Detroit, Lake St. Clair, the River St. Clair, or Lake Huron, shall extend to the boundary of the Province in such lake or river, in prolongation of the outlines of each Township respectively; and such Townships shall also include all the Islands not herein otherwise provided for, the whole or the greater part of which shall be comprised within the said outlines so prolonged :

As to limits of Townships on certain Lakes and Rivers.

That the limits of the Townships lying on the River Ottawa shall in like manner extend to the middle of the main channel thereof, but such Townships shall also include all the Islands not herein otherwise provided for, the whole or the greater part of which shall be comprised within the said outlines so prolonged; excepting always the Islands in front of the Seigniory of La Petite Nation and the Grand Calumet and Grand and Little Allumettes Islands, which belong to Lower Canada, the middle of the main channel between the last named Islands, and the southerly bank of the Ottawa River, being the boundary between Upper and Lower Canada :

In Counties on the Ottawa.

That the limits of the Townships in the County of Glengarry shall in like manner extend to the middle of Lake St. Francis, and to the middle of the main channel of the River St. Lawrence, but shall also include all the Islands not herein otherwise provided for, the whole or the greater part of which shall be comprised within the outlines of the said Townships so prolonged :

In the County of Glengarry.

And

On the Bay of
Quinté, &c.

And that the limits of the Townships on the Bay of Quinté, the River Trent and its Lakes, Lake Simcoe, the River Severn, the River Rideau and its Lakes, the River Thames, the Grand River, and any other rivers, lakes and bays not hereinbefore mentioned, shall in like manner extend to the middle of the said lakes and bays, and to the middle of the main channels of the said rivers respectively, but shall also include all the Islands not herein otherwise provided for, the whole or the greater part of which shall be comprised within the outlines of the said Townships so prolonged :

Exceptions.

Excepting always any Islands or parts of Islands which are Townships by themselves, or which have been expressly included in other Townships in the original surveys and plans thereof, remaining of record in the office of the Commissioner of Crown Lands, and which shall remain part of such Townships.

As to suits pending
when this Act shall
commence.

XII. And be it enacted, That notwithstanding any change made by this Act in the limits of any County or union of Counties or Township, all indictments, suits, actions and proceedings pending in any Court at the time this Act shall come into effect, may nevertheless be continued to trial and judgment in such Court, and such judgment may be executed, as if this Act had not been passed, although the local jurisdiction of such Court may be changed as to other matters.

Representation.

XIII. And be it enacted, That for the purpose of representation in the Provincial Parliament, the Counties mentioned in the Schedule to this Act marked C, shall respectively be united under the names therein assigned, and each such Union shall be represented by one member, and every other County in Upper Canada, except the County of York, by one Member ; and that the said County of York shall be represented by two Members ; but the seat of any Member elected before the commencement of this Act, shall not be affected by its coming into force.

New Townships.

XIV. And be it enacted, That the several tracts of land mentioned in the Schedule to this Act marked D, shall respectively form new Townships by the names assigned to them respectively in the said Schedule : Provided always, that in all cases where any portion of a Township is detached therefrom by this Act, the remainder shall thereafter form a Township by the name which the whole Township bore, unless it be otherwise provided, and shall by that name hold all the property and rights, and be liable for all the debts and claims upon such Township as theretofore limited ; and when any Township is by this Act divided into two or more Townships, that portion thereof in which the Municipal Council thereof held its sittings immediately before this Act came into force shall be deemed the elder Township, and shall hold all property of and all taxes and other debts due to the former Township, and be liable for all debts and liabilities of the same, and notwithstanding its change of name or limits, shall be held to be the same Corporation with such former Township, and the other new Township shall be deemed the younger Township ; and it shall be lawful for such elder and younger Townships to agree together as to the share which such younger Township ought to have or bear of or in the property or liabilities of the former Township, and if they cannot agree, then it shall be settled by arbitration in the same manner as like questions arising between an elder and a younger County, and the agreement or award shall have a like effect ; and where two Townships shall be united by this Act, the property and liabilities of each of them shall become the property and liabilities of the new Township, which shall be deemed to be one and the same Corporation with each of them, notwithstanding the change of limits or name ; and at the first election of Councillors in any "such" new Township, the "Warden of the County in which such new Township shall be situate, shall appoint a fit and proper person" to be the Returning Officer, and shall appoint the place of election and the time and place of the first meeting of the Town Council.

Proviso as to debts,
property, &c.

Tracts detached from
Townships.

XV. And be it enacted, That the portions of Townships mentioned in the Schedule to this Act marked E, shall be detached from the Townships of which they have hitherto formed part, and shall form part of the Townships to which they are respectively mentioned in the said Schedule as being attached.

XVI. And whereas by the third Section of the Act passed in the twelfth year of the Reign of Her Majesty, intituled, *An Act to supply certain necessary legislative provisions not included in certain Acts therein mentioned*, and by a proclamation issued in accordance therewith, the Counties of Essex and Lambton are united for judicial purposes, but the relative geographical position of the said Counties is such that parties cannot travel from either of the said Counties to the other without passing the County of Kent, or by the waters of the Lake and River St. Clair contiguous and belonging thereto, and it has been found inconvenient in the cases (amongst others) of prisoners on the limits of Essex and Lambton aforesaid, that they should not be permitted to travel from the County of Essex, where the gaol of the said united Counties is situate, into the County of Lambton, without departing from the said limits: Be it enacted, That in any case where a person shall have been heretofore, or shall hereafter be admitted to the limits of the said united Counties of Essex and Lambton in manner prescribed by law, and shall travel, or shall have heretofore travelled or departed from Essex to Lambton or from Lambton to Essex, while being a prisoner on the limits, such travel or departure shall not have or be held or construed to have or to have had any effect upon the liability of the said party or any other person, or any other effect whatever, other than would have been the case, if such person had never left the said limits or either of the said Counties; nor in the case of a party being or having been heretofore arrested on any process in either of the said Counties, shall such travel or departure from Lambton to Kent by the Sheriff or Officer employed in conveying such prisoner to the Gaol of the said Counties in Essex, have any other or greater effect upon the liability of the said Sheriff or Officer, than if the said Sheriff or Officer had never left the said Counties of Essex and Lambton during such travel: Provided nevertheless, that the limits of the three Counties of Essex, Kent and Lambton, shall not in any case be departed from during such travel.

Prisoners may pass through the County of Kent on their way to the Counties of Essex or Lambton.

Sheriff authorized to that effect.

Proviso.

XVII. And whereas by the thirty-second clause of an Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to consolidate and amend the Registry Laws of that part of this Province which was formerly Upper Canada*, the Registers of existing Counties are required to furnish certain statements of the Registration of such titles as may have been registered of lands lying in the part so separated, to the Registers of new Counties, but no provision has been made for defraying the expenses of furnishing such statement: Be it enacted, that every Register furnishing such statements shall be entitled to receive from, and be paid by the new County the sum of Six Pence for every folio of one hundred words contained in any such statement so furnished.

Fees to Registers furnishing statements.

XVIII. And be it enacted, That this Act shall have force and effect upon, from and after the first day of January next, and not before, excepting the sixteenth Section thereof, which shall have force and effect upon, from and after the passing of this Act.

Commencement of this Act.

SCHEDULE A.

COUNTIES.

1. The County of Glengarry shall consist of the Townships of Charlottenburgh, Kenyon, Lochiel, Lancaster and the Indian reservation adjoining the said Townships of Charlottenburgh and Kenyon.
2. The County of Stormont shall consist of the Townships of Finch, Osnabruck, Roxborough and Cornwall.
3. The County of Prescott shall consist of the Townships of Alfred, Caledonia, Hawkesbury East, Hawkesbury West, Longueuil, Plantagenet North and Plantagenet South.
4. The County of Russell shall consist of the Townships of Clarence, Cumberland, Cambridge and Russell.

5. The County of Carleton shall consist of the Townships of Fitzroy, Goulburn, Gower North, Gloucester, Huntley, March, Marlborough, Osgood, Tarbolton and Nepean.

6. The County of Renfrew shall consist of the Townships of Admaston, Blithfield, Bagot, Bromley, Horton, McNab, Pembroke, Ross, Stafford, Westmeath, and all that tract of land lying between the Western Boundaries of the Townships of Lavant, Blithfield, Admaston, Bromley, Stafford and Pembroke and the Ottawa River, and a line drawn parallel to the general course of the said Boundaries of the said Townships from the western corner of the Township of Clarendon to the Ottawa River.

7. The County of Lanark shall consist of the Townships of Montague, Elmsley North, Burgess North, Sherbrooke North, Sherbrooke South, Bathurst, Drummond, Beckwith, Dalhousie, Lanark, Ramsay, Lavant, Darling and Pakenham.

8. The County of Dundas shall consist of the Townships of Mountain, Matilda, Winchester and Williamsburgh.

9. The County of Grenville shall consist of the Townships of Edwardsburgh, Wolford, Gower South, Oxford and Augusta.

10. The County of Leeds shall consist of the Townships of North Crosby, South Crosby, Burgess, Bastard, Elmsley, Kitley, front of Leeds and Lansdown, rear of Leeds and Lansdown, Escott, Yonge and Elizabethtown.

11. The County of Frontenac shall consist of the Townships of Wolfe Island, (including Simcoe Island, Garden Island, Horse Shoe Island and Mud Island,) Clarendon, Barrie, Palmerston, Kennebec, Olden, Oso, Hinchinbrooke, Bedford, Portland, Loughborough, Storrington, Pittsburgh, Howe Island and Kingston.

12. The County of Addington shall consist of the Townships of Camden, Ernestown, Kalader, Anglesea, Sheffield and Amherst Island.

13. The County of Lennox shall consist of the Townships of Adolphustown, Fredericksburg, Fredericksburg additional, and Richmond.

14. The County of Prince Edward shall consist of the Townships of Athol, Ameliasburg, Hillier, Hallowell, Marysburgh and Sophiasburgh.

15. The County of Hastings shall consist of the Townships of Lake, Tudor, Grimsthorpe, Marmora, Madoc, Elzevir, Rawdon, Huntingdon, Hungerford, Sidney, Thurlow and Tyendinaga.

16. The County of Northumberland shall consist of the Townships of Murray, Brighton, Cramahe, Haldimand, Hamilton, Seymour, Percy, Alnwick and Monaghan South.

17. The County of Durham shall consist of the Townships of Hope, Clarke, Darlington, Cavan, Manvers and Cartwright.

18. The County of Peterborough shall consist of the Townships of Belmont, Methuen, Burleigh, Dummer, Harvey, Douro, Smith, Monaghan North, Asphodel, Ennismore and Otonabee.

19. The County of Victoria shall consist of the Townships of Mariposa, Ops, Emily, Eldon, Fenelon, Bexley, Verulam and Somerville.

20. The County of Simcoe shall consist of the Townships of Orillia, Matchedash, Tay, Medonte, Oro, Vespra, Flos, Tiny, Sunnidale, Nottawasaga, Gwillimbury West, Essa, Tecumseth, Adjala, Tossorontio, Mulmur, Mono and Innisfil, together with the tract of land bounded on the East by the line between the late Home and Newcastle Districts prolonged to French River, on the West by Lake Huron, on the North by French River, and on the South by the River Severn and the Township of Rama, and the Islands in Lakes Simcoe and Huron, lying wholly, or for the most part, opposite to the said County of Simcoe, or any part thereof and contiguous thereto.

21. The County of York shall consist of the Townships of Etobicoke, Vaughan, Markham, Scarborough, York, King, Whitechurch, Gwillimbury East and Gwillimbury North.

22. The County of Peel shall consist of the Townships of Albion, Caledon, Chinguacousy, Toronto and Toronto Gore.

23. The County of Ontario shall consist of the Townships of Whitby, Pickering, Uxbridge, Reach, Brock, Georgina, Scott, Thora, Mara, Scugog and Rama.

24. The County of Halton shall consist of the Townships of Esquesing, Trafalgar, Nassagaweya and Nelson.

25. The County of Waterloo shall consist of the Townships of North Dumfries, Waterloo, Wilmot, Woolwich and Wellesley.

26. The County of Brant shall consist of the Townships of Brantford, Onondaga, Tuscarora, Oakland, South Dumfries and Burford, and the Village of Paris.

27. The County of Wellington shall consist of the Townships of Erin, Puslinch, Guelph, Nichol, Garafraxa, Eramosa, Peel, Maryborough, Minto, Arthur, Luther, Amaranth and Pilkington.

28. The County of Grey shall consist of the Townships of Derby, Sydenham, Saint Vincent, Sullivan, Holland, Euphrasia, Collingwood, Bentinck, Glenelg, Artemesia, Osprey, Normanby, Egremont, Proton and Melancthon, together with that portion of the Peninsular Tract of Land known as the Indian Reserve, and situated between a line drawn northward from the north-east angle of Arran and the north-west angle of Derby, until it strikes Colpoy's Bay on the east side of the Indian Village, and the waters of the Georgian Bay, together with the Islands contiguous thereto.

29. The County of Bruce shall consist of the Townships of Huron, Kinloss, Culross, Carrick, Kincardine, Greenock, Brant, Bruce, Saugeen, Elderslie and Arran, together with all that portion of the Peninsular Tract of Land known as the Indian Reserve, and not included in the County of Grey, together with all the Islands in Lake Huron and the Georgian Bay contiguous thereto.

30. The County of Huron shall consist of the Townships of Hay, Stephen, McGillivray, Biddulph, Usborne, Howick, McKillop, Grey, Morris, Turnberry, Ashfield, Wawanosh, Colborne, Hullett, Tuckersmith, Stanley and Goderich.

31. The County of Perth shall consist of the Townships of Blanchard, Hibbert, Fullarton, Downie, including the Gore of Downie, Logan, Ellice, Easthope North and Easthope South, Elma, Wallace and Mornington.

32. The County of Lambton shall consist of the Townships of Bosanquet, Plympton, Warwick, Sarnia, Moore, Enniskillen, Brooke, Sombra, including Walpoole Islands, St. Ann's Island, and the other Islands at the mouth of the River St. Clair, Dawn and Euphemia.

33. The County of Kent shall consist of the Townships of Orford, Howard, Camden, Chatham, Harwich, Dover East, Dover West, Raleigh, Tilbury East, Romney and Zone.

34. The County of Essex shall consist of the Townships of Mersea, Gosfield, Colchester, Rochester, Maidstone, Malden, Anderdon, Tilbury West and Sandwich.

35. The County of Elgin shall consist of the Townships of Aldborough, Dunwich, Southwold, Yarmouth, Malahide, Bayham and South Dorchester.

36. The County of Middlesex shall consist of the Townships of Mosa, Ekfrid, Carradoc, Metcalfe, Adelaide, Williams, Lobo, Nissouri West, North Dorchester, Delaware, Westminster and London.

37. The County of Norfolk shall consist of the Townships of Houghton, Middleton, Charlotteville, Windham, Townsend, Woodhouse, Walsingham, including Long Point.

38. The County of Oxford shall consist of the Townships of Zorra East, Zorra West, Oxford North, Oxford East, Oxford West, Dereham, Norwich, Blenheim, Blandford, Nissouri East and the Village of Woodstock.

39. The County of Haldimand shall consist of the Townships of Walpole, Oneida, Seneca, North Cayuga, South Cayuga, Canborough, Rainham, Dunn, Moulton and Sherbrooke.

40. The County of Welland shall consist of the Townships of Pelham, Thorold, Stamford, Crowland, Willoughby, Wainfleet, Humberstone and Bertie.

41. The County of Lincoln shall consist of the Townships of Grimsby, Clinton, Louth, Grantham, Caistor, Gainsborough and Niagara.

42. The County of Wentworth shall consist of the Townships of Beverly, Flamborough East, Flamborough West, Ancaster, Glanford, Binbrook, Saltfleet and Barton.

SCHEDULE B.

COUNTIES UNITED FOR MUNICIPAL, JUDICIAL AND OTHER PURPOSES.

1. Essex and Lambton.
2. Huron, Bruce and Perth.
3. Middlesex and Elgin.
4. Lincoln and Welland.
5. Wentworth, Halton and Brant.
6. Wellington, Waterloo and Grey.
7. York, Ontario and Peel.
8. Northumberland and Durham.
9. Peterborough and Victoria.
10. Frontenac, Lennox and Addington.
11. Leeds and Grenville.
12. Lanark and Renfrew.
13. Prescott and Russell.
14. Stormont, Dundas and Glengarry.

SCHEDULE C.

COUNTIES UNITED FOR THE PURPOSE OF REPRESENTATION.

1. Kent and Lambton,—as the County of Kent.
2. Huron, Perth and Bruce,—as the County of Huron.
3. Middlesex and Elgin,—as the County of Middlesex.
4. Wentworth and Brant,—as the County of Wentworth.
5. Waterloo, Wellington and Grey,—as the County of Waterloo.
6. Peterborough and Victoria,—as the County of Peterborough.
7. Lennox and Addington,—as the County of Lennox and Addington.
8. Lanark and Renfrew,—as the County of Lanark.

SCHEDULE D.

NEW TOWNSHIPS.

1. Howe Island, which shall consist of the Island of that name.
2. East Nissouri, which shall include and consist of that part of the present Township of Nissouri, which lies eastward of the line dividing the seventh concession thereof from the eighth.
3. West Nissouri, which shall include and consist of the residue of the present Township of Nissouri.
4. North Dumfries, which shall include and consist of the six northern Concessions of the present Township of Dumfries.
5. South Dumfries, which shall include and consist of the residue of the present Township of Dumfries.
6. North Dorchester, which shall include and consist of all that part of the present Township of Dorchester, lying to the Northward of the line between the sixth and seventh Concessions South of the River Thames.
7. South Dorchester, which shall include and consist of the residue of the present Township of Dorchester.
8. Pilkington, which shall include and consist of that part of the present Township of Woolwich known as the Pilkington Tract.

9. Scugog, which shall include and consist of all those parts of the present Townships of Cartwright and Reach, which compose the Island known as Scugog Island.

10. Orillia, which shall include and consist of the present Township of North Orillia, and the present Township of South Orillia.

11. Brighton, which shall include and consist of all the lots from number one to number ten, both inclusive, in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth concessions, and in the broken front of the present Township of Cramahe, and of the lots from number twenty-three to number thirty-five, both inclusive, in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh concessions, and in the concessions A and B, and the broken front of the present township of Murray, and the peninsula of Presqu'isle.

SCHEDULE E.

TRACTS DETACHED FROM TOWNSHIPS AND ATTACHED TO OTHERS.

1. The lots on Yonge Street, in the present Township of West Gwillimbury, shall be detached from the said Township, and be annexed to and form part of East Gwillimbury; and the residue of that part of the said Township of West Gwillimbury which lies on the south-east side of the west branch of the Holland River shall be detached from the said Township of West Gwillimbury, and be annexed to and form part of the Township of King.

2. That part of the present Township of Cartwright, lying to the North of Scugog Lake, shall be detached from the said Township of Cartwright, and be annexed to and form part of the Township of Mariposa.

3. That part of the present Township of Nichol, known as the Town Plot of the Village of Elora, shall be detached from the present Township of Nichol and be annexed to and form part of the Township of Pilkington, and the boundaries of such Town Plot shall be fixed by Proclamation to be issued by the Governor General in Council.

4. The peninsula of Presqu'isle shall be detached from the present Township of Murray, and shall be annexed to and form part of the Township of Brighton.

5. The Gore of Murray, lying between the tenth concession of the Township of Murray and the Township of Seymour, shall be detached from Murray, and form part of the Township of Seymour.

6. That part of the present Township of North Dorchester, lying north of the River Thames and east of the middle of the road allowance between lots numbers eighteen and nineteen, shall be detached from the said Township and shall be annexed to and form part of the Township of Oxford north.

CAP. VI.

An Act to abolish the Right of Primogeniture in the succession to Real Estate held in fee simple or for the life of another, in Upper Canada, and to provide for the division thereof amongst such of the relatives of the last proprietor as may best accord with the relative claims of such parties in the division thereof.

[2d August, 1851.]

WHEREAS it is expedient to abolish the right of Primogeniture in the succession to real estate held in fee simple or for the life of another, in Upper Canada, as such right now exists according to the laws in force in that section of the Province, and to provide for the division of such real estate amongst such of the relatives of the person last seized or possessed, and who shall have died without leaving any testamentary disposition thereof, as may best accord with the relative claims of such parties in the division thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly

Preamble.

Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever on or after the first day of January which will be in the year of our Lord one thousand eight hundred and fifty-two, any person shall die seized in fee simple or for the life of another of any real estate in Upper Canada, without having lawfully devised the same, such real estate shall descend or pass by way of succession in manner following, that is to say :

Firstly—To his lineal descendants, and those claiming by or under them, *per stirpes* ;

Secondly—To his father ;

Thirdly—To his mother ; and

Fourthly—To his collateral relatives ;

Subject in all cases to the rules and regulations hereinafter prescribed.

II. And be it enacted, That if the intestate shall leave several descendants in the direct line of lineal descent, and all of equal degree of consanguinity to such intestate, the inheritance shall descend to such persons in equal parts, however remote from the intestate the common degree of consanguinity may be.

III. And be it enacted, That if any of the children of such intestate be living, and any be dead, the inheritance shall descend to the children who are living, and to the descendants of such children as shall have died, so that each child who shall be living shall inherit such share as would have descended to him if all the children of the intestate who shall have died, leaving issue, had been living ; and so that the descendants of each child who shall be dead shall inherit the share which their parent would have received if living, in equal shares.

IV. And be it enacted, That the rule of descent prescribed in the last section shall apply in every case where the descendants of the intestate, entitled to share in the inheritance, shall be of unequal degrees of consanguinity to the intestate, so that those who are in the nearest degree of consanguinity shall take the shares which would have descended to them, had all the descendants in the same degree of consanguinity who shall have died leaving issue, been living, and so that the issue of the descendants who shall have died, shall respectively take the shares which their parents if living would have received.

V. And be it enacted, That in case the intestate shall die without lawful descendants, and leaving a father, then the inheritance shall go to such father,—unless the inheritance came to the intestate on the part of his mother, and such mother be living ; and if such mother be dead, the inheritance descending on her part shall go to the father for life, and the reversion to the brothers and sisters of the intestate and their descendants, according to the law of inheritance by collateral relatives hereinafter provided ; and if there be no such brothers or sisters, or their descendants, living, such inheritance shall descend to the father.

VI. And be it enacted, That if the intestate shall die without descendants and leaving no father, or leaving a father not entitled to take the inheritance under the last preceding section, and leaving a mother and a brother or sister, or the descendant of a brother or sister, then the inheritance shall descend to the mother during her life, and the reversion to such brother or sister of the intestate as may be living, and the descendants of such as may be dead, according to the same law of inheritance hereinafter provided ; and if the intestate in such case shall leave no brother or sister, nor any descendant of any brother or sister, the inheritance shall descend to the mother.

VII. And be it enacted, That if there be no father or mother capable of inheriting the estate, it shall descend in the cases hereinafter specified to the collateral relatives of the intestate ; and if there be several of such relatives, all of equal degree of consanguinity to the intestate, the inheritance shall descend to them in equal parts, however remote from the intestate the common degree of consanguinity may be.

VIII.

How real estate of an intestate dying after 1st January, 1852, shall descend.

As to descendants in equal degrees of consanguinity.

If some children be living and others dead, leaving issue.

Same rule as to other descendants in unequal degrees of consanguinity.

If the intestate leave no descendants : rights of father, mother, &c.

If there be no father entitled to inherit,

And if there be neither father nor mother.

VIII. And be it enacted, That if all the brothers and sisters of the intestate be living, the inheritance shall descend to such brothers and sisters ; and if any of them be living and any be dead, then to the brothers and sisters and every of them who are living, and to the descendants of such brothers and sisters as shall have died, so that each brother or sister who shall be living, shall inherit such share as would have descended to him or her, if all the brothers or sisters of the intestate who shall have died leaving issue had been living, and so that such descendants shall inherit the share which their parent would have received, if living, in equal shares.

Succession of brothers and sisters and their descendants.

IX. And be it enacted, That the same law of inheritance prescribed in the last section shall prevail as to the other direct lineal descendants of every brother and sister of the intestate, to the remotest degree, whenever such descendants are of unequal degrees.

As to such descendants in unequal degrees.

X. And be it enacted, That if there be no heir entitled to take under any of the preceding sections, the inheritance, if the same shall have come to the intestate on the part of his father, shall descend :

If there be no heir under the preceding sections.

Firstly. To the brothers and sisters of the father of the intestate in equal shares, if all be living.

Secondly. If any be living, and any shall have died leaving issue, then to such brothers and sisters as shall be living, and to the descendants of such of the said brothers and sisters as shall have died, in equal shares.

Thirdly. If all such brothers and sisters shall have died, then to their descendants ; and that in all such cases the inheritance shall descend in the same manner as if all such brothers and sisters had been the brothers and sisters of the intestate.

XI. And be it enacted, That if there be no brothers or sisters, or any of them, of the father of the intestate, and no descendants of such brothers and sisters, then the inheritance shall descend to the brothers and sisters of the mother of the intestate, and to the descendants of such of the said brothers and sisters as shall have died, or if all shall have died, then to their descendants, in the same manner as if all such brothers and sisters had been the brothers and sisters of the father.

Further provision.

XII. And be it enacted, That in all cases not provided for by the preceding sections, where the inheritance shall have come to the intestate on the part of his mother, the same, instead of descending to the brothers and sisters of the intestate's father, and their descendants, as prescribed in the preceding tenth section, shall descend to the brothers and sisters of the intestate's mother, and to their descendants, as directed in the next preceding section ; and if there be no such brothers and sisters or descendants of them, then such inheritance shall descend to the brothers and sisters, and their descendants, of the intestate's father, as before prescribed.

Further provision—if the estate came by the mother's side.

XIII. And be it enacted, That in cases where the inheritance has not come to the intestate on the part of either the father or the mother, the inheritance shall descend to the brothers and sisters both of the father and mother of the intestate in equal shares, and to their descendants, in the same manner as if all such brothers and sisters had been the brothers and sisters of the intestate.

If it came neither on father's nor mother's side.

XIV. And be it enacted, That relatives of the half blood shall inherit equally with those of the whole blood in the same degree, and the descendants of such relatives shall inherit in the same manner as the descendants of the whole blood, unless the inheritance came to the intestate by descent, devise or gift of some one of his ancestors ; in which case all those who are not of the blood of such ancestors shall be excluded from such inheritance.

Half blood to succeed with whole blood.

Exception.

XV. And be it enacted, That on failure of heirs under the preceding rules, the inheritance shall descend to the remaining next of kin of the intestate, according to the rules in the English Statute of distribution of the personal estate.

If there be failure of heirs.

XVI. And be it enacted, That whenever there shall be but one person entitled to inherit according to the provisions of this Act, he shall take and hold the inheritance solely ; and wherever an inheritance, or a share of an inheritance, shall descend to several persons under the provisions of this Act, they shall take as tenants in common, in proportion to their respective rights.

Co-heirs to take as tenants in common.

Descendants, &c.
born after death of
intestate, but fore it.

XVII. And be it enacted, That descendants and relatives of the intestate begotten before his death, but born thereafter, shall in all cases inherit in the same manner as if they had been born in the life time of the intestate and had survived him.

Illegitimate relations.

XVIII. And be it enacted, That children and relatives who are illegitimate shall not be entitled to inherit under any of the provisions of this Act.

Tenancy by courtesy
or in dower not
affected.

XIX. And be it enacted, That the estate of the husband as tenant by the courtesy, or of a widow as tenant in dower, shall not be affected by any of the provisions of this Act, nor shall the same affect any limitation of any estate by deed or will, or any estate which, although held in fee simple or for the life of another, is so held in trust for any other person, but all such estates shall remain, pass and descend, as if this Act had not been passed.

As to estates held in
trust.

Case of children who
have been advanced
by settlement, &c.

XX. And be it enacted, That if any child of an intestate shall have been advanced by the intestate by settlement, or portion of real or personal estate, or of both of them, and the same shall have been so expressed by the intestate in writing, or so acknowledged in writing by the child, the value thereof shall be reckoned, for the purposes of this section only, as part of the real and personal estate of such intestate descendable to his heirs, and to be distributed to his next of kin according to law; and if such advancement be equal or superior to the amount of the share which such child would be entitled to receive of the real and personal estate of the deceased, as above reckoned, then such child and his descendants shall be excluded from any share in the real and personal estate of the intestate.

If such advancement
be not equal.

XXI. And be it enacted, That if such advancement be not equal to such share, such child and his descendants shall be entitled to receive so much only of the personal estate, and to inherit so much only of the real estate of the intestate, as shall be sufficient to make all the shares of the children in such real and personal estate and advancement to be equal, as near as can be estimated.

Value of property
advanced how
estimated.

XXII. And be it enacted, That the value of any real or personal estate so advanced shall be deemed to be that, if any, which may have been acknowledged by the child by an instrument in writing, otherwise such value shall be estimated according to the value of the property when given.

Educating, &c. not
advancement.

XXIII. And be it enacted, That the maintaining or educating, or the giving of money to a child, without a view to a portion or settlement in life, shall not be deemed an advancement within the meaning of this Act.

As to the purchase, by
any of the parties
interested, of real estate
subject to partition.

XXIV. And be it enacted, That it shall be lawful and competent for the parties authorized to make partition of any such real estate according to law, and they are hereby required to receive from any of the persons entitled to a share of such real estate, an offer or proposition to purchase the share or shares of the other parties interested therein, giving the preference, however, to the person who would have been the heir-at-law thereto, had this Act not been passed; and after such heir-at-law, then giving such preference to the several persons successively who would have been such heirs-at-law, had this Act not been passed, and after such heir-at-law, then giving such preference to the several persons successively who would have been such heirs-at-law had this Act not been passed, and had those persons preceding them respectively in the series of such preference been dead at the time of the death of the intestate; and the parties so authorized to make such partition, shall certify particularly to the Court in which proceedings for such partition may be commenced or pending, the particulars of such offer or proposition for purchase, the nature, quantity and value of the estate or share proposed to be purchased, and whether they advise such offer or proposition to be accepted or rejected, and their reasons therefor: Provided always, nevertheless, firstly, that it shall be competent to any Court authorized to make partition of real estate, to direct a sale of the same if they shall think it right so to do, upon the application of any of the parties beneficially interested therein, giving however the preference at all times to the person who would have been the heir-at-law to such real estate had this Act not been passed, and after such heir-at-law, then giving such preference to the several persons successively who would have been such heirs-at-law, had

Sic.

had this Act not been passed, and had those persons preceding them respectively in the series of such preference, been dead at the time of the death of the intestate : And provided also, secondly, that every such preference shall be upon and subject to such terms, security and conditions as such Court may think it right to direct.

XXV. And be it enacted, That the term "real estate" as used in this Act, shall be construed to include every estate, interest and right, legal and equitable, held in fee simple or for the life of another (except as in the nineteenth section of this Act is before excepted) in lands, tenements and hereditaments in Upper Canada, but not to such as are determined or extinguished by the death of the intestate seized or possessed thereof, or so otherwise entitled thereto, nor to leases for years ; and the term "inheritance," as used in this Act, shall be understood to mean real estate as herein defined, descended or succeeded to, according to the provisions of this Act.

Interpretation.

XXVI. And be it enacted, That whenever, in the preceding sections, any person is described as living, it shall be understood that he was living at the time of the death of the intestate from whom the descent or succession came, and whenever any person is described as having died, it shall be understood that he died before such intestate.

Interpretation.

XXVII. And be it enacted, That the expressions used in this Act, "where the estate shall have come to the intestate on the part 'of the father,' or 'mother,'" as the case may be, shall be construed to include every case where the inheritance shall have come to the intestate by devise, gift or descent from the parent referred to, or from any relative of the blood of such parent.

Interpretation.

XXVIII. And be it enacted, That this Act shall apply to that part of this Province called Upper Canada, and to none other.

Act to apply to U. C. only.

CAP. VII.

An Act to amend an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to simplify the transfer of real property in Upper Canada, and to render certain rights and interests therein liable under execution.*

[2d August, 1851.]

WHEREAS it is expedient to amend an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to simplify the transfer of real property in Upper Canada, and to render certain rights and interests therein liable under execution* : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the second, third, fourth, fifth, seventh, eighth, ninth and eleventh sections of the said first recited Act be and the same are hereby repealed.

Preamble.

II. And be it enacted, That all corporeal tenements and hereditaments shall, as regards the conveyance of the immediate freehold thereof, be deemed to lie in grant, as well as in livery.

Certain sections of 12 Vict. c. 71, repealed.

Corporeal tenements, &c. deemed to lie in grant, &c.

III. And be it enacted, That a feoffment, otherwise than by deed, shall be void at law, and no feoffment shall have any tortious operation.

Feoffments unless by deed, to be void.

IV. And be it enacted, That a partition and an exchange of any tenements and hereditaments, and a lease required by law to be in writing of any tenements and hereditaments, and an assignment of a chattel interest in any tenements or hereditaments, and a surrender in writing of any tenements or hereditaments not being an interest which might by law have been created without writing, shall be void at law, unless made by deed.

Partition on exchange of tenements, &c. unless by deed to be void.

V. And be it enacted, That a contingent, an executory and a future interest and a possibility coupled with an interest in any tenements or hereditaments of any tenure, whether

Certain interest in tenements may be disposed of by deed.

whether the object of the gift or limitation of such interest or possibility be or be not ascertained, also a right of entry, whether immediate or future, and whether vested or contingent into or upon any tenements or hereditaments of any tenure, may be disposed of by deed, but that no such disposition shall by force only of this Act defeat or enlarge an estate tail, and that any such disposition by a married woman shall be made conformably to the provisions of any Act in force at the time of such disposition for enabling married women to convey their real estate.

Certain contingent remainders made valid.

VI. And be it enacted, That a contingent remainder, existing at any time after the thirtieth day of May, one thousand eight hundred and forty-nine, and if created before the passing of this Act, shall be deemed to have been capable of taking effect, notwithstanding the determination by forfeiture, surrender or merger, of any preceding estate of freehold.

Effect of surrender or merger of reversions expectant on a lease in certain cases.

VII. And be it enacted, That when the reversion expectant on a lease made either before or after the passing of this Act of any tenements or hereditaments of any tenure, shall be surrendered or merge, the estate which shall for the time being confer, as against the tenant under the same lease, the next vested right to the same tenements or hereditaments, shall, to the extent and for purpose of preserving such incidents to and obligations on the same reversion as but for the surrender or merger thereof would have subsisted, be deemed the reversion expectant on the same lease.

Executor of deceased mortgages, may convey, or release to the lands mortgaged in certain cases:

VIII. And be it enacted, That when any person entitled to any freehold or leasehold land by way of mortgage, has or shall have departed this life, and his executor or administrator is or shall be entitled to the money secured by the mortgage, or shall have assented to a bequest thereof, or shall have assigned the mortgage debt, such executor or administrator shall have power, on payment of the principal money and interest due on the said mortgage, or if the mortgage money shall have been paid to the testator or intestate in his lifetime, to convey, release and discharge the said mortgage debt and the legal estate in the land; and such executor or administrator shall also have the same power as to any portion of the lands, on payment of some part of the mortgage debt, or on any arrangement for exonerating the whole or any part of the mortgaged lands without payment of money, and such conveyance, release or discharge shall be as effectual as if the same had been made by any person having the legal estate.

Section 13, of above Act extended.

IX. And be it enacted, That the thirteenth section of the said recited Act shall extend and be applied to any estate, right or title or interest in lands which may be disposed of by deed under the fifth section of this Act.

CAP. VIII.

An Act to facilitate the Leasing of Lands and Tenements.

[2d August, 1851.]

Preamble.

WHEREAS it is expedient to facilitate the leasing of lands and tenements: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, whenever any person, being a party to any deed which shall be expressed to be made in pursuance of this Act, shall employ in such deed any of the forms of words contained in column one of the Schedule hereto annexed, and distinguished by any number therein, such deed shall be taken to have the same effect and be construed as if such person had inserted in such deed the form of words contained in column two of the same Schedule, and distinguished by the same number as is annexed to the form of words employed by such person, but it shall not be necessary in any such deed to insert any number.

Form of words in column 1 of Schedule to be construed as in column 2.

II. And be it enacted, That every such deed, unless any exception be specially made therein, shall be held and construed to include all out-houses, buildings, barns, stables, yards, gardens, cellars, ancient and other lights, paths, passages, ways, waters, water courses, liberties, privileges, easements, profits, commodities, emoluments, hereditaments and appurtenances whatsoever, to the lands and tenements therein comprised belonging or in any wise appertaining.

Lease to include all appurtenances of the property demised.

III. And be it enacted, That any deed or part of a deed, which shall fail to take effect by virtue of this Act, shall nevertheless be as valid and effectual, and shall bind the parties thereto, as far as the rules of law and equity will permit, as if this Act had not been made.

Effect if the Deed do not take effect as under this Act.

IV. And be it enacted, That this Act shall be in force only in Upper Canada.

Act to apply to U. C. only.

SCHEDULE.

Column 1.

1. That the said (*lessee*) covenants with the said (*lessor*) to pay rent.

2. And to pay taxes.

3. And to repair.

4. And to keep up fences.

5. And not to cut down timber.

6. And that the said (*lessor*) may enter and view state of repair, and that the said (*lessee*) will repair according to notice.

7. And will not assign or sub-let without leave.

Column 2.

1. And the said lessee doth hereby for himself, his heirs, executors, administrators and assigns covenant with the said lessor that he the said lessee, his executors, administrators and assigns will during the said term pay unto the said lessor the rent hereby reserved, in manner hereinbefore mentioned, without any deduction whatsoever.

2. And also will pay all taxes, rates, duties and assessments whatsoever, whether municipal, parliamentary or otherwise, now charged or hereafter to be charged upon the said demised premises, or upon the said lessor on account thereof.

3. And also will, during the said term, well and sufficiently repair, maintain, amend and keep the said demised premises with the appurtenances, in good and substantial repair, and all fixtures and things thereto belonging, or which at any time during the said term shall be erected and made, when, where and so often as need shall be.

4. And also will from time to time, during the said term, keep up the fences and walls of or belonging to the said premises, and make anew any parts thereof that may require to be new-made in a good and husbandlike manner, and at proper seasons of the year.

5. And also will not at any time during the said term hew, fell, cut down or destroy, or cause or knowingly permit or suffer to be hewed, felled, cut down or destroyed, without the consent in writing of the lessor, any timber or timber trees, except for necessary repairs, or firewood, or for the purpose of clearance as herein set forth.

6. And it is hereby agreed that it shall be lawful for the lessor and his agents, at all reasonable times during the said term, to enter the said demised premises to examine the condition thereof, and further that all want of reparation that upon such view shall be found, and for the amendment of which notice in writing shall be left at the premises, the said lessee, his executors, administrators and assigns will, within three calendar months next after such notice, well and sufficiently repair and make good accordingly.

7. And also that the lessee shall not nor will during the said term assign, transfer or set over, or otherwise by any act or deed procure the said premises or any of them to be assigned, transferred, set over or sub-let unto any person or persons whomsoever without the consent in writing of the lessor, his heirs or assigns first had and obtained.

Column 1.

8. And that he will leave the premises in good repair.

9. Proviso for re-entry by the said (*lessor*) on non-payment of rent or non-performance of covenants.

10. The said (*lessor*) covenants with the said (*lessee*) for quiet enjoyment.

Column 2.

8. And further the lessee will, at the expiration or other sooner determination of the said term, peaceably surrender and yield up unto the said lessor the said premises hereby demised with the appurtenances, together with all buildings, erections and fixtures thereon, in good and substantial repair and condition, reasonable wear and tear and damage by fire only excepted.

9. Provided always, and it is hereby expressly agreed that if the rent hereby reserved, or any part thereof, shall be unpaid for fifteen days after any of the days on which the same ought to have been paid, although no formal demand shall have been made thereof, or in case of the breach or non-performance of any of the covenants or agreements herein contained on the part of the lessee, his executors, administrators or assigns, then and in either of such cases it shall be lawful for the lessor at any time thereafter, into and upon the said demised premises, or any part thereof, in the name of the whole to re-enter, and the same to have again, re-possess and enjoy, as of his or their former estate; any thing hereinafter contained to the contrary notwithstanding.

10. And the lessor doth hereby for himself, his heirs, executors, administrators and assigns covenant with the lessee, his executors, administrators and assigns that, he and they paying the rent hereby reserved, and performing the covenants hereinbefore on his and their part contained, shall and may peaceably possess and enjoy the said demised premises for the term hereby granted, without any interruption or disturbance from the lessor, his heirs, executors, administrators and assigns, or any other person or persons lawfully claiming by, from or under him, them or any of them.

Directions as to the Forms in the Schedule.

1. Parties who use any of the forms in the first column of this Schedule, may substitute for the words "lessee" or "lessor" any name or names, and in every such case corresponding substitutions shall be taken to be made in the corresponding forms in the second column.

2. Such parties may substitute the feminine gender for the masculine, or the plural number for the singular, in the form in the first column of the Schedule, and corresponding changes shall be taken to be made in the corresponding forms in the second column.

3. Such parties may introduce into or annex to any of the forms in the first column any express exceptions from or express qualification thereof respectively, and the like exceptions or qualifications shall be taken to be made from or in the corresponding forms in the second column.

4. Where the premises demised are of freehold tenure, the covenants 1 to 8 shall be taken to be made with, and the proviso 9 to apply to the heirs and assigns of the lessor; and where the premises demised shall be of leasehold tenure, the covenants and proviso shall be taken to be made with, and apply to the lessor, his executors, administrators and assigns.

CAP. IX.

An Act to compel the Registration of Deeds and Instruments creating Debts to the Crown.

[2d August, 1851.]

WHEREAS it is desirable that all deeds and instruments under seal or of record, whereby any debt, duty or obligation has been or may be created to Her Majesty the Queen, or Her Successors, shall be registered in manner hereafter mentioned, in order to bind the lands of the parties executing the same or affected thereby: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, no deed, bond, contract or other instrument whatever, under seal or of record, whereby any debt, obligation or duty shall be incurred or created to Her Majesty the Queen, or Her Successors, shall be deemed valid or sufficient to charge or affect any lands or any interest in lands of the person or persons executing the same or affected thereby, as against any subsequent purchaser or mortgagee for valuable consideration of the same lands of such person or persons, or against any subsequent registered judgment on the same lands against such person or persons, unless a copy of such deed, bond, contract or other instrument, certified by the proper officer having the custody of the same, shall be registered in the Office of the Clerk of the Court of Queen's Bench in Toronto, before the execution of the deed, conveyance or agreement of such subsequent purchaser or mortgagee, or the registry of such subsequent judgment.

Preamble.

Instruments creating Debts to the Crown not to be valid against subsequent purchasers, &c. unless registered before the deeds of such purchasers, &c.

II. And be it enacted, That it shall be the duty of the said Clerk of the Court of Queen's Bench, and he is hereby required upon the production to him of a copy of any such deed, bond, contract or other instrument as aforesaid, certified by the proper officer having the custody of the same, to enter and register the same in a book to be kept by him for that purpose, and from and after such registry all the lands of the person or persons executing such deed, bond, contract or other instrument, shall be bound and charged thereby.

Such instruments to be registered in a separate book.

III. And be it enacted, That it shall be lawful for the Governor in Council, if he shall think fit, to order that all or any lands bound by such deed, bond, contract or other instrument, shall be released from the charge created thereby, and upon the production of such order certified by the President or Clerk of the Executive Council, it shall be the duty of the said Clerk of the said Court of Queen's Bench, to enter and register the same in the said book as a release of such lands as shall be mentioned in such order, and upon the same being so entered and registered such lands shall be released accordingly.

Governor in Council may release lands bound by such instruments.

IV. And be it enacted, That the said Clerk of the said Court of Queen's Bench shall be entitled to demand and receive from the person producing the same for registry, the sum of Five Shillings for the registry of any such deed, bond, contract or other instrument or release, to be paid to the fee fund in the same manner as other fees are paid to the said fund.

Fee to Registrar.

V. And be it enacted, That all such deeds, bonds, contracts or other instruments made before the passing of this Act to Her Majesty, or Her Predecessors, of the nature mentioned in the first section of this Act, shall be registered in the manner in the second section mentioned within one year from the passing of this Act, or in default thereof, any lands or interest in lands of the person or persons who shall have executed the same shall be freed and discharged therefrom as to any subsequent purchaser or mortgagee or registered judgment creditor of such person or persons of the same lands for valuable consideration.

Such instrument made before the passing of this Act to be registered within a certain time.

VI. And be it enacted, That this Act shall apply only to Upper Canada.

Extent of Act.

CAP. X.

An Act to provide a remedy against Absent Defendants.

[2d August, 1851.]

Preamble.

WHEREAS there are by law no means provided for taking proceedings against parties who are absent from Upper Canada, unless by process under the Absconding Debtors' Act; and whereas it is desirable that the law should be amended in that respect: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That proceedings may be commenced in any action or suit in any of the Superior Courts of Law and Equity in Upper Canada, against any person who having resided in Upper Canada is absent therefrom, having contracted debts or liabilities while in Upper Canada, or having real or personal property therein, in the same manner and by the same process as if such person was a resident inhabitant therein.

Proceedings may be commenced against debtors absent from Upper Canada.

First process may be served upon Defendant in any country out of Upper Canada.

II. And be it enacted, That the first process or proceeding in any such action or suit shall be served on such absent person, either personally in whatever country out of Upper Canada such person may be residing or living, or upon any agent or person having charge of any property real or personal of such person in this Province, and such service when out of Upper Canada, may be proved by affidavit or declaration to be taken before any person having competent authority to take the same in the country where the same shall be taken, such authority being certified by the Mayor or Chief Magistrate, or a Notary Public in the place where the same shall be taken, and such service shall be deemed good service, whether it shall be personal or on such agent or person in charge as aforesaid, only after the same shall have been allowed by the Court from whence such process or proceeding shall have issued, or a Judge in Chambers: Provided always, that such service may nevertheless be proved by affidavit or declaration to be taken in Upper Canada before a Commissioner appointed to take affidavits in any of the Superior Courts of Upper Canada.

All proceedings to be taken in office of Court at Toronto.

III. And be it enacted, That all the proceedings in any such action or suit at law shall be taken in the office of the Court wherein the same shall be commenced in the County where such process shall be issued, and appearance shall be entered at such office as follows: where the process has been served upon any agent, or person in charge as aforesaid in this Province, or on the defendant personally in Lower Canada, within one month after such service; where such service has been made personally in any part of North America out of this Province, within three months after such service; and where the service has been made in any country out of North America, within twelve months after such service; and on the copy of the process or proceeding served shall be endorsed a notice to appear in the form in the schedule hereto, and if such person shall not appear, then after the expiration of the time for such appearance and the allowance of such service as aforesaid, the plaintiff in such action or suit may enter an appearance for such person, and after any appearance entered may proceed to decree, judgment and execution thereon, in the same manner and times as in ordinary cases of personal service of process; and service of all papers and proceedings after process shall be sufficient by affixing a copy thereof in such office from which such process has issued.

Judge in Chambers may grant time to Defendant to appear.

IV. And be it enacted, That in any such action or suit, the Court in which such action or suit is brought, or any Judge in Chambers, may grant any such time to the defendant for appearing, pleading, or taking any other step in the defence of such action or suit, as to such Court or Judge shall seem meet.

V. And be it enacted, That whenever any judgment or decree shall be rendered in favour of any plaintiff or party on service of process on any agent or person in charge of property as aforesaid, no such decree or judgment shall be enforced by any process or proceeding, until the plaintiff or party obtaining such decree or judgment, or his attorney or agent, shall file an affidavit in the cause, that he verily believes that such decree or judgment is just, and also shall give a bond with two sufficient sureties, and to an amount to the satisfaction of the Master, Clerk or Registrar of such Court, conditioned for a re-hearing of the action or suit in which such decree or judgment has been rendered, provided such re-hearing shall be ordered by the Court in which such action or suit was brought, at any time within two years from the rendering of such decree or judgment.

Conditions on which a judgment may be enforced.

Proviso.

VI. And be it enacted, That a re-hearing shall be allowed to any defendant who has not been personally served with process by order of the Court in which the action or suit was brought, upon such terms as to giving security to pay or answer the decree or judgment that may be rendered on a re-hearing or otherwise, as such Court shall direct: Provided always, that such re-hearing is applied for by such defendant within two years from the time of decree or judgment rendered.

Defendant not personally served may have a re-hearing.

Proviso.

SCHEDULE.

NOTICE TO PROCESS.

To C. D., the Defendant.

Take notice, that your appearance to this Writ must be entered in Her Majesty's Court of Queen's Bench, (Common Pleas or Chancery, as the case may be,) at the office of such Court at Toronto, or at the office of the Deputy Clerk of the Crown of the County or United Counties of—(as the case may be) within (the time mentioned in the Act, according to the country in which the service has been effected,) from the service hereof, and in default of such service, A. B., the within plaintiff, will enter an appearance for you, and proceed thereon. (And also, where the service is on an agent or party in charge of property,) and also take notice, that you, E. F., (agent's name) are served with this process as the Agent or person in charge, in this Province, of some property, real or personal, of the within named Defendant, C D., and you are hereby required to enter an appearance for him as aforesaid.

G. H.,
Plaintiff's Attorney.

CAP. XI.

An Act to amend the Law relating to Apprentices and Minors.

[2d August, 1851.]

WHEREAS there is no Statute in force in that part of this Province called Upper Canada, to provide for binding Apprentices for a less term than seven years; and whereas it would promote the general interest of society if shorter terms of Apprenticeship were made legal, and the law relating to Apprentices more clearly defined: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any parent, guardian, or other person having the care or charge of any Minor, not under the age of fourteen years, with the consent of such Minor, to put and bind the same as an Apprentice by written Indenture, to any Master Mechanic, Farmer, or other person carrying on any trade or calling for any term not to extend beyond the minority of such Apprentice.

Preamble.

Power of Parents, &c. to bind minors as apprentices.

II.

Power of the Mayor or Chief Magistrate to bind orphans, &c. as apprentices.

II. And be it enacted, That in any City or incorporated Town, it shall and may be lawful for the Mayor, Recorder, or Police Magistrate, and in any County or Union of Counties, it shall and may be lawful for the Chairman of and at any Court of General Quarter Sessions of the Peace, to put and bind as aforesaid, to any Master Mechanic, Farmer or other person as aforesaid, with the consent of such person, and with the consent of the Minor, any Minor who may be an orphan, or who may be deserted by his or her parents or guardian, or whose parents or guardian may for the time be committed to any common gaol or house of correction, or any Minor who may be dependant upon any public charity for support; and such Apprentice and the Master of such Apprentice shall severally be held in the same manner as if such Apprentice had been bound by his or her parent.

If the master die, apprentice to be transferred to his successor in the business, &c.; apprentices may be transferred.

III. And be it enacted, That if any Master of any such Apprentice shall die, such Apprentice shall by Act of Law, be transferred to the party, if any such there be, who shall continue the establishment of the deceased Master, and such party shall hold such Apprentice upon the same terms as his Master if alive would have done, and any Master may legally transfer his Apprentice to any person competent to receive or take any Apprentice; Provided always, that no Master shall transfer his Apprentice except to another carrying on the same kind of business as himself.

Proviso.

Duty of masters towards apprentices.

IV. And be it enacted, That every Master shall provide suitable board, lodging and clothing, or such equivalent therefor as may be mentioned in the Indenture, to his Apprentice during the term of his Apprenticeship, and shall also properly teach and instruct, or cause him to be taught and instructed in the art and mystery of his trade or calling.

Duty of apprentices.

V. And be it enacted, That every Apprentice shall, during the term of his Apprenticeship, faithfully serve his Master, shall obey all lawful and reasonable commands, and shall not absent himself from his service, day or night, without his consent.

Justices, &c. may hear and determine complaints by apprentices against their masters.

VI. And be it enacted, That any Justice of the Peace, Mayor, or Police Magistrate, shall have power, on complaint made before him on oath, by any Apprentice against his Master for any refusal of necessary provisions, misusage, cruelty or ill-treatment, after having duly summoned such Master to appear before him to answer to the complaint, to hear and determine such complaint, and on conviction to levy such fine on the offender not exceeding the sum of Five Pounds currency, as to such Justice, Mayor, or Police Magistrate may seem meet, and to issue distress to collect such fine and the necessary costs, and in default of satisfaction of such distress, to imprison the offender in any common gaol for a term not exceeding one month. And any of the said Justices, Mayor, or Police Magistrate shall have power also, on complaint of any Master against his Apprentice for refusal to obey his commands, for waste or damage to property, or for any other improper conduct, to cause such Apprentice to come before him, and to hear and determine such complaint, and on conviction, to order such Apprentice to be imprisoned in any common gaol or house of correction for any time not exceeding one month.

And by masters against their apprentices.

Liability of apprentice deserting his master's service.

VII. And be it enacted, That if any Apprentice shall absent himself from his Master's service or employment before the time of his Apprenticeship shall be expired, he shall at any time thereafter, wherever he shall be found in this Province, be liable and may be compelled to serve his Master for so long a time as he shall have so absented himself from his service, unless he shall make satisfaction to his Master for the loss he shall have sustained by his absence from his service. And in case such Apprentice shall refuse to serve as hereby required, or to make such satisfaction to his Master as aforesaid, or in case any such Apprentice refuse to obey the lawful commands of his Master, or in any other way or manner refuse to perform his duty to his Master, or neglect to perform the same, such Master, or his overseer or agent, may complain on oath to any Justice of the Peace, Mayor, or Police Magistrate, either in the County, City or Town where such Master resides, or in any County, City or Town where such absconding Apprentice may be found; and any such Justice, Mayor, or

How complaints may be heard, &c.

Police

Police Magistrate may, by Warrant under his hand and seal, cause such Apprentice to be apprehended and brought before him, or some other Justice of the Peace, and upon hearing the complaint, may determine what satisfaction shall be made by such Apprentice to his Master: And in case such Apprentice shall not give or make such satisfaction immediately, or if the satisfaction be of such a nature as not to allow of immediate performance, give sufficient surety to make such satisfaction, then in either case it shall be lawful for such Justice, Mayor, or Police Magistrate to commit such Apprentice to the common gaol, or House of Correction of such County, City or Town, for any time not exceeding three months: Provided always, that such imprisonment shall not release such Apprentice from his obligation to make up his lost time to his Master as aforesaid: And provided also, that where such Apprentice shall not have left that part of this Province called Upper Canada, or having left it, shall return thereto, such Master shall not proceed under this Act against such Apprentice, except within three years next after the expiration of the term for which such Apprentice shall have contracted to serve, or next after such his return, as the case may be.

Committal of apprentice in certain cases, &c.

Proviso.

Proviso.

VIII. And be it enacted, That any person who shall knowingly harbor or employ any absconding Apprentice, shall be liable to pay to the Master of such Apprentice the full value of such Apprentice's labor, which value shall be deemed and taken to be the value which such Master would have received from the labor and service of such Apprentice if he had continued faithfully in his service, which may be recovered in any Court having jurisdiction where such Apprentice may be employed, or where his Master may reside.

Penalty for employing or harboring absconding apprentice.

IX. And be it enacted, That if any Apprentice shall become insane, or be convicted of any crime of the degree of felony, or be sentenced to the Provincial Penitentiary, or abscond, his Master may avoid the indenture of Apprenticeship, from the time he shall give notice in writing of his intention so to do to the other parties to the indenture, either by serving them with such notice or copy thereof, or by inserting the same in some newspaper of the County or City where such Master's establishment is situated, or in the *Canada Gazette*: Provided always, such Master make such election within one month after the happening of the event upon which such right of election arises, but not otherwise.

Indenture may be avoided if apprentice becomes insane, &c.

Proviso.

X. And be it enacted, That the provisions of a certain Act of the Parliament of this Province, passed in the Session thereof held in the thirteenth and fourteenth years of the reign of our Sovereign Lady Queen Victoria, intituled, *An Act to extend the right of appeal in certain cases in Upper Canada*, shall be held to extend and apply to all cases arising under this Act, or having any reference thereto.

Act 13 & 14 Vict. c. 54, to apply.

XI. And be it enacted, That nothing in this Act shall be construed to deprive the Court of Quarter Sessions of primary jurisdiction over offences committed against this Act, but that whenever the said Court of Quarter Sessions shall be called upon to adjudicate in any matter or case arising under this Act, in addition to the powers now possessed by such Court, it shall have power and discretion in cases where it shall appear necessary for the full and perfect administration of justice, to annul any Apprenticeship, and compel the parties to the indenture of Apprenticeship to deliver the same up to be cancelled, and make such further order as the circumstances may require.

Act not to affect jurisdiction of Q. S.

Additional powers given to that Court.

XII. And be it enacted, That all fines imposed and collected under this Act shall be paid to the Chamberlain of the City, or to the Treasurer of the County or Town respectively, where the offence was committed.

Application of fines.

XIII. And be it enacted, That the word "Master," when it occurs in this Act, shall include any person or number of persons, male or female, carrying on business singly or in copartnership; and words importing the singular number or masculine gender, shall include several persons, and males as well as females, unless there be something in the subject inconsistent with such interpretation.

Interpretation clause.

Minors may bind themselves to labour in certain cases.

XIV. And be it enacted, That any Minor over the age of sixteen years having no parent or legal guardian, or who shall not reside with his parent or guardian, who shall, after the passing of this Act, enter into any engagement written or verbal to perform any service or work, shall be subject to the same legal provisions, and have the same benefit as if such Minor had been of legal age at the time of making such agreement.

Extent of Act.

XV. And be it enacted, That this Act shall extend only to Upper Canada.

C A P . X I I .

An Act to amend the Heir and Devisee Act.

[2d August, 1851.]

Preamble

8 Vict. c. 8.

19 Vict. c. 63.

19 Vict. c. 64.

Part of Sect. 2, of 8 Vict. c. 8 repealed: and other provisions substituted.

WHEREAS by the second section of the Act of the Parliament of this Province, passed in the eighth year of Her Majesty's Reign, chaptered eight, and intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision for the relief of parties claiming lands in Upper Canada for which no patent hath issued, as representing the original Nominees of the Crown*, it is enacted, that it shall be lawful for the Governor of this Province, from time to time, to issue such and so many Commissions, under the Great Seal of this Province, to the Chief Justice of Her Majesty's Court of Queen's Bench for Upper Canada, the Vice-Chancellor of Upper Canada, and the Puisné Justices of the said Court of Queen's Bench, and to such and so many other persons as he shall see fit; and such Commissioners, or any three of them, of whom the said Chief Justice, the said Vice-Chancellor, or one of the said Puisné Justices shall be one, shall form a quorum, and have full power and authority for all the purposes of the said Act: And whereas, by a certain Act, passed in the twelfth year of Her Majesty's Reign, chaptered sixty-three, and intituled, *An Act to make further provision for the Administration of Justice by the establishment of an additional Superior Court of Common Law, and also a Court of Error and Appeal in Upper Canada, and for other purposes*, an additional Court of Common Law, called the Court of Common Pleas, consisting of a Chief Justice and two Puisné Judges, has been constituted and established; and by a certain other Act, passed in the said twelfth year of Her Majesty's Reign, chaptered sixty-four, and intituled, *An Act for the more effectual Administration of Justice in the Court of Chancery of the late Province of Upper Canada*, it is enacted, that the said Court of Chancery shall be presided over by a Chief Judge, to be called the Chancellor of Upper Canada, and two additional Judges, to be called Vice-Chancellors; and whereas it is expedient that the said second section of the first herein recited Act should be repealed, and power given to the Governor or person administering the Government to issue Commissions under the said first recited Act, as well to the said Chief Justice and Puisné Justices of the Court of Common Pleas, and the said Chancellor and Vice-Chancellors, as to the said Chief Justice and Puisné Justices of the said Court of Queen's Bench: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That that part of the second section of the Act herein first above recited, which designates the persons to whom Commissions may be issued for all the purposes of that Act, be and the same is hereby repealed; and from and after the passing of this Act, it shall be lawful for the Governor, or person administering the Government of this Province, from time to time, to issue such and so many Commissions, under the Great Seal of this Province, to the Chief Justice of Her Majesty's Court of Queen's Bench for Upper Canada, the Chancellor of Upper Canada, the Chief Justice of the said Court of Common Pleas

Pleas, the Puisné Justices of the said Court of Queen's Bench and Common Pleas, and the Vice-Chancellors, and to such and so many other persons as he shall think fit; and such Commissioners, or any three of them, of whom the said Chief Justice of the Court of Queen's Bench, the Chancellor for Upper Canada, the Chief Justice of the said Court of Common Pleas, or one of the said Puisné Justices of the said Court of Queen's Bench or Common Pleas, or one of the said Vice-Chancellors shall be one, (such three Commissioners to be a quorum for all the purposes of that Act,) shall have full power and authority, in the manner and for all the purposes mentioned in the said Act.

CAP. XIII.

An Act for the further amendment of the Administration of the Criminal Law.

[2d August, 1851.]

WHEREAS it is expedient to provide a better mode than that now in use of deciding any difficult question of law which may arise in Criminal trials in any Court of Oyer and Terminer and Gaol Delivery, and to make further amendments in the Administration of the Criminal Law: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That when any person shall have been convicted of any treason, felony or misdemeanor before any Court of Oyer and Terminer or Gaol Delivery, or Quarter Sessions, the Judge, Recorder or Justices of the Peace before whom the case shall have been tried, may, in his or their discretion, reserve any question of law which shall have arisen on the trial, for the consideration of the Justices of either of Her Majesty's Superior Courts of Common Law, and thereupon shall have authority to respite execution of the judgment on such conviction, or postpone the judgment, until such question shall have been considered and decided, as he or they may think fit; and in either case the Court, in its discretion, shall commit the person convicted to prison, or shall take a recognizance of bail, with one or two sufficient sureties, and in such sum as the Court shall think fit, conditioned to appear at such time or times as the Court shall direct, and receive judgment, or to render himself in execution, as the case may be.

II. And be it enacted, That the Judge, Recorder, or Court of Quarter Sessions, shall thereupon state in a case to be signed by such Judge, Recorder or the Chairman of such Court, the question or questions of law which shall have been so reserved, with the special circumstances upon which the same shall have arisen; and such case shall be transmitted by such Judge, Recorder or Court of Quarter Sessions to one or other of the said Superior Courts on or before the last day of the first week of the Term of such Superior Court next after the time when such trial shall have been had; and the Justices of either of the said Superior Courts shall thereupon have full power and authority to hear and finally determine the said questions, and thereupon to reverse, affirm or amend any judgment which shall have been given on the indictment or inquisition on the trial whereof such question or questions have arisen, or to avoid such judgment, and to order an entry to be made on the record, that in the judgment of the said Justices the party convicted ought not to have been convicted, or to arrest the judgment, or order judgment to be given thereon at some other Session of Oyer and Terminer or Gaol Delivery, or other Sessions of the Peace, if no judgment shall have been before that time given, as they shall be advised, or to make such other order as justice may require; and such judgment and order, if any, of the said Justices shall be certified under the hand of the Chief Justice or Senior Judge of such Court to the

Preamble.

Any question of law may be reserved by certain courts for the opinion of one of the superior courts of law, &c.

Case to be stated and certified to such superior court.

Powers of the Judges of such superior court.

Judgment to be certified to the court

Below: its consequence.

Clerk of Assize, or to the Clerk of the Peace, or Recorder's Clerk, as the case may be, who shall enter the same on the original record in proper form, and a certificate of such entry, under the hand of the Clerk of Assize, or the Clerk of the Peace, or the Recorder's Clerk, as the case may be, in the form as near as may be, or to the effect mentioned in the Schedule annexed to this Act, with the necessary alterations to adapt it to the circumstances of the case, shall be delivered or transmitted by him to the Sheriff or Gaoler in whose custody the person convicted shall be, and the said certificate shall be sufficient warrant to such Sheriff or Gaoler, and all other persons, for the execution of the judgment, as the same shall have been so certified to have been affirmed or amended, and execution shall thereupon be executed on such judgment, or for the discharge of the person convicted from further imprisonment, if the judgment be reversed, avoided or arrested, and in that case such Sheriff or Gaoler shall forthwith discharge him, and also the next Court of Oyer and Terminer or Gaol Delivery, or Sessions of the Peace, shall vacate the recognizance of bail, if any; and if the Court of Oyer and Terminer or Gaol Delivery, or Sessions of the Peace, shall be directed to give judgment, the said Court shall proceed to give judgment at the next Session.

How the Judgment of the superior court shall be delivered.

III. And be it enacted, That the judgment or judgments of the said Justices of the said Superior Courts shall be delivered in open Court, after hearing Counsel or the parties, in case the prosecutor or person convicted shall think it fit that the case shall be argued, in like manner as the judgments of the said Superior Courts are now delivered.

Case may be sent back for amendment.

IV. And be it enacted, That the said Justices of the said Superior Courts, when a case has been reserved for their opinion, shall have power, if they think fit, to cause the case or certificate to be sent back for amendment, and thereupon the same shall be amended accordingly, and judgment shall be delivered after it shall have been amended.

What Judgment may be pronounced by a Court of Error.

V. And be it enacted, That whenever any Writ of Error shall be brought upon any judgment or any indictment, information, presentment or inquisition in any criminal case, and the Court of Error shall reverse the judgment, it shall be competent for such Court of Error either to pronounce the proper judgment, or to remit the record to the Court below, in order that such Court may pronounce the proper judgment upon such indictment, information, presentment or inquisition.

Punishment of persons forging certificates, &c.

VI. And be it enacted, That every person who shall forge or alter, or shall offer, utter, dispose of or put off, knowing the same to be forged or altered, any certificate of or copy certified by a Chief Justice or Senior Judge, or by a Clerk of Assize, Clerk of the Peace or Recorder's Clerk, as the case may be, with intent to cause any person to be discharged from custody, or otherwise prevent the course of justice, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary for any period not more than seven nor less than three years.

Extent of Act.

VII. And be it enacted, That this Act shall be in force only in Upper Canada.

SCHEDULE.

Whereas at the Session of the Peace, for the County (or united Counties or City) of _____ held on _____ before _____ and others, their fellows (or at the Session of Oyer and Terminer and Gaol Delivery, held for the County (or united Counties) of _____, on _____ before the Honorable _____, one of the Justices of the Court of _____, and others his fellows, Justices of Oyer and Terminer and Gaol Delivery,) A. B., late of _____ having been found guilty of felony, and judgment thereon given, that (state the substance,) the Court before whom he was tried reserved a certain question of law for the consideration of the Justices of one of the Superior Courts of Common Law, and execution was thereupon respited in the mean time; This is to certify that the Justices of the Court of Queen's Bench (or Common Pleas) having met at Toronto, in _____ Term (or the sittings after _____ Term,) it was considered by the said Justices there, that _____

that the Judgment aforesaid should be annulled, and an entry made on the record, that the said A. B. ought not, in the judgment of the said Justices, to have been convicted of the felony aforesaid; and you are therefore hereby required forthwith to discharge the said A. B. from your custody.

(Signed, E. F.
 (Clerk of the Peace for the County (or united
 Counties of (or Recorder's
 Clerk of the City of , or
 Clerk of Assize of , as the
 case may be.)

To the Sheriff of
 the Gaoler of
 all others whom it may concern.

, and
 , and }

C A P . X I V .

An Act to provide for the payment of Petit Jurors in Upper Canada.

[2d August, 1851.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That every Petit Juror actually attending any of the Courts of Assize and Nisi Prius, Oyer and Terminer, General Gaol Delivery, General Quarter Sessions of the Peace, or County Courts in Upper Canada, shall be entitled to receive and be paid, in the manner hereinafter provided, the sum of Five Shillings per day, for every day he shall attend such Court, and the sum of Six Pence per mile for every mile he shall necessarily travel from his place of residence to the said Court, or such other sums as any County Council shall by By-law from time to time fix and determine, and that the distance shall be ascertained by the declaration of the Sheriff's Bailiff summoning such Juror, or by the declaration of the Juror himself: Provided always, that any false declaration respecting the distance of such party's residence, shall forfeit the right of every Juror making such false declaration to receive any payment for travelling or attending such Court as Juror; and provided also, that no Petty Juror shall be entitled to any fee or allowance other than is provided by this Act.

Allowance to Petit Jurors attending certain Courts.

Proviso: false declaration to forfeit allowance.
 Proviso.

II. And be it enacted, That it shall be the duty of every Sheriff to make a pay list for the Petit Jurors summoned to attend the said Courts, in the form set forth in the Schedule to this Act, and to attend or cause some Officer to attend at the opening of the said Courts, on the morning of every day such Court shall sit for the trial of causes by Jury, and upon the Jurors being called over, shall check and mark the word "present," or "absent," as the case may be, in the proper column of such list opposite the name of every Juror, and on the last day of the sitting of such Court shall certify and return to the Treasurer of the County the said pay list.

Sheriff to make a Pay list for Petit Jurors.

And to transmit it to Treasurer.

III. And be it enacted, That the said pay list, checked and certified as aforesaid, shall be a sufficient authority for the Treasurer to pay to each Juror the sum to which he shall appear entitled, as certified by such list, and it shall be the duty of the Treasurer forthwith to pay every Juror the sum so appearing due to him on such list.

Treasurer to pay the Jurors.

IV. And be it enacted, That every Sheriff shall be entitled to receive from the Treasurer of the County of which he is Sheriff such sum for each pay list, and such sum per diem for checking the same every day at the opening of the Court, and for certifying and returning the same to the Treasurer as the County Council by By-law shall determine; Provided always, that the County Court and General Quarter Sessions

Allowances to Sheriffs.

Proviso.

Sessions shall be one Court for the purposes of this Act, and the duty of calling over Jurors at the opening of the Court daily shall be performed by the Clerk of that Court, whether County Court or Quarter Sessions which shall first be opened.

List of Jurors to be called over daily, when Court opens.

V. And be it enacted, That it shall be the duty of the Marshal or Clerk of Assize, the Clerk of the County Court or Clerk of the Peace, as the case may be, at the opening of the Court, and before any other business is proceeded with, to call over the names of the Petty Jurors, that the Sheriff or his Officer may check who are present or absent.

Jurors not attending to be fined.

VI. And be it enacted, That every Juror not appearing when so called shall not be entitled to any pay for the day on which he makes default in appearing at the opening of the Court, and shall, for every default he shall make during the day, be liable to such a fine as to the Court shall seem meet.

Sums to be paid with record when entered for trial.

VII. And be it enacted, That to the Clerk of Assize for every County there shall be paid, with every record entered for trial or assessment, the sum of Fifteen Shillings, and to the Clerks of the several County Courts the sum of Seven Shillings and Six Pence, which sums shall forthwith be paid over to the Treasurer, and shall form part of the fund from which Jurors shall be paid as hereinbefore provided : Provided always, that no Record shall be entered for trial or assessment unless the sums before mentioned are paid.

Proviso.

The like in criminal cases, where either party is liable to pay costs.

VIII. And be it enacted, That in all criminal cases in which by law the party prosecuting or the party prosecuted shall be liable to pay the costs of the prosecution, it shall be the duty of the Officer of the Court, to charge against and receive from the party so liable the sum of Fifteen Shillings, over and above that to which by law he was heretofore liable, which sum shall form part of the fund for the payment of Jurors, and shall forthwith be paid over by the Officer receiving it to the Treasurer of the County in which the prosecution is carried on.

Certain fines to go towards payment of Jurors.

IX. And be it enacted, That all fines and penalties imposed upon and levied in the several Counties in Upper Canada, not payable to the Receiver General, and all fines upon Jurors for non-attendance levied in such County, shall henceforth be paid to the Treasurers of each of the said Counties respectively, and shall form part of the fund for the payment of Jurors under this Act.

County Councils to provide funds for paying Jurors.

X. And be it enacted, That the several County Councils in Upper Canada are hereby authorized to raise and appropriate such sum or sums of money as in their judgment shall be sufficient to pay the Jurors according to the terms of this Act, in case the sums appropriated by this Act shall not be sufficient to pay the said Jurors.

County Councils may provide for payment of Grand Jurors.

XI. And be it enacted, That the several County Councils are hereby authorized by By-law, in their discretion, to provide for the payment to Grand Jurors, either at the Courts of Oyer and Terminer and General Gaol Delivery, or at the General Quarter Sessions, out of the County funds, such sum per diem as they shall deem reasonable.

Act not to apply to Counties not providing such fund.

XII. And be it enacted, That the foregoing clauses of this Act shall not be in force in or apply to any County in Upper Canada until the County Council of such County, desirous of availing themselves of the provisions of this Act, shall appropriate such a sum of money as will in their judgment, with the moneys applicable under this Act, form a fund sufficient to pay Jurors under the provisions hereinbefore contained, or in which the County Council shall not appropriate a sum of money for payment of any deficiency that may occur in the Jury fund of such County.

County Treasurer to notify Sheriff, when fund are provided, &c.

XIII. And be it enacted, That in every County or Union of Counties in which a Jury fund shall be provided, the Treasurer of such County or Union of Counties shall give notice to the Sheriff of such County, who shall thereupon perform the duties imposed upon him under this Act.

Court may order records to be entered, &c, on first day of sitting.

XIV. And to prevent unnecessary delay and expense, Be it enacted, That every Court or Judge sitting for the trial of causes by Jury, may, in the discretion of such Court or Judge, peremptorily order the records to be entered, and the business of the Court to be proceeded with, on the first day of the sitting of the Court; any usage to the contrary notwithstanding.

SCHEDULE TO THIS ACT.

PAY LIST for Petit Jurors who have attended "the Assize" or "County Court and Quarter Sessions" (as the case may be), held for the County of _____, and ended on the _____ day of _____, 185 .

Names of Jurors.	Number of miles travelled in coming to Court.	Check of Attendance.								Amount to be paid to Juror.			Juror's signature acknowledging receipt of money.
		1st day.	2nd day.	3rd day.	4th day.	5th day.	6th day.	7th day.	8th day.	£	s.	d.	
John Just.....	21	present	present	present	present	absent	present	present	present				
Charles Careless.....													

I, _____, Sheriff of the County of _____ do hereby certify to the Treasurer of the said County, that the above is, to the best of my knowledge, a correct return of the number of miles travelled by each Juror in coming to the said Court, a true check of the number of days every such Juror attended the Court, and the just sum to which every Juror on the above list is entitled.

A. B., Sheriff.

CAP. XV.

An Act to alter the periods for holding certain Courts in the County of York.

[2d August, 1851.]

Preamble.

WHEREAS it is necessary to alter the periods at which the Court of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery shall be held in the County of York : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the twenty-first Section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make further provision for the Administration of Justice, by the establishment of an additional Superior Court of Common Law and also a Court of Error and Appeal, in Upper Canada, and for other purposes*, as fixes the periods at which the Courts first above mentioned shall be held, shall be and is hereby repealed ; and that hereafter, the said Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, in and for the said County of York, shall open and be holden on the first Thursday in January, the first Monday in May, and the second Monday in October in each and every year.

Periods fixed by 12 v. c. 26, s. 21, for holding certain Courts altered.

CAP. XVI.

An Act relating to Land Patents whereby any waste or other lands of the Crown in Lower Canada are granted, and to dispense with certain formalities therewith connected, occasioning unnecessary delay and expense, and to amend a certain Act therein mentioned concerning such Land Patents.

[2d August, 1851.]

Preamble.

WHEREAS it is expedient that purchasers and others acquiring tracts of the public lands in Lower Canada should meet with as little delay as possible in obtaining the Letters Patent of the Crown therefor : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing hereof, all Letters Patent of the Crown whereby any grant or grants of the waste or other public lands in Lower Canada shall be made, shall be delivered to the person or persons thereto entitled, a copy thereof only being previously recorded in a register to be kept for the purpose by the Registrar of the Province or his Deputy, without any other entry of the enrolment required by the third section of an Act passed by the Legislature of Lower Canada in the thirty-sixth year of the Reign of His Majesty King George the Third, intituled, *An Act for the safe custody and registering of all Letters Patent whereby any grant of the waste or other lands of the Crown lying within this Province shall hereafter be made*, such enrolment, as thereby required, being hereby dispensed with.

Original Patent to be delivered to the Grantee, &c.

L. C. 36 G. 3, c. 3.

Registration and delivery to Grantee to be effected with the least possible delay.

II. And be it enacted, That it shall be the duty of the Provincial Secretary to deliver or cause to be delivered all such Letters Patent as aforesaid, forthwith, or as soon as conveniently may be, to the Registrar of the Province or his Deputy, for the enregistration of the same as hereinabove provided, and which it shall be the duty of such Registrar, or of his Deputy, to do or cause to be done with the least possible delay, endorsing and signing, as by law provided, a certificate of such enregistration on the Letters Patent, and transmit the same to the Commissioner of Crown Lands, to be by him forwarded to the proper person.

III.

III. And be it enacted, That all copies of the registries or entry made at full length of any such Letters Patent in the register hereby required to be kept for the purpose, duly certified under the hand and signature of the Registrar or of his Deputy to be such, shall be allowed and taken as authentic proof in all courts of law in this Province, and to be good and sufficient evidence of such Letters Patent so registered, and of the contents thereof, and shall be of the same force and effect to all legal intents and purposes, as if the said Letters Patent were in such case produced and filed in Court.

Certified copies of Registers to be evidence of the Letters Patent.

IV. And be it enacted, That the custody and safe keeping of all Letters Patent, whereby any public lands of the Crown in Lower Canada heretofore have been granted, shall from and after the passing of this Act be transferred from the office of the Secretary of the Province, or other functionary in whose keeping the same at present are, to the office of the Registrar of the Province, and that all copies of such Letters Patent, or of the record of such Letters Patent, duly certified under the signature of the said Registrar or of his Deputy to be such, shall be allowed and taken as authentic proof in all courts of law in this Province, and to be good and sufficient evidence of such Letters Patent, or record thereof, as the case may be, and of the contents thereof, as fully to all intents and purposes as if the said Letters Patent, whereof they are certified copies, were produced and filed in Court.

Custody of Letters Patent heretofore granted, transferred from the P. Secretary to the P. Registrar.

V. And be it enacted, That so much of the aforesaid Act, passed in the thirty-sixth year of the Reign of His Majesty King George the Third, intituled, *An Act for the safe custody and registering of all Letters Patent, whereby any grant of any of the waste or other lands of the Crown lying within this Province shall hereafter be made*, as is repugnant and contrary to the provisions of the present Act, shall be and the same is hereby repealed.

Inconsistent portions of 36 G. 3, c. 3.

VI. And be it enacted, That in all cases where any error as to the name of any intended grantee or purchaser of any public land in Lower Canada, or with respect to the number, designation or description of the lot of land purchased or intended to be granted or conveyed, or any other essential error shall be discovered in any Letters Patent whereby any such land is intended to be granted or conveyed by the Crown to any grantee or purchaser, it shall be lawful for the Governor in Council, on a representation to him made by or on behalf of the person interested, to direct the defective Letters Patent to be cancelled, and to issue in their stead new Letters Patent; which new Letters Patent shall supersede, take the place and be in the stead of the former, and be as effectual to all legal intents and purposes thenceforward for ever, as it was intended the former should have been and would be, had not such error or errors occurred therein.

How errors in any existing Letters Patent may be corrected.

C A P . X V I I .

An Act to amend the Act substituting Salaries for Fees, in certain cases, in Lower Canada.

[2d August, 1851.]

WHEREAS it is expedient to amend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to assign fixed Annual Salaries to certain Officers of Justice in Lower Canada, and to form a special fund out of the salaries, fees, emoluments and pecuniary profits attached to their offices*, so as to form one fund out of the emoluments of certain offices when held by the same person: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever the office of Prothonotary or Clerk of the Superior Court and that of Clerk of the Circuit Court, shall at Quebec, Montreal, Three-Rivers or Sherbrooke,

Preamble.
Act 13 & 14 Vict. c. 37, cited.

Fees, &c. of certain offices to form one fund when such

offices are held by one party.

Sherbrooke, be held by the same person or persons, then the salaries, fees, emoluments and pecuniary profits of the said two offices, while so held, shall form one fund, out of which all salaries, allowances and expenses which, without this Act, would be payable out of the fund formed by the salaries, fees, emoluments and pecuniary profits of either of the said offices, may be paid in the manner and subject to the provisions of the Act cited in the Preamble to this Act.

From what time this Act shall take effect.

II. And be it enacted, That the foregoing enactment shall have a retroactive effect as if passed on the tenth day of September, one thousand eight hundred and fifty, and the Act cited in the Preamble shall accordingly be construed as if the provision herein contained had been inserted therein.

Allowance to Prothonotary, &c. for collecting tax.

III. And be it enacted, That the Governor in Council shall have full power and authority to grant and allow to the Prothonotary, Clerk, Registrar, Sheriff or Officer authorized to collect and receive the duty or tax imposed by another Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*, or imposed or hereafter to be imposed by any Order or Orders in Council under the authority of the said Act, upon the proceedings, matters and things in and by the said Act declared to be liable to such duty or tax, such sum for collecting and receiving the said duty or tax as to the Governor in Council shall seem just and reasonable, provided such allowance do not exceed the rate of two and a half per centum on the amount of such duty or tax so already collected and received, or to be hereafter collected and received as aforesaid.

CAP. XVIII.

An Act to enable Creditors to attach the effects of Debtors about to leave the Province in cases under Ten Pounds.

[2d August, 1851.]

Preamble.

WHEREAS persons often evade the payment of their just debts, in cases where they are indebted to individual creditors to an amount less than Ten Pounds, by secreting or making away with their estate, debts and effects, or by leaving the Province before judgment can be obtained against them: For the prevention thereof, Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Process of Attachment, as well in the hands of the debtor as in the hands of a third person or of third persons, (*arrêt simple*, or *saisie arrêt*, or *entiercement*) prior to trial and judgment, may issue from the Circuit Court in Lower Canada, in all cases where the sum demanded is under Ten Pounds and exceeds One Pound and Five Shillings, current money of this Province, upon the affidavit of the plaintiff or his agent to the effect that the defendant or proprietor of such estate, debts or effects, is indebted to the plaintiff in a sum exceeding One Pound and Five Shillings, current money of this Province, and that he is about to secrete, or make away with the same, or doth abscond, or is about to leave the Province to defraud his creditors; Provided always, that the Commissioners' Courts shall have the like power to issue such Process of Attachment in cases within their jurisdiction, and above the sum of One Pound Five Shillings.

Attachment before judgment may issue in cases between £1 5s. and £10, on affidavit to a certain effect.

Clerks of Circuit Courts may issue such attachment, &c.

Proviso.

II. And be it enacted, That any Clerk of the Circuit Court or Commissioners' Court is hereby authorized to receive the necessary affidavit and issue such Writs of Attachment as aforesaid, in the same manner as he is now permitted and authorized to do in cases above Ten Pounds: Provided, nevertheless, that nothing herein enacted shall prevent any Judge of the Superior Court or Circuit Court from receiving such affidavit,

affidavit, and from granting a Fiat upon which to issue such Writs of Attachment as aforesaid; and the said Judges are hereby empowered to administer and receive such affidavits and grant such Fiats in the same manner as they are now authorized and empowered to do in cases above Ten Pounds.

III. And be it enacted, That the additional costs attendant upon the issuing of such Writs of Attachment as hereinbefore provided for, shall be taxed by a Judge of the Court at such sum as in his discretion he may think right, unless and until they be regulated by a Tariff of the Court under which the Clerk of the Court shall then tax such costs, and in the Commissioners' Court such additional costs shall be the same as in cases of seizure under execution. Costs.

IV. And be it enacted, That this Act shall remain in force for two years, and from thence until the end of the then next Session of the Provincial Parliament, and no longer. Duration of this Act.

V. And be it enacted, That this Act shall apply only to Lower Canada. This Act to apply to L. C. only.

C A P. XIX.

An Act to authorize the holding of a Second Term of the Superior Court annually in the District of Gaspé, and for the better administration of Justice therein.

[2d August, 1851.]

WHEREAS the increase of population and of trade in the District of Gaspé may render it expedient that two terms of the "Superior Court," now by law required to sit but once a year in the said District, should hereafter be held annually therein, and it therefore is expedient to invest the Executive with power to that effect: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whensoever and so soon as a second term, in addition to the term of the "Superior Court," now by law held but once a year in the District of Gaspé, shall be by the Governor in Council deemed conducive and necessary to the general welfare of the inhabitants of the said District, it shall be lawful for His Excellency to direct and authorize, by proclamation, and in the manner provided in and by that part of the seventy-seventh section of the Act passed in the twelfth year of Her Majesty's reign, intituled, *An Act to amend the laws relative to the Courts of original civil jurisdiction in Lower Canada*, to which are prefixed the words "IN THE SAID DISTRICT OF GASPE," a second term of the said Superior Court to be annually thereafter held in the said District, at such time as he shall deem proper, with power to him to alter the same at pleasure, and at the same places and for the like periods or number of days as the said Court heretofore has been held, and with the same powers and authority to the Judges holding the said term, to all legal intents and purposes, as if appointed and constituted under the aforesaid last recited Act; but subject always to the modifications thereof as provided in and by an Act of the twelfth year of Her Majesty's reign, intituled, *An Act to amend the law relative to the administration of Justice in Gaspé*, and to the other provisions of this last mentioned Act. Preamble.

On certain presentments and Petitions, the Governor may authorize the holding of a second term of the Superior Court annually in Gaspé.

12 v. c. 3, cited.

12 Vict. c. 40, cited.

CAP. XX.

An Act to amend a certain Act passed in the twelfth year of Her Majesty's Reign, relating to Notaries.

[2d August, 1851.]

Preamble.

19 Vict. c. 47,

and 10 and 11 Vict. c. 21, cited.

Filing of articles of clerkship by notarial Students within a certain time declared valid.

WHEREAS several persons have suffered damage in consequence of the expiration of the period limited by the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the Act providing for the organization of the Notarial Profession in Lower Canada*, for the filing, by Notarial Students whose articles of clerkship had been entered into before the passing of the Act passed in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act for the organization of the Notarial Profession in that part of this Province called Lower Canada*, of authentic copies of their said articles of clerkship in the Office of the Board of Notaries, within whose jurisdiction their Patrons resided, and who have not been enabled to do so in conformity with the first above cited Act, either through absence from the Province for the purposes of education, or through any other cause: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the filing by any Notarial Student of an authentic copy of his articles, or transfer of articles entered into before the passing of the secondly above cited Act, in the Office of the Board of Notaries within whose jurisdiction his Patron resided, after the expiration of the period limited in and by the said first above recited Act, before the date of the passing of this Act, or within six months from the passing of this Act, shall be as valid to all intents and purposes as if the same had been filed within the period limited by the said first above cited Act; any law to the contrary notwithstanding.

CAP. XXI.

An Act to amend and make permanent the Acts in force in Lower Canada, for the establishment of Mutual Fire Insurance Companies therein.

[2d August, 1851.]

Preamble.

4 Vict. c. 33, a d 6
Vict. c. 33, cited.

A second Mutual Fire Insurance Company allowed in Counties containing Cities or large Towns.

WHEREAS it is expedient to continue and amend the Act of Lower Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to authorize the establishment of Mutual Fire Insurance Companies*, and the Act of the said Province passed in the sixth year of the same Reign, and intituled, *An Act to continue for a limited time and to amend a certain Act therein mentioned relative to the establishment of Mutual Fire Insurance Companies*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever in any County in Lower Canada there shall be any City or Town containing a population of more than five thousand souls, according to the then last census, it shall be lawful for the freeholders of such County residing out of the limits of such City or Town, to establish a Mutual Fire Insurance Company for the insuring of property within such County but not within such City or Town, although another Company may have been already established in and for such County, and with the same effect to all intents and purposes as if the establishment of such separate Company for the Country

Country parts of any such County had been allowed and provided for by the said Acts, or either of them, the provisions whereof shall apply to any Company to be established under this Act in so far as they may not be inconsistent with the provisions thereof.

II. Provided always and be it enacted, That nothing herein contained shall be construed to prevent the inhabitants of the Country parts of any such County as aforesaid, or any of them, from insuring their property therein in any Mutual Fire Insurance Company lawfully established for the whole County including the Cities and Towns, if they shall prefer so to do, or to invalidate or affect the rights of any such last mentioned Company.

Such second Company have no exclusive privilege.

III. And be it enacted, That it shall be lawful for the Mutual Fire Insurance Company for any County or Counties together, in Lower Canada, to admit as a member of the said Company, if they shall deem it expedient, the owner of any property situate within any County other than the County or Counties in which such Mutual Fire Insurance Company shall be established, and to insure any property of such person so situate as aforesaid; and each person so admitted as a member of any such Company shall have the same rights, and be subject to the same liabilities as the other members of the said Company; any thing in the said Acts hereby amended to the contrary notwithstanding.

Property situate in a County may be insured in Mutual Insurance Company for another County.

IV. And be it enacted, That notwithstanding any thing in the said Acts or either of them contained, it shall be lawful for the Directors of any such Company to demand and take from every member of the Company before he shall receive his policy, such part of, or amount of per centage upon the notes deposited, as provided by the said Acts or either of them, as the Directors of the said Company may by their By-laws determine; and further, to declare in each year in advance, in such manner as shall be determined by the said By-laws, the amount of dividend required to be paid in to meet the estimated annual losses and expenses of the said Company, the said dividend declared in advance to be settled and determined upon by the Directors, upon an average to be taken of the probable losses and expenses during the year, and published in the manner to be provided by the said By-laws, and the balance remaining at the credit of any member at the expiration of his policy shall be returned to such member.

Directors may demand from members per centage on notes deposited, before granting them policies.

V. And be it enacted, That any member of such Company neglecting or failing to pay the said annual dividend at the time appointed by the said Directors, shall not be entitled to recover from the said Company for any loss which he may sustain thereafter, until his annual payment shall have been made: Provided always, that nothing in this section contained shall have the effect of preventing the Directors from suing or prosecuting such member in default, for the amount of his deposit note or for any declared dividend or assessment as aforesaid, and costs of suit as provided in and by the said Acts, or either of them.

No member to recover for any losses if he neglect to pay annual dividend.

Proviso.

VI. And be it enacted, That all such sums of money so paid, shall form a fund for the payment of losses and expenses, which said fund shall be by the said Directors invested to bear interest in some Chartered Bank in this Province, in the manner and as shall be determined by the By-laws in that particular to be provided by the Directors.

Money paid to form fund for payment of losses, &c.

VII. And be it enacted, That each and all of the provisions of the said before cited Acts, contrary to the provisions hereof, shall be, and are hereby repealed, and the said Acts as amended hereby, and this Act, shall continue in force until repealed by competent authority.

The above cited Acts made permanent.

CAP. XXII.

An Act to amend the Act therein mentioned; enabling Her Majesty to direct the issue of Debentures to a limited amount, and for granting relief to the City of Quebec.

[2d August, 1851.]

Preamble.
9 Vict. c. 62,

WHEREAS by an Act of the Parliament of this Province, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act for enabling Her Majesty to direct the issue of Debentures to a limited amount, and for giving relief to the City of Quebec*, it is among other things in effect enacted, that an insurance shall be effected upon all and every the buildings to be erected under the said Act, and shall be renewed annually so long as the principal sums lent or the interest accruing thereon shall remain unpaid, and that such insurance or the sums due under the same respectively shall, in case of the destruction of the said buildings by fire, be payable to Her Majesty, Her Heirs and Successors; and whereas it is expedient that any sums so paid to Her Majesty should be again advanced and lent to the proprietors whose buildings have been or may be destroyed by fire, and who may desire to obtain the same for the purpose of re-constructing such buildings: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor to lend and advance to each and every such proprietor respectively, the sum or sums so received as aforesaid by virtue of any such insurance.

Governor may re-advance the sum recovered under any insurance.

At what time the same shall be repaid.

II. And be it enacted, That every such proprietor to whom any sum shall be lent and advanced as aforesaid, shall pay the interest thereon and repay the principal, at the same periods, and in the same manner as he is bound to pay and repay the interest and principal under and by virtue of the bonds or obligations given by him under the said Act.

Buildings erected to be held to be erected with moneys advanced as aforesaid.

Proviso: the contrary may be proved.

III. And be it enacted, That all buildings to be erected by any such proprietor on property on which any buildings shall have been destroyed by fire as aforesaid, subsequently to the passing of this Act, shall be held to have been erected and built with the money advanced or lent under this Act; any law, usage or custom to the contrary notwithstanding; Provided always, that it shall be open to any party who shall allege that any building on such property was erected or improved with other moneys than those mentioned in this Act, to prove the truth of such allegation by such documents and other evidences as the law requires.

Privilege of the Crown for the security of money advanced under this Act.

IV. And be it enacted, That for the recovery, conservation, assurance and payment of the sums to be advanced under this Act and of the interest thereon, Her Majesty, Her Heirs and Successors shall have the same recourse, rights, hypothecs, privileges and priority of hypothec as are given by the said Act for the security and payment of the sums advanced under the authority thereof, and shall also enjoy the same exemption from registration and other formalities therein mentioned.

CAP. XXIII.

An Act to amend an Act to encourage the establishment of Building Societies in Lower Canada.

[2d August, 1851.]

Preamble.
12 Vict. c. 57.

WHEREAS in the tenth Section of the Act passed in the Session held in the twelfth year of Her Majesty's Reign, and intituled, *An Act to encourage the establishment of Building Societies in Lower Canada*, it is amongst other things provided, "That it shall and may be lawful for every such Society to take and hold
" any

“ any real estate or securities thereon, *bonâ fide* mortgaged, assigned or hypothecated
 “ to the said Society, either to secure the payment of the shares subscribed for by its
 “ members, or to secure the payment of any loans or advances made by or debts due
 “ to such Society, and may also proceed on such mortgages, assignments or other
 “ securities for the recovery of the moneys thereby secured, either at law or in equity,
 “ or otherwise ;” And whereas, owing to the forms of procedure in the Courts in that
 part of the Province known as Lower Canada, and from the want of proper means to
 carry out the provisions of the said clause, difficulties may occur ; and it is also
 expedient that no doubt should exist with respect to the power and legality of carrying
 into force the stipulations of the shareholders among themselves, or as to the power
 of every such Society to loan money on property actually belonging to any member
 thereof, before and at the time at which any moneys may be advanced, as well as for
 the actual purchase of such property and erection of buildings thereon : Be it therefore
 enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent
 of the Legislative Council and of the Legislative Assembly of the Province of Canada,
 constituted and assembled by virtue of and under the authority of an Act passed in the
 Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act
 to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*,
 and it is hereby enacted by the authority of the same, That from and after the passing of
 this Act, whenever any such Society shall have received from any shareholder a mortgage
 or hypothec, or an assignment or transfer of any real estate belonging to him or her, to
 secure the payment of any advances, and containing an authority to the said Society
 to sell such real estate in case of non-payment of any stipulated number of instalments
 or sums of money (as every such Society is hereby and by the said Act was authorized
 to do), and containing also authority and power to the said Society to apply the
 proceeds of such sale to the payment of the advances, interest and all other charges
 due to the said Society, and after perfect payment thereof and of all costs and expenses
 incident thereto, to pay over the balance to the owner of such estate, such stipulations
 and agreement shall be valid and effectual and binding to all intents and purposes
 whatsoever, and it shall be lawful for every such Society to cause the same to be
 enforced and executed by an action or proceeding in the usual course in any Court of
 Law within that part of this Province called Lower Canada, having competent
 jurisdiction, and such action may be brought in the corporate name of any such
 Society, or in the names of the President and Treasurer of any such Society,
 describing them to be such President and Treasurer.

Certain agreements
for the sale of pro-
perty hypothecated to
any Building Society,
declared valid.

Action to enforce the
same.

II. And be it enacted, That in any action or proceeding to be instituted by any such
 Society for the purpose of realizing or bringing to sale any property or estate
 hypothecated, mortgaged or assigned to the said Society by any person or persons as
 aforesaid, it shall not be necessary to set forth the special matter in the declaration,
 but it shall be sufficient to allege that the defendant hypothecated, mortgaged or
 assigned (as the case may be) the real estate, describing the same, to the said Society,
 and that the amount, or sufficient part of the amount stipulated by such party to be
 paid, has become and remains due and owing, whereby by virtue of this Act and of
 the Act hereby amended, an action hath accrued to the said Society, to have the said
 estate and property sold ; and in order to maintain such action, it shall be sufficient,
 in addition to the customary evidence of the hypothec, mortgage or assignment of such
 property or estate, to prove by any one witness, whether in the employment of, or a
 shareholder in such Society or not, or by any other means, that the defendant is in
 arrear and indebted to the said Society in or exceeding a sum on the accruing of
 which, by the terms of such hypothec, mortgage, assignment or agreement, the said
 Society may have the right to have the said property or estate sold ; and thereupon
 the Court shall give judgment for the said amount, and by such judgment order the
 property to be sold by the Sheriff of the District wherein it may be, after three
 insertions in the course of four months in the *Canada Gazette* ; and it shall not be
 necessary for the Sheriff to go through any formalities in ~~seizing~~ the said lands or
 otherwise ;

What it shall be suffi-
cient to allege in any
such action.

What only need be
proved to maintain
such action.

Advertisement and
sale of the property.

Certain provisions extended to proceedings under this Act.

Proviso : Sheriff's poundage.

Forfeiture of shares on which instalments are not paid.

Doubts under Sects. 1 and 10 of the amended Act recited.

The said doubts removed.

Any person or corporation may be a member of any such society.

Public Act.

otherwise ; but all the laws of that part of the Province called Lower Canada, with respect to the protection of immoveable property under seizure, and with respect to the filing of oppositions to, and after the sale of lands or immoveable property, to the payment, return and distribution of the money, to the re-sale of such immoveable property at the *folle enchère* of any purchaser, and to the obtaining possession of any such immoveable property after sale, shall be applicable to the proceedings authorized by this Act ; and the provisions of all laws and ordinances of Lower Canada, or of this Province, regulating the sale of real estate, and the judicial proceedings relative thereto, are, in so far as applicable and not otherwise provided for by this Act, hereby extended to all proceedings to be had under this Act ; and if it be not otherwise herein directed, all such proceedings, in so far as may be, shall be conducted in like manner as proceedings under ordinary Writs of Execution, and the deed to be given by the Sheriff shall have the like effect as a deed given under an ordinary Writ of Execution ; Provided always, that the Sheriff of the District shall, in addition to his disbursements, be entitled to deduct only One per centum commission from the gross proceeds of sale.

III. And be it enacted, That every such Society shall have power to forfeit and declare forfeited to the said Society, the shares of any member who may neglect or be in arrear to pay such number of instalments as may be or are fixed by any stipulations, or by law ; and that every such Society may pursue the same course, exercise the same power, and take and use the same remedies to enforce the payment of any debt or demand due to such Society, as any person or persons, body corporate or politic, may now by law take or use for such purpose.

IV. And whereas doubts have arisen as to the construction of the first and tenth Sections of the Act hereby amended, with respect to the right of any such Society to loan and advance money on property and estate, actually belonging to and acquired by the borrower, at the time of such borrowing and advance, and it is expedient to remove such doubts ; Be it therefore enacted and declared, and it is therefore declared to have been and to be the intention of the said Act, That every such Society should have the power to advance, and every such Society is hereby authorized to advance in the usual manner, moneys on any real estate whatsoever of any member of the said Society, as well for the actual purchase of the same and for the erection of buildings thereon, as generally upon the security of any real estate belonging to any such member at the time of his borrowing such moneys, and to take and receive a mortgage, hypothec or assignment of all such real estate whatsoever in security for such advances, on the same conditions and with the same privileges in all respects as any other real estate by the said Act, and by this Act authorized and required to be mortgaged, hypothecated or assigned ; and further, that all securities heretofore taken for moneys advanced in the manner above mentioned, shall be valid and binding on the parties to all intents and purposes whatsoever, and in the same manner as if taken under this Act ; and that all or any person or persons whosoever, whether capitalists or otherwise, shall be at liberty to become members of any such Society ; and that copartners and corporate bodies may hold shares therein, in same manner as single individuals.

V. And be it enacted, That this Act shall be a public Act, and as such be judicially taken notice of by all Judges and Justices, and other persons whomsoever, without being specially pleaded.

CAP. XXIV.

An Act to provide for defraying the expense of the River Police of Montreal.

[2d August, 1851.]

Preamble.

WHEREAS it is expedient to provide for the payment of such additional members of the Police Force established under the Ordinance of the Legislature of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance for establishing an efficient system of Police in the cities of Quebec and Montreal*, as it may be found necessary to employ more especially in the Harbour and Port

2 Vict. c. 2.

Port of Montreal : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That out of any money received for tolls, rates and wharfage dues, by the Commissioners for the improvement and enlargement of the Harbour of Montreal, and remaining in their hands in any year after defraying all the special charges payable out of the same during such year, it shall be lawful for the Governor to direct the said Commissioners to pay over to such officer or person as he may designate, such sum as may be required to defray the expenses attending the employment of such additional members of the said Police Force, as it may have been found necessary to employ during such year to act more especially as constables in the harbour and port aforesaid; the number of such additional members of the said Police Force to be so employed, and the remuneration to be allowed for their services, having been, previously to their employment, determined by the Governor in Council; and the officer or person to whom such sums shall be paid by the said Commissioners shall apply the same to the payment of the expenses aforesaid, under such instructions as he shall receive from the Governor in that behalf, and shall account for the same in such manner and form as the Governor shall direct; and the due application of the said money shall be accounted for to Her Majesty through the Lords Commissioners of the Treasury for the time being, in such manner and form as Her Majesty shall direct.

Expenses of River Police at Montreal may be paid out of Harbour dues, after paying all prior charges thereon.

C A P. X X V.

An Act to provide for defraying the expense of the River Police at Quebec.

[2d August, 1851.]

WHEREAS the expense of maintaining and paying the members of the Police Force acting as Constables in the Port of Quebec, under the provisions of the Ordinance of the Legislature of the Province of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, has been heretofore defrayed by means of the voluntary contributions of the owners and masters of vessels trading to the Port of Quebec, and of merchants and others interested in the trade of the said port; And whereas it is expedient that provision should be made for raising a fund to defraying such expenses in future: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the master or commander of every vessel of the burthen of one hundred tons or more, entering at the Port of Quebec from any port or place situate beyond the eastern limits of this Province, or clearing at the said Port of Quebec for any port or place situate beyond the eastern limits of this Province, shall, over and above all other sums payable under any Act or Law now in force or hereafter to be enacted, pay to the Collector of Her Majesty's Customs at the Port of Quebec, a sum equal to Three Farthings for every ton of the registered measurement of such vessel.

Preamble.

Ordinance L. C. 2.
Vict (1) c. 2.

Tonnage duty imposed on vessels entering at or clearing from the Port of Quebec.

II. And be it enacted, That the Collector or other Officer of Her Majesty's Customs at the Port of Quebec, shall not grant any entry inwards, or a clearance outwards, to any vessel of the burthen of one hundred tons or more, for or from any port or place situate beyond the eastern limits of this Province, unless and until the master or commander

Entry or clearance not to be granted to any vessel until such duty be paid.

commander of such vessel shall have paid to such Collector the full amount of tonnage duty payable in respect of such vessel under the foregoing section of this Act.

Penalty on Masters of vessels not requiring clearance for leaving without paying the said duty.

III. And be it enacted, That the master or commander of any vessel liable to pay such tonnage duty as aforesaid and not requiring a clearance, who shall leave the port of Quebec for any port or place situate beyond the eastern limits of this Province, without having paid to the Collector of Her Majesty's Customs at the Port of Quebec the full amount of tonnage duty payable in respect of such vessel under the provisions of this Act, shall incur a penalty not exceeding Fifty Pounds to be recoverable in like manner as penalties for breach of the laws relative to duties of customs.

Duties to be paid over to Receiver General.

IV. And be it enacted, That the moneys levied under the authority of this Act as aforesaid, shall be paid by the Collector of Her Majesty's Customs at the Port of Quebec, into the hands of the Receiver General, for the purpose hereinafter mentioned.

Duty may be reduced and again raised.

V. And be it enacted, That it shall be lawful for the Governor in Council from time to time to reduce, and having reduced, again to raise, and so, as often as may be deemed advisable, the rate of tonnage authorized to be levied as aforesaid, but so as the same shall at no time exceed the said rate of Three Farthings per ton measurement.

Sums arising from certain sources to be paid over to the Inspector of Police.

VI. And be it enacted, That it shall be the duty of every person having in his hands or possession any sum or sums of money heretofore raised by voluntary contribution, for the purpose of defraying the expense of a River Police in the Port of Quebec, or arising from the public sale by the Harbour Master of the Harbour of Quebec of any unclaimed timber or other things found by the members of the Police Force aforesaid in the River Saint Lawrence, or any boats, oars, boat-tackle or other effects or property of any kind heretofore used by such River Police, forthwith to pay and deliver over the same to the Inspector and Superintendent of the Police for the City of Quebec, who is hereby authorized and required to receive the same.

Inspector of Police to be deemed the finder of certain articles under 12 Vict. c. 116.

VII. And be it enacted, That the Inspector and Superintendent of the Police for the City of Quebec, shall be held and deemed to be the finder of any thing found in the River St. Lawrence by the members of the Police Force aforesaid, within the true intent and meaning of the ninety-ninth Section of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes*, and that two thirds of the net proceeds of the sale of any such thing in virtue of the said Act, shall revert and be paid to him accordingly.

Application of money raised under this Act, &c.

VIII. And be it enacted, That all moneys raised, levied and received under the authority of this Act, and all moneys heretofore raised by voluntary contribution, as aforesaid, and paid over and received under the authority of this Act, shall be applied by such Officers or persons, and under such rules and regulations as the Governor of this Province shall from time to time appoint for that purpose, in defraying the expense of maintaining and paying the members of the Police Force acting as Constables in the Port of Quebec, under the Ordinance cited in the Preamble to this Act.

C A P . X X V I .

An Act to amend the Montreal Trinity House Act.

[2d August, 1851.]

Preamble.

12 Vict. c. 117.

WHEREAS it is expedient to amend a certain Act of the Legislature of this Province, passed in the Session held in the twelfth year of the Reign of Her present Majesty, intituled, *An Act to repeal a certain Act and Ordinance therein mentioned, relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof*, for the purpose of empowering the said Trinity House to regulate the rates of certain tonnage duties, and establishing a summary mode of enforcing the payment of the same : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the

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the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Master, Deputy Master and Wardens of the Trinity House at Montreal, shall have power from time to time, with the approval of the Governor in Council, to reduce or increase the rate of tonnage duties imposed by the forty-first section of the Act hereby amended, so that no greater or less sum may be exacted from the shipping than it is necessary to expend for the maintenance of the lights and the security of the navigation : Provided always, that the rate of the said tonnage duties shall never be made to exceed the rate fixed by the forty-first section of the said Act.

Trinity House may reduce or increase duty under Sect. 41.

Proviso.

II. And be it enacted, That any reduction that may have heretofore been made in the rate of the said tonnage duties by the Master, Deputy Master and Wardens of the Trinity House at Montreal, under the sanction of the Governor in Council, shall be and is declared to be valid and is hereby ratified and confirmed, and all parties concerned in the said reduction are hereby indemnified from all legal liabilities consequent on their participation therein.

Reduction already made confirmed.

III. And be it enacted, That the forty-sixth section of the said Act, in so far as it relates to the recovery of the tonnage duties imposed by the forty-first section of the said Act, is hereby repealed, and that the following provisions be substituted in its place, viz : That the said tonnage duties shall or may be collected from the owner, agent, master, commander or person in charge of any ship, steamer or other vessel subject thereto, by the Collector of Her Majesty's Customs at the Port of Montreal or the Port of Quebec, or by the Master, Deputy Master and Wardens of the Trinity House of Montreal, or the Registrar and Treasurer thereof (as the case may be,) before any Court of competent jurisdiction, or if they or each of them deem it advisable, before any Magistrate residing in the City of Montreal or in the City of Quebec, if the sum demanded do not exceed Eleven Pounds currency, and if the sum demanded do exceed Eleven Pounds currency, then before any Court of competent jurisdiction ; and the above named parties, or each of them, shall also have power and authority immediately upon the non-payment of the said duty or any part thereof, even before judgment, to seize any ship, steamer or vessel, or any article or thing thereunto belonging, upon which the said duties may be owing, and detain it or them at the risk, cost and charge of the owner until the sum due and the costs and charges incurred in and about such seizure and detention be paid in full ; and such seizure may be had and obtained upon the order of any Judge or Magistrate for the District of Montreal or Quebec, or upon the order of the Collectors of Customs at the Ports of Montreal or Quebec respectively, when not acting as applicants themselves in the matter as hereinafter enacted, which order such Judge, Magistrate and Collectors of Customs are and each of them as aforesaid is hereby authorized and required to give upon the application of the Master, Deputy Master and Wardens of the Trinity House of Montreal or the Registrar and Treasurer thereof, or of the Collector of Customs of the Port of Montreal or the Port of Quebec, on the affidavit of any one credible person, that any sum is due for such duty as aforesaid ; and the said order may and shall be executed by any constable, bailiff or other person whom the said parties or any of them may choose to intrust with the execution thereof, and which said constable, bailiff or other person is hereby authorized and empowered to take all necessary means, and to take and require all necessary aid to enable him to execute the said order.

Sect. 46 repealed as regards the duties.

Mode of recovering such duties.

Power to seize the Vessel, &c. on which they may be due.

On what application such seizure may be made.

CAP. XXVII.

An Act to alter the Rates of Wharfage payable in certain cases in the Harbour of Montreal.

[2d August, 1851.]

Preamble,

WHEREAS the amount of dues received under the present tariff, for the wharfage of firewood and wood boats in the Harbour of Montreal is wholly inadequate to the payment of the interest on the cost of the wharves exclusively occupied for the discharge of wood boats: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That such part of the tariff B, annexed to the Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend the Acts for the improvement of the Harbour of Montreal, and provide for the improvement of the Navigation of the River St. Lawrence, within the Port of Montreal*, as relates in any manner to the rates of wharfage on Firewood, Schooners and River Craft with Firewood, is hereby repealed; and that from and after the first day of April, one thousand eight hundred and fifty-two, in lieu of the present rate of wharfage upon firewood, the rate of Three Pence Currency per Cord be substituted; and that Schooners and River Craft, with Firewood, shall be liable to the same wharfage as if otherwise laden.

Certain rates of wharfage under 13 & 14 Vict. c. 97 altered.

CAP. XXVIII.

An Act to transfer the place of holding the meetings of the Municipal Council of the Municipality of Drummond, Number Two, from "French Village" in the Township of Kingsey, to the Village of Stanfold in the said Municipality.

[2d August, 1851.]

Preamble

WHEREAS it is expedient to alter the place of holding the meetings of the Municipal Council of the Municipality of Drummond, Number Two, established under and by virtue of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to divide the Municipality of Drummond into two Municipalities*, in the manner hereinafter provided: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the first day of October next, the place of holding the meetings of the Municipal Council of the said Division shall be the Village of Stanfold, in the County of Drummond, instead of the place commonly called "French Village" in the Township of Kingsey, in the said County of Drummond; any thing in the above in part recited Act to the contrary notwithstanding.

12 Vict. c. 22 cited,

Stanfold village to be place of holding meetings of Council.

CAP. XXIX.

An Act to explain and remove doubts under certain Acts passed for the Improvement of the *River du Chêne*.

[2d August, 1851.]

Preamble.

13 & 14 Vict, c. 111.

WHEREAS doubts have arisen as to the true intent and meaning of a certain provision of the Act passed in the last Session of the Parliament of this Province, intituled, *An Act to extend the period for the Election of Commissioners under*

under the Act for the Improvement of the River du Chêne, and it is expedient to remove the same: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby declared and enacted by the authority of the same, That the true intent and meaning of the said Act is, and shall be held to be, that the period of eighteen months limited by the said Act, for the election of Commissioners for the purposes of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, An Act to provide for the Improvement of the River du Chêne in the County of the Two Mountains, shall be computed from the date of the passing of the Act cited in the Preamble to this Act; and any election of the said Commissioners held previously to the passing of this Act, and any thing done by them in their said capacity in conformity with the provisions of the secondly above recited Act as hereby interpreted, are accordingly declared to be and to have been good, valid and effectual, to all intents and purposes.

True intent of the said Act declared.

12 Vict. c. 155.

C A P . X X X .

An Act to close up part of Ottawa Street in the Village of Cayuga.

[2d August, 1851.]

WHEREAS the Municipal Council of the County of Haldimand have applied to the Legislature for authority to close that part of Ottawa Street, in the Town of Cayuga, which passes through the grounds purchased by the said County from the Indian Department, and on which the Court House is erected; And whereas the space occupied by that part of the said street is required for public uses: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That that part of Ottawa Street which is situated between Echo and Victoria Streets, in the said Town of Cayuga, shall be closed forthwith, and its description obliterated from the Map or Plan of the said Town; and that the space or ground thus declared to be no longer a part of the said street, shall henceforth belong to the County of Haldimand, for the public uses thereof.

Preamble.

Part of the said street to be closed.

C A P . X X X I .

An Act to indemnify the Municipal Councillors of the County of Peterborough and others, for passing a certain By-law of the Municipal Council of the said County, which was afterwards quashed.

[2d August, 1851.]

WHEREAS the Municipal Council of the County of Peterborough did on the twenty-second day of June, one thousand eight hundred and fifty, pass a By-law numbered thirteen, appropriating the sum of Six Hundred Pounds out of the County Funds to be expended on certain Roads within the said County, by the Municipal Councillors of the several Townships therein, and of the Town of Peterborough, the said sum being directed to be distributed among the several Municipalities in proportion to the amount they might have respectively contributed to the County Funds, during the then last year; And whereas doubts having arisen as to the strict legality of the said By-law, the question was brought before the Court of Queen's Bench for Upper Canada, and by a Judgment of that Court, given on the thirteenth day of February,

Preamble.

one thousand eight hundred and fifty-one, the said By-law was quashed ; And whereas the said Municipal Council of the County of Peterborough have by their Petition represented to the Legislature the facts aforesaid, and have prayed that the Councillors and parties concerned in passing the said By-law, may be indemnified and saved harmless for so doing, and inasmuch as the said By-law, though not strictly conformable to the letter of the law, was passed in perfectly good faith, and with an honest desire to advance the public good, it is right to grant the prayer of their petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Municipal Council of the County of Peterborough, and all and every the Municipal Councillors of the said County of Peterborough, or of the several Townships therein, or of the Town of Peterborough, and all other officers and persons who concurred or were concerned in passing the By-law mentioned in the Preamble to this Act, shall be and are hereby indemnified and saved harmless, and shall be liable and responsible for their doings with regard to the same, so far only as they would have been if the said By-law had by the said Judgment of the Court of Queen's Bench been declared legal and valid ; excepting always the liability of them, or any of them, for the costs incurred in the proceedings in which the said Judgment was given, which liability shall remain the same as if this Act had not been passed : Provided always, That nothing herein contained shall be construed to legalize or render valid the said By-law or any other By-law of the said Municipal Council, which would not be legal or valid without this Act.

The said Municipal Council and others indemnified for passing the said By-law, and for their doings under the same.

Exception.

C A P. X X X I I .

An Act to incorporate Trinity College.

[2d August, 1851.]

Preamble.

WHEREAS it has been represented to the Legislature of this Province, that divers inhabitants of the said Province have used their efforts to establish a College in connexion with the United Church of England and Ireland, in the City of Toronto, under the style and title of Trinity College, and are engaged in erecting and establishing the same ; And whereas it would tend greatly to advance and extend the usefulness of the said College, and to promote the purpose for which it was established, that it should be incorporated : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That there shall be, and there is hereby constituted and established at the City of Toronto, a body politic and corporate, under the name of Trinity College, which corporation shall consist of—Firstly : The Lord Bishop of Toronto, or in case of the division of the said Diocese, then the Bishops of any Dioceses into which the Diocese of Toronto may hereafter be divided. Secondly, the Trustees of the said Trinity College ; and, Thirdly, the College Council of the said Trinity College, not less than three in number ; which said Trustees and the Members of the said College Council shall be named in the first instance by the Lord Bishop of Toronto, and shall, in the event of their death, removal from the Province, dismissal from office, or resignation, be replaced by other persons, to be named in like manner, or in such other manner as may from time to time be directed by any statute of the said College to be passed for that purpose, and so on continually for ever.

Corporation of Trinity College established of whom to consist.

II. And be it enacted, That such Corporation shall have perpetual succession, and may have a Common Seal, with power to change, alter, break, and renew the same, when and as often as they shall think proper; and the said Corporation may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted, in all Courts and places whatsoever in this Province, and shall have full power to make and establish such and so many rules, orders and regulations (not being contrary to the laws of the Country or this Act) as they shall deem useful or necessary, as well concerning the system of education in as for the conduct and government of the said College, and of a preparatory School connected with or dependent on the same, and of the Corporation thereof, and for the superintendence, advantage and improvement of all the property moveable or immoveable, belonging to, or which shall hereafter belong to the said Corporation; and shall have power to take, under any legal title whatsoever, and to hold for the said College, without any further authority, license, or letters of mortmain, all land and property moveable and immoveable, which may hereafter be sold, ceded, exchanged, given, bequeathed, or granted to the said Corporation, or to sell, alienate, convey, let or lease the same if need be: Provided that the total yearly revenue from the property so acquired, shall not at any time exceed the sum of Five Thousand Pounds currency; and the said Corporation shall further have the right of appointing an Attorney or Attorneys for the management of its affairs and all other rights necessarily incident to a body corporate: Provided always, that no rule, order or regulation which shall be made and established by the said Corporation in manner aforesaid, shall be of any force or effect, until the same shall have been sanctioned and confirmed by the said Lord Bishop or Bishops as aforesaid.

Corporate powers.

Statutes.

Property.

Appointing attorneys.

General powers.

Proviso: statutes to be subject to approval of Bishop.

III. And be it enacted, That all the property which shall at any time belong to the said Corporation, as well as the revenues thereof, shall at all times be exclusively applied and appropriated to the advancement of education in the said College, or a preparatory School connected with or dependent on the same, and to no other object, institution or establishment whatever.

To what purposes property shall be applied.

IV. And be it enacted, That it shall be the duty of the said Corporation at all times, when they may be called upon so to do by the Governor of this Province, to render an account in writing of their property, in which shall be set forth in particular the income by them derived from property held under this Act, and the source from which the same has been derived, also the number of Members of the said Corporation, the number of Teachers employed in the various branches of instruction, the number of Scholars under instruction, and the course of instruction pursued.

Corporation to render Accounts, &c.

V. And be it enacted, That this Act shall be considered a Public Act, by all Judges, Justices of the Peace, and Officers of Justice, and by all other persons whomsoever, and shall be judicially taken notice of without being specially pleaded.

Public Act.

VI. And be it enacted, That this Act shall not extend to weaken, diminish or extinguish the rights and privileges of Her Majesty, Her Heirs and Successors, nor of any other person or persons, body politic or corporate, excepting only such rights as are hereby expressly altered or extinguished.

Rights of the Crown, &c. saved.

CAP. XXXIII.

An Act to incorporate the County of Carleton General Protestant Hospital.

[2d August, 1851.]

WHEREAS John McKinnon, George Patterson, William Stewart, Hamnett Hill, Archibald Foster, Roderick Ross, Robert Hervey the younger, James McCracken senior, Francis Abbott, Thomas Langrel, Thomas Hunton, Richard Stethem, George B. Lyon, William Harte Thompson, the Honorable Thomas McKay, John Thomson, Edward Malloch, James Peacock, George Hay, Alexander Mc. P. Grant, William Porter, Henry McCormack, John Forgie, Edward Armstrong, James Rochester, Carter Burpee, Edward Sherwood, Dawson Kerr, Thomas G. Burns, and others,

Preamble.

in all matters touching the collection and control of the funds of the said Hospital, and the management and disposition of any lands belonging to the same, as to them or a majority of them shall appear most conducive to the interest of their trust.

Public Act.

IX. And be it enacted, That this Act shall be a public Act.

CAP. XXXIV.

An Act to incorporate *The Orphans' Home and Female Aid Society, Toronto.*

[2d August, 1851.]

Preamble:

WHEREAS an Association has been formed in the City of Toronto under the name of *The Orphans' Home and Female Aid Society*, for the purpose of affording relief and support to friendless orphans and destitute females of the said City and of the County of York, and in addition thereto, to afford religious and moral instruction to all who may become dependent thereon; and whereas the Association is composed of the several persons hereinafter mentioned, who have by petition prayed that they and their successors may be incorporated under certain regulations and provisions hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Mary G. Sherwood, Clara L. Cayley, Mary Carthew, Harriet E. Gamble, Charlotte B. Ridout, Caroline M. Rahn, Mary S. Macdonald, Wilmot Cumberland, Isabella Baby, Mary Ann Musson, Mary Ann Thomas, M. Thomas, Marianne Lidell, Augusta Draper, Caroline Moffatt, Mary Burns, Caroline Jarvis, Mary S. Jarvis, Elizabeth B. Burns, Alice Clark, Caroline Carthew, Harriet Lett, Mary A. O'Brien, Emma Robinson, Emily M. Lefroy, Mary Robinson, Sarah Ann Boulton, Harriet E. M. Boulton, Sarah Heath, Georgiana Harman, Ann Esten, Eliza Heward, Mary Cosens, Diana Moffatt, Sarah Spragge, Mary Browne, Eliza Stanton, Sarah Nation, Anna Mary Crickmore, Julia Howard Bovell, Emma C. Delandes, Henrietta Robarts, Louisa Galt, Lilla VanKoughnet, Mary Emily Brock, Hannah Paterson, Leonora Wakefield, and such other persons as shall, under the provisions of this Act, become members of the said Institution, shall be and are hereby declared to be a body politic and corporate, in deed and in name, by the name of *The Orphans' Home and Female Aid Society, Toronto*, and by that name shall have perpetual succession, and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and shall by the same name from time to time and at all times hereafter be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive to them and their successors to and for the uses and purposes of the said corporation, any land, tenements and hereditaments and real or immoveable property and estate situate, lying and being within this Province, not exceeding in yearly value the sum of One Thousand Pounds, currency, and the same to sell, alienate and dispose of, and to purchase others in their stead for the same purposes, and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of law and places whatsoever in as large, ample and beneficial a manner as any other body politic or corporate, or as any persons able or capable in law may or can sue or be sued, implead or be impleaded, answer or be answered unto in any manner whatsoever, and shall have power and authority to make and establish such rules, orders and regulations, not being contrary to this Statute nor to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation and for the management thereof, and for the admission of members into the said Corporation, and from time to time to alter, repeal and change the said rules, orders and regulations or any of them, and shall and may do, execute and perform all and singular, other the matters and things relating to the

Certain persons incorporated.

Corporate name and powers.

Real property.

By-laws.

the said Corporation and the management thereof, which shall or may appertain thereto, subject nevertheless to the rules, regulations, stipulations and conditions hereinafter prescribed and established.

II. And be it enacted, That an annual general meeting of the members of the Corporation shall be held on the first Tuesday of the month of June in each and every year, or if any such Tuesday be a Holiday, or if the election hereinafter mentioned be not for any cause then had, then on such day as shall be appointed in the manner hereinafter mentioned, for the annual election of Directresses and Managers, a Secretary, a Treasurer or other Office-bearers of the said Society, as to the said Corporation shall seem meet, by and through the majority of such members present at such general meeting, and for the transaction of all such matters and things relating to the affairs of the said Corporation for the year preceding such first Tuesday in the said month of June, and for the adjustment and settlement of the accounts and business of the said Corporation for the said preceding year; Provided always, that the said Corporation, on a requisition signed by not less than five of the members thereof, may, at any time, by a notice to be inserted for not less than five days, in one or more of the newspapers published in the City of Toronto, call a general meeting of the members of the said Corporation, specifying the hour, day, place and object of the said meeting; and the members of the Society, or the majority thereof, at any such extraordinary meeting as aforesaid, shall have power and authority to make, revise, alter or rescind any rules, orders and regulations for the management of the Corporation, after notice of any motion for introducing any new rule, or for any such repeal or alteration, shall have been given at the general meeting next immediately preceding that at which such motion shall be made and considered, and to admit new members, and to fill up all vacancies which may occur among the said Directresses and Managers, Secretary and Treasurer aforesaid, and generally to do and perform all such matters and things as may be conducive to the well being of the said Corporation.

Annual General Meetings when to be held, and for what purposes.

Proviso: Special General Meetings may be called, and how; and for what purposes.

III. And be it enacted, That all and every the estate and property, real and personal, belonging to, or hereafter to be acquired by the members of the said Association, and all debts, claims and rights whatsoever, due to them as such, shall be and are hereby vested in the Corporation hereby established, and the Directresses, Managers, Secretary and Treasurer, appointed or to be appointed before the first annual general meeting shall be held under the authority of this Act, shall be and continue to be the Directresses, Managers, Secretary and Treasurer of the said Corporation, until others in their stead, or the same, shall be elected at such annual general meeting, in the manner herein provided; and the rules, orders and regulations now made or to be made for the management of the Association herein first mentioned, shall be and continue to be the rules, orders and regulations of the said Corporation until altered or repealed in the manner herein provided; and the said rules, orders and regulations shall be submitted to the members of the said Society for their approval and confirmation at such first general meeting as aforesaid, at which they may be confirmed, rejected, altered, amended, or new rules substituted for them, without any previous notice; anything herein contained to the contrary notwithstanding.

Property of the Association vested in the Corporation: and its Officers, By-laws, &c, to be those of the Corporation until it be otherwise ordered.

By-laws, &c. to be submitted for revision at first General Meeting.

IV. And be it enacted, That the Directresses and Managers for the time being shall have power to appoint such officers and servants of the said Corporation as shall be necessary for the well conducting of the business of the same, and to allow to them such compensation for their services respectively as shall be reasonable and proper; and the said Directresses and Managers shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation as shall be prescribed by the rules, orders and regulations of the said Corporation.

Powers of the Directresses and Managers.

V. And be it enacted, That nothing herein contained shall have the effect, or be construed to have the effect, of rendering all or any of the said several persons hereinbefore mentioned, or all or any of the members of the said Corporation, or any person whomsoever, individually liable or accountable for or by reason of any debt, contract or security, incurred or entered into for or by reason of the said Corporation,

Non-liability of Members.

or for, or on account, or in respect of any matter or thing whatsoever, relating to the said Corporation.

Married women may act without their husbands.

VI. And be it enacted, That it shall not be necessary to the validity of any act performed by any married woman, as a member of the said Corporation, or to her becoming such, that she be thereunto specially authorized by her husband; any law, usage or custom to the contrary notwithstanding.

Rights of the Crown, &c. saved.

VII. And be it enacted, That nothing herein contained shall affect or be considered to affect, in any manner or way, the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any body politic or corporate, such only excepted as are hereinbefore mentioned and provided for.

Corporation to render accounts, &c.

VIII. And be it enacted, That the said Corporation shall be bound, when required by the Governor or person administering the Government of this Province for the time being, to render true statements of their receipts and expenditure, and of the real and personal estate held and enjoyed by the said Corporation.

Public Act.

IX. And be it enacted, That this Statute shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and other persons whomsoever, without being specially pleaded.

C A P . X X X V .

An Act to incorporate *The House of Industry of Toronto.*

[2d August, 1851.]

Preamble.

WHEREAS an Institution supported by voluntary contributions and by grants from the Legislature, has long subsisted in the City of Toronto, called and known as "The House of Industry," the object and purposes of which are to provide for the destitute poor of the said City, and to promote and encourage habits of honest industry in the young who have sought its protection; And whereas the management of the said Institution has hitherto been vested in three Trustees and a Committee selected annually at a public meeting of the inhabitants of the said City of Toronto; And whereas the Reverend Henry James Grasett, M. A., Clerk, William Cawthra, Esquire, and John Ewart, Esquire, are at present Trustees of the said Institution and acting in the management and the government of the same; And whereas the said Trustees and others, interested in the welfare of the said Institution, have by their petition represented that the said Institution would be rendered much more efficient by giving to it the character of a Corporation: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Henry James Grasett, William Cawthra, and John Ewart, together with the Mayor of Toronto, for the time being, the Reverend Stephen Lett, L.L.D., Clerk, the Reverend Alexander Geikie, the Honorable John Elmsley, John Arnold, John Doel, Samuel Spreule, James William Brent, Peter Paterson, William Mathers, Edward H. Rutherford and William Montague Westmacott, and all others who may from time to time be elected to succeed them, in manner hereinafter mentioned, as Trustees and Managers, shall be and they are hereby nominated and constituted a body politic and corporate by the name and style of "The Trustees of the Toronto House of Industry."

Certain persons incorporated.

Corporate name.

Corporate powers.

II. And be it enacted, That the said Corporation shall have perpetual succession, and may have a common seal, with power to change, alter, break and renew the same when and as often as they shall think proper; and may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted, in all Courts and places whatsoever in this Province; and that by the same

name,

name, they the said Trustees and Managers, and their successors, from time to time and at all times hereafter, shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain to and for the use of the said Corporation, all lands and property, moveable and immoveable, which may hereafter be sold, ceded, exchanged, given, bequeathed or granted to the said Corporation, or to sell, alienate, convey, let or lease the same if need be; provided that the annual income to be derived from such property shall not exceed the sum of Three Thousand Pounds; and the said Corporation shall further have the right of appointing an Attorney or Attorneys for the management of its affairs, and generally shall enjoy all the rights and privileges enjoyed by other bodies politic and corporate recognized by the Legislature, and shall have full power to make and establish such and so many By-laws, Orders and Regulations (not being contrary to the laws of this Province or to this Act) as they shall deem useful or necessary for the conduct and government of the said Institution: Provided always, that no act done by such Trustees and Managers shall be valid and effectual unless seven of such Trustees or Managers at the least shall be present, and the major part of them consenting thereto.

Property.

Proviso.

Further powers.

By-laws.

Proviso: Quorum fixed.

III. And be it enacted, That the said Trustees and Managers shall keep or cause to be kept in a book to be opened for that purpose, a list of all subscribers to the said Institution, and that a meeting of the said subscribers shall be held annually on the second Wednesday in the month of January in each year, (the first of such meetings to be on the second Wednesday in January next) at such time and place as the Trustees and Managers for the time being shall, by notice thereof given in some newspaper published in the city of Toronto, appoint; and at each such meeting a report in writing of the affairs and management of the said Institution, and of all moneys received and expended, and of all property, moveable and immoveable, then held by the Institution, and also of the numbers of persons received into, or discharged from the house, and of all persons relieved out of the house, under their proper heads, shall be exhibited by the Trustees and Managers for the year then past. And at such meetings, vacancies shall be filled up in the number of Trustees which may have occurred during the year by resignation, absence for twelve months from the City, neglecting to attend to any of the business of the Institution for six consecutive months, when not absent from the City, or death. And also, at the same meeting, the persons then present who shall be respectively subscribers of a sum not less than Ten Shillings annually, or donors who shall have contributed at any one time a sum of money not less than Twelve Pounds Ten Shillings, or shall have given lands to the value of Twenty-Five Pounds, shall elect from the subscribers or donors of like amounts, twenty-five fit and proper persons as Managers of the said Institution, who, with the Trustees, shall be the governing body of the Institution: Provided always, that if from any cause such meeting shall not take place at the time aforesaid, such meeting may be called as aforesaid at any subsequent time.

Books of subscribers and donors to be kept.

Annual meeting.

Report.

Vacancies how filled.

Managers to be elected.

Proviso.

IV. And be it enacted, That the said Trustees and Managers shall and may send out to service and apprentice thereto, or to any healthy trade or business, all youths, male or female, having the protection or aid of the said Institution, to such persons or person, and upon such terms as to the said Trustees and Managers may seem fit and proper, and for that purpose, on behalf of, and for such youth and themselves, to enter into, and make with any persons or person with whom such youth may be placed by the said Trustees and Managers, articles of apprenticeship or agreement; and such articles or agreement may be enforced as well by action at law or in equity for breach thereof, warranting any such action, as by summary application to a Magistrate or Justice of the Peace, (who is hereby authorized and empowered to act thereon) on any such occasion as would according to the laws of this Province warrant the interference or adjudication of any one more Justice or Justices of the Peace in disputes or difficulties between Masters and Apprentices: Provided always, that a copy of the articles of indenture apprenticing such youth shall, within three days from the time that such

Trustees may apprentice out youths receiving the protection of the Institution.

Proviso.

articles of indenture were executed, be lodged with the Clerk of the Common Council of the City of Toronto, who is hereby required to file such copies.

To what purposes the funds of the Institution may be applied.

V. And be it enacted, That all property which shall at any time belong to the said Institution, as well as the revenues thereof, shall at all times be appropriated and applied exclusively to provide for the destitute poor, and to promote and encourage habits of honest industry in the young, and for no other use or purpose whatsoever.

Persons now acting considered as managers for the present.

VI. And be it enacted, That the persons now acting as the Committee or Board of Management of the said Institution, shall have the like powers, and be considered as Managers of the Corporation for, and until the second Wednesday in January next, or till such time as Managers shall be appointed, as provided for by this Act.

Statements to be made when required by the Governor.

VII. And be it enacted, That the said Corporation shall be bound, when required by the Governor, or person administering the Government of this Province for the time being, to render true statements of their receipts and expenditure, and of the real and personal estate held and enjoyed by the said Corporation.

Public Act.

VIII. And be it enacted, That this Act shall be a public Act.

C A P. XXXVI.

An Act to incorporate the Canada Guarantee Company.

[2d August, 1851.]

Preamble.

WHEREAS a Guarantee Company, for the purpose of interposing their guarantee for the integrity and faithful accounting of Public Officers and their Deputies, Managers, Secretaries, Cashiers, Collectors, Receivers, Clerks and other persons of reputation, would be of great advantage and convenience within this Province, and the several persons hereinafter named have, by their petition, prayed to be incorporated as a Company for such purpose, with the requisite powers and capital for carrying on the said business : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Philip Durnford, Peter McGill, Alexander Simpson, Joseph Wenham, William Workman, Ferdinand MacCulloch, Charles Smith Ross, David Davidson, Benjamin H. LeMoine, and their successors, and such and so many other persons or parties as shall become shareholders in the capital stock hereinafter mentioned, shall be, and they are hereby constituted a body politic and corporate by the name and designation of *The Canada Guarantee Company*, and shall be entitled to carry on, and from time to time to make By-laws not inconsistent with this Act or with any law of or in this Province, for the more effectually carrying on of the business of a Guarantee Company in all its various branches and departments, by interposing the guarantee of the Company for the integrity and faithful accounting of Public Officers and their Deputies, Managers, Secretaries, Cashiers, Collectors, Receivers, Clerks and other persons of reputation, approved of by the Company, on payment of an annual or other gross or periodical premium *per centum*, in proportion to the amount of security required and the circumstances of every individual case, and for transacting such other description or species of Guarantee transactions as the Directors of the Company shall from time to time deem expedient, and with and under the conditions and declarations, and the powers and privileges hereinafter set forth or referred to.

Commencement:

Certain persons incorporated.

Corporate name and powers.

Capital, £125,000;
10,000 shares of £12
10s. each.

II. And be it enacted, That the capital stock of the Company hereby incorporated shall be One Hundred and Twenty-five Thousand Pounds, currency, divided into Ten Thousand indivisible Shares of Twelve Pounds Ten Shillings each, with power to increase the same as hereinafter mentioned.

III.

III. And be it enacted, That so soon after the passing of this Act as may be, the persons hereinbefore named, or a majority of them, shall appoint a Committee of five of their own number, which Committee, or a majority of them, shall cause books of subscription for the capital stock of the Company to be opened in the City of Montreal, and at such other places, and under such regulations as they may direct.

Books of subscription to be opened.

IV. And be it enacted, That so soon as the sum of Twelve Thousand Five Hundred Pounds, or upwards, shall have been subscribed for, and not less than five *per centum* thereof shall have been paid and deposited in some one or more of the incorporated Banks of this Province to the credit of the said Committee, to the use of the Company, it shall be lawful for the Committee aforesaid, or a majority of them, to call by advertisement a general meeting of the subscribers, at a time and place in the City of Montreal, to be announced in such advertisement, for the purpose of electing Directors for the management of the affairs of the Company, of which meeting not less than thirty days' notice shall be given by such advertisement.

First general meeting of Subscribers.

V. And be it enacted, That the scale of voting at general meetings shall be as follows, that is to say : for any number of shares not being less than five, one vote ; for every number of shares not being less than fifteen, but less than twenty-five, two votes ; for every number of shares not being less than twenty-five, but less than forty, three votes ; for every number of shares not being less than forty, but less than fifty, four votes ; for every number of shares not being less than fifty, but less than seventy-five, five votes ; for every number of shares not being less than seventy-five, but less than one hundred, six votes ; for every number of shares not being less than one hundred, but less than one hundred and twenty-five, seven votes ; for every number of shares not being less than one hundred and twenty-five, but less than one hundred and fifty, eight votes ; for every one hundred and fifty, or more shares, ten votes, being the maximum for any one Shareholder ; and any absent Shareholder may vote by proxy, provided such proxy be also a Shareholder : Provided always, that no Shareholder in default for non-payment of any instalment shall be entitled to vote at any meeting of the Shareholders.

Voting at meetings.

VI. And be it enacted, That for the management of the affairs of the Company, there shall be nine Directors, who shall be elected by the Shareholders at their first general meeting, to serve as Directors until the next annual general meeting ; when, and at every succeeding annual general meeting, a like number of Directors shall be elected to serve for the ensuing twelve months : Provided always, that no person shall be qualified to be a Director, unless he be, and continue to be, during his directorship, the proprietor in his own name and right, of not less than twenty shares of the capital stock of the Company, and be moreover a resident in the Province, and a natural born or naturalized subject of Her Majesty : And provided also, that the Directors in office at the period of each annual election of Directors shall be eligible for re-election for the then ensuing twelve months.

Proviso.

Proviso.

Directors.

Proviso.

Proviso.

VII. And be it enacted, That notwithstanding any thing in the next preceding section contained, it shall be competent to the Shareholders, at any special or general meeting, to reduce to not fewer than five, or to increase to not more than thirteen, the number of Directors : Provided always, that not less than thirty days previous public notice shall be given of an intention to propose a reduction or an increase in the number of Directors.

Number of Directors may be reduced or increased.

Proviso.

VIII. And be it enacted, That whenever a vacancy in the directorship shall occur in the interval between two annual general meetings, the remaining Directors shall fill up the vacancy by election from among the qualified Shareholders ; and every Shareholder so elected shall be and serve as a Director until the annual general meeting next following the date of his election, and at all meetings of Directors not less than three shall form a *quorum*.

Vacancy in Directorship how filled up.

Quorum.

IX. And be it enacted, That it shall be lawful for the Directors, for the time being, to appropriate annually from the profits of the said Corporation or Company a sum not exceeding Five Hundred Pounds, currency, for their remuneration, to be divided among them

Remuneration to Directors.

them according to such rules as they may appoint; which sum may be increased or diminished by the Shareholders at their annual general meeting.

Guarantee proposals.

X. And be it enacted, That the Directors shall have full power to accept or reject all Guarantee proposals; also, to fix the general rates, terms and conditions on which Guarantee agreements shall be undertaken by the Company, and likewise to revive or re-establish any Guarantee agreement or policy which may have expired by reason of the assured failing to pay the premium, or otherwise; provided, that until the fund hereafter described as "The Shareholders' Fund" shall amount to, or the securities wherein the same shall be invested, shall be of the value of Twenty-five Thousand Pounds at least, no Guarantee proposal shall be undertaken by the Company on behalf of any one individual to an extent exceeding Two Thousand Five Hundred Pounds, excepting in cases where on behalf of the Crown, or of any incorporated or chartered Bank, Savings Bank, Friendly Society, or Charitable or other incorporated Society in this Province, a greater amount of security shall be required, in which several cases the Company shall be at liberty to undertake risks on behalf of any one individual to the extent of Five Thousand Pounds currency, and no more; and it shall be lawful for the Directors to make such regulations as they shall see fit for the purpose of allowing persons who shall effect Guarantee Policies, or the parties whose integrity shall be thereby guaranteed, to participate in the profits arising from the business, and that, to such extent, and upon such terms and conditions as the Directors may from time to time think proper for increasing the business of the Company.

Proviso.

Policies not to limit the general liability of the Company, &c.

XI. And be it enacted, That no bond or policy given or entered into by the Company shall in any wise limit or restrict the general liability of the Company or its individual members, as regards the recovery of any moneys by such bond or policy to be secured, within the limitations or restrictions hereinafter mentioned.

Branches or Agencies may be established.

XII. And be it enacted, That it shall be lawful for the Directors to establish Branches or Agencies of the Company, in such places within this Province as they may deem advantageous, with such Agents, Managers, Secretaries, Local Boards, and other means of management, and at such commissions and salaries, and subject to such regulations and conditions as they may think fit, with full power for the Directors to determine and recall, suspend and dismiss, without reason assigned, or to vary and modify the institution, functions, powers, duties and allowances of all such Branches, Agencies, Agents, Managers, Secretaries and Local Boards.

The guarantee of the Company may be taken in lieu of security from persons in public offices and employment.

XIII. And be it enacted, That it shall be lawful for the Guarantee of the Company to be accepted for any person who is or who hereafter shall be appointed to any public office or employment, and shall be required by himself, or by himself and Sureties, to give security by bond, deposit or otherwise, under any Law or Act of Parliament or otherwise, now or hereafter to be in force; and every such Guarantee of the Company shall be given and executed by their bond or policy, to and in favor, and to the use of Her Majesty, Her Heirs and Successors, and subject to such conditions as shall be required by the Principal Officer of the office or department in which the appointment is or shall be made, and the same when taken and accepted shall be in lieu of the security required by any Act or Statute, Rule or Regulation now in force, or to be from time to time in force; and the acceptance of every such guarantee and bond or policy, for and on behalf of Her Majesty, Her Heirs and Successors, shall be held to be sufficient, and sufficiently proved by the signature of the Principal Officer of the office or department, or the signature of the Inspector General of Public Accounts, when the security is for or on behalf of such Principal Officer himself, subscribed under the word "accepted," on the face of, or endorsed upon the bond or policy; any law or usage to the contrary notwithstanding.

Evidence in cases of forfeitures of such policies.

XIV. And be it enacted, That it shall be lawful for the Principal Officer of the office or department in which any such bond or policy shall be taken or accepted as aforesaid, and the Inspector General of Public Accounts for the time being, by certificate under their respective hands, to declare that the public revenue has been, and to what extent damaged; or to state the amount of the loss occasioned by any act done, or any payment

payment or duty omitted, in contravention of the duty or ~~purpose~~ *purpose* for the due performance of which such bond or policy shall have been taken and accepted; and such certificate shall be taken and accepted as aforesaid, and shall be final and conclusive evidence in every action, suit or other proceeding, of the truth of the contents of such certificate, and that the said bond or policy has become forfeited thereby, to the amount of the loss stated in the said certificate; and thereupon, such amount shall be recovered together with the costs of such action, suit, or other proceeding, to and for the use of Her Majesty, Her Heirs and Successors: Provided always, that when the Principal Officer himself shall be the defaulter, the certificate of the Inspector-General of Public Accounts alone shall be sufficient.

Proviso.

XV. And be it enacted, That for or in addition to the bonds or securities entered into and given, or to be entered into and given by any, and the sureties of any Manager, Treasurer, Actuary, Cashier, Clerk, or other person of or in the employ of any Bank, Savings Bank, Friendly Society, Loan Society, Benefit Society, Building Society or Charitable or other Society, under or by virtue of any Act of the Parliament of this Province, or of the former Parliament of either section of this Province, or of any constitution, by-law, rule, or regulation of or relating to the said several Banks and Societies, or to any or either of them, the guarantees and bonds or policies of the Company hereby incorporated may be substituted or taken and accepted; and thereupon the provisions in any such act, or in any such constitution, by-law, rule, or regulation, in relation to such bonds and securities, shall, in so far as the same may be practicable, become and be applicable to the guarantees and bonds or policies of the Company substituted or taken and accepted in lieu thereof; and the acceptance by any such Bank, Savings Bank, Friendly Society, Loan Society, Benefit Society, Building Society, Charitable or other Society, of every such guarantee and bond or policy of the Company, shall be held to be sufficient and to be sufficiently proved by the official signature of their President, Cashier, or Principal Manager, subscribed under the word "accepted" on the face of, or endorsed upon the bond or policy; any law or usage to the contrary notwithstanding.

The like guarantee may be taken in lieu of any security required from any Officer of Banks, Savings Banks, &c., and others.

XVI. And be it enacted, That it shall be lawful for the Company to purchase, and hold in their corporate name, lands, tenements and hereditaments, for the purpose of occupying the same as a place or places of business, not exceeding in the whole the annual value of Two Thousand Pounds at the time or respective times of such purchase.

Company may purchase lands for places of business.

XVII. And be it enacted, That instalments of the capital stock of the Company, may from time to time, be required to be paid up, provided that no instalment shall exceed ten per centum of the amount subscribed, nor shall be required to be paid until after at least thirty days' notice in the *Canada Gazette*, and in any such other newspaper or newspapers published in the Province, as to the Directors shall from time to time seem meet; nor shall successive instalments be required at less than an interval of three months, nor shall the aggregate amount of instalments in any one year exceed thirty per centum, except as regards any instalments which may be required under the provision hereinafter contained for increasing the amount of the Shareholders' Fund.

Instalments.

Exception.

XVIII. And be it enacted, That if any Shareholder shall make default in the payment of any instalment on his shares, he shall *ipso facto* be and become further liable to the payment to the Company of interest on the amount of the unpaid instalment from the date on which the same should have been paid; and the Company in its corporate name may recover the amount of every unpaid instalment with interest as aforesaid, and costs of suit, in any Court of competent jurisdiction.

Shareholders in default of payment of instalments.

XIX. And be it enacted, That in any action by the Company against a Shareholder for the recovery of an unpaid instalment on his shares with interest, it shall be sufficient for the Company to declare that the defendant is a holder of one or more shares of the capital stock, and is indebted to them in the amount of the unpaid instalment and interest; and in every such action it shall not be competent to the defendant to plead the general issue, but he may, by a plea in denial, traverse any particular matter or matters of fact alleged in the declaration, or specially plead some particular matter or matters

Evidence in such case.

matters of fact in confession and avoidance, and the certificate of the Secretary or Principal Manager of the Company, and a number of the *Canada Gazette* containing the notice calling in the instalment sued for, shall be sufficient *prima facie* evidence of the defendant being a holder of the number of shares specified in the certificate, and of the instalment thereon demanded having been duly called in; and no other Shareholder shall be deemed an incompetent witness in such actions either for or against the Company; any law or usage to the contrary notwithstanding.

In actions by or against the Company, copies of proceedings of Shareholders or Directors extracted from Minute Book to be *prima facie* evidence.

Shares transferable.

XX. And be it enacted, That in all actions by or against the Company, copies of the proceedings of the Shareholders, or of the Directors of the Company, extracted from their minute book or books of proceedings, and certified by their Secretary or Principal Manager, shall be *prima facie* evidence of the contents of such copies in all Courts of civil jurisdiction in this Province.

XXI. And be it enacted, That the shares of the Company shall be transferable, and all transfers of shares shall be registered in a book or books to be kept for that purpose, in such form as the Directors may appoint, provided that no share shall be transferable until all the instalments thereon called in shall have been paid up, and the party desirous of transferring shall have discharged all other his liabilities to the Company.

Powers to borrow money on mortgage.

XXII. And be it enacted, That it shall be lawful for the Company to borrow, on mortgage or bond, from time to time, any sum of money not exceeding, in the whole, Twelve Thousand Five Hundred Pounds, Currency.

Money borrowed to be repaid in eighteen months.

XXIII. And be it enacted, That the period for the re-payment of moneys borrowed by the Company, with the interest thereof, to be inserted in the mortgage deed or bond, shall not exceed eighteen months interval from the date of the loan.

Meetings.

XXIV. And be it enacted, That all meetings of the Company shall be held at the chief place of business of the Company in the City of Montreal, or at such other place in the said City as the Directors may from time to time appoint; that the Directors shall be authorized to call Special General Meetings of the Shareholders, whenever, in their opinion, the interests of the Company shall require the same; and that an Annual General Meeting of the Shareholders shall be held on the first Monday, or if that shall be a Holiday, then, on the first Tuesday of the month of July, in every year.

Extraordinary meetings.

XXV. And be it enacted, That any number not less than twenty of the Shareholders, holders of not less than one-third part of the capital stock of the Company, may at any time, in writing, require of the Directors to call an Extraordinary General Meeting of the Shareholders, for any special purpose or purposes, to be specified in the requisition, and relating to the affairs and interests of the Company; and thereupon, it shall be the duty of the Directors to call the same, giving thirty days previous public notice of the time and place, when and where it shall be held; but if the Directors shall refuse, or for one week shall neglect to comply with the requisition, the Shareholders making the requisition may themselves call such Extraordinary General Meeting, giving a like previous public notice, and specifying in the notice the special purpose or purposes for which the meeting is called.

Investment of funds.

XXVI. And be it enacted, That "The Shareholders' Fund" shall consist of the moneys not required for the immediate purposes of the Company, and the same may be laid out in or on the security of any public stock or debentures of the Imperial or Provincial Governments, stock of Chartered Banks now doing business in this Province, or on real security; and that it shall be lawful to deposit with any such Chartered Bank (but not on the security of the stock of any such Chartered Bank) any sum not exceeding, at any one time, one-fifth of the said fund for the time being, or the sum of Five Thousand Pounds; and as regards other moneys belonging to the Company, the same may be invested in all respects as the said Directors may from time to time think proper.

Appointment of President, Vice-President, Officers and others.

XXVII. And be it enacted, That the Directors of the Company may appoint from among their number a President, and also a Vice-President, and may appoint such Officers, Managers, Secretaries, Treasurers, Clerks, and others as they may see fit, and may

may assign to such officers such salaries or remuneration, and require such security to be given by them, as they may think proper.

XXVIII. And be it enacted, That all bonds or policies granted by the Company, shall be signed by the President or Vice-President, and countersigned by the Secretary, Manager or Treasurer, and shall be sealed with the seal of the said Company, and the signature of any private person or co-partnership, under the word "accepted" on the face of or endorsed upon a bond or policy of the Company to and in favor of such private person or co-partnership, shall be held to be a sufficient acceptance of such guarantee and bond or policy of the Company; any law or usage to the contrary notwithstanding.

Bonds and policies—
by whom to be executed.

XXIX. And be it enacted, That no Shareholder shall be liable for or charged with the payment of any demand due from the Company, beyond twice the amount of the capital stock subscribed for or held by such Shareholder.

No Shareholder liable
beyond twice the
amount of his sub-
scribed capital.

XXX. And be it enacted, That the first Ten per centum of the subscribed and paid up capital stock of the Company, shall constitute the commencement of a fund, to be kept apart from the other funds and property of the Company, and to be called "The Shareholders' Fund," which shall also receive all instalments of the capital as well as all sums to be appropriated to the Shareholders by way of profit or otherwise, and the interest and proceeds of the said instalments and appropriated sums; that the expenses of instituting the Company shall in the first place be advanced from the Shareholders' Fund; that all premiums to be received by the Company, and the whole returns and income arising from the business thereof, and the interest and accumulations thereof, shall form a separate fund, called "The Guarantee Fund," which shall, as between the Shareholders, be primarily liable for all claims and demands on the Company in respect of its guarantees, and of its whole other business and expenses of management; that another separate fund shall also be formed, to be called "The Reserve Fund," which shall, as between the Shareholders, be primarily liable for any deficiency of the Guarantee Fund, and to the credit of which shall be carried such proportion of the profits of the Company, ascertained from time to time as hereinafter mentioned, as the Directors may deem expedient, and to include also the interest on the same Reserved Fund; and the Shareholders' Fund shall be liable for any deficiency of the Reserve Fund, but shall, as between the Shareholders, never be resorted to, after the expenses of the first institution of the Company shall have been defrayed, until the Guarantee Fund in the first instance, and next the Reserve Fund, shall be exhausted; and that all sums so taken from the Shareholders' Fund, shall, as soon as possible, be replaced from the Guarantee Fund, with interest at five per centum.

As to Shareholders'
guarantee, and reserve
funds.

XXXI. And be it enacted, That for the first year, counting from the period when Five Thousand Pounds of the capital stock shall be paid in, no interest or dividend shall be paid; that thereafter, and until the expiration of three years from the above mentioned period, it shall be in the power of the Directors to appoint half yearly interest or dividends to be paid, not exceeding six per centum per annum, and after the expiration of such first three years, then not exceeding eight per centum per annum, on the amount of the Shareholders' Fund, as it shall stand for the time being; the Shareholders' Fund to be always considered as the paid-up capital of the Company, upon which interest or dividends are to be calculated; and that the whole interest and annual produce of the Shareholders' Fund shall be devoted, if required, to the payment of such interest or dividends to the Shareholders.

Interest and dividends;

XXXII. And be it enacted, That every time a division of the profits shall be thought fit to be declared, one moiety of the net profits shall be carried to the Reserve Fund, and the other moiety to the Shareholders' Fund; excepting always such parts of the profits as may be appropriated as a bonus to the parties transacting business with the Company, if the Directors shall have allowed such participation as aforesaid; and that it shall be lawful for the Directors, from time to time, as they shall think fit, to declare dividends out of the income of the Reserve Fund, and also out of the capital thereof, whenever the

Distribution of the
profits.

Shareholders' Fund shall be found to exceed the sum of Twenty-five Thousand Pounds, but only to the extent of such excess.

The capital of the Company may be increased by the issue of new shares.

XXXIII. And be it enacted, That it shall be lawful for the Directors to increase the capital of the Company by the issue of new shares, either at once or from time to time to the amount in the whole (including the present declared capital) of Two Hundred and Fifty Thousand Pounds; and if the shares of the Company shall be at a premium, the same shall be offered to the Shareholders rateably according to the amount of their shares in the original capital, or the same or any of them, may at the option of the said Directors be sold, and the profits arising from such sale added to the Shareholders' Fund, but if the new shares shall not be at premium, then the same may be disposed of as the Directors may think fit, and on such terms and conditions as they may think proper.

The Company may be dissolved in certain cases.

XXXIV. And be it enacted, That if at any time it shall be found that losses have been sustained equal to the whole Reserved Fund, for the time being, and to one third of the Shareholders' Fund, for the time being, that then, and as soon as the same shall have been ascertained, the Directors or any three of them, shall call a special general meeting of the Company to consider the subject, and such meeting may determine on the dissolution of the Company; and further, that the Company may be dissolved at any time, with the consent and approbation of, at least, three fourths in number of Directors, and with the approbation in writing of the Shareholders holding, at least, two third parts of the whole capital stock of the Company; such consent to be testified in writing, and to be given at a Special or Extraordinary General Meeting to be called for that purpose; and upon any such dissolution as aforesaid, the Directors shall notify the same to the Shareholders by letter, and by advertisement in the *Canada Gazette*, and in such other newspapers as they may think fit, which advertisement in the Gazette and newspapers shall be continued once a week for at least one calendar month succeeding the resolution for dissolution; and within thirty days after such dissolution, the Company shall discontinue business; and upon any such dissolution as aforesaid, the Directors shall, as speedily as possible, cause the books to be balanced, and sell, call in, and convert into money the estate, property and effects of the Company, in every respect, as they shall think fit, and in such manner and subject to such provisions as they shall direct, and shall thereupon transfer such guarantee, bonds or policies, as may be then subsisting, to other offices to be approved of by the parties entitled to such bonds or policies, or otherwise to transact with and obtain discharges from the persons entitled to such bonds or policies, (and for which purpose any of the funds of the Company may be applied, at the discretion of the said Directors) and subject as aforesaid; and after discharging all the debts and liabilities of the Company, to divide the net surplus of the produce of the estate, property and effects of the company rateably amongst the Shareholders according to the amounts of their shares; and if, upon the sale and conversion into money of the estate, property and effects of the Company, the amount shall be insufficient to pay and discharge all the debts and liabilities of the Company, then the deficiency shall be answered and paid by the Shareholders in such manner and in all respects as, but to no greater extent than, they are by this Act made liable to the debts and obligations of the Company.

In case of dissolution, the Company may exist for winding up its affairs.

XXXV. And for the purpose of making provision for actions and suits by or against the Company during the winding up of the concerns thereof, in the event of its dissolution, Be it enacted, That notwithstanding such dissolution, the Company shall be considered as subsisting for the purpose of winding up the affairs thereof, and may sue and be sued, in and by their corporate name, according to the provisions of this Act, so long as any matters relating to the Company shall remain unsettled.

Advertisements.

XXXVI. And be it enacted, That all advertisements shall be inserted in the *Canada Gazette*, and in such other newspapers published in the City of Montreal and elsewhere, as the Directors shall from time to time appoint.

List of Shareholders and balance-sheet to be furnished annually,

XXXVII. And be it enacted, That a list of the Shareholders and a copy of the annual balance-sheet, including the amount of the Shareholders' Guarantee, and Reserve Funds

Funds respectively, and the actual state of investment of the said several funds to be verified by the Manager, or a Director, before a Justice of the Peace, shall, on or before the first day of July in each and every year, be sent or delivered to the Secretary of the Province for the information of the Governor General in Council; and also, that notwithstanding any thing hereinbefore contained, it shall be lawful for the Governor of the Province, by and with the advice and consent of the Executive Council, to direct the Company to increase their paid up capital to the amount of Forty Thousand Pounds, but so as no greater sum shall be called for than the sum of Twelve Thousand Five Hundred Pounds in any one year, and subject in all respects to the provisions hereinbefore contained or referred to, with respect to instalments, except as to the amounts thereof.

for the information of the Governor General in Council.

XXXVIII. And be it enacted, That if by any reason whatever, the Shareholders' Fund for the time being shall be diminished by misapplication, or by reason of its being taken to fulfil the engagements of the Company, and the amount subtracted or taken therefrom shall not within eighteen months from the time of its being so subtracted or taken, be replaced from time to time, or if the increase of the said fund shall not be made, when the same shall be directed, then it shall be lawful for the Governor, by and with the advice and consent of the Executive Council as aforesaid, by notice to be published in the *Canada Gazette*, to declare that the powers hereby conferred on the Company of effecting such guarantees as aforesaid shall absolutely cease, and to give such order for the winding up the affairs of the said Company, and the indemnifying, out of the capital and estate, property and effects of the Company, the persons guaranteed, as to the Governor in Council shall seem fit; and from and after the appearance of such notice in the *Canada Gazette*, the said Company shall not effect any further or other policies or guarantees, but shall nevertheless continue to be a corporate body for the purpose of winding up the affairs of the Company as is hereinbefore provided.

The Governor General in Council may, in certain cases, direct that the powers conferred on the Company shall cease.

XXXIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

CAP. XXXVII.

An Act to amend the Act intituled, *An Act to incorporate the City of Kingston Water Works Company.*

[2d August, 1851.]

WHEREAS *The City of Kingston Water Works Company* has acquired more real property, and has erected a steam engine of greater power than is found to be necessary at present for the supplying of the City of Kingston with water; And whereas it is expedient that the said Company should be empowered to make the most advantageous disposition of their said property, during the time in which it shall not be required for the purposes for which the said Act was passed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing contained in the Act incorporating the said Company, it shall be lawful for the said *City of Kingston Water Works Company* to hold and use any part of the real property now held by them and not necessary for the supplying the said City with water, to and for any uses and purposes which the Directors of the said Company or a majority of them shall by vote declare to be expedient.

Preamble.

Company may hold and use their present property.

II. And be it enacted, That it shall and may be lawful for the said Company to lease for manufacturing purposes, or to make any other use or disposition of the extra power of their said steam engine not required for the supplying the said City of Kingston

May lease the extra power of their steam engine.

with water, which the said Directors or a majority of them shall by vote declare to be expedient.

Duration of this Act.

III. And be it enacted, That this Act shall remain and be in force so long as the said Act incorporating the said Company shall continue in force, and no longer.

C A P. X X X V I I I.

An Act to vest a certain allowance for Road in the Township of Woodhouse, in the County of Norfolk, in Andrew Thompson.

[2d August, 1851.]

Preamble.

WHEREAS that part of the allowance for Road between the first and second concessions of the Township of Woodhouse, in the County of Norfolk, hereinafter more particularly described, hath never been used as a Road, and from its position and the nature of the ground cannot be so used, and other land has been granted instead thereof for such Road which is now opened and travelled through the property of Andrew Thompson; and whereas the said Andrew Thompson and a large number of inhabitants of the said Township, and also the Township Council of Woodhouse have by their petition represented these facts, and that the said Andrew Thompson is about to construct mills upon the River Lynn, or Patterson's Creek, which crosses the said portion of the said allowance for Road, and that the same is necessary to enable him to obtain water power for the said mills, which will be of great advantage to the people of the said Township: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the allowance for Road between the first and second concessions of the said Township of Woodhouse, as lies within the distance of thirteen chains and thirty links towards the east, from the line between lots numbers ten and eleven within the said second concession, prolonged across the said allowance for Road, or within the distance of four chains and fifty-five links towards the west from the said line so prolonged, (measuring in both cases along the said allowance,) shall be and the same is hereby vested in the said Andrew Thompson, his heirs and assigns for ever; and the Road now laid out and travelled upon the said lots numbers ten and eleven, in the said first and second concessions, shall be and remain a public highway.

A certain portion of the allowance for Roads vested in Andrew Thompson.

C A P. X X X I X.

An Act to vest a certain Allowance for Road, in the Township of York, in certain Persons.

[2d August, 1851.]

Preamble.

WHEREAS the Road Allowance between the first and second concessions, from the Bay, in the Township of York, in the County of York, in rear of Park Lots numbers one, two, three and four, and North of Lots fifteen and sixteen in the first concession from the Bay, in the said Township of York, passes through a very rough and uneven piece of ground, traversed by two deep ravines, forming the bed of the River Don and a small stream descending from the Davenport ridge, with precipitous banks on either side, rising to the height of one hundred and twenty-three feet, rendering that portion of the concession line wholly impracticable as a public highway; And whereas another Road to the South of the said allowance for Road, and through the said Lots, has been opened, and is used as a substitute for the said allowance; And whereas, from its proximity to the City of Toronto, and from its being out of the jurisdiction of the City Authorities, it has become the resort of dissolute persons,

persons, who congregate there in great numbers, destroying the fences and property of the adjacent proprietors of land; And whereas the Honorable Christopher Widmer, Adam Wilson and Lawrence Heyden, Executors and Trustees under the last Will and Testament of the late Henry Sullivan, deceased, and Henry Scadding, surviving Trustee under the last Will and Testament of the late John Scadding, deceased, and Samuel Peters Jarvis, Francis Melville Cayley, John George Howard, and John Playter, of the said City of Toronto and Township of York, own the land on each side of the said Allowance for Road, from the Block-House standing at the North-west angle of Park Lot Number Four to the Plank Road intersecting the said Allowance on the East Bank of the Don; And whereas it is expedient that the said Road Allowance should be granted to the said Christopher Widmer, the said Adam Wilson, and Lawrence Heyden, Executors and Trustees as aforesaid, the said Henry Scadding, surviving Trustee as aforesaid, the said Samuel Peters Jarvis, Francis Melville Cayley, John George Howard, and John Playter aforesaid, in lieu of the said Road so granted through the said Lots: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Road so laid out through the said Lots, and now travelled as a Public Highway, shall be and remain a Public Highway, and that the said original allowance be, and the same is hereby vested in the said Christopher Widmer, the said Adam Wilson and Lawrence Heyden, Executors and Trustees as aforesaid, the said Henry Scadding, surviving Trustee as aforesaid, the said Samuel Peters Jarvis, Francis Melville Cayley, John George Howard and John Playter, their Heirs and Assigns for ever, in lieu of the Road so given in the proportions hereinafter mentioned, that is to say: the North half of the said Allowance for Road, between the said Block-house and the point where the said Allowance is intersected by the said Plank Road to the East of the River Don, to the said Samuel Peters Jarvis, Francis Melville Cayley, and John Playter respectively, their respective heirs and assigns, conterminously with the limits of their respective properties, butted and bounded by the said Allowance; and the South half of the said Allowance for Road, to the said John George Howard, the said Adam Wilson, and Lawrence Heyden, Executors and Trustees as aforesaid, the said Christopher Widmer, the said Francis Melville Cayley, and the said Henry Scadding, surviving Trustee as aforesaid respectively, their respective heirs and assigns, conterminously with the limits of their respective properties, butted and bounded by the said Allowance for Road.

Road laid out through Lots of certain persons to be a Public Highway, and Road Allowance vested in those persons in lieu thereof.

CAP. XL.

An Act to extend the powers of *The British America Fire and Life Assurance Company* in Marine Assurance, and to reduce the number of the Directors of the said Company.

[2d August, 1851.]

WHEREAS it is expedient to extend the powers of the British America Fire and Life Assurance Company in Marine Assurances, and to reduce the number of the Directors of the said Company: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the third section of the Act of the late Province of Upper Canada, passed in the sixth year of the reign of His late Majesty

Preamble.

Section 7, and part of section 3, of Act of U.

C. 6 W. 4. c. 20,
repealed.

Majesty King William the Fourth, intituled, *An Act to repeal and amend certain parts of an Act passed in the third year of His Majesty's Reign, intituled, 'An Act to incorporate a Company under the style and title of The British America Fire and Life Assurance Company,'* as renders three of the Directors who shall be chosen in any year ineligible to the office of Director for one year after the expiration of the time for which they shall have been so chosen Directors, and the seventh section of the same Act, be and the same are hereby repealed.

Further powers granted to the Company with regard to Marine Insurance.

II. And be it enacted, That from and after the passing of this Act, until the third day of March, one thousand eight hundred and eighty-two, the said *The British America Fire and Life Assurance Company*, shall, in addition to the powers already possessed by them, have full power and authority to make contracts of assurance with any person or persons, body politic or corporate, against losses or damage of or to sea-going ships, vessels, steamboats or other craft, or any ships, vessels, steamboats or other craft navigating the ocean, the high seas or any other waters whatsoever, from any port or ports in this Province to any foreign port or ports upon the ocean or other waters aforesaid, or from one foreign port to another foreign port, or from any such foreign port or ports to any port or ports within this Province or elsewhere, upon all or any of the seas and waters aforesaid, and against any loss or damage of or to the cargoes or property conveyed in or upon such ships, vessels, boats or other craft, and the freight due or to grow due in respect thereof, or of or to timber or other property of any description conveyed in any manner upon all or any of the seas and waters aforesaid, and generally to do all matters and things relating to or connected with marine assurances, on all or any of the seas and waters aforesaid, and to make and grant policies therein and thereupon, in the same manner as they make and grant policies for certain other purposes under the provisions of the above recited Act.

Number of Directors reduced to nine.

III. And be it enacted, That at the election of Directors of the said Corporation, to take place on the first Monday of the month of August next, and at every ensuing election of Directors, the number of Directors of the said Corporation to be elected shall be reduced to nine, and that such nine Directors shall be elected in the manner, and subject to all the provisoes, conditions and restrictions prescribed and contained in the above recited Act, except such as are repealed by the first section of this present Act.

Questions to be decided by majority of Directors.

IV. And be it enacted, That all questions brought before or submitted to the said Directors shall be decided by a majority of voices or votes, each Director having 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.

Casting vote.

C A P . X L I .

An Act to amend the Act incorporating The Montreal Firemen's Benevolent Association.

[2d August, 1851.]

Preamble.

WHEREAS it is desirable that the Association hereinafter mentioned should have power to make provision for the Widows and Orphans of deceased Members in the case hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Corporation of the Montreal Firemen's Benevolent Association to grant, out of the funds of the said Corporation, annuities to the Widows and Orphans of deceased Members whose deaths may have been occasioned by injuries received whilst engaged in their duties as Firemen; any thing in the Act incorporating the said Association, and intituled, *An Act to incorporate the Montreal Firemen's Benevolent Association*, to the contrary notwithstanding.

Corporation may grant annuities in certain cases.

10 & 11 Vict. c. 101.

C A P .

CAP. XLII.

An Act to confer upon Charles Horatio Waterous, the Civil and Political Rights of a natural born British subject.

[2d August, 1851.]

WHEREAS Charles Horatio Waterous, of the Town of Brantford, in the County of Wentworth, Machinist, has, by his Petition in that behalf, represented that he has been a Resident in this Province ever since sometime in the year of Our Lord, one thousand eight hundred and forty-nine, and that he has determined to become a permanent Resident in this Province, and has prayed that he may be naturalized as a subject of Her Most Gracious Majesty ; And whereas it seems expedient that his prayer should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Charles Horatio Waterous shall be deemed, adjudged and taken to be, and to have been in every respect whatsoever, a natural-born British subject of Her Majesty, and of Her Royal Predecessors, to all intents, constructions and purposes whatsoever, as if he had been born within this Province: Provided always, that in order to entitle himself to the benefit of this Act, the said Charles Horatio Waterous shall take and subscribe within six months from the date of the passing of this Act, before the Clerk of the Peace of the said County of Wentworth, the Oath of Allegiance to Her Majesty, Her Heirs and Successors ; and that such Oath so taken and subscribed shall be kept by the said Clerk of the Peace among the records of his Office.

Preamble.

C. H. Waterous naturalized

Proviso.

II. And be it enacted, That this Act shall be taken and declared to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and all others whom it shall concern, without being specially pleaded.

Public Act.

CAP. XLIII.

An Act to naturalize Ira Gould and others, and for other purposes.

[2d August, 1851.]

WHEREAS Ira Gould, of the City and District of Montreal, Trader, and Nathaniel Weed Gould, Charles Hubbard Gould, Joseph Gould, Edwin Gould and Ovid Miner Gould, of the same place, sons of the said Ira Gould, have by their Petition represented that they have all resided uninterruptedly in this Province during a period of four years last past, and that they are all desirous of permanently settling in this Province, and of becoming subjects of Her Most Gracious Majesty the Queen, and have prayed that they might be naturalized as subjects of Her Most Gracious Majesty, and declared and made capable of inheriting and enjoying the civil and political rights of British subjects ; and whereas it seems meet and expedient that the prayer of the said Petition should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Ira Gould, Nathaniel Weed Gould, Charles Hubbard Gould, Joseph Gould, Edwin Gould and Ovid Miner Gould, shall be deemed, adjudged and taken to be, and in so far as respects his and their and each of their capacity at any time whatsoever, heretofore, now or hereafter, to take, hold, possess, own, enjoy, claim, recover, convey, devise, acquire by devise, give, bequeath, impart or transmit, or take and receive by descent, succession or otherwise, any real or immoveable

Preamble.

Ira Gould and his children naturalized.

immovable estate, ships, vessels, or other personal or real property whatsoever in this Province, by them or either of them now owned or acquired, or hereafter to be owned or acquired, or to which he or they or either of them may be or may hereafter become in any way entitled, or any right, title, privileges or appurtenances thereto belonging or any interest therein, and in all other respects whatsoever shall be deemed and taken to have been and to be natural born British subjects of Her Majesty, and to all intents, constructions and purposes whatsoever, and as respects all civil and political rights whatsoever, shall be deemed, taken and held to have been and to be natural born subjects of Her Majesty; and the titles of the said Ira Gould or of his children aforesaid, or either of them, to any real estate within this Province, shall not be impeached or held invalid, or such estate held liable to be resumed by Her Majesty or Her Successors, for or by reason of the said Ira Gould, or the said Nathaniel Weed Gould, Charles Hubbard Gould, Joseph Gould, Edwin Gould and Ovid Miner Gould having heretofore been Aliens: Provided always, that the said Ira Gould, and the said Nathaniel Weed Gould, Charles Hubbard Gould, Joseph Gould, Edwin Gould and Ovid Miner Gould, and each of them, shall, within three months after the passing of this Act, take and subscribe before some Clerk of the Peace in this Province, the Oath of Allegiance to Her Majesty, Her Heirs and Successors, and that such Oath so taken and subscribed shall be kept by the said Clerk of the Peace among the Records of his Office.

Proviso that they take the oath of allegiance.

Public Act.

II. And be it enacted, That this Act shall be taken and declared to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace and all others whom it shall concern, without being specially pleaded.

C A P . X L I V .

An Act to authorize the Courts of Queen's Bench, Common Pleas and of Chancery in Upper Canada, to admit William Edwin Twynam, to practise as an Attorney and Solicitor therein.

[2d August, 1851.]

Preamble.

WHEREAS William Edwin Twynam, of the City of Toronto, hath, by his Petition set forth that he, the said William Edwin Twynam, had been admitted an Attorney of Her Majesty's Supreme Court of New Brunswick, and hath produced Certificates of his having been duly admitted as such; and whereas the said Supreme Court of New Brunswick will admit Attorneys of the Courts of Canada to practise in the Province of New Brunswick, after the expiration of one year's study in that Province; and whereas the said William Edwin Twynam is now desirous to be admitted on the same terms, to practise the Law as an Attorney and Solicitor and Proctor at Law in this Province; and whereas it is reasonable, under the circumstances of the case, that the Courts of Law and Equity in this Province should be authorized, in their discretion, to admit the said William Edwin Twynam to practise as an Attorney and Solicitor: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Courts of Queen's Bench and Common Pleas in and for Upper Canada, in their discretion, and upon the production of a Certificate of the said William Edwin Twynam having duly studied one year with a Member of the Bar of Upper Canada aforesaid, to admit the said William Edwin Twynam as an Attorney of those Courts; and that it shall and may be lawful for the Court of Chancery in that part of this Province last aforesaid, in its discretion, to admit the said William Edwin Twynam to practise as a Solicitor in the Court of Chancery, and for the said William Edwin Twynam to practise as a Proctor at Law in that part of the Province last aforesaid; any law or usage to the contrary notwithstanding.

The several Courts in U. C. may in their discretion admit W. E. Twynam to practise as an Attorney, &c. therein.

C A P .

C A P. X L V.

An Act for the relief of Mortgagees.

[30th August, 1851.]

WHEREAS it is expedient that relief should be afforded to Mortgagees of freehold and leasehold property in certain cases in which they are not sufficiently protected by law: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for any Mortgagee of freehold or leasehold property, or any Assignee or Assignees of such Mortgagee, to take and receive from the Mortgagor or Assignee of such Mortgagor, a release of the equity of redemption in such property, or to purchase the same under any power of sale in his Mortgage, or any judgment or decree, without thereby merging the Mortgage debt as against any subsequent Mortgagee or registered judgment Creditor of the same property.

Preamble.

Mortgagee of freehold property, &c. may receive release of equity of redemption &c., without merger of his debt.

II. And be it enacted, That whenever any prior Mortgagee or Assignee or Assignees of such prior Mortgagee of such property as aforesaid, shall take a release of the equity of redemption of the Mortgagor or his Assignee in such Mortgaged property as aforesaid, or shall purchase the same under any power of sale in his Mortgage or any judgment or decree, no subsequent Mortgagee or his Assignee, or registered judgment Creditor shall be entitled to foreclose or sell such property without redeeming or selling subject to such prior Mortgagee or his Assignee, in the same manner as if such prior Mortgagee or his Assignee had not taken, received or purchased such equity of redemption of the Mortgagor or his Assignee.

When prior Mortgagee shall take release of equity of redemption, &c., subsequent Mortgagee, &c. not entitled to foreclose or sell property, without redeeming, &c.

III. And be it enacted, That nothing in this Act contained shall be construed to affect any priority or claim which any Mortgagee or judgment Creditor shall or may have or be entitled to under any Act in force relating to the registry of titles to land.

Priority of any Mortgagee not to be affected by this Act.

IV. And be it enacted, That on any proceeding for foreclosure by, or redemption against any Assignee or Assignees of any Mortgagee, the statement of the Mortgage account, under the oath of such Assignee or Assignees, shall be sufficient *prima facie* evidence of the state of such account, and no affidavit or oath shall be required from the Mortgagee or any intermediate Assignee denying any payment to such Mortgagee or intermediate Assignee, unless the Mortgagor or his Assignee, or the party proceeding to redeem, shall deny the correctness of such statement of account by oath or affidavit.

In proceedings for foreclosure, &c. state of Mortgage account may be proved *prima facie* by statement on oath of Assignee of Mortgagee.

V. And be it enacted, That this Act shall extend only to Upper Canada.

Extent of Act.

C A P. X L V I.

An Act for granting to Her Majesty certain sums required for defraying certain expenses of the Civil Government for the year one thousand eight hundred and fifty-one, and certain other expenses connected with the Public Service.

[30th August, 1851.]

MOST GRACIOUS SOVEREIGN :

WHEREAS by Messages from His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, bearing date respectively the twenty-third day of June, and the sixth day of August, in the present year, one thousand eight hundred and fifty-one, and the Estimates accompanying the same, laid before both Houses of the Provincial Legislature, it appears that the

Preamble.

sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province for the year one thousand eight hundred and fifty-one, not otherwise provided for by law, and also for defraying certain contingencies of the Public Service connected with the Public Works, and for other purposes in the said Messages and Estimates mentioned: May it therefore please Your Majesty that it may be enacted, and Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and out of any unappropriated moneys forming part of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum not exceeding in the whole Three Hundred and Eighty Thousand Two Hundred and Sixty-two Pounds, Eight Shillings and Two Pence, currency, for defraying the several charges and expenses of the Civil Government of this Province, for the year one thousand eight hundred and fifty-one, set forth in the Schedule to this Act.

£380,269 8s. 2d. Cy. appropriated, out of C. R. Fund.

£4000 out of Jesuits' Estates Fund.

Accounting clause.

Accounts to be laid before Parliament.

II. And be it enacted, That from and out of any unappropriated moneys forming part of the Jesuits' Estates Fund, there shall and may be paid and applied a sum not exceeding Four Thousand Pounds, towards the support of certain Educational Institutions in Lower Canada, as mentioned in the Schedule aforesaid.

III. And be it enacted, That the due application of the moneys hereby appropriated shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct.

IV. And be it enacted, That a detailed account of the moneys expended under the authority of this Act, shall be laid before the Legislative Assembly of this Province during the first fifteen days of the Session of the Provincial Parliament next after such expenditure.

SCHEDULE.

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

1. Upon the Estimate accompanying the Message of His Excellency, bearing date 23rd June, 1851.

SERVICE.	A sum not exceeding — Currency.		Currency.	
	£	s. d.	£	s. d.
<i>Militia Staff.</i>				
Salaries of two Deputy Adjutants General of Militia for the year, 1851.....	1000	0 0		
“ three Clerks in the Offices of the Deputy Adjutants General of Militia, for the year 1851.....	490	0 0		
Salary of a Messenger in the do do	68	0 0		
Contingent Expenses of Printing, Postage, Stationery, &c. for the Offices of do.....	300	0 0		
Salary of one Provincial Aide-de-Camp.....	200	0 0		
			2066	0 0

SCHEDULE.—Continued.

SERVICE.	A sum not exceeding — Currency.	Currency.
	£ s. d.	£ s. d.
<i>Expenses of the Legislature.— Legislative Council.</i>		
Salary of the Speaker of the Legislative Council, for the year 1851.....	1000 0 0	
“ of the Clerk (provided that no additional Income shall be paid the said Clerk in the form of fees, perquisites, or contingencies).....	500 0 0	
“ of the Assistant Clerk and French Translator.....	400 0 0	
“ of the Law Clerk.....	250 0 0	
“ of the Chaplain and Librarian.....	200 0 0	
“ of the Gentleman Usher of the Black Rod.....	100 0 0	
“ of the Sergeant at Arms.....	100 0 0	
“ of the Head Messenger.....	100 0 0	
“ of the Door Keeper.....	60 0 0	
Salaries of three Messengers to the Legislative Council, at Forty-five pounds each, for the Session of 1851.....	135 0 0	
Contingent Expenses of the Legislative Council, for the year 1851.....	4500 0 0	7345 0 0
<i>Legislative Assembly.</i>		
Salary of the Speaker of the Legislative Assembly, for the year 1851.....	1000 0 0	
“ of the Clerk.....	500 0 0	
“ of the Assistant Clerk.....	400 0 0	
“ English Translator and Law Clerk.....	350 0 0	
“ French Translator.....	250 0 0	
“ Clerk of the Crown in Chancery.....	150 0 0	
“ Sergeant at Arms.....	100 0 0	
Contingent Expenses of the Legislative Assembly (exclusive of Indemnity to Members).....	30000 0 0	32750 0 0
<i>Pensions to Officers of the late Legislative Bodies of Upper and Lower Canada.</i>		
Pension of William Ginger as late Sergeant at Arms to the Legislative Council of Lower Canada, for the year 1851.....	66 13 4	
“ Louis Noreau, do do Messenger, do do	20 0 0	
“ Pierre Lacroix, do do do do	18 0 0	
“ Louis B. Pinguet, as late Clerk of Committees of the House of Assembly.....	66 13 4	
“ Samuel Waller of do	100 0 0	
“ William Coates, do Writing Clerk to the do of Upper Canada.....	133 6 8	
“ François Rodrigue, do Messenger to the do of Lower Canada.....	18 0 0	
“ John Bright, do do to the Legislative Council of Upper Canada.....	20 0 0	
“ Louis Gagné, do do to the House of Assembly of Lower Canada.....	18 0 0	460 13 4
<i>Other Pensions.</i>		
Pension of Jacques Brien for wounds received in the Public Service for the year 1851.....	20 0 0	
“ Mrs. Margaret Powell, as late Keeper of the Public Offices, Toronto, do	35 0 0	
Allowance to do in lieu of rooms occupied by her in the Public Buildings at Toronto.....	20 0 0	
“ Mrs. McDonnell, on her claim for dower on certain property taken by Government through the Welland Canal Commissioners, during her life, for the year 1851.....	50 0 0	
“ Antoine Hamel and his wife, for the use of their land on Anticosti, for the service of the Trinity House.....	25 0 0	150 0 0
<i>Hospitals and other Charities.</i>		
Relief to Foundlings and Indigent Sick Persons in the District of Quebec, for the year 1851.....	1000 0 0	
Do do do do of Montreal, do	1000 0 0	
Do do do do of Three-Rivers do	700 0 0	
Aid to the Corporation of the General Hospital at Montreal, for the year 1851.....	1000 0 0	
“ Managers of the Protestant Female Orphan Asylum at Quebec, do ..	100 0 0	
“ Ladies' Benevolent Society of Montreal for Widows and Orphans, do ..	100 0 0	
“ Roman Catholic Orphan Asylum at Quebec, do	100 0 0	
“ Montreal Protestant Orphan Asylum, do	100 0 0	
“ Male Orphan Asylum at Quebec, do	100 0 0	
“ Charitable Association of the Ladies of the Roman Catholic Asylum at Montreal, do	100 0 0	

SCHEDULE.—Continued.

SERVICE.	A sum not exceeding — Currency.	Currency.
<i>Hospitals and other Charities.—Continued.</i>		
	£ s. d.	£ s. d.
Aid to the University Lying-in Hospital at Montreal, for the year 1851.....	50 0 0	
“ Lying-in Hospital under the care of the Sœurs de la Miséricorde do ...	50 0 0	
Aid towards the support of the Lunatic Asylum at Toronto do	5000 0 0	
Aid to the Temporary Lunatic Asylum at Beauport near Quebec, do	5000 0 0	
Temporary Lunatic Asylum at Beauport near Quebec, balance due on the expendi- ture of last year.....	213 3 11	
Aid to the Hamilton Hospital, for the year 1851.....	300 0 0	
“ Toronto General Hospital, do	750 0 0	
“ Toronto House of Industry, do	500 0 0	
Aid for the relief of Indigent Sick at Kingston, do	500 0 0	
Aid to the Kingston General Hospital, do	300 0 0	
		16963 3 11
<i>Various Public Institutions.</i>		
Aid to the Medical Faculty of McGill College at Montreal, for the year 1851.....	250 0 0	
“ School of Medicine at Montreal, do do	250 0 0	
“ “ “ Quebec, do do	250 0 0	
“ Literary and Historical Society at Quebec, do do	50 0 0	
“ Natural History Society at Montreal, do do	50 0 0	
“ Mechanics' Institute at Quebec, do do	50 0 0	
“ “ “ at Montreal, do do	50 0 0	
“ “ “ at Kingston, do do	50 0 0	
“ “ “ at Toronto do do	50 0 0	
“ “ “ at London, Canada West, do do	50 0 0	
“ “ “ at Niagara, do do	50 0 0	
“ Athenæum at Toronto, do do	100 0 0	
“ Provincial Agricultural Association of Upper Canada, do do	1000 0 0	
“ “ “ of Lower Canada, do do	600 0 0	
		2850 0 0
<i>Contingent Expenses of the Administration of Justice.</i>		
Contingent Expenses of the Administration of Justice in Upper and Lower Canada not otherwise provided for, for the year 1851.....	30000 0 0	
Towards the Support of the Provincial Penitentiary at Kingston.....	5000 0 0	
Salaries of four Judges in Lower Canada, over and above those provided for in the Civil List	4000 0 0	
Addition to the Salary of the Provincial Judge of the District of St. Francis.....	194 9 0	
		39194 9 0
<i>Miscellaneous Items.</i>		
Towards paying the Salary of the Deputy Provincial Registrar and French Translator to Government, for the year 1851.....	116 13 0	
Allowance of Keepers of Depôts of Provisions on the River St. Lawrence for the relief of shipwrecked persons.....	200 0 0	
Purchase of Provisions for the Depôts on the River St. Lawrence.....	150 0 0	
Allowance to Pierre Brochu, for residing on Kempt Road, to assist Travellers on that road	25 0 0	
“ to Jonathan Noble for do do	25 0 0	
Printing the Laws and other Printing for the Public Service.....	6000 0 0	
Distribution of the Laws	600 0 0	
Ordinary repairs, alterations, rent, insurance, and care of Public Buildings.....	2500 0 0	
To meet unforeseen Expenses in the various Branches of the Public Service.....	500 0 0	
Contingent Expenses of the Office of the Clerk of the Crown in Chancery.....	100 0 0	
Proportion of this Province of the expense of keeping up Light Houses on the Isles of St. Paul and Scatterie in the Gulph of St. Lawrence.....	750 0 0	
To defray the Expenses of the Commissioners who may be appointed under the authority of the Act 9 Vic. Cap. 38, for enquiring into matters connected with the Public Service, and taking evidence on Oath.....	200 0 0	
To defray the Expenses of the Observatory at Quebec.....	300 0 0	
Salary of W. R. Wright as Clerk of the Provincial Secretary.....	175 0 0	
Addition to the Salary of J. Drysdale, Clerk in the Office of Inspector General.....	25 0 0	
Salary of the Messenger in the Office of the Provincial Registrar.....	66 0 0	
Additional Salary of Five Messengers—two for the Office of the Provincial Secre- tary—one for the Governor's Secretary,—one for the Receiver General,—and one for the Inspector General, at Ten Pounds each.....	50 0 0	

SCHEDULE.—Continued.

SERVICE.	A sum not exceeding— Currency.			Currency.		
	£	s.	d.	£	s.	d.
<i>Miscellaneous Items.—Continued.</i>						
Salary of the Secretary of the Board of Statistics.....	75	0	0			
Aid for the Parliamentary Library for the year 1851.....	2000	0	0			
Salary of the Clerk attached to the Inspector General's Department, resident in Quebec, to look after the interests of the Crown in respect of the Loans made to the sufferers by the great fires in that city, in 1845.....	200	0	0			
Salary of a Clerk in the Customs Branch of the Inspector General's Department, at Ten Shillings per diem.....	182	10	0			
Salaries of two other extra Clerks in the Customs Branch of the Inspector General's Department, at £150 each.....	300	0	9			
Addition to the salary of C. E. Anderson, Confidential Clerk in the Receiver General's Office.....	100	0	0			
Salary of the Keeper of the Parliamentary Buildings at Quebec.....	100	0	0			
To pay John Arthur Roebuck, Esquire, in full compensation for his services as Agent to the late House of Assembly of Lower Canada.....	1666	13	4			
To compensate W. L. Mackenzie, Esquire, for his services as a Director of the Welland Canal Company in 1835, he having been appointed as such by the House of Assembly of Upper Canada, in accordance with an Act of the Provincial Parliament.....	250	0	0			
To pay to the Executors of the late Robert Randall, in remuneration of services rendered by him to the Province of Upper Canada, the same being voted to him by the House of Assembly of that Province.....	500	0	0			
For opening a Road to the tract of Land laid apart for Schools, the same to be refunded by the settlers.....	1500	0	0			
To enable the Government to pay the purchase money of a lot of land for Mrs. Martha Wilson and her children, of the Township of Wellesley, widow of the late John H. Wilson, who was murdered whilst in execution of a Magistrate's Warrant.....	136	2	6			
For arrears of Circuit Allowance due to the representatives of the late George Pyke, formerly Judge of the King's Bench at Montreal.....	310	3	8			
To enable the Government to indemnify certain Public Officers, Clerks, &c., whose salaries do not exceed Four Hundred Pounds, for the losses sustained by them on the removal of the Public Departments of Government from Montreal to Toronto in November of 1849, in consequence of being subjected to the payment of double rents, &c.....	729	11	2			
Towards Expenses of the Industrial Exhibition in London.....	1500	0	0			
To satisfy the claims of Joseph Turton, Contractor for the erection of the Parliament Buildings at Toronto, the same having been acknowledged on three occasions by the Assembly of Upper Canada.....	290	15	0			
To pay the salaries of W. B. Jarvis, and J. McLean, Sheriffs of the late Home and Midland Districts, for four years, at One Hundred Pounds Sterling each per annum.....	888	17	9			
For the maintenance of Tow-Boats on the River St. Lawrence, for the year 1851....	1750	0	0			
Building a residence for the Governors, at Toronto, and repairs to the Parliament Buildings.....	10000	0	9			
Rent of Public Buildings, &c.....	1350	0	0			
Alterations and repairs to Spencer Wood at Quebec.....	3000	0	0			
Purchase of Spencer Wood at Quebec for the Province.....	8000	0	0			
Balance of expenses of removal to Toronto.....	1250	0	0			
Expenses of removal to Quebec.....	5000	0	0			
Fitting up the General Post Office.....	169	6	0			
Expenses of maintaining the Rural Police in the District of Three-Rivers.....	750	0	0			
Expenses of Inquiry into the state of the Montreal Provident and Savings' Bank....	600	0	0			
				54381	12	5
<i>Education—Upper Canada.</i>						
Aid to Upper Canada College for the year 1851.....	1111	2	2			
“ Victoria College do do.....	500	0	0			
“ Queen's College do do.....	500	0	0			
“ Regiopolis College, Kingston, do.....	500	0	0			
For the Toronto Academy, one half to be paid in 1851, and the other half in 1852..	1000	0	0			
				3611	2	2
<i>Lower Canada.</i>						
Salary of the Secretary of the Royal Institution for the Advancement of Learning for the year 1851.....	100	0	0			

SCHEDULE.—Continued.

SERVICE.	A sum not exceeding — Currency.			Currency.		
	£	s.	d.	£	s.	d.
<i>Education—Lower Canada.—Continued.</i>						
Allowance to the Secretary to the Royal Institution for a messenger and contingencies..	67	15	7			
“ heretofore made to the Master of the Grammar School at Montreal, now allowed to the Directors of the High School in that City, in consideration of their educating twenty free scholars.....	282	4	6			
“ heretofore made to the Master of the Grammar School at Quebec, now allowed to the Directors of the High School in that City, in consideration of their educating twenty free scholars..... £282 4s. 6d. Less, amount of Pension £111 2s. 2d., paid to the Rev. R. R. Burrage, formerly Master of that School.	171	2	4			
Aid to the National School at Quebec.....	111	2	3			
“ “ “ at Montreal.....	111	2	3			
“ Society of Education at Quebec.....	260	0	0			
“ British and Canadian School at Quebec.....	200	0	0			
“ Education Society at Three-Rivers.....	125	0	0			
“ British and Canadian School at Montreal.....	200	0	0			
“ St. Andrew’s School at Quebec.....	100	0	0			
“ St. Jacques School at Montreal.....	250	0	9			
“ Montreal American Presbyterian Free School.....	100	0	0			
“ College of Ste. Anne de la Pocatière.....	300	0	0			
“ “ of St. Hyacinthe.....	300	0	0			
“ “ of L’Assomption.....	300	0	0			
“ “ of Chambly.....	300	0	0			
“ Academy at Berthier.....	100	0	0			
“ “ at Charlestown.....	100	0	0			
“ Shefford Academy.....	100	0	0			
“ Stanstead Seminary.....	100	0	0			
“ Sherbrooke Academy..	111	2	2			
“ Granby Academy.....	50	0	0			
“ Bedford School.....	50	0	0			
“ Three-Rivers Academy.....	45	0	0			
“ British North American School Society at Sherbrooke.....	50	0	0			
“ High School at Durham Village, Missisquoi.....	100	0	0			
“ Infant School at Quebec.....	55	11	1			
“ Female School at Indian Lorette, near Quebec.....	50	0	0			
“ Indian School at Caughnawaga.....	50	0	0			
“ “ at St. Regis.....	50	0	0			
“ “ at St. Francis.....	50	0	9			
“ College at Ste. Thérèse.....	300	0	0			
“ “ at Nicolet.....	200	0	0			
“ Bishop’s College at Lennoxville.....	250	0	0			
“ Joliette College.....	100	0	0			
“ Clarenceville Academy.....	50	0	0			
“ Mason College, Terrebonne.....	250	0	9			
“ Rigaud College, Vaudreuil.....	150	0	0			
For the College of St. Hyacinthe, as an aid to the building of the new College.....	1000	0	0			
“ “ at Ste. Thérèse do do	500	0	0			
Total for Lower Canada.....£	7160	0	2			
Of which is charged against the Fund of the Jesuits’ Estates.....	4000	0	0			
				3160	0	2
Total out of Consolidated Revenue Fund.....				£162922	1	0

SCHEDULE.—*Continued.*

PUBLIC WORKS.		A sum not exceeding — Currency.		
		£	s.	d.
Expenditure on the Welland Canal for the year 1851.....		19499	4	0
“ “ Laohine Canal.....		28789	0	0
“ “ Beauharnois Canal.....		13780	0	0
“ “ Cornwall Canal.....		8513	0	0
“ “ Williamsburg Canal.....		12459	0	0
“ “ Junction Canal.....		85000	0	0
“ “ River Richelieu.....		4500	0	0
“ “ Ottawa Works.....		1812	0	0
Survey of the St. Lawrence Rapids and Temiscouata Road.....		1800	0	0
Expenditure on Light Houses from Lake St. Louis to Lake St. Clair.....		3250	0	0
“ on Melbourne Bridge.....		78	11	2
<i>For Lights, Piers, &c.—viz :</i>				
Pier and Light at Father Point or Rimouski, for the year 1851.....		7500	0	0
“ “ Rivière-du-Loup, do do.....		6000	0	0
“ “ Pointe aux Orignaux, do do.....		4000	0	0
“ “ L'Islet, do do.....		5500	0	0
“ “ Berthier, do do.....		4000	0	0
Beacon or Bell Buoy, Gun and Keepers' Residence at Maniconagan Shoal or at Little Métis, for the year 1851.....		600	0	0
Light House at Cape Rosier, for the year 1851.....		6000	0	0
Pier and Light at Les Eboulements, do do.....		5000	0	0
“ “ Malbaie, do do.....		3500	0	0
Awards, Damages and Expenses of Arbitrations.....		15000	0	0
Total Currency.....	£	186590	15	2

2. Upon the Estimate accompanying the Message of His Excellency, bearing date 6th August, 1851.

SERVICE.		A sum not exceeding — Currency.		
		£	s.	d.
To make good various indispensable expenses of the Civil Government incurred during the year 1850, as detailed in statement number 33 of the Public Accounts of that year laid before the Legislature.....		9600	3	9
Payment of New Indian Annuities for the year 1851.....		1100	0	0
Balance of portion of Expenses of Survey of Halifax and Quebec Rail-way, to be borne by Canada.....	7965	14	2	
Balance of Grant for this service made in 1847, unexpended.....	£1127	3	2	
Amount of do do do 1849, do.....	6322	1	4	
	7449	4	6	
Additional sum now required.....		416	9	8
To defray the final balance of Expenses of the Commission of Enquiry into the state of the Montreal Provident and Savings Bank.....		342	18	7
To defray the grant for the British North American Electric Telegraph Association.....		500	0	0
To pay the additional grant for the Parliamentary Library to be charged in the estimate for 1852.....		2000	0	0
To defray the estimated expense for the protection of the Fisheries in the Gulf of St. Lawrence, for the year 1851.....		1000	0	0
To defray the additional Grant for the Provincial Agricultural Association of Lower Canada.....		400	0	0
In Aid of L'Académie Industrielle at St. Laurent.....		150	0	0
To enable Her Majesty to extend an aid of Fifty Pounds to each of the Mechanics' Institutes at Hamilton, Belleville, Brockville, Bytown, Cobourg, Perth, Picton, Guelph, Simcoe and Woodstock.....		500	0	0
Gratuity to Dr. Rees for injury sustained by him in the Lunatic Asylum.....		250	0	0
For the erection of the Toronto Post Office, and for the purchase of a Site.....		4500	0	0
“ “ Slides on the River St. Maurice.....		10000	0	0
Total Currency.....	£	30759	12	0

CAP. XLVII.

An Act to provide for the introduction of the Decimal System into the Currency of this Province, and otherwise to amend the laws relative to the Currency.

[30th August, 1851.]

Preamble.

WHEREAS it is desirable to adopt a currency for this Province, which may hereafter be advantageously made common to all the Provinces of British North America, as being simple and convenient in itself, and well calculated to facilitate their commercial intercourse with other parts of this continent: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so far and so soon as may be found conveniently practicable, the Public Accounts of this Province, and the Accounts of all Public Departments and Officers, shall be kept in Dollars and decimal parts of a Dollar, the hundredth part to be called a Cent, and the thousandth part a Mill; and the Dollar or unit of account shall be equivalent to Five Shillings of the present currency, and the decimal parts thereof, to proportionate sums of the said currency; and all sums of money and accounts may be legally mentioned, described and stated either in Dollars and decimal parts of a Dollar, or in the present currency.

Public accounts may be kept in dollars and cents.

Such coins as Her Majesty shall cause to be struck for their purpose, to be a legal tender.

II. And be it enacted, That such Coins, representing Dollars or Multiples or divisions of Dollars, as Her Majesty shall see fit to direct to be struck for the purpose, shall, by such names and at such rates as Her Majesty shall assign to them respectively, pass current, and be a legal tender in this Province; the standard of fineness of the said Coins, when of silver or gold, being the same respectively as that now adopted for Coins of the United Kingdom, and the intrinsic value of the said Coins, when of gold bearing the same proportion to that of the British Sovereign as the sums for which they are respectively to pass current, shall bear to One Pound Four Shillings and Four Pence of the present currency, or to Four Dollars Eighty-six Cents and Two Thirds of a Cent, and the intrinsic value of such Coins, when of silver or copper, bearing the same proportion to their nominal or current value which the intrinsic value of British silver or copper Coins respectively bears to their nominal or current value: Provided always, that such gold Coins shall be legal tender to any amount by tale so long as they shall not want more than two grains of the standard weight to be assigned to them respectively by Her Majesty, subject to the same deduction for want of weight as is now provided with regard to British gold Coins, and shall also be a legal tender to any amount by weight in sums not less than Two Hundred Dollars or Fifty Pounds of the present currency, at the same rate and on the same conditions as are now provided with regard to British gold Coins; and provided also, that such silver Coins shall not be a legal tender to the amount of more than Ten Dollars or Two Pounds Ten Shillings of the present currency, in any one payment, nor such copper Coins to the amount of more than Twenty Cents, or One Shilling currency, in any one payment.

Proviso.

Proviso.

Governor may defray the expense of obtaining and importing such coins.

III. And be it enacted, That it shall be lawful for the Governor of this Province, out of any unappropriated moneys forming part of the Consolidated Revenue Fund thereof, to defray the cost of obtaining and importing such quantity of the said Coins respectively, as the said Governor in Council shall from time to time think it for the interest of the Province to obtain and import.

Certain sections of 4 & 5 V. c. 93, to apply to such coins.

IV. And be it enacted, That all the provisions of the twelfth, thirteenth, fourteenth, fifteenth and sixteenth sections of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to regulate the Currency of this Province*, shall apply to the Coins hereinbefore mentioned as fully and effectually as to the Coins made or declared current by the said Act, and shall be construed and have

have effect as if the Coins which will be current under this Act had been made or declared current by the said Act.

V. And be it enacted, That the several Coins lawfully current and a legal tender in this Province immediately before the time when this Act shall come into force, shall after such time continue to be current and to be a legal tender at the same rates, in the present currency, and for equivalent sums in Dollars and decimal parts of a Dollar on the same conditions and to the same amounts in any one payment; and the provisions of the Act last above cited may be extended by Proclamation of the Governor, to other gold and silver Coins of the same nations, weights and denominations, but of later date, in like manner and on like conditions as before the coming into force of this Act; excepting always, that the silver Dollars and Half Dollars mentioned in the seventh section of the Act last above cited, or any silver Dollars and Half Dollars to which the provisions of the said section may by any Act or Proclamation have been or be extended, shall not, after the coming into force of this Act, pass respectively for Five Shillings and One Penny of the present currency, and for Two Shillings and Six Pence Half Penny of the said currency, but each such Dollar shall pass and be a legal tender for One Dollar or Five Shillings of the said currency, and each such Half Dollar for Fifty Cents or Two Shillings and Six Pence of the said currency, and no more.

Coins now current to remain so at the same rates.

Exception as to certain silver dollars and half dollars.

VI. And be it enacted; That the foregoing provisions of this Act shall come into force and effect, upon, from and after the day to be appointed for that purpose in any Proclamation of the Governor of this Province, announcing that Her Majesty in Council has been pleased to approve and confirm this Act, and not before.

When the foregoing provisions shall take effect.

CAP. XLVIII.

An Act to extend the provisions of the Currency Act to certain Gold and Silver Coins coined after the periods in the said Act limited.

[30th August, 1851.]

WHEREAS it is expedient to extend the provisions of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to regulate the Currency of this Province*, in the manner hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Eagle of the United States of America, coined at or after the commencement of the year one thousand eight hundred and forty-one, and before the First day of July, one thousand eight hundred and fifty-one, and weighing ten penny-weights, eighteen grains troy, shall pass and be a legal tender for Two Pounds Ten Shillings, Currency; and that the Gold Coins of the said United States coined between the periods last aforesaid, and being multiples or divisions of the Eagle aforesaid, and of proportionate weights, shall for proportionate sums pass current and be a legal tender by tale, on the same conditions and subject to the same deductions for want of weight, and shall also be a legal tender by weight under the same provisions and at the same rates as by the Fifth Section of the Act first above cited are provided with regard to Gold Coins of the United States aforesaid, coined before the commencement of the year one thousand eight hundred and forty-one, and on or after the First day of July, one thousand eight hundred and thirty-four.

Preamble.
4 & 5 Vict. c. 93.

Gold coins of the U.S. coined between the commencement of 1841 and 1st July, 1851, to pass at the same rates as those coined between 1st July, 1834, and the commencement of 1841.

II. And be it enacted, That the Silver Coins of the United States aforesaid, coined at or after the commencement of the year one thousand eight hundred and forty-one, and before the First day of July, one thousand eight hundred and fifty-one, shall pass current

Silver coins of U. S. coined before 1st July last, to pass at the

same rates as those
coined before 1841.

current and be a legal tender by tale, at the same rates respectively, and on the same conditions as to weight or otherwise, as by the Seventh Section of the Act first above cited, are provided with regard to Silver Coins of the United States aforesaid, coined before the year one thousand eight hundred and forty-one.

Governor may extend
sect. 4 and 5 of 4 and
5 Vict. c. 93, to coins
of later date.

III. And be it enacted, That the Governor of this Province may, by Proclamation, extend all the provisions of the said Fourth and Fifth Sections of the Act first above cited, to any Gold or Silver Coins of the said United States, coined on or after the First day of July, one thousand eight hundred and fifty-one, of the weights and denominations in the said Sections mentioned or referred to, which having been assayed at the Royal Mint, shall have been found equal in fineness to those in the said Sections mentioned and referred to respectively.

C A P. X L I X.

An Act to provide more effectually for taking the Periodical Census of the Province.

[30th August, 1851.]

Preamble.

WHEREAS it is expedient that the Census of this Province should be taken in the year one thousand eight hundred and fifty-two, then in the year one thousand eight hundred and sixty-one, and thereafter in every tenth year, and that better provision should be made for taking the said Census: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth sections of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act for taking the Census of this Province, and obtaining Statistical information therein*, and all other provisions of Law inconsistent with this Act, shall be and are hereby repealed.

Certain sections of 10
and 11 V. c. 14, &c.
repealed.

When the Census
shall be taken.

II. And be it enacted, That the Census of this Province shall be taken, and the other statistical information hereinafter mentioned shall be obtained, in the month of January, one thousand eight hundred and fifty-two, and in the same month in the year one thousand eight hundred and sixty-one, and so in every tenth year thereafter.

Census to be taken
under superintenden-
dence of Board of
Registration and Sta-
tistics, &c.

III. And be it enacted, That the said Census shall be taken under the superintendence of the Board of Registration and Statistics, which shall from time to time frame instructions for the guidance of the persons employed in taking the same, and forms to be used by them, and shall cause such instructions and forms to be printed and distributed in such numbers as may be requisite for the purposes of this Act.

What statistical infor-
mation may be re-
quired.

IV. And be it enacted, That the instructions and forms aforesaid may extend to all the heads of statistical information included in the Schedule to the Census Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and repealed by the Act herein first above cited, and to such other or further statistical information as the said Board may deem of public interest and importance.

Census Officers to be
appointed.

V. And be it enacted, That it shall be lawful for the Governor to appoint a Census Commissioner to act in and for each County of this Province, exclusive of any City in such County, and of any incorporated Town therein containing by the then last Census five thousand souls or upwards, and a Census Commissioner to act in and for each City and each such incorporated Town as aforesaid.

Census Officers to ap-
point Enumerators.

VI. And be it enacted, That the Census Commissioner for each such locality as aforesaid, shall appoint one or more Enumerators to act in Upper Canada in and for each Township Municipality therein (whether composed of one Township or of more than one), and in Lower Canada, in and for each Parish, extra-parochial place or

Township,

Township, and in and for each Ward of any City or incorporated Town, in both sections of the Province, and may divide any such Municipality, Parish, extra-parochial place or Ward into two or more Enumeration Districts, and appoint one or more Enumerators for each, whenever he shall deem it expedient: Provided always, that every Penitentiary, Gaol or House of Correction, Public Hospital or Lunatic Asylum, to be named for the purpose by the Board of Registration and Statistics, shall be a separate Enumeration District, in and for which the Warden, Gaoler, Keeper, or other person having charge thereof, shall be the Enumerator by virtue of his office.

Proviso.

VII. And be it enacted, That the said Enumerators shall act under the immediate instructions and directions of the Census Commissioner over the County, City or Town within which they are respectively to act, and it shall be the duty of each Census Commissioner to instruct each Enumerator under him, and to see that he perfectly understands the duties he is to perform under this Act, and to furnish him with the proper forms; and also to cause public notice to be given of the taking of the said Census, and of the information which all persons are required to give to the said Enumerators, and the manner and time in and at which the same is to be given, and the penalties to be incurred for refusing or neglecting to give it.

Enumerators to be instructed by Census Officers, and to act under them, &c.

VIII. And be it enacted, That on the second Monday in January, one thousand eight hundred and fifty-two, and on the second Monday in January in every year thereafter in which the Census is to be taken, and upon such number of days next after each such Monday as may be necessary, every Enumerator shall, under the instructions of the Census Commissioner under whom he is to act, visit every house in his Enumeration District, and shall diligently and faithfully take an account in writing of the name, sex, age and occupation, of every living person who abode therein on the night of the Sunday next preceding such Monday, and shall also ascertain who of such persons are transient passengers, having their permanent residence elsewhere, and whether such residence is in Lower Canada or in Upper Canada, or out of this Province, (and the name, sex, age and occupation of every person usually a resident therein, but then casually absent, distinguishing such persons from others), and shall also collect and take an account of all such further information as shall be required by his instructions; and having entered such account in writing, in the form furnished him for that purpose, the Enumerator shall then, before some Justice of the Peace, make and sign a solemn declaration, (to be printed at the foot of the proper form) that he has faithfully and diligently taken the said account, and obeyed the instructions he has received touching the same, and that to the best of his belief the same is correct as far as may be known; and shall on or before the fifteenth day of February, deliver the same to the Census Commissioner under whom he acts.

Duty of Enumerators in taking the Census.

Return to be made to Census Officer.

IX. And be it enacted, That every Census Commissioner shall immediately on receiving the said Accounts carefully examine the same, in order to ascertain whether the instructions given to the Enumerators have been punctually complied with, and if not, he shall cause any defect or inaccuracy therein to be supplied as far as may be possible; and if any Enumerator shall not take or deliver his account to the proper Census Commissioner within the time hereby prescribed, it shall be the duty of such Census Commissioner to cause the same to be forthwith taken and delivered to him.

Duty of Census Officer on receiving such returns.

X. And be it enacted, That so soon as any Census Commissioner shall have received all the Accounts of the Enumerators acting under him, and shall have examined the same, and satisfied himself that they have been made as accurate as possible, he shall sign a Certificate, to be printed on each, to that effect, and shall deliver them to the Board of Registration and Statistics; and the said Board shall examine the same, and shall cause any defects or inaccuracies they may discover therein to be corrected as far as possible, and shall then make such abstracts thereof, and compile such tables therefrom as the Governor in Council shall direct; and such abstracts and tables shall be laid before the Provincial Parliament at its then next session; such of them as the Governor in Council shall think proper being published in the meantime for the information of the public.

Return to be made by Census Officer to the Board of Registration and Statistics.

Duty of the Board on receiving the same.

Enumerators in certain places to be furnished with printed Schedules to be left at each house, &c.

XI. And be it enacted, That each Enumerator in the Cities and incorporated Towns, and in such other localities as the Board of Registration and Statistics shall think proper, shall be supplied with printed Schedules for the purpose of being left by such Enumerator for the occupant of each house, or of any story, apartment or portion thereof in his District, and filled up by such occupant; and it shall be the duty of each Enumerator receiving such Schedules to leave one copy or more thereof at each house, in his Enumeration District, in the course of the week ending on the Saturday next before the Second Monday in January; and upon each such Schedule there shall be a notice that such Schedule is to be filled up and signed by the occupant of such house, or by the occupant of any distinct story, apartment or portion thereof, where the house is let in different stories, apartments or portions, and occupied distinctly by different families or persons, and that the Enumerator will call for the same on the Monday then next following; and every occupant of any house or of any distinct story, apartment or portion thereof, with or for whom any such Schedule shall be left as aforesaid, shall fill up the same to the best of his or her knowledge or belief, and sign the same, so far as relates to all persons dwelling in the house, story or apartment occupied by him or her, and shall deliver the same to the Enumerator when required by him so to do, or in his or her absence some other member of the family, if any of them be capable of so doing, shall fill up and sign and deliver the same to him; and every such occupant who shall wilfully or without lawful excuse refuse or neglect to fill up such Schedule to the best of his or her knowledge and belief, or to sign and deliver the same as aforesaid when required, or who shall wilfully make, sign, or deliver, or cause to be made, signed or delivered, any false return of all or any of the matters specified in any such Schedule, shall thereby incur a penalty of not less than Two nor more than Five Pounds.

Occupants of houses, &c., bound to fill up Schedules.

Penalty for neglect or for false returns.

Enumerators to collect such Schedules, and cause them to be corrected if defective.

XII. And be it enacted, That the said Enumerators shall collect the said Schedules, each in his own District, from house to house, on the Second Monday in January, or so soon as possible thereafter, and shall, on receiving the same, examine them to see that they are properly filled up and signed, and if they shall, either at that time or thereafter, believe any such Schedule to be erroneous or defective, shall forthwith proceed to complete or correct the same, for which purpose they shall have the same power to make all necessary inquiries as if no such Schedules had been made or left as aforesaid; and when they are so completed or corrected, they shall copy the information therein contained into the Account to be by them taken as aforesaid, and shall add thereto the accounts they may have taken and the information they may have collected, of persons and things not returned in such Schedules, which they shall deliver, with their said Accounts, to the proper Census Commissioner, who shall deliver them, with his return, to the Board of Registration and Statistics.

Schedules to be delivered to Census Officers.

Power of Enumerators to ask questions relative to the information required.

XIII. And be it enacted, That the said Enumerators shall be and are hereby authorized to ask of all persons all questions which shall be necessary to enable them to take the accounts and obtain the information aforesaid, and which they shall be authorized to ask by any instructions to be issued by the said Board of Registration and Statistics; and shall also have free access to all Assessment Rolls and other documents containing statistical information; and any person who shall refuse or neglect to answer, or shall wilfully answer falsely any such question, shall for every such refusal or neglect incur a penalty of not less than Twenty Shillings nor more than Five Pounds in the discretion of the Magistrate before whom the same shall be sued for; and the provisions of this section shall not be limited to the time within which the said accounts are to be taken as aforesaid, but shall extend to any questions which it may at any time become requisite to ask in order to correct or supply any supposed error or defect in such Accounts.

Penalty for refusing to answer, or answering falsely.

Recovery and application of penalties.

XIV. And be it enacted, That the penalties hereinbefore imposed may be recovered in a summary manner at the suit of any Enumerator, before any one Justice of the Peace having jurisdiction in the place where the offence shall have been committed, on the oath of the Enumerator or any other credible witness, and if the penalty and the

costs

costs (which costs to be taxed by the Justice, but in no case to exceed Ten Shillings,) be not forthwith paid upon conviction, the convicting Justice may in his discretion cause the same to be levied by distress and sale of the goods and chattels of the offender by Warrant under his hand and seal, or may commit the offender to the common gaol of the place, for any period not exceeding one month, or until the penalty be paid; and one moiety of such penalty shall belong to the Crown for the public uses of the Province, and the other moiety shall belong to the prosecutor, unless he shall have been examined as a witness to prove the offence, in which case the whole shall belong to the Crown for the uses aforesaid.

XV. And be it enacted, That if any Census Commissioner or Enumerator shall wilfully disobey or contravene any of the provisions of this Act, or wilfully make any false declaration or return under the same, he shall be guilty of a misdemeanor, and shall on conviction thereof be liable to a penalty not exceeding Twenty-five Pounds nor less than Five Pounds, in the discretion of the Court before whom the conviction shall be had, and to imprisonment until such penalty be paid; and such penalty shall belong to the Crown for the public uses of the Province.

Penalty on Census Officers or Enumerators contravening this Act.

XVI. And be it enacted, That the power of appointing any Officer under this Act shall include the power of removing him and appointing another in his stead; that any letter purporting to be signed by the Secretary of the Province, and notifying the appointment or removal of any Census Commissioner, or any letter purporting to be signed by any Census Commissioner notifying the appointing or removal of any Enumerator, or conveying any instruction to him, or any letter purporting to be signed by the Secretary of the Board of Registration and Statistics conveying any instructions, shall be respectively *prima facie* evidence of such appointment, removal or instructions, and that such letter was addressed to the person to whom it purports to be addressed.

Power of removal.
What shall be evidence of appointments, instructions, &c.

XVII. And be it enacted, That each of the said Census Commissioners shall receive an allowance for his services, not exceeding the rate of Twelve Shillings and Six Pence per diem for the time during which he shall be actually occupied in his official duties; and that each of the said Enumerators shall receive an allowance not exceeding the following rates, viz:

Allowance to Census Officers;

At the rate of Ten Shillings for every hundred persons by him returned when such persons reside in the Country parts; but with power to the said Board of Registration and Statistics to increase the said rate to a sum not exceeding Fifteen Shillings for every hundred persons returned, in cases where, from the dispersed situation of the houses, they shall be of opinion that such additional allowance ought to be made; and to a sum not exceeding Twenty Shillings for every fifty persons returned, in cases where the population shall not exceed three hundred persons in an area of ten miles square, proportioning such allowance as far as possible to the labor required of the Enumerator; and when such persons reside in any City or incorporated Town, then at the rate aforesaid for the first three thousand persons returned by him, and at the rate of Ten Shillings for every three hundred persons returned by him over three thousand; and the said allowance having been fixed by the said Board, shall be paid to the persons entitled thereto, in such manner as the Governor in Council shall direct: Provided that such allowance shall not in any case be payable until the services hereby required of the person receiving it shall have been faithfully and fully performed: And the said allowance and all expenses to be incurred by the said Board in carrying this Act into effect, shall be paid out of the Consolidated Revenue Fund of this Province.

And to Enumerators.

Proviso.

Allowances how paid.

XVIII. And be it enacted, That a full Report of all things done under this Act, and an Account of all moneys expended under the authority thereof, shall be laid before the Provincial Parliament within the first fifteen days of the then next Session thereof.

Report to be laid before Parliament.

XIX. And be it enacted, That the word "House," in this Act, shall include all vessels, and other dwellings or places of abode of any kind.

Interpretation.

XX. And be it enacted, That if at any time it shall appear to the Governor in Council that, from any cause, the Census cannot be taken in any County in the month of January when it ought to be taken in pursuance of this Act, it shall be lawful

The Governor may alter the month by Proclamation.

lawful for His Excellency in Council, by Proclamation to be published in the *Canada Gazette*, to declare and ordain that the Census shall be taken in such County in some other month, being the nearest to the month in which it ought to be taken as aforesaid that circumstances and the nature of the case will admit, and thereupon, the Census may and shall be taken in such County accordingly in the same way and with the same effect as if taken in the month in which, without such Proclamation, it would be taken under this Act.

C A P . L .

An Act to repeal the Act of the 7th Victoria, Chapter 6, intituled, *An Act to restrain Party Processions in certain cases.*

[30th August, 1851.]

Act 7 Vict. c. 6, repealed.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the seventh year of the Reign of Her present Majesty Queen Victoria, chaptered six, and intituled, *An Act to restrain Party Processions in certain cases*, be, and the said Act is hereby repealed.

C A P . L I .

An Act to consolidate and regulate the General Clauses relating to Rail-ways.

[30th August, 1851.]

Preamble.

WHEREAS it is expedient to establish a general and uniform system for the construction and management of all Rail-ways hereafter to be undertaken in Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That this Act shall apply to every Rail-way which shall by any Act which shall hereafter be passed be authorized to be constructed, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save in so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

This Act to apply to any Rail-way to be hereafter constructed.

Name by which it shall be cited.

II. And be it enacted, That in citing this Act, in any Special Rail-way Act and in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression, "*The Rail-way Clauses Consolidation Act.*"

What shall be sufficient in making an incorporation of this Act with Special Acts.

III. And be it enacted, That for the purpose of making any incorporation of this Act with Special Acts hereafter to be passed, it shall be sufficient in any such Acts to enact, that the Clauses of this Act, with respect to the matter so proposed to be incorporated, describing such matter as it is described in this Act, in the word or words at the head of and introductory to the enactment with respect to such matter, shall be incorporated with such Acts, and thereupon all the Clauses and provisions of this Act, with respect to the matter so incorporated shall, save in so far as they shall be expressly varied or excepted by such Acts, form part thereof, and such Acts shall be construed as if the substance of such Clauses and provisions were set forth therein with reference to the matter to which such Acts shall relate.

IV. And be it enacted, That the power given by the Special Act to construct the Rail-way, and to take lands for that purpose, shall be exercised subject to the provisions and restrictions contained in this Act, and compensation shall be made to the owners and occupiers of and all other parties interested in any such lands so taken or injuriously affected by the construction of the Rail-way, for the value and for all damages sustained by reason of such exercise, as regards such lands, of the powers by this or the Special Act, or any Act incorporated therewith, vested in the Company; and, except where otherwise provided by this Act or the Special Act, the amount of such compensation shall be ascertained and determined in the manner provided by this Act.

Power to construct Rail-way, &c. to be exercised subject to provisions of this Act.

V. And be it enacted, That any Company desirous to obtain a Special Act for the construction of a Rail-way, shall deposit with the Secretary of the Province, previous to the application to the Legislature, a copy of their Stock-Book, showing the number of their subscribers, and the actual *bona fide* amount of the subscriptions, and that at least one quarter of the intended Capital has been actually subscribed, the truth whereof shall be supported by the affidavit or solemn affirmation, as the case may be, of two of the Directors or Shareholders of the Company, and the Company shall also at the same time deposit with the said Secretary a Certificate of the Cashier of some Chartered Bank in this Province, of the deposit therein of a sum equal to ten per cent. upon the amount of subscriptions, with authority to the said Secretary to control the withdrawal of the said deposit for such time as the Secretary may think proper, not longer than six months after the Rail-way shall have been actually commenced and proceeded with.

Deposit of Stock-Book in Provincial Secretary's Office by companies desirous of obtaining Special Acts.

VI. And be it enacted, That no Bill for a Special Act for the allowance or establishment of a Rail-way shall be received by the Legislature unless and until there shall be deposited with the Clerks of both Branches, a Certificate from the Secretary of the Province, that the Company applying has complied in all respects with the requirements of the next preceding Clause.

No Bill to be received by Legislature unless a certificate of deposit of Stock-Book, &c. be produced to the respective Clerks.

INTERPRETATION.

VII. And with respect to the construction of this Act, and of any Special Act, and of other Acts to be incorporated therewith, Be it enacted as follows:

Interpretation of words.

Firstly. The expression "the Special Act," used in this Act, shall be construed to mean any Act which shall be hereafter passed, authorizing the construction of a Rail-way, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the Special Act; and the sentence in which such word shall occur shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act" had been used; and the expression "the lands" shall mean the lands which shall by the Special Act be authorized to be taken or used for the purpose thereof; and the expression "the undertaking" shall mean the Rail-way and works, of whatever description, by the Special Act authorized to be executed.

"The Special Act."

"Prescribed."

"The lands."

"The undertaking."

Secondly. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:

The word "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure:

"Lands."

The word "Lease" shall include any agreement for a lease:

"Lease."

The word "Toll" shall include any rate or charge or other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandize, articles, matters or things conveyed on the Rail-way:

"Toll."

The word "Goods" shall include things of every kind conveyed upon the Rail-way, or upon Steam or other vessels connected therewith:

"Goods."

The expression "Superior Courts" shall mean the Courts of Chancery, Queen's Bench and Common Pleas in Upper Canada, and the Superior Court in Lower Canada, as the case may be:

"Superior Courts."

- " County." The word "County" shall include any union of Counties, County Riding, or like division of a County in the Province or any division thereof into separate Municipalities in Lower Canada :
- " Highways." The word "Highways" shall mean all public roads, streets, lanes, and other public ways and communications :
- " Sheriff." The word "Sheriff" shall include Under Sheriff, or other legal competent Deputy ; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression " the Sheriff," or the expression " Clerk of the Peace," shall in such case be construed to mean the Sheriff or Clerk of the Peace of the District, County, Riding, Division, or place where such lands shall be situate ; and if the lands in question, being the property of one and the same party, be situate not wholly in one District, County, Riding, Division, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such District, County, Riding, Division, or place where any part of such lands shall be situate :
- " Justice." The word "Justice" shall mean Justice of the Peace acting for the District, County, Riding, Division, City or place where the matter requiring the cognizance of any such Justice shall arise, and who shall not be interested in the matter ; and where such matter shall arise in respect of lands being the property of one and the same party, situate not wholly in any one District, County, Riding, Division, City or place, shall mean a Justice acting for the District, County, Riding, Division, City, or place where any part of such lands shall be situate, and who shall not be interested in such matter ; and where any matter shall be authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two Justices assembled and acting together :
- " Two Justices." Where, under the provisions of this Act or the Special Act, any notice shall be required to be given to the owner of any lands, or where any act shall be authorized or required to be done with the consent of any such owner, the word "owner" shall be understood to mean any Corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the Company :
- " Owner." The expression "the Company" shall mean the company or party which shall be authorized by the Special Act to construct the Rail-way.
- " The Company." The expression "the Rail-way" shall mean the Rail-way and works by the Special Act authorized to be constructed :
- " The Rail-way." The word "clause" shall mean any separate section of this Act, or any other Act therein referred to, distinguished by a separate number :
- " Clause." The word, "Shareholder" shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the Shareholder.
- " Shareholder." *Thirdly.* The Interpretation Act of this Province shall, in so far as the provisions thereof shall apply hereto, be deemed to form part hereof in the particulars not provided herein.
- Interpretation Act to apply.

INCORPORATION.

Companies established under Special Acts, declared to be bodies corporate, &c.

VIII. And be it enacted, That every Company established under any Special Act shall be and is hereby declared to be a body corporate under such name as shall be declared in the Special Act, and shall be and is hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the intentions and objects of this Act and of the Special Act therefor, and which are incident to such Corporation, as are expressed or included in the Interpretation Act of this Province.

POWERS.

IX. And be it enacted, That the Company shall have power and authority :

Firstly. To receive, hold and take all voluntary grants and donations of land or other property which shall be made to it, to aid in the construction, maintenance and accommodation of the Rail-way, but which shall be held and used for the purpose of such grants or donations only.

Secondly. To purchase, hold and take of any Corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the Rail-way, and also to alienate, sell or dispose of the same.

Thirdly. To take, use, occupy and hold, but not to alienate except by way of lease, so much of the public beach or of the land covered with the waters of any river or lake in this Province as may be required for the Rail-way, doing no damage to, nor causing any obstruction in the navigation of the said rivers or lakes, provided that the lease shall be conditioned not to extend beyond the time during which such beach or land is required for the Rail-way.

Fourthly. To make, carry or place the Rail-way across or upon the lands of any Corporation or person whomsoever on the line of the Rail-way, or within the distance from such line as may be stated in the Special Act, although the name of such party be not entered in the Book of Reference hereinafter mentioned, through error or any other cause, or although some other party be erroneously mentioned as the owner of or entitled to convey, or be interested in such lands.

Fifthly. To construct, maintain and work the Rail-way across, along, or upon any stream of water, water course, canal, highway or rail-way which it shall intersect or touch ; but the stream, water course, highway, canal or rail-way so intersected or touched, shall be restored by the Company to its former state, or to such state as not to have impaired its usefulness.

Sixthly. To make, complete, alter and keep in repair the Rail-way with one or more sets of rails or tracks to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them.

Seventhly. To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, from time to time to alter, repair or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery and contrivances necessary for the accommodation and use of the passengers, freights and business of the Rail-way.

Eighthly. To make branch Rail-ways, if required and provided by the Special Act, and to manage the same, and for that purpose to exercise and possess all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the Rail-way.

Ninthly. To construct, erect and make all other matters and things which shall be necessary and convenient for the making, extending and using of the Rail-way, in pursuance of and according to the meaning and intent of this Act, and of the Special Act.

Tenthly. To take, transport, carry and convey persons and goods on the Rail-way, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation.

Eleventhly. To borrow from time to time, either in this Province or elsewhere, such sums of money as may be expedient for completing, maintaining and working the Rail-way, and at a rate of interest not exceeding eight per cent. per annum, and to make the Bonds, Debentures or other securities granted for the sums so borrowed, payable either in currency or in sterling, and at such place or places within this Province or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient, or as shall be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues and other property of the Company for the due

Powers :

To receive grants of land, &c ;

Purchase land ;

Occupy beaches ;

Carry Rail-way across lands of Corporation, &c ;

And across or along streams, &c ;

Complete Rail-way with one or more tracks, &c ;

Erect necessary buildings, wharves, &c ;

Branch Rail-ways ;

All other matters and things necessary for Rail-way ;

Convey persons and goods on Rail-way ;

Borrow money, &c ;

payment

payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than Twenty-five Pounds.

Enter upon Her Majesty's Lands, &c;

Twelfthly. To enter into and upon any lands of Her Majesty without previous license therefor, or of any Corporation or person whatsoever lying in the intended route or line of the Rail-way.

Make surveys of lands;

Thirteenthly. To make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the Rail-way, and to set out and ascertain such parts of the lands as shall be necessary and proper for the Rail-way.

Remove trees;

Fourteenthly. To fell or remove any trees standing in any woods, lands or forests, where the Rail-way shall pass, to the distance of six rods from either side thereof.

Unite with other Rail-ways.

Fifteenthly. To cross, intersect, join and unite the Rail-way with any other Rail-way at any point on its route, and upon the lands of such other Rail-way, with the necessary conveniences for the purposes of such connection; and the owners of both Rail-ways may unite in forming such intersection, and grant the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by Arbitrators to be appointed by a Judge of the Superior Courts in Lower Canada or Upper Canada, as the case may be.

PLANS AND SURVEYS.

X. And be it enacted, That Plans and Surveys shall be made and corrected as follows:

Provision respecting surveys and levels.

Firstly. Surveys and levels shall be taken and made of the lands through which the Rail-way is to pass, together with a Map or Plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a Book of Reference for the Rail-way, in which shall be set forth a general description of the said lands, the names of the owners and occupiers thereof, so far as they can be ascertained, and every thing necessary for the right understanding of such Map or Plan; and the Map or Plan and Book of Reference shall be examined and certified by the person performing the duties formerly assigned to the Surveyor General or his Deputies, who shall deposit copies thereof in the office of the Clerks of the Peace in the Districts or Counties through which the Rail-way shall pass, and also in the Office of the Secretary of the Province, and shall also deliver one copy thereof to the said Company; and all persons shall have liberty to resort to such copies, and to make extracts or copies thereof, as occasion shall require, paying to the said Secretary of the Province, or to the said Clerks of the Peace, at the rate of Six Pence for every hundred words; and the said triplicates of the said Map or Plan and Book of Reference so certified, or a true copy thereof certified by the Secretary of the Province or by the Clerks of the Peace, shall be, and is and are hereby declared to be good evidence in any Court of Law and elsewhere.

Omissions how remedied.

Secondly. Any omission, mistatement or erroneous description of such lands, or of such owners or occupiers thereof, in any Map or Plan or Book of Reference, may be corrected by two Justices on application made to them, after giving ten days' notice to the owners of such lands, for the correction thereof, and the Justices shall certify the same accordingly if it shall appear to them that such omission, mistatement or erroneous description arose from mistake; and the Certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the said Clerks of the Peace of the Districts or Counties respectively in which such lands shall be situate, and be kept by them respectively along with the other documents to which they relate; and thereupon, such Map or Plan or Book of Reference shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Company to make the Rail-way in accordance with such Certificate.

Alterations from original survey.

Thirdly. If any alterations from the original Plan or Survey be intended to be made in the line or course of the Rail-way, a Plan and Section in triplicate of such alterations

as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original Plan and Survey, shall be deposited in the same manner as the original plan, and copies or extracts of such Plan and Section as shall relate to the several Districts or Counties, in or through which such alterations shall have been authorized to be made, shall be deposited with the Clerks of such several Districts and Counties.

Fourthly. Until such original Map or Plan and Book of Reference, or the Plans and Sections of the alterations, shall have been deposited as aforesaid, the execution of the Rail-way, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with.

Rail-way not to be proceeded with until map &c. deposited.

Fifthly. The Clerks of the Peace shall receive and retain the copies of the original Plans and Surveys, and copies of the Plans and Sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under a penalty for default of One Pound Currency.

Clerks of the Peace to receive copies of original plan, &c.

Sixthly. The copies of the Maps, Plans and Books of Reference, or of any alteration or correction thereof, or extracts therefrom, certified by any such Clerk of the Peace, which Certificate such Clerk of the Peace shall give to all parties interested when required, shall be received in all Courts of Justice or elsewhere as good evidence of the contents thereof.

Copies certified to Clerk to be good evidence in Courts.

Seventhly. No deviation of more than one mile from the line of the Rail-way or from the places assigned thereto, in the said Map or Plan and Book of Reference or Plans or Sections shall be made, nor into, through, across, under or over any part of the lands not shewn in such Map or Plan and Book of Reference, or Plans or Sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act.

Line not to deviate more than a mile.

Eighthly. Provided that the Rail-way may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person be not entered in the Book of Reference through error or any other cause, or although some other person be erroneously mentioned as the owner of or entitled to convey, or be interested in such lands.

Error in the name of a person entered in a Book of Reference.

Ninthly. The lands which may be taken without the consent of the proprietor thereof, shall not exceed thirty yards in breadth, except in such places where the Rail-way shall be raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets shall be established, or where stations, depots or fixtures are intended to be erected, or goods be delivered, and then not more than two hundred yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shewn on the Map or Plan, or Plans or Sections, so far as the same may be then ascertained, but their not being so shewn shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line.

Extent of lands to be taken without consent of proprietor.

Tenthly. The extent of the public beach, or of the land covered with the waters of any river or lake in this Province, taken for the Rail-way, shall not exceed the quantity limited in the next preceding clause.

Extent of public beach to be taken.

LANDS, AND THEIR VALUATION.

XI. And be it enacted; That the conveyance of lands, their valuation and the compensation therefor, shall be made in manner following :

Firstly. All Corporations and persons whatever, tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees whatsoever, 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, issue unborn, lunatics, idiots, *femes-covert*, or other persons, who are or shall be seized, possessed of

Corporation, &c. may convey lands.

or interested in any lands, may contract for, sell and convey unto the Company all or any part thereof; and any contract, agreement, sale, conveyance and assurance so to be made, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in anywise notwithstanding, and such Corporation or person, so conveying as aforesaid, is hereby indemnified for what he or it shall respectively do by virtue of or in pursuance of this Act.

Effect of contracts made before deposit of map.

Secondly. Provided, that any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the Map or Plan and Book of Reference, and before the setting out and ascertaining of the lands required for the Rail-way, shall be binding at the price agreed upon for the same lands, if they shall be afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the mean time, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter provided, and the agreement shall be in the place of an award.

Corporations who cannot sell, may agree upon a fixed rent.

Thirdly. All Corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner herein prescribed, and all proceedings shall in that case be regulated as herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor shall agree to leave unpaid, the Rail-way and the tolls thereon shall be and are hereby made liable and chargeable in preference to all other claims and demands thereon whatsoever, the Deed creating such charge and liability being duly registered in the Registry Office of the proper County.

As to proprietors *par indivis*.

Fourthly. Whenever there shall be more than one party proprietor of any land as joint tenant or tenants in common, or *par indivis*, any contract or agreement made in good faith with any party or parties proprietor or being together proprietors of one third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common and *par indivis*; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be.

After one month's notice of deposit of map, &c., application to the owner of lands.

Fifthly. After one month from the deposit of the Map or Plan and Book of Reference as aforesaid, and from notice thereof in at least one newspaper, if there be any, published in each of the Districts and Counties through which the Rail-way is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Rail-way, and thereupon, agreements and contracts may be made with the said parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which the said compensation shall be ascertained, as shall seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which shall arise between them, shall be settled as follows, that is to say:

Deposit to be general notice.

Sixthly. The deposit of a Map or Plan and Book of Reference, and the notice of such deposit, given as aforesaid, shall be deemed a general notice to all such parties as aforesaid of the lands which will be required for the said Rail-way and works.

Notice to opposite party.

Seventhly. The notice served upon the party shall contain a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them; a declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages, and the name of a person to be appointed as the Arbitrator of the Company, if their offer be not accepted: and such notice shall be accompanied by the Certificate of a Sworn Surveyor for Upper Canada

Canada or Lower Canada, as the case may be, disinterested in the matter, and not being the Arbitrator named in the notice, that the land, if the notice relate to the taking of land, shewn on the said map or plan and, is required for the Rail-way, or is within the limits of deviation hereby allowed ; that he knows the land, or the amount of damage likely to arise from the exercise of the powers ; and that the sum so offered, is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

Sic.

Eighthly. If the opposite party be absent from the District or County in which the lands lie, or be unknown, then, upon application to a Judge of the District, County or Circuit Court, as the case may be, accompanied by such Certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without a Certificate, to be inserted three times in the course of one calendar month in some newspaper published in the said District or County.

If the party be absent or unknown.

Ninthly. If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the Judge shall, on the application of the Company, appoint a Sworn Surveyor for Upper or Lower Canada, as the case may be, to be sole Arbitrator for determining the compensation to be paid as aforesaid.

Party not accepting the Company's offer, and not appointing an arbitrator.

Tenthly. If the opposite party shall, within the time aforesaid, notify to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Judge shall, on the application of the party or of the Company, (previous notice of at least one clear day having been given to the other party) appoint a third Arbitrator.

Appointment of arbitrators by opposite party.

Eleventhly. The Arbitrators, or any two of them, or the sole Arbitrator, being sworn before some Justice of the Peace for the District or County in which the lands lie as aforesaid, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, shall deem best, and the award of such Arbitrators, or any two of them, or of the sole Arbitrator, shall be final and conclusive : Provided that no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other Arbitrator shall have at least one clear day's notice, or to which some meeting at which the third Arbitrator was present, shall have been adjourned ; and no notice to either of the parties shall be necessary, but they shall be held sufficiently notified through the Arbitrator they shall have appointed, or whose appointment they shall have required.

Third arbitrator.

Duties of arbitrators.

Proviso.

Twelfthly. Provided, that if in any case where three Arbitrators shall have been appointed, the sum awarded be not greater than that offered, the costs of the Arbitration shall be borne by the opposite party, and deducted from the compensation, but if otherwise, they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by the Judge aforesaid.

Costs how paid.

Thirteenthly. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation ; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly.

Arbitrators may examine on oath.

Fourteenthly. The Judge by whom any third Arbitrator or sole Arbitrator shall be appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day, or some other day to which the time for making it shall have been prolonged, either by the consent of the parties or by the order of the Judge (as it may be for reasonable cause shewn, on the application of such sole Arbitrator or of one of the Arbitrators after one clear day's notice to the others), then, the sum offered by the Company as aforesaid, shall be the compensation to be paid by them.

Time within which award must be made.

Fifteenthly.

Arbitrator dying, &c.

Fifteenthly. If the Arbitrator appointed by such Judge, or if any Arbitrator appointed by the parties, shall die before the award be made, or be disqualified, or refuse or fail to act within a reasonable time, then, upon the application of either party, such Judge being satisfied by affidavit or otherwise of such disqualification, refusal or failure, may, in his discretion, appoint another Arbitrator in the place of him by the Judge previously appointed, and the Company and party may each appoint an Arbitrator in the place of their Arbitrator deceased or otherwise not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case.

Company may desist paying costs.

Sixteenthly. Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist.

Arbitrators not disqualified for certain circumstances.

Seventeenthly. The Surveyor or other person offered or appointed as Valuator or as Arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by the Judge after his appointment, but shall be made before the same, and its validity or invalidity shall be summarily determined by the Judge; and no cause of disqualification shall be urged against any Arbitrator appointed by the Company or by the opposite party after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by any such Judge, on the application of either party, after one clear day's notice to the other, and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held to have appointed no Arbitrator.

Awards not avoided for want of form.

Eighteenthly. No award made as aforesaid shall be invalidated from any want of form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party, or parties to whom the sum is to be paid, be named in the award.

Possession may be taken on payment, tender, &c., of sum awarded.

Nineteenthly. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the said Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent shall have been awarded or agreed upon; and if any resistance or forcible opposition shall be made by any person, to their so doing, the Judge, may, on proof to his satisfaction of such award or agreement, issue his Warrant to the Sheriff of the District or County, or to a Bailiff, as he may deem most suitable, to put the said Company in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do: Provided that such Warrant may also be granted by any such Judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the said Rail-way with which the said Company are ready forthwith to proceed; and upon the said Company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession shall be given, and with such costs as may be lawfully payable by the Company.

Proviso.

As to incumbrances upon lands, &c., pur-

Twentiethly. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance

incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party: Provided that if the Company shall have reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof shall be payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful, if the lands be situated in Upper Canada, for them to pay such compensation into the office of either of the Superior Courts for Upper Canada, with the interest thereon for six months, and to deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned; and a notice, in such form and for such time as the said Court shall appoint, shall be inserted in some newspaper, if there be any published in the County in which the lands are situate, and in the City of Toronto, which shall state that the title of the Company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act, and the Special Act and to law, shall appertain; and the costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party as the Court shall deem it equitable to order; and if such order of distribution as aforesaid be obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it shall not be obtained until after the six months are expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right.

chased or taken in
Upper Canada.

Proviso.

Twenty-firstly. If the lands so taken be situate in Lower Canada, and if the said Company shall have reason to fear any such claim, mortgage, hypothec or incumbrance, or if any party to whom the compensation or annual rent, or any part thereof, shall be payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the compensation or rent cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which such land is situate, with the interest thereon for six months, and to deliver to the said Prothonotary an authentic copy of the conveyance, or of the award, if there be no conveyance, and such award shall thereafter be deemed to be the title of the said Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the said Company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company (that is, the conveyance or award) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any party so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the Court; and the judgment of confirmation shall for ever bar all claims to the land, or any part thereof (including dower not yet open), as well as any mortgage, hypothec or incumbrance upon the same; and the Court shall make such order for the distribution, payment

Case in which lands
are situate in Lower
Canada, and Compa-
ny have reason to fear
incumbrances, pro-
vided for.

or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the Special Act, and according to the provisions of this Act and to law, shall appertain; and the costs of the said proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court shall deem it equitable to order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it shall not be obtained until after the six months are expired, the Court shall order the Company to pay the Prothonotary the interest for such further period as may be right.

Case in which Rail-way shall pass through Indian lands, provided for.

Twenty-secondly. If the said Rail-way shall pass through any land belonging to or in possession of any Tribe of Indians in this Province, or if any act occasioning damage to their lands shall be done under the authority of this Act or the Special Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it shall be necessary that Arbitrators shall be chosen by the parties, the Chief Officer of the Indian Department within this Province, is hereby authorized and required to name an Arbitrator on behalf of the Indians, and the amount which shall be awarded in any case shall be paid, where the lands belong to the Indians, to the said Chief Officer, for the use of such Tribe or Body.

As to lands belonging to Her Majesty, &c.

Twenty-thirdly. Whenever it shall be necessary for the Company to occupy any part of the lands belonging to the Queen's Majesty, reserved for Naval or Military purposes, they shall first apply for and obtain the license or consent of Her said Majesty, under the Hand and Seal of the Governor for the time being, and having obtained such license and consent, they may at any time or times enter into or upon, have, hold, use, occupy and enjoy any of the said lands for the purposes of the Rail-way; Provided always, that in the case of any such Naval or Military Reserves, no such license or consent shall be given but upon a Report first made thereupon by the Naval or Military authorities in which such lands shall for the time being be vested, approving of such license and consent being so given as aforesaid.

Proviso.

HIGHWAYS AND BRIDGES.

XII. And be it enacted, That the Highways and Bridges shall be regulated as follows:

Rail-way not to be carried along any highway without leave from Municipal authorities.

Firstly. The Rail-way shall not be carried along any existing Highway, but merely cross the same in the line of the Rail-way, unless leave be obtained from the proper Municipal authority therefor; and no obstruction of such Highway with the works shall be made without turning the Highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the Highway, under a penalty of not less than Ten Pounds for any contravention; but, in either case, the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

Rail-way not to rise more than one inch above level of highways when crossing the same.

Secondly. No part of the Rail-way which shall cross any Highway without being carried over by a Bridge, or under by a Tunnel, shall rise above or sink below the level of the Highway more than one inch; and the Rail-way may be carried across or above any Highway within the limits aforesaid.

Height and breadth of bridge over highways.

Thirdly. The space of the arch of any Bridge erected for carrying the Rail-way over or across any Highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such Highway to the centre of such arch of not less than twelve feet; and the descent under any such Bridge shall not exceed one foot in twenty feet.

Ascent of bridges.

Fourthly. The ascent of all Bridges erected to carry any Highway over any Rail-way shall not be more than one foot in twenty feet increase over the natural ascent of the Highway; and a good and sufficient fence shall be made on each side of every Bridge, which fence shall not be less than four feet above the surface of the Bridge.

Fifthly

Fifthly. Signboards stretching across the Highway crossed at a level by any Rail-way, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the Highway to the lower edge of the signboard, and having the words "Rail-way Crossing" painted on each side of signboard, and in letters not less than six inches in length; and for every neglect to comply with the requirements of this section, a penalty not exceeding Ten Pounds currency shall be incurred.

Precautions when Rail-way crosses a highway.

FENCES.

XIII. And be it enacted, That—

Firstly. Fences shall be erected and maintained on each side of the Rail-way, of the height and strength of an ordinary division fence, with openings, or gates, or bars therein and farm crossings of the Road, for the use of the proprietors of the lands adjoining the Rail-way; and also cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the Rail-way; and until such fences and cattle guards shall be duly made, the Company shall be liable for all damages which shall be done by their trains or engines to cattle, horses or other animals on the Rail-way; and after the fences or guards shall be duly made, and while they are duly maintained, no such liability shall accrue for any such damages unless negligently or wilfully done; and if any person shall ride, lead or drive any horse or other animal upon such Rail-way, and within the fences and guards, other than the farm crossings, without the consent of the Company, he shall for every such offence forfeit a sum not exceeding Ten Pounds, and shall also pay all damages which shall be sustained thereby to the party aggrieved; and no person other than those connected with, or employed by, the Rail-way, shall walk along the track thereof, except where the same shall be laid across or along a Highway.

Fences to be erected on each side of Rail-way.

Secondly. Within six months after any lands shall be taken for the use of the Rail-way, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, the lands shall be, by the Company, divided and separated and kept constantly divided and separated from the lands or grounds adjoining thereto, with a sufficient post or rail, hedge, ditch, bank or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands so taken, and which the Company shall, at their own costs and charges, from time to time, maintain, support and keep in sufficient repair.

Dividing and separating of lands for Rail-way from neighbouring lands.

TOLLS.

XIV. And be it enacted, That Tolls shall be established as follows:

Firstly. Tolls shall be from time to time fixed and regulated by the By-laws of the Company, or by the Directors, if thereunto authorized by the By-laws, or by the Shareholders at any general meeting, and shall and may be demanded and received for all passengers and goods transported upon the Rail-way or in the Steam Vessels to the undertaking belonging, and which shall be paid to such persons and at such places near to the Rail-way, in such manner and under such regulations as the By-laws shall direct; and in case of denial or neglect of payment of any such Tolls, or any part thereof, on demand, to such persons, the same may be sued for and recovered in any competent Court, or the Agents or Servants of the Company may, and they are hereby empowered to seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof; and if the said tolls shall not be paid within six weeks, the Company shall thereafter have power to sell the whole or any part of such goods, and out of the money arising from such sales to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale; rendering the surplus, if any, of the money realized from such sale, or of such of the goods as may remain unsold, to the person entitled thereto; and if any goods shall remain

Tolls to be fixed by By-laws.

remain in the possession of the Company unclaimed for the space of twelve months, the Company shall thereafter, and on giving public notice thereof by advertisement for six weeks in the *Canada Gazette*, and in such other papers as they may deem necessary, have power to sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof to pay such tolls and all reasonable charges for storing, advertising and selling such goods; and any balance of such proceeds shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto; and in default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver General, to be applied to the general purposes of the Province, until such time as the same shall be claimed by the party entitled thereto; and all or any of the said tolls may, by any by-law, be lowered and reduced and again raised as often as it shall be deemed necessary for the interests of the undertaking: Provided that the same tolls shall be payable at the same time and under the same circumstances upon all goods and persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any By-laws relating to the tolls.

Proviso.

A fraction of a mile to be considered as a whole one in charging tolls.

Table of tolls to be stuck up in cars, &c.

Secondly. In all cases, a fraction in the distance over which goods or passengers shall be transported on the Rail-way shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton.

Thirdly. The Directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularising the price or sum of money to be charged or taken for the carriage of any matter or thing.

Fourthly. No tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the By-law establishing such tolls, and of the Order in Council approving thereof.

Fifthly. Every By-law fixing and regulating tolls shall be subject to revision by the Governor in Council from time to time, after approval thereof as aforesaid; and after an Order in Council, reducing the tolls fixed and regulated by any By-law, shall have been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in such By-law so long as such Order in Council remains unrevoked.

GENERAL MEETINGS.

Shareholders may hold general meetings.

XV. And be it enacted, That the Shareholders shall always have power to assemble together at general meetings for purposes connected with or belonging to the undertaking, and at any annual general meeting, and elect Directors in the manner provided by the next succeeding clause.

DIRECTORS—THEIR ELECTION AND DUTIES.

XVI. And be it enacted, That—

Board of Directors.

Firstly. A Board of Directors of the undertaking to manage its affairs, the number whereof shall be stated in the Special Act, shall be chosen annually by a majority of the Shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the Special Act, and if such election shall not be held on the day so appointed, it shall be the duty of the Directors to notify and cause such election to be held within thirty days after the day so appointed; and on the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held; and vacancies in the Board of Directors shall be filled in such manner as may be prescribed by the By-laws

By-laws; and no person shall be a Director unless he be a Stockholder, owning stock absolutely in his own right, and qualified to vote for Directors at the election at which he shall be chosen.

Secondly. The method of calling general meetings, and the time and place of the first meeting of Stockholders for the appointment of Directors, shall be determined and settled in the Special Act.

Calling of special meetings, &c.

Thirdly. The number of votes to which each Shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion to the number of shares held by him, unless otherwise provided by the Special Act; and all Shareholders, whether resident in this Province or elsewhere, may vote by proxy, if they shall see fit: Provided that such proxy do produce from his constituent an appointment in writing, in the words or to the effect following, that is to say:

Votes to be in proportion to shares.

"I, _____, of _____, one of the Shareholders of the _____, do hereby appoint _____, of _____, to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the said undertaking, that shall be mentioned or proposed at any meeting of the Shareholders of the said Company, or any of them, in such manner as he, the said _____, shall think proper. In witness whereof, I have hereunto set my hand and seal, the _____ day of _____, in the _____ year _____."

Fourthly. The votes by proxy shall be as valid as if the principals had voted in person; and every matter or thing proposed or considered in any public meeting of the Shareholders shall be determined by the majority of votes and proxies then present and given as aforesaid, and all decisions and acts of any such majority shall bind the Company, and be deemed the decisions and acts of the Company.

Votes by proxy.

Fifthly. The Directors first appointed, or those appointed in their stead, in case of vacancy, shall remain in office until the next annual election of Directors at the time appointed therefor, at which time an annual general meeting of the Shareholders shall be held to choose Directors for the ensuing year, and generally to transact the business of the Company: Provided always, that the said Directors, in case of the death, absence or resignation of any of them, may appoint others in their stead; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors.

Term of office of Directors.

Proviso.

Sixthly. The Directors shall, at their first or at some other meeting, after the day appointed for the annual general meeting, elect one of their number to be the President of the Company, who shall always, when present, be the Chairman of and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead; and they may in like manner elect a Vice-President, who shall act as Chairman in the absence of the President.

President.

Vice-President.

Seventhly. The Directors at any meeting at which not less than a quorum to be settled by the Special Act shall be present, shall be competent to use and exercise all and any of the powers vested in the said Directors, but no one Director shall have more than one vote at any meeting except the Chairman, who shall, in case of a division of equal numbers, have the casting vote, and the Directors shall be subject to the examination and control of the Shareholders at their annual meetings, and be subject to all By-laws of the Company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act; And provided also, that the act of any majority of a quorum of the Directors present at any meeting regularly held, shall be deemed the act of the Directors.

Quorum of Directors.

Proviso.

Eighthly. No person holding any office, place or employment in or being concerned or interested in any contracts under or with the Company, shall be capable of being chosen a Director, or of holding the office of Director.

Officers of Company cannot be Directors.

Ninthly.

By-laws for management of stock, &c.

Ninthly. The Directors shall make By-laws for the management and disposition of the stock, property and business affairs of the Company, not inconsistent with the laws of this Province, and for the appointment of all officers, servants and artificers, and prescribing their respective duties.

Calls.

Tenthly. The Directors may from time to time make such calls of money upon the respective Shareholders, in respect of the amount of Capital respectively subscribed or owing by them, as they shall deem necessary, provided that thirty days' notice at the least be given of each call, and that no call exceed the prescribed amount to be determined therefor in the Special Act, nor made at a less interval than two months from the previous call, or a greater amount be called in, in any one year, than the prescribed amount therefor in the Special Act, and every Shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the Company or the Directors.

Interest to be charged on unpaid calls.

Eleventhly. If before or on the day appointed for payment, any Shareholder do not pay the amount of any call, he shall be liable to pay interest for the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment.

Amount of call may be recovered by suit.

Twelfthly. If at the time appointed for the payment of any call, any Shareholder shall fail to pay the amount of the call, he may be sued for the same, in any Court of Law or Equity having competent jurisdiction, and the same may be recovered with lawful interest from the day on which such call was payable.

Certain formalities not necessary in actions for calls.

Thirteenthly. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the Defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arear shall amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the said Company by virtue of the Special Act.

Certificate of proprietorship *prima facie* evidence.

Fourteenthly. The Certificate of Proprietorship of any share shall be admitted in all Courts as *prima facie* evidence of the title of any Shareholder, his executors, administrators, successors or assigns, to the share therein specified; nevertheless, the want of such Certificate shall not prevent the holder of any share from disposing thereof.

Penalty for refusal to pay calls.

Fifteenthly. Any persons neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two calendar months after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the Company for the benefit thereof.

Forfeiture of share not to be taken advantage of, unless declared at general meeting.

Sixteenthly. Provided that no advantage shall be taken of the forfeiture, unless the same shall be declared to be forfeited at a General Meeting of the Company, assembled at any time after such forfeiture shall be incurred, and every such forfeiture shall be an indemnification to and for every Shareholder so forfeiting against all actions, suits or prosecutions whatever, to be commenced or prosecuted for any breach of contract or other agreement between such Shareholder and the other Shareholders with regard to carrying on the said undertaking.

Directors may sell forfeited shares by auction.

Seventeenthly. The Directors of the said Company may sell, either by public auction or private sale, and in such manner and on such terms as to them shall seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the Capital Stock of the Company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the Company.

Certificate of Treasurer to be evidence of forfeiture.

Eighteenthly. A Certificate of the Treasurer of the Company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact therein stated, and of their purchase by the purchaser; and with the receipt of the Treasurer for the price of

of such shares, shall constitute a good title to the shares, and the Certificate shall be by the said Treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the Books required to be kept by the By-laws of the Company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any Shareholder may purchase any shares so sold.

Nineteenthly. Shareholders willing to advance the amount of their shares, or any part of the money due upon the respective shares beyond the sums actually called for, may pay the same, and upon the principal moneys so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at the legal rate of interest for the time being, as the Shareholders paying such sum in advance and the said Company may agree upon: Provided, such interest shall not be paid out of the Capital subscribed.

Interest to be allowed to Shareholders paying money in advance on their shares.

Twentiethly. The Directors shall and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by the Company, or by the Directors or Managers thereof, or otherwise, for the use of the Company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the Company or the Directors, and at the general meetings of the Shareholders of the undertaking, to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otherwise; and such dividend shall be at and after the rate of so much per share upon the several shares held by the Shareholders in the stock of the Company, as such meeting shall think fit to appoint or determine: Provided always, that no dividend shall be made whereby the Capital of the said Company shall be in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call shall have been paid.

Directors to cause annual accounts to be kept.

Proviso.

Twenty-firstly. The Directors of the Company may, in their discretion, until the Rail-road shall be completed and opened to the public, pay interest at any rate not exceeding Six Pounds per centum per annum, on all sums called up in respect of the shares, from the respective days on which the same shall be paid, such interest to accrue and be paid at such times and places as the Directors shall appoint for that purpose: Provided always, that no interest shall accrue to the proprietors of any share upon which any call shall be in arrear in respect of such shares or any other share to be holden by the same Shareholder during the period which such call shall remain unpaid, nor shall any interest be paid or taken from the Capital subscribed or any part thereof.

Directors may pay interest on sums called up in respect of shares.

Proviso.

Twenty-secondly. The Directors shall from time to time appoint such and so many Officers as they may deem requisite, and take from them such sufficient security by one or more Bond or Bonds, in a sufficient penalty or penalties or otherwise from the Manager and Officers for the time being, for the safe keeping and accounting of the moneys to be raised by virtue of this Act and the Special Act, and for the faithful execution by them of their offices respectively, as the Directors shall think proper.

Directors may appoint officers.

Twenty-thirdly. In case of the absence or illness of the President, the Vice-President shall have all the rights and powers of the President, and shall be competent to sign all Notes, Bills, Debentures, and other Instruments, and to perform all acts which by the Regulations and By-laws of the Company or by the Acts incorporating the Company are required to be signed, performed and done by the President; and the Directors may at any meeting require the Secretary to enter such absence or illness among the proceedings of such meeting, and a Certificate thereof signed by the Secretary shall be delivered to any person or persons requiring the same on payment to the Treasurer of Five Shillings, and such Certificate shall be taken and considered as *prima facie* evidence

Vice-President to act in the absence of the President.

evidence of such absence or illness, at and during the period in the said Certificate mentioned, in all proceedings in Courts of Justice or otherwise.

Notices to be published
in Canada Gazette.

Twenty-fourthly. All notices of meetings or of calls upon the Shareholders of the Company shall be published weekly in the *Canada Gazette*, and the said Gazette shall, on production thereof, be conclusive evidence of the sufficiency of the said notices.

SHARES AND THEIR TRANSFER.

Shareholders may
dispose of shares.

XVII. And be it enacted, That—

Firstly. Shares in the undertaking may be, by the parties, sold and disposed of by instrument in writing, to be made in duplicate in the form following, one part of which shall be delivered to the Directors, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a Book to be kept for that purpose; but no interest on the shares transferred shall be paid by the purchaser until said duplicate shall be so delivered, filed and entered.

Form of sale.

Secondly. Sales shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require :

“ I, A B, in consideration of the sum of _____, paid to me by C. D,
“ hereby do sell and transfer to him _____ share (or shares) of the stock of
“ the _____, to hold to him the said C. D. his Heirs, Executors,
“ Administrators and Assigns, subject to the same rules and orders, and on the same
“ conditions that I held the same immediately before the execution thereof. And I, the
“ said C. D. do hereby agree to accept of the said _____ share (or
“ shares) subject to the same rules, orders and conditions. Witness our hands
“ this _____ day of _____ in the year of _____ ”

Thirdly. The Stock of the Company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or the said shares shall have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid.

Fourthly. If any share in the Company shall be transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy of any Shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share shall be so transmitted, shall deposit in the office of the Company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without which such party shall not be entitled to receive any share of the profits of the Company, nor vote in respect of any such share as to the holder thereof.

MUNICIPALITIES.

XVIII. And be it enacted, That—

Municipal Corporations
may take stock.

Firstly. Municipal Corporations in this Province may subscribe for any number of shares in the Capital Stock of, or lend to or guarantee the payment of any sum of money borrowed by the Company from any Corporation or person, or indorse or guarantee the payment of any Debenture to be issued by the Company for the money by them borrowed, and shall have power to assess and levy from time to time upon the whole rateable property of the Municipality a sufficient sum for them to discharge the debt or engagement so contracted, and for the like purpose to issue Debentures payable at such times and for such sum respectively, not less than Five Pounds currency, and bearing or not bearing interest, as such Municipal Corporation may think meet.

Debentures issued by
them to be binding.

Secondly. Any such Debenture issued, indorsed or guaranteed, shall be valid, and binding upon such Municipal Corporation, if signed or indorsed, and countersigned by such officer or person, and in such manner and form as shall be directed by any By-law
of

of such Corporation, and the Corporation Seal thereto shall not be necessary, nor the observance of any other form with regard to the Debentures than such as shall be directed in such By-law as aforesaid.

Thirdly. No Municipal Corporation shall subscribe for Stock or incur any debt or liability under this Act or the Special Act, unless and until a By-law to that effect shall have been duly made, and adopted with the consent first had of a majority of the qualified electors of the Municipality, to be ascertained in such manner as shall be determined by the said By-law, after public advertisement thereof containing a copy of such proposed By-law, inserted at least four times in each newspaper printed within the limits of the Municipality, or if none be printed therein, then in some one or more newspaper printed in the nearest City or Town thereto and circulated therein, and also put up in at least four of the most public places in each Municipality.

They cannot subscribe for stock unless By-laws are made for that purpose.

Fourthly. The Mayor, Warden or Reeve, being the Head of such Municipal Corporation, subscribing for and holding Stock in the Company, to the amount of Five Thousand Pounds, or upwards, shall be and continue to be *ex officio* one of the Directors of the Company, in addition to the number of Directors authorized by the Special Act, and shall have the same rights, powers and duties as any of the Directors of the Company.

Mayor, &c., to be *ex officio* a Director in certain cases.

SHAREHOLDERS.

XIX. And be it enacted, That—

Firstly. Each Shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the Stock held by him, for the debts and liabilities thereof, and until the whole amount of his Stock shall have been paid up; but shall not be liable to an action therefor before an execution against the Company shall have been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such Shareholders.

Shareholders individually liable.

Secondly. The original Capital Stock may be increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy, of at least two-thirds in amount of all the Shareholders, at a meeting of them expressly called by the Directors for that purpose, by a notice in writing to each Shareholder, served on him personally, or properly directed to him, and deposited in the Post Office nearest to his place of residence, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase and the proceedings; of such meeting must be entered on the Minutes of the proceedings, and thereupon, the Capital Stock may be increased to the amount sanctioned by such a vote.

Stock may be increased.

Thirdly. The funds of the Company shall not be employed in the purchase of any Stock in their own or in any other Company.

Funds of Company not to be employed in purchasing other stock.

ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES AND THEIR PROSECUTION.

XX. And be it enacted, That—

Firstly. All suits for indemnity for any damage or injury sustained by reason of the Rail-way, shall be instituted within six calendar months next after the time of such supposed damage sustained, or if there shall be continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendants may plead the general issue and give this Act and the Special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the Special Act.

Limitation of assignees for damages.

Secondly. All persons by any means or in any manner or way whatsoever, obstructing or interrupting the free use of the Rail-way, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, shall, for every such offence, be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the common Gaol of the District or County where the conviction

Penalty on persons obstructing free use of Rail-way.

conviction shall take place, or in the Provincial Penitentiary, for a term not to exceed five years.

Penalty on persons
damaging Rail-way.

Thirdly. All persons wilfully and maliciously, and to the prejudice of the Rail-way, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery or other works or devices incidental and relative thereto, or connected therewith, or doing any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the Rail-way, vessels or works, or obstructing, hindering or preventing the carrying on, completing, supporting and maintaining the Rail-way, vessels or works, shall be adjudged guilty of a misdemeanor, unless the offence committed shall, under some other Act or Law, amount to a felony, in which case such person shall be adjudged guilty of a felony, and the Court by and before whom the person shall be tried and convicted, shall have power and authority to cause such person to be punished in like manner as persons guilty of misdemeanor or felony (as the case may be) are directed to be punished by the laws in force in this Province.

Fines how recovered.

Fourthly. All fines and forfeitures imposed by this Act or the Special Act, or which shall be lawfully imposed by any By-law, the levying and recovering of which are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the District, County or place where the act occurred, either by the confession of the parties, or by the oath or affirmation of any one credible witness, which oath or affirmation such Justice or Justices is or are hereby empowered and required to administer without fee or reward, be levied by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal or hands and seals of such Justice or Justices; and all fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer of the Company, to be applied to the use thereof, and the overplus of the money so raised, and after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expense, the offender shall be sent to the common Gaol for the County or District in which he shall have been convicted, there to remain without bail or mainprize, for such term, not exceeding one month, as the Justice or Justices shall think proper, unless the penalty or forfeiture, and all expenses attending the same, shall be sooner paid and satisfied; but every such person or persons may, within four calendar months after the conviction, appeal against the same to the Court of General Quarter Sessions, to be holden in and for the County or District.

Contraventions of this
Act or of Special Act,
to be misdemeanors.

Fifthly. All contraventions of this Act or of the Special Act, by the Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture by this Act and the Special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention.

By-laws to be put into
writing and signed by
Chairman.

Sixthly. All By-laws, Rules and Orders regularly made, shall be put into writing and signed by the Chairman or person presiding at the meeting at which they were adopted, and shall be kept in the office of the Company; and a printed copy of so much of them as may relate to or affect any party other than the members or servants of the Company, shall be affixed openly in all and every passenger car, and in all and every of the places where tolls are to be gathered, and in like manner so often as any change or alteration shall be made to the same; and any copy of the same, or of any of them, certified as correct by the President or Secretary, shall be deemed authentic, and shall be received as evidence thereof in any Court, without further proof: Provided nevertheless, that all such By-laws, Rules and Orders shall be submitted from time to time to the Governor General, or person administering the Government of this Province, for approval.

Proviso.

Seventhly.

Seventhly. That copies of the Minutes of proceedings and resolutions of the Shareholders of the Company, at any general or special meeting, and of Minutes of proceedings and resolutions of the Directors, at their meetings, extracted from the Minute-books kept by the Secretary of the Company, and by him certified to be true copies, extracted from such Minute-books, shall be *prima facie* evidence of such proceedings and resolutions in all Courts of civil jurisdiction, and all notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the said Directors and Company.

Copies of Minutes to be *prima facie* evidence.

WORKING OF THE RAIL-WAY.

XXI. And be it enacted, That—

Firstly. Every servant of the undertaking employed in a passenger train or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, nor meddle or interfere with any passenger or his baggage or property.

Servants to wear badges.

Secondly. The trains shall start and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as shall within a reasonable time previous thereto be offered for transportation at the place of starting, and at the junctions of other Rail-ways and at usual stopping places established for receiving and discharging way-passengers and goods from the trains, and such passengers and goods shall be taken, transported and discharged, at, from, and to such places, on the due payment of the toll, freight or fare legally authorized therefor, and the party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the Company.

Trains to start at public hours.

Thirdly. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such Check shall be given to the passenger delivering the same; and if such Check be refused on demand, the Company shall pay to such passenger, the sum of Two Pounds, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger, and if he shall have paid his fare, the same shall be refunded by the Conductor in charge of the train; and any passenger producing such Check, may himself be a witness in any suit brought by him against the Company, to prove the contents and value of his baggage not delivered to him.

Checks to be fixed on parcels.

Fourthly. The baggage, freight, merchandize or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall severally be deemed guilty of a misdemeanor, and be punished accordingly.

Baggage cars not to be in rear of passage cars.

Fifthly. Every locomotive engine shall be furnished with a bell, of at least thirty pounds weight, or a steam whistle; and the bell shall be rung, or the whistle sounded at the distance of at least eighty rods from every place where the Rail-way shall cross any highway, and be kept ringing or be sounded at short intervals, until the engine shall have crossed such highway, under a penalty of Two Pounds for every neglect thereof, to be paid by the Company, who shall also be liable for all damages sustained by any person by reason of such neglect, one half of which penalty and damages shall be chargeable to and collected by the Company from the Engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid.

Locomotive to be furnished with bells or steam whistles.

Sixthly. Passengers refusing to pay their fare, may, by the conductor of the train and the servants of the Company, be, with their baggage, put out of the cars, using no unnecessary force, at any usual stopping place, or near any dwelling house, as the conductor shall elect, first stopping the train.

Passengers refusing to pay fare may be put out.

Seventhly. All persons in charge of a locomotive engine, or acting as the conductor of a car or train of cars, who shall be intoxicated on the Rail-way, shall be deemed guilty of a misdemeanor.

Intoxicated conductor of locomotives.

Passengers to have no claim if injured when on platform of cars, &c.

Eighthly. Any passenger injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place, inside of the passenger cars then in the train, shall have no claim for the injury, provided sufficient room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.

GENERAL PROVISIONS.

XXII. And be it enacted, That—

Company not bound to see to execution of trusts.

Firstly. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the party in whose name any share shall stand in the Books of the Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the Register of Shareholders shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the Company have had notice of the trusts, and the Company shall not be bound to see to the application of the money paid upon such receipts.

Provisions to the carriage of Her Majesty's Mail, &c.

Secondly. Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on Her Majesty's service, shall at all times, when thereunto required by Her Majesty's Provincial Postmaster General, the Commander of the Forces, or any person having the Superintendence or Command of any Police Force, and with the whole resources of the Company if required, be carried on the Rail-way, on such terms and conditions, and under such regulations as the Governor in Council shall make; and the Company may be required by the Governor, or any person thereunto authorized by him, to place any Electric Telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service; provided that any further enactments which the Legislature of this Province may hereafter make, for the carriage of the Mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any Electric Telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the Special Act.

Account of names and residence of Shareholders to be kept.

Thirdly. A true and perfect account of the names and places of abode of the several Shareholders shall be kept and entered in a Book to be kept for that purpose, as well as of the several persons who shall from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the said Company and of the Directors from the time being.

Map, &c., of Railway to be filed in the Board of Works Office.

Fourthly. A Map and Profile of the completed Rail-way and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking be made and filed in the office of the Commissioners of Public Works, and also like maps of the parts thereof located in different Counties, shall be filed in the Registry Offices for the Counties in which such parties shall be respectively; and every such Map shall be drawn on such a scale, and on such paper, as may from time to time be designated for that purpose by the Chief Commissioner of Public Works, and shall be certified and signed by the President or Engineer of such Corporation.

Account to be submitted to Legislature.

Fifthly. An account shall be annually submitted to the three branches of the Legislature, within the first fifteen days after the opening of each Session of the Provincial Parliament after the opening of the Rail-way or any part thereof to the public, containing a detailed and particular account, attested upon oath of the President, or Vice-President in his absence, of the moneys received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement; and no further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode

mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Sixthly. If the construction of the Rail-way shall not have been commenced, and ten per cent. on the amount of the Capital shall not have been expended thereon, within three years after the passing of the Special Act, or if the Rail-way shall not be finished and put in operation in ten years from the passing of such Special Act as aforesaid, its corporate existence and powers shall cease.

Seventhly. The Legislature of this Province, may from time to time reduce the tolls upon the Rail-way, but not without consent of the Company, or so as to produce less than fifteen per cent. per annum profit on the Capital actually expended in its construction; nor unless, on an examination made by the Commissioners of Public Works of the amount received and expended by the Company, the net income from all sources, for the year then last passed, shall have been found to exceed fifteen per cent. upon the Capital so actually expended.

Eighthly. No person shall be entitled to carry or to require the Company to carry upon their Rail-way any *aqua fortis*, oil of vitriol, gunpowder, lucifer matches, or any other goods, which, in the judgment of the Company, may be of a dangerous nature; and if any person send by the said Rail-way any such goods without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the Book-keeper or other Servants of the Company with whom the same are left at the time of so sending the said goods, he shall forfeit to the Company the sum of Five Pounds currency, for every such offence; and it shall be lawful for the Company to refuse to take any package or parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Ninthly. The offence of forging any Debentures or a *Coupon* of any Debenture issued under the authority of this Act or of the Special Act, or of uttering any such Debenture or *Coupon*, knowing the same to be forged, or of being accessory before or after the fact to any such offence, shall be deemed felony, and be punished accordingly.

Tenthly. The Company shall make and keep in repair all fences, roads and water courses, and be subject to all municipal regulations and provisions in respect thereof in or for lands belonging to or held by the Company, and subject to any such regulations, or to any charges, public, municipal or local, as the case may be, in any County, Parish or Township in Lower Canada through which the Rail-way shall pass; and the said Company may, in default or contravention thereof, be prosecuted therefor by the Officers of the Municipality, before the Commissioners Court or Circuit Court within the jurisdiction of which such fence, road or water course shall be, and the service of the Summons upon any Clerk or Officer in charge of the section of the Rail-way within the said jurisdiction, or at the nearest depot of the Rail-way, shall be good service upon the Company.

Eleventhly. Every Special Rail-way Act shall be a Public Act.

Twelfthly. The Legislature may at any time annul or dissolve any Corporation formed under this Act; but such dissolution shall not take away or impair any remedy given against any such Corporation, its Shareholders, Officers or Servants, for any liability which shall have been previously incurred.

Thirteenthly. Nothing herein contained shall affect or be construed to affect, in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Fourteenthly. No amendment or alteration in this Act shall be held to be an infringement of the rights of any Company authorized to construct a Rail-way by any Act of this or any future Session with which this Act is or shall be incorporated.

Ten per cent. to be paid within three years from passing of Special Act.

Parliament may reduce tolls on Railways.

As to goods of a dangerous nature.

Forging Debentures, &c., deemed felony.

Company bound to make and repair fences, roads, &c., in L. C., &c.

Special Act to be a Public Act. And may dissolve any Corporation formed under this Act.

Saving of Her Majesty's Rights.

Interpretation.

CAP. LII.

An Act to repeal the Tonnage Dues imposed for defraying the expenses of maintaining Light Houses and for other purposes connected with the Navigation of the waters of this Province, and to provide for the payment of such expenses out of the Consolidated Revenue Fund.

[30th August, 1851.]

Preamble.

Sections 86 and 90 of 12 Vict. c. 114, and 40 & 41 of 12 Vict. c. 117, and other parts of the said Act inconsistent with this Act, repealed; and also the Acts of U. C. 7 Wm. 4. c. 95, and 2 Vict. c. 23,

WHEREAS it is expedient to relieve the trade of this Province from the tonnage dues imposed for the maintenance of Light Houses, Lights, Beacons, Buoys and for other purposes connected with the navigation of the River St. Lawrence and other waters in this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the eighty-sixth and ninetieth sections of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to consolidate the Laws relative to the powers and duties of the Trinity House at Quebec, and for other purposes*,—and so much of the eighty-seventh, eighty-eighth and eighty-ninth sections of the said Act as applies to the tonnage dues imposed by the said eighty-sixth section thereof,—and the fortieth and forty-first sections of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal a certain Act and Ordinance therein mentioned, relating to the Trinity House of Montreal, and to amend and consolidate the provisions thereof*,—and so much of the forty-second section of the said Act as applies to the tonnage dues imposed by the said fortieth and forty-first sections thereof,—and the Act of the Legislature of Upper Canada, passed in the seventh year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act granting to His Majesty a sum of money for the erection of certain Light Houses within the Province, and for other purposes therein mentioned*,—and the Act of the said Legislature, passed in the second year of Her Majesty's Reign, and intituled, *An Act to amend an Act passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled, 'An Act granting to His Majesty a sum of money for the erection of certain Light Houses within this Province, and for other purposes therein mentioned,'* shall be, and the said Acts, Sections and parts of Acts, are hereby repealed.

Expenses formerly paid out of the tonnage dues imposed by the repealed Acts and sections, to be defrayed out of Provincial Funds,

II. And be it enacted, That the charges and expenses heretofore defrayed out of the tonnage dues hereby repealed, shall, after the coming into force of this Act, be paid out of the Consolidated Revenue Fund of this Province; and it shall be lawful for the Governor of this Province from time to time, by Warrant under his hand, addressed to the Receiver General, to cause to be advanced out of the said Fund, to the Treasurer of the Corporation of the Trinity House of Quebec, and to the Treasurer of the Corporation of the Trinity House of Montreal, respectively, such sums as may, (with any moneys they may have in their hands applicable to such purposes,) be sufficient to enable the said Corporations to defray all expenses by them lawfully incurred, and to pay the interest and principal of all debts by them lawfully contracted, at the time when the same shall become payable, and in like manner to cause to be advanced from time to time to the proper officer or person, and out of the said Consolidated Revenue Fund, such sum as may be required to defray any expenses, which, without this Act, would be payable out of the tonnage dues imposed by the Acts of the Legislature of Upper Canada hereby repealed.

Trinity House of Quebec or Montreal not to borrow money hereafter.

III. Provided always, and be it enacted, That it shall not be lawful for the Corporation of the Trinity House of Quebec, or for the Corporation of the Trinity House of Montreal, to borrow any sum of money after the time when this Act shall come into force.

IV.

IV. And be it enacted, That the moneys advanced under this Act to the Treasurers of the Corporations aforesaid, shall be accounted for in the manner by law provided, with regard to money received and expended by the said Corporations. Accounting clause.

V. And be it enacted, That the foregoing provisions of this Act shall have force and effect upon, from and after the first day of January next, and not before. Commencement of Act.

CAP. LIII.

An Act for the further amendment of the Laws relating to the Public Works in this Province.

[30th August, 1851.]

WHEREAS it is expedient and necessary further to amend the Laws relating to the Public Works in this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Third Section of the Act of the Parliament of this Province, passed in the Session thereof held in the tenth and eleventh years of Her Majesty's reign, and intituled, *An Act to amend the Act intituled, 'An Act to amend the Law constituting the Board of Works,'* as provides that in Lower Canada the cost and expenses of arbitration therein mentioned, shall be taxed by the proper Officer of the Court of Queen's Bench, shall be, and the same is hereby repealed. Preamble.

II. And be it enacted, That in Lower Canada such costs and expenses of arbitration shall be taxed by a Judge of the Superior Court; and that in every case in which the claimant has been represented or assisted by an Attorney in the proceedings before the Arbitrators, the fees of such Attorney shall be taxed and allowed to him as in a contested case in the said Superior Court, or in the Circuit Court, according to the sum awarded. So much of 10 & 11 Vict. c. 24, s. 3, as relates to costs of arbitration in L. C. repealed.

III. And be it enacted, That the Fifth Section of the said Act, and the Fourth Section of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's reign, intituled, *An Act to amend the Laws relating to the Public Works of this Province*, shall be, and the same are hereby repealed. Such costs to be taxed in L. C. by a Judge of the Superior Court.

IV. And it is hereby declared and enacted, That the authority of the Arbitrators and Appraisers appointed or to be appointed hereafter for either portion of this Province, under the provisions of the Acts relating to the Public Works thereof, to command the attendance of Witnesses, extends to both portions of the Province. Sec. 5 of 10 & 11 Vict. c. 24, and sec. 4 of 13 & 14 Vict. c. 13, repealed.

CAP. LIV.

An Act to amend and consolidate the Laws affording protection to Magistrates and others in the performance of public duties.

[30th August, 1851.]

WHEREAS there are divers Acts of Parliament in force in Canada, both public, local and personal, whereby certain protections and privileges are afforded to Magistrates and others; and whereas the said Acts are not of an uniform character, and it is desirable that many of the provisions of such Acts should be altered and amended, and the whole reduced into one Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted Preamble.

So much of any Act as confers certain privilege on any Magistrate, &c., repealed.

enacted by the authority of the same, That so much of any such Act or Acts now in force in this Province, whether public, local or personal, as confers any privilege, either as to notice or limitation of action, or as to amount of costs, or as to pleading the general issue and giving the special matter in evidence, or as to the *venue* of the action, or as to tender of amends or payment of money into Court, upon any Magistrate, public officer, or other person, for any act done, either by virtue of his office, or under the provisions of any such Act or Acts, be and the same is hereby repealed, except as to any action, suit or proceeding which has been commenced or prosecuted before the passing of this Act.

Notice to be given to any Magistrate, in a certain form, and the plaintiff to be bound by such notice.

II. And be it enacted, That no Writ shall be sued out against any Justice of the Peace or other officer or person fulfilling any public duty, for any thing by him done in the performance of such public duty, whether such duty arises out of the common law, or is imposed by Act of Parliament, either Imperial or Provincial, nor shall any judgment or verdict be rendered against him, unless notice in writing of such intended Writ, specifying the cause of action with reasonable clearness, shall have been delivered to such Justice, officer or other person, or left at the usual place of his abode, by the Attorney or Agent of the party who intends to sue out such Writ, at least one calendar month before suing out such Writ, and in computing such calendar month, the day of the service of such notice and the day of suing out such Writ shall both be excluded, and on such notice shall be written the name and place of abode of such Attorney or Agent suing out such Writ, and by the cause of action stated in such notice the party suing out such Writ shall be bound, and shall not be allowed to give evidence of any other cause of action at the trial thereof.

Such Magistrate, &c., may tender amends: Consequences of such tender.

III. And be it enacted, That any such Justice, officer or other person acting as aforesaid, may, at any time within one calendar month after the service of such notice as aforesaid, tender amends to the party complaining, or his agent or attorney; and in case the same is not accepted, may plead such tender in bar to any action brought against him grounded on such Writ, together with the plea of not guilty, and any other plea; and if the Court or jury shall find the amount tendered to have been sufficient, they shall find for the defendant; but if the Court or jury shall find they were insufficient, or that no tender of amends was made, and they shall also find the other issues against the defendant, or if they find against the defendant where no tender of amends is made or pleaded, then they shall give a judgment or verdict for the plaintiff, with such damages as they shall think proper, and the plaintiff shall have his costs of suit.

In what county the *venue* shall be laid.

IV. And be it enacted, That any such action against such Justice, officer or other person, acting as aforesaid, shall be laid and tried within the County in Upper Canada or District or Circuit in Lower Canada, as the case may be, where the act complained of was done and committed: Provided always, that such Justice, officer or other person, acting as aforesaid, may change the *venue* in such action, upon notice to the plaintiff in such action, if he shall think fit so to do: And provided also, that the *venue* may be changed to any other County in Upper Canada or District or Circuit in Lower Canada, as the case may be, that the Court in which such action is brought, or any Judge thereof in Chambers may order, if it shall be made appear to such Court or Judge that such action cannot be tried fairly and without prejudice in the County or District or Circuit in which the *venue* in such action is laid.

Proviso as to changing the *venue*.

General issue may be pleaded and special matter given in evidence.

V. And be it enacted, That every such Justice, officer or person acting as aforesaid, in any such action or suit as aforesaid, may plead the general issue only thereto, that he or they is or are not guilty, and give all special matters of justification or excuse, or that he or they received no notice of action thereunder, as fully and amply as if the same were specially pleaded in such action.

Magistrate may pay money into Court.

VI. And be it enacted, That it shall be lawful for such Justice, officer or other person acting as aforesaid, if he shall not have tendered amends, or shall have tendered insufficient amends, to pay into Court such sum as he shall think fit, without requiring the leave of the Court or a Judge therefor; and such payment into Court shall be specially

specially pleaded, and shall have the same effect, and such proceedings shall be had thereafter, as in ordinary cases of payment of money into Court.

VII. And be it enacted, That if in any such action or suit, judgment shall be rendered in favor of such Justice, officer or other person acting as aforesaid, either on demurrer, verdict, non-suit, or *non-pros*, or otherwise, or the plaintiff shall discontinue his suit, the defendant shall be entitled to and recover against the plaintiff all his costs, as between attorney and client, but no double or treble costs shall in any case be taxed or allowed against the plaintiff.

What costs the defendant shall recover if successful.

VIII. And be it enacted, That no such action or suit shall be brought against any Justice, officer or other person acting as aforesaid, for any thing done by him in the performance of his public duty, as aforesaid, unless commenced within six calendar months after the act committed.

Limitation of action against Magistrates, &c.

IX. And be it enacted, That the privileges and protection given by this Act, shall be given to such Justice, officer or other person acting as aforesaid, only, and to no other person or persons whatever, and any such Justice, officer and other person acting as aforesaid, shall be entitled to such protection and privileges in all such cases as he shall act *bonâ fide* in the execution of his duty, although in such act done, he shall have exceeded his powers or jurisdiction, and have acted clearly contrary to law.

Privileges to extend to the Magistrate, &c., only: and in what cases to him.

C A P . L V .

An Act to continue for a limited time an Act intituled, *An Act to encourage the establishment of and regulate Savings Banks in this Province.*

[30th August, 1851.]

WHEREAS in and by an Act of the Parliament of this Province passed in the Session thereof held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to encourage the establishment of and regulate Savings Banks in this Province*, it is amongst other things enacted That the said Act should continue and remain in force during ten years from and after the passing thereof, and from thence until the end of the then next ensuing Session of the Legislature, and no longer; And whereas it is expedient that the said Act should be further continued for a limited time: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the said Act as limits the duration thereof as aforesaid, shall be, and the same is hereby repealed; and that the said Act shall continue and remain in force during five years from and after the passing of this Act, and from thence until the end of the then next ensuing Session of the Legislature, and no longer.

Preamble.

4 & 5 Vict. c. 32, cited.

Said Act continued for five years, &c.

C A P . L V I .

An Act to extend the period for payment of Fees on Crown Patents, and for other purposes therein mentioned.

[30th August, 1851.]

WHEREAS by the fifth section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend an Act therein mentioned, and to make other provisions for the management and disposal of the Public Lands, and to limit the period for making Free Grants*, it was declared That all lands upon the grant of which fees are now due, or upon which settlement duties remain to be performed, or the performance to be proved, should be forfeited, unless such fees were paid, and such settlement duty performed, and the performance thereof proved to the satisfaction of

Preamble.

12 Vict. c. 31.

of the Governor in Council, by the thirtieth day of May, eighteen hundred and fifty-one; And whereas there is good reason for believing, that in consequence of the said Act not having obtained sufficient publicity, many persons are in danger of being injuriously affected by the provisions thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That no forfeiture of such lands shall take place in regard to any located lands with reference to which the Governor in Council may not have already taken action with a view to their resumption in consequence of non-occupation and improvement, provided that payment of such fees be made, and also provided that satisfactory proof as respects the performance of settlement duties, and the fulfilment of the conditions which pertained to each location having been made, be furnished to the Commissioner of Crown Lands by the first day of August, which will be in the year of our Lord, eighteen hundred and fifty-two: Provided always, that it shall be lawful for the Governor of this Province, by Proclamation to be published in the *Canada Gazette*, to extend from time to time as he may think fit, the provisions of this and the subsequent section.

No forfeiture to take place, provided certain conditions are complied with by 1st August, 1852.

Proviso.

Failure to perform such conditions, to cancel the location, &c.

Act not to restore locations mentioned in the list of 4th April, 1839, &c.

II. And be it enacted, That from and after the first day of August, one thousand eight hundred and fifty-two, such locations as the fees shall not have been paid upon, and with regard to which there shall be failure of proof of performance of settlement duties and fulfilment of the conditions, as mentioned in the next preceding section, shall cease to exist as locations, and such persons as may be in occupation, or may have improved thereon, shall in no other way receive Patents than as purchasers, upon such terms as the Governor General in Council, or others duly authorized by the Governor General in Council, shall recommend and adjudge.

III. And be it enacted, That nothing contained in the second section of this Act shall be construed to have the effect of restoring or confirming any locations contained in a certain Schedule of unpatented lands published by the Commissioner of Crown Lands, and bearing date the fourth day of April, eighteen hundred and thirty-nine, which were found upon inspection unoccupied and unimproved, and in regard to which the Governor General has not admitted the claims of any persons who have asserted claims thereto, either as original locatees, or as deriving claim from them, but that such lands shall be set apart for sale, and be disposed of as ordinary Crown Lands, except in cases where the Governor in Council may consider applicants equitably entitled to obtain original locations, or they shall prove themselves to be entitled to pre-emption in purchase, or where any lot in such list shall be found not to have been subject to settlement duties.

Right to obtain a patent declared assignable in certain cases.

IV. And be it enacted, That any person whose right to obtain a Patent for lands has been, or hereafter shall have been established by any Commission under and by virtue of the Act passed in the eighth year of Her Majesty's Reign, and commonly known as the "Heir and Devisee Act," may, by an instrument in writing, assign, transfer and convey his right and interest to, or in the land to which he has or shall have established his right as aforesaid, and such assignment, as well as all subsequent assignments, shall or may be registered, agreeably to the provisions of the thirtieth section of the Act passed in the session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act for the disposal of Public Lands*; and the last Assignee shall be entitled to a Patent upon proving compliance with all the conditions to which the original location was subject.

Exemption of certain locations.

V. And be it enacted, That nothing contained in the third clause of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, Chapter one hundredth, shall be taken to prevent the issue of Patents for any lands duly located under Certificates of the Adjutant General of Militia under the Honorable Colonel Talbot,

Talbot, under the Land Boards instituted in the year one thousand eight hundred and nineteen, and under the Military Settling Department, but that the parties so located or their Assignees, Devisees or Heirs, shall receive Patents, without it becoming necessary that their locations shall be confirmed by Order in Council, upon proof being furnished to the Department of the Commissioner of Crown Lands, in the form required by this Act, that the conditions, which attach to such locations, have been complied with and upon payment of the Patent fees on such locations, as such Fees are chargeable thereupon; excepting such cases only as, with respect thereto, there may be conflicting claims, and such conflicting claims shall be decided upon by the Governor General in Council.

CAP. LVII.

An Act to remove doubt as to Municipal Corporate Bodies acquiring Public Works without the limits of such Municipalities.

[30th August, 1851.]

WHEREAS in and by an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act for the better management of the Public Debt, Accounts, Revenue and Property*, it is provided, That it shall be lawful for the Governor in Council to enter into arrangements with any of the Municipal or District Councils, or other local Corporations or authorities, for the transfer to them of any of the Public Roads, Harbours, Bridges, or Public Buildings, which it may be found more convenient to place under the management of such District or Municipal Council, or other local authority; And whereas it is doubtful whether, under the provisions of the said Act, any District or Municipal Council, or local Corporation or authority, could acquire any such Public Roads, Harbours, Bridges or Public Buildings situate beyond and without the limits of such District or Municipal Council, or other local Corporation or authority; And whereas it is expedient to remove such doubt: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for any Municipal Corporation, or other local corporate body or authority, to contract for, purchase, acquire and hold any such Public Roads, Harbours, Bridges or Public Buildings, which, in and by the said recited Act, could lawfully be disposed of, whether the same be situate within the limits of such Municipal Corporation, or other corporate body or authority, or otherwise; any thing in the said recited Act to the contrary notwithstanding.

Preamble:
12 Vict. c. 5, cited.

Corporations empowered to acquire public roads, &c., beyond limits.

II. And be it enacted, That if any person or persons shall cut, break down or destroy in any other way any of the Gates or Toll-houses erected on any road whereon Tolls may lawfully be taken, every such person so offending, and being lawfully convicted, shall be deemed guilty of a misdemeanor, and be punished by fine and imprisonment; and if any person or persons shall place or remove any earth, stone or timber on any such road, to the damage of the same, or shall forcibly pass or attempt to pass any of the gates without having first paid the legal Toll at such Gate, such person or persons shall pay all damage by him or them committed, and shall forfeit and pay a fine of not more than Five Pounds, nor less than Ten Shillings, to be recovered before any Justice of the Peace of the County or United Counties, or Mayor or Chief Officer of any City, Town or incorporated Village in which such Toll Gate is situate.

Penalty for damages to the road.

III. And be it enacted, That the fines and forfeitures authorized to be imposed by this Act, shall be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any Warrant or Warrants to be issued for that purpose by such Justice as aforesaid, or any other Justice of such County or United Counties,

Fines, &c., how levied.

or

or Mayor or Chief Magistrate of any City, Town or incorporated Village in such County or United Counties, who is hereby empowered to grant the same.

Persons evading payment of tolls fined.

IV. And be it enacted, That if any person or persons shall, after proceeding on such road, with any of the carriages or animals liable to pay Toll, turn out of the same road into any other road, and shall enter the said road beyond any of the said Toll-gates, without paying Toll, whereby such payment shall be evaded, such person or persons shall, for every such offence, forfeit and pay the sum of Five Shillings, to be recovered before any Justice of the Peace for the County or United Counties in which such road is situate.

Fines, &c., to whom paid.

V. And be it enacted, That all fines and forfeitures collected under authority of this Act, shall be paid to the Treasurer of the local authorities or Companies owning the respective roads in respect of which such fines and forfeitures shall be imposed, for the use of such local authorities and Companies respectively.

Corporations bound to repair road.

VI. And be it enacted, That every such local corporate body or authority, shall keep every such road in good and sufficient repair, and upon default thereof shall and may be indicted at any Court of General Quarter Sessions of the Peace or other Court of Superior Jurisdiction of any County or Union of Counties within or along the boundary of which such road shall be out of repair, and upon being convicted, the Court before which such conviction shall be had, shall direct such local corporate body or authority to make the necessary repairs, for the want of which such prosecution shall have been commenced, within such time as to the Court shall seem reasonable; and that in case such repairs shall not be completed within such time, the County Council of the locality within or along the limits of which the road may be situate in part or wholly, shall and may cause the necessary repairs to be made, and the amount expended on such repairs, together with twenty-five per cent. of increase thereon, shall and may be recovered from the corporate body or authority owning the road and so neglecting to make such repairs, by action of debt in any Court of competent jurisdiction.

Penalty incurred for neglecting the same.

VII. And be it enacted, That any person or persons appointed to collect Tolls at any Toll-gates in Upper Canada, who shall demand Tolls at a higher rate than is authorized by law, from any person or persons passing through the same, or wilfully make any unnecessary delay in opening the same, shall incur a penalty of One Pound Five Shillings, to be levied in the same manner as other penalties imposed by this Act.

Exactng unfair tolls punishable by fine.

VIII. And be it enacted, That this Act shall apply only to Upper Canada.

Act limited.

CAP. LVIII.

An Act to allow Notaries to call meetings of relations and friends, in certain cases, without being thereto specially authorized by a Judge.

[30th August, 1851.]

Preamble.

WHEREAS great inconvenience and delays arise, and heavy expenses are incurred, in consequence of the personal attendance of the relations and friends before a Judge of the Superior Court, or of the Circuit Court, being necessary in cases in which by the Laws of Lower Canada, the counsel and advice of relations and friends are required, where the said relations or friends reside within the distance of five leagues from the place at which any such Judge is to sit, and of the necessity of obtaining the formal authorization of a Judge of one of the said Courts to empower such relations and friends to appear before a Notary, or other person when such relations or friends reside beyond the said distance of five leagues: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever it shall

be

be necessary to call a meeting of relations and friends to give their counsel and advice upon the appointment of Guardians or Tutors, Subrogate Tutors, Curators to absentees or to vacant estates, and other matters which require the counsel and advice of relations and friends, it shall be lawful for any Notary near the residence of such relations and friends, or who will be on the spot when the meeting shall be held, whatever be the distance from the residence of the said relations and friends to the place of sitting of the Superior Court for the District, or of the Circuit Court, and without the formal authorization of a Judge of either of the said Courts, to call such meeting ; and such Notary is hereby authorized, at the request of any of the parties on whose application any such Judge could have called such meeting, to call a meeting of the said relations and friends, administer to them the oath by law prescribed, and receive their counsel and advice respecting the matter submitted to their decision, and also to administer the oath of office by law required, to the Tutors, Curators and other persons who shall be so appointed with the advice and consent of the said relations and friends.

Notaries may call meetings of relations and friends when thereunto required.

II. Before calling any such meeting of relations and friends, the party requiring such meeting shall state to the Notary, and represent to him, truly and correctly, the object and purpose of the meeting, and the reasons for the same, in the same manner as he is now required to do in applications made to the Judges for similar purposes, of all which the said Notary shall grant *Acte* in the form of Schedule A : Provided always that it shall be lawful for several persons, having a common interest, conjointly to make such declaration, and to appear and act together in all the proceedings and instruments mentioned in the following sections.

The notary shall make a Minute of the declaration of the party requiring such meeting.

III. In all cases of the appointment of Guardians or Tutors, Subrogate Tutors or Curators as aforesaid, it shall be lawful for any Notary to cause to come before him the relations, and in default of the relations, the friends of the parties, (such default of relations being previously declared and established), he shall administer the usual oath to the persons composing such meeting, and read to them the contents of the *Acte* mentioned in the next preceding section, and receive their advice and opinion, administer the oath of office to the Guardian, Tutor, Subrogate Tutor, Curator or other person so appointed, and shall grant *Acte* thereof in the form of Schedule B, stating the degree of relationship, residence and quality of the persons composing the said meeting, and if there be any opposition or difference of opinion, he shall state in the said *Acte* the reasons given by the several persons composing the said meeting.

The notary may cause relations and friends to come before him,—administer the oaths, &c.

IV. So much of the ninth section of the Act of the Legislature of Lower Canada, passed in the thirty-fourth year of His Majesty, King George the Third, intituled, *An Act for the division of the Province of Lower Canada, for amending the judicature thereof, and for repealing certain Laws therein mentioned*, or of any other law, as shall be repugnant to this Act, shall be and is hereby repealed: Provided always, that nothing in this Act contained shall prevent any Judge of the Superior Court, or of the Circuit Court, from calling such meeting of relations and friends, or from authorizing any Notary or other person, on the application of parties, to call such meeting in the manner by law prescribed, and as such Judge shall deem expedient for the ends of justice.

A certain part of the Act of L. C. 34 G. 3 c. 6, repealed.

Proviso.

SCHEDULE A.

On the _____ day of _____, in the _____ noon, in the year one thousand eight hundred and _____, before me, the undersigned Public Notary, for Lower Canada, residing in the District of _____, came and appeared A, residing _____ who hath declared that _____ whereupon requires the counsel and advice of the relations and friends of _____

Whereof *Acte* at _____

SCHEDULE.

SCHEDULE B.

On the _____ day of _____, in the _____ noon, in the year one thousand eight hundred and _____, before me, the undersigned Public Notary for Lower Canada, residing in the District of _____, came and appeared B, residing _____

Who ha _____ caused to be assembled before me the said Notary, for the purposes mentioned in the above declaration made before me on the _____ (or made before any Notary on _____) to the intent that _____ to wit: in default of relations,

Who, after having been duly sworn on the Holy Evangelists, taken communication of the declaration above mentioned and maturely deliberated together, were unanimously of opinion that the said _____ be _____, who being present ha _____ voluntarily accepted the said office _____, and promised under Oath to fulfil the duties thereof.

Whereof Acts at _____

CAP. LIX.

An Act to repeal in part and to amend an Act, intituled, *An Act for the better protection of the Lands and property of the Indians in Lower Canada.*

[30th August, 1851.]

Preamble.

WHEREAS it is expedient to designate more accurately the persons who have and shall continue to have a right of property, possession or occupation in the lands and other immoveable property belonging to or appropriated to the use of the various Tribes or Bodies of Indians residing in Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the fifth section of the Act passed in the now last session of the present Parliament, chaptered forty-two, and intituled, *An Act for the better protection of the Lands and property of the Indians in Lower Canada*, shall be, and the same is hereby repealed.

Sect. 5, of 13 & 14
Vict. c. 42, repealed.

Who shall be deemed
Indians belonging to
any Tribe.

II. And be it declared and enacted, That for the purpose of determining what persons are entitled to hold, use or enjoy the lands and other immoveable property belonging to or appropriated to the use of the various Tribes or Bodies of Indians in Lower Canada, the following persons and classes of persons, and none other, shall be considered as Indians belonging to the Tribe or Body of Indians interested in any such lands or immoveable property:

Firstly. All persons of Indian blood, reputed to belong to the particular Tribe or Body of Indians interested in such lands or immoveable property, and their descendants:

Secondly. All persons residing among such Indians, whose parents were or are, or either of them was or is, descended on either side from Indians, or an Indian reputed to belong to the particular Tribe or Body of Indians interested in such lands or immoveable property, and the descendants of all such persons: And

Thirdly. All women, now or hereafter to be lawfully married to any of the persons included in the several classes hereinbefore designated; the children issue of such marriages, and their descendants.

C A P . L X :

An Act to amend the Law of Lower Canada as regards the District or Circuit in which actions or proceedings affecting real property may be brought, and to make further provision as to cases in which Absentees may be parties.

[30th August, 1851.]

WHEREAS it is expedient to make better provision as to the District or Circuit in which any real or mixed action may be brought in Lower Canada; and whereas it is also necessary to make more effective provision with regard to suits *en licitation* and *en partage*, and to proceedings in actions against Absentees: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in all real or mixed actions in Lower Canada, the cause of such actions respectively shall be held to have arisen in the District or Circuit, as the case may be, wherein the real property in question in such actions respectively is situate.

Preamble.

The cause of action held to have arisen in the District or Circuit wherein the real property is situated.

Real or mixed actions, when the property is situate partly in one District or Circuit, and partly in another, may be brought in either, and judgment executed accordingly.

Proceedings against Absentees to be notified at the Prothonotary's Office, in certain cases.

Judges empowered to appoint Arbitrators or experts for absentees.

II. And be it enacted, That whenever any real property shall be situate partly in one District or Circuit and partly in another, it shall be lawful for the Plaintiff to bring any real or mixed action in regard to such real property in either of the said Districts or Circuits at his option, and the whole of such real property may be partitioned (*partagé*) or sold by licitation (*licité*) or seized and sold under judgment obtained in any such action, in the same manner as if the said real property were wholly situate in the District or Circuit in which any such judgment shall have been rendered, and this provision shall apply to any Judgment rendered for any cause whatsoever against a Defendant possessing any real property situate partly in one District or Circuit and partly in another, and any proceeding for confirmation of title, (*demande en ratification*) *en licitation* or *en partage*, may be commenced, prosecuted, allowed and carried into effect in one or the other of the Districts or Circuits in which the real property in question may be partly situate at the option of the applicant, as if such real property were wholly situate in the District or Circuit in which the applicant shall have chosen to commence his proceedings.

III. And be it enacted, That in all actions brought in conformity with the ninety-fourth section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Laws relative to the Courts of Original Civil Jurisdiction in Lower Canada*, against any absent party, all notices or proceedings subsequent to the advertisement required by way of Summons to appear and required by Law or by any Rule of Practice, in order to obtain or execute any Judgment against such absent party, or for appealing from any such Judgment, or determining and trying any opposition or contestation arising in such action, or for giving effect to any Judgment rendered against such absent party in any action *en partage* or *en licitation*, may be lawfully made and notified at the office of the Prothonotary or Clerk of the Court in which such action may be pending; and whenever it shall be necessary in any such action *en partage* or *en licitation* against any absent party to appoint arbitrators or *experts* to examine the real property to which such action relates, and to determine whether the same can be partitioned with advantage, it shall be lawful for the Court before which such action shall be brought during Term, or for any one of the Judges thereof in vacation, to appoint, for such absent party, one or more arbitrators or *experts* to act conjointly with the arbitrator or *experts* appointed by the other party or parties to the said action.

CAP. LXI.

An Act to prevent the hunting of Deer at improper seasons of the year, and further to amend the laws for the preservation of Game.

[30th August, 1851.]

Preamble.

WHEREAS divers inhabitants of Upper Canada have petitioned Parliament to pass a law for restraining the hunting and killing of Deer with hounds, and it is but reasonable to comply with the prayer of their petition, inasmuch as Deer are yearly becoming scarcer; And whereas it is also desirable to alter the time of year for killing Woodcocks, Wild Ducks and Snipe in Upper Canada, experience having shewn that the seasons now prescribed by law are not the proper ones for such sporting: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall not be lawful for any person or persons to chase, hunt, shoot, take or kill any Deer, Fawn, Moose or Elk of any species, either with or without hounds or dogs of any breed or sort, or to allow any hound or dog of any kind or sort belonging to him or them, or in his or their possession, or under his or their control, to be used for such purpose, or to follow such chase of its own accord and unaccompanied by any person, within Upper Canada, except during the period between the first of August and the first of January in each following year; any law to the contrary notwithstanding.

When only deer may be killed with hounds or otherwise.

Season for killing wild ducks.

and Woodcocks.

Penalties on persons contravening this Act.

Act of 7 Vict. c. 12, to apply to offences against this Act.

Proviso.

II. And be it enacted, That the time or season for shooting, taking and killing Wild Ducks, Teal, Widgeon, and other aquatic birds, shall be and is hereby declared to be between the first day of July and the first day of April in the following year, and the time or season for shooting and killing Woodcocks shall be and is hereby declared to be between the first day of July and the first day of January in the following year, and the shooting or killing of Snipe shall be lawful at all seasons of the year.

III. And be it enacted, That if any person or persons shall chase, hunt, shoot, take or kill, or shall assist in or encourage any chasing, hunting, shooting, taking or killing any Deer, Fawn, Moose or Elk, with hounds or dogs of any breed or sort, within Upper Canada, or shall allow any hound or dog of any kind or sort, belonging to him or them, or in his or their possession, or under his or their control, to be used for such purpose, or to follow such chase of its own accord or unaccompanied by any person, at any time of the year, except during the period heretofore mentioned, or shall take or kill any Wild Duck, Teal, Widgeon or other aquatic birds at any other season of the year than between the first day of July and the first day of April before mentioned, or shall kill any Woodcock at any other time than between the first day of July and the first day of January before mentioned, such person or persons shall for every offence be liable to the pains and penalties imposed upon persons by the Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to prohibit the hunting and killing of Deer and other game within this Province at certain seasons of the year*, and the person or persons who are guilty of offending against the provisions of the said Act, and the person or persons offending against this Act, shall be prosecuted, and the penalties and pains shall be enforced in the same form, and by the same means, and in the same manner as are prescribed with regard to offenders under the said Act: Provided always, that one moiety of all fines to be imposed by virtue of the provisions of this Act, or of the said Act imposing fines and penalties, shall be awarded to the party charging the offence in writing, and the other moiety shall be paid to the Treasurer of the Municipality where the offence is alleged to have been committed, to be applied by such Treasurer to the general funds of such Municipality.

IV. And be it enacted, That so much of any Act, or of any part of any Act as shall be repugnant or contrary to the provisions of this Act, shall, in so far as the same may apply to Upper Canada, be, and the same is hereby repealed.

Inconsistent enactments repealed.

V. And be it enacted, That the second section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to prohibit the use of Strychnine or other poisons for the destruction of certain kinds of wild animals*, shall hereafter be read, construed and have effect as if the words "Justice of the Peace" in the said section had not been inserted therein: and the fourth section of the said Act shall be and is hereby repealed; and the said Act, as hereby amended, shall, from and after the passing of this Act, extend to Upper Canada as well as Lower Canada.

The 2d s. 12 Vict. c. explained.

4th sec. of same repealed.
Act as amended to extend to Upper and Lower C.
This Act limited.

VI. And be it enacted, That this Act shall be in force in Upper Canada only, and shall not apply to Indians who are permanent inhabitants of this Province.

C A P. L X I I.

An Act to explain and amend the Law in Lower Canada, respecting Bills of Exchange and Promissory Notes.

[30th August, 1851.]

WHEREAS doubts exist respecting the legal effect of protests in the particular cases hereinafter mentioned, made in the form prescribed by the Act of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Law regulating Inland Bills of Exchange and Promissory Notes, and the protesting thereof, and Foreign Bills in certain cases*, and it is expedient to prevent the continuance of such doubts, and also to amend the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That notwithstanding the omission in any protest made since the passing of the said Act, of any Bill of Exchange or Promissory Note, of the statement of the period of the day in which the protest was made, such protest shall be held and taken to have been made in the afternoon of the day of the date thereof, unless the contrary shall appear on the face of the protest; any thing in the said Act to the contrary notwithstanding.

Preamble.

As to protests made before the passing of this Act.

II. And be it enacted, That any protest made after the passing of this Act, in the form prescribed in the said Act, shall be held and taken to have been and to be made in the afternoon of the day in which it bears date, unless the contrary shall appear upon the face of the protest.

As to protests made after the passing of this Act.

III. And be it enacted, That in any action at law, or legal proceeding pending in Court in Lower Canada for the recovery of the amount of a protested Bill of Exchange or Promissory Note, in the protest whereof the omission shall exist of the statement, that such protest was made in the afternoon of the day on which it bears date, and such action or proceeding shall be contested by reason of such omission, and no judgment shall have been therein rendered on the merits by such Court, it shall be lawful for the party prosecuting therein, or his legal representatives, to present a petition to the Court in which such action or proceeding is pending, pleading this Act, praying that the benefit thereof be allowed him, and thereupon all and every the objections based upon the omission aforesaid shall cease and have no effect, after such notice of the said petition shall have been given to the objecting party or his attorney on the record, as shall by the said Court be deemed sufficient, and thereupon it shall be lawful for the said Court to order the ejection from the record of any plea or defence or proof thereof based upon such omission, and to order a replender or otherwise, in the said action and proceeding, as the Court in its discretion may, on good cause shewn therefor, allow, according

As to protests in cases now pending.

Provide,

according to law and the practice of the said Court: Provided always, that the party contesting shall not be liable to any costs of suit if he make payment of the said amount before notice given to him of such petition, nor in any case to the costs arising from the said petition.

What evidence shall be required in actions on bills or notes.

IV. And be it enacted, That in any action or suit founded on a Bill of Exchange or Promissory Note, against any party, no other evidence shall be required or adduced than such as, under the Act aforesaid of the Parliament of this Province, may be required or adduced in an action or suit founded on a Bill of Exchange or on a Promissory Note whereto all the parties are traders.

Where the Notarial demand of payment may be made.

V. And be it enacted, That the Notarial demand of payment, preliminary to the protest of any Bill of Exchange or of any Promissory Note, payable at a Bank, may be lawfully made at such Bank, either within or after the usual afternoon banking hours of such Bank; any law or usage to the contrary notwithstanding.

Act not to apply to cases wherein judgment has been given.

VI. Provided always, and be it enacted, That nothing herein contained shall apply to any protest of any Bill of Exchange or Promissory Note upon which any judgment of any Court of original jurisdiction shall have been rendered previous to the passing of this Act.

CAP. LXIII.

An Act to appropriate all moneys accruing out of Tavern Licenses in the Counties which form the District of Kamouraska, and in the County of Ottawa, towards defraying the cost of the Court House and Gaol erected at Kamouraska, and the Court House and Gaol now being erected in Aylmer.

[30th August, 1851.]

Preamble.

WHEREAS it is necessary to provide more ample funds for defraying the cost of erection of the Court House and Gaol lately built and constructed at Kamouraska, and for defraying the cost of erection of the Court House and Gaol now in course of construction at Aylmer, than are provided by the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*, under which the said Court House and Gaol at Kamouraska have been erected, and the said Court House and Gaol at Aylmer are now in course of construction: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing in the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to provide for the payment of Claims arising out of the Rebellion and Invasion in Upper Canada, and to appropriate the Duties on Tavern Licenses to Local purposes*, the moneys arising after the passing of this Act from the Duties on Licenses to keep Houses of Public Entertainment within the Counties of Kamouraska and Rimouski, shall be and are hereby appropriated towards defraying the cost of the Court House and Gaol lately erected at Kamouraska, and the moneys arising after the passing of this Act from Duties on Licenses to keep Houses of Public Entertainment within the County of Ottawa, shall be and are hereby appropriated towards defraying the cost of the Court House and Gaol now in course of construction at Aylmer, under the Act mentioned in the Preamble to this Act, and the other expenses incident thereto, and the principal and interest of the Debentures issued or to be issued under the said Act, and the expenses of keeping the said Court Houses and Gaols and their appurtenances in thorough repair and order; and such moneys shall be paid, applied and accounted for accordingly by the proper Officers, and no part thereof shall be paid over to the Treasurer of any Municipal Division whatsoever.

19 Vict. c. 112.

Notwithstanding 8 Vict. c. 72, duties from Tavern Licenses in certain Counties appropriated for Court Houses and Gaols at Kamouraska and Aylmer.

C A P. L X I V.

An Act to amend and extend the Law relating to the remedy by Replevin in Upper Canada.

[30th August, 1851.]

WHEREAS it is expedient to amend and extend the remedy by Replevin in Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever any goods, chattels, deeds, bonds, debentures, promissory notes, bills of exchange, books of account, papers, writings, valuable securities or other personal property or effects have been, or shall be wrongfully distrained, or otherwise wrongfully taken, or have been or shall be wrongfully detained, the owner, or person or corporation, who by law can now maintain an action of trespass or trover for personal property, shall have and may bring an action of Replevin for the recovery of such goods, chattels, or other personal property aforesaid, and for the recovery of the damages sustained by reason of such unlawful caption and detention, or of such unlawful detention, in like manner as actions are now by law brought and maintained by any person complaining of an unlawful distress; and the Writ of Replevin to be issued in any such case or action hereafter to be brought, shall be framed, according to the circumstances of each case, and tested in the name of the senior Judge of the Court out of which the same shall issue, and on the day of the month and year in which it shall issue, and be returnable on the eighth day after the service of a copy thereof on the defendant, or if he cannot be found, by leaving such copy at his usual and last place of abode, with his wife, or some other grown person being a member of his household, or of the house wherein he resided as aforesaid, and may be in the following form:

Preamble.

Action of Replevin to lie in certain cases where actions of trover or trespass now lie.

Writ may be in a certain form.

County
or
United Counties of
(as the case may be.)

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

The Form.

To the Sheriff of (here insert name of County or United Counties)—Greeting:

We command you that, without delay, you cause to be replevied to (A. B.) his goods, chattels and personal property following, that is to say: (here set out the description of property as in the affidavit filed,) which the said (A. B.) alleges to be of the value of , and which (C. D.) hath taken and unjustly detains, (or unjustly detains, as the case may be,) as it is said, in order that the said (A. B.) may have his just remedy in that behalf: And that you summon the said (C. D.) to appear before us in our Court of Queen's Bench, (or Court of Common Pleas,) at Toronto, (or our County Court,) at in and for the County, (or United Counties, as the case may be,) within eight days after service of a copy of this Writ upon the said (C. D.) to answer to the said (A. B.) in a Plea of taking and unjustly detaining (or unjustly detaining, as the case may be,) his goods, chattels and personal property aforesaid. And what you shall do in the premises, make appear to us in our said Court on the day and at the place aforesaid; And have there and then this Writ.

Witness of A. D. 18 . of our said Court, at this day

(Signature of Clerk.)

This Writ is to continue in force for three months from the teste thereof, and no longer.

Proviso.

Provided always, That the Sheriff shall not serve a copy of the said Writ of Replevin on the defendant, until he shall have replevied the property therein mentioned, or until he shall have replevied some part thereof, and cannot replevy the residue, by reason of the same having been eloigned out of his bailiwick, by the defendant, or by reason of the same not being in the possession of the defendant, or of any person for him.

Affidavit to be taken before the Writ issues.

II. And be it enacted, That before any Writ of Replevin shall issue for the recovery of any such goods, chattels, or other personal property, the person claiming the same, his servant or agent, shall make an affidavit that such person claiming as aforesaid, is the owner of the property claimed, which shall be described in such affidavit, or that he is lawfully entitled to the possession thereof, and shall state the value thereof to the best of the deponent's belief, which affidavit shall and may be sworn before a Judge of one of the Superior Courts of Record in Upper Canada, the Judge of the County Court, or a Commissioner for taking affidavits in Her Majesty's Court of Queen's Bench or Common Pleas in Upper Canada, or a Commissioner duly appointed under the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to authorize the Judges of the Superior Courts of Record in Upper Canada to appoint Commissioners for taking affidavits in Lower Canada*, and shall be entitled in the Court in which such action of Replevin may be brought, and filed therein, to be kept among the papers in the cause.

Defendant not appearing, plaintiff may file appearance for him, and proceed.

III. And be it enacted, That when the party or parties, defendant in any such suit of Replevin, shall have been duly served with a copy of the Writ of Replevin issued in any such suit, and if he, she or they do not enter their appearance in such suit, at the return of such Writ of Replevin, the plaintiff or plaintiffs in such action may, after filing such Writ, with an affidavit of the service thereof having been made on the defendant in manner before mentioned and directed, enter a common appearance for such defendant, and proceed thereon as if such defendant had appeared.

Condition and amount of the Bond to be taken by the Sheriff.

IV. And be it enacted, That the condition of the Bond to be taken by the Sheriff executing any such Writ of Replevin, and prescribed by the Act of the late Province of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, chapter seven, intituled, *An Act to facilitate the remedy by Replevin*, may be altered in the wording thereof so as to correspond with the Writ in any such action to be brought; and the said Bond shall be taken for treble the amount of the value of the property to be replevied as sworn to in the affidavit filed by or on behalf of the claimant or plaintiff, and stated in such Writ of Replevin.

Where the action may be brought.

V. And be it enacted, That whenever an action of Replevin shall be brought for the recovery of goods, chattels or other personal property aforesaid, distrained for any cause, it shall be laid and brought in the County or United Counties in which the distress was made, and not elsewhere, and in other cases, the action shall or may be laid and brought in any County or United Counties.

What the Sheriff shall state in his return.

VI. And be it enacted, That the Sheriff shall return the Writ at or before the return day thereof, and shall annex thereto, and transmit therewith, the names of the persons who were sureties in the Bond taken by him from the plaintiff, with their places of residence and additions, together with the date of such Bond, and the name or names of the witnesses thereto, and shall state in his return the number, quantity and quality of the articles or property replevied thereunder, and if the Sheriff shall have replevied only a portion of the property and effects in said Writ mentioned and set forth, and cannot replevy the residue by reason of the same having been eloigned out of his bailiwick by the Defendant, or by reason of the same not being in the possession of the Defendant, or of any other person for him, that then he shall state in his said return the articles of property which he cannot replevy, and the reason therefor.

As to pleadings, &c. in such action.

VII. And be it enacted, That the Plaintiff and Defendant to any such action or suit shall declare, avow, reply, rejoin and otherwise plead to issue, and have and take all subsequent proceedings to trial and judgment within the same time as is in other personal actions, and in case of default or neglect so to do, shall be liable to the like judgment of discontinuance, *non pros.*, or non-suit, as in other personal actions.

VIII.

VIII. And be it enacted, That where the original taking of the goods, chattels, or other personal property, is not complained of, but the action is founded on a wrongful detention thereof, the declaration shall conform to the Writ, and may be the same as in an action of detinue, and where the action is founded upon a wrongful taking and detention of the property aforesaid, it shall not be necessary for the Plaintiff to state in his declaration a place certain within the city, town, township or village as that where the property was taken; provided always, that if the Defendant, in any such action last aforesaid, justifies or avows the right to take or distrain any such goods, chattels, or other property aforesaid, in or upon any place or premises, in respect of which the same would be liable to forfeiture, distress for rent, damage, feasant custom, rate or duty, by reason of any law, usage or custom now existing and in force, such Defendant shall state in such plea of justification or avowry a place certain within the City, Town, Township or Village within the County, as that where such property was so distrained or taken.

Declaration to be made to suit the case, &c.

Proviso: if the defendant avows and justifies.

IX. And be it enacted, That the Defendant shall be entitled to the same pleas in abatement or bar as heretofore, and may plead as many matters in defence as he shall think necessary, and which would by law constitute a legal defence, if such action were an action of trespass, when the taking be complained of, or were an action of detinue when the detention only be complained of.

What pleas and matters of defence the defendant shall have.

X. And be it enacted, That the property to be replevied, or any part thereof, be secured or concealed in any dwelling house or other building or enclosure of the Defendant, or of any other person holding the same for him, and if the Sheriff shall have publicly demanded from the owner and occupant of the premises deliverance thereof, and if the same be not delivered to him within twenty-four hours after such demand made, he may or shall, if necessary, break open such house, building or enclosure for the purpose of replevying such property or any part thereof, and shall make replevin according to the Writ aforesaid, and that if the property to be replevied or any part thereof be concealed either about the person or the premises of the Defendant or any other person holding the same for him, and if the Sheriff shall have demanded from the Defendant, or such other person aforesaid, deliverance thereof, he shall and may, if necessary, search and examine the person and premises of the Defendant, or of such other person aforesaid, for the purpose of replevying such property or any part thereof, and shall make replevin according to the Writ aforesaid.

Sheriff may in certain cases break open any house, &c., in which the goods replevied are.

C A P. L X V.

An Act to amend the Upper Canada Jurors' Act of one thousand eight hundred and fifty, and to make some further provisions for the better accomplishment of the object thereof.

[30th August, 1851.]

WHEREAS it is expedient to amend some of the provisions of the Act passed in the last Session of the Parliament of this Province, chaptered fifty-five, and intituled, *An Act for the consolidation and amendment of the Laws relative to Jurors, Juries and Inquests in that part of this Province called Upper Canada*, and to make some further provisions for the better accomplishment of the object thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That where there shall not appear as many as twelve of the Grand Jurors summoned upon any Panel returned upon any Precept to any Court of Criminal Jurisdiction, every such

Preamble.
13 & 14 Vict, c. 55.

When so many as twelve Grand Jurors shall not appear, the Court may order the

Sheriff to supply the defect by Talesmen.

such Court, upon request made for the Queen by Her Attorney or Solicitor General, or any of Her Counsel Learned in the Law, or in their absence by any one thereto authorized or assigned by such Court, shall command the Sheriff or other Officer or Minister to whom the making of the return shall belong, to name and appoint, as often as need shall require, so many of such other able men of the County, Union of Counties or City, as the case may be, then present, as shall make up a Grand Inquest of twelve, and the Sheriff or other Officer or Minister aforesaid, shall, at such command of the Court, return such men duly qualified as shall be present or can be found to serve on such Grand Inquests, and shall add and annex their names to the Panel returned upon such Precept; and the Court shall proceed with those Grand Jurors who were before empannelled, together with the Talesmen so newly added and annexed, as if all the said Jurors had been originally returned upon such precept.

Sect. 3 of Act of U. C. 10 G. 4, c. 1, and sect. 98, 99, 100 and 101 of 13 & 14 Vict., c. 55, repealed.

Proviso as to things already done,

II. And be it enacted, That the third section of the Act of the Parliament of the late Province of Upper Canada, passed in the tenth year of the reign of His late Majesty King George the Fourth, chaptered one, and intituled, *An Act to provide for the admission of the evidence of Quakers, Menonists, Tunkers and Moravians, in criminal cases*, and also the ninety-eighth, ninety-ninth, one hundredth, and one hundred and first sections of the said Upper Canada Jurors' Act of one thousand eight hundred and fifty, shall be and the same are hereby repealed: Provided always, nevertheless, that notwithstanding such repeal, all acts which might have been done, and all proceedings which might have been taken or prosecuted relating to any offences or neglects which may have been committed, or to any matters which shall have happened, or to any moneys which shall have become due, or to any fines or penalties which shall have been incurred before the day on which this Act shall come into operation, shall and may still be done or prosecuted, and the offences and omissions may be dealt with and punished, and the moneys may be recovered and dealt with, and the fines and penalties may be imposed and applied, as if the said Act and sections hereby repealed continued in force.

Recital,

III. And whereas the experience of the past year has shown that the fees allowed by the said Upper Canada Jurors' Act of one thousand eight hundred and fifty, were in most respects wholly disproportioned to the amount of labor and responsibility imposed by the said Act, involving in some cases an actual disbursement of money by the officers in procuring the necessary aid to complete the work within the time prescribed by the said Act; and it is therefore just that the parties should be better remunerated for the services so performed by them respectively: Be it therefore enacted, That the different officers who performed the duties required of them by the said Act, for the year one thousand eight hundred and fifty, shall be entitled to receive therefor the fees prescribed for such services by the said Act, as amended by this Act; and that upon their presenting their accounts for the same verified in the manner prescribed by the said Act as so amended, it shall be the duty of the different Municipal Treasurers and Chamberlains to whom the payment of such officers belonged, according to the directions of the said Act, to pay such officers the amount of such respective accounts, out of the like funds as by the said Act was directed with respect to the fees prescribed thereby, deducting from such accounts respectively the amount of any moneys which such officers may have previously received under the said Act.

Officers employed in certain duties under 13 & 14 Vict. c. 55, to be entitled to the allowance for such services under this Act.

Certain portions of the said Act designated in Schedule A, Column 1, repealed, and other provisions substituted.

IV. And be it enacted, That the several words, phrases and sentences of the Upper Canada Jurors' Act of one thousand eight hundred and fifty, to be found in the first column of the Schedule to this Act annexed, marked A, numbered from one to twenty-three inclusive, and set forth in the second column of the said Schedule, as such several words, phrases and sentences are contained in those several parts of the several and respective sections and provisos of the said Act particularly referred to in the third column of the said Schedule opposite to each of such words, phrases and sentences respectively, shall be and the same, as so contained in such sections and provisos, are hereby repealed; and the several and respective words, phrases and sentences set forth in the fourth column of the said Schedule, opposite to each of such first mentioned words, phrases and sentences respectively, shall be and the same are hereby substituted for such first mentioned words,

words, phrases and sentences, each for each respectively; and henceforth the said substituted words, phrases and sentences, instead of those for which they are so substituted as aforesaid respectively, shall be and shall be deemed and taken to have been the words, phrases and sentences used in the several and respective sections and provisos of the said Act, in the third column of the said Schedule mentioned opposite to each of such words, phrases and sentences respectively, and in the parts of such sections and provisos therein particularly mentioned; and the said Act, and all other Acts referring to the same, shall be construed as if such substituted words, phrases and sentences had been there used, in such respective sections and provisos respectively, and in the parts thereof respectively in the said third column of the said Schedule mentioned as aforesaid, at the time of the passing of the said Act; any thing therein contained to the contrary notwithstanding: Provided always nevertheless, Firstly, that nothing in this Act contained shall render void or otherwise affect in any way any thing heretofore done under the authority of the said Act, but the same, unless it shall have been made the subject of proceedings at law actually instituted before the passing of this Act, shall be and the same is hereby ratified and confirmed; any thing herein contained to the contrary notwithstanding: And provided also, Secondly, that notwithstanding the repeal of the parts and provisions of the said Act hereby repealed, all acts which might have been done, and all proceedings which might have been taken or prosecuted relating to any offences or neglects which may have been committed, or to any matters which shall have happened, or to any moneys which shall have become due, or to any fines or penalties which shall have been incurred before the day on which this Act shall come into operation, shall and may still be done or prosecuted, and the offences and omissions may be dealt with and punished, and the moneys may be recovered and dealt with, and the fines and penalties may be imposed and applied, as if the said parts and provisions of the said Act hereby repealed, continued in force.

Proviso.

Proviso.

V. And be it enacted, That in pleading, citing or otherwise referring to the said Act, it shall, in all cases whatsoever, be sufficient to use the expression, *The Upper Canada Jurors' Act of one thousand eight hundred and fifty*, or words of equivalent import; that in pleading, citing or otherwise referring to this Act, it shall, in all cases whatsoever, be sufficient to use the expression, *The Upper Canada Jurors' Law Amendment Act of one thousand eight hundred and fifty-one*, or words of equivalent import; and that in pleading, citing or otherwise referring to the said Acts, and any other Acts that may be hereafter passed touching or concerning or in any wise relating to such Jurors, Juries or Inquests generally, it shall, in all cases whatsoever, be sufficient to use the expression, *The Upper Canada Jurors' Acts*, or words of equivalent import, which shall, in all cases, be understood to include and refer to such and so much of the said Acts as shall be then in force touching or concerning or in any wise relating to such Jurors, Juries and Inquests: Provided always nevertheless, that in Legislative enactments, wholly confined in their operations to that part of this Province called Upper Canada, the use of the words "Upper Canada," or words of equivalent import, in any of the expressions above mentioned, shall not be deemed necessary for the purpose aforesaid, but in every such case, such expressions shall have the like effect as if such words were contained therein.

Short Titles by which the said Act and others relative to Jurors in Upper Canada, may be referred to.

Proviso.

SCHEDULE A.

Referred to in the Fourth Section of this Act.

Number.	Words, Phrases and Sentences of 13 & 14 Vict. cap. 55, repealed by this Act.	Sections, and Provisos of 13 & 14 Vict. cap. 55, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
1	"and Town Clerks, all Professors, Masters and Teachers of any University," (to the end of the section.)	Sec. 5. After the words "Treasurers and Clerks"	"All Collectors and Assessors, all Professors, Masters and Teachers of any University, College, County Grammar School, Common School or other School or Seminary of learning, actually engaged in performing the duties of such appointments respectively, and all officers and servants of any such University, College, School or Seminary of learning actually exercising the duties of their respective offices or employments,—all Millers, and all Firemen belonging to any regular Fire Company, shall be and are hereby absolutely freed and exempted from being returned and from serving as either Grand or Petit Jurors in any of the Courts aforesaid, and shall not be inserted in the Rolls to be prepared and reported by the Selectors of Jurors by virtue of this Act, as hereinafter mentioned."
2	"from being returned upon any general Precept."	Sec. 6. Between the words "and exempted" and the words "to any sessions."	"from being returned to serve as Petit Jurors upon any General Precept."
3	"eighth."	Sec. 11. Between the words "on the" and the words "day of."	"first."
4	"and to permit the use of the same for the purposes aforesaid."	Sec. 11. After the words "Village or Township," near the end of the section.	"and to permit the use of the same for the purposes aforesaid. Provided always, nevertheless, that the word Township as above used, and wherever else it occurs in this Act, shall in all cases apply to Unions of Townships, all proceedings with respect to which under the same shall be such as if the Townships forming such Union were but one Township."
5	"one ninth as nearly as may be," (to the end of the section.)	Sec. 14. After the words "that is to say."	"one fifteenth as nearly as may be under the first of such Divisions; two fifteenths as nearly as may be under the second of such Divisions;—four fifteenths as nearly as may be under the third of such Divisions;—and eight fifteenths as nearly as may be under the fourth of such Divisions."
6	"Township, Village or Ward."	Sec. 15. Between the words "every such" and the words "which Report."	"Township, Village or Urban Ward."
7	"Duplicate Reports shall be deposited."	Sec. 15. Between the words "of such" and the words "by such Selectors."	"Duplicate Reports shall on or before the fifteenth day of the same month of September, be deposited."
8	"of all such Sheriffs, High Bailiffs and other officers and others Her Majesty's subjects who may have."	Sec. 15. Between the words "and information" and the words "lawful occasion."	"of all who may have"

SCHEDULE A—Continued.

Number.	Words, Phrases and Sentences of 13 & 14 Vict. cap. 55, repealed by this Act.	Sections and Provisos of 13 & 14 Vict. cap. 55, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
9	"original Report so lost or destroyed as aforesaid."	Sec. 15. At the end of the section.	"original Report so lost or destroyed as aforesaid: Provided always, nevertheless, that in every such case of the destruction of any original Selectors' Report, it shall be the duty of the officer in whose office the same shall have been so destroyed, to procure as soon as reasonably may be, such a certified copy of such Report from the other officer to whom the legal custody of the other duplicate original of such Report shall belong, and to file the same in his office accordingly."
10	"first."	Sec. 16. Between the words "and the" and the words "day of October."	"thirty-first."
11	"Villages and Wards."	Sec. 16. Between the words "different Townships" and the words "or other like."	"Villages and Urban Wards,"
12	"to serve as such Jurors in such County respectively."	Sec. 16. At the end of the Section.	"to serve as such Jurors in such County respectively. Provided always, nevertheless, Firstly, That in every case in which a Proclamation shall have issued disuniting any Junior County from any Senior County or Union of Counties upon, from and after the first day of January of the then following year, the Clerk of the Peace for the Union of Counties of which such Junior County shall at the time be a Member, shall procure two of such "Jurors' Books," one for the County or Counties from which such Junior County is to be so disunited, and the other for such Junior County itself, into the former of which Books shall be so transcribed the names and additions of all persons so selected by the Selectors of Jurors for the different Townships, Villages and Urban Wards of such Senior County or Counties, and into the latter of such Books the names and additions of all persons so selected by the Selectors of Jurors for the different Townships, Villages and Urban Wards of such Junior County respectively: Provided also, Secondly, That in every such case the preparing of the Ballots, the balloting of the Jury lists, and the performing of all other acts and things required by this Act to be done for such Junior County for such following year, shall be done and performed by the Clerk of the Peace and Court of General Quarter Sessions of the Peace for such original Union of Counties and the Chairman and Officers thereof. And provided also, Thirdly, That in every such case, it shall be the duty of the Clerk of the Peace of such original Union of Counties, on demand thereof, to deliver over to the Clerk of the Peace for such Junior County, as soon as may be after the same shall be completed and the copies thereof made and deposited in the proper offices in that behalf, the said Jurors' Book for such Junior County, who shall thereupon give him a receipt for such book, and upon such receipt being filed with the Treasurer of such Junior County, the Clerk of the Peace and Crier of the said Court of Quarter Sessions of such original Union of Counties,

SCHEDULE A—Continued.

Number.	Words, Phrases and Sentences of 13 & 14 Vict. cap. 55, repealed by this Act.	Sections and Provisos of 13 & 14 Vict. cap. 55, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
12			upon their accounts for the services thus performed for such Junior County being verified, in the manner hereinafter provided, by affidavit before any Commissioner for taking affidavits for any of such Counties or the Union of which they may be members, shall be paid the amount of such accounts by the Treasurer of such Junior County out of the like moneys as are hereinafter provided with respect to the payment of similiar accounts by the Treasurers of other Counties, and such payments shall in like manner be allowed in the accounts of such Treasurers accordingly."
13	" first day of October."	Sec. 19. Between the words " after the " and the words " in each year."	" thirty-first day of October."
14	"Provided always, nevertheless, firstly" (to the end of the section.)	Sec. 19. Towards the end of the Section.	" Provided always, nevertheless, Firstly, That as respects the County of York, or any Union of which that County shall for the time being, be the Senior County, the numbers to be balloted from the first and third of such Jurors' Rolls shall be as follows, that is to say: When a full Jury List is to be balloted, then from the first of such Rolls, ninety-six, and from the third, two hundred and eighty-eight; when a two-third Jury List is to be so balloted, then from the first of such Rolls, seventy-two, and from the third, two hundred and sixteen; and when a half Jury List is to be so balloted, then from the first of such Rolls, forty-eight, and from the third, one hundred and forty-four. And provided also, Secondly, That on all such occasions the names of the different members of the said Court who shall be present and vote upon any such Resolution, shall be entered on the Minutes of such Court, and that in the event of the votes of those members present being equal, the Chairman of the said Court for the time being shall have a double or casting vote upon the same: And provided also, Thirdly, That on the first occasion of bringing into Court a Jurors' Book for any County or Union of Counties, or for any City, there being no Jurors' Book for any preceding year for such County, Union of Counties or City, the oath to be made by the Clerk of the Peace, or Clerk of the Recorder's Court respectively, shall be modified so as to be adapted to such circumstances."
15	" proclamation to be made for all persons."	Sec. 20. Between the words " shall cause " and the words " to keep silence"	" proclamation to be made firstly for all persons."
16	" are openly balloted. And the Chairman of such Court."	Sec. 20. Between the words " or Union of Counties," and the words " And the Clerk of the Peace."	" are openly balloted. And Secondly, That if any one can inform the Court why the name of any person which may be drawn upon such ballot should not be inserted in the Jury List for which it shall be drawn, he shall come forth and he will be heard. And the Chairman of such Court."

SCHEDULE A—Continued.

Number.	Words, Phrases and Sentences of 13 & 14 Vict. cap. 55, repealed by this Act.	Sections and Provisos of 13 & 14 Vict. cap. 55, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
17	"proclamation shall be made that if any one can inform the Court why the name of such person should not be inserted in the Jury List for which it shall have been so balloted as aforesaid, he shall come forth and he will be heard."	Sec. 20. Between the words "exemption then" and the words "whereupon if."	"the name and addition of such person shall be again openly declared aloud by the Clerk of the Peace as having been balloted to serve as a Grand Juror for the Superior Courts."
18	"the Clerk of the Peace," (to end of section)	Sec. 23. After the word "That" at the beginning of the Section.	"the Clerk of the Peace shall, on or before the thirty-first day of December thereafter, cause a correct copy of such Jurors' Book to be made and deposited in the office of the Clerk of the Crown and Pleas of Her Majesty's Court of Queen's Bench at Toronto, and another in that of His Deputy for the County or Union of Counties for which the same shall have been so prepared as aforesaid, each of which shall be certified by him to be a true copy of the original, and from it, in the event of the loss or destruction of the original by fire or other accident, a duplicate original of such Jurors' Book may be made, and being certified by the said Clerk of the Crown and Pleas, or his Deputy for such County or Union of Counties, to be truly copied from the copy deposited in his office, shall, upon such loss or destruction being established upon oath or affirmation, before two or more Justices of the Peace of such County or Union of Counties, be received and used on all occasions and for all purposes, as the original which shall have been so lost or destroyed as aforesaid: Provided always, nevertheless, That in every such case of the destruction of any original Jurors' Book, it shall be the duty of the Clerk of the Peace for such County or Union of Counties, to procure, as soon as reasonably may be, such a duplicate original of such book so certified as aforesaid, and to deposit the same in his office as above provided, and that in every such case it shall be the duty of the Sheriff or other officer or minister of such County or Union of Counties to whom the return of Jury Process shall belong, upon a notice to him by the Clerk of the Peace of such destruction and of the procurement and deposit of such duplicate original in lieu thereof, which notice every such Clerk of the Peace is hereby required to give as soon as may be thereafter, to furnish to such Clerk of the Peace copies of all Panels of Jurors drafted by such Sheriff or other Minister from the Jury Lists in such book; and it shall thereupon be the duty of such Clerk of the Peace to enter such panels in such duplicate original Jurors' Book accordingly, as nearly as may be as the same were entered in the said original Jurors' Book."
19	"with respect to Juries returned by them upon similar process."	Sec. 75. At the end of the Section.	"with respect to Juries returned by them upon similar process. Provided always, nevertheless, Firstly, that in every case in which a Proclamation shall have issued whereby any Town in Upper Canada, shall, upon, from and after the first day of January of the following year, be erected into a City, a Jurors' Book shall be prepared, and Jury Lists

SCHEDULE A—Continued.

Number.	Words, Phrases and Sentences of 13 & 14 Vict. cap. 55, repealed by this Act.	Sections and Provisos of 13 & 14 Vict. cap. 55, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
19			ballotted for such City for such following year, as above directed with respect to all other Cities in Upper Canada: And provided also, Secondly, That in every such case, the preparing of the Ballots, the balloting of the Jury Lists and the performing of all other acts and things required by this Act to be done for such City so to be erected as aforesaid, for such following year, shall be done and performed by the Clerk of the Peace and Court of General Quarter Sessions of the Peace for the County or Union of Counties within the limits of which such Town shall lie, in the like manner as according to the provisions hereof would in the case of such other Cities be done and performed by the Clerk of the Recorder's Court of such Cities, the Recorder and Recorder's Court and the Officers of such Court respectively: And provided also, Thirdly, That in every such case, it shall be the duty of such Clerk of the Peace, on demand made on him for that purpose, to deliver over to the Clerk of the Recorder's Court of such City so to be erected as aforesaid, as soon as may be after the same shall be completed and the copies thereof made and deposited in the proper office, in that behalf, the said Jurors' Book for such City so to be erected as aforesaid, who shall thereupon give him a receipt for such Book, and upon such receipt being filed with the Chamberlain of such City, the Clerk of the Peace and Crier of the said Court of Quarter Sessions of such County or Union of Counties, upon their accounts for the services thus performed for such City being verified in the manner hereinafter provided by affidavit before any Commissioners for taking affidavits for such County or Union of Counties, shall be paid the amount of such accounts by the Chamberlain of such City out of the like moneys as are hereinafter provided with respect to the payment of similar accounts by the Chamberlains of other Cities, and such payment shall in like manner be allowed in the accounts of such Chamberlain accordingly."
20	" Sheriff's Office."	Sec. 78. Between the words " Book in the " and the words " and it shall."	" Office of the Clerk of the Peace."
21	" of ten shillings each, and the City, Town, Village or Township Clerk, to the further sum of five shillings for bringing with him to the meeting of such Selectors the Assessment Roll or Assessment Rolls of the year as required "	Sec. 81. Between the words " to the same " and the words " by the eleventh "	" of Five shillings for every one hundred names on the Assessment Roll or Assessment Rolls of the City, Town, Village or Township for the year in which such selection of Jurors shall be made, and the City, Town, Village or Township Clerk, to the further sum of Two shillings and six pence, for every such one hundred names for bringing the said Assessment Roll or Assessment Rolls with him to the meeting of such Selectors as required."
22	" for every Jurors' Book furnished and prepared, (to the end of section.)"	Sec. 81. After the words " Recorder's Court shall have been established."	" shall be entitled to the following sums of money for the respective services performed by them under this Act, that is to say: For receiving and examining the Report of Selectors for each City, Town, Village and Township, causing any deficiency

SCHEDULE A—Continued.

Number.	Words, Phrases and Sentences of 13 & 14 Vict. cap. 55, repealed by this Act.	Sections and Provisos of 13 & 14 Vict. cap. 55, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
22			<p>which may be found therein to be supplied, and filing the same in his office, Three shillings and nine pence; For giving certificate to Selectors of Jurors of Report having been made, Two shillings and six pence;—For preparing in proper form the Jurors' Book and superintending the making up of same (besides actual disbursements for Stationers' charges,) each, Thirty shillings;—For arranging alphabetically and in order, the names contained in Selectors' Reports, per one hundred names, Fifteen shillings;—For making up Jurors' Books, entering all the names and numbers, and all other matter required to be entered therein, per one hundred names, Fifteen shillings;—For each copy of the Jurors' Book required by the Act, per one hundred names, Fifteen shillings;—For preparing on cards the ballot for Jurors, to correspond with numbers in Jurors' Book, per one hundred names, Two shillings and six pence;—For each certificate required to be entered on Jurors' Book to verify same, Five shillings;—For balloting and entering each Jury List, per one hundred names, Thirty shillings;—For copy of Jury List required to be entered, per one hundred names, Fifteen shillings;—For each Panel of Jurors drafted from the Jury List, per one hundred names on such Jury List, Twenty shillings;—For entering each Panel in the Jurors' Book, with the numbers corresponding to the Jury List, Ten shillings;—For making up aggregate Return in detail of Jurors, Forty shillings;—For copy thereof and transmitting same to Provincial Secretary when required, and for Office copy of same, each, Twenty shillings;—That the Sheriff, High Bailiff or other Officer of every such County, Union of Counties or City, shall, exclusive of such Fees as he may be entitled to from the parties in any suit, be entitled to the following sums of money for the respective Services performed by them under this Act, that is to say: For each panel of Jurors, whether Grand or Petit, returned and summoned by him in obedience to any general Precept for the return of Grand or Petit Jurors for any Sittings or Sessions of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County or Recorder's Court, respectively, under this Act, Twenty-five shillings;—For copies of such Panel to be returned in the Offices of the Superior Courts of Common Law at Toronto, each, Five shillings;—For every summons served upon the Jurors on such Panel, the sum of Two shillings and six pence;—And for every certificate given to any of such Jurors of his having served, to evidence his exemption from serving again until his time for doing so shall return in its course, the sum of One shilling and three pence;—And in case of the Sheriffs of Counties, the further sum of Six pence for every mile that he or his Deputy or Bailiffs may necessarily and actually have had to travel from the County Town for the purpose of serving such summonses. And that the Crier of every such Court of Quarter Sessions or Recorder's Court, shall, for making the proclamations, calling the names of all those drawn in the course of balloting such Jury Lists, and performing all other duties required of him under this</p>

SCHEDULE A—Continued.

Number.	Words, Phrases and Sentences of 13 & 14 Vict. cap. 55, repealed by this Act.	Sections and Provisos of 13 & 14 Vict. cap. 55, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
22			Act, be entitled to the sum of Fifteen shillings, for every one hundred names so drawn : Which several sums shall be paid by the Treasurer of such County or Union of Counties or by the Chamberlain of such City, as the case may be, to such Officers severally, out of any moneys in his hands belonging to such County, Union of Counties or City respectively, not otherwise specially appropriated by Act of Parliament, upon proof by affidavit made before some Commissioner for taking affidavits in some one of Her Majesty's Superior Courts of Common Law at Toronto, for such County or Union of Counties, of such several services having been executed and of such travel having been so necessarily performed in the service of such summonses. For all which moneys so to be paid as aforesaid, every such Treasurer and Chamberlain shall be allowed in his accounts with such County, Union of Counties or City, as if the same had been paid under the special authority and direction of the Municipal Corporation of such County, Union of Counties or City respectively: Provided always, nevertheless, That in all such cases when there shall be more than a hundred or an even number of hundreds of such names, if the broken number beyond such hundred or hundreds shall fall short of fifty names, the same shall not be reckoned, and if such broken number shall amount to fifty names or upwards, the same shall be reckoned as a full hundred, but in all cases of there being altogether less than a single hundred, the same shall be reckoned as a full hundred."
23	"not exceeding one hundred and forty-four, as such Justices shall think fit."	Sec. 85. Between the words "Petit Jurors" and the words "to direct."	"not exceeding one hundred and forty-four in any County or Union of Counties, except the County of York, or any Union of which that County shall for the time being be the Senior County, and in the said County or Union of Counties last mentioned, not exceeding two hundred and eighty-eight, as such Justice shall think fit."

CAP. LXVI.

An Act to amend an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to improve the Law of Evidence in Upper Canada.*

[30th August, 1851.]

Preamble.
12 Vict. 70, partly
repealed.

WHEREAS by a Proviso contained in an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to improve the Law of Evidence in Upper Canada*, it is provided, That the said recited Act shall not render competent any party to any suit, action or proceeding, individually named in the record, or any Lessor of the Plaintiff or tenant of premises sought to be recovered in ejectment, or the landlord of any person in whose right any defendant in *replevin* may make cognizance, or any person in whose immediate or individual behalf any action may be brought or defended, either wholly or in part, or the husband or the wife of such persons respectively: And whereas it is desirable that in no case should there be any exclusion of any person from giving

giving evidence, but that all persons should be admitted to give evidence on oath or affirmation, as the case may be, as hereinafter provided: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Proviso in the said first recited Act be, and the same is hereby repealed: Provided always, that no married woman shall be allowed as a competent witness in any civil proceeding, either for or against her husband.

Proviso: married women rendered incompetent as witnesses for or against their husbands.

II. And be it enacted, That any party to any civil proceeding may be examined as a witness in any suit or action, at the instance of the opposite party in such suit or action; Provided always, that such party shall be subpoenaed, or notice of the intention to examine such party shall be given to such party or his Attorney, at least eight days before the time of such examination, and if such party shall not attend upon such notice or subpoena, such non-attendance shall be taken as an admission *pro confesso* against him in such suit or action, unless otherwise ordered by the Court or Judge in which or before whom such examination is pending, and a general finding or judgment may be had against such party thereon, or the plaintiff may be non-suit, or the proceedings in such action or such suit may be postponed by such Court or Judge, on such terms as such Court or Judge shall see fit to impose: Provided also, that no such party shall be compelled in any case to give evidence that may expose or render such party liable to any prosecution for penalties, or to any criminal proceeding whatsoever.

A party to any civil proceeding may be examined as a witness at the instance of the opposite party.

Proviso.

III. And be it enacted, That whenever a party to any such suit or action is resident out of Upper Canada, it shall be lawful for the Court in which such suit or action is brought, or any Judge in Chambers, at the instance of the opposite party, to issue a Commission for the examination of such party, in the same manner as a Commission may now be issued from any of the Superior Courts for the examination of witnesses, and if such party shall refuse to attend before such Commissioners, such refusal, proved by affidavit or otherwise to the satisfaction of a Judge of the Court in which the suit is had, shall authorize a verdict or judgment to pass against such party, or he shall become non-suit: Provided, that no such Commission shall be issued unless the party requiring such Commission shall state under oath by affidavit the facts intended to be proved before such Commission, and then the said Judge after being satisfied that such Commission is applied for in good faith, and not for purposes of delay, may issue such Commission.

Proviso.

A Commission may issue for the examination of such party when out of U. C.; consequence, if the party refuse to comply thereto.

Proviso.

IV. And be it enacted, That whenever any person has died or shall hereafter die in any of Her Majesty's possessions out of Upper Canada, having made a Will sufficient to pass real estate in Upper Canada, and whereby any such estate shall be divided, charged or affected, and such Will shall have been duly proved in any Court having the proof and issuing probate of Wills in any of such possessions, and shall remain filed in such Court, the production of the probate of such Will, or a certificate of the Judge, Registrar or Clerk of such Court, that the original is filed and remains in such Court, and purports to have been executed before two witnesses, shall be sufficient *prima facie* evidence in any Court of Law or Equity in Upper Canada, in any proceeding concerning such real estate, of such Will, and of the same having been executed so as to pass real estate, without the production of the original Will: Provided always, that notice of the intention to use such Probate or Certificate in the place of the original Will, shall be given to the opposite party in any such proceeding, one month before the same shall be so used: And provided also, that such Probate or Certificate shall not be used if, upon cause shewn before any such Court of Law or Equity, or any Judge thereof, such Court or Judge shall find any reason to doubt the sufficiency of the execution of such Will to pass such real estate as aforesaid, and shall make a Rule or Order disallowing the production of such Probate.

Probate of a Will made by any person who shall die in Her Majesty's possessions out of Upper Canada, with a certificate of the filing of the original, &c., to be sufficient *prima facie* evidence in Courts of Upper Canada in proceedings concerning such will.

Proviso: notice of intention to use probate to be given to opposite party.

Production of Certificate to be sufficient proof of its contents, &c.

V. And be it enacted, That the production of the Certificate in the next preceding Section mentioned, shall be sufficient *prima facie* evidence of the facts therein stated, and of the authority of the Judge, Registrar or Clerk, without any proof of his appointment, authority or signature.

C A P. L X V I I.

An Act for vesting in the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, the estates and property therein described, and for granting certain powers to the said Commissioners, and for other purposes therein mentioned.

[30th August, 1851.]

Preamble.

WHEREAS divers messuages, lands, tenements, estates, and other hereditaments and real property lying within this Province, have been at various times set apart from the Crown Reserves, or other Crown Lands and property in this Province, or from the Clergy Reserves therein, as reserves for the forming or enlarging Her Majesty's Stations, Docks, Naval Arsenals, and Dock Yards therein, and for other public purposes connected with the Naval defence of the Province, and with the several Departments of the public service under the management or control of the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland; And whereas other messuages, lands, tenements, estates and other hereditaments and real property have been at divers times purchased for like purposes, and conveyed or surrendered to or in trust for Her Majesty or Her Royal Predecessors, or have been taken for like purposes under the authority of some Act or Acts of the Legislature of the late Province of Lower Canada, or of the late Province of Upper Canada, or otherwise, according to law, and by the provisions of such Acts or otherwise according to law, vested in Her Majesty, and the price or compensation of and for the same hath been paid out of the funds provided for that purpose by the Parliament of the United Kingdom; And whereas it is necessary and expedient that Her Majesty should be enabled to acquire lands hereafter for the like or similar purposes in this Province; And whereas it may be expedient that such parts of such lands, estates and property as may not be wanted for any of the purposes aforesaid, should from time to time be sold or disposed of; And whereas for effecting such sales and for the better protection and management of such property as aforesaid, and of the Works under the control of the said Commissioners as aforesaid, it is expedient and necessary that the same and all other messuages, lands, tenements, estates, hereditaments and other real property of the nature and description hereinafter mentioned, should be vested in the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral of the said United Kingdom, for the time being, in trust of Her Majesty, Her Heirs and Successors, with the powers hereinafter granted to the said Lord High Admiral and Commissioners for executing the office of Lord High Admiral as aforesaid, and subject to the provisions hereinafter made: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of An Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, all Docks, Dock Yards, Arsenals, Piers, Wharves, Quays, Slips, Messuages, Lands, Lands covered with water, Beaches, Beds of Rivers, Canals, Roads and works connected therewith, tenements, estates and other hereditaments, real property, rights, easements and servitudes whatsoever, (all which things shall be intended by the words "Lands and other Real Property" wheresoever they occur in this Act) within this Province, and immediately before that time vested in Her Majesty, the Lord High Admiral or Commissioners for executing the office of Lord High Admiral aforesaid, or in any other person or persons,

Officer

Lands vested in the Commissioners of the Admiralty.

Officer or Officers, Commissioner or Commissioners in trust for Her Majesty, and set apart, used or occupied for purposes connected with the Naval defence of this Province or any other the purposes aforesaid, or placed under the charge or control of the Officers of Her Majesty's Navy, or any of them, whether the same have become vested in Her Majesty or Her Royal Predecessors for such purposes by the Cession of this Province, or have been by Her or them set apart or transferred from the lands, demesnes, or other real property of the Crown, or from the Clergy Reserves, or have been intended to be so set apart or transferred for any of the purposes aforesaid, or have heretofore been purchased for such purposes or any of them, by any Officer or other person whomsoever for any such purpose, and paid for out of funds provided for that purpose by the Parliament of the United Kingdom, and surrendered or conveyed to Her Majesty or Her Royal Predecessors, or to some person in trust for Her or them, or have been set apart or transferred, or have been taken for any such purposes under the authority of any Act or Law in force in this Province, or in any part thereof, by whatsoever mode of conveyance the same shall have been purchased and taken, and whether in fee or absolute property, or for any life or lives or term or terms of years, or for any lesser interest, or *à titre de cens*, and more especially, but without intending that the enumeration or specification thereof should exclude any other lands or real property within the descriptions aforesaid, the lands and other real property mentioned and described in the Schedule to this Act annexed, and all such lands and other real property, and all others which, having been acquired and purchased or taken for the Crown, and the price or compensation thereof paid out of funds provided by the Imperial Parliament, Her Majesty shall be pleased to direct to be vested as hereinafter mentioned, and all erections and buildings which now are or shall hereafter be erected or built thereon, together with the rights, members and appurtenances to the same respectively belonging, and also all the moveable and personal property of Her Majesty held or used for the services and purposes aforesaid, or any of them, shall be and the same are hereby vested and shall remain vested in the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, for the time being, and their successors in the said office for ever, according to their respective nature and quality, and the several estates and interests therein, subject to the provisions of this Act and in trust for Her Majesty, Her Heirs and Successors for the service of the said Department, or for such other services as Her Majesty, Her Heirs or Successors, or the said Commissioners, for the time being, may direct: Provided always, that nothing in this Act shall extend to vest in the said Commissioners any lands or buildings which have been purchased or erected for Provincial purposes with funds provided by the Legislature of this Province, or of either of the late Provinces of Upper or Lower Canada, unless the same shall be lawfully purchased by, and conveyed to the said Commissioners under the provisions of some Act or Law in force in this Province, or any lands or buildings belonging to the Civil Government of the Province, notwithstanding that the same may have been under the charge and control, or in the use or occupation of the Lord High Admiral or Commissioners of the Admiralty, or any subordinate or other branch of the Naval Department or any Officer or Officers thereof: And provided also, that nothing in this Act shall extend or be construed to extend to vest in the said Commissioners any lands which may, before the passing of this Act, have been granted by Her Majesty or Her Royal Predecessors to any other person or party, unless the same shall have been, subsequently to such grant, lawfully purchased, acquired or taken for the purposes of the said Naval Department of the Public Service, nor to impair, diminish, or affect any right, title, or claim vested in or possessed by any person or party at the time of the passing of this Act, to, in, or upon any lands or real property whatsoever; nor to give the said Commissioners any greater or better title to any lands or real property than is now vested in the Crown, or in some person or party in trust for the Crown to the same.

Proviso:

Proviso.

II. And be it enacted, That upon the death, resignation, or removal of any Lord High Admiral, or Commissioners for executing the office of Lord High Admiral of the said

On death of Lord High Admiral or Commissioners,

Lands to vest in Successors.

said United Kingdom, or any of them, all lands, and other real property theretofore vested in or held by him or them under the provisions of this Act, shall become vested in and shall be held by his or their successors in office, according to the respective nature and quality of the said lands or other real property, and the several estates and interests in the same respectively, in trust as aforesaid.

Public lands may be granted to Commissioners.

III. And be it enacted, That all public lands which shall be necessary for the erection of any dock, dock yard, quay, slip, pier, wharf or arsenal, or for the free use of or approach to such work, or for preserving such work free from obstructions, may, on an Order of the Governor of this Province in Council, be freely granted by Letters Patent under the Great Seal of this Province to the said Commissioners in trust as aforesaid, and being so granted, may be disposed of by them in the same manner as other lands vested in them under the provisions of this Act, and all other public lands may be purchased by and granted to and vested in the said Commissioners in trust as aforesaid, on the payment of the price thereof by the said Commissioners out of any funds provided for that purpose by the Imperial Parliament.

Leases, &c. now existing, confirmed.

IV. And be it enacted, That any Lease or Conveyance, or any duly authorized contract for any Lease or Conveyance of any part of the lands or other real property hereby vested in the said Commissioners, or of any estate or interest therein, made or entered into before the passing of this Act by any officer or person under whose control such lands or property were placed, or in whom the same were vested in trust for the Crown, shall be held good and valid by the said Commissioners, who shall be bound to ratify and confirm the same, and to execute all deeds and instruments which may be necessary for that purpose, on the terms and conditions on which such lease or conveyance or contract was made.

Power to sell or dispose of property vested by this Act.

V. And be it enacted, That it shall be lawful for the said Commissioners to sell, exchange, or in any manner to dispose of, or to let or demise any lands or other real property vested in them by virtue of this Act, or any estate or interest therein so vested, or any of the said moveable or personal property hereby vested in them, either by public auction or by private contract, and to convey, surrender, assign, or make over, grant, demise or deliver the same (as the case may require) to any party willing to take the same in exchange or otherwise; and also to grant, dispose of, and do any other matter or thing in relation to any such lands or other real, moveable, or personal property, as the said Commissioners shall deem beneficial for the public service and conducive to the better management and use of the property hereby vested in them, which might be done by any person having an estate or interest in the same, of the same nature as shall be vested or held by the said Commissioners in trust as aforesaid.

Moneys arising from sale, &c. of property, to be paid as Commissioners may direct.

VI. And be it enacted, That when any moneys arise or are produced by the sale or exchange, demise or disposal of any such lands, or other real property as aforesaid, which shall be sold or exchanged, demised or disposed of under the provisions of this Act, such moneys shall be paid by the purchaser or purchasers thereof, or the person or persons making such exchange, or to whom the same shall be demised or disposed of, to such person or officer as the said Commissioners shall appoint to receive such moneys, for such purposes as Her Majesty, Her Heirs and Successors shall direct; and the receipt of such person or officer as aforesaid (such receipt being endorsed or written upon or subjoined to the conveyance, surrender or assignment, lease or other instrument, or an authentic copy thereof,) shall effectually discharge the purchaser or purchasers, person or persons, by whom or on whose account such moneys shall be paid.

Commissioners may enter upon and survey lands.

VII. And be it enacted, That it shall be lawful for the said Commissioners, and for their Surveyor or Surveyors and workmen, at any time or times during the day, upon giving seven days' notice in writing for the first time, and afterwards and from time to time forty-eight hours' notice in writing, such respective notices to be given either to the owner or occupier of the lands in question, or to be posted up in some conspicuous part of such lands, to enter into and upon any lands within this Province, for the purpose of surveying and valuing the same lands, without being deemed trespassers, and without being subject or liable to any fine, penalty or punishment on account of entering

entering or continuing upon the said lands, or any part or parts thereof, for the purposes aforesaid.

VIII. And be it enacted, That it shall be lawful for the said Commissioners, from time to time, to contract for the purchase of and take for and on behalf of Her Majesty, Her Heirs and Successors, any lands or other real property, or any lease for or other interest in the same, which shall in their judgment be desirable to be purchased or taken for the service of the said Naval Department of Her Majesty's service, or the Defence of this Province, upon such terms as to the said Commissioners for the time being shall seem meet, and to enter into any contracts necessary for that purpose; and all such lands or other real property, estate, or interest therein so to be purchased, shall be conveyed, granted or surrendered to the said Commissioners in trust as aforesaid.

Commissioners may take conveyances and make contracts.

IX. And be it enacted, That it shall be lawful for all persons, bodies politic or corporate, or ecclesiastical or civil, and for all Trustees and Feoffees in Trust for charitable and other purposes, and all Executors, Administrators and Curators, not only for and on behalf of themselves, their successors, heirs, executors, administrators and curators respectively, but also for and on behalf of *cestuique* trusts, whether infants, *femes-covert*, idiots, lunatics, or persons not born or not ascertained, or out of this Province; and also for all tenants for life, or for years absolute or determinable upon any life or lives, or in substitution (*grevés de substitution*) or otherwise, and all persons having any other description of any partial or qualified estate or interest, not only for and on behalf of themselves, their executors, administrators, curators, and issue, but also for and on behalf of the persons entitled in remainder, reversion, expectancy or contingency, or for any other future estate or interest, or where such person or any of such persons, whether entitled to the next or any subsequent estate or interest, or any part thereof, shall not be ascertained, or shall be incapable of contracting or settling, and for all guardians on behalf of their respective wards, husbands on behalf of their respective wives, committees on behalf of the persons of whose estates they shall be committees, and the executors, administrators, curators and issue of such wards, wives, or persons respectively, and for all *femes-covert* entitled in their own right to any such lands or to dower or other interest therein, on behalf not only of themselves, but also of their respective heirs, executors, administrators, curators and issue, and also where such wards, wives, persons or *femes-covert* respectively, shall be tenants for life or in tail, or for years absolute or determinable upon any life or lives, or otherwise, or shall have any other description of partial or qualified property, estate or interest, to and for such guardians, husbands, committees, *femes-covert*, on behalf of the person or persons on behalf of whom such wards, wives, persons or *femes-covert* respectively, if of full age, unmarried, or of sound mind, might have contracted for the sale and have sold the same lands or any of them, and for all and every other persons and person whomsoever, who are, is, or shall be seized or possessed of, or interested in all or any of the said lands, or entitled to any subsisting estates, leases, terms, shares and interests therein, which the said Commissioners shall think necessary for the public service, to contract and agree with the said Commissioners for the absolute sale to them of all or any of the said lands, and all estates and interests therein, and to convey the same and the fee simple or absolute property thereof to the said Commissioners, for such compensation, equivalent or satisfaction in money or lands, or any estate or interest in lands, or partly in money and partly in lands, or any estate or interest in lands, as to the contracting parties shall seem expedient and reasonable; and all contracts, agreements, acts, conveyances and deeds, which shall be made or executed by such contracting, conveying or selling persons as aforesaid, shall be as valid and effectual as if such persons were the absolute owners, and seized in fee simple of the lands so conveyed by them respectively, and such persons are hereby indemnified for or in respect of any such sale which they shall respectively make by virtue of or in pursuance of this Act.

Parties empowered to sell.

X. Provided always, and be it enacted, That it shall be lawful for the said Commissioners to give in exchange for any lands to be taken for the purposes of this Act,

Commissioners may give lands in exchange, &c.

into possession as aforesaid, and of which day and hour he shall give notice in writing to the owner or proprietor, and to all persons whom he shall find on the premises when he shall give possession thereof, and at the time so appointed, a Jury shall be formed out of the Jurymen so summoned, allowing to the parties, if present, their lawful challenge to any Juror, but not to the array; and the said Jury being sworn before the Sheriff (or his Deputy) authorized to issue the Warrant of possession, (and such Sheriff or his Deputy are or is hereby empowered to administer all necessary oaths, as well to the Jurors as to the witnesses to be produced by the parties,) shall, on hearing the witnesses and the evidence which shall be adduced before them, inquire of and determine the price and compensation which shall be paid by the said Commissioners, either for the absolute purchase of the lands, or other real property in question, or for the possession or use thereof, as the case may be, and their verdict shall be certified by the Sheriff or his Deputy as aforesaid, with the costs to be ascertained as hereinafter mentioned.

If sufficient Jurors do not attend, proceedings may be adjourned.

XVI. And be it enacted, That in case a sufficient Jury to take the inquisition shall not appear upon the return of the Sheriff's Summons, it shall be lawful for the said Sheriff or his Deputy Sheriff, and he is hereby required from time to time, until a sufficient Jury shall have been obtained by the means aforesaid, to adjourn the inquiry to any future day not exceeding fourteen days, nor less than four days from the adjournment thereof, and when a sufficient number of Jurors shall appear, he shall proceed to swear and impanel twelve of them, who shall thereupon inquire as aforesaid.

No party to be heard unless he has sent in statement of claim.

XVII. And be it enacted, That no person shall be heard before the said Sheriff or Deputy Sheriff and Jury, touching the matter of the inquiry, unless such a statement as hereinbefore mentioned, of the particulars of every such claim, and how and in what manner the amount thereof is made out and computed, shall have been given to the Commissioners by and on behalf of such person, within three calendar months after such notice in writing of its being the intention of the said Commissioners to purchase and take such lands, and all persons who shall not give such statement within such period as last aforesaid, or shall not appear to any inquisition, shall, as well as all other persons, be bound by such verdict and judgment as aforesaid.

Wilful false swearing, &c, to be perjury.

XVIII. And be it enacted, That all persons who, upon any examination to be taken by virtue of this Act, shall wilfully and corruptly give false evidence either on oath or affirmation, before any Jury, or before any Justice of the Peace acting as such in the execution of this Act, shall be deemed to be guilty of perjury, and may be prosecuted for the same, and upon conviction thereof shall be subject to such and the same pains and penalties as persons, guilty of wilful and corrupt perjury, are or shall be by the laws in force subject or liable to.

Inquisition to be deposited of record.

XIX. And be it enacted, That all inquisitions, verdicts and judgments, which shall be taken or given under this Act, shall be deposited with the Clerk of the Court within the Jurisdiction of which the lands being the subject of dispute shall be situate, to be kept and preserved by him among the records of such Court, and shall be deemed to be records to all intents and purposes whatsoever, and the same, or copies thereof certified by such Clerk for the time being, shall be allowed to be good and conclusive evidence in all Courts and proceedings whatsoever, and all persons shall have liberty to inspect the same, paying for every such inspection the sum of One Shilling, and to take or make copies thereof or extracts therefrom, paying for every copy or extract made by such Clerk with his certificate thereon, after the rate of Six Pence for every one hundred words.

Copies, &c.

XX. And be it enacted, That in case any Jury to be summoned pursuant to the authority of this Act, shall give in a verdict or assessment for more money as a recompense, compensation or satisfaction, for the rights, interest or property of the parties interested in any such lands, or for any such good will, improvements, fixtures, injury or damage as aforesaid, than shall have been agreed to be given or offered for the same in the aggregate by the said Commissioners, before the summoning and returning of such Jury, or where by reason of absence from this Province or other incapacity

In what cases the costs shall be borne by the Crown or by the opposite party.

incapacity or disability as aforesaid, or from any other cause, there shall not be, or shall not be found any person legally capacitated to enter into any contract with the said Commissioners on behalf of Her Majesty, then and in every such case all the reasonable costs, charges and expenses of causing and procuring such recompense, compensation or satisfaction to be assessed by a Jury, shall be settled by the Sheriff or his Deputy Sheriff before whom such claim shall have been tried or investigated, and shall be paid by the said Commissioners on behalf of Her Majesty ; but in every case in which any such Jury shall be of opinion that the statement delivered by the claimant or claimants of the manner in which any amount of moneys which shall have been demanded as a recompense, compensation or satisfaction, has been computed and made up, did not give sufficient particulars to enable the said Commissioners to make a proper offer to such claimant or claimants, unless such claimant or claimants shall prove to the satisfaction of the Jury, that he, she or they were not and could not be in possession of such additional information at the time the particulars referred to were furnished to the said Commissioners, and in every case in which any such Jury shall give in a verdict or assessment for no more or for less money as such recompense, compensation or satisfaction as aforesaid, than shall have been agreed to or offered by the said Commissioners in the aggregate before the summoning and returning of the said Jury, or in case no damages or less damages than those offered by the said Commissioners shall be given by the verdict, where the dispute is for damages only, or where the causing or procuring such Jury to be summoned, shall have arisen from a refusal to treat or agree with the said Commissioners by any person whomsoever, who is by the provisions of this Act or otherwise legally empowered to treat, then, all such costs, charges and expenses to be settled by such Sheriff or his Deputy in manner aforesaid, shall be paid to the said Commissioners on behalf of Her Majesty, by the said person so claiming, or entitled to such recompense, compensation or satisfaction, or refusing to treat and agree as before mentioned respectively ; and all costs, charges and expenses hereby directed to be paid to the said Commissioners on behalf of Her Majesty, shall and may be deducted and retained by them out of the moneys adjudged and assessed to be paid by them, as so much money advanced to and for the use of the person entitled to such money so adjudged, and payment or tender of the remainder of such money, if any, shall be deemed and taken to be a payment or tender of the whole sum or sums so adjudged or assessed, or in case no money or no sufficient sum of money shall be awarded or assessed to be paid by the said Commissioners, on behalf of Her Majesty, whereout such costs, charges and expenses can be deducted, then the same or the remainder thereof, shall and may be recovered by execution against the person, lands and goods of such party, to be sued forth out of the Court into which such proceedings shall be returned, as in the case of other judgments in favor of Her Majesty.

XXI. And be it enacted, That the costs to be allowed and settled by such Sheriff or Deputy Sheriff as aforesaid, shall be,—to himself, for executing the Warrant of possession and summoning the Jury, Twenty Shillings, and also such mileage for his necessary travel in causing such Juries to be summoned as shall be taxable in the Court of the highest jurisdiction of that section of this Province within which such lands shall lie, by any one of the Judges of such Court, or by the ordinary taxing Officer, for the travel required in summoning Special Jurors for the trials of issues in such Courts ; also to himself, for swearing such Jury, presiding at the inquiry and receiving the verdict, Forty Shillings, together with necessary travelling expenses,—to each Juror sworn, Ten Shillings for each day on which the said Jurors shall be engaged on the said inquest or inquisition, and a reasonable allowance to each material witness.

Amount of costs to be allowed.

XXII. And be it enacted, That in all cases in which any person shall claim any satisfaction or compensation for, or in respect of any unexpired term or interest which he shall claim to be possessed of or entitled unto, in any lands intended to be taken or used by the authority of this Act, under or by virtue of any demise or lease, or agreement for a demise, or lease or grant thereof, the said Commissioners are hereby authorized

Commissioners may require proof in support of claims of lessors.

authorized to require such persons to produce or shew the document in respect of which such claim for satisfaction or compensation shall be made, or the best evidence thereof in his power, and if such document or such best evidence thereof as aforesaid shall not be produced or shewn to the said Commissioners or their Agents, within twenty-one days after the demand made by the said Commissioners, or any person by them authorized, the person claiming such satisfaction or compensation shall be considered or treated as tenant at will.

Purchase money how to be paid.

XXIII. And be it enacted, That every sum of money to be agreed upon or assessed as aforesaid, for the purchase of any lands which may be required by the said Commissioners, or of any estate or interest therein, or for any recompense, compensation, or satisfaction as herein mentioned, (except as herein otherwise provided,) shall be paid by the said Commissioners, either to the person thereunto entitled, or into Her Majesty's Public Provincial Treasury as hereinafter mentioned, as the case may require, on a clear title to the lands, estate or interest in respect of which the same shall be payable, being adduced and shewn to the satisfaction of the said Commissioners, or of their Counsel.

Purchase money exceeding £25 how to be dealt with in cases of parties unable to convey, &c.

XXIV. Provided always, and be it enacted, That if any money shall be agreed or assessed to be paid for the purchase of any lands lying within Upper Canada, to be taken or used by the said Commissioners by virtue of their powers under this Act, or any estate or interest therein, or for any recompense, compensation or satisfaction under this Act, which any person, tenant for life, or in tail, feoffee in trust, executor, administrator, curator, husband, guardian, committee or other trustee, for or on behalf of any infant, lunatic, idiot, *ferme-covert* or *cestuique* trust, or any person or persons whose lands so taken or limited in strict or other settlement, or any person or persons under any other disability or incapacity shall be entitled unto, interested in, or hereby capacitated to sell, or in case the lands or interest for the purchase whereof the same shall be agreed or assessed to be paid, shall be subject to, or charged or chargeable with any incumbrances, liabilities, claims or demands which cannot or shall not be ascertained, got in, paid off or discharged, such moneys, in case the same shall be equal to or shall exceed the sum of Two Hundred Pounds, shall not be paid into the hands of the person or party who shall make and execute the sale, exchange or other conveyance, warranty or quit-claim, but shall with all convenient speed be paid, together with the interest payable in respect of the same, if any, into Her Majesty's Public Provincial Treasury, to be placed to the credit of an account opened for that and similar purposes, in the Provincial Books of Account, under the name of Trust Deposit, and subject to the order, control and disposition of Her Majesty's Court of Chancery for Upper Canada, which said Court, on the application of any party making claim to such money, or any part thereof, by motion or petition, is hereby empowered, in a summary way of proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the public funds of the Province, or to order distribution thereof, or payment of the dividends or interest thereof, according to the estate, title or interest of the party making claim, or to make such other order in the premises as to the said Court shall seem proper, upon every which order of such Court a Warrant shall issue for the payment of such money according to the same.

Cases in Upper Canada in which compensation is between £25 and £200.

XXV. Provided also, and be it enacted, That in any case where such moneys as are lastly hereinbefore mentioned shall be less than the sum of Two Hundred Pounds currency, and shall exceed the sum of Twenty-five Pounds currency, the same shall not be paid into the hands of the person or party who shall make and execute the sale, exchange or other conveyance, warranty or quit-claim, but shall, at the option of the party for the time being entitled to the rents and profits of the land or other real property purchased or taken, or of the guardian or guardians, committee or committees of such party, in case of infancy or lunacy, to be signified in writing under their respective hands, be paid, under the orders and directions of two Justices of the Court of Queen's Bench, into the Public Provincial Treasury, as hereinafter mentioned, or otherwise, at the like option, shall be paid to three trustees nominated by the party making

making such option and approved by the said Commissioners, (such nomination being signified in writing, under the hand of the nominating and approving parties,) in order that such money may be invested in the public securities of the Province, and that such stock when purchased, and the dividends arising therefrom, may be applied in the manner herein directed, so far as the same may be applicable, without obtaining the order and direction of any Justices of the said Court, and with the same effect as if such payment had been made under such orders and directions.

XXVI. Provided always, and be it enacted, That when any money shall have been or shall be agreed, or shall have been or shall be required by the verdict of any Jury to be paid by the said Commissioners for the absolute purchase or exchange of any land or other real property, being within Lower Canada, or of any estate or interest in such lands or real property which shall have been conveyed by or taken from any body politic or corporate, person or party, who without this Act would have been unable legally to convey the same, or shall not have the absolute interest therein, such money shall not be paid into the hands of the person or party who shall make and execute the sale, exchange, or other conveyance, or warranty or quit-claim, but the same shall be deposited, with a copy of the deed of sale, or exchange or other conveyance or of warranty or quit-claim, in the hands of the Sheriff for the District in which the lands or other real property shall lie, and upon the making and granting of the receipt which such Sheriff is authorized and required to grant to the said Commissioners, the land or other real property and estate therein conveyed by the said deed shall be and become vested in the said Commissioners in trust as aforesaid; and it shall be the duty of the said Sheriff, after the receipt of the said money, and on the application of any party claiming the same, or any interest therein, and filing such claim with the application, to make and insert during four months in the *Official Gazette* of the Province, and also in one other public newspaper published in each of the Cities of Quebec and Montreal, a notice in both languages, containing the date and nature of the deed and conveyance, and the amount of money deposited, and a description of the lands or other real property to which such deed or conveyance shall relate, and calling upon all and every person or party who may be legally entitled to claim the whole or any part of the said money, or may be possessed of any rights, titles, hypothecs or interest which ought to be paid out of or secured upon the same, either personally or as duly representing some interested party, to file their claims, within thirty days after the expiration of the said four months, in the office of the said Sheriff, after which delay no claims shall be received or admitted: And all married women entitled to dower not then open on such lands or real property, and persons duly representing minors, lunatics, idiots, or persons absent from the Province, having any right, title, interest or claim to or in the said money, and all persons and parties having any such right, title, interest or claim in their own name, are hereby authorized to file their claims; and the Superior Court sitting in the District, with the Sheriff whereof the said claims may be filed, is hereby authorized and required to hear and determine the same, and to order a final distribution of the said moneys to or among the parties entitled to the same, or to order the application or placing of the same or any part thereof so as to secure present and future rights, in manner as is hereinafter mentioned in the twenty-eighth section of this Act.

As to compensation for lands in Lower Canada taken from parties not having the absolute interest therein.

XXVII. And be it enacted, That where any money so agreed or assessed to be paid as hereinbefore mentioned, for or in respect of lands, either in Upper or Lower Canada, shall not exceed the sum of twenty-five pounds, the same shall be paid to the respective parties who would for the time being have been entitled to the rents and profits of the lands taken or used for the purposes of this Act, or in respect of which such recompense, compensation or satisfaction shall be paid for their own use and benefit, or in case of coverture, idiocy, lunacy or other incapacity, then such money shall be paid to their respective husbands, guardians, curators, committees or trustees, to and for the use and benefit of the parties respectively entitled thereto.

As to payment of compensation amounting to not more than £25.

Case of parties refusing to accept compensation, or absent from the Province, &c. provided for.

XXVIII. And be it enacted, That in case any party to whom any money shall be agreed or assessed to be paid for the purchase of any lands to be taken or used by virtue of the powers of this Act, or any estate or interest therein, or for recompense, compensation or satisfaction as aforesaid, shall refuse to accept the same, or cannot be found, or shall be absent from this Province, or shall refuse or neglect, or be unable to make a title to and convey such lands, estate or interest, to the satisfaction of the said Commissioners, within twelve calendar months from the period of the value of the lands or amount of recompense, compensation or satisfaction being agreed on or assessed as aforesaid, or if any party entitled to contract or agree for the sale of such lands, estate or interest shall not be known, or shall be absent from this Province, or shall refuse to execute any proper contract or conveyance for the sale thereof respectively, within the said twelve calendar months, then and in every such case it shall be lawful for the said Commissioners to cause the money so agreed upon or assessed as aforesaid, to be paid into Her Majesty's Public Provincial Treasury, at the credit of the said hereinbefore mentioned Account of Trust Deposits, subject to the order, control and disposition of whichever of Her Majesty's said Courts shall, according to the Fifty-fourth Section of this Act, have jurisdiction in the premises; which said Court, on the affidavit of any party making claim to such money or to any part thereof, by motion or petition, is hereby empowered in a summary way of proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the public funds of the Province, or to order disposition thereof, or payment of the dividends or interest thereof, according to the estate, title or interest of the party making claim thereto, or to make such other order in the premises as to such Court shall seem proper; and upon the application of any person or party having any interest in the said money, it shall be lawful for any two Justices of the said Court, upon reading the said petition, and any declaration, deed or instrument filed with the same, and receiving such further satisfaction as they shall deem necessary, in a summary way to make and pronounce such orders and directions for paying the said money, or any part of the same, or for placing such part thereof as shall be principal in the public securities of this Province, or real securities, and for the payment of the interest or dividends thereof, or any part thereof, to the respective parties entitled to receive the same, or for laying out the principal or any part thereof in the purchase of lands or other real property, to be conveyed and settled to and for and upon the same uses, intents and purposes, as the lands or other real property for which such money shall be the compensation, stood settled at the time they were conveyed or taken as aforesaid, or as near thereto as the same can be done, or otherwise concerning the disposition of the said moneys or any part thereof, for the benefit of the party or parties entitled to or interested in the same respectively, or for appointing any person or persons to be a trustee or trustees for all or any of such purposes, or for requiring any security from any person to whom such moneys or any part thereof shall be paid or entrusted, as to the said Justices shall appear just and right; and all such orders and directions shall be obeyed by the proper officer of the Provincial Treasury, and the receipt of the person or party to whom they shall pay the said money or any part thereof, in obedience to such orders and direction, shall be the valid discharge of such Officer and of the said Commissioners for the moneys paid.

Upon payment or tender of compensation, Commissioners may enter upon lands which shall be vested in them in trust for Her Majesty.

XXIX. And be it enacted, That upon payment or tender of such sums of money as shall have been agreed upon between the parties, or awarded by a jury, for the purchase of any lands, or whenever any of the respective cases shall happen wherein such money is herein authorized to be paid in manner above mentioned by the said Commissioners, it shall be lawful for the said Commissioners immediately to enter upon such lands, and thereupon, such lands, and the fee simple and inheritance thereof, and all the estate, use, trust and interest of all parties therein, shall thenceforth be vested in and become the property of the said Commissioners in trust for Her Majesty, Her Heirs and Successors, for the purposes of this Act; and when any money has been paid into Her Majesty's Public Provincial Treasury as aforesaid, the said
Commissioners

Commissioners shall not be bound to see to the application thereof, and such payment or tender, or such deposit in Her Majesty's Public Provincial Treasury, shall in all respects, and to all intents and purposes, operate in the same manner as if a conveyance under the provisions of this Act had been made of the lands in question to the said Commissioners; and in all cases whatsoever in which the said Commissioners shall have a right of entry under the provisions of this Act (except a right of entry for the purpose only of making such survey and valuation as aforesaid,) and delivery of possession shall be refused or withheld, it shall be lawful for any one of the Judges of either of the Courts aforesaid to issue his Precept or Warrant to the Sheriff of the County or District in which such land shall be situate, to enter upon the lands the possession whereof shall be refused or withheld, and to take possession thereof and to deliver the possession of the same to such person as shall in such Precept or Warrant be nominated to receive the same, being a person appointed on that behalf by the said Commissioners, and the said Sheriff is hereby authorized and required to take possession and to deliver the same accordingly.

XXX. And be it enacted, That when any question shall arise touching the title of any person to any money paid into Her Majesty's Public Provincial Treasury by the said Commissioners in pursuance of this Act, for the purpose of or as recompense, compensation or satisfaction for any damage or injury to any lands purchased or used in pursuance of this Act, or to any public securities of this Province to be purchased with any such money as herein mentioned, or to the interest or dividends of such public securities, or to any part of such money, public securities or dividends, or interest respectively, the person who shall have been in possession of such lands or in receipt of the rents and profits thereof, at the time of such purchase, or at the time when such damage or injury shall have accrued, and all persons claiming under such person or under or consistently with the possession of him, shall be deemed to have been lawfully entitled to such lands according to such possession, and the said purchase money, awarded or tendered, shall be paid and disposed of accordingly, unless it shall be made to appear that such possession was a wrongful possession, and that some and what other person was or were lawfully entitled to such, or to some and what part of such lands, or to some and what estate or interest therein or charge thereon.

XXXI. And be it enacted, That when the purchase money for any lands to be taken or used for the purposes of this Act, or the money paid for any such recompense, compensation or satisfaction as aforesaid, shall be paid into Her Majesty's Public Provincial Treasury as aforesaid, under or in pursuance of this Act, it shall be lawful for the Court having jurisdiction in the premises (if it shall think fit) to order the costs, charges and expenses attending any such motion, petition or application as aforesaid, and the proceedings to be had thereon, or so much of such costs, charges and expenses as the said Court shall deem reasonable under the circumstances of the case, together with the costs and charges of obtaining such order, to be paid by the said Commissioners, who shall from time to time pay such sums of money, in such manner and for such purposes as the said Court shall direct.

XXXII. And be it enacted, That where the money awarded or tendered to be paid for any lands which shall be used for the purposes of this Act, shall be paid into Her Majesty's Public Provincial Treasury by the Commissioners in manner hereinbefore directed, in consequence of a good title not having been made to such lands to the satisfaction of the said Commissioners, by reason of the same lands respectively being subject, either alone or together with other lands not required for the purposes of this Act, to a rent payable to some person unable or unwilling to release therefrom the lands required to be used for the purposes of this Act, then and in every or any such case the lands for the value of which the money to be paid into the said Provincial Treasury, together with the money (if any) to be paid for costs and charges under the authority of this Act, shall be agreed or assessed to be paid, shall be and are hereby released and for ever discharged from such rent, and all claims and demands in respect thereof, and all powers and remedies for recovering the same, and the money to be paid into

Party in possession to be deemed entitled to the compensation until such possession be proved to be wrongful.

Where money paid into P. Treasury, Court may make order as to payment of costs.

Deposit of money shall release lands from rents charged upon them.

into the Provincial Treasury shall be laid out and invested under the directions and with the approbation of the Court having jurisdiction in the premises, to be signified by an order made upon motion or petition to be preferred or made in a summary way by the person who would have been entitled to the rents and profits of the land for the value of which such moneys respectively shall have been paid as aforesaid, in the purchase of other lands which shall be conveyed and settled, subject either alone or together with such other lands (if any), as the case may be, to such rent to the like uses, intents, trusts and purposes, and in the same manner as the said lands so to be used as aforesaid stood settled or limited, or such of them as at the time of making such conveyance and settlement shall be existing, undetermined and capable of taking effect, and in the mean time and until such purchase shall be made, the said money shall, by order of the said Court, upon application thereto as aforesaid, be invested in the purchase of public securities in this Province, and in the mean time and until such public security shall be ordered by the said Court to be sold for the purposes aforesaid, the interest, dividends and annual produce thereof, shall from time to time be paid, by order of the said Court, to the person who would for the time being have been entitled to the rents and profits of the said lands hereby authorized to be purchased in case such purchase and settlement were made, and the lands so to be purchased and settled shall be, either alone, or as the case may be, together with the said other lands not required for the purposes of this Act, and already subject to the same rent, and shall in the conveyance and settlement thereof, be declared to be subject thereunto in the same manner, to all intents and purposes, as the lands taken or to be taken for the purposes of this Act as aforesaid were subject thereto, and the person to whom such rent shall be payable shall have such and the same powers and remedies for enforcing the payment thereof or of any part thereof, out of or upon the lands to be comprised in such conveyance and settlement and declared to be subject thereto, as he would have been entitled to if such rent had originally been reserved out of or charged upon the same, either alone, or as the case may be, together with such other lands not required as aforesaid, instead of the lands to be taken for the purposes of this Act, or the same lands and such other lands (if any), as aforesaid, in the same manner to all intents and purposes as such rent was reserved out of or charged upon the lands so taken either alone or together with the other lands subject thereto, as the case may be, and in the meantime and until such purchase shall be made, it shall be lawful for the said Court upon application thereto as aforesaid, to order any part of the interest, dividends and annual produce of the public securities in which the said last mentioned money shall be invested, to be paid from time to time to the person for the time being entitled to the said rent in discharge thereof or part thereof, as the case may be.

When lands purchased are liable to a rent &c, jointly with other lands, how such rent &c, may be released or apportioned.

XXXIII. And be it enacted, That where any lands purchased or wanted or intended to be purchased by the said Commissioners on behalf of Her Majesty, shall be charged or subject, solely or jointly with other lands not intended or wanted to be purchased, to or with any rent service, rent charge or chief rent or other rent, payment or incumbrance, it shall also be lawful for the said Commissioners (if they shall think proper) to agree for the release of the lands so purchased or wanted, or intended to be purchased, from such rent, payment or incumbrance, for such gross sum as shall be agreed upon between the said Commissioners and the party who, under the provisions of this Act, shall agree to sell or apportion the same, and which agreement may be entered into by all persons absolutely entitled, and by all persons by this Act authorized, capacitated and empowered to sell or convey lands, and the moneys to be paid shall be paid and applied in manner hereinbefore directed with regard to the purchase moneys in the sale of lands, and in case any difference shall arise respecting the value of such rent, payment or incumbrance, or respecting the apportionment thereof, the same shall be determined by a Jury if required, in like manner as the price of land is by this Act directed to be settled, in case of dispute as to the value thereof, and which Jury shall assess and determine the value of the rent, payment or incumbrance affecting the lands purchased or intended to be purchased for the purposes of this Act, and shall also where
 necessary

necessary or convenient, apportion the rent, payment or incumbrance affecting the lands, jointly subject to such rent, payment or incumbrance as hereinbefore mentioned, according to the respective values of the lands purchased or intended to be purchased, and of the lands not purchased or intended to be purchased by the said Commissioners, and all contracts which shall be made by and between the said Commissioners on behalf of Her Majesty, Her Heirs and Successors, and any such party as aforesaid respecting such release or apportionment, shall be valid and effectual in the law, and all contracts or assurances which shall be made with or to the said Commissioners respecting such release, shall extinguish the whole or a proportionate part of such rent, payment or incumbrance, as the case may be: Provided always, that where the party entitled to such rent, payment or incumbrance shall consider the remaining part of the lands so jointly subject a sufficient security for such rent, payment or incumbrance, and shall be willing to release the lands so purchased therefrom, then and in such case, it shall be lawful for the person absolutely entitled to the said rent, payment or incumbrance, or by this Act authorized, capacitated or empowered, to apportion such rent, payment or incumbrance, or to release the lands so purchased or intended to be purchased therefrom, with the consent of the said Commissioners, and also of the owner of the lands so jointly subject as aforesaid, although such owner may only have a limited or partial interest in such last mentioned lands, to release the lands so purchased or intended to be purchased as aforesaid from the rent, payment or incumbrance affecting the same, as aforesaid, jointly with other lands, on condition or in consideration of such other lands continuing or remaining solely and exclusively subject to such rent, payment or incumbrance: Provided also, that when any of the lands purchased by the said Commissioners shall be released from a part only of any rent, payment or incumbrance affecting the same jointly with other lands, such last mentioned lands shall be charged only with the remainder of such rent, payment or incumbrance, and such apportionment shall not prejudice the title to the remaining part of such rent, payment or incumbrance, or the remedies for such remainder, but the same shall at all times thereafter remain as effectual as if the lands not so purchased had been originally charged with that amount only: Provided also, that when a part of any rent, payment or incumbrance shall be released, it shall be lawful for the said Commissioners, on tender for that purpose, by any deed or instrument creating or transferring the remainder of such rent, payment or incumbrance, to cause to be endorsed a memorandum on such deed or instrument, declaring what part of the lands subject to such rent, payment or incumbrance shall have been purchased or intended to be purchased by virtue of this Act, and what proportion of the said rent, payment or incumbrance shall have been released, and also declaring the amount of the rent, payment or incumbrance which shall continue payable, and such memorandum shall be evidence in all Courts of the facts therein stated, but shall not exclude any other evidence of the same facts.

XXXIV. And be it enacted, That in all cases in which a part only of any lands comprised in any agreement for a lease, or any lease, and subject to any rent, shall be required for the purposes of this Act, the rent payable in respect of any such lands shall, (if the said Commissioners think fit) be apportioned between so much of the same lands as shall be acquired for the purposes of this Act, and the residue of such lands and such apportionment shall, in case the same shall not be settled by agreement between the parties, be ascertained and settled by the verdict of a jury, if required, in like manner as the price of any lands to be taken in pursuance of this Act is directed to be settled in case of dispute as to the value thereof; and in case such apportionment shall be settled by agreement between the parties, such agreement shall be made with, and shall not be valid without the consent and approbation of the lessor of such lands; and any person hereby or otherwise capacitated or authorized to sell lands, and who shall be a lessor, shall be capacitated to assent to such apportionment, and to bind the property in respect of such apportionment; after such apportionment, the tenant or lessee of such lands comprised in such lease or agreement for lease shall, as to all future accruing rent, be liable only to so much of the rent reserved in such lease or agreement for

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Where a part only of leased lands shall be taken, rent may be apportioned.

for lease as shall have been apportioned in respect of the lands not required for the purposes of this Act, and the lessor of the same lands shall have all such and the same remedies for recovering and compelling payment of the rent so apportioned in respect of the lands not required for the purposes of this Act, as before such apportionment he had or was entitled to in respect of the rents reserved, or agreed to be reserved, in such lease or agreement for lease as aforesaid, and such apportionment shall not prejudice or affect any of the covenants, conditions or agreements in such lease or agreements for lease contained.

Provision in case lands taken be of less value than mortgage secured upon them, or part only of mortgaged lands shall be taken.

XXXV. And be it enacted, That in all cases in which any lands lying within Upper Canada, subject to any mortgage shall be required for the purposes of this Act, and in which such lands shall be of less value than the principal moneys, interest and costs secured thereon, or in which a part only of the lands subject to any mortgage shall be required for the purposes of this Act, and such part shall be of less value than the principal money, interest and costs secured on such lands by mortgage, and the mortgagee or mortgagees thereof shall not consider the remaining part of such lands to be a sufficient security for the money charged thereon, or shall not be willing to release the part required for the purposes of this Act from the principal or mortgage money, and all interest due or to become due thereon, and all costs; the value of such lands, or, as the case may be, of such part of the said lands as shall be required for the purposes aforesaid, and also the compensation (if any) for any damages done in respect of the parts so required, shall be settled and agreed upon by and between the mortgagee or mortgagees, and the trustee or other person entitled to the equity of redemption of such lands, whether absolutely or for such estate as might capacitate him, her or them, to convey for the purposes of this Act, on the one part, and the said Commissioners on behalf of Her Majesty on the other part; and in case of any difference between them, then such value and compensation shall be determined by the verdict of a jury, in the same manner as in other cases of difference under this Act; and the amount of such value and compensation to be so agreed or determined as aforesaid, shall be paid to such mortgagee or mortgagees in satisfaction of his, her, or their claim, so far as the same will extend; and such mortgagee or mortgagees shall thereupon convey, assign, and transfer all his, her, or their interest in such mortgaged lands, the value whereof or compensation for which shall so have been agreed upon or determined as aforesaid, or in case of his, her or their neglecting or refusing to convey or assign or transfer as hereinbefore directed, then the amount of such value and compensation shall be paid into Her Majesty's Provincial Treasury, to the credit of such mortgagee or mortgagees, and such payment to the mortgagee or mortgagees, or into Her Majesty's Public Provincial Treasury, as above mentioned, shall be accepted in satisfaction of the claim of such mortgagee or mortgagees, so far as the same will extend, and also in full discharge and exoneration of such part of the mortgaged lands as shall be so taken or used, from all principal and interest and other money due or secured thereon, and thereupon such mortgaged lands so taken or used shall become absolutely vested in the said Commissioners, who shall be deemed to be in the actual possession thereof, to all intents and purposes whatsoever: Provided nevertheless, that all mortgagees shall have the same powers and remedies for recovering or compelling payment of their mortgage money, or the residue thereof, (as the case may be,) or the interest thereof respectively, upon and out of the residue of the mortgaged lands not required for the purposes aforesaid, as they would have had or been entitled to for the recovering or compelling payment thereof upon or out of the whole of the lands originally comprised in such mortgage: Provided also, that when a part only of the lands subject to any mortgage shall be required or shall have been taken for the purposes of this Act as aforesaid, and the value of the lands so taken, shall, on the assignment or conveyance thereof to the said Commissioners, have been paid to the mortgagee or mortgagees thereof, in part satisfaction of his, her or their mortgage debt, a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage at the time of executing such assignment or conveyance to the said Commissioners, and shall be signed by such mortgagee

Proviso.

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mortgagee or mortgagees, and a copy of such memorandum shall at the same time, if required, be furnished by the said Commissioners to the person so entitled as aforesaid to the equity of redemption of the lands comprised in such mortgage deed.

XXXVI. And be it enacted, That conveyances of lands purchased by virtue or in pursuance of this Act, may be made according to the following form, or as near thereto as the number of the parties, and the circumstances of the case will admit, that is to say :

Form of conveyance under this Act.

“ I of in consideration of the sum of
“ to me, (or, as the case may be,) into the Bank of paid by the Commissioners
“ for executing the Office of Lord High Admiral of the United Kingdom of Great Britain
“ and Ireland, do hereby convey to the said Commissioners all (describing the lands to be
“ conveyed), together with all ways, rights and appurtenances thereunto belonging, and
“ all such estate, right, title and interest in and to the same and every part thereof, as I am
“ or shall become seized or possessed of, or am by an Act of the Parliament of this
“ Province, passed in the Session held in the year of
“ the Reign of Her Majesty Queen Victoria, chapter (the chapter of this Act,) and
“ intituled, (here set forth the title of this Act,) capacitated or empowered to convey : to
“ hold the said lands to the said Commissioners in trust, and according to the intent and
“ meaning of the said Act. In witness whereof, I have hereunto set my hand and seal the
“ day of in the year of Our Lord ;”

And all such and other conveyances to the said Commissioners shall be valid and effectual in the law to all intents and purposes, and shall operate to merge all terms of years, attendant by express declaration, or by construction of law on the estate or interest so thereby conveyed, and to bar and destroy all estates tail, and all other estates, rights, titles, remainders, reversions, limitations, trusts and interests whatsoever, of and in the lands in such conveyances respectively comprised ; but although any such terms of years shall be merged as aforesaid, yet they shall in equity respectively afford the same and the like protection and priority against mesne incumbrances, as if such terms of years were assigned and kept on foot, in trust for the said Commissioners, and to attend the freehold, reversion or inheritance of the lands therein comprised.

Effect of such conveyance.

XXXVII. And be it enacted, That it shall be lawful for the said Commissioners, without any Writ being issued, or other legal proceeding being adopted, to stop up and divert any landing place, turnpike road, highway, street, carriage-way, horse-way, foot-way and cause-way, on, near or adjoining to any land required for the purposes of this Act, they, at the cost of Her Majesty, previously making and opening another good and sufficient landing place, road or way, with requisite boundary fences, in lieu of that which may be diverted or stopped up, and at such convenient distance therefrom as to the said Commissioners shall seem proper and necessary ; and upon such substituted landing place, road or way being completed, the landing place, road or way diverted or stopped up, and the soil thereof, shall vest absolutely in the said Commissioners in trust for Her Majesty, Her Heirs and Successors, for the public service ; and the new landing place, road or way, and the soil thereof, shall vest in the same trustees, or other persons, as the landing place, road or way so directed or stopped up was vested in at the time of the diversion or stoppage thereof by the said Commissioners ; Provided always, That in case it shall be deemed necessary to stop up or divert any turnpike or other road, landing place, highway, street, carriage or other way, under or through which any public drain or sewer, or main pipe for the conveyance of water shall pass or be laid, the said Commissioners, previous to any such drain, sewer or pipe being disturbed or injured, shall, at the cost of Her Majesty, cause another good and sufficient drain or sewer to be made, and other and sufficient pipe or pipes, for the conveyance of water, to be laid down, through or under the road or way intended to be substituted.

Commissioners may stop up or divert any road, &c. on providing another equally good.

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XXXVIII. And be it enacted, That every road or way which shall be substituted by the said Commissioners for any road or way stopped up or diverted by them, shall be kept in repair by the said Commissioners, at the cost of Her Majesty, Her Heirs and Successors, for the space of twelve calendar months, from the time of the opening thereof,

How the substituted road shall be kept in repair.

thereof, and at the expiration of such twelve calendar months, the substituted road or way shall be repaired, for ever thereafter, by and at the cost of the Trustees or other persons who would or ought to have kept in repair the road or way so diverted or stopped up.

Canals or Rail-roads may be made through reserves by permission of Governor and Commissioners.

XXXIX. And provided always, and be it enacted, That nothing herein contained shall be construed to restrain or prevent the Governor of this Province for the time being, with the consent of the Lord High Admiral or Commissioners of the Admiralty for the time being, but not otherwise, from authorizing the construction of any Canal or Rail-way upon or over any lands which may have been reserved or set apart as aforesaid by the Governor, Lieutenant Governor, or person administering the Government of either of the late Provinces as aforesaid, in Council, for Military or Naval purposes, and which by this Act are vested in the said Commissioners.

Tenants by the year or at will to quit on notice, &c.

XL. And be it enacted, That every tenant or lessee for a year, or from year to year, or any other person or persons in possession of any lands which shall be acquired or purchased by virtue of this Act, who shall have no greater interest in such lands than as lessee for a year, or from year to year thereof, shall, at the expiration of any notice, not being less than three calendar months, such notice being in writing, signed by the said Commissioners, or by any person under their authority, and given to him, her, or them, or left at the lands which are the subject of such notice, and whether such notice be given with reference to the time or times of such tenants holding or not, quit and relinquish the said lands unto the said Commissioners, or unto such person or persons as shall be by them authorized to receive possession thereof; and in case any such tenant or lessee shall be compelled to quit before the expiration of his term or interest in any such lands, then and in such case the said Commissioners shall give satisfaction and compensation for the loss or damage which he shall sustain thereby; and in case of any difference as to the amount of such satisfaction or compensation, the same shall or may be settled and ascertained by a Jury in the same manner as the sums of money to be paid for the purchase of any lands (and liable to the same conditions as to costs) are hereinbefore directed to be ascertained; or if the said Commissioners and the other parties in difference shall so agree, the same may be settled by a reference to the award of an arbitrator or arbitrators, to be agreed on or chosen by the parties; and that all persons so in the possession of any lands or any part of the same, which shall or may be required or purchased in pursuance of this Act, shall, upon tender or payment as aforesaid of such recompense or satisfaction for any of his term, estate or interest in the premises as shall be mutually agreed upon, or as shall be settled and awarded by any arbitrator, referee or umpire, or by verdict or inquisition of a Jury in manner aforesaid, quit and relinquish the said lands so in their respective possessions, unto the said Commissioners, or to such person or persons as shall be by them authorized to receive possession of the same, and all the leases and agreements whatsoever, by virtue whereof any such person shall hold the said lands, shall, at the expiration of such notice, or upon such payment or tender as aforesaid in case the party shall be entitled to compensation, be absolutely void as against Her Majesty, Her Heirs and Successors, and the said Commissioners; and if any such tenant or lessee or other person, shall refuse or neglect to deliver up the lands in his, her or their possession, at the expiration of such notice, or upon such payment or tender as aforesaid, it shall be lawful for any Justice of the Peace to issue his Precept or Warrant to a Constable to enter upon the said lands and to take possession thereof, and to deliver the possession thereof to such person as shall in such Precept or Warrant be nominated to receive the same, being a person appointed in that behalf by the said Commissioners, and the Constable is hereby authorized and required to cause such possession to be taken and delivered accordingly.

Amount of claims may be referred to arbitration.

XLI. And be it enacted, That all persons hereby or otherwise capacitated to sell, and who may not agree with the said Commissioners as to the price to be paid or the lands to be given in exchange for any lands required to be purchased by virtue of this Act, or for any estate or interest therein, or charge or incumbrance thereon, or as to the

the amount to be paid by way of compensation for any damage whatsoever, or with reference to the value of any good will, improvements or fixtures, may, if they shall think fit, agree with the said Commissioners to refer it to any person or persons to assess the amount to be paid, and every such agreement and the award of such person or persons shall be in all respects binding and effectual.

XLII. And be it enacted, That no action, suit or other proceeding shall be commenced or brought against any person for any thing done in execution or in pursuance of this Act, until after twenty-eight days' notice thereof shall have been given to such person, clearly and explicitly specifying the cause of action, suit or proceeding, and the name and place of abode of the person commencing the same, and of his attorney or agent (if any), nor after a sufficient compensation or tender thereof made to the party aggrieved, nor after three calendar months next after the act committed; and the defendant in every such action or suit may at his, her or their election, plead either specially or the general issue, and give this Act or the special matter in evidence at any trial to be had thereupon, and that the same was done in the execution and in pursuance of and by the authority of this Act, and if the same shall appear to be so done, or if such action or suit shall be brought before twenty-eight days' notice thereof shall have been given as aforesaid, or after sufficient compensation made or tendered as aforesaid, or after the time limited for bringing the same as aforesaid, the Jury shall find, or the Court shall give judgment if the case be tried in Lower Canada, and without the intervention of a Jury, for the defendant, and upon such verdict or judgment, or if the plaintiff shall be non-suited or discontinue his, her or their action or suit after the defendant shall have appeared, or if upon demurrer, judgment shall be given against the plaintiff, then the defendant shall be entitled to and recover his full costs, and shall have such remedy for recovering the same as any defendant hath for his costs in any other cases by law.

Notice of action to be given for things done under this Act.

XLIII. And be it enacted, That if the said Commissioners or any person or party interested in the lands and other real property, so marked out and taken as aforesaid, shall be dissatisfied with the verdict of such jury, it shall be lawful for such Commissioners or person, at the Term commencing next after the rendering of such verdict if the owner or some person hereby empowered to convey such lands and other real property shall have had due notice of the taking thereof, or within one year if they shall have been taken as belonging to some party unknown, or as being absent from the Province, and having left no known person therein who might convey or demise the same on behalf of such party, to apply to the Court having jurisdiction in the premises, according to the provisions of the fifty-fourth section of this Act, and to suggest that they have reason to be dissatisfied with such verdict, and to give notice of such application to the opposite party, or to such persons as are hereinafter mentioned, and to give security to the satisfaction of the Court for the payment of costs, and thereupon the proceedings which have been had in the matter, and the verdict of the jury, shall be returned into Court, and if it shall appear to the Court that the application ought to be granted, then the Court shall direct the compensation to be paid to be assessed and ascertained by a jury, according to law and the course and practice of the Court, and such damages may be inquired of and ascertained by a jury, and the verdict of such jury shall be final and conclusive, unless a new assessment of damages shall for sufficient reason be granted by the Court according to the course and practice thereof and to law.

Appeal to Superior Court in certain cases.

XLIV. And be it enacted, That no enrollment of any deed conveying any lands or real property, or any estate therein to the said Commissioners, shall be necessary to vest the same in them in trust as aforesaid, but it shall be lawful for the said Commissioners at their option to cause any deed or instrument, not being a Notarial instrument, relating to any lands or real property vested in them, to be enrolled, upon payment of the usual fees, in the office of the Provincial Registrar, without its being necessary for them to produce to that Officer any proof of the execution of such deed or instrument; and a copy of such enrollment, signed by the Provincial Registrar, and proved upon oath

As to enrollment of deeds to Commissioners.

oath to be a true copy, shall for every purpose whatsoever be sufficient evidence of the contents of such deed or instrument in any Court of Law and Equity, and on every occasion shall have the same force and effect to all intents and purposes as such deed, instrument or document would have if the same were respectively produced and shewn forth.

Commissioners may free lands acquired by them from Seigniorial Tenure.

XLV. And whereas it is expedient that the said Commissioners should have the power of freeing lands or real property vested in them from all seigniorial rights, burdens and charges, Be it therefore enacted, That it shall be lawful for the said Commissioners to pay or tender to the seignior within the *censive* of whose seignior any lands or real property vested in them shall lie, such sum as at the legal rate of interest would produce annually a sum equal to the *cens et rentes*, payable annually on such lands or real property, and a further sum equal to one-fifth part of the price then last paid for the same over and above all *lods et ventes* and arrears which may then have accrued and be due, and on such payment or tender, such lands or real property shall be for ever after freed from all seigniorial rights, burdens and charges, and if thereafter conveyed to any other party by the said Commissioners, shall be held *en franc-alleu roturier* for ever.

Commissioners empowered to sue and be sued in matters relative to property held by them.

XLVI. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to bring, prosecute and maintain any action or actions of ejectment, or other actions and proceedings, either at law or equity, for recovering possession of any lands or other real property vested in them, or to which they may become entitled under the provisions of this Act, or otherwise howsoever, and to distrain and sue for any arrears or any other dues of any kind which have become or shall become due, for or in respect thereof, under any parol or other demise, grant or concession from the said Commissioners, or from Her Majesty, or any person or officer acting for or on behalf of Her Majesty, or from any party holding such lands or real property in trust for Her Majesty, and also to bring, prosecute and maintain any other action, suit or proceeding in law or in equity, in respect of any such lands or other real property, or of any right or interest therein, or of any trespass or encroachment committed thereon, or damage or injury done thereto; and also upon all covenants and contracts whatsoever, now or hereafter to be made by, to or with the said Commissioners, and in any way relating to such lands and real property; and in every such suit, action or other proceeding, the said Commissioners shall be called "The Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland," without naming them or any of them, and the said Commissioners shall and may, by the said name, be sued and impleaded and prosecuted, and may answer and defend any suit, action, prosecution, or proceeding to be brought or instituted against them in any Court of Law or Equity in this Province, by any person or party whomsoever, and no suit, action or proceeding to which the said Commissioners shall be a party, shall abate or be discontinued or interrupted by the death, resignation, or removal of such Commissioners, or any of them; any law to the contrary notwithstanding.

No action to abate by reason of appointment of Lord High Admiral or Commissioners.

XLVII. Provided always, That when and as often as there shall be a transfer of the powers by this Act conferred from a Lord High Admiral to Commissioners for executing the Office of Lord High Admiral, or from such Commissioners to a Lord High Admiral, by its being the pleasure of Her Majesty, Her Heirs and Successors, to appoint a Lord High Admiral or Commissioners for executing the office of Lord High Admiral of the said United Kingdom, no such proceeding, either at Law or in Equity, or before any Justice of the Peace, or other tribunal or judicial, or other Officer whatsoever or whomsoever, pending by or against the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral of the said United Kingdom, for the time being, shall abate or be discontinued, or otherwise affected by such transfer, but the fact of Her Majesty, Her Heirs and Successors, having been pleased to make such new appointment since the last proceeding therein, having been suggested of Record or otherwise, as the Court, Justice or other Officer before whom the

the same shall be pending may direct, the proceedings shall thereupon continue to be conducted in the name of the Lord High Admiral, or of the Commissioners for executing the Office of Lord High Admiral, as the case may be, and judgment given, and execution awarded with all the consequences, as if such proceedings had been originally instituted in the name of the Lord High Admiral or the Commissioners, as aforesaid: And provided also, that any such suggestion may be entered *nunc pro tunc* whenever such Court, Justice or other Officer, before whom such proceeding shall have been pending at the time, shall think fit to order the same so to be entered.

XLVIII. And be it enacted, That all such suits, actions or proceedings to be brought or instituted against the said Commissioners, may be brought or instituted in the Court within the local jurisdiction whereof the lands or other real property to which such suits, actions or proceedings may respectively relate shall be situate, or the cause of action shall have arisen; and service of any Writ, Summons, Process, Order, Notice or other Document, required to be made for that purpose, or in the progress of any such action, suit or proceeding to which the said Commissioners shall be parties, shall be deemed to be validly made upon the said Commissioners, by leaving a true copy thereof at the office or place of residence of such officer or person as shall have been appointed by the said Lord High Admiral, or Commissioners, for executing the office of Lord High Admiral as aforesaid for the time being, to execute the powers of this Act conferred under the fifty-sixth section thereof, within the local jurisdiction of such Court, or if there be more than one such officer or person, then at the office or place of residence of any one of the officers or persons so appointed as aforesaid within such local jurisdiction of the said Court, and if there be no such officer or person within the jurisdiction of the said Court, then on the senior Naval Officer in command within this Province, or if there shall be no such officer or person so appointed then resident within this Province, and the said senior Naval Officer should be out of the jurisdiction of the said Court for the time being, then by transmitting a true copy of such Summons, Process, Order, Notice of other Document, through the Post Office, directed to Her Majesty's Attorney General for that section of this Province in which such suit, action or proceeding shall be brought or be pending.

How service may be made upon the said Commissioners.

XLIX. And be it enacted, That in all suits, actions and other proceedings at law or in equity, in which a verdict shall pass, or judgment or decision shall, be given for or in favor of the said Commissioners, the said Commissioners shall in addition to all damages to which they may be entitled, have judgment for their full costs and charges in such suits, actions or proceedings, to be assessed and taxed against the defendant or other opposing party, and to be recovered and levied in the same manner and form as they might have been assessed, taxed, recovered and levied in favor of any private party.

Commissioners may recover costs.

L. Provided always, and be it enacted, That nothing herein contained, shall be taken to defeat or abridge, in any such action or other proceeding, the several rights, privileges and prerogatives of Her Majesty, Her Heirs and Successors, but that in all such suits, actions and other proceedings brought or instituted in the name of the said Commissioners, and in all matters relating thereto, it shall be lawful for the said Commissioners to claim, exercise and enjoy all the same rights, privileges and prerogatives which have been heretofore claimed, exercised and enjoyed, in any suits, actions or proceedings whatsoever in any Court of Law or of Equity, by Her Majesty or Her Royal Predecessors, in the same manner as if the subject matter of such suits, actions or other proceedings were vested in Her Majesty, and as if Her Majesty were actually made a party to the same: Provided also that it shall be lawful for Her Majesty, if so advised, to proceed by information in the proper Court of King's Bench or Queen's Bench, or Superior Court, or by any other Crown Process, legal or equitable, in any case in which such suits, actions or other proceedings might otherwise have been instituted by the said Commissioners.

Saving of Her Majesty's rights.

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LI. And be it enacted, That in all contracts of every description, and in all conveyances, surrenders, leases, and in other deeds, and in other instruments whatsoever relating

Name and style to be adopted by Commissioners in Deeds, &c

relating to the public service, which shall or may be made or entered into by, to or with the said Commissioners, or whereunto they shall be a party, it shall be sufficient to call or describe them by the style and title of the "Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland," without naming them or any of them, and all such contracts, conveyances, surrenders, leases and other deeds and instruments, wherein the said Commissioners shall be so called and described as aforesaid, shall be as valid and effectual and shall have the same force and effect to all intents and purposes whatsoever, as if the said Commissioners had been particularly named and described therein, and with regard to their successors in office, as if such successors had made and entered into the same, and had been named and described therein.

Power to Commissioners to give notices, &c.

LII. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to give any notice, and make any entry, claim or demand which it shall be requisite or expedient to give or make on behalf of Her Majesty, with a view to compel any tenant, lessee, or occupier of any lands or other real property which shall be vested in the said Commissioners under the provisions of this Act, to quit or deliver up possession thereof, or to compel the performance of any covenant, contract or engagement relating thereto, or to recover possession on non-performance of any covenant, contract or agreement, or to compel the payment of any sum of money which ought to be paid in respect thereof, and to give any other notice and make any claim or demand, or to do any other act or thing which it shall be requisite to make, give, or do on behalf of Her Majesty, touching or concerning any such lands or other real property, or any right, title or interest therein; and the same being so made, given or done, shall be valid and effectual to all intents and purposes whatsoever.

Judgment clause.

LIII. And be it enacted, That nothing contained in this Act, or to be contained in any covenant, contract, lease, or other instrument hereby authorized to be entered into, made, taken or executed by the said Commissioners, or any of them, or by any person or officer acting under them, shall extend to charge the persons of such Commissioners, person or officer executing such covenant, contract, lease or other instrument, or their heirs, executors, administrators, curators, or other legal representatives, or their or any of their own proper lands or tenements, goods or chattels, with the performance of any of the covenants, conditions and agreements in such covenants, contract or lease, or other instrument entered into on the part of such Commissioners for the public service, and by their name of office as aforesaid; nor shall the said Commissioners, or any of them, be personally liable; nor shall any property of such Commissioners, or any of them, be liable to any legal process or execution in such suits, actions, or other proceedings as aforesaid.

What Courts shall have jurisdiction in certain cases under this Act.

LIV. And be it enacted, That the Courts into which all inquisitions to be taken under this Act shall be returned, to which all appeals upon such inquisitions shall lie, and which shall have jurisdiction in the matter of all moneys paid into Her Majesty's Public Provincial Treasury under the same, with all the other powers, authority and jurisdiction conferred upon such Court for the better carrying this Act into effect, shall be Her Majesty's High Court of Chancery for Upper Canada, and Her Majesty's Superior Court for Lower Canada, and that in all cases in which the lands or other real property in respect of which the proceedings have arisen or are required, shall be situate in Upper Canada, all such jurisdiction in the premises shall be vested in and belong to Her Majesty's said High Court of Chancery for Upper Canada, and not in or to the said Superior Court; and that in all cases in which such lands or other real property shall be situate in Lower Canada, all such jurisdiction in the premises shall be vested in and belong to Her Majesty's Superior Court for Lower Canada, and not in or to the said Court of Chancery: Provided always, nevertheless, firstly, that nothing herein contained shall extend or be construed to extend to preclude appeals from such decision of the said Courts respectively in the premises as would be incident to such decisions, from the nature or character thereof, according to the law of that section of the Province within

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which

which such Courts respectively have jurisdiction; and provided also, secondly, that nothing herein contained shall extend or be construed to extend to derogate from the original summary powers by this Act conferred in certain cases on Justices of the Peace or other local Officers, or to prevent any such summary proceedings before any such Sheriff or others from being received or otherwise dealt with according to the laws of that section of the Province in which they shall have taken place.

LIV. And be it enacted, That whenever it shall please Her Majesty, Her Heirs or Successors, to appoint a Lord High Admiral of the United Kingdom, then and so long and as often as there shall be a Lord High Admiral of the United Kingdom, all the lands and powers vested in or given or hereafter to be vested in or given to the Commissioners for executing the Office of Lord High Admiral of the said United Kingdom, under or by virtue of any Act or Acts now in force, or of this Act, or of any Act or Acts in this present Session of Parliament, or hereafter to be passed, shall be and become vested in the Lord High Admiral of the United Kingdom for the time being, in trust for Her Majesty, Her Heirs and Successors for the public service, and he, for the time being, shall be the sole Commissioner for carrying this Act into effect; but that when and so often as there shall be no Lord High Admiral of the said United Kingdom, but it shall please Her Majesty, Her Heirs or Successors, to appoint any persons Commissioners for executing the Office of Lord High Admiral of the said United Kingdom, then so long as the said office shall be executed by Commissioners as aforesaid, all acts, deeds, matters and things to be done or executed by the said Commissioners in pursuance or under the authority of this Act, may be done or executed by any two of such Commissioners for the time being, and the same shall be as valid and effectual as if done or executed by all the said Commissioners.

LVI. And be it enacted, That it shall be lawful for the Lord High Admiral of the said United Kingdom for the time being, or if there be no Lord High Admiral, then for the Commissioners for executing the Office of Lord High Admiral for the time being, or for any two or more of such Commissioners, and he or they respectively are hereby empowered from time to time as occasion may require, to authorize and empower any person or persons, or any Officer or Officers, by his or their name or title of office, to exercise or execute all or any of the powers, authorities or duties, or to perform and do and execute all or any acts, matters and things, which, by virtue of this Act, the said Lord High Admiral or Commissioners for executing the office of Lord High Admiral of the said United Kingdom, may exercise, execute, perform or do, as validly and effectually as the said Lord High Admiral or Commissioners aforesaid might exercise, execute, perform and do the same, and to revoke such authority at pleasure, and such authority shall, notwithstanding the death, resignation, or removal from office of such Lord High Admiral or Commissioner, or any one or more of them who shall have given the same, remain in force as if given by the said Lord High Admiral or Commissioners for executing the office of Lord High Admiral for the time being, until it shall be revoked by the said Lord High Admiral for the time being, or by the Commissioners for executing the office of Lord High Admiral for the time being, or any two of them.

LVII. And be it enacted, That in the construction and for the purposes of this Act, unless there be something in the subject or context repugnant to such construction, the following words shall bear the meaning assigned to them respectively, that is to say: the words "Lower Canada," wheresoever they occur in this Act, or in the Schedule hereunto annexed, shall be held to mean all that part of this Province which formerly constituted the Province of Lower Canada, and the words "Upper Canada," all that part of this Province which formerly constituted the Province of Upper Canada; and the words "Her Majesty," or "the Crown," shall be held to mean and include Her Majesty and Her Royal Predecessors and Successors, and the words "Commissioners of the Admiralty," and the word "Commissioners," shall severally be construed to mean the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, for the time being, but shall

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Property to be vested in Lord High Admiral when there shall be one, &c.

Powers given by this Act may be deputed.

Interpretation clause.

apply also to the said Lord High Admiral whenever there shall be such Officer; the words "person" or "persons" shall each of them be construed to include all bodies politic, corporate, collegiate, ecclesiastical and civil, both aggregate and sole, as well as every private individual; the word "lands," shall be construed to include lands of every tenure, and also houses, buildings, grounds, tenements and hereditaments, both corporal and incorporeal, of every description and tenure; and all words importing the singular number or the masculine gender only, shall be held to include the plural number, and females as well as males, unless the context shall clearly require that a more limited meaning be assigned to them.

Public Act.

LVIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

SCHEDULE

Of certain Lands vested in the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, by this Act.

Firstly. The three Reserves in the Township of Sherbrooke, in the County of Haldimand, at or near the *embouchure* of the Grand River, on the north shore of Lake Erie, containing two hundred and eighty-eight acres, more or less, to wit: The first, at the mouth of Grand River, containing two hundred and nineteen acres, more or less; the second, at Barbet Point or *Pointe au Barbet*, containing forty-eight acres two roods and thirty-two perches, more or less; and the third, at Mohawk Bay, containing twenty acres, more or less.

Secondly. Those Reserves situate in the Townships of Tiny and Tay, in the County of Simcoe, on the south-easterly side of Penetanguishene Harbor, containing three hundred and eighty-nine acres, more or less.

Thirdly. Those Reserves situate near the City of Kingston, to wit: So much of Point Frederick in the Township of Pittsburg in the County of Frontenac, now in the possession of the Naval Authorities at Kingston, and included between a fence or fences on the south side of the road leading from the east end of the Cataraqui Bridge to the Village of Barrifield, and another fence at the south-west end of the Naval Yard separating it from the Tower on the extremity of Point Frederick; and also Point Frederick, the Inlets designated as Haldimand Cove and Hamilton Cove.

Fourthly. Those Reserves, situate on the east branch of the Holland River, in the town plot of Gwillimbury, in the County of Simcoe, to wit: Lots numbers forty-nine, fifty, fifty-one and fifty-two, west side of Meadow Street, containing together about four acres.

Fifthly. Those Reserves at Pointe Pelée, in the Township of Mersea, in the County of Essex, containing three thousand acres, more or less.

Sixthly. Lot number thirteen, in the eleventh concession of the Township of Vespra, in the County of Simcoe, containing two hundred acres, more or less.

Seventhly. Lots number one, in the first and second concession of the Island of St. Joseph in Lake Huron, with the broken fronts to the south of the said lots, containing five hundred acres, more or less.

Eighthly. The south half of lot number six, in the ninth concession of the said Island of St. Joseph, on Milford Haven, containing one hundred and six acres, more or less.

Ninthly. All the land conveyed by a certain deed from Captain R. O'Connor, acting by his Attorney J. B. Marks, to Commissioner R. Barrie, bearing date twenty-third of August, one thousand eight hundred and nineteen, and witnessed by Wm. Joseph Robins and James Nichols, Junior.

CAP. LXVIII.

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

[30th August, 1851.]

WHEREAS it is expedient further to continue the Acts and Ordinances hereinafter mentioned, which would otherwise expire at the end of the present Session : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's reign, and intituled, *An Act to regulate the Fisheries in the District of Gaspé* ; the Act of the said Parliament, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the better preservation of the Peace, and the prevention of riots and violent outrages at and near Public Works while in progress of construction* ; the Act of the said Parliament, passed in the same year of Her Majesty's Reign, and intituled, *An Act to amend the Act and Ordinance therein mentioned, relative to the Registration of Titles to, and Incumbrances upon, Real Property in Lower Canada* ; the Act of the said Parliament, passed in the same year of Her Majesty's Reign, and intituled, *An Act for the relief of Insolvent Debtors in Upper Canada, and for other purposes therein mentioned* ; the Act of the said Parliament, passed in the same year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and better to encourage Agriculture in Lower Canada, by the establishment of Agricultural Societies therein*, excepting so much of the said last mentioned Act as is repealed by the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to amend the Act for the encouragement of Agriculture by the establishment of Agricultural Societies in Lower Canada*, and the said last mentioned Act ; the Act of the said Parliament, passed in the said ninth year of Her Majesty's Reign, and intituled, *An Act to allow the formation of more than one Agricultural Society in a County in Lower Canada, and for the relief of the Society for the County of Montreal* ; the Act of the said Parliament, passed in the same year of Her Majesty's Reign, and intituled, *An Act to empower Commissioners for enquiring into matters connected with the public business, to take evidence on oath* ; the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the Public Health of the City may be endangered* ; the Act of the said Parliament, passed in the eleventh year of Her Majesty's Reign, and intituled, *An Act to provide for the Inspection of Butter in Quebec and Montreal* ; the Act of the said Parliament, passed in the eleventh year of Her Majesty's Reign, and intituled, *An Act to amend the Laws relating to the Incorporation of the City of Montreal* ; and the Act of the Parliament of the late Province of Lower Canada, passed in the second year of the Reign of His late Majesty, King George the Fourth, and intituled, *An Act for better regulating the Common of the Seigneurie of Laprairie de la Madeleine* ; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the Common in the said Seigneurie*, as amended and extended by the Act of the said Parliament, passed in the fourth year of the same Reign, and intituled, *An Act to authorize the Chairman and Trustees of the Common of the Seigneurie of the Baie St. Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said Common, and for other purposes appertaining to the same* ; the Act of the said Parliament, passed in the ninth year of the

Preamble.

4 & 5 Vict. c. 36.

8 Vict. c. 6.

8 Vict. c. 27.

8 Vict. c. 48.

8 Vict. c. 53.

9 Vict. c. 14.

9 Vict. c. 24.

9 Vict. c. 38.

10 & 11 V. c. 1.

11 Vict. c. 7.

11 Vict. c. 11.

L. C.
2 Geo. 4, c. 8.

2 Geo. 4, c. 10.

4. Geo. 4, c. 26.

the

9 Geo. 4, c. 30.

9 Geo. 4, c. 27.

9 Geo. 4, c. 28.

9 Geo. 4, c. 32.

9 Geo. 4, c. 51.

1 Will. 4, c. 6.

3 Wm. 4, c. 14.

Sic.

6 Wm. 4, c. 35.

2 Vict (3) c. 7.

U. C.

11 Geo. 4, c. 20.

3 Wm. 4, c. 45.

6 Wm. 4, c. 29, continued.

7 Vict. c. 10.

9 Vict. c. 30.

And 12 Vict. c. 18,
continued to a certain
extent.

the same Reign, and intituled, *An Act to provide for the more effectual extinction of secret incumbrances on lands than was heretofore in use in this Province*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to prevent fraudulent Debtors evading their Creditors in certain parts of this Province*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to facilitate the proceedings against the Estates and Effects of Debtors in certain cases*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to alter and amend an Act passed in the sixth year of His Majesty's Reign, intituled, 'An Act to authorize the inhabitants of the Fief Grosbois, in the County of Saint Maurice, to make regulations for the Common of the said Fief;*' the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act for the preservation of the Salmon Fisheries in the Counties of Cornwallis and Northumberland*; the Act of the said Parliament, passed in the first year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to encourage the destruction of Wolves*; the Act of the said Parliament, passed in the third year of the same Reign, and intituled, *An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time the provisions of two other Acts therein mentioned, for more effectually ascertaining the damages on protested Bills of Exchange, and for determining disputes relating thereto, and for other purposes*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to provide for the medical treatment of sick mariners*; the Ordinance of the Special Council of the said Province, passed in the third Session of the said Council, held in the second year of Her Majesty's Reign, and intituled, *An Ordinance to amend the Act passed in the thirty-sixth year of the Reign of King George the Third, chapter nine, commonly called the Road Act*; the Act of the Parliament of the late Province of Upper Canada, passed in the eleventh year of the Reign of His late Majesty, King George the Fourth, and intituled, *An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane Destitute persons in that District*; the Act of the said Parliament, passed in the third year of the Reign of His late Majesty, King William the Fourth, and intituled, *An Act to continue an Act passed in the eleventh year of His late Majesty's Reign, intituled, 'An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane Destitute persons in that District, and to extend the provisions of the same to the other Districts of this Province;*' and the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, *An Act to repeal an Act passed in the forty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to encourage the destroying of Wolves in this Province,' and to make further provision for the extermination of those destructive animals,* shall be, and all and every of the said Acts and Ordinances are hereby continued to the First day of January next, and from thence until the end of the then next ensuing Session of the Parliament, and no longer.

II. And be it enacted, That the Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to repeal an Ordinance of Lower Canada, intituled, An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects, and to make provision for the same object throughout the Province of Canada,* and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to continue and amend the Bankrupt Laws now in force in this Province,* in so far only as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending,* and the said last mentioned Act, shall respectively be and they are hereby continued, and shall remain in force until the said first day of January next, and thence, until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

III. And be it enacted, That the Act of the Parliament of the late Province of Lower Canada aforesaid, passed in the sixth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes, as Clerks or Bailiffs in certain cases*, shall be and is hereby continued to the said first day of January next, and thence, until the end of the then next ensuing Session of the Provincial Parliament, and no longer : Provided always, that in the several Judicial Districts of Lower Canada, so much of the said Act as relates to the Fees to be granted to persons acting as Clerks to Country Magistrates, shall cease to have any force, so soon as a Tariff of Fees shall have been promulgated in the said Districts respectively, under the provisions of an Act passed in the present Session of the Legislature, intituled, *An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to persons charged with indictable offences*.

IV. Provided always, and be it enacted, That nothing herein contained, shall prevent or be construed to prevent the effect of any Act passed or to be passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the Acts or Ordinances hereinbefore mentioned and continued.

V. And whereas it is expedient to extend and continue for a limited time certain provisions of the Act hereinafter mentioned, Be it therefore enacted, That for and notwithstanding any thing in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to remedy certain defects in the Registration of Deeds and Instruments relating to real property in the Registry Office at Montreal*, or in the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to extend the period limited for certain purposes in the Montreal Registry Office*, the period of twelve months, from the passing of the said Act first mentioned in this section, which is therein mentioned as the period during which the registration of certain Instruments may be efficiently completed in the manuer in the said Act provided, and during which no error, omission or irregularity on the part of Edward Dowling or his Deputy, shall be held to render the registration of any Instruments incomplete or void, and during which certain other things may or must be done under the said Act, and which was extended by the said last mentioned Act to the period of twelve months from the passing thereof, shall be and the same is hereby further extended to the period of twelve months from the passing of this Act, and the said first mentioned Act, and this Act shall be construed and have effect to all intents and purposes whatsoever, and all Commissions issued under the said Act, and all things done by the Commissioners, shall be valid and effectual as if the period last aforesaid had been mentioned in every part of the said Act, instead of the period therein mentioned and first aforesaid, and as if the Act had been passed before the expiration of the period first aforesaid : Provided always, that it shall be lawful for the Governor in Council, at any time within the said period of twelve months from the passing of this Act, by Proclamation under the Great Seal, inserted at least four times in the *Canada Gazette*, that the said period shall be abridged and shall expire on a day certain therein mentioned, and the same shall thereupon be abridged accordingly, and the day in such Proclamation mentioned for that purpose, shall be to all intents and purposes as the day on which the said period of twelve months from the passing of this Act will expire, so far as regards the said Act first mentioned in this section and this Act, or any thing therein or herein contained.

6 W. 4, c. —, continued for a certain time.

Proviso : certain fees under the said Act to be paid till a Tariff is promulgated under 14 & 15 Vict. c. 95.

Proviso : this Act not to affect any Act passed this Session repealing &c. any of the above Acts.

The period fixed by 12 Vict. c. 121, and extended by 13 & 14 Vict. c. 93, for completing registration of certain instruments, to be further extended.

Proviso.

CAP. LXIX.

An Act to amend the Act to establish Freedom of Banking in this Province.

[30th August, 1851.]

Preamble.

13 & 14 Vict. c. 21.

Statements required
by Sect 30 of the said
Act, to be made up
and published monthly
instead of half yearly.

Time allowed to cer-
tain Banks or Compa-
nies by Section 2, of
the said Act extended
on certain conditions.

WHEREAS it is expedient that statements of the Assets and Liabilities of Banks to be established under the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to establish Freedom of Banking in this Province, and for other purposes relative to Banks and Banking*, should be made up and published more frequently than is required by the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the statement of the Assets and Liabilities of every Bank established or to be established under the Act first above cited, required by the thirtieth section thereof, shall (instead of being transmitted half yearly, as in the said section provided,) be transmitted to the Inspector General on the first day of each month in every year (or if such day be Sunday or Holiday, then on the next day not being so) made up to and bearing date upon the evening of the last day of the preceding month not being a Sunday or Holiday, and such statement shall be published by the Inspector General, at the expense of the Bank, and in such way as he shall think most conducive to the public good; and every such statement shall contain all the particulars mentioned in the said section, and shall be attested in the manner therein provided; and by any neglect to transmit any statement, or by any wilfully false statement, the Bank in default shall incur the same penalties and consequences, and the Inspector General shall have the same powers, if he suspects any statement to be wilfully false, or if it appears by any statement that the Bank is insolvent, as are provided in similar cases in and by the said section, which shall hereafter be construed and have effect as if the words "the first day of each month in every year" had been inserted in the said section, instead of the words "the first day of January and July in each year," where they occur in the said section, except in so far as such construction would be inconsistent with any provision of this Act.

II. And whereas by the last proviso to the second section of the Act hereby amended, it is provided that the said section shall not, during twelve months next after the passing thereof, apply to any Banks or Company not thereinbefore excepted, and authorized by Legislative enactment to issue Bank Notes, and it is expedient to extend the time allowed by the said proviso: Be it therefore enacted, that the said section shall not, until the first day of January, one thousand eight hundred and fifty-five, apply to any Bank or Company excepted from its operation by the said proviso, provided such Bank or Company shall reduce the amount of its Bank Notes not secured by the deposit of securities upon which registered Bank Notes may be issued under the said Act, in the following manner, that is to say: before the first day of January, one thousand eight hundred and fifty-two, such amount shall be reduced to not exceeding three-fourths of the average circulation of such Bank during the year one thousand eight hundred and fifty; before the first day of January, one thousand eight hundred and fifty-three, such amount shall be reduced to not exceeding one half the said average circulation; before the first day of January, one thousand eight hundred and fifty-four, such amount shall be reduced to not exceeding one-fourth of such average circulation; and before the first day of January, one thousand eight hundred and fifty-five, such amount shall be reduced to nothing: but if any such Bank or Company shall fail to make any such reduction as aforesaid, then, upon such failure, the said section shall immediately apply to such Bank or Company which shall be liable to all the penalties imposed by the said Act for any contravention thereof.

CAP. LXX.

An Act to exempt the several Chartered Banks from the Tax on their circulation on certain conditions.

[30th August, 1851.]

WHEREAS it is expedient to encourage the present Chartered Banks to adopt, as far as may be conveniently practicable, the principles embodied in the general Banking Act, passed in the now last Session of the Provincial Parliament, as regards the securing of the redemption of their Bank Notes : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That if any Bank chartered, incorporated or recognized by or under any Act of the Legislature of this Province, shall certify to the Governor of this Province, its willingness forthwith to restrict the amount of its Bank Notes to be thereafter in circulation at any time, to an amount not exceeding the highest amount of its Bank Notes returned as in circulation at any period included in the now last statement delivered to the Receiver General by such Bank, under the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act for levying a certain rate or duty on Bank Notes issued and in circulation in this Province*, and at the end of three years to restrict the amount of its Bank Notes thereafter to be in circulation at any time, to an amount not exceeding the average amount thereof returned as being in circulation in the years one thousand eight hundred and forty-nine and one thousand eight hundred and fifty, excepting, in either case, such further amount as shall be represented by securities as hereinafter provided, an Order in Council may thereupon be made and published in the *Canada Gazette*, restricting the circulation of the Bank Notes of the said Bank accordingly, except as aforesaid, and such Order shall have effect from the date thereof, as if such restriction were made by an Act amending the Charter or Act incorporating such Bank ; and from and after the date thereof, and for the three years next thereafter, such Bank shall be liable to one half only of the duty which would otherwise be payable by it under the Act last aforesaid, and after the expiration of the said three years, no duty shall be payable by such Bank under the said Act ; and the Directors or other managing body of any such Bank, are hereby empowered to authorize the President, or other Officer of the said Bank, to give the certificate aforesaid in the name of the Bank, and under its Corporate Seal.

II. Provided always, and be it enacted, That notwithstanding any such Order in Council, it shall be lawful for the Bank to which the same shall apply, from time to time to issue and have in circulation an amount of Bank Notes beyond that mentioned in such Order, but not exceeding the value for which the said Bank shall hold as its own property, gold or silver coin or bullion, or debentures of any kind issued by the Receiver General, except such as are or may be issued under the Acts relative to the New Court Houses in Lower Canada, or those relative to the Building for the sitting of the Courts at Toronto, the value of such debentures being reckoned at par ; and it shall not be necessary that such debentures be deposited and registered notes obtained on them, as provided by the Act hereinafter cited, but their nature, amount and value as aforesaid, and the amount of such gold and silver coin or bullion as aforesaid, and that of the Bank Notes issued upon the same, shall be shewn in all official statements of the affairs of the Bank required under any Act or Law ; and the proceeds of the said gold and silver coin or bullion and debentures shall, in the event of the failure of the Bank, be applied exclusively to the redemption of its outstanding Bank Notes ; no duty shall be payable on any Bank Notes lawfully issued under this section ; but by any excess of issue not authorized by this Act, the same penalties shall be incurred and

Preamble.

Any Bank may, on consenting to restrict its issues to a certain amount, obtain a remission of the tax imposed by 4 & 5 Vict. c. 29.

Order in Council to issue upon such consent—its effect.

Notwithstanding such restriction, the Bank may issue a further amount of Bank Notes equal to the amount or specie or debentures reserved to meet them.

and the same legal consequences shall follow as would have been incurred by or would have followed an illegal excess of issue, if this Act had not been passed.

Bank to give in statement.

III. Provided always, and be it enacted, That every Bank which shall avail itself of the next preceding section of this Act, shall cause to be made up to the last day of each month in every year which shall not be a Sunday or Holiday, a statement of the liabilities and assets of such Bank, in the form, and containing the particulars shewn in the Schedule to this Act, which statement shall be verified by the declaration of some one of the Directors, or by the Cashier or some other like Officer of the Bank having a knowledge of the truth of the contents of such statement, and such statement shall, within ten days after the day to which the same shall be made up, be published by the Bank in some newspaper published at the place where such Bank has its chief seat of business; and for every default to publish such statement within the time hereby prescribed, such Bank shall forfeit to Her Majesty, for the public uses of the Province, the sum of Twenty-five Pounds currency for each day during which such default shall continue, and for any wilfully false entry in any such statement, the Bank shall forfeit to Her Majesty, for the uses aforesaid, the sum of Two Hundred Pounds currency; the sums so forfeited to be recovered with costs as a debt due to the Crown, in any Court having jurisdiction to the amount in civil cases, and when recovered, to form part of the Consolidated Revenue Fund of this Province.

Penalties.

Word "Bank Notes" how to be understood.

IV. And be it enacted, That the words "Bank Notes" in this Act, shall have the meaning assigned to them in the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to establish freedom of Banking in this Province, and for other purposes relative to Banks and Banking.*

13 & 14 Vict. c 21.

SCHEDULE.

Statement of the Liabilities and Assets of the Bank of _____ on the day of _____ 185_____

LIABILITIES.

Bank Notes in circulation not bearing interest.....£	:	:
Bills of Exchange in circulation not bearing interest.....	:	:
Bills and Notes in circulation bearing interest.....	:	:
Balances due to other Banks.....	:	:
Cash deposits not bearing interest.....	:	:
Cash deposits bearing interest.....	:	:
Other liabilities, if any, stating their nature.....	:	:
<hr/>		
Total liabilities.....£	:	:

ASSETS.

Coin and Bullion.....£	:	:
Landed or other property of the Bank.....	:	:
Government Securities.....	:	:
Bank Notes, or Promissory Notes and Bills of other Banks.....	:	:
Balances due from other Banks.....	:	:
Notes and Bills discounted or other debts due to the Bank, not included under the foregoing heads, and believed to be good.....	:	:
<hr/>		
Total Assets.....£	:	:

CAP. LXXI.

An Act to amend *The Post Office Act.*

[30th August, 1851.]

WHEREAS it is expedient to amend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to provide for the transfer of the management of the Inland Posts to the Provincial Government, and for the regulation of the said Department*, and to make further provision in that behalf: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the said above cited Act as may be inconsistent with the provisions of this Act, or may give power to make regulations on any subject provided for by this Act, be, and the same is hereby repealed.

Preamble.

Certain portions of 13 & 14 Vict. c. 17, repealed.

Mode of advertising for tenders for mail service.

Tenders and duplicate of contract to be lodged with the Inspector General.

Additional compensation limited.

Lowest tender to be accepted.

Proviso.

Abstracts of tenders to be recorded.

II. And be it enacted, That it shall be the duty of the Postmaster General to give Public Notice, in one Newspaper published at the Seat of Government, and in one or more of the Newspapers published in or nearest to the County or Counties where the contract is to be performed, for at least six weeks before entering into any Contract for carrying the Mail involving an annual cost of more than Fifty Pounds per annum, that such Contract is intended to be made, and the day on which it is to be concluded, describing the places from and to which such Mail is to be conveyed, the mode and frequency of its transportation, the time at which it is to be made up, and the day and hour at which it is to be delivered; he shall, moreover, within ninety days after the making of any Contract, lodge a duplicate thereof in the Office of the Inspector General of this Province: Provided, that no Contract shall be entered into for a longer term than four years, and that the Postmaster General may make temporary Contracts for such services until a regular letting in the form prescribed can take place.

III. And be it enacted, That no additional compensation shall be made to any Mail Contractor so as that the compensation for addition regular service shall exceed the exact proportion which the original compensation bears to the original services stipulated to be performed; and no extra allowance shall be made to any Contractor by the Postmaster General, for an increase of expedition in the transportation of the Mail, unless thereby the employment of additional Stock or Carriers by the Contractor shall be rendered necessary; and in such case, the additional compensation shall never bear a greater proportion to the additional Stock or Carriers rendered necessary than the sum stipulated in the original Contract bears to the Stock and Carriers necessarily employed in its execution.

IV. And be it enacted, That proposals for Mail Contracts shall be delivered to the Department sealed, and shall be kept sealed until the biddings are closed, and shall then be opened in the presence of the Postmaster General; and the Contracts in all cases in which there shall be more than one tender, shall be awarded to the lowest bidder tendering sufficient security for the faithful performance of the Contract, unless the Postmaster General shall be satisfied that it be for the interest of the Public not to accept the lowest tender: Provided, however, that the Postmaster General shall not be bound to consider the bid of any person who shall have wilfully or negligently failed to execute or perform a prior Contract; Provided further, that the Postmaster General, in all cases where he omits giving the Contract to the lowest bidder, shall report his reasons therefor to the Governor General, for the information of the Legislature.

V. And be it enacted, That it shall be the duty of the Postmaster General to have recorded, in a well bound Book, a true and faithful abstract of offers made to him for carrying the Mail, embracing as well those which are rejected as those which are accepted;

accepted; the said abstract to contain a description of each Contract advertised for public competition, the dates of the offers made, the dates at which they were received by the Postmaster General, the names of the parties offering the terms on which they propose to carry the Mail, the Sum for which it is offered to contract, and the length of time the agreement is to continue; and it shall also be the duty of the Postmaster General to put on file and preserve the originals of the propositions of which abstracts are here directed to be made, and to report at each Session of the Provincial Parliament a true copy from the said record of all offers made for carrying the Mail as aforesaid.

Persons employed in the department not to be interested in contracts, &c.

VI. And be it enacted, That if any person employed in the Post Office Department shall become interested in any Mail Contract, or act as agent with or without compensation in any matter or thing relating to business in said Department for any Contractor or person offering to become a Contractor, he shall be forthwith dismissed from office.

Tenders to be accompanied by a written guarantee.

VII. And be it enacted, That every proposal for the transportation of the Mail shall be accompanied by a written undertaking, signed by one or more responsible persons, to the effect that he or they undertake that the bidder will, if his bid be accepted, enter into an obligation, in such time as may be prescribed by the Postmaster General, with good and sufficient sureties, to perform the service proposed; no proposal shall be considered unless accompanied by such written undertaking; if, after the acceptance of a proposal and notification thereof to the bidder, he shall fail to enter into an obligation within the time prescribed by the Postmaster General, with good and sufficient sureties for the performance of the service, then the Postmaster General shall proceed to contract with some other person for the performance of the said service, and shall forthwith cause the difference between the amount contained in the proposal so undertaken, and the amount for which he may have contracted for the performance of said service, for the whole period of the proposal, to be charged up against the said bidder and his surety or sureties, and the same may be immediately recovered for the use of the Post Office Department, in an action of debt in the name of the Postmaster General against either or all of the said persons.

Contracts for less than £50 per annum, how entered into.

VIII. And be it enacted, That the Postmaster General may at his discretion submit Contracts for Mail transportation, involving an annual expense of less than Fifty Pounds, to public competition in the manner and form prescribed for Contracts of a greater annual charge, or he may direct an Agent to receive Tenders for and execute such Contracts on his behalf, or he may in special cases conclude such Contracts by private agreement when he may conceive the public interest will be promoted by such a course: Provided always, that he shall not pay, under any such Contract made by private agreement, a higher rate of annual payment for the service to be performed, than is ordinarily paid for services of a like nature under Contracts let by Public Advertisement.

Proviso.

Contracts not to be made with persons who have combined to keep back tenders.

IX. And be it enacted, That no contract for the transportation of the Mail shall knowingly be made by the Postmaster General with any person who shall have entered into any combination, or proposed to enter into any combination to prevent the making of any bid for a Mail Contract by any other person, or who shall have made any agreement, or shall have given or performed or promised to give or perform any consideration whatever, or to do or not to do any thing whatever, in order to induce any other person not to bid for a Mail Contract; And if any person so offending be a Mail Contractor, he may be forthwith dismissed from the service of the Department: Provided always, that whenever the Postmaster General shall exercise the power conferred on him by this section, he shall transmit a copy, or statement of the evidence on which he acts, to the Governor General of this Province.

Proviso.

Unclaimed letters to be advertised, &c.

X. And be it enacted, That all advertisements made under the orders of the Postmaster General, in a Newspaper or Newspapers, of Letters uncalled for in any Post Office, shall be inserted in some Newspaper or Newspapers of the town or place where the Office advertising may be situated, or of the town or place nearest to such Post Office, provided the Editor or Editors of such Newspaper or Newspapers shall agree

agree to insert the same in three separate issues or publications of such Newspaper or Newspapers, for a price not greater than Three Farthings for each Letter; and under such Regulations, and at such periods as may be directed by the Postmaster General, the Postmasters shall respectively send such of the Letters advertised by them, as remain on hand as Dead Letters to the Post Office Department, when the same shall be opened, and, whenever practicable, returned to the writers of the same on payment of the postage, should any remain charged as unpaid upon such Dead Letters, with One Penny additional on each Letter, to defray the cost of advertising, opening and returning the same; and if the writer of any such Dead Letter cannot be ascertained or found, the Postmaster General may, after retaining the same in his Office such length of time as he may deem expedient, cause the same to be destroyed: Provided always, that should any such Dead Letter, of which the writer cannot be ascertained or found, contain money, the Postmaster General may appropriate it to the use of the Department, keeping an account thereof, and the amount shall be paid by the Department to the rightful claimant as soon as he shall be found.

Proviso.

XI. And be it enacted, That it shall be lawful for the Postmaster General to contract for conveying the Mail with any Rail-road Company in this Province, either with or without advertising for such contract.

Rail-roads.

XII. And be it enacted, That it shall be the duty of the Postmaster General to make to the Governor General of this Province, annually, for the purpose of being laid before the Provincial Parliament at each Session thereof, the following reports, namely:

Annual Report to Parliament.

First. A report of the Finances, Receipts and Expenditure of the Post Office Department for the year ending on the fifth day of April previous, in the form of a General Account Current, shewing on the one side the whole amount of balances due to the Department from Postmasters or others at the beginning of the year, the whole amount of Postage that accrued within the year, and any and every other item of Revenue or Receipt; and on the other side of the Account, the charges and expenditure incurred by the Department within the said year, of every kind and nature, shewing in separate amounts the charges for Mail transportation, for Salaries and Commission and allowances to Postmasters, for Printing and Advertising, and for incidental and miscellaneous items of Expenditure, shewing also the balance remaining due from Postmasters and others at the close of the year; and shewing in the shape of a Balance what the result of the operations of the Department has been for the said year, whether to produce a surplus of Revenue in excess of Expenditure, or to cause the Expenditure to exceed the Revenue, and in either case, to what amount.

Second. A report shewing in detail all payments made and charges incurred for Mail transportation during the said year, stating in each case the name of the Contractor or party receiving payment, the Mail Route, the mode and frequency of transportation, and the sums paid.

Third. A report in detail of all charges for Salaries, Commissions and Allowances, shewing in each case the name of the person, the service or duty performed, and the amount paid.

Fourth. A report in detail of the Expenditure of the Department within the said year for Printing and Advertising, and for all incidental and miscellaneous items of disbursement, shewing the sum paid under each head of expenditure, and the names of the persons to whom paid.

Fifth. A report of all contracts made for the transportation of the Mail within the year ending on the fifth day of April next preceding such report, stating in each case of contract its date and intended duration, the name of the Contractor, the routes embraced in the Contract, with the length of each, with the times of arrival and departure at the ends of each route, the mode of transportation contracted for, and the price stipulated to be paid by the Department.

Sixth. A report of all allowances made to Contractors within the year preceding, beyond the sums originally stipulated in their respective Contracts, and the reasons for the same, and of all orders made by the Department whereby additional expense

is

is or will be incurred beyond the original Contract price on any land or water route, specifying in each case the route to which the order relates, the name of the Contractor, the original service provided by the Contract, the original price, the date of the order for additional service, the additional service required, and the additional allowance therefor, also a report of all curtailments of expenses effected by the Department within the preceding year, specifying in each case the same particulars, as required in cases of additional allowances.

Seventh. A report of all fines imposed and deductions from the pay of Contractors made during the preceding year, for failures to deliver the Mail or for any other cause, stating the names of the delinquent Contractors, the nature of the delinquency, the route on which it occurred, the time when the fine was imposed, and whether the fine has been remitted, or order for deduction rescinded, and for what reason.

Eighth. A report of the new Offices and Post Routes established, and of the Offices and Post Routes discontinued or closed within the preceding year, shewing in the case of each Office and Post Route discontinued or closed, the reason for the proceeding.

Ninth. A report of all cases occurring within the said year of the abstraction or loss of letters containing money sent through the Post, shewing the particulars of each case, and stating the result of the proceedings instituted therein by the Department.

Post routes may be discontinued in certain cases.

XIII. And be it enacted, That every Post Route which, hereafter within the term of three successive years, shall fail to yield one-fourth of the expense incident to its establishment, shall be discontinued by the Postmaster General, unless in cases where it may be necessary as a connection or continuance of a route or routes: Provided always, that this section shall not be so construed as to deprive the Seat of Justice in any Circuit or County of one Mail going to and from the same.

Proviso.

Branch Post Offices in Cities.

XIV. And be it enacted, That the Postmaster General be authorized and directed, when in his judgment the public interest or convenience may require it, to establish one or more Branch Post Offices to facilitate the operation of the Post Office in any city or place which in his opinion may require such additional accommodation for the convenience of the inhabitants: And it shall be the duty of the Postmaster General to prescribe the rules and regulations for the Branch Post Offices which may be established by virtue of this Act; and no additional Postage shall be charged for the receipt or delivery of any letter or packet at such Branch Post Office.

Penny Post Office for City delivery.

XV. And be it enacted, That the Postmaster General shall be authorized, whenever the same may be proper for the accommodation of the public in any city, to employ Letter Carriers for the delivery of letters received at the Post Office in said city, except such as the persons to whom they are addressed may have requested, in writing, addressed to the Postmaster, to be retained in the Post Office, and for the receipt of letters at such places in the said city as the Postmaster General may direct, and for the deposit of the same in the Post Office; and for the delivery by a Carrier of each letter received from the Post Office, the person to whom the same may be delivered shall pay not exceeding One Penny, and for the delivery of each newspaper and pamphlet One Half-penny, and for every letter received by a Carrier to be deposited in the Post Office, there shall be paid to him, at the time of the receipt, not exceeding One Half-penny; all of which receipts, by the Carriers in any city, shall, if the Postmaster General so direct, be accounted for to the Postmaster of said city, to constitute a Fund for the compensation of said Carriers, and to be paid to them in such proportions and manner as the Postmaster General may direct. Each of such Carriers shall give Bond, with sureties to be approved by the Postmaster General, for the safe custody and delivery of all letters, and for the due account and payment of all moneys received by him.

Appointment of Inspectors of Post Offices.

XVI. And be it enacted, That it shall be lawful for the Postmaster General, from time to time, by Commissions under his Hand and Seal of Office, to nominate three fit and proper persons as his Deputies, to be and to be called Inspectors of Post Offices, and to be stationed at such places and exercise their powers and perform their duties

duties and functions within such limits respectively as he may from time to time think fit to appoint ; and that it shall be the duty of such Inspectors of Post Offices, under such instructions as may from time to time be given to them by the Postmaster General, to superintend the performance of the Mail service, taking care that, as far as the state of the roads and other circumstances will permit, the stipulations of all Contracts for the conveyance of the Mail are strictly complied with by the Contractors,—to make monthly reports to the Postmaster General of the manner in which the Mail has been carried on each route, stating what fines they recommend should be imposed,—to instruct new Postmasters in their duties,—to keep the Postmasters to their duty in rendering their accounts and paying over their balances,—to examine at every Post Office from time to time the Books of Mails received at and sent from the same, and see that they are properly kept, and that the Received Bills are properly numbered and filed, and that the Postmasters and their Assistants perfectly understand their instructions, and perform their duty well in every particular,—to inquire into complaints of losses of money letters,—and generally to do all and whatsoever they may from time to time be lawfully instructed or required to do for the service of the Post Office Department by the Postmaster General.

XVII. And be it enacted, That in all cases where letters are posted for places without this Province on which stamps for pre-payment are affixed of less value than the true rate of Postage to which such letters may be liable, or when stamps for pre-payment are affixed to letters addressed to any place as aforesaid for which pre-payment cannot be taken in this Province, it shall be lawful for the Postmaster General to forward such letters, charged with postage, as if no stamp had been thereon affixed.

Insufficient stamps to be disregarded.

XVIII. And be it enacted, That no allowance or compensation shall be made to any Clerk or other Officer in the General Post Office, by reason of the discharge of duties which belong to any other Clerk or Officer in the same Department ; and no allowance or compensation shall be made for any extra service whatever which any such Clerk or Officer may be required to perform.

No allowances to Clerks for extra services.

XIX. And be it enacted, That it shall be the duty of the Postmaster General, upon the appointment of any Postmaster, to require and take of such Postmaster a Bond, with good and approved security, in such penalty as he may judge sufficient, conditioned for the faithful discharge of all the duties of such Postmaster required by law, or which may be required by any instruction or general rule for the government of the Department : And when any Surety of a Postmaster shall notify to the Postmaster General his desire to be released from his Suretyship, or when the Postmaster General shall deem it necessary, he shall be entitled to require such Postmaster to execute a new Bond, with Sureties, which Bond, when accepted by the Postmaster General, shall be as valid as the Bond given upon the original appointment of the Postmaster, and the Sureties in the prior Bond shall be released from responsibility for all acts or defaults of the Postmaster which may be done or committed subsequent to the acceptance of the new Bond, the date of which acceptance shall be duly endorsed on such prior Bond : Provided that payments made subsequent to the execution of the new Bond by such Postmaster shall be applied first to the discharge of any balance which may be due on the old Bond, unless he shall, at the time of payment, expressly direct them to be applied to the credit of his new account : And provided also, that no Suit shall be instituted against any Surety of a Postmaster after the lapse of two years from the death, resignation or removal from office of such Postmaster, or from the date of the acceptance of a new Bond from such Postmaster, as the case may be.

Postmasters to give bonds.

Sureties may be changed.

Proviso.

Proviso.

Postmasters to render accounts, and pay over balances quarterly.

XX. And be it enacted, That if any Postmaster or other person authorized to receive the postage of letters and packets shall neglect or refuse to render his accounts, and pay over to the Postmaster General the balance by him due at the end of every three months, it shall be the duty of the Postmaster General to cause a Suit to be commenced against the person or persons so neglecting or refusing ; that all Suits which shall be hereafter commenced for the recovery of debts or balances due to the

Post

Post Office, whether they appear by Bond or Obligation made in the name of the existing or any preceding Postmaster General, or otherwise, shall be instituted in the name of "The Postmaster General."

Penalty for neglect.

XXI. And be it enacted, That if any Postmaster shall neglect to render his accounts for one month after the time and in the form and manner prescribed by the Postmaster General's instructions, he shall forfeit double the value of the postages which shall have arisen at the same office in any equal portion of time previous or subsequent thereto ; or, in case no account shall have been rendered at the time of trial of such case, then such sum as the Court and Jury, if in Upper Canada, or the Court alone, if in Lower Canada, shall estimate equivalent thereto, to be recovered by the Postmaster General in an action of debt on the Bond against the Postmaster and his securities, and for which the securities shall be liable.

Postmasters to render, also, quarterly accounts of emoluments.

XXII. And be it enacted, That it shall be the duty of the Postmaster of each of the Cities of Quebec, Montreal, Kingston, Toronto and Hamilton in this Province, each and every year hereafter, to render Quarter-yearly Accounts to the Postmaster General, under oath, in such form as the latter shall prescribe, for the purpose of giving full effect to this section, of all emoluments or sums by them respectively received for boxes or pigeon-holes, or other receptacles for letters or papers, and by them charged for to individuals, or for the delivery of letters or papers at or from any places in such Cities respectively other than the actual Post Offices of such Cities respectively, and of all emoluments, receipts and profits that have come to their hands by reason of keeping Branch Post Offices in such Cities respectively ; and if from such accounting it shall appear that the net amount received by the Postmaster at any City for such boxes and pigeon-holes, and other receptacles for letters and papers, and for delivering letters or papers at or from any place in such City other than said Post Office, and by reason of keeping a Branch Post Office or Branch Post Offices in such City, shall, in the aggregate, with the salary of such Postmaster, exceed the sum of Four Hundred Pounds in any one year, such excess shall be paid to the Postmaster General for the use of the Post Office Department ; and no Postmaster shall hereafter, under any pretence whatsoever, have or receive or retain for himself, in the aggregate, more than Four Hundred Pounds per year, including salary, commissions, boxes and all other fees, perquisites and emoluments, of any name or character whatsoever, and for any service whatsoever.

Embezzlement, what, and a felony.

XXIII. And be it enacted, That if any Officer of or connected with the Post Office Department shall convert to his own use, in any way whatever, or shall use, by way of investment in any kind of property or merchandize, or shall loan, with or without interest, any portion of the public moneys entrusted to him for safe keeping, transfer, disbursement, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used or loaned, which is hereby declared to be a felony ; and the neglect or refusal to pay over any public moneys in his hands, or to transfer or disburse any such moneys promptly, on the requirement of the Postmaster General, shall be *prima facie* evidence of such conversion to his own use of so much of the public moneys as may be in his hands ; and all persons advising or knowingly and willingly participating in such embezzlement, upon being convicted thereof before any Court of competent jurisdiction, shall for every such offence forfeit and pay to Her Majesty, Her Heirs or Successors, a fine equal to the amount of the money embezzled, and shall suffer imprisonment for a term not less than three months, and not more than seven years.

CAP. LXXII.

An Act for raising, on the credit of the Consolidated Revenue Fund, a certain sum required for the Public Service.

[30th August, 1851.]

WHEREAS it is expedient to authorize the raising of the sum hereinafter mentioned by loan, to make good certain appropriations made for Public Works by the Act passed in the present Session, and intituled, *An Act for granting to Her Majesty certain sums required for defraying certain expenses of the Civil Government for the year one thousand eight hundred and fifty-one, and certain other expenses connected with the Public Service*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor in Council to authorize the raising by way of loan, on the credit of the Consolidated Revenue Fund of this Province, of a sum not exceeding One Hundred and Ninety-six Thousand Five Hundred and Eighty Pounds, Fifteen Shillings and Two Pence Currency, to be placed to the credit of the said Consolidated Revenue Fund, towards making good the sums appropriated out of the said Fund by the said Act of the present Session, for certain contingencies of the Public Service connected with the Public Works.

Preamble.

Loan of £196,580, 15s. 2d. for Public Works authorized.

II. And be it enacted, That for the purpose of raising such sum as aforesaid, it shall be lawful for the Governor in Council to authorize the issuing of Debentures, to an amount not exceeding in the whole the sum last aforesaid, in such form, for such separate sums, at such rate of interest not exceeding six per centum per annum, and to make the principal and interest thereon payable at such periods, and at such places, as to him shall seem most expedient, the said principal and interest being hereby made chargeable upon the said Consolidated Revenue Fund of this Province.

Debentures to be issued.

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

Certain accounts to be kept in detail.

IV. And be it enacted, That the due application of the moneys raised and expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

Accounting clause.

CAP. LXXIII.

An Act to make provision for the construction of a Main Trunk Line of Rail-way throughout the whole length of this Province.

[30th August, 1851.]

WHEREAS it is of the highest importance to the progress and welfare of this Province, that a Main Trunk Line of Rail-way should be made throughout the length thereof, and from the Eastern frontier thereof, through the Provinces of New Brunswick and Nova Scotia, to the City and Port of Halifax, and it is therefore expedient that every effort should be made to ensure the construction of such Rail-way, whilst as an act of justice to those who have advanced their money upon Provincial Securities, and as the best means of sustaining the credit of the Province, and of readily commanding such

Preamble.

such further pecuniary assistance as may from time to time become necessary for great Provincial Works of Internal Communication, it is expedient that the Provincial Parliament should pledge itself not to allow the Public Debt and Liabilities of the Province to be increased, except in the cases and under the conditions hereinafter mentioned: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That excepting only as regards such sum as may be raised for the purposes of this Act, under the authority and guarantee of the Parliament of the United Kingdom, and as regards the guarantee of the Province to be given under the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide for affording the guarantee of the Province to the Bonds of Rail-way Companies on certain conditions, and for rendering assistance in the construction of the Halifax and Quebec Rail-way*, for the interest only of debentures issued or to be issued by the St. Lawrence and Atlantic Rail-road Company, the Great Western Rail-way Company, or the Ontario, Simcoe and Huron Rail-road Union Company, on the conditions in the said Act, and hereinafter mentioned, the Public Debt and Liabilities of this Province shall not be increased under this Act, nor will the Provincial Parliament hereafter authorize the increase thereof without the consent of the Agents through whom loans may have been negotiated in England, or the previous offer to pay off all debentures then outstanding, and the actual payment of all such as shall be presented for payment pursuant to such offer, at the place therein appointed, within one month from the first publication thereof in the London Official Gazette, in which it shall be published during the period aforesaid, at least; and the expenditure hereinafter authorized shall not be made, nor the liabilities hereinafter mentioned incurred on behalf of the Province, except only in so far as it may be found practicable to make or incur the same, or any part thereof, without increasing the debt or liabilities of the Province, otherwise than in the cases and under the conditions aforesaid.

In what cases and on what conditions only, the Public Debt and liabilities may be increased.

12 V. c. 29.

Quebec and Halifax Rail-way: under what conditions it may be made.

Certain ungranted lands may be appropriated.

Authority to defray the necessary expenses.

II. And be it enacted, That provided the funds necessary for the purpose shall be raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this Province under the said authority, it shall be lawful for the Governor of this Province in Council, to enter into such arrangements as he may deem conducive to the interests of this Province, with the Government of the United Kingdom, and with the Governments of the Provinces of New Brunswick and Nova Scotia, with respect to the construction of a Rail-way from some point opposite the City of Quebec to the City of Halifax, in Nova Scotia, either by constructing the same on the joint account of this Province and the said Provinces of Nova Scotia and New Brunswick in equal proportions, or by engaging to construct at the expense of this Province that part of the said Rail-way lying within Lower Canada, or by making such other arrangements for the construction of the said Rail-way as may be agreed upon with the said Government of the United Kingdom and the said Provincial Governments; and for facilitating such arrangements, all the ungranted lands within this Province, lying within ten miles on either side of the line of the said Rail-way, are hereby placed at the disposal of the Governor of this Province in Council to be appropriated, pledged or otherwise dealt with in such way as he may think best for the interests of the Province with regard to such arrangements as aforesaid, it being understood and hereby declared that the Parliament of this Province will confirm and carry out by such Legislative enactments (if any) as may be necessary to give full effect to the same, any arrangement and agreement which may be made by the Governor in Council, in the spirit and for the purposes of this Act.

III. And be it enacted, That it shall be lawful for the Governor, out of the Funds to be raised or advanced for the purpose, as aforesaid, to pay all such sums as may be required

required to defray all the expenses of making such part of the said Rail-way as shall be to be made at the expense of this Province under any such arrangement as aforesaid, or any other expenses which under any such arrangement shall be to be borne by this Province.

IV. And be it enacted, That provided the Funds necessary for the purpose shall be raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this Province under the said authority, the whole of the Main Trunk Line of Rail-way from the City of Quebec, or a point opposite thereto, to the City of Hamilton, or some convenient point on the Line of the Great Western Rail-road, or so much of the said Main Trunk Line of Rail-way, as the Funds so raised or advanced as aforesaid, shall be sufficient to make, shall be made as a Provincial Work, and it shall be lawful for the Governor, out of any such Funds as aforesaid, to pay all such sums as shall be required to defray all the expenses of making such Main Trunk Line of Rail-way, or such part thereof as aforesaid.

Rail-way from Quebec to Hamilton may be made with funds raised on Imperial Guarantee.

V. And be it enacted, That if the Funds necessary for making the Main Trunk Line of Rail-way mentioned in the next preceding section, shall not be raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this Province, under the said authority, then the said Main Trunk Line of Rail-road, or so much thereof as shall not be made by funds so raised or advanced as aforesaid, may be made with funds of which one half shall be raised on the credit of the Consolidated Revenue Fund of this Province, provided the other half shall have been subscribed for by Municipal Corporations in this Province.

If such guarantee cannot be obtained, the Rail-way may be made at joint expense of the Province and any Municipal Corporations therein.

VI. And be it enacted, That if the Governor in Council shall determine that it is expedient that the whole or any part of the said Main Trunk Line of Rail-way shall be made with funds to be raised in the manner mentioned in the next preceding section, the Governor shall, by proclamation, declare the total amount required for such purpose, and the sum to be raised by subscriptions of Municipal Corporations under this Act; and it shall then be lawful for any Municipal Corporation in this Province to subscribe for such amount of the sum last mentioned as it may think proper, by a By-law declaring such subscription and the amount thereof, which declaration shall suffice, and it shall not be necessary by such By-law to impose any rate, or to make any provision or enactment other than such declaration as aforesaid, which shall be sufficient to enable the proper officers to assess and levy, from time to time, such rate as may be necessary to produce a clear sum equal to that payable to the Receiver General under the said By-law and this Act, and Ten per cent. over, to make up any deficiency, which Ten per cent., or so much thereof as may not be required to make up any deficiency, shall remain in the hands of the proper officer of the Corporation, and go in deduction of the next sum to be assessed and levied under such By-law, or, if not required for that purpose, then for the general uses of the Corporation; and any sum payable to the Receiver General under any such By-law and this Act, shall be a debt due from the Municipal Corporation so in default to the Crown, and the Warrant of the Receiver General, countersigned by the Inspector General, directed to the Sheriff of the proper District, County, or United Counties, certifying that any such sum is so payable and remains unpaid, and commanding him to levy the same, shall be sufficient authority to the said Sheriff to levy such sum, with interest and costs, and to pay over such sum when levied to the Receiver General, in like manner as he might do under a Writ of Execution for such sum issuing out of any Court in which judgment might have been obtained for the same in favor of the Crown; and no such By-law shall be repealable except with the express consent of the Governor in Council; and if more money be subscribed for than is required to be raised by subscription of Municipal Corporations as aforesaid, then the sum subscribed for by each shall be *ipso facto* proportionately reduced, and such reduction shall be notified to the Municipal Corporations concerned, in such way as the Governor may direct: Provided always, that no Municipal Corporation shall subscribe for stock, or incur any debt or liability under this Act, unless and until a By-law to that effect shall have been duly made and

How that part of the cost payable by Municipal Corporations may be raised.

Provided,

adopted,

adopted, with the consent first had of a majority of the qualified electors of the Municipality, to be ascertained in such manner as shall be determined by the said By-law, after public advertisement thereof containing a copy of such proposed By-law inserted at least four times in each Newspaper printed within the limits of the Municipality, or, if none be printed therein, then in some one or more Newspaper printed in the nearest City or Town thereto and circulated therein.

Municipal Subscription Fund constituted.

Authority to raise half the money on credit of Consolidated Revenue Fund;

And the other half on that of the Municipal Subscription Fund.

VII. And be it enacted, That the sums subscribed for as aforesaid shall form a Fund to be called The Rail-way Municipal Subscription Fund; and so soon as the sum required shall have been subscribed for as aforesaid, it shall be lawful for the Governor in Council from time to time to authorize the issuing of Debentures to an amount not exceeding in the whole that so subscribed for, in such form, for such separate sums, and at such rate of interest not exceeding six per centum per annum, and to make the principal and interest payable at such periods and at such places as to him shall seem most expedient, the said principal and interest being hereby made chargeable upon the Consolidated Revenue Fund of this Province, but after the principal and interest of any sum to be raised under this Act, or any Act of the present Session, by advance from the Government of the United Kingdom or with the guarantee of the said Government: And it shall also be lawful for the Governor in Council from time to time to authorize the issuing of Debentures to an amount not exceeding in the whole that so subscribed for as aforesaid, (and not exceeding at any time that for which Debentures shall then be issued under this Section on the credit of the Consolidated Revenue Fund) in such form, for such separate sums, and at the lowest rate of interest not exceeding seven per centum per annum, at which they can be negotiated at par, and to make the principal payable at any period, not being less than twenty years from the date of such Debentures respectively, and the interest, at such periods as he may think proper, and to make the principal and interest payable at such places as he may deem most expedient, such principal being chargeable not upon the said Consolidated Revenue Fund, but solely upon the Rail-way Municipal Subscription Fund aforesaid and the Sinking Fund hereinafter mentioned.

Sum to be raised under this Act limited.

VIII. Provided always, and be it enacted, That the total sum to be raised for the purposes of this Act, upon the credit of the Consolidated Revenue Fund of this Province, with or without any guarantee under the authority of the Parliament of the United Kingdom, and including any sum which may be advanced under the authority of the said Parliament, on the credit of the said Consolidated Revenue Fund, added to any sum which may be raised on the credit of the Municipal Subscription Fund, shall never exceed, in the whole, the sum of Four Millions of Pounds currency.

Sums raised on the credit of the two Funds mentioned in sect. 7, to be expended in equal proportions.

IX. And be it enacted, That the funds to be raised under the seventh section of this Act on the credit of the Consolidated Revenue Fund, and those to be raised under the said section, on the credit of the Rail-way Municipal Subscription Fund, shall be expended as nearly as may be, in equal proportions, as the work advances in the several sections into which the Rail-way to be made may be divided by the Governor in Council.

In what cases only Municipal Corporations shall be called upon to pay interest on sums subscribed by them.

X. And be it enacted, That as well the cost of that part of the said Main Trunk Line of Rail-way which is to be constructed with funds to be raised partly on the credit of the Province and partly on that of the Rail-way Municipal Subscription Fund, as all the expenses and outlay of any kind to be incurred while the work is in progress, shall be defrayed out of the funds so to be raised as aforesaid; and that the Municipal Corporations so subscribing as aforesaid, shall be called upon to pay the interest on the sums for which they have subscribed, whenever at any time the said Fund, and their share of the profits from any part of the work which shall have been completed, shall be insufficient to pay the interest on the sums borrowed on the credit of the Municipal Subscription Fund; in which case, they shall from time to time pay such sums to the Receiver General as may be sufficient, with any sums he may have in his hands applicable to the purpose, to enable him to pay such interest as it becomes due, the

sum

sum to be paid in such case by each Municipal Corporation being in proportion to the sum for which it may have subscribed.

XI. And be it enacted, That the share of the profits of that part of the said Rail-way last aforesaid which may belong to the said Municipal Corporations, and shall not be required to pay the interest on the sums raised on the credit of the Rail-way Municipal Subscription Fund, shall be invested by the Receiver General, and shall, with the interest thereon, form a Sinking Fund for the redemption of the Debentures to be issued on the credit of the said Rail-way Municipal Subscription Fund; and that the share of the said profits which shall belong to the Province, after deducting three and a half per cent. per annum on the sums raised on the credit of the Consolidated Revenue Fund, shall be also invested by the Receiver General, and shall, with the interest thereon, form a Sinking Fund for the redemption of the Debentures to be issued on the credit of the Consolidated Revenue Fund under the seventh section of this Act; and the share which the Province and the said Municipal Corporations shall respectively have in the profits of the said Rail-road, shall be in proportion to the sums which shall have been raised on the credit of the Consolidated Revenue Fund, and of the said Rail-way Municipal Subscription Fund, respectively.

Sinking Funds established.

Shares of the Province and M. Corporations in the profits of the Rail-way.

XII. And be it enacted, That if at any time after the expiration of two years from the completion of that part of the said Rail-way last aforesaid, it shall appear to the Receiver General that the Sinking Fund first aforesaid will not produce enough to pay off the principal of the Debentures issued on the credit of the said Rail-way Municipal Subscription Fund, at the time when the same will become payable, it shall be lawful for him to add not exceeding three per cent. per annum on the amount of such Debentures to the sum which would otherwise be payable to him in any year by each Municipal Corporation, and such per centage shall form part of the said Sinking Fund, and shall be paid by such Municipal Corporations respectively, in like manner as any other moneys payable by them to the Receiver General, under this Act.

Provision if the Municipal Sinking Fund be found insufficient.

XIII. And be it enacted, That the said Main Trunk Line of Rail-way, including that part thereof lying between the City of Quebec and the City of Halifax, or such part thereof as shall be made under the provisions of the preceding sections of this Act, shall be a Public Provincial Work, to be constructed and managed by the Commissioners of Public Works, under the control of the Governor in Council, and subject to such supervision by the Board of Rail-way Commissioners hereinafter mentioned, as the Governor in Council shall direct; and all the powers vested in the Commissioners of Public Works, with regard to the taking of lands required for Public Works, and all other powers vested in them, and the provisions of the several Acts now in force relative to Public Works, and not inconsistent with this Act, shall apply to that part of the said Rail-way to be made as aforesaid, as fully as to any other Public Provincial Work; and the said Rail-way, and every part thereof, shall be made on such Line, and in such places, as the Governor in Council shall determine and appoint as best adapted to promote the general interests of this Province.

The Rail-way to be a Public Provincial Work, and powers of Commissioners of Public Works as to taking lands, &c. to extend to it, &c.

Governor in Council to determine the Line.

XIV. And be it enacted, That the said Commissioners of Public Works, with the consent of the Governor in Council, shall have full power to treat and agree with the Montreal and Lachine Rail-road Company, or the St. Lawrence and Atlantic Rail-road Company, for the purchase or use of the whole or any part of their respective Rail-roads, rights and property, which it may be found expedient to adopt as part of the said Main Trunk Line or Rail-way, and to pay such sum as may be agreed upon, to either of the said Companies, as compensation for any such Rail-road or portion thereof, rights or property, out of any moneys which might be applied to making part of the said Main Trunk Line of Rail-way at the same place; and the Directors of the said Companies respectively shall have full power and authority to treat and agree with the said Commissioners of Public Works for any of the purposes aforesaid, and to receive the compensation that may be agreed upon, and to give a valid discharge for the same, and to surrender and convey to Her Majesty for the public uses of the Province such Rail-road, or part thereof, rights or property as aforesaid, which shall hereafter be vested

Powers to treat with certain companies for the purchase of their property or rights.

such further pecuniary assistance as may from time to time become necessary for great Provincial Works of Internal Communication, it is expedient that the Provincial Parliament should pledge itself not to allow the Public Debt and Liabilities of the Province to be increased, except in the cases and under the conditions hereinafter mentioned: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That excepting only as regards such sum as may be raised for the purposes of this Act, under the authority and guarantee of the Parliament of the United Kingdom, and as regards the guarantee of the Province to be given under the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide for affording the guarantee of the Province to the Bonds of Rail-way Companies on certain conditions, and for rendering assistance in the construction of the Halifax and Quebec Rail-way*, for the interest only of debentures issued or to be issued by the St. Lawrence and Atlantic Rail-road Company, the Great Western Rail-way Company, or the Ontario, Simcoe and Huron Rail-road Union Company, on the conditions in the said Act, and hereinafter mentioned, the Public Debt and Liabilities of this Province shall not be increased under this Act, nor will the Provincial Parliament hereafter authorize the increase thereof without the consent of the Agents through whom loans may have been negotiated in England, or the previous offer to pay off all debentures then outstanding, and the actual payment of all such as shall be presented for payment pursuant to such offer, at the place therein appointed, within one month from the first publication thereof in the London Official Gazette, in which it shall be published during the period aforesaid, at least; and the expenditure hereinafter authorized shall not be made, nor the liabilities hereinafter mentioned incurred on behalf of the Province, except only in so far as it may be found practicable to make or incur the same, or any part thereof, without increasing the debt or liabilities of the Province, otherwise than in the cases and under the conditions aforesaid.

In what cases and on what conditions only, the Public Debt and liabilities may be increased.

13 V. c. 29.

Quebec and Halifax Rail-way: under what conditions it may be made.

II. And be it enacted, That provided the funds necessary for the purpose shall be raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this Province under the said authority, it shall be lawful for the Governor of this Province in Council, to enter into such arrangements as he may deem conducive to the interests of this Province, with the Government of the United Kingdom, and with the Governments of the Provinces of New Brunswick and Nova Scotia, with respect to the construction of a Rail-way from some point opposite the City of Quebec to the City of Halifax, in Nova Scotia, either by constructing the same on the joint account of this Province and the said Provinces of Nova Scotia and New Brunswick in equal proportions, or by engaging to construct at the expense of this Province that part of the said Rail-way lying within Lower Canada, or by making such other arrangements for the construction of the said Rail-way as may be agreed upon with the said Government of the United Kingdom and the said Provincial Governments; and for facilitating such arrangements, all the ungranted lands within this Province, lying within ten miles on either side of the line of the said Rail-way, are hereby placed at the disposal of the Governor of this Province in Council to be appropriated, pledged or otherwise dealt with in such way as he may think best for the interests of the Province with regard to such arrangements as aforesaid, it being understood and hereby declared that the Parliament of this Province will confirm and carry out by such Legislative enactments (if any) as may be necessary to give full effect to the same, any arrangement and agreement which may be made by the Governor in Council, in the spirit and for the purposes of this Act.

Certain ungranted lands may be appropriated.

Authority to defray the necessary expenses.

III. And be it enacted, That it shall be lawful for the Governor, out of the Funds to be raised or advanced for the purpose, as aforesaid, to pay all such sums as may be required

required to defray all the expenses of making such part of the said Rail-way as shall be to be made at the expense of this Province under any such arrangement as aforesaid, or any other expenses which under any such arrangement shall be to be borne by this Province.

IV. And be it enacted, That provided the Funds necessary for the purpose shall be raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this Province under the said authority, the whole of the Main Trunk Line of Rail-way from the City of Quebec, or a point opposite thereto, to the City of Hamilton, or some convenient point on the Line of the Great Western Rail-road, or so much of the said Main Trunk Line of Rail-way, as the Funds so raised or advanced as aforesaid, shall be sufficient to make, shall be made as a Provincial Work, and it shall be lawful for the Governor, out of any such Funds as aforesaid, to pay all such sums as shall be required to defray all the expenses of making such Main Trunk Line of Rail-way, or such part thereof as aforesaid.

V. And be it enacted, That if the Funds necessary for making the Main Trunk Line of Rail-way mentioned in the next preceding section, shall not be raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this Province, under the said authority, then the said Main Trunk Line of Rail-road, or so much thereof as shall not be made by funds so raised or advanced as aforesaid, may be made with funds of which one half shall be raised on the credit of the Consolidated Revenue Fund of this Province, provided the other half shall have been subscribed for by Municipal Corporations in this Province.

VI. And be it enacted, That if the Governor in Council shall determine that it is expedient that the whole or any part of the said Main Trunk Line of Rail-way shall be made with funds to be raised in the manner mentioned in the next preceding section, the Governor shall, by proclamation, declare the total amount required for such purpose, and the sum to be raised by subscriptions of Municipal Corporations under this Act; and it shall then be lawful for any Municipal Corporation in this Province to subscribe for such amount of the sum last mentioned as it may think proper, by a By-law declaring such subscription and the amount thereof, which declaration shall suffice, and it shall not be necessary by such By-law to impose any rate, or to make any provision or enactment other than such declaration as aforesaid, which shall be sufficient to enable the proper officers to assess and levy, from time to time, such rate as may be necessary to produce a clear sum equal to that payable to the Receiver General under the said By-law and this Act, and Ten per cent. over, to make up any deficiency, which Ten per cent., or so much thereof as may not be required to make up any deficiency, shall remain in the hands of the proper officer of the Corporation, and go in deduction of the next sum to be assessed and levied under such By-law, or, if not required for that purpose, then for the general uses of the Corporation; and any sum payable to the Receiver General under any such By-law and this Act, shall be a debt due from the Municipal Corporation so in default to the Crown, and the Warrant of the Receiver General, countersigned by the Inspector General, directed to the Sheriff of the proper District, County, or United Counties, certifying that any such sum is so payable and remains unpaid, and commanding him to levy the same, shall be sufficient authority to the said Sheriff to levy such sum, with interest and costs, and to pay over such sum when levied to the Receiver General, in like manner as he might do under a Writ of Execution for such sum issuing out of any Court in which judgment might have been obtained for the same in favor of the Crown; and no such By-law shall be repealable except with the express consent of the Governor in Council; and if more money be subscribed for than is required to be raised by subscription of Municipal Corporations as aforesaid, then the sum subscribed for by each shall be *ipso facto* proportionately reduced, and such reduction shall be notified to the Municipal Corporations concerned, in such way as the Governor may direct: Provided always, that no Municipal Corporation shall subscribe for stock, or incur any debt or liability under this Act, unless and until a By-law to that effect shall have been duly made and adopted,

Rail-way from Quebec to Hamilton may be made with funds raised on Imperial Guarantee.

If such guarantee cannot be obtained, the Rail-way may be made at joint expense of the Province and any Municipal Corporations therein.

How that part of the cost payable by Municipal Corporations may be raised.

Proviso.

adopted, with the consent first had of a majority of the qualified electors of the Municipality, to be ascertained in such manner as shall be determined by the said By-law, after public advertisement thereof containing a copy of such proposed By-law inserted at least four times in each Newspaper printed within the limits of the Municipality, or, if none be printed therein, then in some one or more Newspaper printed in the nearest City or Town thereto and circulated therein.

Municipal Subscription Fund constituted.

Authority to raise half the money on credit of Consolidated Revenue Fund;

And the other half on that of the Municipal Subscription Fund.

VII. And be it enacted, That the sums subscribed for as aforesaid shall form a Fund to be called The Rail-way Municipal Subscription Fund; and so soon as the sum required shall have been subscribed for as aforesaid, it shall be lawful for the Governor in Council from time to time to authorize the issuing of Debentures to an amount not exceeding in the whole that so subscribed for, in such form, for such separate sums, and at such rate of interest not exceeding six per centum per annum, and to make the principal and interest payable at such periods and at such places as to him shall seem most expedient, the said principal and interest being hereby made chargeable upon the Consolidated Revenue Fund of this Province, but after the principal and interest of any sum to be raised under this Act, or any Act of the present Session, by advance from the Government of the United Kingdom or with the guarantee of the said Government: And it shall also be lawful for the Governor in Council from time to time to authorize the issuing of Debentures to an amount not exceeding in the whole that so subscribed for as aforesaid, (and not exceeding at any time that for which Debentures shall then be issued under this Section on the credit of the Consolidated Revenue Fund) in such form, for such separate sums, and at the lowest rate of interest not exceeding seven per centum per annum, at which they can be negotiated at par, and to make the principal payable at any period, not being less than twenty years from the date of such Debentures respectively, and the interest, at such periods as he may think proper, and to make the principal and interest payable at such places as he may deem most expedient, such principal being chargeable not upon the said Consolidated Revenue Fund, but solely upon the Rail-way Municipal Subscription Fund aforesaid and the Sinking Fund hereinafter mentioned.

Sum to be raised under this Act limited.

VIII. Provided always, and be it enacted, That the total sum to be raised for the purposes of this Act, upon the credit of the Consolidated Revenue Fund of this Province, with or without any guarantee under the authority of the Parliament of the United Kingdom, and including any sum which may be advanced under the authority of the said Parliament, on the credit of the said Consolidated Revenue Fund, added to any sum which may be raised on the credit of the Municipal Subscription Fund, shall never exceed, in the whole, the sum of Four Millions of Pounds currency.

Sums raised on the credit of the two Funds mentioned in sect. 7, to be expended in equal proportions.

IX. And be it enacted, That the funds to be raised under the seventh section of this Act on the credit of the Consolidated Revenue Fund, and those to be raised under the said section, on the credit of the Rail-way Municipal Subscription Fund, shall be expended as nearly as may be, in equal proportions, as the work advances in the several sections into which the Rail-way to be made may be divided by the Governor in Council.

In what cases only Municipal Corporations shall be called upon to pay interest on sums subscribed by them.

X. And be it enacted, That as well the cost of that part of the said Main Trunk Line of Rail-way which is to be constructed with funds to be raised partly on the credit of the Province and partly on that of the Rail-way Municipal Subscription Fund, as all the expenses and outlay of any kind to be incurred while the work is in progress, shall be defrayed out of the funds so to be raised as aforesaid; and that the Municipal Corporations so subscribing as aforesaid, shall be called upon to pay the interest on the sums for which they have subscribed, whenever at any time the said Fund, and their share of the profits from any part of the work which shall have been completed, shall be insufficient to pay the interest on the sums borrowed on the credit of the Municipal Subscription Fund; in which case, they shall from time to time pay such sums to the Receiver General as may be sufficient, with any sums he may have in his hands applicable to the purpose, to enable him to pay such interest as it becomes due, the sum

sum to be paid in such case by each Municipal Corporation being in proportion to the sum for which it may have subscribed.

XI. And be it enacted, That the share of the profits of that part of the said Rail-way last aforesaid which may belong to the said Municipal Corporations, and shall not be required to pay the interest on the sums raised on the credit of the Rail-way Municipal Subscription Fund, shall be invested by the Receiver General, and shall, with the interest thereon, form a Sinking Fund for the redemption of the Debentures to be issued on the credit of the said Rail-way Municipal Subscription Fund; and that the share of the said profits which shall belong to the Province, after deducting three and a half per cent. per annum on the sums raised on the credit of the Consolidated Revenue Fund, shall be also invested by the Receiver General, and shall, with the interest thereon, form a Sinking Fund for the redemption of the Debentures to be issued on the credit of the Consolidated Revenue Fund under the seventh section of this Act; and the share which the Province and the said Municipal Corporations shall respectively have in the profits of the said Rail-road, shall be in proportion to the sums which shall have been raised on the credit of the Consolidated Revenue Fund, and of the said Rail-way Municipal Subscription Fund, respectively.

Sinking Funds established.

Shares of the Province and M. Corporations in the profits of the Rail-way.

XII. And be it enacted, That if at any time after the expiration of two years from the completion of that part of the said Rail-way last aforesaid, it shall appear to the Receiver General that the Sinking Fund first aforesaid will not produce enough to pay off the principal of the Debentures issued on the credit of the said Rail-way Municipal Subscription Fund, at the time when the same will become payable, it shall be lawful for him to add not exceeding three per cent. per annum on the amount of such Debentures to the sum which would otherwise be payable to him in any year by each Municipal Corporation, and such per centage shall form part of the said Sinking Fund, and shall be paid by such Municipal Corporations respectively, in like manner as any other moneys payable by them to the Receiver General, under this Act.

Provision if the Municipal Sinking Fund be found insufficient.

XIII. And be it enacted, That the said Main Trunk Line of Rail-way, including that part thereof lying between the City of Quebec and the City of Halifax, or such part thereof as shall be made under the provisions of the preceding sections of this Act, shall be a Public Provincial Work, to be constructed and managed by the Commissioners of Public Works, under the control of the Governor in Council, and subject to such supervision by the Board of Rail-way Commissioners hereinafter mentioned, as the Governor in Council shall direct; and all the powers vested in the Commissioners of Public Works, with regard to the taking of lands required for Public Works, and all other powers vested in them, and the provisions of the several Acts now in force relative to Public Works, and not inconsistent with this Act, shall apply to that part of the said Rail-way to be made as aforesaid, as fully as to any other Public Provincial Work; and the said Rail-way, and every part thereof, shall be made on such Line, and in such places, as the Governor in Council shall determine and appoint as best adapted to promote the general interests of this Province.

The Rail-way to be a Public Provincial Work, and powers of Commissioners of Public Works as to taking lands, &c. to extend to it, &c.

Governor in Council to determine the Line.

XIV. And be it enacted, That the said Commissioners of Public Works, with the consent of the Governor in Council, shall have full power to treat and agree with the Montreal and Lachine Rail-road Company, or the St. Lawrence and Atlantic Rail-road Company, for the purchase or use of the whole or any part of their respective Rail-roads, rights and property, which it may be found expedient to adopt as part of the said Main Trunk Line or Rail-way, and to pay such sum as may be agreed upon, to either of the said Companies, as compensation for any such Rail-road or portion thereof, rights or property, out of any moneys which might be applied to making part of the said Main Trunk Line of Rail-way at the same place; and the Directors of the said Companies respectively shall have full power and authority to treat and agree with the said Commissioners of Public Works for any of the purposes aforesaid, and to receive the compensation that may be agreed upon, and to give a valid discharge for the same, and to surrender and convey to Her Majesty for the public uses of the Province such Rail-road, or part thereof, rights or property as aforesaid, which shall hereafter be vested

Powers to treat with certain companies for the purchase of their property or rights.

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vested in Her Majesty for the uses aforesaid: Provided always, that nothing herein contained shall be construed to affect or impair any right now vested in Her Majesty to take the said Rail-roads, or either of them, or any of the rights or property of the said Companies, or either of them, under any Act incorporating such Company, or amending the Act incorporating it.

In what cases only the Rail-way may be made by private companies.

XV. And be it enacted, That if it be found to be impracticable to raise the funds for constructing the said Main Trunk Line of Rail-way, in any of the modes hereinbefore mentioned, then the Governor of this Province may by Proclamation declare that the same may be undertaken by any Private Companies thereunto authorized by the Legislature, and any Company in whose Act of Incorporation a clause may have been inserted suspending its operation until the Governor should issue a Proclamation declaring it in force, shall, by the issuing of such Proclamation, receive authority to commence its operations.

Recital.

XVI. And whereas, although it is highly desirable to afford every possible encouragement to the construction of Rail-ways in all parts of the Country, yet for the purpose of confining the liabilities of the Province within proper limits, and at the same time ensuring effectual aid to those undertakings which are most necessary to its progress and developement, it is expedient to restrict the provisions of the Rail-way Guarantee Act hereinbefore cited, in the manner hereinafter provided: Be it therefore enacted, That the guarantee offered by the said Act, and all the provisions of the said Act relative to such guarantee, shall be and are hereby restricted and confined to those Rail-roads which may form part of the said Main Trunk Line (in case of any part thereof being constructed by private Companies,) and to the St. Lawrence and Atlantic Rail-road which has already received the said guarantee, and forms part of the said Main Trunk Line,—the Great Western Rail-road which has been commenced and partly constructed on the faith of the said guarantee, and forms part of the said Main Trunk Line,—and the Ontario, Simcoe and Huron Union Rail-road, for the construction of which certain arrangements have been made in expectation and upon the faith of the said guarantee; Provided always, that the expression “the Great Western Rail-road” in this Act, shall mean only the Main Line of Rail-way which the Great Western Rail-road Company are authorized to make from Burlington Bay to the Detroit River, and shall not include any Branches which the said Company is or may be authorized to make, nor shall the said guarantee be extended to any such Branch.

To what Rail-ways the guarantee under 14 Vict. c. 29, shall be restricted.

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XVII. And for better ensuring the attainment of the objects proposed in the said Act and in this Act, Be it enacted, That the Receiver General, the Inspector General, the Commissioner and Assistant Commissioner of Public Works, and the Provincial Postmaster General, shall constitute a Board of Rail-way Commissioners; and each of the said Officers shall be a Member of the said Board by virtue of his office, and so long, and so long only as he shall hold the same; such one of the said Officers as the Members of the Board shall agree upon, shall be the Chairman and Official Organ of the Board, the Secretary of the Commissioners of Public Works shall be the Secretary of the said Board; and any report concurred in by a majority of the Board, shall be deemed the report of the Board.

Board of Rail-way Commissioners constituted.

On what conditions the said guarantee shall be granted.

XVIII. And be it enacted, That no Rail-way Company shall be entitled to the benefit of the said Guarantee, until the said Board shall have examined and approved the line selected for such Rail-road, the intended gauge, the form and weight of Rail, and general mode of construction of the Road, and of the larger Bridges, Viaducts, and principal works upon such line, and shall have reported such approval to the Governor in Council, with their opinion that the Road is one which may advantageously form part of such Main Trunk line as aforesaid,—that the Act incorporating the Company contains all such provisions as they think essential to the protection of the public interest,—or that the Company have consented to the amendment of their Charter by the insertion of such provisions,—and that the Road when completed will afford ample security to the Province against loss under the Guarantee to be given with regard to it; and the line and mode of construction so approved shall not be altered or deviated from

from without an express Report of the said Board in favor of such alteration or deviation, nor unless such Report shall be approved by the Governor in Council, on pain of forfeiting the right of the Company to the said guarantee; Provided always, that the Ontario, Simcoe and Huron Rail-road Union Company shall be entitled to the said Guarantee on complying with the other conditions aforesaid, although their Road does not form part of the said Main Trunk Line.

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XIX. And be it enacted, That any Company, having received such approval as aforesaid, shall be empowered, if the length of their Rail-way exceeds one hundred miles, to divide the same into sections of not less than fifty miles each, and being, as nearly as the total length of the Rail-way and other circumstances will admit, of seventy-five miles each, and each of such sections may, after such division shall have been approved by the Governor, be considered for all the purposes of the said Act and of this Act, as a distinct Rail-way, and when the requirements of the said Act and of this Act are complied with, as regards any such section, the Guarantee of the Province may be given for the sum required to complete such section, which sum shall not be applied to any other purpose; and the Company shall keep and render separate accounts of receipt and expenditure for each such section, and if any receipt or expenditure be common to two or more sections, the same shall be fairly apportioned among them in such accounts, to the satisfaction of the said Board.

Rail-ways over 100 miles long may be divided into sections to each of which the guarantee may be extended.

XX. And be it enacted, That the said Guarantee shall not be given with regard to any Rail-way or Section until the said Board shall have reported to the Governor in Council, that the land for the whole Rail-way or Section has been acquired and paid for, that a part of the work thereon has been completed to their satisfaction, and that the fair cost of the part so completed, including the fair cost of the land and of all materials then procured by and the property of the Company, (and not merely the sum the Company may have actually expended upon the same,) would not be less than the cost of the part remaining to be done, according to an estimate made upon tenders received and approved by the Company and by the said Board as fair and reasonable, in which case the Guarantee of the Province may be granted for the sum necessary to complete such remaining part of the work according to such estimate; and generally, it shall be the duty of the said Board to obtain and report to the Governor all such information, and to do all such things as may be necessary to ensure the faithful execution of the said Act and of this Act, and any duty assigned to the Commissioners of Public Works by the said Act shall hereafter be performed by the said Board.

Further conditions of such guarantee.

XXI. And be it enacted, That no contract shall be entered into by any Company, for the performance of work or the furnishing of materials for that part of their Rail-way for the making whereof the said Guarantee is to be granted, except with the approval of the said Board; that the said Board may suggest and the Governor in Council may impose upon the Company such further conditions as they may think requisite for guarding the Province against loss; and that the Guarantee may be granted to the Company from time to time, and as may be necessary, to enable them to meet their engagements under such contracts as aforesaid, when the work has been performed to the satisfaction of the said Board.

Certain contract to be subject to approval of the Governor in Council.

XXII. And be it enacted, That the said Guarantee may, as regards those Companies whose Rail-ways will form part of the said Main Trunk Line, and upon such conditions as the Governor in Council shall think fit, be extended to the payment of the principal of the sum guaranteed, as well as to the payment of the interest thereon, provided the Bonds guaranteed are made payable at periods previously approved by the Governor in Council, or in his discretion Provincial Debentures for the amount to be guaranteed, or any part thereof, may be delivered to the Company in exchange for their Bonds, for like sums, and the principal and interest whereof shall be made payable at like periods, or at such others as may be agreed upon; and for the principal and interest of such Bonds, the Province shall have the same priority of hypothec, mortgage and lien upon the Rail-way, tolls and property of the Company, as by the said Act is given for sums paid or guaranteed by the Province, and subject to the same provisions, and the said guarantee

Guarantee may, on certain conditions, extend to principal as well as interest.

may

Proviso:

may be given either at once for the whole sum to be raised by the Company, or from time to time, and by portions as the same shall be required for carrying on the works, according to the terms and conditions which shall have been made in that behalf; Provided always, that it shall be lawful for the Governor in Council, if he shall deem it expedient and consistent with the interests of the Province, and the due maintenance of the Public credit, to grant the same advantages, or any of them, to the "Ontario, Simcoe and Huron Rail-road Union Company," as he may under this section grant to Companies whose Rail-ways form part of the said Main Trunk Line of Rail-way; And provided also, that one of the conditions on which the benefit of this section shall be granted to any Company, shall be, that no By-law of such Company imposing Tolls, or affecting others than the Company, shall have force or effect until approved by the Governor in Council, and that no such By-law shall remain in force for more than three years from the passing thereof, so that such By-laws may be subject to periodical revisions by the said Governor in Council, and that the Company shall consent to such amendments (if any) of the Act incorporating it, as may be requisite to give full effect to this Proviso.

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Inconsistent enactments repealed.

XXIII. And be it enacted, That so much of the Act first above cited, or of any other Act or Law as may be inconsistent with the provisions of this Act, shall be and is hereby repealed.

Word "Rail-way" interpreted.

XXIV. And be it enacted, That the word "Rail-way" in this Act, shall include all Viaducts, Bridges, Station-Houses, Depots, and other works, Machinery, Engines, Vessels, Carriages and things of every kind, which may be necessary or convenient to the making or using of any Rail-way.

Accounting clause.

XXV. And be it enacted, That the due application of all moneys expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs or Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct; and that an account of all moneys so expended shall be laid before the Provincial Parliament within fifteen days after the opening of the Session thereof next after such expenditure.

C A P. L X X I V .

An Act to extend the provisions of an Act passed in the present Session, intituled, *An Act to make provision for the construction of a Main Trunk Line of Rail-way throughout the length of this Province.*

[30th August, 1851.]

Preamble.

WHEREAS the Great Western Rail-road Company are authorized by their Acts of Incorporation to make a Main Line of Rail-way throughout the whole distance between the Niagara River and the Detroit River, by the way of Burlington Bay; And whereas it is desirable that the provisions of the Act hereinafter mentioned should extend to the whole of the said Main Line of Rail-way, although not to any of its Branches, and that no doubt should exist as to the intention of the Legislature to that effect: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the expression, "The Great Western Rail-road," in the Act of the present Session, intituled, *An Act to make provision for the construction of a Main Trunk Line of Rail-way throughout the length of the Province*, shall mean and include the whole of the said Main Line of Rail-way which the said Great Western Rail-road Company are authorized to make from the Niagara River, by the way of Burlington

What shall be understood by "the Great Western Rail-road" in cap. 73 of this session.

Burlington Bay, to the Detroit River, any thing contained in the proviso to the sixteenth section of the said Act, or in any other part thereof, to the contrary notwithstanding, but shall not include any Branches which the said Company are or may be authorized to make, nor shall the guarantee in the said Act mentioned be extended to any such Branch.

C A P . L X X V .

An Act for raising, by way of Loan, a sum not exceeding Four Millions of Pounds Currency, for making a Main Trunk Line of Rail-way throughout the length of this Province.

[30th August, 1851.]

WHEREAS by a despatch from the Right Honorable Earl Grey, Her Majesty's Secretary of State for the Colonies, to the Right Honorable the Earl of Elgin and Kincardine, Governor General of British North America, and Governor of this Province of Canada, bearing date the fourteenth day of March, one thousand eight hundred and fifty-one, and the documents laid with the said despatch before both Houses of the Parliament of this Province by Message from His Excellency the Governor General, it appears that Her Majesty's Government in the United Kingdom is disposed, on certain conditions, to recommend to Parliament that the credit of the said United Kingdom should be employed to enable the Provinces of Canada, New Brunswick and Nova Scotia to raise upon advantageous terms the Funds necessary for the construction of a Line of Rail-way from Halifax in Nova Scotia to Quebec or Montreal in this Province; And whereas the Parliament of this Province hath during the present Session passed an Act for the construction of that portion of the said Rail-way from Halifax to Quebec, which ought to be made by this Province, provided the necessary Funds shall be raised under the authority and guarantee of the Parliament of the said United Kingdom, or advanced as a Loan to this Province under the said authority, and for continuing the said Rail-way, by and at the expense of this Province, from Quebec to the City of Hamilton, or some convenient point on the Great Western Rail-road, or so far as the said Rail-way can be made with Funds to be so raised or advanced as aforesaid, and it is the earnest wish and hope of the people of this Province that the great advantages which must accrue not only to Canada but to the other Provinces of British North America, and to the Empire at large, and more especially to all Her Majesty's subjects who may be desirous of becoming settlers in this Province, or either of the Provinces aforesaid, will induce Her Majesty's Government to recommend to Parliament that the sum required to make the whole length of the said Rail-way, may be raised with the benefit of the credit of the United Kingdom: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the sum necessary for defraying the expenses of making such part of the Rail-way from some point opposite the City of Quebec to the City of Halifax in Nova Scotia, as may, under the provisions of the Act passed in the present Session, and intituled, *An Act to make provision for the construction of a Main Trunk Line of Rail-way throughout the length of this Province*, and the arrangements made under the same, be to be made at the expense of this Province or any other expenses which under any such arrangement shall be to be borne by this Province,—and such further sum as may be necessary to defray the expense of making, under the provisions of the said Act, the whole or any part of the Rail-way therein mentioned from a point opposite the City of Quebec to the City of Hamilton, or some other convenient point on the line of the Great Western Rail-road,—may be raised and borrowed under the provisions of any Act to be passed by

Preamble,

Sum required to make the Quebec and Halifax Rail-way;

Or to continue the Main Trunk Rail-way.

May be raised with

by

the guarantee, &c. of the United Kingdom.

by the Parliament of the United Kingdom authorizing the advance of such sums to this Province, from the Treasury of the United Kingdom, or the granting of any guarantee under the authority of such Act for the re-payment of the sums so borrowed, or the due payment of the dividends and interest thereon, or providing in any other way for the employment of the credit of the said United Kingdom so as to ensure the raising of the said sum on advantageous terms; and being so raised, shall be applied to the purposes for which they are hereby authorized to be raised, and to no other: Provided always, that the sums to be raised under the authority of this Act shall not in the whole exceed the sum of Four Millions of Pounds Currency.

Proviso: Total amount limited.

Such sums charged on the Consolidated Revenue Fund.

II. And be it enacted, That the said sums may be raised and borrowed under and subject to the provisions of any such Act as aforesaid of the Parliament of the United Kingdom, by any person or persons appointed in that behalf by Her Majesty, Her Heirs or Successors, or by the Governor of this Province, by loan, debentures or otherwise, and the principal sum so raised, the dividends and interest thereupon, and a Sinking Fund for the payment of the said principal sums not exceeding two per centum per annum on the said principal sums, shall be and are hereby charged on the Consolidated Revenue Fund of this Province, (of which the profits coming to this Province from any part of the said Rail-way, made with funds raised under this Act, shall form part,) and shall be the first charge thereon after any previously existing debts of the Province, and the sums payable under any Act or Acts then in force granting a Civil List to Her Majesty, Her Heirs and Successors.

Sinking Fund.

Order of charge on the C. R. Fund.

Sums raised to be received by Receiver General, &c.

III. And be it enacted, That the principal sums so to be raised and borrowed shall be received from time to time as the same shall be raised, by the Receiver General, who shall, upon the Warrants of the Governor of this Province, pay out of the same such sums as may from time to time be required for defraying the expenses made payable out of the same by this Act and the said Act of this Session, and shall also, upon Warrants of the Governor, pay the dividends and interest upon the sums so raised and borrowed as the same shall become due, together with the sums accruing to the said Sinking Fund; and the said Sinking Fund shall consist of such sum per centum per annum on the principal sums so to be raised and borrowed, and shall be paid and managed in such manner for the redemption and payment of the said principal sums, as shall be agreed upon and negotiated when the said principal sums shall be raised and borrowed, or if there be no such agreement in that behalf, then in such manner as the Governor of this Province, by and with the advice and consent of the Executive Council thereof, shall from time to time direct and appoint; and it is hereby declared that the Parliament of this Province will confirm and carry out, by such legislative enactments (if any) as may be necessary to give full effect to the same, any arrangement or agreement, not inconsistent with the spirit of this Act and of the Act of this Session herein before referred to, which may be made or authorized by the Governor in Council, with regard to the raising and borrowing the sums aforesaid, under the provisions of any Act to be passed by the Parliament of the United Kingdom in that behalf, and for the purpose of complying with the requirements of such Act.

Of what the Sinking Fund shall consist.

Declaration as to agreements to be made under this Act by the Governor in Council.

Certain accounts to be kept in detail.

IV. And be it enacted, That the Receiver General shall, before each Session of the Provincial Parliament, transmit to the Governor, for the purpose of being laid before the two Houses of the Legislature, a correct and detailed statement and account of the sums raised under the authority of this Act, and of the debentures and other securities which shall have been issued, and of the dividends and interest paid thereon, and of the Sinking Fund, and of the redemption of the whole or any part of the principal sum by means of the said Sinking Fund, or otherwise, and of the expenses attending the negotiation, management, payment and redemption of the said loan.

Accounting clause.

V. And be it enacted, That the due application of the moneys to be raised under the authority of this Act, and of all sums to be expended under the said authority, shall be accounted for to Her Majesty, Her Heirs and Successors through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct; and an account in detail of all sums

sums expended under the authority of this Act shall be laid before both Houses of the Provincial Parliament, within fifteen days after the opening of the Session thereof next after such expenditure.

C A P. L X X V I.

An Act to continue an Act passed in the eighth year of the Reign of Her Majesty, intituled, *An Act for the better preservation of the Peace, and the prevention of Riots and Violent Outrages at and near Public Works, while in progress of construction*, and to extend the operation thereof to certain works undertaken by Incorporated Companies.

[30th August, 1851.]

WHEREAS it is expedient to continue for a limited time the Act hereinafter mentioned, and to extend the same to places where works undertaken by Incorporated Companies may be in progress of construction: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor in Council from time to time, and as occasion shall require, to declare by Proclamation the several places in this Province within the limits whereof any Rail-way, Canal, or other Work undertaken or carried on by any Incorporated Company, under the authority of any Act of the Legislature of this Province, shall be in progress of construction, or such places as shall be in the vicinity of any such Rail-way, Canal or Work, within which it shall be found necessary that the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the better preservation of the Peace, and the prevention of Riots and Violent Outrages at and near Public Works, while in progress of construction*, shall come into force and effect; and that the said Act shall, upon, from and after the day to be named for that purpose in any such Proclamation, take effect and come into force and operation within the places designated in and by such Proclamation; and it shall also be lawful for the Governor in Council, in like manner, from time to time to declare the said Act to be no longer in force in any of such places as aforesaid; but this shall not prevent the Governor in Council from again declaring the same to be in force in any such place or places; and upon and after the day to be fixed for that purpose in any such Proclamation, and until it shall be otherwise declared in the manner aforesaid, all the provisions and enactments of the said Act shall be in full force in, and shall apply to, the place or places designated for that purpose in such Proclamation.

II. And be it enacted, That the said Act, as hereby extended, shall be, and is hereby continued, and shall remain in force until the first day of January, in the year one thousand eight hundred and fifty-five, and thence, until the end of the then next Session of the Parliament of this Province, and no longer.

III. And be it enacted, That the expenses attending the employment of any Police Force under the said Act as hereby extended, for the preservation of the peace and the prevention of riots and violent outrages in any place or places in or in the vicinity whereof any Rail-way, Canal or Work, undertaken and carried on by any such Incorporated Company as aforesaid, shall be in progress of construction, shall be, in the first instance, paid by the Governor, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of this Province, and shall, on demand, be repaid to the Receiver General by such Incorporated Company, or, if not so repaid, may be recovered from such Company as a debt due to the Crown; and the same, when so repaid or recovered, shall form part of the said Consolidated Revenue Fund.

Preamble.

Act 8 Vict., c. 6, may be extended to places where works undertaken by incorporated Companies are in progress.

The said Act continued as hereby extended.

How the expenses of keeping the Peace on such works shall be paid.

CAP. LXXVII.

An Act to authorize the employment of Military Pensioners and others as a Local Police Force.

[30th August, 1851.]

Preamble.

WHEREAS it is expedient that there should be in different parts of this Province, an organized Police Force which may, when occasion requires, be called upon to assist in the preservation of the Peace: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any of the Military or Naval Pensioners who, under the Acts of the Parliament of the United Kingdom in force in that behalf, shall be enrolled as a local force for the preservation of the Peace in any part of this Province, and who shall volunteer to serve also as Members of a Local Police Force, or any other person volunteering to serve as aforesaid, and found duly qualified for such service, may be enrolled to be so employed when required, under such regulations, superintendence and control as the Governor in Council shall think proper: Provided the number of men so enrolled at any one time shall not exceed five hundred.

Local Police Force may be enrolled.

Proviso.

Members of Local Police Force to be constables, &c.

II. And be it enacted, That the Pensioners and others so enrolled as aforesaid, shall be and are hereby declared to be respectively Constables and Peace Officers for any locality in which they shall for the time being be employed, and shall have all the powers and authority, and perform all the duties of such office, except in so far as it may be herein otherwise provided, and may be sworn as such by any Magistrate for the place where they are respectively enrolled.

Allowance to Members of local Police Force when on duty, &c.

III. And be it enacted, That the said Pensioners or other persons, when actually employed as Constables and Members of such Police Force as aforesaid, shall be entitled to receive, out of Provincial or Local Funds, the same pay and advantages as are allowed to the said Pensioners by Her Majesty's Regulations in that behalf, when called out as Military Pensioners to act in aid of the Civil Power; but no such person enrolled under this Act shall be liable to be called upon to act as a Constable or Member of such Police Force for less than four days at any one time, except by his own consent; and no such Military or Naval Pensioners as aforesaid shall be liable to serve as a Member of the said Police Force at any time when his services shall be required in any other capacity by the Imperial or Military Authorities.

Members of Local Police Force exempted from certain offices, &c.

IV. And be it enacted, That the Pensioners and other persons enrolled as Members of such Police Force as aforesaid, shall, while so enrolled, be exempt from serving as Constables (except when acting as Members of the said Police Force,) or as Jurors, or in any Municipal Office, or in the Militia, and also from Statute Labour or any capitation tax in lieu thereof, and from arrest for debt for any sum under Thirty Pounds; and any such Pensioners, while so enrolled, shall be exempt from taxes on any property of which the occupation may be allowed them by the Imperial or Military Authorities, and of which the title shall remain in the Crown; but they shall have no right to vote at any election, whether Municipal or for a Member of the Provincial Parliament, upon any such property.

Superintendent may be a Justice of the Peace.

V. And be it enacted, That it shall be lawful for the Governor, if he shall deem it expedient, to appoint the Superintendent or Chief of the Police Force in any locality, to be a Justice of the Peace for such portion of this Province as the Governor shall think fit, and any such Superintendent, or Chief of the Police Force may act as such Justice of the Peace, although he may not have the qualification in property required in Justices of the Peace generally.

VI. And be it enacted, That a free grant of fifty acres of the public lands shall, on condition of actual settlement thereon in the manner and within the time usual in cases of free grants, be made to each such Pensioner or other person who shall have been enrolled in such Police Force during five years, and shall after such service receive a certificate of good conduct, and of his having faithfully performed his duty as a Member of such Police Force whenever called upon to act as such, from his Commanding Officer or the Superintendent or Chief of such Police Force under whom he shall have served, and countersigned by the Provincial Secretary; such grant to avail to the children or legal representatives of any such Pensioner or person who may die before receiving the Letters Patent therefor, on condition of their performing or completing the duties of actual settlement to which such Pensioner or person was bound: And anything in the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act for the disposal of Public Lands*, to the contrary notwithstanding.

Free Grants of Public Lands to Members of Local Police Force.

4 & 5 Vict. c. 100.

VII. And be it enacted, That the Officer in command of the enrolled Pensioners in Canada, shall be *ex officio* a Justice of the Peace for every part of this Province, and that the Staff Officers of Pensioners shall be respectively Justices of the Peace for the locality in which they may be appointed to command the said Pensioners, and in any adjoining locality; and that each of the said Officers, and such of the said Pensioners as shall volunteer as aforesaid, shall be held to be Officers and Soldiers of Her Majesty's Army on actual service, and entitled to all the privileges and exemptions to which such Officers and Soldiers, when on actual service or on full pay, are by law entitled: Provided always, that no such Officer as aforesaid shall have any power to act as a Justice of the Peace when called out or acting with any such Pensioners in aid of the Civil Power.

Officers in command of Pensioners to be Justices.

Proviso: they shall not act in certain cases.

VIII. And whereas, under the Imperial Acts aforesaid, the Governor of this Province is empowered to issue his Warrant to the Mayor or other Chief Magistrate of any Town or District wherein such Pensioners as aforesaid may be enrolled, authorizing him in certain cases where the public peace may be endangered to call out the whole or such part of the enrolled Pensioners aforesaid, as he may consider necessary, in aid of the Civil Power: Be it enacted, That the Mayor of every City or incorporated Town in Upper or Lower Canada, the Warden of every County or Union of Counties in Upper Canada, and such Justice of the Peace as the Governor may from time to time designate in every County in Lower Canada, shall be held to be the Chief Magistrate of such City, Town, County or Union of Counties for the purposes of the said Imperial Acts.

Who shall be deemed the "Chief Magistrate" in certain cases.

IX. And be it enacted, That this Act shall continue in force for five years from the passing thereof, and from thence to the end of the next ensuing Session of Parliament.

Duration of Act.

C A P. L X V I I I.

An Act to amend the Emigrant Act, by reducing the tax on Emigrants coming into this Province, and for other purposes.

[30th August, 1851.]

WHEREAS it is expedient to reduce the rate of duty imposed by the Act hereinafter mentioned, and otherwise to amend the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the rate or duty imposed by the second section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to make further*

Preamble.

Rate or duty imposed by 12 Vict. c. 6 reduced.

further

further provision respecting Emigrants, shall be and is hereby reduced, so that the same shall be Five Shillings Currency for every Adult Passenger or Emigrant, and Three Shillings and Nine Pence Currency for every other Passenger or Emigrant between the ages of five and fifteen, who shall have embarked from any port in the United Kingdom under the sanction of Her Majesty's Government, ascertained as in the said Act provided; and Seven Shillings and Six Pence Currency for every Passenger or Emigrant who shall have embarked without such sanction; to which duties so reduced, all the provisions and enactments of the said Act shall apply as fully as if such reduction had not been made.

To what purposes the moneys raised under the said Act may be applied.

II. And be it declared and enacted, That it was and is the intention of the said Act, that the moneys raised under the authority thereof should be applied, under the authority of the Governor of this Province, as well in defraying the expenses of forwarding destitute Emigrants to their place of destination, and in otherwise aiding, relieving and providing for them, as in defraying the expenses of medical attendance and examination of destitute Emigrants on their arrival; and that it shall be lawful for the Governor in Council to apply any surplus which may now, or shall hereafter at any time, remain out of the said moneys, after defraying the expenses aforesaid, in aid of any charitable institution affording relief to destitute Emigrants and their children.

Commencement of this Act.

III. And be it enacted, That the foregoing provisions of this Act shall have force and effect on the first day of November next, and not before.

C A P. L X X I X.

An Act to enable parties holding Patents for Inventions confined to one section of this Province, to obtain the extension of the same to the other section thereof, and for other purposes therein mentioned.

[30th August, 1851.]

Preamble.

WHEREAS it is expedient that parties holding Patents for the invention of any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on the same, issued under the Acts of Parliament of the respective Provinces of Upper or Lower Canada previous to the Union of the same, should be enabled to obtain the extension of the exclusive privileges granted by such Patents, to that section of the United Province not embraced within such Patents; and whereas by the eighteenth section of the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, chaptered twenty-four, and intituled, *An Act to consolidate and amend the Laws of Patents for Inventions in this Province*, it is provided that all Patents thereafter to be granted under the provisions of the said Acts or of that Act, should extend and be privileged throughout the said Province of Canada, but no effectual provision is made for the extension of privileges theretofore granted in either section of the Province to the other section thereof, as aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever any party holding a Patent for any such invention, issued under the authority of either of the Acts above mentioned, shall be desirous of obtaining the extension of the privileges thereby granted to the other section of this Province, it shall be lawful for the Governor of this Province, upon application made to him to that effect, and on the due proceedings being had, as directed by this Act, (except that no declaration of invention or discovery shall be required, but it shall be sufficient to allege that the applicant holds a Patent for the other section of the Province,) to issue Letters Patent

12 Vict. c. 24.

How a party holding a Patent for an invention extending only to one section of the Province, may obtain the extension thereof to the other section.

to such grantee, which shall be available in that section of the Province not embraced by the Patent already issued as aforesaid, which said Letters Patent so to be issued as aforesaid, shall be subject to all the provisos, conditions, reservations and restrictions mentioned and contained in the said Act of this Province, and shall, as regards such section of the Province, convey to the grantee all the privileges conferred by the said last mentioned Act, for and during the period of fourteen years, and shall, for such section of the Province as aforesaid, be renewable for the period and under the conditions prescribed in the eleventh section of the said last mentioned Act: Provided always, that nothing herein contained shall be construed to extend the period limited by Patents heretofore issued under either of the said Acts of the late Provinces of Upper or Lower Canada, within the sections to which the said Patents are thereby confined: Provided also, that every person or corporation in that section of the Province to which such Letters Patent shall extend solely by virtue of this Act, who has or shall have purchased, constructed or used, within such section of the Province as last aforesaid, any machine, manufacture or composition of matter, included in such Letters Patent, prior to the application therefor by the party entitled thereto, under this Act, shall be held to possess the right to use and to vend to others to be used, the specific machine, manufacture or composition of matter, so actually purchased, constructed or used by him, before such application as aforesaid, without liability to the Patentee or other person interested in the invention for which Letters Patent shall have been obtained as aforesaid, for such section of the Province.

Proviso.

Proviso as to persons using the invention before such extension

II. And whereas it is expedient to repeal the several Acts of Upper and Lower Canada respectively, relating to Letters Patent for Inventions, and to consolidate and re-enact as applicable to the whole Province, such of the provisions thereof as have been found useful, and as are not inconsistent with the Act cited in the preamble to this Act: Be it therefore enacted, That the Act of the Parliament of Lower Canada, passed in the sixth year of the Reign of King William the Fourth, and intituled, *An Act to repeal certain Acts therein mentioned, and to consolidate the provisions therein made for the encouragement of useful Arts in this Province*, and the Act of the Parliament of Upper Canada, passed in the seventh year of the Reign of King George the Third, and intituled, *An Act to encourage the progress of useful Arts within this Province*, shall be, and the said Acts are hereby repealed; but all Letters Patent lawfully issued under either of them, shall remain in force and be of the same effect, as if the Act under which it was issued had not been repealed, but subject to the provisions of this Act and to those of the Act cited in the preamble of this Act.

Act of L. C 6 Wil. 4, c. 34, and of U. C. 7 Geo. 4, chap. 5, repealed.

Proviso.

III. And be it enacted, That the Letters Patent to be hereafter granted under the Act cited in the preamble to this Act, shall recite briefly the substance of the Petition upon which they are granted, and shall contain a short description of the invention or discovery for which they are granted, referring for a fuller description thereof, and for more ample details, to the specification, and shall grant to the Petitioner, his assigns and legal representatives, for the period of fourteen years from the granting of the same, the full and exclusive right and liberty of making, constructing, using and vending to others to be used, the said invention or discovery, and such Letters Patent shall, before the same are represented to the Governor for his signature, and before the Great Seal of the Province is thereunto affixed, be examined by Her Majesty's Attorney General or Solicitor General for Upper or Lower Canada, who shall, if he shall find them conformable to Law, certify accordingly, and the same shall then be presented to the Governor for his signature, and the Great Seal of the Province shall be thereunto affixed after they have been signed by him, and the same shall be good and available to the Grantee, after they shall have been recorded in a Book to be kept for that purpose in the office of the Provincial Secretary and Registrar, and shall, when so recorded, be delivered by the proper Officer to the Patentee or his order.

What Letters Patent shall contain, &c.

To be examined by the Law Officers of the Crown.

IV. Provided always, and be it enacted, That any person who shall have discovered an improvement in any machine or composition of matter which shall have been patented, and shall have obtained a Patent for such improvement, shall not be at liberty

As to inventions being improvements on patented inventions.

Proviso.

to make, use or vend the original invention, but the improvement only; nor shall the first inventor be at liberty to use the improvement: And it is hereby enacted and declared, that simply changing the form or the proportion of any machine or composition in any degree, shall not be deemed a discovery.

Inventor to make a solemn declaration that he believes himself to be the inventor, and to file a specification, drawings, &c.

V. And be it enacted, That every Inventor, before he can receive a Patent, shall make a solemn declaration that he does verily believe that he is the true inventor or discoverer of the Art, Machine or Improvement for which he solicits a Patent, (which declaration may be made before any Justice of the Peace,) and shall deliver a written description or specification in duplicate of his Invention or Improvement, and of the manner or process of compounding the same, in such full, clear and exact terms as to distinguish the same from all other things before known, and to enable any person skilled in the art or science of which it is a branch, or with which it is most nearly connected, to make, compound and use the same; and in the case of any machine, he shall fully explain the principle and the several modes in which he has contemplated the application of that principle or character, by which it may be distinguished from other inventions; and he shall accompany the whole with drawings and written references made in duplicate, where the nature of the case admits of drawings, or with specimens of the ingredients, or of the composition of matter, sufficient in quantity for the purpose of experiment; which description or specification, signed by himself, and attested by two witnesses, shall be filed in the office of the Secretary of the Province, and certified copies thereof shall be competent evidence in all Courts where any matter or thing touching Patent Right, shall come in question; and such inventor shall moreover deliver a model of the Machine by him invented, provided the Provincial Secretary shall deem such model to be necessary.

A model may be required.

Patents to be assignable at law.

VI. And be it declared and enacted, That every Patent, whether issued before or after the passing of this Act, is and shall be assignable at law, and that the fifth section of the Act cited in the preamble to this Act, does and shall apply, as well to Patents issued before, as after the passing of this Act.

Remedy for infringement of Patent.

VII. And be it enacted, That if any person shall make or manufacture for sale, any article or composition so invented, or shall make or manufacture or make use of any instrument or machinery, so invented or specified, the exclusive right of which shall as aforesaid have been secured to any person by Patent, without the consent of the Patentee, his assigns or other lawful representatives, first obtained in writing, every person so infringing such Patent shall be liable to an action for the same, in which, besides such damages as shall be awarded by the Jury, the party injured shall also recover treble costs, to be taxed according to the course and practice of the Court in which the action shall have been brought.

Patent to be void for fraud or wilful misdescription in the specification.

VIII. Provided always, and be it enacted, That if at the trial in any such action, it shall be made apparent, to the satisfaction of the Court, (the defendant having specially pleaded the same) that the specification filed by the Patentee does not contain the whole truth relative to the invention or discovery to which it refers, or that it contains more than is necessary to produce the described effect, (such concealment or addition fully appearing to have been made for the purpose of deceiving the public) or that the thing thus secured by Patent, was not originally discovered by the Patentee or party claiming to be the Inventor or Discoverer in the specification referred to in the Patent, but had been in use, or had been described in some public work, anterior to the supposed discovery of the Patentee, or that he had surreptitiously obtained a Patent for the invention or discovery of another person, in either of the said cases, judgment shall be rendered for the defendant, with costs, and the Patent shall be declared void.

How interfering applications for a patent for the same invention shall be dealt with.

IX. And be it enacted, That in cases of interfering applications for any Patent, the same shall be submitted to the arbitration of three skilled persons, one of whom shall be chosen by each of the applicants, and the third person shall be chosen by the Secretary of the Province, or by his Deputy or person appointed to perform the duty of that office; and the decision or award of such Arbitrators, or any two of them, delivered to the Secretary in writing, and subscribed by them, or any two of them, shall be final,

as

as far as respects the granting of the Patent; and if either of the applicants shall refuse or fail to choose an Arbitrator, when required so to do by the Secretary of the Province, the Patent shall issue to the opposite party; and when there shall be more than two interfering applicants, and the parties applying shall not all unite in appointing three Arbitrators, it shall be in the power of the said Secretary of the Province or his Deputy, or person appointed to perform the duty of that office, to appoint the three Arbitrators for the purposes aforesaid.

X. And be it enacted, That every applicant as aforesaid, presenting a petition and signifying his desire to obtain a Patent pursuant to this Act, and the Act cited in the preamble to this Act, shall pay into the hands of the Secretary of the Province, or his Deputy, or person appointed to perform the duty of that office, the fee of Five Pounds Currency, which shall be in full of all fees due and payable by any such person petitioning for a Patent as aforesaid, with respect to such Patent, and for all services by what Public Officer soever performed, in relation thereto, whether by such Provincial Secretary, or any other: Provided always, that for every copy or exemplification which may be required at the office of the said Secretary, of the enrolment of any such Patent, or of the specification or other document relating thereto, the person obtaining such copy shall pay at the rate of One Shilling for every folio of seventy-two words, and a further sum of Ten Shillings for affixing the Great Seal to the exemplification of any such Patent; and for every copy of any drawing relating to such Patent, the party entitled to and obtaining the same, shall pay such sum as the Provincial Secretary, or his Deputy, or person performing his duty as aforesaid, shall consider a reasonable compensation for the time and labor expended thereon.

Fees to be paid on obtaining a Patent.

Proviso as to copies, exemplifications, drawings, &c.

XI. Provided always, and be it enacted, That the privileges, clauses, provisions, powers and legal remedies intended and mentioned by this Act, which are secured to, imposed upon, and apply to the inventor and discoverer of any new and useful art, machine, manufacture, or composition of matter, for which he or she shall make application for a Patent, shall be construed to extend to and to include, and are hereby declared to extend to and include any subject of Her Majesty, being an inhabitant of this Province, who shall in his or her travels in any foreign country have discovered or obtained a knowledge of, and be desirous of introducing in this Province, any new and useful art, machine, manufacture, or composition of matter, not known or not in use in this Province, before his or her application for the same: Provided nevertheless, that nothing herein contained shall extend to inventions or discoveries of any new and useful art, machine, manufacture, or composition of matter, made, discovered or used in the United States of America, or in any part of Her Majesty's Dominions, in Europe or America, or be construed to prevent the free importation thereof into this Province, for sale, by any person or persons, or for their use or otherwise, from the United States or Her Majesty's said Dominions.

Provisions of this Act extended to travellers bringing inventions from foreign countries.

Proviso. Certain Countries excepted.

XII. Provided always, and be it enacted, That such person so desirous of introducing into this Province any invention, art, machine, manufacture, or composition of matter, which he or she shall have discovered or obtained a knowledge of in any foreign country, shall, previous to obtaining a Patent for the same, in the manner prescribed in this Act as to inventors and discoverers, make a solemn declaration, that he or she believes himself or herself to be the first introducer or publisher of such invention, art, machine, manufacture, or composition of matter, in this Province, and that he discovered or obtained a knowledge thereof while on his travels in some foreign country, not being one of the United States of America, or any of Her Majesty's Dominions in Europe or America.

Proviso: such person to make a solemn declaration that he believes himself to be the first introducer.

XIII. And be it enacted, That all the provisions and enactments of the Act cited in the preamble to this Act, shall apply to Patents issued under this Act, as fully and effectually as to Patents issued under either of the Acts hereby repealed, and the said Act shall, with regard to Patents to be issued hereafter, be construed and have effect as if this Act were referred to in the said Act wherever reference is therein made to

Act cited in the Preamble to apply to Patents under this Act.

And this Act to Patents obtained under either of the said Acts.

Proviso.

the Acts hereby repealed or either of them ; and the provisions of this Act relative to matters subsequent to the issuing of any Letters Patent, shall apply to Letters Patent issued under either of the Acts hereby repealed, as fully as to Letters Patent issuing after the passing hereof: Provided always, that the words "or the principle thereof," in the first section of the Act cited in the Preamble, shall be and are hereby repealed.

C A P . L X X X .

An Act to provide for the Discharge of Sureties for Public Officers in certain cases.

[30th August, 1851.]

Preamble.

WHEREAS it is expedient to provide for the Discharge of Sureties for Public Officers, when no longer disposed to continue to incur responsibility as such: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That when any person shall have become Surety to the Crown for the due accounting for public moneys, or the proper performance of any public duty, it shall be lawful for such person, when no longer disposed to continue such responsibility, to give notice thereof to his Principal, and also to the Secretary of the Province, and that all accruing responsibility on the part of such person as such Surety, shall cease at the expiration of one month from the receipt of the last of such notices; and the Principal shall, within that period, give the security of another Surety, and register and deposit the Bond of such new Surety, or in default of so doing, shall forfeit and be deprived of the Appointment, Office, Employment or Commission in respect whereof such new security ought to have been given, in like manner, and under and subject to like provisions as are set forth and contained in the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, chaptered ninety-one, and intituled, *An Act to regulate the taking of Securities in all Offices in respect of which security ought to be given, and for avoiding the grant of all such Offices, in the event of such security not being given within the time limited after the grant of such Office.*

How sureties of Public Officers may relieve themselves from further responsibility.

New sureties to be found.

Act 4 & 5 Vict. c. 91

C A P . L X X X I .

An Act to repeal part of the Act therein mentioned, relative to the Printing and Distribution of the Provincial Statutes.

[30th August, 1851.]

Preamble.

WHEREAS it is deemed inexpedient that the Private and Local Acts of the Legislature should not be distributed in the same numbers, and to the same extent, as the Public General Acts: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing to the contrary in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the law relative to the Printing and Distribution of the Provincial Statutes*, all Local Acts, and Private and Personal Acts, shall be printed and distributed in the same numbers and to the same Functionaries as the Public General Acts; Provided always, that nothing herein contained shall be construed to exempt the parties obtaining

Notwithstanding any thing to the contrary in 12 Vict. c. 16, Local and Private Acts to be distributed in equal numbers.
Proviso.

Private

Private or Personal Acts from furnishing, at their own cost, to the Provincial Government, the one Hundred and Fifty copies required by the said Act.

II. And be it enacted, That each volume of the Provincial Statutes, distributed under the Act aforesaid, shall be half-bound in cloth, with backs of White Sheep, and lettered; and that with regard to the Statutes to be passed in any Session after the present, the present form of printing shall be abandoned, and they shall be printed in Royal Octavo Form, on fine paper, in Small Pica Type, thirty-two ems by fifty-five ems, including marginal notes in Brevier, such notes referring to the volume and page of previous Statutes, whenever the text amends, repeals or changes the enactments of former years.

Statutes to be bound.

New form to be used for those passed after the present Session.

C A P . L X X X I I .

An Act for the regulation of Pawnbrokers and Pawnbroking.

[30th August, 1851.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That every person exercising the trade of a Pawnbroker, within this Province, shall take out a license, under the hand of the Governor, to be issued by the Revenue Inspectors, and shall renew the same annually, on pain of forfeiting Fifty Pounds for every pledge taken without such license, to be recovered in any of Her Majesty's Courts in this Province.

License.

II. And be it enacted, That upon every license to be taken out yearly for using or exercising the trade or business of a Pawnbroker within this Province, there shall be paid the sum of Fifteen Pounds currency, into the hands of the Collector of Customs, nearest the residence of the said Pawnbroker, to be accounted for to the Receiver General, for the uses of this Province.

Duty on License.

III. And be it enacted, That no person shall keep more than one house or shop, or place for taking in goods to pawn, by virtue of one license, but persons in partnership carrying on trade as Pawnbrokers together, in one house, shop or place, need only take out one license for one house.

License to extend to no more than one house.

IV. And be it enacted, That all persons who shall receive or take by way of pawn, pledge or exchange of or from any person any goods for the repayment of money lent thereon, shall be deemed Pawnbrokers within the intent and meaning of this Act, and shall take out a license for the same accordingly.

Who shall be deemed Pawnbrokers.

V. And be it enacted, That every Pawnbroker shall cause his name and the word "Pawnbroker" to be painted or written in large legible characters over the door outside of the shop, or other place used by him for carrying on such business, on pain of forfeiting Ten Pounds for every shop or place made use of for one week without having the same so put up; to be recovered with costs, on confession, or by oath or affirmation of one witness, before any two Justices of the Peace, and if not forthwith paid, upon conviction, may be levied by distress and sale, by Warrant under the hands and seals of two Justices of this Province, one half to the informer, the other half to the Queen; and if there be not a sufficient distress, or payment be not forthwith made, the offender to be committed to the County or District Gaol, for not exceeding three calendar months nor less than fourteen days, unless such penalty and reasonable charges shall be sooner paid.

Name of Pawnbroker to be placed outside of his shop or place of business.

VI. And be it enacted, That every Pawnbroker may demand and take the following rates over and above the principal sum advanced, before he shall be obliged to redeliver the goods pawned, that is to say, for every pledge upon which there shall have

Rate of profit to be taken.

have been lent not exceeding Two Shillings and Six Pence current money of this Province, one Half-penny for any time not exceeding one calendar month, and the same for every calendar month afterwards, including the current month in which such pledge shall be redeemed, although such month shall not be expired :

If Five Shillings currency shall have been lent thereon, One penny ;

If Seven Shillings and Six Pence, One Penny Half-penny ;

If Ten Shillings, Two Pence ;

If Twelve Shillings and Six Pence, Two Pence Half-penny ;

If Fifteen Shillings, Three Pence ;

If Seventeen Shillings and Six Pence, Three Pence Half-penny ;

If One Pound, Four Pence ;

And so on progressively and in proportion for every Pound up to Five Pounds, and if exceeding Five Pounds, after the rate of Three Pence for every Twenty Shillings by the calendar month, and so on in proportion for any fractional sum, which said several sums shall be in lieu of, and taken as, a full satisfaction for all interest due and charges for warehouse room.

When any intermediate sum is lent.

VII. And be it enacted, That where any intermediate sum lent upon pawn shall exceed Two Shillings and Six Pence, and not exceed Five Pounds, the Pawnbroker lending the same may take a profit as aforesaid, at the rate of Four Pence, and no more, for the loan of Twenty Shillings by the calendar month, including the current month as aforesaid.

Profits for part of a month.

VIII. And be it enacted, That the party entitled to, and applying for, the redemption of goods pawned within fourteen days after the end of the first calendar month after the same shall have been pledged, may redeem such goods upon paying the rate or profit payable for one calendar month and a half, but if after the expiration of the first fourteen days, and before the end of the said second calendar month, the Pawnbroker may take a rate or profit of the whole second calendar month, and the like regulation and restriction shall take place in every subsequent calendar month wherein application shall be made for redeeming goods pawned.

In case of fractional sums.

IX. And be it enacted, That in all cases where the lowest fraction of the sum to be received by any Pawnbroker from persons offering to redeem goods shall be less than one Half-penny, such Pawnbroker shall be permitted to receive the Half-penny for the said fraction from the person redeeming the goods.

Table of the rates to be put up.

X. And be it enacted, That every Pawnbroker shall cause to be painted or printed in large legible characters the rate of profit allowed by this Act to be taken, and also the various prices of the notes or memorandums to be given according to the rates hereinafter mentioned, and an account of such as are to be given gratis, and of the expense of obtaining a second note or memorandum where the former one has been lost, mislaid, destroyed or fraudulently obtained, and place the same in a conspicuous part of the shop or place where such business is carried on, so as to be visible to and legible by persons pledging goods.

An account of goods pawned to be entered in a Book.

XI. And be it enacted, That every Pawnbroker who shall take any goods by way of pawn or lend any money thereon, whereon shall be lent above Five Shillings, shall, before he advance or lend any money thereon, enter in a fair and regular manner in a Book to be kept by him for that purpose, a description of such goods so received in pawn, pledge or exchange, and the sum lent thereon, with the day and year, and name of the person by whom they were pawned, and the name of the street and number of the house, if numbered, where such person shall abide, and whether he or she be a lodger in or keeper of such house, by using the letter L if a lodger, and the letter H if a housekeeper, and also the name and place of abode of the owner, according to the information of the person so pawning the same, into all which circumstances he is required to enquire of the party before any money shall be advanced, and if the sum lent shall not exceed Five Shillings, such entry shall be made within four hours after the said goods shall have been pawned, and every pledge upon which shall be lent above Ten Shillings, shall be entered in a Book to be kept for that purpose, and be kept separate from all other pledges, and every such entry shall be numbered in such

Book

Book

Book progressively as such goods are pawned in the following manner, viz: the first pledge that is received in pawn No. 1, the second No. 2, and so on progressively until the end of the month, and so on in every succeeding month throughout the year, and upon every note respecting such pledge shall be written the number of entry of such pledge so entered in such Book aforesaid; and at the time of taking every pawn, a note or memorandum written or printed shall be given to the person pawning, pledging or exchanging the same, containing a description of such goods received in pawn, pledge or exchange, and also the money advanced thereon, with the day of the month and year, and names and places of abode, and numbers of the houses of the parties, and whether lodgers or housekeepers, by using the letters aforesaid, and upon such note or memorandum, or on the back thereof, shall be written or printed the name and place of abode of such Pawnbroker, which note or memorandum the party pawning such goods is required to take, and unless he shall take the same, such Pawnbroker shall not receive and retain such pledge, and such note, when the sum lent is under Five Shillings, shall be given gratis.

Note or Duplicate to be given.

Allowance for such duplicate.

If the sum lent is Five Shillings and under Ten Shillings, such Pawnbroker may take One Half Penny;

If the sum lent is Ten Shillings and under Twenty Shillings, such Pawnbroker may take One Penny;

If the sum lent is Twenty Shillings and under Five Pounds, such Pawnbroker may take Two Pence;

If the sum lent is Five Pounds and upwards, such Pawnbroker may take Four Pence;

Which note shall be produced to the Pawnbroker before he shall be obliged to re-deliver such goods, except as hereafter is excepted, and a duplicate of the said note or memorandum shall be affixed to the goods pledged, and in all cases where goods pawned shall be redeemed, the Pawnbroker shall write or indorse, or cause so to be done, on every duplicate, the profit taken by him for such pledge, and shall keep such duplicate in his custody for one year next following.

Profits taken to be endorsed on duplicates.

XII. And be it enacted, That if any person shall knowingly and designedly pawn, pledge or exchange, or unlawfully dispose of the goods of any other person, not being employed or authorized by the owner so to do, any Justice of the Peace resident at the place nearest to the place where the offence is committed, may grant his Warrant to apprehend such offender; and if he shall be thereof convicted by the oath of one witness, or confession, before any Justice of this Province, he or she shall forfeit not more than Five Pounds, nor less than Twenty Shillings current money of this Province, and also the value of the goods so pawned, and if not forthwith paid, the Justice convicting shall commit him to the common Gaol of the District or County where the offence was committed, there to remain and be kept to hard labor for not more than three calendar months, unless the forfeiture shall be sooner paid; the said forfeitures when recovered to be applied towards making satisfaction thereout to the party injured, and defraying the costs of the prosecution, as shall be adjudged reasonable by the Justice who shall have convicted.

Pawning goods the property of others.

Penalty.

XIII. And be it enacted, That if any person shall counterfeit, forge, or alter any such note or memorandum given by the Pawnbroker for goods pledged, or cause or procure the same to be done, or shall utter, vend, or sell such note or memorandum, knowing the same to be counterfeited, forged or altered, with intent to defraud any person, such offender shall be punished as hereafter mentioned; and any person to whom any note or memorandum aforesaid shall be uttered, shown or offered, which he shall have reason to suspect to have been counterfeited, may seize the person so offering the same, and deliver him to a Bailiff or Constable, who shall convey him before some Justice of the place where such offence shall have been committed, or nearest thereto, and if upon examination it shall appear to the satisfaction of such Justice that such person is guilty, he shall commit such person to the Common Gaol of such District or County for any time not exceeding three calendar months.

Punishment for forging or counterfeiting duplicates.

XIV.

Persons offering goods in pawn not giving a good account of themselves.

XIV. And be it enacted, That if any person shall offer, by way of pawn, pledge or exchange or sale, any goods, and such person shall not be able or shall refuse to give a satisfactory account of himself or herself, or of the means whereby he or she became possessed thereof, or shall wilfully give any false information to the Pawnbroker or his servant as to whether such goods are his own property or not, or of his name and place of abode of the owner of such goods, or if there shall be any other reason to suspect that such goods are stolen or otherwise illegally or clandestinely obtained, or if any person not entitled, nor having any color of title by law to redeem such goods, shall attempt to redeem the same, it shall be lawful for any person to whom the same shall be offered, to seize and detain such person and the said goods, and to deliver the said person immediately into the custody of a Peace Officer or Constable, who shall, as soon as may be, convey such person and the said goods before a Justice of the District or County, and if such Justice shall, upon examination and enquiry, have cause to suspect that the said goods were stolen or illegally or clandestinely obtained, or that the person offering to redeem the same hath not any pretence or color of right so to do, he shall commit such person into safe custody for such reasonable time as shall be necessary for obtaining proper information in order to be further examined, and if upon either examination it shall appear to the satisfaction of such Justice that the said goods were stolen or illegally or clandestinely obtained, or that the person offering to redeem the same hath not any pretence or color of right so to do, he shall commit such offender to the Common Gaol of the District or County where the offence was committed, for any time not exceeding three calendar months, except the offence shall authorize such commitment by any other law.

Receiving goods in pawn in a state of manufacture or linen, &c. put out to wash, &c.

XV. And be it enacted, That if any person shall knowingly buy or take in pawn, or exchange, from any journeyman mechanic, any goods of any manufacture or of any part or branch of any manufacture, either mixed or separate, or any materials plainly intended for manufacturing any goods after such goods or materials are put into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials are finished for the purpose of wear or consumption, or any goods, materials, linen or apparel which are entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up, and shall be convicted thereof upon confession, or on the oath of one witness, before one Justice of the District or County where the offence was committed, he shall forfeit the sum lent thereon, and forthwith restore the said goods or materials to the lawful owner.

Owners of goods unlawfully pawned may obtain a warrant to search for the same.

XVI. And be it enacted, That if the owner of any goods, of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or any materials plainly intended for manufacturing any goods after such goods or materials are put into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials are finished for the purpose of wear or consumption, or of any linen or apparel which shall be so entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up as aforesaid, or any other goods whatsoever, which shall be unlawfully pawned or exchanged, shall make out either on his oath or the oath of one witness or solemn affirmation, before the Justice aforesaid where such offence is committed, that there is just cause to believe or to suspect that any person hath taken to pawn or exchange any such goods without his knowledge, and shall make appear probable grounds for such suspicion, such Justice may issue his Warrant for searching within the hours of business, the books, house, warehouse or any other place of such person who shall be charged on oath as suspected of having received the same without the privity of the owner, and if the occupier of any such place, shall, upon request being made to him by any Peace Officer authorized to search, refuse to exhibit his pledge books, or to open such place as required, to permit such search to be made, such Peace Officer may break open any such house, warehouse or other place on the said premises within the hours of business, and search as he shall think fit for the goods suspected to be there, taking care to do no wilful damage, and no person shall oppose the same; and if after such refusal by the occupier of the house

If search is refused.

or

or premises to permit the search being made by proper authority, and upon forced search, any such goods aforesaid so pawned or exchanged shall be found, and the property of the owner shall be made out to the satisfaction of such Justice, by the oath or solemn affirmation of one witness, or by the confession of the person charged, such Justice shall cause the goods so found to be forthwith restored to the owner, and the occupier shall be fined not less than Two Pounds nor more than Five, to be recovered as other fines before mentioned.

XVII. And be it enacted, That if any goods shall be pawned or pledged for securing any money lent thereon, and if within one year after the pawning thereof, the pawner, or other person on his behalf, shall tender to the person who lent on security of the said goods the note or memorandum directed to be given by this Act as aforesaid, together with the principal money borrowed thereon, and profit according to the rates by this Act established, and if the person who took the goods in pawn shall thereupon, without reasonable cause, neglect or refuse to deliver back the goods so pawned, in such case oath thereof may be made by the pawner, his tutor, curator, executors and administrators or assigns, before a Justice of the District or County where the offence was committed, who shall cause such person to come before him, and shall examine on oath the parties themselves, and such other credible persons as shall appear before him touching the premises, and if tender of the note or memorandum, together with the principal sum lent, and all profit thereon, shall be proved on oath, to have been made within the space of twelve months, then on payment by the borrower, his executors, or legal representatives, of such principal money and the profit due thereon as aforesaid, to the lender, and in case the lender shall refuse to accept thereof on tender before the said Justice, he shall thereupon, by order under his hand, direct the goods so pawned forthwith to be delivered to the pawner, his executors or legal representatives, and if the lender shall neglect or refuse to deliver up or make satisfaction for such goods as aforesaid, as such Justice shall order, then the said Justice shall commit the party refusing to the common Gaol of the District or County where such offence was committed, until he shall deliver up the said goods according to the order of such Justice, or make satisfaction for the value thereof to the party entitled to the redemption.

XVIII. And to prevent inconveniences to Pawnbrokers from several different persons claiming a property in the same goods, it is hereby enacted, That the person who shall produce such note or memorandum as aforesaid, and require a delivery of the goods mentioned therein, shall be deemed, so far as concerns the person who has the goods in pledge, the owner, and such Pawnbroker, after receiving satisfaction respecting principal and profit as aforesaid, shall deliver such goods to the person producing such note or memorandum; and he shall be indemnified; unless he shall have had previous notice from the real owner not to deliver such goods to the person producing such note or memorandum; which said notice shall be in writing.

XIX. And be it enacted, That in case any Pawnbroker shall have had such previous notice as aforesaid, or in case any such note or memorandum shall be lost, mislaid, destroyed, or fraudulently obtained from the owner, and the goods mentioned therein shall remain unredeemed, the Pawnbroker with whom such goods were pledged, shall, at the request of any person who shall represent himself as the owner thereof, deliver to such person a copy of the note or memorandum, with the form of an affidavit of the particular circumstances attending the case written thereon, as the same shall be stated to him by the party applying, for which copy and affidavit, in case the money lent shall not exceed Five Shillings, the Pawnbroker shall receive One Penny, and if above Five Shillings, and not exceeding Twenty Shillings, the Pawnbroker shall receive Two Pence, and if above Twenty Shillings, the Pawnbroker shall receive Three Pence, and the person having received such copy and form of affidavit shall thereupon prove his property in or right to such goods to the satisfaction of some Justice of this Province, and also verify on oath before such Justice the truth of the particular circumstances attending the case mentioned in such affidavit, and such oath shall be authenticated by the hand-writing of such Justice, whereupon the Pawnbroker shall suffer the person

proving

Goods to be delivered back on production of duplicate and payment of principal and interest within one year.

Provision if delivery be refused.

Persons producing the duplicates to be deemed the owners.

Where duplicates &c. are lost, a copy to be delivered.

Allowance to the Pawnbroker for his trouble.

proving such property to redeem such goods on leaving such copy of the said note or memorandum, and the said affidavit, with such Pawnbroker.

Pawned goods may be sold at the end of one year.

XX. And be it enacted, That all pawned goods shall be deemed forfeited, and may be sold at the expiration of one year from the time of pawning the same, exclusive of the day on which pawned, and where the sum lent thereon shall exceed Ten Shillings, shall be sold by public auction, but not otherwise, by the Pawnbroker, and the said goods shall be exposed to public view, and a catalogue thereof published, containing the name and place of abode of the Pawnbroker, and the month the goods were received in pawn, and the number of the pledge; and an advertisement giving notice of such sale, and containing the name and abode of the Pawnbroker, and the month the goods were received in pawn, shall be inserted on two several days in some public newspaper, two days at least before the day of sale, and the goods pledged shall be inserted in the catalogue separately, on pain of forfeiting to the owner of such pledge not exceeding Ten Pounds nor less than Forty Shillings, to be recovered as other fines before mentioned.

Being first advertised.

An account of goods sold by auction to be entered in a book.

XXI. And be it enacted, That every Pawnbroker shall enter into a Book, to be kept for that purpose, a just account of the sale of such goods by auction, expressing the day of the month when pledged, the name of the person pledging, and the day when, and the money for which each pledge was sold, together with the name and abode of the auctioneer, and if such goods are sold for more than is due thereon, the overplus shall be paid on demand to the person by whom, or on whose account such goods were pawned, his executors or assigns, provided such demand be made within three years after such sale, the necessary costs and charges of such sale and catalogues being first deducted; and the person who pawned such goods, his executors or assigns, or for whom they were so pawned, shall, for his satisfaction, be permitted to inspect the entry made of such sale, paying for such inspection Three Pence, and no more; and if the Pawnbroker shall refuse the person who pawned such goods to inspect such entry, or if an executor, administrator or assignee, at such time, producing his letters testamentary, letters of administration or assignment, or if the goods were sold for more than the sum entered in such Book, or if the Pawnbroker had not made such entry, or shall not have *bonâ fide* according to this Act, sold the goods, or shall refuse to pay the overplus on demand as aforesaid, he shall forfeit Ten Pounds, and treble the sum such goods were originally pawned for, to the person by whom, or on whose account, they were pawned, to be recovered as other fines before stated, and if not forthwith paid, to be levied by distress by Warrant of the Justices before whom the same shall be recovered.

Pawner may inspect such books, and demand surplus.

Pawnbroker not to purchase goods whilst they are under pawn.

XXII. And be it enacted, That no Pawnbroker having goods in pledge shall, either by himself or other person for him, purchase any such goods during the time they shall remain in his custody, as such pledge (except at public auction,) nor shall purchase, receive or take any goods in pledge, from any person who shall appear to be under the age of fifteen years old, or to be intoxicated with liquor; or purchase or take in pawn, pledge or exchange, the note or memorandum aforesaid of any other Pawnbroker; nor employ any servant or other person under sixteen years of age to take in any pledge; nor receive any goods by way of pawn, pledge or exchange, before eight o'clock in the morning, nor after eight o'clock in the evening, except on Saturday evenings, and the evenings preceding Good Friday and Christmas day, when they may remain open until ten o'clock in the evening; nor on any Fast or Thanksgiving day appointed by authority, on which days and on Sundays no person shall carry on the trade of a Pawnbroker.

Hours and days for taking in pawns limited; not to be received from children, &c.; and the age of the person employed.

Selling goods before the time limited, or allowing the same to be damaged.

XXIII. And be it enacted, That if it shall appear, or be proved on oath before a Justice of this Province, that the goods pawned as aforesaid have been sold before the time limited, or been embezzled or lost, or are become of less value than when pawned, through the neglect or wilful misbehaviour of the Pawnbroker or his servants, to whom they were pawned, such Justice shall award a reasonable satisfaction to the owner in respect of such damage; and in case the sum so awarded shall not amount to the principal and profit due to such Pawnbroker, his executors or legal representatives,

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it shall be sufficient for the pawner, his executors, or assigns, to pay or tender the balance; and upon so doing, such Justice shall proceed as if the pawner, his executors or assigns had paid or tendered the whole money due for principal and profit as aforesaid; and if such satisfaction to be allowed shall be equal to or exceed the principal and profit as aforesaid, then such Pawnbroker, his executors and assigns, shall deliver the goods so pledged to the owner without being paid any thing for the principal or profit, and shall also pay such excess, if any, on penalty of Ten Pounds, to be recovered as penalties hereinbefore mentioned.

Penalty.

XXIV. And be it enacted, That where such Justice shall think the production of any pawn book, note, voucher, memorandum, duplicate or other paper necessary, which shall or ought to be in the hands, custody or power of any Pawnbroker, he shall summon him to attend with the same, which the said Pawnbroker is required to produce in the state the same was made at the time the pawn was received, without any alteration, erasement, or obliteration whatsoever; and in case the Pawnbroker shall neglect or refuse to attend or produce the same in its true and perfect state, he shall, unless he shew good cause to the satisfaction of such Justice, forfeit not exceeding Ten Pounds, nor less than Five Pounds, to be levied and recovered as fines hereinbefore mentioned.

Pawnbrokers to produce their books, &c.

XXV. And be it enacted, That no Pawnbroker shall be liable to any prosecution before any Justice under this Act, unless information be given within twelve calendar months next after the offence was committed; and such prosecution shall be before some neighbouring Justice, where the offence shall have been committed; and no person who has been convicted of any fraud, or of any felony, shall prosecute or inform against any person for any offence against this Act.

Prosecutions to be commenced within twelve months.

XXVI. And be it enacted, That all the provisions of this Act shall extend to and include the executors, administrators and assigns of every deceased Pawnbroker, as if he were living, except that no such executor, administrator or assign shall be answerable for any penalty personally or out of his own estate, unless forfeited by his own act.

Act to extend to Executors, &c.

XXVII. And be it enacted, That no fee shall be taken for any Summons or Warrant granted by any Justice or Justices in pursuance of this Act so far as the same relates to goods pawned, pledged or taken in exchange.

No fees to be taken by Justices.

XXVIII. And be it enacted, That if any person convicted of any offence punishable by this Act shall think himself aggrieved by the judgment of the Justices before whom he shall have been convicted, he may appeal to the next General Quarter Sessions of the Peace for the District or County where such offence was committed, and the execution of the judgment shall in such case be suspended, the person convicted entering into recognizance, at the time of the conviction, with two sureties in double the sum he shall have been adjudged to pay, upon condition to prosecute such appeal with effect, and to be forthcoming to abide the judgment and determination of and pay such costs as shall be awarded at the said sessions; and the Justices are hereby empowered to hear and finally determine the matter of appeal, and to award such costs as shall appear just and reasonable to be paid by either party; and if the judgment shall be affirmed, the appellant shall immediately pay the sum adjudged to be forfeited, together with such costs as the Court shall award, or in default thereof shall suffer the pains and penalties by this Act inflicted upon persons respectively, who shall neglect to pay or shall not pay the forfeitures hereby imposed.

Appeal given.

Security.

Costs.

WARRANT UNDER GREAT SEAL

CAP. LXXIII.

An Act to authorize the confinement of Lunatics in cases where there being at large may be dangerous to the public.

[30th August, 1851.]

Preamble.

WHEREAS it is expedient that provision should be made for the confinement and maintenance of Lunatics and other persons of unsound mind, charged with or convicted of offences; or whom, from the character of their malady, it may be dangerous to permit to go abroad: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in all cases where it shall be given in evidence upon the trial of any person charged with any offence, whether the same be treason, felony or misdemeanor, that such person was insane at the time of the commission of such offence, and such person shall be acquitted, the Jury shall be required to find specially whether such person was insane at the time of the commission of such offence, and to declare whether such person was acquitted by them on account of such insanity; and if they shall find that such person was insane at the time of committing such offence, the Court before whom such trial shall be had, shall order such person to be kept in strict custody in such places and in such manner as to the Court shall seem fit, until Her Majesty's pleasure shall be known; and it shall thereupon be lawful for the Governor of this Province to give such order for his safe custody of such person during Her Majesty's pleasure, in such place and in such manner as to such Governor shall seem fit; and in all cases where any person before the passing of this Act has been acquitted of any such offence on the ground of insanity at the time of the commission thereof, and has been detained in custody as a dangerous person by order of the Court before whom such person has been tried, and still remains in custody, it shall be lawful for the Governor of this Province to give the like order for the safe custody of such person during the pleasure of Her Majesty as such Governor is hereby enabled to give in the cases of persons who shall hereafter be acquitted on the ground of insanity.

Jury acquitting prisoner on ground of insanity to state so in their verdict.

Court in that case to order such insane person to be kept in custody until Her Majesty's pleasure shall be known;

And Governor may give an Order for the safe custody of such insane person.

Similar provisions with respect to persons indicted for any offence, and found to be insane by a Jury, to be impannelled for the purpose of their arraignment.

II. And be it enacted, That if any person indicted for any offence shall be insane, and shall upon arraignment be found so to be by a jury lawfully empannelled for that purpose, so that such person cannot be tried upon such indictment, or if, upon the trial of any person so indicted, such person shall appear to the jury charged with such indictment to be insane, it shall be lawful for the Court before whom any such person shall be brought to be arraigned or tried as aforesaid, to direct such finding to be recorded, and thereupon to order such person to be kept in strict custody until Her Majesty's pleasure shall be known; and if any person charged with any offence shall be brought before any Court to be discharged for want of prosecution, and such person shall appear to be insane, it shall be lawful for such Court to order a jury to be empannelled to try the sanity of such person; and if the jury so empannelled shall find such person to be insane, it shall be lawful for such Court to order such person to be kept in strict custody in such place and in such manner as to such Court shall seem fit, until Her Majesty's pleasure shall be known; and in all cases of insanity so found, it shall be lawful for the Governor of this Province to give such order for the safe custody of such person so found to be insane, during Her Majesty's pleasure, in such place and in such manner as to him shall seem fit.

Persons committed by Justice of Peace on account of being insane and dangerous, shall not be bailed except by two Justices, the Quarter Sessions,

III. And for the better prevention of crimes being committed by "persons insane," Be it enacted, That if any person shall be discovered and apprehended under circumstances that denote a derangement of mind, and a purpose of committing some crime, for which, if committed, such person would be liable to be indicted, and any of Her Majesty's Justices of the Peace before whom such person may be brought, shall think fit to issue a Warrant for

for

for committing him or her as a dangerous person suspected to be insane, such cause of commitment being plainly expressed in the Warrant, the person so committed shall not be bailed except by two Justices of the Peace, one whereof shall be the Justice who has issued such Warrant, or by the Court of General Quarter Sessions, or in Lower Canada by one of the Judges of Her Majesty's Court of Queen's Bench, or one of the Judges of Her Majesty's Superior Court for that Section of the Province, or in Upper Canada by one of the Judges of Her Majesty's Superior Courts of Law or Equity at Toronto.

or a Judge of a Superior Court of Law or Equity.

IV. And be it enacted, That if any person, while imprisoned in any prison, or other place of confinement, under any sentence of death, transportation, or imprisonment, or under a charge of any offence, or for not finding bail for good behaviour or to keep the peace, or to answer a criminal charge, or in consequence of any summary conviction or order by any Justice or Justices of the Peace, or under any other than Civil Process, shall appear to be insane, it shall be lawful for any two Justices of the Peace of the District, County, City, Town or place where such person is imprisoned, of whom the Chairman of the Quarter Sessions for the County, if in Upper Canada, or a Circuit Judge if in Lower Canada, shall be one, to inquire, with the aid of two Physicians or Surgeons, as to the insanity of such person; and if it shall be duly certified by such Justice and such Physicians or Surgeons that such person is insane, it shall be lawful for the Governor of this Province, upon receipt of such Certificate through the Provincial Secretary, to direct by Warrant under his Hand and Privy Seal, that such person shall be removed to such public Lunatic Asylum, or other proper receptacle for insane persons, as he may judge proper and appoint on that behalf; and every person so removed under this Act, or already removed, or in custody, by authority of the Governor of this Province, shall remain under confinement in such Asylum or other proper receptacle as aforesaid, or in any other public Lunatic Asylum, or other proper receptacle to which such person may be removed, or in which he or she may be in custody by virtue of any like order, until it shall be duly certified to the Governor of this Province through the Provincial Secretary, by two Physicians or Surgeons, that such person has become of sound mind, whereupon the Governor of this Province is hereby authorized, if such person shall still remain subject to be continued in custody, to issue his Warrant under his Privy Seal to the Keeper or other person having the care of any such public Asylum or receptacle as aforesaid, directing that such person shall be removed back from thence to the Prison or other place of confinement from whence he or she shall have been taken, or if the period of imprisonment or custody of such person shall have expired, that he or she shall be discharged.

Two Justices, with medical aid, may inquire into case of prisoner becoming insane.

On their certificate of his insanity, the Governor may order his removal to a Lunatic Asylum;

There to remain until duly certified to be sane;

And then to be removed back to prison, or discharged.

V. And whereas there are sometimes persons who, by lunacy or otherwise, are furiously mad, or so disordered in their senses as to endanger their own persons or property, or the persons or property of others, if permitted to go at large; Be it therefore enacted, That it shall and may be lawful for any two or more Justices of the Peace, residing in the City, Town, Village, Township, Parish or place where such lunatic or mad person shall be found, of whom the Chairman of the Quarter Sessions for the County if in Upper Canada, or a Circuit Judge if in Lower Canada, shall be one, by Warrant under their Hands and Seals, directed to the Constables of any such City, Town, Village, Township, Parish or place, or some of them, to cause such person to be apprehended and kept safely locked up in some secure place within the District or County where such City, Town, Village, Township, Parish or place shall lie, as such Justices shall under their Hands and Seals direct and appoint; if the last legal settlement of such person shall be in any Parish, Town or place within such District or County, and if such settlement shall not be there, then such person shall be sent to the place of his or her last legal settlement, and shall be locked up by Warrant of two Justices of the District or County to which such person is so sent, of whom the Chairman of the Quarter Sessions for such last mentioned County if in Upper Canada, or a Circuit Judge if in Lower Canada, shall be one, in manner aforesaid; and the reasonable charges

Dangerous lunatics to be confined by warrant of Justices;

And if necessary, sent to place of settlement.

Goods and Lands of such Lunatics, if

any, to be seized and sold to pay charges of removal and maintenance.

Otherwise at the charge of the Municipality of his place of settlement.

Proviso.

When insane persons are kept in custody under first and second sections, Justices to inquire of their settlement and make order for their maintenance.

Proviso.

charges of removing, and of keeping, maintaining and curing of such person during such restraint, (which shall be for and during such time only as such lunacy or madness shall continue) shall be satisfied and paid (such charges being proved upon oath), by order of two or more Justices of the Peace, directing the Treasurer of the Municipal Corporation of the City, Town, Village, Township, Parish or place where any goods, chattels, lands or tenements of such person shall be, to seize and sell so much of the goods and chattels, or receive so much of the annual rents of the lands and tenements as is necessary to pay the same, and to account for what is so seized, sold or received, to the next Quarter Sessions; but if such person hath not an estate to pay and satisfy the same, over and above what shall be sufficient to maintain his or her family, then such charges shall be satisfied and paid by the City, Town, Village, Township, Parish or place to which such person belongs, by order of two Justices, directed to the Treasurer of the Municipal Corporation thereof for that purpose.

VI. Provided always, and be it enacted, That the next preceding section of this Act, or any thing therein contained, shall not extend or be construed to extend to restrain or abridge the prerogative of the Queen, or the power or authority of the Court of Chancery in Upper Canada, or the Superior and Circuit Courts in Lower Canada, or of any Master or Judge thereof, or of any Committee or Curator appointed by or under the authority of the same, touching or concerning such last mentioned lunatics, or to restrain or prevent any such Committee or Curator, or any friend or relation of such last mentioned lunatics, from taking them under their own care and protection; any thing in the said section of this Act contained to the contrary notwithstanding.

VII. And whereas it is expedient that provision should be made for the due maintenance and care of persons directed to be kept in custody under the first and second sections of this Act, while they shall be so kept in custody, Be it enacted, That in all cases where any person shall, by virtue of the said first and second sections of this Act, be kept in such custody as a lunatic or insane person by order of any Court, or by order of the Governor of this Province subsequent thereto, it shall and may be lawful for any two Justices of the Peace of the District or County where such person shall be so kept in custody, of whom the Chairman of the Quarter Sessions for the County, if in Upper Canada, or a Judge of the Circuit Court, if in Lower Canada, shall be one, to inquire into and ascertain by the best legal evidence that can be procured, under the circumstances of personal legal disability of such lunatic, the place of the last legal settlement, and the circumstances of such person; and if it shall not appear that he or she is possessed of sufficient property which can be applied to his or her maintenance, to make an order upon such City, Town, Village, Township, Parish or place where they shall adjudge him or her to be legally settled, to pay such weekly sum for his or her maintenance in such place of custody as such Court or the Governor of this Province shall appoint, as shall from time to time be fixed upon and directed in writing, by the Governor of this Province, through the Provincial Secretary; and that where such place of settlement cannot be ascertained, such allowance shall be paid by the Treasurer of the Municipal Corporation of the City, Town, Village, Township, Parish or place where such person shall have been apprehended; but if it shall appear that such person is possessed of such sufficient property as aforesaid, then such Justices shall order and direct the same to be applied to pay and satisfy the expense of the maintenance of such person, in the manner directed, in the case of lunatics and mad persons, by the fifth section of this Act: Provided always, that the Municipal Corporation of the City, Town, Village, Township, Parish or place in which the said Justices shall adjudge any lunatic to be legally settled, may appeal against such order to the General Quarter Sessions of the Peace, to be holden for the District or County where such order shall be made, in like manner and under like restrictions and regulations as against any other judgment, order or decision of a Justice or Justices, giving reasonable notice thereof to the Clerk of the Peace of such District or County, who shall be respondent in such appeal, which said appeal the Justices of the Peace, assembled at the said General Quarter Sessions, are hereby

hereby authorized and empowered to hear and determine, in the same manner as other appeals to Courts of Quarter Sessions are now heard and determined in Upper or in Lower Canada respectively.

VIII. And be it enacted, That every person of full age who, after the passing of this Act, shall be a resident and inhabitant of any City, Town, Village, Township, Parish or place for one year, and the members of his family who shall not have gained a separate settlement, shall, for the purposes of this Act, be deemed settled in such City, Town, Village, Township or place; and that a minor may be emancipated from his or her father, and may gain a settlement in one or more of the following ways, viz: First, If a female, by being married, and living for one year with her husband, in which case the husband's settlement shall determine that of the wife. Second, If a male, by being married, and residing for one year separately from the family of his father. Third, By being bound as an apprentice, and serving one year as such under indentures of apprenticeship. Fourth, By being hired and actually serving for one year for wages to be paid to such minor; and that a woman of full age, by marrying, shall acquire the settlement of her husband, if he have any; and until a person shall have gained a settlement in his own right, his settlement shall be deemed that of his father or mother; but no child born in any Hospital, Lunatic or other Asylum, Gaol, or House of Correction, or other like place of reception or involuntary residence, and no child born while its mother is restrained of her liberty in virtue of this Act, shall gain any settlement, merely by reason of the place of such birth; nor shall any residence of any person as a lunatic in any such place as aforesaid of reception or involuntary residence, operate to give such lunatic a settlement in the City, Town, Village, Township, Parish or place where such actual residence may be had.

Settlement what and how gained,

C A P . L X X X I V .

An Act for the regulation of Private Lunatic Asylums.

[30th August, 1851.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Justices assigned to keep the peace in any District in Lower Canada, or County in Upper Canada, assembled in General or Quarter Sessions, (if and when they shall think fit) to grant a license to any person to keep a house for the reception of Lunatics, or of any sex or class of Lunatics within such District or County; and that the said Justices shall at the first General or Quarter Sessions in every year, after they shall have granted any such license or licenses, and while one or more of those granted by them remains in force, appoint three or more Justices, and also one Physician or more, to act as Visitors of every or any house or houses licensed for the reception of Lunatics within such District or County; and such Visitors shall at their first meeting take an oath to the following effect, that is to say:

Justices of the Peace to grant license for reception of lunatics, and to appoint Visitors of houses so licensed.

Visitors to take an oath.

The Oath.

" I, A. B., do swear that I will discreetly, impartially and faithfully execute all the trusts and powers committed unto me by virtue of an Act of the Parliament of this Province, made in the Session thereof held in the fourteenth and fifteenth years of the Reign of Her Majesty Queen Victoria, intituled, *An Act for the regulation of Private Lunatic Asylums*; and that I will keep secret all such matters as shall come to my knowledge in the execution of my office, (except when required to divulge the same by legal authority, or so far as I shall feel myself called upon to do so for the better execution of the duty imposed upon me by the said Act). So help me God." Such oath to be administered by a Justice.

Appointment of Visitors in place of any one dying, &c.

II. And be it enacted, That in case at any time of the death, inability, disqualification, resignation, or refusal to act, of any person so appointed Visitor as aforesaid, it shall be lawful for the Justices of the District or County, as the case may be, at any General or Quarter Sessions, to appoint a Visitor in the room of the person who shall die, or be unable, or be disqualified, or resign, or refuse to act as aforesaid.

Lists of Visitors to be published and forwarded to the Governor.

III. And be it enacted, That a list of the names, places of abode, and occupations or professions of all Visitors appointed as herereinbefore directed, shall, within fourteen days from the date of their respective appointments, be published by the Clerk of the Peace for the District or County for which they shall be respectively appointed, in some newspaper commonly circulated within the same District or County, and shall within three days from the date of their respective appointments, be sent by such Clerk of the Peace to the Governor of this Province; and every Clerk of the Peace making default in either of the respects aforesaid, shall for every such default forfeit a sum not exceeding Two Pounds Ten Shillings.

Clerk of the Peace or some other person to be Clerk to Visitors.

IV. And be it enacted, That the Clerk of the Peace, or some other person to be appointed by the Justices for the District or County in General Quarter Sessions, shall act as Clerk to the Visitors so appointed as aforesaid, and such Clerk shall summon the Visitors to meet at such time and place, for the purpose of executing the duties of this Act, as the said Justices in General or Quarter Sessions shall appoint: and every such appointment, summons and meeting shall be made and held as privately as may be, and in such manner that no proprietor, Superintendent or person interested in, or employed about or connected with any house to be visited, shall have notice of such intended visitation; and such Clerk to the Visitors shall, at their first meeting, take the following oath, to be administered by any one of the Visitors being a Justice, viz:

Oath to be taken by Clerk to Visitors.

"I, A. B., do swear that I will faithfully execute all such trusts and duties as shall be committed to my charge, as Clerk to the Visitors appointed for the District (or County, as the case may be,) of _____, by virtue of an Act of the Parliament of this Province, passed in the Session thereof held in the fourteenth and fifteenth years of the Reign of Her Majesty Queen Victoria, intituled, *An Act for the regulation of Private Lunatic Asylums*; and that I will keep secret all such matters as shall come to my knowledge in the execution of my office, (except when required to divulge the same by legal authority). So help me God."

Name, &c. of Clerk to be published, and sent to the Governor.

And the name, place of abode, occupation and profession of the Clerk to the Visitors, (whether the same shall be the Clerk of the Peace or any other person), shall, within fourteen days after the appointment, be published by the Clerk of the Peace of the District or County, in some newspaper commonly circulated therein, and within three days from the date of the appointment be communicated by the said Clerk of the Peace to the Governor of this Province; and every Clerk of the Peace making default in either of the respects aforesaid, shall for every such default forfeit a sum not exceeding Two Pounds Ten Shillings, and every such Clerk to the Visitors shall be allowed such salary or remuneration for his services (to be paid out of the moneys or funds hereinafter mentioned) as the Justices of the District or County shall in General or Quarter Sessions direct.

Clerk to Visitors to be paid for his services.

Clerk to Visitors may have an Assistant.

V. And be it enacted, That if the Clerk of any Visitors, shall at any time desire to employ an Assistant in the execution of the duties of his office, such Clerk shall certify such desire, and the name of such proposed Assistant to one of the Visitors, being a Justice; and if such Visitor shall approve thereof, he shall administer the following oath to such Assistant:

Who shall also take an oath.

"I, A. B., do solemnly swear that I will faithfully keep secret all such matters and things as shall come to my knowledge in consequence of my employment as Assistant to the Clerk of the Visitors appointed for the District (or County) of _____ by virtue of an Act of Parliament of this Province passed in the Session thereof held in the fourteenth and fifteenth years of the Reign of Her Majesty Queen

“ Queen Victoria, intituled, *An Act for the regulation of Private Lunatic Asylums,*
 “ unless required to divulge the same by legal authority. So help me God.”
 And such Clerk may thereafter, at his own cost, employ such Assistant.

VI. And be it enacted, That no person shall be or act as a Visitor or Clerk or Assistant-Clerk to any Visitors, or act in granting any License, who shall then be or shall within one year then next preceding have been, directly or indirectly, interested in any house licensed for the reception of Lunatics, or the profits of such reception; and no Physician being a Visitor shall sign any Certificate for the admission of any patient into any licensed house or hospital, or shall professionally attend upon any patient in any licensed house or hospitals unless he be directed to visit such patient by the person upon whose order such patient has been received into such licensed house or hospital, or by the Provincial Secretary for the time being, or by the Chancellor or one of the Vice-Chancellors, or by a Committee appointed by them or one of them in Upper Canada, or by a Judge of the Superior or Circuit Court, or by a Curator duly appointed to the interdiction of such patient in Lower Canada; and if any Visitor, or Clerk or Assistant-Clerk to any Visitors, shall after his appointment be or become so interested in any house licensed for the reception of Lunatics, or the profits of such reception, such Visitor, Clerk or Assistant-Clerk, as the case may be, shall immediately thereupon be disqualified from acting, and shall cease to act in such capacity; and if any person, being disqualified as aforesaid, shall take the office of Visitor, Clerk, or Assistant-Clerk, or, being a Visitor, Clerk or Assistant-Clerk, shall become disqualified, as aforesaid, and shall afterwards continue to act in such capacity, such person shall be guilty of a misdemeanor; and if any Physician being a Visitor, shall sign any Certificate for the admission of any patient into any licensed house or hospital, or shall professionally attend any patient in any licensed house or hospital (except as aforesaid), such Physician shall for each offence against this provision forfeit the sum of Fifty Pounds.

Persons interested in any licensed house, or professionally attending any patient therein, not to act as Visitor, Clerk or Assistant-Clerk.

VII. And be it enacted, That every person who shall desire to have a house licensed for the reception of Lunatics, shall give a notice to the Clerk of the Peace for the District or County in which such house is situate, fourteen clear days at the least prior to some General or Quarter Sessions for such District or County; and such notice shall contain the true christian and surname, place of abode, and occupation of the person to whom the license is desired to be granted, and a true and full description of his estate or interest in such house; and in case the person to whom the license is desired to be granted, does not propose to reside himself in the licensed house, the true christian and surname, place of abode and occupation of the Superintendent who is to reside therein; and such notice shall be accompanied by a plan of such house, to be drawn upon a scale of not less than one-eighth of an inch to a foot, with a description of the situation thereof, and the length, breadth and height of, and a reference by a figure or letter to every room and apartment therein, and a statement of the quantity of land, not covered by any building, annexed to such house, and appropriated to the exclusive use, exercise and recreation of the patients proposed to be received therein,—and also a statement of the number of patients proposed to be received into such house, and whether the license so applied for is for the reception of male or female patients, or of both, and if for the reception of both, of the number of each sex proposed to be received in such house, and of the means by which the one sex may be kept distinct and apart from the other; and such notice, plan and statement, when sent to the Clerk of the Peace, shall be laid by him before the Justices of the District or County, at such time as they shall take into their consideration the application for such license; Provided always that it shall be lawful for any person to whom a license shall be granted, to remove the Superintendent named in the notice, and at any time or times to appoint another Superintendent, upon giving a notice containing the true christian name and surname, place of abode and occupation of the new Superintendent, to the Visitors of the house.

Notice of application with statements, and plan of house to be given to Clerk of Peace.

Provido.

No license to include more than one house—detached buildings to be considered in certain cases as part of the house.

VIII. And be it enacted, That no one license shall include or extend to more than one house; but if there be any place or building detached from a house to be licensed, but not separated therefrom by ground belonging to any other person, and if such place or building be specified, delineated and described in the notice, plan and statement hereinbefore required to be given, in the same manner in all particulars as if the same had formed part of such house, then such detached place or building may be included in the license for the house, if the Justices shall think fit, and if so included, shall be considered part of such house for the purposes of this Act.

Notice of additions or alterations to be given to Clerk of the Peace.

IX. And be it enacted, That no addition or alteration shall be made to, in or about any licensed house, or the appurtenances, unless previous notice in writing of such proposed addition or alteration, accompanied with a plan of such addition or alteration, to be drawn upon the scale aforesaid, and to be accompanied by such description as aforesaid, shall have been given by the person to whom the license shall have been granted, to the Clerk of the Peace, and the consent in writing of two of the Visitors shall have been previously given.

Giving an untrue statement: a misdemeanor.

X. And be it enacted, That if any person shall wilfully give an untrue or incorrect notice, plan, statement or description of any of the things hereinbefore required to be included in any notice, plan or statement, he shall be guilty of a misdemeanor.

A copy of every license granted to be sent to the Provincial Secretary.

XI. And be it enacted, That in every case in which a license for the reception of Lunatics shall be granted by any Justices, the Clerk of the Peace for the District or County shall, within fourteen days after such license shall have been granted, send a copy thereof to the Provincial Secretary; and any Clerk of the Peace omitting to send such copy within such time, shall for every such omission forfeit a sum not exceeding Twenty Pounds.

Statement of number and class of patients in house to be furnished by person applying for renewal of license.

XII. And be it enacted, That in every case in which any person shall apply for the renewal of a license, such person shall with such application transmit to the Clerk of the Peace for the District or County, a statement signed by the person so applying, containing the names and numbers of the patients of each or either sex then detained in the house to which such license relates; and any person who shall obtain the renewal of a license without making such statement, shall for every such offence forfeit the sum of Ten Pounds, and any person who shall make any such statement untruly, shall be guilty of a misdemeanor.

Form and limit of duration of license.

XIII. And be it enacted, That every license shall, as nearly as conveniently may be, be according to the form in the Schedule (A) annexed to this Act, and shall be under the Hands and Seals of three or more Justices of the Peace for the District or County in General or Quarter Sessions assembled, of whom the Chairman or other presiding Officer of such General or Quarter Sessions for the time being, shall be one, and shall be granted for such period, not exceeding thirteen months, as the Justices shall think fit.

Persons obtaining licenses to give security.

XIV. And be it enacted, That no such license shall be granted or renewed as aforesaid, unless, upon granting or renewing such license, the person to whom such license is granted or renewed, shall enter into a Bond to Her Majesty in the sum of One Hundred Pounds, with two sufficient sureties, each in the sum of Fifty Pounds, or one sufficient surety in the sum of One Hundred Pounds, under the usual conditions for the good behaviour of such person during the time for which such license shall be granted or renewed.

Rates to be charged for licenses.

XV. And be it enacted, That for every license to be granted under this Act, there shall be paid to the Clerk of the Peace the sum of Ten Shillings and no more for every patient proposed to be received into such house, and if the total amount of such sum of Ten Shillings shall not amount to Fifteen Pounds, then so much more as shall make up the sum of Fifteen Pounds, and no such license shall be delivered until the sum payable for the same shall be paid: Provided always, that if the period for which a license shall be granted be less than thirteen months, it shall be lawful for the Justices to reduce the payment to be made on such license to any sum not less than Five Pounds.

Proviso.

XVI. And be it enacted, That all moneys to be received for licenses granted by any Justices under this Act, shall be applied by the Clerk of the Peace for the District or County in or towards the payment of the salary or remuneration of the Clerk to the Visitors for such District or County, and in or towards the payment or discharge of all costs, charges and expenses incurred by or under the authority of the same Justices or Visitors, in the execution of or under or by virtue of this Act.

Application of moneys received for licenses.

XVII. And be it enacted, That the Clerk of the Peace for every District or County as aforesaid, shall keep an account of all moneys received and paid by him as aforesaid, and all moneys otherwise received or paid by him under or by virtue of or in the execution of this Act, and such accounts shall be made up to the last day of December in each year inclusively, and shall be signed by two at least of the Visitors for the District or County, and every such account shall be laid by the Clerk of the Peace before the Justices at the first General or Quarter Sessions in the ensuing year.

Annual account of receipts and payments to be laid by Clerk of the Peace before the Justices.

XVIII. And be it enacted, That if any person to whom a license shall have been granted under this Act, shall by sickness, or other sufficient reason, become incapable of keeping the licensed house, or shall die before the expiration of the license, it shall be lawful for any three Justices for the District or County of whom a Circuit Judge, if in Lower Canada, or the Chairman of the Quarter Sessions for the County, if in Upper Canada, shall be one, if they shall think fit, by writing endorsed on such license under the Hands of such three Justices, to transfer the said license, with all the privileges and obligations annexed thereto, for the term then unexpired, to such persons as shall at the time of such incapacity or death be the Superintendent of such house, or have the care of the patients therein, or to such other person as such Justices shall approve, and in the meantime such license shall remain in force, and have the same effect as if granted to the Superintendent of the house; and in case a license has been or shall be granted to two or more persons, and before the expiration thereof, any or either of such persons shall die leaving the other or others surviving, such license shall remain in force and have the same effect as if granted to such survivor or survivors.

Provision in case of incapacity or death of person licensed.

XIX. And be it enacted, That if any licensed house shall be pulled down or occupied under the provisions of any Act of Parliament, or by any *vis major*, or shall by fire, tempest or other accident, be rendered unfit for the accommodation of Lunatics, or if the person keeping any such house shall desire to transfer the patients to another house, it shall be lawful for any two or more of the Visiting Justices for the District or County within which the new house is situate, upon the payment to the Clerk of the Peace of not less than One Pound, to grant to the person whose house has been so pulled down, occupied or rendered unfit as aforesaid, or who shall desire to transfer his patients as aforesaid, to keep such other house for the reception of Lunatics, for such time as the said Justices shall think fit: Provided always, that the same notice of such intended change of house, and the same plans and statements and descriptions of and as to such intended new house, shall be given as are required when application is first made for license for any house, and shall be accompanied by a statement in writing of the cause of such change of house, and that, except in cases in which the change of house is occasioned by fire or tempest, seven clear days' previous notice of the intended removal, shall be sent by the person to whom the license for keeping the original house shall have been granted to the person who signed the Order for the reception of each patient, or the person by whom the last payment on account of each patient shall have been made.

Provision for transfer of patients to new house in certain cases &c.

Proviso: Description of new house, &c. to be filed.

XX. And be it enacted, That if a majority of the Justices of any District or County, in General or Quarter Sessions assembled, shall recommend to the Governor of this Province that any license granted by the Justices for such District or County under this Act, shall be revoked, or shall not be renewed, it shall be lawful for the Governor, by an Instrument under his Hand and Seal, to revoke or prohibit the renewal of such license; and in the case of a revocation, the same shall take effect at a period to be named in such Instrument, not exceeding two months from the time a copy or notice thereof shall have been published in the *Canada Gazette*; and a copy or notice

Power to Governor to revoke or prohibit the renewal of license on recommendation of Justices.

of such Instrument of revocation shall be published in the *Canada Gazette*, and shall before such publication be transmitted to the person to whom such license shall have been granted, or to the resident Superintendent of the licensed house, or shall be left at the licensed house: Provided always, that in case of any such revocation or prohibition to renew being recommended to the Governor, notice thereof in writing shall, seven clear days previously to the transmission of such recommendation to the Governor, be given to the person the revocation or prohibition of the renewal of whose license shall be recommended, or to the resident Superintendent of the licensed house, or shall be left at the licensed house.

Proviso.

No person to be received in a licensed house without an Order and Medical Certificate.

XXI. And be it enacted, That no person, whether being or represented to be a Lunatic, or only a boarder or lodger, in respect of whom any money shall be received or agreed to be received for board, lodging or any other accommodation, shall be received into or detained in any licensed house without an Order under the Land of some person according to the form, and stating the particulars required in Schedule B, annexed to this Act, nor without the Medical Certificates, according to the form in Schedule C, annexed to this Act, of two Physicians who shall not be in partnership nor brothers, nor father and son, and each of whom shall, separately from the other, have personally examined the person to whom it relates not more than seven clear days previously to the reception of such person into such house, and shall have signed and dated the same on the day on which such person shall have been so examined; and every person who shall receive or detain any such person as aforesaid in any such house as aforesaid without such Order and Medical Certificates as aforesaid, and any Physician who shall knowingly sign any such Medical Certificate as aforesaid which shall untruly state any of the particulars required by this Act, shall be guilty of a misdemeanor.

Physician to specify facts upon which his opinion is formed.

XXII. Provided always, and be it enacted, That every Physician signing any such Certificate shall specify therein any fact or facts (whether arising from his own observation or from the information of any other person) upon which he has formed his opinion that the person to whom such Certificate relates is a Lunatic, or an insane person, or an idiot, or a person of unsound mind.

Certificate required for the admission of insane persons into houses not licensed under this act.

XXIII. And be it enacted, That from and after the first day of May, which will be in the year one thousand eight hundred and fifty-two, no person shall receive to board and lodge in any house not licensed under this Act, or take the charge or care of any insane person without first having obtained the Medical Certificates required by this Act for the admission of an insane person into a licensed house; and every person who shall receive to board or lodge in any house not licensed under this Act, or take the care or charge of any insane person, shall within three calendar months next after receiving into his house, or under his care, such insane person, transmit to the Clerk of the Visitors of the District, a copy of such Medical Certificates, sealed and endorsed "Private Return," and every such person shall also (if such insane person shall continue in his house or under his care) on the first day of January of every succeeding year, or within seven clear days after, transmit to such Clerk a Certificate, signed by two Physicians describing the then actual state of mind of such insane person, and to be endorsed "Private Return," and all such private Returns shall be preserved by the said Clerk, and shall be open to the inspection of the said Visitors only; and every person who shall fail to conform to the provisions of this section shall be deemed guilty of a misdemeanor.

Notice to be given and return made in the above case.

Penalty.

Proviso: that in certain cases a person may be received on a certificate signed by one Physician only.

XXIV. Provided always, nevertheless, and be it enacted, That any person may, under special circumstances, be received into any such house as aforesaid, upon such Order as aforesaid with the Certificate of one Physician alone, provided that such Order state the special circumstances which have prevented the person from being examined by two Physicians; but in every such case another such Certificate shall be signed by some other Physician, not being connected with any house licensed as aforesaid, who shall have specially examined such person within three days after his reception into such house, and every person who, having received any person into any house licensed as aforesaid upon the Certificate of one Physician alone, as aforesaid, shall keep such person

or

or permit such person to remain in such house beyond the said period of three days without such further Certificate as aforesaid, shall be guilty of a misdemeanor.

XXV. And be it enacted, That no Physician who, or whose father, brother, son or partner, is wholly or partly the proprietor of or a regular Professional Attendant in a licensed house, shall sign any Certificate for the reception of a patient into such house; and no Physician who, or whose father, brother, son or partner, shall sign the Order hereinbefore required for the reception of a patient, shall sign any Certificate for the reception of the same patient; and any Physician who shall sign any Certificate contrary to any of the provisions hereinbefore contained, or without having complied with all the provisions hereby required in the case of the patient to whom the same shall relate, or who shall in such Certificate describe his medical qualification untruly, or shall untruly state any thing therein, shall be guilty of a misdemeanor.

XXVI. And be it enacted, That every proprietor or Superintendent who shall receive any patient into any licensed house, shall, within two days after the reception of such patient, make an entry with respect to such patient in a Book to be kept for that purpose, to be called "the Book of Admissions," according to the form and containing the particulars required in Schedule (D), annexed to this Act, so far as he can ascertain the same, except as to the form of the mental disorder, and except also, as to the discharge or death of the patient, which shall be made when the same shall happen; and every person who shall so receive any such patient and shall not, within two days thereafter, make such entry as aforesaid, (except as aforesaid), shall forfeit a sum not exceeding Two Pounds Ten Shillings; and every person who shall, knowingly and willingly in any such entry, untruly set forth any of the particulars, shall be guilty of a misdemeanor.

XXVII. And be it enacted, That the form of the mental disorder of every patient received into any licensed house, shall, within seven days after the reception, be entered in the said Book of Admissions by the Medical Attendant of such house; and every such Medical Attendant who shall omit to make any such entry within the time aforesaid, shall, for every such offence, forfeit a sum not exceeding Two Pounds Ten Shillings.

XXVIII. And be it enacted, That the proprietor or resident Superintendent of every licensed house, shall, after two clear days, and before the expiration of seven clear days from the day on which any patient shall have been received into such house, transmit a copy of the Order and Medical Certificates or Certificate on which such person shall have been received, and also, a notice and statement according to the form in Schedule E, annexed to this Act, to the Clerk of the Visitors within whose jurisdiction such house is situate; and every proprietor or resident Superintendent of any such house, who shall neglect to transmit such copy, notice or statement, to the Clerk of the Visitors, shall be guilty of a misdemeanor.

XXIX. And be it enacted, That whenever any patient shall escape from any licensed house, the proprietor or Superintendent of such house shall, within two clear days next after such escape, transmit a written notice thereof to the Clerk of the Visitors within whose jurisdiction such house shall be; and such notice shall state the christian and surname of the patient who has so escaped, and his or her then state of mind, and also the circumstances connected with such escape; and if such patient shall be brought back to such house, such proprietor or resident Superintendent shall, within two clear days after such person shall have been brought back, transmit a written notice thereof to the Clerk of the said Visitors; and such notice shall state when such person was so brought back, and the circumstances connected therewith, and whether with or without a fresh Order and Certificates or Certificate; and every proprietor or resident Superintendent omitting to transmit such notice, whether of escape or of return, shall, for every such omission, forfeit a sum of Ten Pounds.

XXX. And be it enacted, That whenever any patient shall be removed or discharged from any licensed house, or shall die therein, the proprietor or Superintendent of such house shall, within two clear days next after such removal, discharge or death, make an entry thereof in a Book to be kept for that purpose, according to the form,

No Physician who is interested in or attends a licensed house, to sign a certificate for the admission of a patient therein.

Every proprietor or Superintendent receiving a lunatic into a licensed house, to make an entry thereof in a certain form.

Form of patient's mental disorder to be entered in the "Book of Admissions,"

Persons receiving a patient into a licensed house to transmit a notice thereof to the Clerk of the Visitors.

Notice to be given to Clerk of Visitors in case of escape of any patient and of his being brought back.

Entry to be made, and notice given, in case of the death, discharge or removal of any patient.

and stating the particulars in Schedule F, annexed to this Act, and shall also within the same two days transmit a written notice thereof, and also of the cause of the death, removal or discharge of such patient, if known, to the Clerk of the Visitors in whose jurisdiction such house shall be, according to the form, and containing the particulars in Schedule G, annexed to this Act; and every proprietor or Superintendent of any such house, who shall neglect to make such entry, or transmit such notice, or shall therein knowingly set forth any thing untruly, shall be guilty of a misdemeanor.

Statement of cause of death of patient to be transmitted to Coroner and Clerk of Visitors.

XXXI. And be it enacted, That in case of the death of any patient in any licensed house, a statement of the cause of the death of such patient, with the name of any person present at the death, shall be drawn up and signed by the Medical Attendant of such house, and a copy thereof, duly certified by the proprietor or Superintendent of such house, shall by him be transmitted to the nearest Coroner, and also to the Clerk of the Visitors, in whose jurisdiction such house shall be, and also to the person who signed the Order for such patient's confinement, or if such person be dead, or absent from the Province, then to the person who made the last payment on account of such patient, within forty-eight hours after the death of such patient; and every Medical Attendant, proprietor or Superintendent who shall neglect or omit to draw up, sign, certify, or transmit such statement as aforesaid, shall, for every such neglect or omission, forfeit and pay a sum not exceeding Fifty Pounds.

Abuse, ill-treatment or wilful neglect of a patient, to be a misdemeanor—Offender to be prosecuted on behalf of the Crown.

XXXII. And be it enacted, That if any Superintendent, Officer, Nurse, Attendant, Servant, or other person employed in any licensed house, shall in any way abuse or ill treat any patient confined therein, or shall wilfully neglect any such patient, he shall be deemed guilty of a misdemeanor; and that in the event of the release from confinement in any licensed house of any person who shall consider himself to have been unjustly confined, a copy of the Certificates and Order upon which he has been confined shall, at his request, be furnished to him, or to his Attorney, by the Clerk of the Visitors, within whose jurisdiction the said house shall be, without any fee or reward for the same; and it shall be lawful for the Governor of this Province to cause to be prosecuted on the part of the Crown, any person who shall have been concerned in the unlawful taking of any of Her Majesty's subjects as an insane patient, and likewise any person who shall have been concerned in the neglect or ill-treatment of any patient or persons so confined.

Provision for due medical attendance in licensed houses.

XXXIII. And be it enacted, That in every house licensed for one hundred patients or more, there shall be a Physician resident as the Superintendent or Medical Attendant thereof; and that every house licensed for less than one hundred, and more than fifty patients, (in case such house shall not be kept by, or have a resident Physician,) shall be visited daily by a Physician, and that every house licensed for less than fifty patients (in case such house shall not be kept by, or have a resident Physician) shall be visited twice in every week by a Physician; Provided always, that it shall be lawful for the Visitors of any house to direct that such house shall be visited by a Physician at any other time or times, not being oftener than once in every day.

Proviso.

Number of medical visits may be reduced in houses licensed for less than eleven patients.

XXXIV. Provided always, and be it enacted, That when any house is licensed to receive less than eleven lunatics, it shall be lawful for any two of the Visitors of such house, if they shall respectively so think fit, by any writing under their hands, to permit that such house shall be visited by a Physician at such intervals more distant than twice every week as such Visitors shall appoint, but not at a greater interval than once in every two weeks.

Condition of house and patients to be entered weekly in "The Medical Visitation Book."

XXXV. And be it enacted, That every Physician, where there shall be only one, keeping or residing in or visiting any licensed house, and where there shall be two or more Physicians keeping or residing in or visiting any licensed house, then one at least of such Physicians, shall once in every week, (or, in the case of any house at which visits at more distant intervals than once a week are permitted on every visit), enter and sign in a Book to be kept at such house for that purpose, to be called "The Medical Visitation Book," a Report shewing the date thereof, and also the number, sex, and state of health of all the patients then in such house, the christian and surname of

of every patient who shall have been under restraint, or in seclusion, or under Medical treatment, since the date of the last preceding Report, the condition of the house, and every death, injury, and act of violence which shall have happened to or affected any patient since the then last preceding Report, according to the form in Schedule H, annexed to this Act, and every such Physician who shall omit to enter or sign such Report as aforesaid, shall for every such omission forfeit and pay the sum of Twenty Pounds, and every such Physician who shall in any such Report as aforesaid, enter any thing untruly, shall be guilty of a misdemeanor.

XXXVI. And be it enacted, That there shall be kept in every licensed house, a Book to be called "The Case Book," in which the Physician keeping or residing in or visiting such house, shall from time to time make entries of the mental state and bodily condition of each patient, together with a correct description of the medicine and other remedies prescribed for the treatment of his disorder, and that it shall be lawful for the Visitors within whose jurisdiction any licensed house may be situate, (whenever they shall see fit,) to require, by an Order in writing, the Physician keeping or residing in or visiting such house, to transmit to them a correct copy of the entries or entry in any Case Book kept under the provisions of this Act relative to the case of any Lunatic who is or may have been confined in such house, and every such Physician who shall neglect to keep the said Case Book, or to enter therein the particulars of each patient's case as aforesaid, or to transmit a copy of any entries or entry, pursuant to any such Order as aforesaid, shall for every such neglect forfeit a sum not exceeding Ten Pounds.

Mental state, bodily condition and medical treatment of patients to be noted in "The Case Book"—copies of entries therein to be transmitted to Visitors on demand.

XXXVII. And be it enacted, That every licensed house within the jurisdiction of any Visitors appointed under this Act, shall be visited by two at least of the said Visitors, (one of whom shall be a Physician,) four times at the least in every year, on such days and at such hours in the day, and for such length of time as the Justices by whom such house shall have been licensed shall direct, and such Visitors when visiting any such house, may and shall inspect every part of such house, and every house, out-house, place and building communicating therewith, or detached therefrom, but not separated by ground belonging to any other person, and every part of the ground or appurtenances held, used or occupied therewith, and see every patient then confined therein, and enquire whether any patient is under restraint, and why, and inspect the Order and Certificates or Certificate for the reception of every patient who shall have been received into such house since the last visit of the Visitors, and enter in the Visitors' Book a Minute of the then condition of the house, and of the patients therein, and the number of patients under restraint, with the reasons thereof as stated, and such irregularity (if any) as may exist in any such Order or Certificate as aforesaid, and also whether the previous suggestions (if any) of the Visitors, have or have not been attended to, and any observations which they may deem proper as to any of the matters aforesaid, or otherwise.

Every licensed house to be inspected four times a year at least by the Visitors thereof.

XXXVIII. And be it enacted, That the proprietor or Superintendent of every licensed house shall show to the Visitors visiting the same, every part thereof and every person detained therein as a Lunatic; and every proprietor or Superintendent of any licensed house who shall conceal or attempt to conceal, or shall refuse or wilfully neglect to shew any part of such house, or any house, out-house, place or building communicating therewith, or detached therefrom but not separated as aforesaid, or any part of the ground or appurtenances held, used or occupied therewith, or any person detained or being therein, from or to any Visitors, or from any person authorized under any power or jurisdiction of this Act to visit and inspect such house, or the patients confined therein, or any of them, shall be guilty of a misdemeanor.

Every part of house and every patient to be shewn to Visitors.

XXXIX. And be it enacted, That the Visitors upon their several visitations to every licensed house, shall inquire where Divine Service is performed therein, and to what number of the patients, and the effect thereof; and also what occupations or amusements are provided for the patients, and the result thereof; and whether there has been adopted any system of non-coercion, and if so, the result thereof; and also as

Inquiries to be made by Visitors on their several visitations.

to

to the classification of patients; and shall also make such other inquiries as to such Visitors shall seem expedient; and every proprietor or Superintendent of a licensed house who shall not give full and true answers to the best of his knowledge to all questions which the Visitors shall ask in reference to the matters aforesaid, shall be guilty of a misdemeanor.

List of patients and certain books and documents to be produced to Visitors.

XL. And be it enacted, That upon every visit of the Visitors to any licensed house, there shall be laid before such Visitors by the proprietor or Superintendent of such house, a list of all the patients then in such house, (distinguishing males from females, and specifying such as are deemed curable,) and also the several Books by this Act required to be kept by the proprietor or Superintendent, and by the Medical Attendant of a licensed house, and also all Orders and Certificates relating to patients admitted since the last visitation of the Visitors, and the license then in force for such house, and also all such other Orders, Certificates, Documents and Papers relating to any of the patients at any time received into such house, as the said Visitors shall from time to time require to be produced to them; and the said Visitors shall sign the said Books as having been produced to them.

Plan of house to be exhibited—Result of inspection and inquiries to be entered in "The Visitors' Book"—Observations on state of mind or body of patients to be entered in "The Patients' Book."

XLI. And be it enacted, That there shall be hung up in some conspicuous part of every licensed house, a copy of the plan given to the Justices on applying for the license for such house; and that there shall be kept in every such house a Queen's Printer's copy of this Act, bound up in a Book, to be called "The Visitors' Book," and that the Visitors shall at the time of their visitations enter therein the result of the inspections and inquiries herein before directed or authorized to be made by them, with such observations (if any) as they shall think proper; and that there shall also be kept in every such house, a Book to be called "The Patients' Book," and that the Visitors shall, at the times of their visitations, enter therein such observations as they may think fit respecting the state of mind or body of any patient in such house.

Copies of entries by Visitors to be duly transmitted to Clerk of Visitors, and laid before Justices when renewal of license is applied for.

XLII. And be it enacted, That the proprietor or resident Superintendent of every licensed house, shall, within three days after every such visit by the Visitors as aforesaid, transmit a true and perfect copy of the entries made by them in "The Visitors' Book," "The Patients' Book," and "The Medical Visitation Book," respectively, (distinguishing the entries in the several Books,) to the Clerk of the Visitors; and the copies so transmitted to the Clerk of the Visitors of all such entries, relating to any licensed house, and made since the grant or last renewal of the license thereof, shall be laid before the Justices, on taking into consideration the renewal of the license to the house to which such entries shall relate; and every such proprietor or Superintendent as aforesaid, who shall omit to transmit to the Clerk of the Visitors, a true and perfect copy of every or any such entry as aforesaid, shall, for every such omission, forfeit a sum not exceeding Ten Pounds.

Visitors may inspect house by night.

XLIII. And be it enacted, That it shall be lawful for any two Visitors to visit and to inspect any licensed house within their jurisdiction at such hour of the night as they shall think fit.

Patient may be discharged on written order from person who authorized his reception.

XLIV. And be it enacted, That if and when any person who signed the Order on which any patient was received into any licensed house, shall, by writing, under his hand, direct that such patient shall be removed or discharged, then, and in such case, such patient shall forthwith be removed or discharged, as the person who signed the Order for his reception shall direct.

Provision for discharge of patient when the person who ordered his reception is dead or incapable.

XLV. And be it enacted, That if the person who signed the Order upon which any patient was received into any licensed house be incapable by reason of insanity or absence from the Province, or otherwise, of giving an Order for the discharge or removal of such patient, or if such person be dead, then, and in any of such cases, the husband or wife of such patient, or if there be no such husband or wife, the father of such patient, or if there be no father, the mother of such patient, or if there be no mother, then any one of the nearest of kin for the time being of such patient, or the person who made the last payment on account of such patient, may, by any writing under his or her hand, give such direction as aforesaid, for the discharge or removal of such patient,

patient, and thereupon such patient shall be forthwith discharged or removed, as the person giving such direction shall direct.

XLVI. Provided always, nevertheless, and be it enacted, That no patient shall be discharged or removed under any of the powers hereinbefore contained from any licensed house, if the Physician by whom the same shall be kept, or who shall be the regular Medical Attendant thereof, shall, by writing under his Hand, certify that in his opinion such patient is dangerous and unfit to be at large, together with the grounds on which such opinion is founded, unless the Visitors of such house shall, after such Certificate shall have been produced to them, give their consent, in writing, that such patient shall be discharged or removed: Provided that nothing herein contained shall prevent any patient from being transferred from any licensed house to any other licensed house, or to any Asylum, but in such case every such patient shall be placed under the control of an Attendant belonging to the licensed house to or from which he shall be about to be removed for the purpose of such removal, and shall remain under such control until such time as such removal shall be duly effected.

Consent of Visitors requisite for removal of patient certified to be dangerous, in certain cases.

Proviso.

XLVII. And be it enacted, That it shall be lawful for any two or more of the Visitors of any licensed house, of whom one shall be a Physician, to make special visits to any patient detained in such house, on such days and at such hours as they shall think fit, and if after two distinct and separate visits so made, it shall appear to such Visitors that such patient is detained without sufficient cause, they may make such Order as to them shall seem meet for the discharge of such patient, and such patient shall be discharged accordingly.

Special visits for discharge of patient may be made by two Visitors.

XLVIII. Provided always, and be it enacted, That every such Order by any Visitors for the discharge of a patient from any licensed house shall be signed by them, and that each of such special visits shall be by the same Visitors, and that it shall not be lawful for such Visitors to order the discharge of any patient from any such house without having previously, if the Medical Attendant of such house shall have tendered himself for that purpose, examined him as to his opinion respecting the fitness of such patient to be discharged; and if such Visitors shall, after so examining such Medical Attendant, discharge such patient, and such Medical Attendant shall furnish them with any statement, in writing, containing his reasons against the discharge of such patient, they shall forthwith transmit such statement to the Clerk of the Visitors, to be kept and registered in a Book for that purpose.

Proviso: Visitors to sign order for discharge—opinion of Physician to be taken if offered.

XLIX. Provided also, and be it enacted, That not less than seven days shall intervene between the first and second of such special visits, and that such Visitors shall, seven days previously to the second of such special visits, give notice thereof, either by post, or by an entry in the Patients' Book, to the proprietor or Superintendent of the licensed house in which the patient intended to be visited is detained, and that such proprietor or Superintendent shall forthwith, if possible, transmit by post a copy of such notice to the person by whose authority such patient was received into such house, or by whom the last payment on account of such patient was made, and also to the Clerk of the Visitors of such house.

Interval and notice between first and second special visits.

L. Provided always, nevertheless, and be it enacted, That none of the powers of discharge herein before contained, shall extend to any Lunatic confined under any Order or Authority of the Governor of this Province, or under the Order of any Court of Criminal Jurisdiction.

Preceding powers of discharge not to extend to lunatics confined by order of Governor or of a Criminal Court.

LI. And be it enacted, That if any person shall apply to any Visitor in order to be informed whether any particular person is confined in any licensed house within the jurisdiction of such Visitor, the said Visitor, if he shall think it reasonable to permit such inquiry to be made, shall sign an Order to the Clerk of the Visitors, and the said Clerk shall, on receipt of such Order, and on payment to him of a sum not exceeding One Shilling for his trouble, make search amongst the returns made to him in pursuance of this Act, whether the person inquired after is or has been, within the then last twelve months, confined in any licensed house within the jurisdiction of such Visitor; and if it shall appear that such person is or has been so confined, the said Clerk shall deliver

Visitor may authorize Clerk to search for and give information as to patients confined in licensed houses.

deliver to the person so applying a statement in writing, specifying the situation of the house in which the person so inquired after appears to be or to have been confined, and the name of the proprietor or resident Superintendent thereof, and also the date of the admission of such person into such licensed house, and (in case of his having been removed or discharged) the date of his removal on discharge therefrom.

Sic.

Visitor may give an order for admission to patient of any friend or relation, or person named by friend or relation.

LII. And be it enacted, That it shall be lawful for any one of the Visitors of any licensed house at any time to give an Order in writing under his Hand for the admission to any patient confined in such house of any relation or friend of such patient (or of any medical or other person whom any relation or friend of such patient shall desire to be admitted to him) and such Order of Admission may be either for a single admission, or for an admission for any limited number of times, or for admission generally at all reasonable times, and either with or without any restriction as to such admission or admissions being in the presence of a Keeper or not, or otherwise; and if the proprietor or Superintendent of any such house shall refuse admission to, or shall prevent or obstruct the admission to any patient of any relation, friend or other person who shall produce such Order of Admission as aforesaid, he shall for every such refusal, prevention or obstruction, forfeit a sum not exceeding Twenty Pounds.

Proprietor, &c. with consent of Visitors, may send any patient to any place for his health.
Proviso.

LIII. And be it enacted, That it shall be lawful for the proprietor or Superintendent of any licensed house, with the consent in writing of any two of the Visitors of such house, to send or take, under proper control, any patient to any specified place for any definite time for the benefit of his health: Provided always, nevertheless, that before any such consent as aforesaid shall be given by any Visitors, the approval in writing of the person who signed the Order for the reception of such patient, or by whom the last payment on account of such patient was made, shall be produced to such Visitors, unless they shall, on cause being shewn, dispense with the same.

In case of removal of patient or of his escape and recapture within 14 days, original order for his reception to remain in force.

Sic.

LIV. And be it enacted, That in every case in which any patient shall, under any of the powers or provisions of this Act, be removed temporarily from the licensed house into which the Order for this reception was given, or be transferred from such house into any new house, and also in every case in which any patient shall escape from any such house and shall be retaken within fourteen days next after such escape, the Certificate or Certificates relating to and the original Order for the reception of such patient shall respectively remain in force, in the same manner as the same would have done if such patient had not been so removed or transferred, or had not so escaped and been retaken.

Proprietor, &c. may plead order for receiving Lunatic in bar of certain legal proceedings.

LV. And be it enacted, That every proprietor or Superintendent of a licensed house, who shall receive a proper Order in pursuance of this Act, accompanied with the required Medical Certificates or Certificate for the reception or taking care of any person as a Lunatic, and the Assistants and servants of such proprietor or Superintendent shall have power and authority to take charge of, receive and detain such patient until he shall die or be removed, or discharged by due authority; and in case of the escape at any time or times of such patient, to retake him at any time within fourteen days after such escape, and again to detain him as aforesaid; and in every Writ, Indictment, Information, Action and other proceeding which shall be preferred or brought against any such proprietor or Superintendent so authorized as aforesaid, or against any Assistant or servant of any such proprietor or Superintendent, for taking, confining, detaining or retaking any person as a Lunatic, the party complained of may plead such Order and Certificates or Certificate in defence to any such Writ, Indictment, Information, Action or other proceeding as aforesaid, and such Order and Certificates or Certificate shall, as respects such party, be a justification for taking, confining, detaining or retaking such Lunatic or alleged Lunatic.

Visitors may summon and examine witnesses.

LVI. And be it enacted, That it shall be lawful for the Visitors of any licensed house, or any two of such Visitors, from time to time, as they shall see occasion, to require, by Summons under their Hands and Seals, (according to the form in Schedule (J) annexed to this Act, or as near thereto as the case will permit,) any person to appear before them to testify, on oath, the truth touching any matters respecting which

which such Visitors are by this Act authorized to inquire, (which oath such Visitors are hereby empowered to administer;) and every person who shall not appear before such Visitors pursuant to such Summons, or shall not assign some reasonable excuse for not so appearing, or shall appear and refuse to be sworn or examined, shall, on being convicted thereof before one of Her Majesty's Justices for the District or County within which the place at which such person shall have been by such Summons required to appear and give evidence is situate, for every such neglect or refusal, forfeit a sum not exceeding Fifty Pounds.

Penalty for non-compliance.

LVII. And be it enacted, That it shall be lawful for any Visitors who shall summon any person to appear and give evidence as aforesaid, to direct the Clerk of such Visitors to pay to such person all reasonable expenses of his appearance and attendance, in pursuance of such Summons; the same to be considered as expenses incurred by such Visitors, in the execution of this Act, and to be taken into account and paid accordingly.

Provision for the payment of the expenses of such witnesses.

LVIII. And be it enacted, That every complaint or information of or for any offence against this Act, where any pecuniary penalty is hereby imposed, may be made before one Justice; and when any person shall be charged upon oath, before a Justice, for any such offence against this Act, such Justice may summon the person charged to appear at a time and place to be named in such Summons, and if he shall not appear accordingly, and upon proof of due service of the Summons, (either personally or by leaving the same at his last or usual place of abode) any two Justices may either proceed to hear and determine the case, or may issue their Warrant for apprehending such person and bringing him before any two Justices; and any two Justices shall and may, upon the appearing of such person, pursuant to such Summons, or upon such person being apprehended with such Warrant, or upon the non-appearance of such person, hear the matter of every such complaint or information, and make any such determination thereon as such Justices shall think proper; and upon conviction of any person, such Justices may, if they shall think fit, reduce the amount of the penalty by this Act imposed for such offence, to any sum not less than one fourth of the amount thereof, and shall and may issue a Warrant under their Hands and Seals for levying such penalty, or reduced penalty, and all costs and charges of such Summons, Warrant and hearing, and all incidental costs and charges, by distress and sale of the goods and chattels of the person so convicted; and it shall be lawful for any such two Justices to order any person so convicted to be detained and kept in the custody of any Constable or other Peace Officer until return can be conveniently made to such Warrant of Distress, unless the said offender shall give security to the satisfaction of such Justices, by way of Recognizance or otherwise, for his appearance before such Justices on such day as shall be appointed for the return of such Warrant of Distress, such day not being more than seven days from the time of taking any such security: but if, upon the return of such Warrant of Distress, it shall appear that no sufficient distress can be had whereupon to levy the said penalty or reduced penalty, and such costs and charges as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Justices, either by the confession of the offender or otherwise, that the offender hath not sufficient goods and chattels whereupon the said penalty or reduced penalty, costs and charges may be levied, such Justices shall and may, by Warrant under their Hands and Seals, commit such offender to the Common Gaol or House of Correction of the District or County, as the case may be, for any term not exceeding three months, unless such penalty or reduced penalty, costs and charges as aforesaid, shall be sooner paid; and all such penalties and reduced penalties, when recovered, shall be paid to the Clerk of the Peace for the District or County in which the offence was committed, to be by him applied and accounted for as hereinbefore directed with respect to moneys received for licenses granted by the Justices of such District or County; and the overplus (if any) arising from such distress and sale, after payment of the penalty or reduced penalty, and all costs and charges as aforesaid, shall be paid, upon demand, to the owner of the goods and chattels so distrained.

Jurisdiction, mode of proceeding, and recovery and application of penalties in cases of complaint for offences against this Act.

Form of conviction.

LIX. And be it enacted, That the Justices before whom any person shall be convicted of any offence against this Act for which a pecuniary penalty is imposed, may cause the conviction to be drawn up in the following form, or in any other form to the same effect, as the case may require ; and that no conviction under this Act shall be void through want of form :

No conviction to be void for want of form.

“ Be it remembered, that on the _____ day of _____
 “ in the year of our Lord _____, at _____, in the District (or County) _____
 “ of _____, A. B. was convicted before us _____ of Her Majesty’s Justices
 “ of the Peace for the said District (or County,) for that he the said _____
 “ did _____ and we the said _____ adjudge the said _____
 “ _____ for his offence to pay the sum of _____”

Appeal to the Quarter Sessions.

LX. Provided always, and be it enacted, That any person who shall think himself aggrieved by any Order or Determination of any Justices under this Act, may, within four months after such Order made or given, appeal to the Justices at General or Quarter Sessions; the person appealing having first given at least fourteen clear days’ notice in writing of such appeal, and the nature and matter thereof, to the person appealed against, and forthwith after such notice entering into a Recognizance before some Justice with two sufficient sureties, conditioned to try such appeal and to abide the Order and Award of the said Court thereupon ; and the said Justices at General or Quarter Sessions, upon the proof of such notice and Recognizance having been given and entered into, shall, in a summary way, hear and determine such appeal, or if they think proper, adjourn the hearing thereof until the next General or Quarter Sessions, and if they see cause, may mitigate any penalty to not less than one fourth of the amount imposed by this Act, and may order any money to be returned which shall have been levied in pursuance of such Order or Determination, and shall and may also award such further satisfaction to be made to the party injured, or such costs to either of the parties as they shall judge reasonable and proper ; and all such determinations of the said Justices at General or Quarter Sessions shall be final, binding and conclusive upon all parties to all intents and purposes whatsoever.

Actions to be commenced within twelve months.

LXI. And be it enacted, That if any action or suit shall be brought against any person for any thing done in pursuance of this Act, the same shall be commenced within twelve months next after the release of the party bringing the action, and shall be laid or brought in the District or County where the cause of action shall have arisen, and not elsewhere : and the defendant in every such action or suit may, at his election, plead specially or plead the general issue not guilty, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act ; and if the same shall appear to be so done, or that such action or suit shall be brought in any other District or County than as aforesaid, or shall not have been commenced within the time before limited for bringing the same, then the Jury shall find a verdict for the defendant ; and upon a verdict being so found, or if the plaintiff shall be non-suited or discontinue his action or suit after the defendant shall have appeared, or if upon demurrer judgment shall be given against the plaintiff, then the defendant shall recover double costs, and have such remedy for recovering the same as any defendant hath or may have in any other cases by law.

Offenders not to be prosecuted, nor penalties sued for by any person without authority of Visitors.

LXII. And be it enacted, That it shall be lawful for the Clerk of any Visitors on their Order, to prosecute any person for any offence against the provisions of this Act committed within the jurisdiction of such Visitors, and to sue for and recover any penalty to which any person within the jurisdiction of such Visitors is made liable by this Act, and all penalties sued for and recovered by any such Clerk shall be paid to him, and be by him paid to the Clerk of the Peace for such District or County, and be by such Clerk of the Peace applied and accounted for as hereinbefore directed with respect to moneys received for licenses by such Clerk of the Peace, and it shall not be lawful for any one to prosecute any person for any offence against the provisions of this Act, or to sue for any penalty to which any person is made liable by this Act, except by

by Order of Visitors having jurisdiction in the place where the cause of prosecution has arisen or the penalty been incurred, or with the consent of Her Majesty's Attorney General or Solicitor General for Lower or Upper Canada, as the case may require, for the time being.

LXIII. And be it enacted, That when any person shall be proceeded against, under the provisions of this Act, for omitting to transmit or send any copy, list, notice, statement or other document hereinbefore required to be transmitted by such person, and such person shall prove by the testimony of one person upon oath, that the copy, list, notice, statement, or other document in respect of which such proceeding is taken was put into the proper Post Office in due time, or (in case of documents required to be transmitted to a Clerk of the Peace), left at the office of such Clerk of the Peace, and was properly addressed, such proof shall be a bar to all further proceedings in respect of such omission.

No person to be punishable for omitting to send any notice, &c. if proved to have been put into the Post Office or left at the proper office.

LXIV. And be it enacted, That the costs, charges and expenses incurred by or under the Order of any Visitors in any proceedings under this Act, shall be paid by the Clerk of the Peace for the District or County in which such Visitors shall have been appointed, and included by him in the account of receipts and payments hereinbefore directed to be kept by him.

Costs incurred in proceedings under this Act by any Visitors to be paid by Clerk of the Peace.

LXV. And be it enacted, That in this Act and the Schedules thereto the words and expressions following shall have the several meanings hereby assigned to them, unless there shall be something in the subject or context repugnant to such construction, that is to say : " District," shall mean a District in Lower Canada ; " County," shall mean a County or union of Counties, City or Town in Upper Canada, having a separate Commissioner of the Peace ; " Lunatic," shall mean every insane person, and every person being an Idiot or Lunatic, or of unsound mind ; " Patient," shall mean every person received or detained as a Lunatic, or taken care or charge of as a Lunatic ; " Proprietor," shall mean every person to whom any license has been granted under the provisions of this Act, and every person keeping, owning, or having any interest, or exercising any duties or powers of a proprietor in any licensed house ; " Clerk of the Peace," shall mean every Clerk of the Peace and person acting as such, and every Deputy duly appointed ; " Justice," shall mean a Justice of the Peace ; " Medical Attendant," shall mean every Physician who shall keep any licensed house, or shall in his medical capacity attend any licensed house ; " Physician," shall mean every person of the male sex authorized to practise physic, surgery or midwifery in this Province ; " Licensed house," shall mean a house licensed under the provisions of this Act.

Interpretation clause.

LXVI. And be it enacted, That nothing in this Act contained shall extend to the Provincial Lunatic Asylum at Toronto, or to the temporary Lunatic Asylum at Beauport, near Quebec.

Act not to extend to certain Public Lunatic Asylums.

LXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Alteration of Act.

of such Instrument of revocation shall be published in the *Canada Gazette*, and shall before such publication be transmitted to the person to whom such license shall have been granted, or to the resident Superintendent of the licensed house, or shall be left at the licensed house: Provided always, that in case of any such revocation or prohibition to renew being recommended to the Governor, notice thereof in writing shall, seven clear days previously to the transmission of such recommendation to the Governor, be given to the person the revocation or prohibition of the renewal of whose license shall be recommended, or to the resident Superintendent of the licensed house, or shall be left at the licensed house.

Proviso.

No person to be received in a licensed house without an Order and Medical Certificate.

XXI. And be it enacted, That no person, whether being or represented to be a Lunatic, or only a boarder or lodger, in respect of whom any money shall be received or agreed to be received for board, lodging or any other accommodation, shall be received into or detained in any licensed house without an Order under the Land of some person according to the form, and stating the particulars required in Schedule B, annexed to this Act, nor without the Medical Certificates, according to the form in Schedule C, annexed to this Act, of two Physicians who shall not be in partnership nor brothers, nor father and son, and each of whom shall, separately from the other, have personally examined the person to whom it relates not more than seven clear days previously to the reception of such person into such house, and shall have signed and dated the same on the day on which such person shall have been so examined; and every person who shall receive or detain any such person as aforesaid in any such house as aforesaid without such Order and Medical Certificates as aforesaid, and any Physician who shall knowingly sign any such Medical Certificate as aforesaid which shall untruly state any of the particulars required by this Act, shall be guilty of a misdemeanor.

Physician to specify facts upon which his opinion is formed.

XXII. Provided always, and be it enacted, That every Physician signing any such Certificate shall specify therein any fact or facts (whether arising from his own observation or from the information of any other person) upon which he has formed his opinion that the person to whom such Certificate relates is a Lunatic, or an insane person, or an idiot, or a person of unsound mind.

Certificate required for the admission of insane persons into houses not licensed under this act.

XXIII. And be it enacted, That from and after the first day of May, which will be in the year one thousand eight hundred and fifty-two, no person shall receive to board and lodge in any house not licensed under this Act, or take the charge or care of any insane person without first having obtained the Medical Certificates required by this Act for the admission of an insane person into a licensed house; and every person who shall receive to board or lodge in any house not licensed under this Act, or take the care or charge of any insane person, shall within three calendar months next after receiving into his house, or under his care, such insane person, transmit to the Clerk of the Visitors of the District, a copy of such Medical Certificates, sealed and endorsed "Private Return," and every such person shall also (if such insane person shall continue in his house or under his care) on the first day of January of every succeeding year, or within seven clear days after, transmit to such Clerk a Certificate, signed by two Physicians describing the then actual state of mind of such insane person, and to be endorsed "Private Return," and all such private Returns shall be preserved by the said Clerk, and shall be open to the inspection of the said Visitors only; and every person who shall fail to conform to the provisions of this section shall be deemed guilty of a misdemeanor.

Notice to be given and return made in the above case.

Penalty.

Proviso: that in certain cases a person may be received on a certificate signed by one Physician only.

XXIV. Provided always, nevertheless, and be it enacted, That any person may, under special circumstances, be received into any such house as aforesaid, upon such Order as aforesaid with the Certificate of one Physician alone, provided that such Order state the special circumstances which have prevented the person from being examined by two Physicians; but in every such case another such Certificate shall be signed by some other Physician, not being connected with any house licensed as aforesaid, who shall have specially examined such person within three days after his reception into such house, and every person who, having received any person into any house licensed as aforesaid upon the Certificate of one Physician alone, as aforesaid, shall keep such person

or

or permit such person to remain in such house beyond the said period of three days without such further Certificate as aforesaid, shall be guilty of a misdemeanor.

XXV. And be it enacted, That no Physician who, or whose father, brother, son or partner, is wholly or partly the proprietor of or a regular Professional Attendant in a licensed house, shall sign any Certificate for the reception of a patient into such house; and no Physician who, or whose father, brother, son or partner, shall sign the Order hereinbefore required for the reception of a patient, shall sign any Certificate for the reception of the same patient; and any Physician who shall sign any Certificate contrary to any of the provisions hereinbefore contained, or without having complied with all the provisions hereby required in the case of the patient to whom the same shall relate, or who shall in such Certificate describe his medical qualification untruly, or shall untruly state any thing therein, shall be guilty of a misdemeanor.

XXVI. And be it enacted, That every proprietor or Superintendent who shall receive any patient into any licensed house, shall, within two days after the reception of such patient, make an entry with respect to such patient in a Book to be kept for that purpose, to be called "the Book of Admissions," according to the form and containing the particulars required in Schedule (D), annexed to this Act, so far as he can ascertain the same, except as to the form of the mental disorder, and except also, as to the discharge or death of the patient, which shall be made when the same shall happen; and every person who shall so receive any such patient and shall not, within two days thereafter, make such entry as aforesaid, (except as aforesaid), shall forfeit a sum not exceeding Two Pounds Ten Shillings; and every person who shall, knowingly and willingly in any such entry, untruly set forth any of the particulars, shall be guilty of a misdemeanor.

XXVII. And be it enacted, That the form of the mental disorder of every patient received into any licensed house, shall, within seven days after the reception, be entered in the said Book of Admissions by the Medical Attendant of such house; and every such Medical Attendant who shall omit to make any such entry within the time aforesaid, shall, for every such offence, forfeit a sum not exceeding Two Pounds Ten Shillings.

XXVIII. And be it enacted, That the proprietor or resident Superintendent of every licensed house, shall, after two clear days, and before the expiration of seven clear days from the day on which any patient shall have been received into such house, transmit a copy of the Order and Medical Certificates or Certificate on which such person shall have been received, and also, a notice and statement according to the form in Schedule E, annexed to this Act, to the Clerk of the Visitors within whose jurisdiction such house is situate; and every proprietor or resident Superintendent of any such house, who shall neglect to transmit such copy, notice or statement, to the Clerk of the Visitors, shall be guilty of a misdemeanor.

XXIX. And be it enacted, That whenever any patient shall escape from any licensed house, the proprietor or Superintendent of such house shall, within two clear days next after such escape, transmit a written notice thereof to the Clerk of the Visitors within whose jurisdiction such house shall be; and such notice shall state the christian and surname of the patient who has so escaped, and his or her then state of mind, and also the circumstances connected with such escape; and if such patient shall be brought back to such house, such proprietor or resident Superintendent shall, within two clear days after such person shall have been brought back, transmit a written notice thereof to the Clerk of the said Visitors; and such notice shall state when such person was so brought back, and the circumstances connected therewith, and whether with or without a fresh Order and Certificates or Certificate; and every proprietor or resident Superintendent omitting to transmit such notice, whether of escape or of return, shall, for every such omission, forfeit a sum of Ten Pounds.

XXX. And be it enacted, That whenever any patient shall be removed or discharged from any licensed house, or shall die therein, the proprietor or Superintendent of such house shall, within two clear days next after such removal, discharge or death, make an entry thereof in a Book to be kept for that purpose, according to the form,

No Physician who is interested in or attends a licensed house, to sign a certificate for the admission of a patient therein.

Every proprietor or Superintendent receiving a lunatic into a licensed house, to make an entry thereof in a certain form.

Form of patient's mental disorder to be entered in the "Book of Admissions."

Persons receiving a patient into a licensed house to transmit a notice thereof to the Clerk of the Visitors.

Notice to be given to Clerk of Visitors in case of escape of any patient and of his being brought back.

Entry to be made, and notice given, in case of the death, discharge or removal of any patient.

and stating the particulars in Schedule F, annexed to this Act, and shall also within the same two days transmit a written notice thereof, and also of the cause of the death, removal or discharge of such patient, if known, to the Clerk of the Visitors in whose jurisdiction such house shall be, according to the form, and containing the particulars in Schedule G, annexed to this Act; and every proprietor or Superintendent of any such house, who shall neglect to make such entry, or transmit such notice, or shall therein knowingly set forth any thing untruly, shall be guilty of a misdemeanor.

Statement of cause of death of patient to be transmitted to Coroner and Clerk of Visitors.

XXXI. And be it enacted, That in case of the death of any patient in any licensed house, a statement of the cause of the death of such patient, with the name of any person present at the death, shall be drawn up and signed by the Medical Attendant of such house, and a copy thereof, duly certified by the proprietor or Superintendent of such house, shall by him be transmitted to the nearest Coroner, and also to the Clerk of the Visitors, in whose jurisdiction such house shall be, and also to the person who signed the Order for such patient's confinement, or if such person be dead, or absent from the Province, then to the person who made the last payment on account of such patient, within forty-eight hours after the death of such patient; and every Medical Attendant, proprietor or Superintendent who shall neglect or omit to draw up, sign, certify, or transmit such statement as aforesaid, shall, for every such neglect or omission, forfeit and pay a sum not exceeding Fifty Pounds.

Abuse, ill-treatment or wilful neglect of a patient, to be a misdemeanor—Offender to be prosecuted on behalf of the Crown.

XXXII. And be it enacted, That if any Superintendent, Officer, Nurse, Attendant, Servant, or other person employed in any licensed house, shall in any way abuse or ill treat any patient confined therein, or shall wilfully neglect any such patient, he shall be deemed guilty of a misdemeanor; and that in the event of the release from confinement in any licensed house of any person who shall consider himself to have been unjustly confined, a copy of the Certificates and Order upon which he has been confined shall, at his request, be furnished to him, or to his Attorney, by the Clerk of the Visitors, within whose jurisdiction the said house shall be, without any fee or reward for the same; and it shall be lawful for the Governor of this Province to cause to be prosecuted on the part of the Crown, any person who shall have been concerned in the unlawful taking of any of Her Majesty's subjects as an insane patient, and likewise any person who shall have been concerned in the neglect or ill-treatment of any patient or persons so confined.

Provision for due medical attendance in licensed houses.

XXXIII. And be it enacted, That in every house licensed for one hundred patients or more, there shall be a Physician resident as the Superintendent or Medical Attendant thereof; and that every house licensed for less than one hundred, and more than fifty patients, (in case such house shall not be kept by, or have a resident Physician,) shall be visited daily by a Physician, and that every house licensed for less than fifty patients (in case such house shall not be kept by, or have a resident Physician) shall be visited twice in every week by a Physician; Provided always, that it shall be lawful for the Visitors of any house to direct that such house shall be visited by a Physician at any other time or times, not being oftener than once in every day.

Proviso.

Number of medical visits may be reduced in houses licensed for less than eleven patients.

XXXIV. Provided always, and be it enacted, That when any house is licensed to receive less than eleven lunatics, it shall be lawful for any two of the Visitors of such house, if they shall respectively so think fit, by any writing under their hands, to permit that such house shall be visited by a Physician at such intervals more distant than twice every week as such Visitors shall appoint, but not at a greater interval than once in every two weeks.

Condition of house and patients to be entered weekly in "The Medical Visitation Book."

XXXV. And be it enacted, That every Physician, where there shall be only one, keeping or residing in or visiting any licensed house, and where there shall be two or more Physicians keeping or residing in or visiting any licensed house, then one at least of such Physicians, shall once in every week, (or, in the case of any house at which visits at more distant intervals than once a week are permitted on every visit), enter and sign in a Book to be kept at such house for that purpose, to be called "The Medical Visitation Book," a Report shewing the date thereof, and also the number, sex, and state of health of all the patients then in such house, the christian and surname
of

of every patient who shall have been under restraint, or in seclusion, or under Medical treatment, since the date of the last preceding Report, the condition of the house, and every death, injury, and act of violence which shall have happened to or affected any patient since the then last preceding Report, according to the form in Schedule H, annexed to this Act, and every such Physician who shall omit to enter or sign such Report as aforesaid, shall for every such omission forfeit and pay the sum of Twenty Pounds, and every such Physician who shall in any such Report as aforesaid, enter any thing untruly, shall be guilty of a misdemeanor.

XXXVI. And be it enacted, That there shall be kept in every licensed house, a Book to be called "The Case Book," in which the Physician keeping or residing in or visiting such house, shall from time to time make entries of the mental state and bodily condition of each patient, together with a correct description of the medicine and other remedies prescribed for the treatment of his disorder, and that it shall be lawful for the Visitors within whose jurisdiction any licensed house may be situate, (whenever they shall see fit,) to require, by an Order in writing, the Physician keeping or residing in or visiting such house, to transmit to them a correct copy of the entries or entry in any Case Book kept under the provisions of this Act relative to the case of any Lunatic who is or may have been confined in such house, and every such Physician who shall neglect to keep the said Case Book, or to enter therein the particulars of each patient's case as aforesaid, or to transmit a copy of any entries or entry, pursuant to any such Order as aforesaid, shall for every such neglect forfeit a sum not exceeding Ten Pounds.

Mental state, bodily condition and medical treatment of patients to be noted in "The Case Book"—copies of entries therein to be transmitted to Visitors on demand.

XXXVII. And be it enacted, That every licensed house within the jurisdiction of any Visitors appointed under this Act, shall be visited by two at least of the said Visitors, (one of whom shall be a Physician,) four times at the least in every year, on such days and at such hours in the day, and for such length of time as the Justices by whom such house shall have been licensed shall direct, and such Visitors when visiting any such house, may and shall inspect every part of such house, and every house, out-house, place and building communicating therewith, or detached therefrom, but not separated by ground belonging to any other person, and every part of the ground or appurtenances held, used or occupied therewith, and see every patient then confined therein, and enquire whether any patient is under restraint, and why, and inspect the Order and Certificates or Certificate for the reception of every patient who shall have been received into such house since the last visit of the Visitors, and enter in the Visitors' Book a Minute of the then condition of the house, and of the patients therein, and the number of patients under restraint, with the reasons thereof as stated, and such irregularity (if any) as may exist in any such Order or Certificate as aforesaid, and also whether the previous suggestions (if any) of the Visitors, have or have not been attended to, and any observations which they may deem proper as to any of the matters aforesaid, or otherwise.

Every licensed house to be inspected four times a year at least by the Visitors thereof.

XXXVIII. And be it enacted, That the proprietor or Superintendent of every licensed house shall show to the Visitors visiting the same, every part thereof and every person detained therein as a Lunatic; and every proprietor or Superintendent of any licensed house who shall conceal or attempt to conceal, or shall refuse or wilfully neglect to shew any part of such house, or any house, out-house, place or building communicating therewith, or detached therefrom but not separated as aforesaid, or any part of the ground or appurtenances held, used or occupied therewith, or any person detained or being therein, from or to any Visitors, or from any person authorized under any power or jurisdiction of this Act to visit and inspect such house, or the patients confined therein, or any of them, shall be guilty of a misdemeanor.

Every part of house and every patient to be shewn to Visitors.

XXXIX. And be it enacted, That the Visitors upon their several visitations to every licensed house, shall inquire where Divine Service is performed therein, and to what number of the patients, and the effect thereof; and also what occupations or amusements are provided for the patients, and the result thereof; and whether there has been adopted any system of non-coercion, and if so, the result thereof; and also as

Inquiries to be made by Visitors on their several visitations,

to

to the classification of patients; and shall also make such other inquiries as to such Visitors shall seem expedient; and every proprietor or Superintendent of a licensed house who shall not give full and true answers to the best of his knowledge to all questions which the Visitors shall ask in reference to the matters aforesaid, shall be guilty of a misdemeanor.

List of patients and certain books and documents to be produced to Visitors.

XL. And be it enacted, That upon every visit of the Visitors to any licensed house, there shall be laid before such Visitors by the proprietor or Superintendent of such house, a list of all the patients then in such house, (distinguishing males from females, and specifying such as are deemed curable,) and also the several Books by this Act required to be kept by the proprietor or Superintendent, and by the Medical Attendant of a licensed house, and also all Orders and Certificates relating to patients admitted since the last visitation of the Visitors, and the license then in force for such house, and also all such other Orders, Certificates, Documents and Papers relating to any of the patients at any time received into such house, as the said Visitors shall from time to time require to be produced to them; and the said Visitors shall sign the said Books as having been produced to them.

Plan of house to be exhibited—Result of inspection and inquiries to be entered in "The Visitors' Book"—Observations on state of mind or body of patients to be entered in "The Patients' Book."

XLI. And be it enacted, That there shall be hung up in some conspicuous part of every licensed house, a copy of the plan given to the Justices on applying for the license for such house; and that there shall be kept in every such house a Queen's Printer's copy of this Act, bound up in a Book, to be called "The Visitors' Book," and that the Visitors shall at the time of their visitations enter therein the result of the inspections and inquiries herein before directed or authorized to be made by them, with such observations (if any) as they shall think proper; and that there shall also be kept in every such house, a Book to be called "The Patients' Book," and that the Visitors shall, at the times of their visitations, enter therein such observations as they may think fit respecting the state of mind or body of any patient in such house.

Copies of entries by Visitors to be duly transmitted to Clerk of Visitors, and laid before Justices when renewal of license is applied for.

XLII. And be it enacted, That the proprietor or resident Superintendent of every licensed house, shall, within three days after every such visit by the Visitors as aforesaid, transmit a true and perfect copy of the entries made by them in "The Visitors' Book," "The Patients' Book," and "The Medical Visitation Book," respectively, (distinguishing the entries in the several Books,) to the Clerk of the Visitors; and the copies so transmitted to the Clerk of the Visitors of all such entries, relating to any licensed house, and made since the grant or last renewal of the license thereof, shall be laid before the Justices, on taking into consideration the renewal of the license to the house to which such entries shall relate; and every such proprietor or Superintendent as aforesaid, who shall omit to transmit to the Clerk of the Visitors, a true and perfect copy of every or any such entry as aforesaid, shall, for every such omission, forfeit a sum not exceeding Ten Pounds.

Visitors may inspect house by night.

XLIII. And be it enacted, That it shall be lawful for any two Visitors to visit and to inspect any licensed house within their jurisdiction at such hour of the night as they shall think fit.

Patient may be discharged on written order from person who authorized his reception.

XLIV. And be it enacted, That if and when any person who signed the Order on which any patient was received into any licensed house, shall, by writing, under his hand, direct that such patient shall be removed or discharged, then, and in such case, such patient shall forthwith be removed or discharged, as the person who signed the Order for his reception shall direct.

Provision for discharge of patient when the person who ordered his reception is dead or incapable.

XLV. And be it enacted, That if the person who signed the Order upon which any patient was received into any licensed house be incapable by reason of insanity or absence from the Province, or otherwise, of giving an Order for the discharge or removal of such patient, or if such person be dead, then, and in any of such cases, the husband or wife of such patient, or if there be no such husband or wife, the father of such patient, or if there be no father, the mother of such patient, or if there be no mother, then any one of the nearest of kin for the time being of such patient, or the person who made the last payment on account of such patient, may, by any writing under his or her hand, give such direction as aforesaid, for the discharge or removal of such patient,

patient, and thereupon such patient shall be forthwith discharged or removed, as the person giving such direction shall direct.

XLVI. Provided always, nevertheless, and be it enacted, That no patient shall be discharged or removed under any of the powers hereinbefore contained from any licensed house, if the Physician by whom the same shall be kept, or who shall be the regular Medical Attendant thereof, shall, by writing under his Hand, certify that in his opinion such patient is dangerous and unfit to be at large, together with the grounds on which such opinion is founded, unless the Visitors of such house shall, after such Certificate shall have been produced to them, give their consent, in writing, that such patient shall be discharged or removed: Provided that nothing herein contained shall prevent any patient from being transferred from any licensed house to any other licensed house, or to any Asylum, but in such case every such patient shall be placed under the control of an Attendant belonging to the licensed house to or from which he shall be about to be removed for the purpose of such removal, and shall remain under such control until such time as such removal shall be duly effected.

Consent of Visitors requisite for removal of patient certified to be dangerous, in certain cases.

Proviso.

XLVII. And be it enacted, That it shall be lawful for any two or more of the Visitors of any licensed house, of whom one shall be a Physician, to make special visits to any patient detained in such house, on such days and at such hours as they shall think fit, and if after two distinct and separate visits so made, it shall appear to such Visitors that such patient is detained without sufficient cause, they may make such Order as to them shall seem meet for the discharge of such patient, and such patient shall be discharged accordingly.

Special visits for discharge of patient may be made by two Visitors.

XLVIII. Provided always, and be it enacted, That every such Order by any Visitors for the discharge of a patient from any licensed house shall be signed by them, and that each of such special visits shall be by the same Visitors, and that it shall not be lawful for such Visitors to order the discharge of any patient from any such house without having previously, if the Medical Attendant of such house shall have tendered himself for that purpose, examined him as to his opinion respecting the fitness of such patient to be discharged; and if such Visitors shall, after so examining such Medical Attendant, discharge such patient, and such Medical Attendant shall furnish them with any statement, in writing, containing his reasons against the discharge of such patient, they shall forthwith transmit such statement to the Clerk of the Visitors, to be kept and registered in a Book for that purpose.

Proviso: Visitors to sign order for discharge—opinion of Physician to be taken if offered.

XLIX. Provided also, and be it enacted, That not less than seven days shall intervene between the first and second of such special visits, and that such Visitors shall, seven days previously to the second of such special visits, give notice thereof, either by post, or by an entry in the Patients' Book, to the proprietor or Superintendent of the licensed house in which the patient intended to be visited is detained, and that such proprietor or Superintendent shall forthwith, if possible, transmit by post a copy of such notice to the person by whose authority such patient was received into such house, or by whom the last payment on account of such patient was made, and also to the Clerk of the Visitors of such house.

Interval and notice between first and second special visits.

L. Provided always, nevertheless, and be it enacted, That none of the powers of discharge herein before contained, shall extend to any Lunatic confined under any Order or Authority of the Governor of this Province, or under the Order of any Court of Criminal Jurisdiction.

Preceding powers of discharge not to extend to lunatics confined by order of Governor or of a Criminal Court.

LI. And be it enacted, That if any person shall apply to any Visitor in order to be informed whether any particular person is confined in any licensed house within the jurisdiction of such Visitor, the said Visitor, if he shall think it reasonable to permit such inquiry to be made, shall sign an Order to the Clerk of the Visitors, and the said Clerk shall, on receipt of such Order, and on payment to him of a sum not exceeding One Shilling for his trouble, make search amongst the returns made to him in pursuance of this Act, whether the person inquired after is or has been, within the then last twelve months, confined in any licensed house within the jurisdiction of such Visitor; and if it shall appear that such person is or has been so confined, the said Clerk shall deliver

Visitor may authorize Clerk to search for and give information as to patients confined in licensed houses.

deliver to the person so applying a statement in writing, specifying the situation of the house in which the person so inquired after appears to be or to have been confined, and the name of the proprietor or resident Superintendent thereof, and also the date of the admission of such person into such licensed house, and (in case of his having been removed or discharged) the date of his removal on discharge therefrom.

Sic.

Visitor may give an order for admission to patient of any friend or relation, or person named by friend or relation.

LII. And be it enacted, That it shall be lawful for any one of the Visitors of any licensed house at any time to give an Order in writing under his Hand for the admission to any patient confined in such house of any relation or friend of such patient (or of any medical or other person whom any relation or friend of such patient shall desire to be admitted to him) and such Order of Admission may be either for a single admission, or for an admission for any limited number of times, or for admission generally at all reasonable times, and either with or without any restriction as to such admission or admissions being in the presence of a Keeper or not, or otherwise; and if the proprietor or Superintendent of any such house shall refuse admission to, or shall prevent or obstruct the admission to any patient of any relation, friend or other person who shall produce such Order of Admission as aforesaid, he shall for every such refusal, prevention or obstruction, forfeit a sum not exceeding Twenty Pounds.

Proprietor, &c. with consent of Visitors, may send any patient to any place for his health.
Proviso.

LIII. And be it enacted, That it shall be lawful for the proprietor or Superintendent of any licensed house, with the consent in writing of any two of the Visitors of such house, to send or take, under proper control, any patient to any specified place for any definite time for the benefit of his health: Provided always, nevertheless, that before any such consent as aforesaid shall be given by any Visitors, the approval in writing of the person who signed the Order for the reception of such patient, or by whom the last payment on account of such patient was made, shall be produced to such Visitors, unless they shall, on cause being shewn, dispense with the same.

In case of removal of patient or of his escape and recapture within 14 days, original order for his reception to remain in force.

Sic.

LIV. And be it enacted, That in every case in which any patient shall, under any of the powers or provisions of this Act, be removed temporarily from the licensed house into which the Order for this reception was given, or be transferred from such house into any new house, and also in every case in which any patient shall escape from any such house and shall be retaken within fourteen days next after such escape, the Certificate or Certificates relating to and the original Order for the reception of such patient shall respectively remain in force, in the same manner as the same would have done if such patient had not been so removed or transferred, or had not so escaped and been retaken.

Proprietor, &c. may plead order for receiving Lunatic in bar of certain legal proceedings.

LV. And be it enacted, That every proprietor or Superintendent of a licensed house, who shall receive a proper Order in pursuance of this Act, accompanied with the required Medical Certificates or Certificate for the reception or taking care of any person as a Lunatic, and the Assistants and servants of such proprietor or Superintendent shall have power and authority to take charge of, receive and detain such patient until he shall die or be removed, or discharged by due authority; and in case of the escape at any time or times of such patient, to retake him at any time within fourteen days after such escape, and again to detain him as aforesaid; and in every Writ, Indictment, Information, Action and other proceeding which shall be preferred or brought against any such proprietor or Superintendent so authorized as aforesaid, or against any Assistant or servant of any such proprietor or Superintendent, for taking, confining, detaining or retaking any person as a Lunatic, the party complained of may plead such Order and Certificates or Certificate in defence to any such Writ, Indictment, Information, Action or other proceeding as aforesaid, and such Order and Certificates or Certificate shall, as respects such party, be a justification for taking, confining, detaining or retaking such Lunatic or alleged Lunatic.

Visitors may summon and examine witnesses.

LVI. And be it enacted, That it shall be lawful for the Visitors of any licensed house, or any two of such Visitors, from time to time, as they shall see occasion, to require, by Summons under their Hands and Seals, (according to the form in Schedule (J) annexed to this Act, or as near thereto as the case will permit,) any person to appear before them to testify, on oath, the truth touching any matters respecting which

which such Visitors are by this Act authorized to inquire, (which oath such Visitors are hereby empowered to administer ;) and every person who shall not appear before such Visitors pursuant to such Summons, or shall not assign some reasonable excuse for not so appearing, or shall appear and refuse to be sworn or examined, shall, on being convicted thereof before one of Her Majesty's Justices for the District or County within which the place at which such person shall have been by such Summons required to appear and give evidence is situate, for every such neglect or refusal, forfeit a sum not exceeding Fifty Pounds.

Penalty for non-compliance.

LVII. And be it enacted, That it shall be lawful for any Visitors who shall summon any person to appear and give evidence as aforesaid, to direct the Clerk of such Visitors to pay to such person all reasonable expenses of his appearance and attendance, in pursuance of such Summons ; the same to be considered as expenses incurred by such Visitors, in the execution of this Act, and to be taken into account and paid accordingly.

Provision for the payment of the expenses of such witnesses.

LVIII. And be it enacted, That every complaint or information of or for any offence against this Act, where any pecuniary penalty is hereby imposed, may be made before one Justice ; and when any person shall be charged upon oath, before a Justice, for any such offence against this Act, such Justice may summon the person charged to appear at a time and place to be named in such Summons, and if he shall not appear accordingly, and upon proof of due service of the Summons, (either personally or by leaving the same at his last or usual place of abode) any two Justices may either proceed to hear and determine the case, or may issue their Warrant for apprehending such person and bringing him before any two Justices ; and any two Justices shall and may, upon the appearing of such person, pursuant to such Summons, or upon such person being apprehended with such Warrant, or upon the non-appearance of such person, hear the matter of every such complaint or information, and make any such determination thereon as such Justices shall think proper ; and upon conviction of any person, such Justices may, if they shall think fit, reduce the amount of the penalty by this Act imposed for such offence, to any sum not less than one fourth of the amount thereof, and shall and may issue a Warrant under their Hands and Seals for levying such penalty, or reduced penalty, and all costs and charges of such Summons, Warrant and hearing, and all incidental costs and charges, by distress and sale of the goods and chattels of the person so convicted ; and it shall be lawful for any such two Justices to order any person so convicted to be detained and kept in the custody of any Constable or other Peace Officer until return can be conveniently made to such Warrant of Distress, unless the said offender shall give security to the satisfaction of such Justices, by way of Recognizance or otherwise, for his appearance before such Justices on such day as shall be appointed for the return of such Warrant of Distress, such day not being more than seven days from the time of taking any such security : but if, upon the return of such Warrant of Distress, it shall appear that no sufficient distress can be had whereupon to levy the said penalty or reduced penalty, and such costs and charges as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Justices, either by the confession of the offender or otherwise, that the offender hath not sufficient goods and chattels whereupon the said penalty or reduced penalty, costs and charges may be levied, such Justices shall and may, by Warrant under their Hands and Seals, commit such offender to the Common Gaol or House of Correction of the District or County, as the case may be, for any term not exceeding three months, unless such penalty or reduced penalty, costs and charges as aforesaid, shall be sooner paid ; and all such penalties and reduced penalties, when recovered, shall be paid to the Clerk of the Peace for the District or County in which the offence was committed, to be by him applied and accounted for as hereinbefore directed with respect to moneys received for licenses granted by the Justices of such District or County ; and the overplus (if any) arising from such distress and sale, after payment of the penalty or reduced penalty, and all costs and charges as aforesaid, shall be paid, upon demand, to the owner of the goods and chattels so distrained.

Jurisdiction, mode of proceeding, and recovery and application of penalties in cases of complaint for offences against this Act.

Form of conviction.

LIX. And be it enacted, That the Justices before whom any person shall be convicted of any offence against this Act for which a pecuniary penalty is imposed, may cause the conviction to be drawn up in the following form, or in any other form to the same effect, as the case may require ; and that no conviction under this Act shall be void through want of form :

No conviction to be void for want of form.

“ Be it remembered, that on the _____ day of _____
 “ in the year of our Lord _____, at _____, in the District (or County) _____
 “ of _____, A. B. was convicted before us _____ of Her Majesty’s Justices
 “ of the Peace for the said District (or County,) for that he the said _____
 “ did _____ and we the said _____ adjudge the said _____
 “ _____ for his offence to pay the sum of _____”

Appeal to the Quarter Sessions.

LX. Provided always, and be it enacted, That any person who shall think himself aggrieved by any Order or Determination of any Justices under this Act, may, within four months after such Order made or given, appeal to the Justices at General or Quarter Sessions; the person appealing having first given at least fourteen clear days’ notice in writing of such appeal, and the nature and matter thereof, to the person appealed against, and forthwith after such notice entering into a Recognizance before some Justice with two sufficient sureties, conditioned to try such appeal and to abide the Order and Award of the said Court thereupon ; and the said Justices at General or Quarter Sessions, upon the proof of such notice and Recognizance having been given and entered into, shall, in a summary way, hear and determine such appeal, or if they think proper, adjourn the hearing thereof until the next General or Quarter Sessions, and if they see cause, may mitigate any penalty to not less than one fourth of the amount imposed by this Act, and may order any money to be returned which shall have been levied in pursuance of such Order or Determination, and shall and may also award such further satisfaction to be made to the party injured, or such costs to either of the parties as they shall judge reasonable and proper ; and all such determinations of the said Justices at General or Quarter Sessions shall be final, binding and conclusive upon all parties to all intents and purposes whatsoever.

Actions to be commenced within twelve months.

LXI. And be it enacted, That if any action or suit shall be brought against any person for any thing done in pursuance of this Act, the same shall be commenced within twelve months next after the release of the party bringing the action, and shall be laid or brought in the District or County where the cause of action shall have arisen, and not elsewhere : and the defendant in every such action or suit may, at his election, plead specially or plead the general issue not guilty, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act ; and if the same shall appear to be so done, or that such action or suit shall be brought in any other District or County than as aforesaid, or shall not have been commenced within the time before limited for bringing the same, then the Jury shall find a verdict for the defendant ; and upon a verdict being so found, or if the plaintiff shall be non-suited or discontinue his action or suit after the defendant shall have appeared, or if upon demurrer judgment shall be given against the plaintiff, then the defendant shall recover double costs, and have such remedy for recovering the same as any defendant hath or may have in any other cases by law.

Offenders not to be prosecuted, nor penalties sued for by any person without authority of Visitors.

LXII. And be it enacted, That it shall be lawful for the Clerk of any Visitors on their Order, to prosecute any person for any offence against the provisions of this Act committed within the jurisdiction of such Visitors, and to sue for and recover any penalty to which any person within the jurisdiction of such Visitors is made liable by this Act, and all penalties sued for and recovered by any such Clerk shall be paid to him, and be by him paid to the Clerk of the Peace for such District or County, and be by such Clerk of the Peace applied and accounted for as hereinbefore directed with respect to moneys received for licenses by such Clerk of the Peace, and it shall not be lawful for any one to prosecute any person for any offence against the provisions of this Act, or to sue for any penalty to which any person is made liable by this Act, except by

by Order of Visitors having jurisdiction in the place where the cause of prosecution has arisen or the penalty been incurred, or with the consent of Her Majesty's Attorney General or Solicitor General for Lower or Upper Canada, as the case may require, for the time being.

LXIII. And be it enacted, That when any person shall be proceeded against, under the provisions of this Act, for omitting to transmit or send any copy, list, notice, statement or other document hereinbefore required to be transmitted by such person, and such person shall prove by the testimony of one person upon oath, that the copy, list, notice, statement, or other document in respect of which such proceeding is taken was put into the proper Post Office in due time, or (in case of documents required to be transmitted to a Clerk of the Peace), left at the office of such Clerk of the Peace, and was properly addressed, such proof shall be a bar to all further proceedings in respect of such omission.

No person to be punishable for omitting to send any notice, &c. if proved to have been put into the Post Office or left at the proper office.

LXIV. And be it enacted, That the costs, charges and expenses incurred by or under the Order of any Visitors in any proceedings under this Act, shall be paid by the Clerk of the Peace for the District or County in which such Visitors shall have been appointed, and included by him in the account of receipts and payments hereinbefore directed to be kept by him.

Costs incurred in proceedings under this Act by any Visitors to be paid by Clerk of the Peace.

LXV. And be it enacted, That in this Act and the Schedules thereto the words and expressions following shall have the several meanings hereby assigned to them, unless there shall be something in the subject or context repugnant to such construction, that is to say : " District," shall mean a District in Lower Canada ; " County," shall mean a County or union of Counties, City or Town in Upper Canada, having a separate Commissioner of the Peace ; " Lunatic," shall mean every insane person, and every person being an Idiot or Lunatic, or of unsound mind ; " Patient," shall mean every person received or detained as a Lunatic, or taken care or charge of as a Lunatic ; " Proprietor," shall mean every person to whom any license has been granted under the provisions of this Act, and every person keeping, owning, or having any interest, or exercising any duties or powers of a proprietor in any licensed house ; " Clerk of the Peace," shall mean every Clerk of the Peace and person acting as such, and every Deputy duly appointed ; " Justice," shall mean a Justice of the Peace ; " Medical Attendant," shall mean every Physician who shall keep any licensed house, or shall in his medical capacity attend any licensed house ; " Physician," shall mean every person of the male sex authorized to practise physic, surgery or midwifery in this Province ; " Licensed house," shall mean a house licensed under the provisions of this Act.

Interpretation clause.

LXVI. And be it enacted, That nothing in this Act contained shall extend to the Provincial Lunatic Asylum at Toronto, or to the temporary Lunatic Asylum at Beauport, near Quebec.

Act not to extend to certain Public Lunatic Asylums.

LXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Alteration of Act.

SCHEDULES REFERRED TO IN THE FOREGOING ACT.

SCHEDULE (A)—SECTION 13.

FORM OF LICENSE.

KNOW ALL MEN that we,
 the undersigned Justices of the Peace, acting in and for the
 of in General (or Quarter, or Special) Sessions assembled,
 do hereby certify that A. B., of in hath
 delivered to the Clerk of the Peace for the said a plan and description
 of a house and premises proposed to be licensed for the reception of Lunatics, situate
 at in the County of (or, in the
case of a renewed license, hath delivered to the Clerk of the Peace for the said
 a list of the number of patients now detained in a house and premises
 licensed on the day of last, for the reception
 of Lunatics, situated at in the County of)
 and we, having considered and approved the same, do authorize and empower the said
 A. B. (he intending [or not intending] to reside therein) to use and employ the said
 house and premises for the reception of male (or, female,
 or, male, and female) Lunatics, for the space of
 calendar months from this date.

Given under our Hands and Seals this day of
 in the year of our Lord, one thousand eight hundred and

Witness,

Y. Z.,
 Clerk of the Peace.

SCHEDULE (B)—SECTION 22.

ORDER FOR THE RECEPTION OF A PATIENT.

I, the undersigned, hereby request you to receive A. B., a Lunatic (or, an insane person, or, an Idiot, or, a person of unsound mind) as a patient into your house.—Subjoined is a statement respecting the said A. B.

(Signed,) Name.
 Occupation (if any), place of abode, degree of relationship
 (if any), or other circumstances of connection with the Patient.

Name of Patient, with Christian name at length.
 Sex and age.
 Married, single, or widowed.
 Condition of life and previous occupation (if any).
 Previous place of abode.
 Religious persuasion, so far as known.
 Duration of existing attack.
 Whether first attack.
 Age (if known) on first attack.
 Whether subject to epilepsy.
 Whether suicidal or dangerous to others.
 Previous place of confinement (if any).

Whether

Whether found Lunatic by Commission or Interdicted, and date of Commission or Interdiction.

Special circumstances (if any) preventing the patient being examined, before admission, separately by two Physicians.

Special circumstances (if any) preventing the insertion of any of the above particulars.

Dated this day of one thousand eight hundred and

(Signed,)

Name.

To

Proprietor (*or*, Superintendent) of
(Describing house by situation and name, if any.)

SCHEDULE (C.)—SECTION 22.

FORM OF MEDICAL CERTIFICATE.

I, being a Physician duly authorized to practise as such, hereby certify that I have this day, separately from any other Medical Practitioner, visited and personally examined A. B., the person named in the accompanying Statement and Order, and that the said A. B. is a lunatic, (*or* an insane person, *or* an idiot, *or* a person of unsound mind,) and a proper person to be confined, and that I have formed this opinion from the following fact (*or* facts,) viz :

(Signed,)

Name.

Place of abode.

Dated this day of , one thousand eight hundred
and

SCHEDULE (D.)—SECTION 26.

REGISTRY OF ADMISSIONS—REGISTER OF PATIENTS.

Date of last previous Admission, (if any.)		No. in order of Admission.	Date of Admission.	Christian and Surname, at length.		Sex.	Age.	Condition as to Marriage.	Condition of life and previous Occupation, (if any.)	Previous place of abode.	By whose authority sent.	Dates of Medical Certificates, and by whom signed.	Bodily Condition.	Name of Disorder, (if any.)	Form of Mental Disorder.	Supposed cause of Insanity.	Epileptics.	Congenital Idiots.	Years.	Months.	Weeks.	Number of previous attacks.	Age on first attack.	Date of Discharge, or Death or Removal.	Recovered.	Relieved.	Not Improved.	Removed.	Died.	Observations.
Disch'd.																														

SCHEDULE (E.)—SECTION 28.

NOTICE OF ADMISSION.

I hereby give you notice, that A. B. was received into this House as a Patient on the
 day of _____, and I hereby transmit a copy of the Order and
 Medical Certificates (*or* Certificate) on which he was received.

Subjoined is a statement with respect to the mental and bodily condition of the above
 named Patient.

(Signed,)

*Name.**Superintendent (or Proprietor) of*Dated this
and

day of

, one thousand eight hundred

STATEMENT.

I have this day seen and personally examined A. B., the Patient named in the above
 notice, and hereby certify that, with respect to mental state, he (*or* she,
 , and that, with respect to bodily health and condition, he (*or* she)

(Signed,)

*Name.**Medical Proprietor (or Superintendent,
or Attendant) of*Dated this
and

day of

, one thousand eight hundred

SCHEDULE (F.)—SECTION 30.

REGISTER OF DISCHARGES AND DEATHS.

Date of Death or Discharge.	Date of last Admission.	No. in Register of Patients.	Name and Surname at Length.	Sex.		Discharged.						Died.		Removed.		Assigned Cause of Death.	Age at Death.		OBSERVATIONS.		
				M.	F.	Recovered.	M.	F.	Relieved.	M.	F.	Not Improved.	M.	F.	M.		F.	M.		F.	

SCHEDULE (G.)—SECTION 30.

FORM OF NOTICE OF DISCHARGE OR DEATH.

I hereby give you notice that _____ a patient received into this house
 on the _____ day of _____ was discharged therefrom, recovered (*or* relieved, *or* not
 improved) (*or* was removed therefrom) by the authority of _____ (*or* died therein)
 on the _____ day of _____

(Signed)

Name.

Superintendent (or Proprietor)
of house, at

Dated this _____ day of _____ one thousand eight hundred and _____

*In case of death, add—*and I further certify that A. B. was present at the death of
 the said _____ and that the apparent cause of the death of the said
 (ascertained by *post mortem* examination, *if so*) was _____

SCHEDULE (H.) SECTION 35.
FORM OF MEDICAL JOURNAL, AND WEEKLY REPORT.

Date of Report.	Number of Patients.		Names of Patients under restraint, (and by what means,) or in seclusion.		Names of Patients under Medical Treatment.		Report on state of health of Patients, and condition of House.	Deaths, injuries and violences to Patients.
	Males.	Females.	Males.	Females.	Males.	Females.		

SCHEDULE (J.)—SECTION 56.

FORM OF SUMMONS.

We, whose names are hereunto set and seals affixed, being two of the Visitors appointed under or by virtue of an Act passed in the Session held in the fourteenth and fifteenth years of the Reign of Her Majesty, Queen Victoria, intituled, *An Act for the regulation of private Lunatic Asylums*, do hereby summon and require you personally to appear before us at _____, in _____, on _____ the _____ day of _____, at the hour of _____ in the _____ noon of the same day, and then and there to be examined, and to testify the truth touching certain matters relating to the execution of the said Act.

Given under our Hands and Seals, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____

CAP. LXXXV.

An Act to exempt Firemen in Cities from the payment of Statute Labour Tax.

[30th August, 1851.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Municipal Corporation of any City within this Province, by any By-law, to enact and provide, that when any Member of any Company of Firemen which is or may be regularly enrolled in such City wherein the formation of Companies of Firemen is by law authorized and regulated, has regularly and faithfully served for the space and term of seven years consecutively in the same, the said Member shall be entitled to receive, upon producing due proof of his having served seven years consecutively as aforesaid, a Certificate from the Clerk of the Common Council of the City in which he resides, or the Clerk of the Corporate Body under whose authority the said Company shall have been established, that he has been regularly enrolled and served as a Member of the said Fire Company for the space of seven years, which Certificate shall exempt the individual named therein from the payment of any personal Statute Labour Tax thereafter, and from serving as a Juror on the trial of any cause in any Court of Law within this Province; any law, custom or usage to the contrary notwithstanding.

Firemen having served a certain time exempt from serving as Jurors.

CAP. LXXXVI.

An Act to provide for the incorporation and better Management of Library Associations and Mechanics' Institutes.

[30th August, 1851.]

WHEREAS it is expedient to encourage the establishment of Library Associations and Mechanics' Institutes, and for that purpose to provide for the incorporation of such Institutions, and to grant them certain powers enabling them better to protect their property and manage their affairs: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom

Preamble.

Declaration to be subscribed for forming a Library Association or a Mechanics' Institute, or both, under this Act.

Case of existing Institutions wishing to take advantage of the same.

Copy of Constitution and By-laws of such bodies, to be filed with declaration and statement.

Declaration and Registrar's certificate to be *prima facie* evidence.

Corporate powers.

To what extent real property may be held.

Affairs to be managed by Directors or Trustees, with power to make By-laws, subject to certain restrictions.

Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any number of persons, not less than ten, having subscribed, or holding together not less than Twenty-five Pounds in money or money's worth, for the use of their intended Institution, may make and sign a Declaration (in duplicate) of their intention to establish a Library Association or a Mechanics' Institute, or both, (as the case may be,) at some place to be named in such Declaration, in which they shall also state the corporate name of the Institution, its purpose, the amount of money or money's worth subscribed by them respectively, or held by them for the use thereof, the names of those who are to be the first Trustees for managing its affairs, and the mode in which their successors are to be appointed, or new Members of the Corporation admitted, or in which Bye-laws are to be made for such appointment or admission, or for any other purpose, or for all purposes, and generally such other particulars and provisions as they may think necessary, not being contrary to this Act or to Law: or in case of a Mechanics' Institute or Library Association (or both united) already established or in existence, then, that the Directors, Trustees or the Office Bearers and Committee thereof for the time being, may make and sign a Declaration as aforesaid, of their wish or determination to become incorporated, according to the provisions of this Act, stating in such Declaration the Corporate Name to be assumed by such Institution or United Institutions,—and also with such Declaration, to file in the manner hereinafter provided, a copy of the Constitution and Bye-laws of such Institution or United Institutions, together with a general statement of the nature and amount of all the property, real or personal, held by or in trust for such Institution or United Institutions: and one duplicate of such Declaration shall then be filed in the Office of the Registrar of Deeds for the County by one of the subscribing parties, who shall, before such Registrar, acknowledge the execution thereof by himself, and declare the same to have been executed by the other parties thereto, either in person or by their Attorneys; and the Registrar shall then keep one of the said duplicates, and deliver the other to the person filing the same, with a Certificate of the same having been so filed, and the execution attested before him, and such duplicate, or any copy thereof certified by such Registrar, shall be *prima facie* evidence of the facts alledged in such Declaration and Certificate.

II. And be it enacted, That when the formalities aforesaid have been complied with, the persons having signed such Declaration as aforesaid, or the Directors, Trustees or the Office Bearers and Committee for the time being, of any such Institution or United Institutions now established or in existence as aforesaid, and their successors, shall be a body corporate and politic, and shall have the powers, rights and immunities, vested in such bodies under the Interpretation Act and by Law, with power to such Corporation, in their corporate name, from time to time, and at all times hereafter, to have, take, acquire, hold, possess and enjoy to them, and to their successors, to and for the uses and purposes of such Corporation, any messuages, lands, tenements or hereditaments, of what nature or kind soever, situate within this Province; but the yearly value of the real property to be held by any such Corporation, shall never exceed One Hundred Pounds currency.

III. And be it enacted, That the affairs of such Corporation shall be managed by the Directors or Trustees thereof for the time then being, appointed as hereinafter, or by any By-law of such Corporation provided, who, or a majority of whom, shall have full power to exercise all the powers of the Corporation, and to act in its name and on its behalf, and to use its Seal, subject always to any provisions limiting the exercise of such powers in the Declaration aforesaid, or in any By-law of the Corporation; and such Trustees, or a majority of them, shall have power to make By-laws binding the Members and Officers thereof, and such others as shall agree to be bound by them, for all purposes relative to the affairs and business of the Corporation, except as to matters touching which it is provided by the Declaration aforesaid, that By-laws shall be made in some other manner.

IV. And be it enacted, That the Members of such Corporation, at their Annual Meeting, to be held on such day as may be provided by any By-law of the said Corporation, may choose from among themselves a President, and may appoint (except in so far as it may be otherwise provided in the Declaration or By-laws) a Librarian, Treasurer, Secretary, Lecturer, and such other Officers and servants of the Corporation as they may think necessary, and fix and pay their remuneration; and also a Board of Directors or Trustees of such Corporation, who shall hold office for one year, or such further time as may be hereinafter limited or permitted.

Members to appoint a president and other officers, who may be remunerated;

And a Board of Directors, &c.
Their term of office.

V. And be it enacted, That a failure to elect Trustees on any day appointed for that purpose by the Declaration aforesaid, or by any By-laws, shall not operate the dissolution of the Corporation, but the Trustees then in office shall remain in office until their successors are elected, which they may be (if no other provision be made therefor by the Declaration or By-laws) at any Meeting of the Members of the Corporation at which a majority of such Members shall be present, in whatever way such Meeting may be called.

Trustees to remain in office till their successors are appointed, &c.; and as to when they may be elected.

VI. And be it enacted, That any such Corporation shall have power by its By-laws to impose a fine not exceeding One Pound, on any Member contravening the same, or on any person not being a Member of the Corporation, who shall in writing have agreed to obey the By-law for the contravention whereof it is imposed; and any such fine, if incurred, and any subscription or other sum of money which any Member or other person may have agreed to pay to the said Corporation, for his subscription to the funds of the Corporation for any certain time, or for the loan of any book or instrument, or for the right of entry to the rooms of the Corporation, or of attending any lectures, or for any other privilege or advantage afforded him by such Corporation, may be recovered by the Corporation by action in any Court having jurisdiction in civil matters to the amount, on allegation and proof of the signature of defendant to some writing by which he shall have undertaken to pay such subscription, or to obey such By-law, and of this breach of such undertaking, which breach shall be presumed until the contrary be shewn, as regards any promise to pay any sum of money, and may be proved by the oath of any one credible witness, as regards the contravention of any such By-law; and in any such action, or any other to which such Corporation may be a party, any Member or Officer of the Corporation shall be a competent witness, and any copy of any By-law bearing the signature of the defendant, or bearing the Seal of the Corporation, and the signature of some person purporting to have affixed such Seal by authority of the Corporation, shall be *prima facie* evidence of such By-law; and all fines so recovered shall belong to the Corporation for the use thereof.

Corporation may impose fine on members, &c., contravening By-laws, and enforce payment of same, and all other dues, &c.

VII. And be it enacted, That any such Corporation may, if it be so stated in the said Declaration, be at the same time a Mechanics' Institute and a Library Association, or either of them, and their business shall accordingly be the ordinary and usual business of a Mechanics' Institute or of a Library Association, or both, as the case may be, and no other, but may embrace all things necessary and useful for the proper and convenient carrying on of such business; and their funds and property shall be appropriated and used for purposes legitimately appertaining to such business, and for no other.

Corporation may, if provided in declaration, be a Mechanics' Institute and Library Association, or either.

Funds how to be used.

VIII. And be it enacted, That if it be provided in such Declaration as aforesaid, or by the By-laws of the Corporation, that the shares of the Members, or of any class of Members, in the property of the Corporation, shall be transferable, then they shall be transferable accordingly, in such way, and subject to such conditions, as shall be mentioned in such Declaration, or in the By-laws of the Corporation, if by such Declaration, such transfers are to be regulated by them; and all such shares shall be personal property, and by such Declaration or By-laws provision may be made for the forfeiture of such shares in cases to be therein named, or for preventing the transfer thereof to others than persons of some certain description, or resident within some certain locality.

Shares may be made transferable in certain cases;

To be personal property;—When liable to forfeiture.

Power of transfer regulated.

IX. And be it enacted, That provision may be made for the dissolution of such Corporation, by the Declaration aforesaid, or it may be therein provided, that such provision may be made by the By-laws of the Corporation to be hereafter passed:

How dissolution of corporation may be provided for.

Provided

Proviso: as to their liabilities.

How this Act shall apply.

Provided that no such dissolution shall take place until all the liabilities of the Corporation are discharged.

X. And be it enacted, That nothing in this Act contained shall prevent any Mechanics' Institute or Library Association (or both united) from being and becoming incorporated by a separate Act of Parliament, as if this Act had not been passed; nor shall this Act be held in any way to affect or extend to any Mechanics' Institute, or Library Association already incorporated.

C A P . L X X X V I I .

An Act to amend the Laws regulating the Election of Members of the Legislative Assembly in certain Counties, in so far as relates to the Return of Writs.

[30th August, 1851.]

Preamble.

WHEREAS the Magdalen Islands in the Gulf of Saint Lawrence, which are included in and form part of the County of Gaspé, as well as certain other parts of the said County, are inaccessible at certain periods of the year and with difficulty accessible at any season; and whereas certain parts of the said County, and of the County of Saguenay, are situate at great distances from the public place most central and most convenient for the great body of the Electors in each of the said Counties, at which the Returning Officer is by law bound to proceed to the election of a Member to serve in the Legislative Assembly of this Province, whenever a Writ of Election is issued for that purpose, and it is therefore expedient and proper to provide for such Writs being made returnable so as to obviate the possibility of either of the said Counties being at any time unrepresented for want of a sufficient delay between the issuing of any such Writ and the period at which the same may be made returnable, or for want of time to give the necessary notices in pursuance of the same: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing to the contrary contained in the said Act of the Parliament of the United Kingdom, any Writ which may hereafter issue for the election of a Member to serve in the Legislative Assembly of this Province for the County of Gaspé, or for the County of Saguenay, may be made returnable at any time within ninety days from the day on which the same shall bear date.

Period for the return of Writs for the Counties of Gaspé and Saguenay, extended.

Time allowed for certain purposes by 12 Vict. c. 27. extended, as regards the said Counties.

II. And be it enacted, That for and notwithstanding any thing to the contrary contained in the Act of the Parliament of this Province passed in the twelfth year of Her Majesty's Reign, chaptered Twenty-seven, and intituled, *An Act to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of Elections of Members to represent the people of this Province in the Legislative Assembly thereof*, every Proclamation issued by a Returning Officer of the County of Gaspé, or of the County of Saguenay, fixing the place, day and hour at which he will proceed to hold the election under any Writ of Election directed to him, shall be posted up at least twenty days before the day which by such Proclamation he shall have fixed for holding such election, and that there shall be at least fifteen days, and not more than thirty days, between the days respectively fixed by any such Returning Officer in and by any such Proclamation for opening the election as aforesaid, and for opening the Poll at separate places in the said Counties respectively; and that the delay between the closing of the Polls and the day on which the result of the polling shall be announced by the Returning Officer, shall not exceed thirty days,

CAP. LXXXVIII.

An Act to amend the Act establishing the Court of Queen's Bench for Lower Canada.

[30th August, 1851.]

WHEREAS it is expedient to remedy the delay and inconvenience arising from the appointment of Judges *ad hoc* in certain cases, and to provide a more speedy mode of registering Judgments on Appeals to Her Majesty in Her Privy Council: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the fifteenth section of the Act passed in the twelfth year of Her Majesty's Reign, chaptered thirty-seven, and intituled, *An Act to establish a Court having jurisdiction in Appeals and Criminal matters in Lower Canada*, shall be, and the same is hereby repealed: And be it enacted, That whenever leave of absence for more than two months shall have been granted, or shall be granted by the Governor to any Judge of the Court of Queen's Bench for Lower Canada, the fact shall be notified to the Clerk of Appeals by a letter to be to him addressed by the Provincial Secretary, which letter shall be deemed authentic, and shall by the said Clerk be filed among the Records of the Court and entered in the Register thereof.

II. And be it enacted, That whenever any one Judge or more of the said Court shall be lawfully recused or disqualified or rendered incompetent, either by reason of interest or otherwise, to sit in the said Court in any cause cognizable thereby, or shall be suspended from office or absent from the Province, the fact shall be recorded in the Register of the Court by the Clerk of Appeals, whenever he shall be thereunto required in writing by any of the parties, and it shall then be lawful for such number of the Judges of the Superior Court, who would not be disqualified from sitting in such cause if they were Judges of the said Court of Queen's Bench, as may be necessary to complete the said last named Court, to act as Judges thereof and to exercise the same powers and authority with regard to such cause, and to all judicial acts and proceedings required therein, either before or after the determination thereof, as a Judge of the said last named Court not disqualified or rendered incompetent.

III. And be it enacted, That whenever any cause shall have been heard by three Judges only of the said Court of Queen's Bench and taken *en délibéré* by them, and two of the Judges shall be of opinion that any Judgment appealed from in such cause ought to be reversed or altered, the Court may discharge the *délibéré* and order that the cause be re-heard; and if at the time when such cause shall come up for re-hearing, the fourth Judge shall be lawfully recused or disqualified or rendered incompetent, either by reason of interest or otherwise, to sit in such Court, or shall be absent, any Judge of the Superior Court may act as a Judge of the Court of Queen's Bench, in so far as regards such cause, and shall have the same powers and authority with respect to the same, and to all judicial acts required therein, either before or after the determination thereof, as a Judge of the said last named Court, not disqualified or rendered incompetent.

IV. And be it enacted, That whenever, owing to the absence, disqualification, or incompetency of any of the Judges of the Court of Queen's Bench before whom any cause has been or shall be heard, or for any other reason, it becomes necessary to discharge the *délibéré* in such cause, such *délibéré* may be discharged by the remaining Judges, or by any of them, if only one Judge not disqualified or rendered incompetent be present when the discharge of *délibéré* is demanded or should be ordered.

V. And be it enacted, That the words "Judge of the Superior Court" shall include the Chief Justice; and it shall be the duty of the Judges of the Superior Court to act

Preamble.

The 15th sect. of 12th Vict., c. 37, repealed.

Leave of absence to any Judge of the Court of Q. B. for more than two months, to be notified to Clerk of Appeals by the Prov. Secretary.

Letter by which the same is notified to be filed and registered.

In case of any inability, &c., in a Judge of the said Court to sit therein, in any cause, the fact to be recorded,—when and how.

Judges of the Superior Court empowered to sit in Q. B., in certain cases.

In any cause taken *en délibéré* by three Judges of Q. B., two of them may order the same to be re-heard.

If the fourth Judge of Q. B. be incompetent, &c., to sit, in such cause when re-heard, any of the Judges of the Superior Court may act in his place.

In case of any incompetency in a Judge of Q. B., or his absence, &c., the remaining Judges, or one of them, may discharge the *délibéré* when demanded or ordered.

The words "Judges of the Superior Court,"

to include Chief Justice.

Judges of Superior Court to act as one of the Q. B. when necessary. When required so to act, the same to be notified, by and to whom. Arrangement as to Judge of S. C. who is to act as Judge of Q. B.

Removal of disqualification, &c., in any Judge of Q. B. not to affect the powers of the Judge supplying his place.

In case of death, absence, &c., of such Judge acting as Judge of Q. B., &c., how the provisions of this Act are to apply.

Appeals pending at the time of the passing of this Act, as well as subsequent appeals, to come under the same.

In cases of Appeals to Her Majesty's Privy Council from the Court of Q. B., the Clerk of Appeals to register an Official Exemplification of Judgment, &c.

Record to be remitted to Court below.

Exception.

Proviso.

as Judges of the Court of Queen's Bench under this Act whenever need shall be, and whenever it shall happen that any of the Judges of the Superior Court are required so to act, the Clerk of Appeals shall, by order of one of the Judges of the Court of Queen's Bench, notify the Chief Justice (or in his absence from the Province, the senior Judge) of the Superior Court, who shall thereupon communicate with the other Judges of his Court, and arrange with them what Judge or Judges shall so act as a Judge or as Judges of the Court of Queen's Bench, in the cause or causes to which the notice relates.

VI. And be it enacted, That the return of any Judge of the Court of Queen's Bench who may have been absent, or the removal of any cause of disqualification or incompetence, shall not affect the powers of the Judge of the Superior Court acting in his stead, nor shall they be affected by the appointment of any Judge who would be competent in the cause; and if any Judge of the Superior Court acting under this Act as a Judge of the Court of Queen's Bench should die or become disqualified or incompetent or be absent, the provisions of this Act shall in such case have the same effect to remedy the want of a sufficient number of Judges in the cause as if he had been to all intents and purposes a Judge of such last named Court.

VII. And be it enacted, That this Act shall apply to causes in which Appeals are pending at the time of the passing thereof as well as to causes in which Appeals shall thereafter be instituted.

VIII. And be it enacted, That on any appeal to Her Majesty in Her Privy Council from any Judgment heretofore rendered by the late Court of Appeals for Lower Canada, or from any Judgment heretofore rendered or that shall hereafter be rendered by the present Court of Queen's Bench, on the Appeal side thereof, it shall be the duty of the Clerk of Appeals to register an Official exemplification of the Judgment of Her Majesty in Her Privy Council, immediately on the production of the same by any party interested therein, and without requiring a previous order of the Court or of any Judge thereof for such registration; and the said Clerk of Appeals shall also, with a copy of such exemplification, and without requiring any such previous order, remit the Record of the cause to the Court below, unless the Judgment of Her Majesty in Her Privy Council require some further proceeding to be had in the said Court of Queen's Bench: Provided always, that nothing contained in this section shall extend to or affect any Judgment rendered by Her Majesty in Her Privy Council before the passing of this Act.

CAP. LXXXIX.

An Act to amend the Act intituled, *An Act to regulate the summoning of Jurors in Lower Canada.*

[30th August, 1851.]

Preamble.

WHEREAS it is expedient to make further and more equitable provision for selecting and summoning Jurors, and for regulating the trial by Jury in civil cases in Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the seventh section of the Act passed in the session of the Provincial Parliament, held in the tenth and eleventh years of Her Majesty's Reign, chaptered thirteen, and intituled, *An Act to regulate the summoning of Jurors in Lower Canada*, and so much of the nineteenth section of the same Act as provides that no more than thirty-six Petit Jurors shall be summoned at any General Quarter Sessions of the Peace, shall be and the same are hereby repealed.

Sect. 7, and part of sect. 19 of 10 & 11 Vict. c. 13, repealed.

II. And be it enacted, That in addition to the persons and classes of persons by law exempted from serving as Jurors, the Members of the Legislative Assembly, all persons in the civil service of Her Majesty's Government, under either Imperial or Provincial appointment, masters of and persons engaged in navigating steamboats, engineers and other conductors of Rail-way trains, and all persons employed in the working of any grist-mill, shall also be exempt from service as Jurors.

Additional exemptions from service as Jurors,

JURIES IN CRIMINAL CASES.

III. And be it enacted, That no person shall be summoned or be liable to serve as a Petit Juror, before any Court held at a distance of more than ten leagues from his place of residence, nor shall any Sheriff include in any list of Petit Jurors hereafter to be made, the name of any person hereby exonerated from serving as such Petit Juror.

Distance from which Petit Jurors may be summoned.

Secondly. That there shall be summoned to serve at each Court of General and of Quarter Sessions of the Peace, not less than forty-eight Petit Jurors.

Number of Petit Jurors at Quarter Sessions.

Thirdly. That of the Grand Jurors and Petit Jurors, hereafter to be summoned to serve before any Court holding criminal jurisdiction at the Cities of Quebec and Montreal, one-half shall be composed of persons speaking the English language, and the other half of persons speaking the French language, to be selected by the Sheriff from the list of Grand Jurors and Petit Jurors in the order in which the names of each class, respectively, are inscribed therein.

One-half the Jurors at Quebec or Montreal to speak English and one-half French.

Fourthly. That in the Districts of Quebec and Montreal, the Sheriff shall, in addition to the number of persons to be summoned as Petit Jurors for the Courts of Criminal Jurisdiction, to appear on the first day of the Session thereof, summon a second set of Petit Jurors for each of the said Courts in the same manner, at the same time, and to the same number as those summoned for the first day of the Session, and such second set of Petit Jurors shall for the Court of Queen's Bench and Court of Oyer and Terminer, be summoned to attend on the eighth juridical day of the Term thereof, and for the Court of General Quarter Sessions, on the sixth juridical day of the Session thereof; and every such second set of Petit Jurors shall attend and serve for the residue of every such Session or Term.

Second set of Petit Jurors to be summoned for certain Courts.

Fifthly. That except as hereinafter provided, no Sheriff shall be required to return a Special Panel of Petit Jurors for the trial of any criminal case; any law, usage or custom to the contrary notwithstanding.

In what cases only special panels shall be required.

Sixthly. That unless the prosecuting officer, and the party prosecuted consent that the trial Jury be composed exclusively of persons speaking the English language or of persons speaking the French language, or unless the party prosecuted demand, in the manner and at the time hereinafter provided, a jury composed, for the one-half, at least, of persons skilled in the language of his defence, (if such language be either the English or the French language,) the said jury shall be composed of the first twelve persons, who, being called from the General Panel shall appear, and shall not be lawfully challenged.

Except in certain cases, the first twelve Jurors to be the Trial Jury.

Seventhly. That so much of the Ordinance, passed in the twenty-seventh year of the Reign of His late Majesty, King George the Third, chaptered one, and intituled, *An Ordinance to regulate the proceedings in certain cases, in the Court of King's Bench, and to give the subject the benefit of Appeal from large Fines*, as provides that upon any trial by jury in Criminal cases, the defect of the panel in Petit Jurors, skilled in the language of the defence, may be supplied by a *tales*, shall be, and the same is hereby repealed; and in lieu thereof, Be it enacted—

Part of Ord. 27 Geo. 3 c. 1, repealed, (as regards *tales* in certain cases.)

Eighthly. That whenever any prosecuted party, upon being arraigned, demands a Jury composed for the one-half at least, of persons skilled in the language of his defence, if such language be either English or French, he shall be tried by a Jury composed, for the one half, at least, of the persons whose names stand first in succession upon the General Panel, and who, on appearing, and not being lawfully challenged, are found in the judgment of the Court to be skilled in the language of the defence.

Other provision substituted.

Ninthly.

Further provision in the same matter.

Ninthly. And whenever from the number of challenges, or from any other cause, there is, in any such case, a deficiency of persons skilled in the language of the defence, the Court shall fix another day for the trial of such case, and the Sheriff shall supply the deficiency by summoning, for the day so fixed, such additional number of jurors skilled in the language of the defence as the Court may order, and as shall be found inscribed next in succession on the list of Petit Jurors.

JURY TRIALS IN CIVIL SUITS.

Powers of Judges in weekly sittings.

IV. And be it enacted, That the Judges of the Superior Court in Lower Canada, at their weekly sittings, shall have and exercise the same and like power and authority in all matters and proceedings connected with, preceding or consequent upon trials by Jury in civil suits, as fully to all intents and purposes as the Superior Court in term: Provided that no motion in arrest of judgment, or for a new trial or to set aside a verdict, shall be heard or determined by any number of Judges less than three.

Special Jurors only to serve.

Secondly. That in every case in which a Jury shall be demanded to try the issue or issues in any civil suit or action, such issue or issues shall be tried by a Special Jury, and no person but those whose names are found inscribed on the lists of Special Jurors shall serve or be summoned to serve on any such trial; any law, custom or usage to the contrary notwithstanding.

Every verdict to be special.

Thirdly. That the trial of the issue in any such suit or action shall not be fixed until, upon the motion and suggestion of the party applying for the same, the Court or two Judges thereof, shall have determined upon and defined the fact or facts to be enquired into by the Jury, who shall in every case be required to return a Special Verdict in relation to such fact or facts.

From what distance Special Jurors may be summoned, &c.

Fourthly. That no person shall be summoned or be liable to serve as a Special Juror in any civil suit, before any Court to be held in the Districts of Quebec and Montreal, at a distance of more than three leagues from his place of residence, or before any Court to be held in any other District at a distance of more than five leagues from his place of residence, nor shall any Sheriff include in any list of Special Jurors hereafter to be made, the name of any person hereby exonerated from serving as such Special Juror.

Who shall be Special Jurors elsewhere than in Montreal or Quebec.

Fifthly. That in every list of Special Jurors hereafter to be made or renewed, in any other Districts than those of Montreal and Quebec, the Sheriff shall, in addition to the persons by law now qualified to serve as Special Jurors, also inscribe the names of every person resident within five leagues of the Court House of any such District, occupying any house or farm, and paying for the same a yearly rent of or above Twenty Pounds currency.

Delay between summoning of Jurors and day of attendance.

Sixthly. That so much of the twentieth section of the Act hereinbefore first cited, as fixes the delay between the summoning of Jurors in civil matters and the day appointed for their attendance, shall be and the same is hereby repealed; and in lieu thereof, Be it enacted, That persons required to serve as Special Jurors in civil matters, shall be summoned at least four days before the day on which they shall be enjoined to attend.

Provision as to the language of Juries in civil cases.

Seventhly. That upon the unopposed demand of any party to any civil suit or action in which a trial by Jury may now be legally had, it shall be lawful for the Court or any two Judges thereof, to order that the Jurors to be summoned to try the issue or issues in such suit or action, shall be composed exclusively of persons speaking the English language or of persons speaking the French language, and if any such demand be opposed by any other party to any such suit or action, the said Court or Judges shall order that the Jurors to be summoned for such trial shall be composed in equal numbers of persons speaking the English language and of persons speaking the French language; and when a Jury *de medietate linguæ* shall have been so ordered to be summoned, it shall not be lawful for either of the parties to strike from the list of Jurors prepared by the Prothonotary or Clerk, in any such case, the names of more than six persons speaking the English language and of six persons speaking the French language.

Eighthly.

Eighthly. That in all civil suits or actions of a mercantile nature between merchants' traders, and trading corporations, or between merchants, traders, or trading corporations and persons not engaged in trade, it shall be lawful for the said Court, or Judges upon the unopposed of a mercantile nature, between merchant and merchant, and trader and trader, it shall be lawful for the Court, on the demand of either the parties, to order that the Jurors to be summoned for the trial of the issue or issues raised in any such suit or action, shall be taken and selected from those persons who are designated in the list of Special Jurors as merchants and traders, in the order in which their names shall successively stand on the said list; And if such demand be opposed by any other party to any such suit or action, the Court or Judges shall order that the Jurors to be summoned for such trial be composed in equal numbers of those persons who are designated in the list of Special Jurors as merchants and traders, and of those who are not designated in the said list as such; and in no such case shall it be lawful for either of the parties to strike from the list of Jurors, prepared by the Prothonotary or Clerk, the names of more than six persons therein designated as merchants or traders and of six persons not therein designated as such.

In mercantile suits, Court may order that all the Jurors be traders.

Sic.

Ninthly. That no Bill of Exceptions shall hereafter be filed at or in relation to any trial by Jury, but the Judge presiding at any such trial, shall make or cause to be made under his supervision, full notes of the verbal testimony adduced at such trial, and of all exceptions or objections made or taken at such trial; and such notes shall be read by the Judge, or by the Prothonotary or Clerk of the Court, at the oral request of any party to any such suit, preferred at any time during such trial, or immediately after the close thereof, in order that any error or omission found therein may be corrected or supplied.

Notes to be taken of the evidence.

Tenthly. That a fair copy of such notes shall be made out by the Prothonotary or Clerk of the Court, and after being certified by the Judge, shall be filed of record in the cause, and shall, in case of appeal from the final judgment pronounced in any such suit or action, be transmitted to the Court of Appeals, as forming part of such record, and shall be considered for the purposes of such appeal, as forming a true record of the evidence adduced on the trial, and of all other proceedings mentioned therein, and as supplying the place of a Bill of Exceptions, whenever such Bill would have been required, had this Act not been passed.

Fair copy of notes to be made.

Its uses.

Eleventhly. That in any civil suit in which the services of a translator shall be necessary, the Court or the presiding Judge shall appoint a person competently skilled in the language to be translated, and shall allow to any such translator a reasonable compensation for his services, and the sum allowed to him shall form part of the costs of trial.

Translator may be allowed.

Twelfthly. That in every civil action, each of the trial Jurors shall be allowed Five Shillings for each day's attendance on the trial, which shall be paid to such Jurors by the party requiring such trial before the said Jurors shall be held to render their verdict in any such suit, and shall form part of the costs to be taxed against the unsuccessful party in such suit; and on failure of such payment, the Jury shall be discharged without verdict; and in such case, the said allowance shall form part of the taxed costs against the party demanding the trial by jury, and when recovered, shall be paid over by the Prothonotary or Clerk of the Court to the said Jurors.

Allowance to Jurors: how and by whom, and when to be paid.

JURY LISTS AND SUMMONING OF JURORS IN DISTRICTS OF KAMOURASKA AND OTTAWA.

V. And whereas it is expedient to make provision for selecting and summoning Jurors for the trial of civil and criminal cases in the Districts of Kamouraska and Ottawa, so soon after the erection of such new Districts as such trials can be conveniently had, Be it enacted, That the Sheriff for each of the said new Districts shall make and prepare (in duplicate) the following lists of Jurors, that is to say:

Sheriff to make lists.

Firstly.

Grand Jurors.

Firstly. A list of all persons qualified to serve as Grand Jurors at any of the Courts of Queen's Bench Term or of Oyer and Terminer, which shall hereafter sit in the said Districts respectively, for the cognizance of criminal offences.

Petit Jurors.

Secondly. A list of all persons qualified to serve as Petit Jurors before the said Courts of Superior Criminal Jurisdiction.

Grand Jurors at Q. S.

Thirdly. A list of all persons qualified to serve as Grand Jurors at any term of the Court of General Sessions of the Peace hereafter to be held in the said Districts respectively.

Petit Jurors at Q. S.

Fourthly. A list of all persons qualified to serve as Petit Jurors before the said Court of General Sessions of the Peace.

Special Jurors.

Fifthly. A list of all persons qualified to serve as Special Jurors upon the trial of civil cases before the Superior Court or any of the Judges thereof, in the said new Districts respectively.

Sheriffs to make out the lists within a certain time, &c.

2. The Sheriff of each of the said new Districts, shall make and prepare the said lists of Jurors within three months from the date of his appointment as such Sheriff, and shall renew the same every second year, to be reckoned from the month in which the first lists shall have been completed; and the said Sheriffs shall make, prepare and renew the aforesaid lists of Jurors, and shall summon the Jurors therein named, in the manner provided by the said Act hereinbefore firstly recited, as amended by this Act, and shall keep deposited in his office a duplicate of each of the said lists, and shall deposit the other duplicate of each of the said lists as follows, that is to say:

Sic.
Where the duplicates shall be deposited.

List of Jurors for Superior Courts.

3. The other duplicate of the list of Grand Jurors, and the other duplicate of the list of Petit Jurors qualified to serve as such, respectively, before the Court of Queen's Bench and the Court of Oyer and Terminer, shall be deposited in the office of the Clerk of the Crown hereafter to be appointed in and for such new District.

Lists of Jurors at Q. S.

4. The other duplicate of the list of Grand Jurors and Petit Jurors qualified to serve as such respectively before the Court of General Sessions of the Peace, shall be deposited in the office of the Clerk of the Peace hereafter to be appointed in and for such new Districts.

List of Special Jurors.

5. The other duplicate of the list of Special Jurors, shall be deposited in the office of the Prothonotary of the Superior Court hereafter to be appointed in each of such Districts.

The said Act and this Act to apply to the new Districts.

VI. And be it enacted, That the said Act hereinbefore firstly recited, except in so far as the same or any part thereof is repealed or amended by this Act, and this Act, shall apply and extend to the said Districts of Kamouraska and Ottawa, hereafter to be erected, as fully, to all intents and purposes, as if the said Districts had been in existence at the time of the passing of the said Acts respectively, and had been mentioned in the said Act hereinbefore firstly recited.

Inconsistent enactments repealed.

VII. And be it enacted, That all laws and provisions of law inconsistent with or repugnant to the foregoing provisions, shall be, and are hereby repealed.

C A P. X C .

An Act to render executory certain Judgments in Lower Canada, and to provide more effectually to enforce Judgments in cases of resistance.

[30th August, 1851.]

Preamble:

WHEREAS no provision is in force under the existing Laws of Lower Canada, for carrying into execution the Judgments of the late Provincial Court for the Inferior District of St. Francis, and for enforcing the Judgments of certain Commissioners' Courts in Lower Canada which have ceased to exist, and great inconvenience has arisen from the want of such provision, inasmuch as such judgments have remained unexecuted, or it has been necessary to have them declared executory by other judgments obtained at great cost: And whereas it is necessary to provide more efficiently for enforcing judgments of the Courts in Lower Canada, in case

case of resistance to the execution thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Registers, Muniments, Records, Official Acts and Papers, and other proceedings of the said late Provincial Court, shall immediately after the passing of this Act be transmitted into and make part of the Records, Muniments, and other judicial proceedings of the Circuit Court for the Sherbrooke Circuit, at the Town of Sherbrooke in the District of Saint Francis; and that the judgments of the said late Provincial Court, shall and may be executed as if they were judgments of the said Circuit Court, and the Clerk of the said Circuit Court for the said Sherbrooke Circuit, shall accordingly issue Execution under the said judgments, and ulterior proceedings shall be had thereupon, as if the said judgments were judgments of the said Circuit Court, under the laws now in force.

Records, &c., of the late Provincial Court to be transmitted into the Circuit Court; its judgments made Executory.

II. And be it enacted, That the Judgments of the several Commissioners' Courts in Lower Canada, which have existed under Acts now expired, or which have existed or shall exist under the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to provide for the summary trial of small causes in Lower Canada*, and which have ceased or may hereafter cease to exist, may and shall be executed as if the said judgments had been rendered after the passing of the said Act by the Circuit Court in the same District, and the Clerks of the said Commissioners' Courts shall forthwith deposit the Records of the said Courts in the Commissioners' Court in existence nearest to the place where such Courts have ceased to exist, or if there be no such Commissioners' Court, then in the Circuit Court of the same District, and the Clerks of the said Courts at the places where the Records are or shall be deposited respectively, shall accordingly issue Writs of Execution by virtue of the said judgments, and ulterior proceedings shall be had upon the said judgments, as if the same had been rendered by the Circuit Court, or by any other Court in the same District, by virtue of the laws now in force.

How judgments of Commissioners' Courts which may have ceased to exist, shall be executed 7 V. c. 19.

III. And be it enacted, That every Court of Justice shall have the same powers in case of resistance to its process as regards any sale or other incidental proceeding, as it now has by the laws of Lower Canada, in case of such resistance as regards any seizure.

Powers of Courts in cases of resistance to process.

IV. And be it enacted, That every Judge of any such Court shall have in vacation, at chambers or at his residence, the same powers as the Court whereof he is a Member, in all cases of resistance to its process.

And of any Judge.

V. And be it enacted, That this Act shall apply to Lower Canada only.

Extent of Act.

CAP. XCI.

An Act to increase the number of sittings of the Circuit Court at Richmond and Stanstead.

[30th August, 1851.]

WHEREAS it is expedient, in order to meet the wants of the inhabitants of the District of Saint Francis, and to obviate protracted litigation, that the Circuit Court should be holden at Shipton and Stanstead, in the said District, three times a year instead of twice a year as heretofore: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and

Preamble.

it

Times at which the Court shall be held at Richmond and Stanstead.

it is hereby enacted by the authority of the same, That the Circuit Court shall hereafter be holden at the Village of Richmond, in the Township of Shipton, in and for the Circuit called the Richmond Circuit, from the tenth to the nineteenth day, inclusively, of the months of January, May and September; and at Stanstead Plain, in the Township of Stanstead, in and for the Circuit called the Stanstead Circuit, from the tenth to the twentieth day of March, from the first to the tenth day of July, and from the fifteenth to the twenty-fourth day of November, inclusively, instead of the times heretofore fixed by law for holding the said Court at the above named places.

CAP. XCII.

An Act to provide a more summary and less expensive process for proprietors of Real Property in Lower Canada to acquire the possession thereof, when illegally detained from them, in certain cases.

[30th August, 1851.]

Preamble.

WHEREAS great inconvenience and expense are often occasioned to proprietors of lands situated in that part of this Province called Lower Canada, by persons acquiring the possession thereof without any title thereto, and against the will of such proprietors; for remedy thereof: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any proprietor or proprietors of any lands or tenements, or both, held in free and common socage in the townships, which are situated within that portion of the Province of Canada called Lower Canada, the possession of which lands or tenements or both shall have been illegally acquired and is detained from such proprietor or proprietors as aforesaid against his or their will, by any person or persons whomsoever, it shall be lawful for any such proprietor or proprietors as aforesaid, by a Summons issued from the office of the Clerk of the Circuit Court in any Circuit within the District where such lands or tenements are situated, to summon such occupier or occupiers, or person or persons so acquiring and detaining such illegal possession as aforesaid, before the Circuit Court in such Circuit as aforesaid, or before any Circuit Judge in vacation, or any Judge of the Superior Court in vacation, and that such Circuit Court, Circuit Judge in vacation, or Judge of the Superior Court in vacation, shall in due course hear, determine and adjudge the matter in issue and award costs: Provided always, that when such defendant or defendants shall plead and produce an adverse title to such lands or tenements, or both; so claimed as aforesaid, then after evidence shall have been adduced and the *enquête* closed on the part of the plaintiff and defendant, it shall be lawful for either of the contesting parties, after having previously given security for costs, as well in the Court below as in the Superior Court, to inscribe such cause for final hearing and argument for the Superior Court, at the next ensuing sitting thereof within the District where such suit is commenced; and upon such security for costs having been entered up, and such inscription of the cause having been made as aforesaid, the Clerk of the Circuit Court where such action is commenced shall forthwith send up the record, and all proceedings and evidence taken and had in such cause duly certified to the said Superior Court, and thereupon the said Superior Court shall hear the arguments in such cause, determine the matter in issue and award costs, in the same manner in all respects as if the said suit or action had been originally instituted in the said Superior Court; Provided also, that unless security for costs as aforesaid shall have been entered up in such suit or action in the Circuit Court where such suit is commenced, within three days after the *enquête* shall have been closed by both contesting parties to such suit, it shall be lawful for either of the contesting

Party holding a valid title to lands detained from him, may obtain a Summons from the Circuit Court to the party detaining them.

Who may hear the case.

If adverse title be pleaded and security given, the case may be evoked to the Superior Court.

But not unless such security be given.

contesting parties to such suit to inscribe such cause for final hearing and argument before such Circuit Court, Circuit Judge in vacation, or Judge of the Superior Court in vacation, as the case may be, and thereupon the said Circuit Court, Circuit Judge in vacation, or Judge of the Superior Court in vacation, may and shall proceed to hear, determine and adjudge upon the matter in issue in such cause, and award costs as he might do if no such adverse title were pleaded or produced.

II. And be it enacted, That all suits or actions instituted under this Act shall be instituted in the same manner, and be subject to the same regulations and delays between the service of process therein and the rules of pleading, as are adopted and required by law and the rules of practice in the Circuit Court as well when such suits or actions shall be instituted before a Circuit Judge in vacation or a Judge of the Superior Court in vacation, as when they shall be instituted before the Circuit Court, unless and until such suits or actions shall be removed by appeal or otherwise to the Superior Court as by this Act provided, and all documents filed and proceedings had in any suit under this Act shall be and become records of the Circuit Court where the Summons may have issued in such suit, as well if such proceedings were had before a Circuit Judge in vacation, or a Judge of the Superior Court in vacation, as if the whole of such proceedings were had before such Circuit Court; and such documents and proceedings shall be and remain records of such Circuit Court, unless the same shall be removed as hereinbefore provided, to the Superior Court; and the judgments and orders of such Circuit Judge in vacation, or Judge of the Superior Court in vacation, as well as of the Circuit Court, in any such suit, shall be executory in every respect as fully by such Circuit Court as the judgments and orders in any other suit in the Circuit Court at such place; and that the evidence in all such suits shall be reduced to writing and filed of record, in the same manner as in other appealable cases before the Circuit Court.

III. And be it enacted, That whenever the plaintiff shall be entitled to a judgment under this Act, by the Circuit Court or by a single Judge in vacation, it shall be lawful for the Circuit Court, Circuit Judge in vacation, or Judge of the Superior Court in vacation, as the case may be, to render judgment, and order the same to be entered of record by the Clerk of the Circuit Court at the place where the Writ of Summons in such cause issued, and by such judgment to declare the plaintiff the lawful proprietor of the real property in contestation, or any portion thereof, and to order and adjudge the defendant to abandon and deliver up the same to the plaintiff within twenty days after a copy of such judgment shall have been served upon him; and in default of the defendant's abandoning and delivering up the same within the said twenty days after such service upon him, a Writ of Possession may issue from the Circuit Court at the place where the record in such suit is, directed to the Sheriff of the District within which the real property adjudged is situated, to cause the plaintiff to have the possession thereof.

IV. And be it enacted, That whenever a judgment shall have been rendered under this Act, by the Circuit Court, a Circuit Judge in vacation, or a Judge of the Superior Court in vacation, an appeal shall lie to the Superior Court sitting within the District where such suit shall have been originally instituted, which said Superior Court shall proceed to hear and adjudge on such appeal as to law may appertain, and in the manner hereinafter provided.

V. And be it enacted, That the party appealing from any judgment rendered as aforesaid by the Circuit Court, or by a Circuit Judge in vacation, or by a Judge of the Superior Court in vacation, shall, within fifteen days after the rendering of the judgment to be appealed from (but without being bound to give notice thereof to the adverse party) give good and sufficient security by sureties who shall justify their sufficiency to the satisfaction of the person before whom it shall be given as hereinafter provided, that he will effectually prosecute the appeal, and (if the plaintiff be the party appealing) that he will pay the costs as well in the Court below as in the Superior Court if the judgment appealed from be affirmed; and (if the defendant be the party appealing) that

Documents filed in such suits to be records of Circuit Court.

NIAGARA FALLS PUBLIC LIBRARY.

Judgments executory.

How judgments shall be executed.

Writ of possession.

Appeal given to the Superior Court.

Delay allowed for appealing: Security to be given.

How and before whom
such security may be
given.

that he will pay the costs as well in the Court below as in the Superior Court, and that he will deliver up the real property adjudged to the plaintiff without waste, if the judgment appealed from should be affirmed; and such security shall be given either before any Judge of the Superior Court or the Prothonotary thereof, and the Bond shall be deposited and remain of record in the office of the latter; or it shall be given before any Circuit Judge, or before the Clerk of the Circuit Court where such judgment may have been rendered, and the Bond shall there be deposited and remain of record in the office of the latter; and any two sureties, each of whom shall be a proprietor of real property of the value of Fifty Pounds current money of this Province above all incumbrances payable out of or affecting the same, shall suffice to render such security valid: and the said Judges, Prothonotaries or Clerks are hereby authorized to administer all oaths required by law in such cases from the persons so becoming sureties, and to put to them all necessary inquiries and questions.

Oaths.

How such appeals
may be prosecuted.

VI. And for the purpose of obviating delay and expense in the prosecution of appeals under this Act, Be it enacted, That such appeals shall be prosecuted and proceedings thereon had in a summary manner, by petition of the appellant to the Superior Court, setting forth succinctly the grounds of appeal, and praying for the reversal of the judgment appealed from, and the rendering of such judgment as the Court below ought to have rendered, a copy of which petition, with a notice of the time at which it is to be presented to the Superior Court, shall be served upon the adverse party, or at his domicile, or on his attorney *ad litem*, within fifteen days from the rendering of the judgment appealed from; and such petition shall be presented at some weekly sitting or term (whichever shall first happen) of the Superior Court next succeeding the rendering of the judgment appealed from, if there shall be an interval of twenty days between the rendering of such judgment and such sitting or term, and if there shall not be such interval, then on the first juridical day of the sitting or term next succeeding the expiration of twenty days next after the rendering of such judgment: Provided always, that neither the day of the rendering of such judgment appealed from nor the day of the presenting of said petition to the Superior Court shall be considered as forming part of the said interval of twenty days; and provided also that a true copy of the appeal Bond given by the party appealing, certified as such by the Prothonotary or Clerk in whose office it shall have been deposited, shall be annexed to the original petition presented to the Superior Court, and that a copy or copies of the same, certified as such by the party appealing or his attorney, shall be served with the petition and notice hereinbefore mentioned upon the party respondent.

Proviso.

Proviso:

Value of the property
not to affect jurisdic-
tion.

VII. And be it enacted, That the Circuit Court, Circuit Judge in vacation and Judge of the Superior Court in vacation, shall have jurisdiction in the manner hereinbefore stated and to the extent hereinbefore given, in all suits provided for by this Act, as well where the value of the real property claimed is above as when it is under Fifty Pounds current money of this Province.

How security under
Sect. 1 may be given.

VIII. And be it enacted, That the security for costs required to be given by the first section of this Act, previously to inscribing a suit for the Superior Court as therein provided in certain cases, may be given by the party inscribing (without giving notice to the opposite party) within three days after the *enquête* is closed by the contesting parties, by good and sufficient sureties, who shall justify their sufficiency either before the Clerk of the Circuit Court where the suit is of record, or before the Judge before whom the *enquête* in such suit is had, and the Bond shall be deposited and remain of record in the office of the Clerk of the said Circuit Court; and any two sureties, each of whom shall be a proprietor of real property of the value of Fifty Pounds current money of this Province above all incumbrances payable out of or affecting the same, shall suffice to render such security valid; and the said Judge or Clerk is hereby authorized to administer all oaths required by law in such cases from the persons so becoming sureties, and to put to them all necessary inquiries and questions.

Qualification of sure-
ties.

IX. And be it enacted, That an appeal shall lie from all judgments rendered in the Superior Court in cases instituted under this Act to the Court of Queen's Bench in the same manner, and subject to the same rules and restrictions as other appeals from the said Superior Court.

Right of Appeal.

X. And be it enacted, That the costs in any suit under this Act before the Circuit Court, Circuit Judge in vacation, or a Judge of the Superior Court in vacation, shall be the same as are now allowed in actions in the Circuit Court, when the sum of money or the value of the thing demanded exceeds the sum of Twenty-five Pounds currency: Provided, nevertheless, that if such suit be removed by appeal or otherwise to the Superior Court, the costs shall be the same as in other petitory actions before the said Court; and provided further, that nothing in this Act shall be construed to deprive any proprietor or proprietors of the right they now possess of instituting any petitory action before the Superior Court, but that it shall be at their option to proceed under this Act or to institute a petitory action in the Superior Court in the same manner as if this Act had not been passed.

What costs shall be allowed.

Proviso:
If the case be removed into Superior Court.

XI. And be it enacted, That nothing in this Act contained shall have the effect of depriving any person or persons of any claim they would by law have previous to this Act coming into effect, for betterments or improvements made by them upon any real property of which they may be in occupation, nor have the effect of interfering in any way with any suit or action pending or being prosecuted in any Court in Lower Canada, for the possession of any such lands and tenements, which suit or action shall be continued as if this Act had not been passed.

Act not to affect claim for improvements.

XII. And be it enacted, That this Act shall apply to lands held in free and common socage, in the Townships situated in Lower Canada only, and shall continue in force for two years, and from thence, until the end of the then next Session of the Parliament of this Province, and no longer.

Extent of Act.

C A P . X C I I I .

An Act to explain and amend the Laws relating to the Registration of Deeds in Lower Canada.

[30th August, 1851.]

WHEREAS in and by an Ordinance of the Legislature of the Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance to prescribe and regulate the Registering of Titles to lands, tenements and hereditaments, real or immoveable estates, and of charges and incumbrances on the same, and for the alteration and improvement of the Law in certain particulars in relation to the alienation and hypothecation of real estates, and the rights and interests acquired therein*, it was amongst other things in effect ordained and enacted, that the Registrars of Deeds for the several Deeds in the said Ordinance mentioned, should severally and respectively, before taking upon themselves the duties of their offices, enter into Recognizances in the several and respective penal sums therein mentioned, conditioned for the due and faithful performance of the said duties: And whereas, in and by an Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, intituled, *An Act to amend the Ordinance providing for the Registration of Titles to Real Property, or incumbrances thereon in Lower Canada, and further to extend the time allowed by the said Ordinance for the Registration of certain claims*, so much of the said Ordinance as provided for the establishment of a Registry Office and the appointment of a Registrar in and for each of the Districts therein mentioned, was repealed, and it was amongst other things in effect enacted, that a Registry Office should be established and a Registrar should be appointed in and of each and every County in Lower Canada; And whereas by various subsequent Acts, several of the said Counties have been divided into Districts or Divisions for the purposes of the said Ordinance and Act, and of other Acts relating to the Registration of Deeds and other documents affecting real property in Lower Canada: And whereas doubts

Preamble.

have

have arisen as to whether the Registrars of and for Counties or portions of Counties as aforesaid are bound to enter into such Recognizances as aforesaid : And whereas also, the several penal sums in the said Ordinance mentioned are disproportioned to the extent and population of the Counties severally and respectively substituted to the Districts in the said Ordinance mentioned, and still more so to the extent and population of the Registration Districts and Registration Divisions into which some of the said Counties have been divided as aforesaid ; And whereas it is expedient to explain and amend the said Ordinance and Acts in this and other respects : Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all and every of the provisions of the said Ordinance, on the subject of the Recognizances to be entered into by Registrars for Districts to be appointed under the said Ordinance, have been and are applicable to and binding upon the Registrars of Counties and the Registrars of and for Registration Districts and Registration Divisions, appointed under all or any of the Acts cited or referred to in the Preamble to this Act.

Provisions of Ord. of L. C. 4. Vict. c. 30 s. 8, applicable to Registrars of Counties, &c.

Amount of security to be given in future.

Proviso.

II. And be it enacted, That it shall be the duty of every Registrar of Deeds in Lower Canada immediately after the passing of this Act, if he have not already done so, and also for every such Registrar of Deeds hereafter appointed, before taking upon himself the execution of his office, to comply with the requirements of the eighth section of the said Ordinance in this behalf: Provided always, that it shall not be necessary that the penal sum in any Recognizance to be entered into by any such Registrar shall exceed Four Thousand Pounds, if he be or be appointed Registrar of either of the Counties of Quebec or Montreal, or Two Thousand Pounds if he be or be appointed Registrar of any other County, or One Thousand Pounds if he be or be appointed Registrar of any Registration District or Registration Division, being less than a County, in Lower Canada ; nor shall any Registrar or his sureties be liable henceforth, under any Recognizance heretofore entered into and now in force, for any greater amount than the penal sum which would require to be inserted in a Recognizance entered into by such Registrar after the passing of this Act ; but the penal sum in any such Recognizance heretofore entered into, and now in force as aforesaid, is hereby reduced to the amount hereby fixed and prescribed for each case respectively.

Registrars to reside near their offices.

III. And be it enacted, That it shall be the duty of each and every Registrar of Deeds in Lower Canada to reside within five leagues of the place in which his office is situate.

Mode of registration deemed sufficient in certain cases.

IV. And be it enacted, That any and every donation or deed of gift *inter vivos* of goods and chattels, liable to registration or insinuation, or of lands and tenements, or real or immoveable property in Lower Canada, made either before or after the passing of the said Ordinance, shall be held and deemed to be and to have been well and sufficiently registered or *insinué*, provided the same have been or shall hereafter be registered either by memorial or at full length in the Registry Office in, and of, and for the District, or County, or Registration District, or Registration Division, as the case may be, in which the lands and tenements, real and immoveable estates thereby given or affected were or may be situate ; or if no lands or tenements, real or immoveable estates be thereby given or affected, then in the Registry Office in, of, and for the District or County, or Registration District, or Registration Division, as the case may be, in which the Donor is described in such donation or deed of gift, *inter vivos*, as being resident at the time of the execution thereof ; or if the lands and tenements, real and immoveable estates thereby given or affected, were or shall be situate in two or more Districts or Counties, Registration Districts or Registration Divisions, then in the Registry Office in, of, and for each of such Districts or Counties, or Registration Districts

Districts or Registration Divisions: Provided always, that in this latter case the registration of any such donation or deed of gift, *inter vivos*, in the Registry Office or Registry Offices in, of, and for any one or more of such Districts or Counties, or Registration Districts or Registration Divisions, shall be held and deemed to be and to have been good and valid, and effectual so far as respects any lands and tenements, real and immoveable estates thereby given or affected, which may have been or may be situate in such District or County, or Registration District or Registration Division, although the same may be null and void for want of registration as to lands and tenements, real and immoveable estates situate in another District or County, or Registration District or Registration Division, or in other Districts or Counties, or Registration Districts or Registration Divisions, as the case may be; but no such donation or deed of gift *inter vivos*, so heretofore or hereafter registered as aforesaid, shall be held or deemed to be null and void for want of having been also registered at the place or places, and in the manner required by the laws in force in Lower Canada at the time of the passing of the said Ordinance; any law, usage or custom to the contrary notwithstanding: Provided always, that nothing in this Act contained shall operate to the prejudice of rights acquired by these parties by the laws in force at the time of the passing of this Act, in respect of lands and tenements, or real estate given by each and every donation or deed of gift *inter vivos*, as above mentioned.

Proviso: Registration to be valid as to lands, &c., within limits, although it be null as to lands without.

Proviso as to certain vested rights.

V. Provided always, and be it enacted, That the provisions of this Act shall not apply to the Registrar of the County of Megantic, Division No. 2.

This act how to apply.

C A P . X C I V .

An Act to amend the Law respecting the Protesting of Bills of Exchange and Promissory Notes.

[30th August, 1851.]

WHEREAS it has been and is the custom of Merchants in Upper Canada, to cause Bills of Exchange and Promissory Notes to be protested upon the same day on which such Bills or Notes may have been dishonoured; and whereas it is expedient to render such custom in all cases legal: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all Protests of Inland or Foreign Bills of Exchange or Promissory Notes, for dishonour, either by non-acceptance or non-payment, may be made on the day of such dishonour, at any time after non-acceptance, or in case of non-payment, at any time after the hour of three o'clock in the afternoon.

Preamble.

Protests to be made on day of dishonour.

II. And be it enacted, That a Notice of such Protest shall be sent to each of the parties to such Bill or Note, and that such Notice shall be deemed and taken to have been duly served, to all intents and purposes, upon the party to whom the same shall be addressed, being deposited in the Post Office nearest to the place of making presentment of such Bill or Note, at any time during the day whereon such Protest shall be made, or the next juridical day then following; and that the undermentioned days shall, for the purposes of this Act, be deemed and taken to be non-juridical days: videlicet, Sunday, Christmas-day, Good Friday, Easter Monday, Ash Wednesday, any day set apart by Proclamation for Fasting or Thanksgiving, the Birthday of the Reigning Sovereign, and the First day of January; and that all other days shall be deemed and taken to be juridical days.

Notice of Protest how to be served.

Juridical and non-juridical days.

III. And be it enacted, That no Bill of Exchange shall be presented for acceptance on any non-juridical day; and that all Bills of Exchange and Promissory Notes whereof

On what days Bills and Notes are to be

presented for acceptance or payment.

whereof the third day of grace shall fall upon any non-judicial day, shall become due and payable, and shall be presented for payment upon the next judicial day before such third day of grace.

Forms of Protests and Notices.

IV. And be it enacted, That such Protests and Notices may be according to the forms contained in the Schedule to this Act, marked A, or to the like effect.

Fees to Notaries.

V. And be it enacted, That the fees to be taken by Notaries Public for the services mentioned in this Act, shall be such as are specified in the Schedule to this Act, marked B, and no more.

Extent of Act.

VI. And be it enacted, That this Act shall apply to Upper Canada only.

SCHEDULE A.

FORM OF PROTEST OF A BILL OF EXCHANGE FOR NON-PAYMENT.

On this _____ day of _____, in the year of our Lord, one thousand eight hundred and fifty-_____ at the request of _____, holder of the Bill of Exchange hereunto annexed, I _____, a Notary Public for Upper Canada, by Royal Authority duly appointed, did exhibit the said Bill unto _____, at _____, being the place where the same is payable, and speaking to *him*, did demand payment of the said Bill; to which demand *he* answered _____

Notice mailed the _____ day of _____ A. D. 185_____.

Wherefore I, the said Notary, at the request aforesaid, have protested, and do hereby solemnly protest, as well against all the parties to the said Bill, as against all other persons whom it may concern, for all interest, damages, costs, charges, expenses and other losses suffered or to be suffered for want of payment of the said Bill. And afterwards, on the day and year mentioned in the margin, I, the said Notary Public, did serve due Notice, according to law, of the said Presentment, Non-payment and Protest of the said Bill, upon the several parties thereto, by depositing, in Her Majesty's Post Office at _____, being the nearest Post Office to the place of the said Presentment, Letters containing such Notices, one of which Letters was addressed to each of the said parties, severally; the superscription and address of which Letters are respectively copied below, as follows, that is to say :

(Here insert the directions of the letters.)

In testimony whereof, I have hereunto set my Hand and affixed my Seal of Office, the day and year first above written.

(Signature.) L. S.

FORM OF NOTICE TO PARTIES.

To Mr. _____ (date.)

SIR,

Take notice that a Bill of Exchange dated on the _____, for the sum of £ _____ drawn by _____, on and accepted by _____, payable (three months) after the date thereof, at the Bank of _____ in Toronto, and endorsed by A. B. C. D. E. F., &c., was this day presented by me for payment at the said Bank, and that payment thereof was refused, and that the holder of the said Bill looks to you for payment thereof. Also, take notice that the same Bill was this day protested by me for non-payment.

Your obedient servant,

A. B.,
Notary Public.

The above forms may be changed to suit Protests for non-acceptance or non-payment of Bills, or non-payment of Notes.

SCHEDULE

SCHEDULE B.

FEES.

	S.	D.
For the Protest of any Bill or Note,	2	6
For every Notice	1	3

CAP. XCV.

An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to Summary Convictions and Orders.

[30th August, 1851.]

WHEREAS it would conduce much to the improvement of the administration of justice within that part of this Province called Lower Canada, so far as respects Summary Convictions and Orders to be made by Her Majesty's Justices of the Peace therein, if the several Statutes and parts of Statutes relating to the duties of such Justices in respect of such Summary Convictions and Orders were consolidated, with such additions and alterations as may be deemed necessary, and that such duties should be clearly defined by positive enactment: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in all cases where an information shall be laid before one or more of Her Majesty's Justices of the Peace for any District in Lower Canada, that any person has committed or is suspected to have committed any offence or act within the jurisdiction of such Justice or Justices of the Peace, for which he is liable by law, upon a Summary Conviction for the same before a Justice or Justices of the Peace, to be imprisoned or fined, or otherwise punished; and also in all cases where a complaint shall be made to any such Justice or Justices, upon which he or they have or shall have authority by law to make any Order for the payment of money or otherwise, then in every such case it shall be lawful for such Justice or Justices of the Peace to issue his or their Summons (A), directed to such person, stating shortly the matter of such information or complaint, and requiring him to appear at a certain time and place, before the same Justice or Justices, or before such other Justice or Justices of the same District as shall then be there, to answer to the said information or complaint, and to be further dealt with according to law; and every such Summons shall be served by a Constable or other Peace Officer, or other person to whom the same shall be delivered, upon the person to whom it is so directed, by delivering the same to the party personally, or by leaving the same with some person for him, at his last or most usual place of abode; and the Constable, Peace Officer, or person who shall serve the same in manuer aforesaid, shall attend at the time and place, and before the Justices in the said Summons mentioned, to depose, if necessary, to the service of the said Summons: Provided always, that nothing herein mentioned shall oblige any Justice or Justices of the Peace to issue any such Summons in any case where the application for any Order of Justices is by law to be made *ex parte*: Provided also, that no objection shall be taken or allowed to any information, complaint or summons, for any alleged fact therein, in substance or in form, or for any variance between such information, complaint or summons, and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint as hereinafter mentioned; but if any such variance shall appear to the Justice or Justices present and acting at such hearing to be such that the party so summoned and appearing has been thereby deceived or misled,

Preamble.

How Summons to be served.

Justices not obliged to issue Summonses in certain cases.

No objection allowed for want of form.

mised, it shall be lawful for such Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day.

If Summons be not obeyed, Justices may issue Warrant ;

II. And be it enacted, That if the person so served with a Summons as aforesaid shall not be and appear before the Justice or Justices at the time and place mentioned in such Summons, and it shall be made to appear to such Justice or Justices, by oath or affirmation, that such Summons was so served, what shall be deemed by such Justice or Justices to be a reasonable time before the time therein appointed for appearing to the same, then it shall be lawful for such Justice or Justices, if he or they shall think fit, upon oath or affirmation being made before him or them, substantiating the matter of such information or complaint to his or their satisfaction, to issue his or their Warrant (B) to apprehend the party so summoned, and to bring him before the same Justice or Justices or before some other Justice or Justices of the Peace in and for the same District, to answer to the said information or complaint, and to be further dealt with according to law ; or upon such information being laid as aforesaid for any offence punishable on conviction, the Justice or Justices before whom such conviction shall have been made may, if he or they shall think fit, upon oath or affirmation being made before him or them substantiating the matter of such information to his or their satisfaction, instead of issuing such Summons as aforesaid, issue in the first instance his or their Warrant (C) for apprehending the person against whom such information shall have been so laid, and bringing him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same District, to answer to the said information, and to be further dealt with according to law ; or if where a Summons shall be so issued as aforesaid, and upon the day and at the place appointed in and by the said Summons for the appearance of the party so summoned, such party shall fail to appear accordingly in obedience to such Summons, then and in every such case, if it be proved upon oath or affirmation to the Justice or Justices then present, that such Summons was duly served upon such party a reasonable time before the time so appointed for his appearance as aforesaid, it shall be lawful for such Justice or Justices of the Peace to proceed *ex parte* to the hearing of such information or complaint, and to adjudicate thereon, as fully and effectually to all intents and purposes as if such party had personally appeared before him or them in obedience to the said Summons.

Or may issue Warrant in the first instance ;

Or if Summons having been duly served be not obeyed, the Justice may proceed *ex parte*.

Form of Warrant.

III. And be it enacted, That every such Warrant to apprehend a Defendant, that he may answer to such information or complaint as aforesaid, shall be under the Hand and Seal or Hands and Seals of the Justice or Justices issuing the same, and may be directed to all or any of the Constables or other Peace Officers of the District within which the same is to be executed, or to such Constable and all other Constables within the District within which the Justice or Justices issuing such Warrant hath or have jurisdiction, or generally to all the Constables within such last mentioned District, and it shall state shortly the matter of the information or complaint on which it is founded, and shall name or otherwise describe the person against whom it has been issued, and it shall order the Constable or other Peace Officer to whom it is directed, to apprehend the said Defendant, and to bring him before one or more Justice or Justices of the Peace, as the case may require, of the same District, to answer to the said information or complaint, and to be further dealt with according to law ; and that it shall not be necessary to make such Warrant returnable at any particular time, but the same may remain in full force until it shall be executed ; and such Warrant may be executed by apprehending the Defendant at any place within the District within which the Justices issuing the same shall have jurisdiction, or, in case of fresh pursuit, at any place in the next adjoining District, within seven miles of the border of such first mentioned District, without having such Warrant backed as hereinafter mentioned ; and in all cases in which such Warrant shall be directed to all Constables or Peace Officers within the District within which the Justice or Justices issuing the same shall have jurisdiction, it shall be lawful for any Constable or Peace Officer for any place within the limits of the jurisdiction for which such Justice or Justices shall have acted when he or they granted such Warrant, to execute such Warrant in like manner as if such Warrant were directed specially to such

When and how Warrant may be executed.

such Constable by name, and notwithstanding that the place in which such Warrant shall be executed, shall not be within the place for which he shall be such Constable or Peace Officer; and if the person against whom any such Warrant has been issued be not found within the jurisdiction of the Justice or Justices by whom it issued, or, if he shall escape, go into, reside or be, or be supposed or suspected to be in any place within this Province, whether in Upper or Lower Canada, out of the jurisdiction of the Justice or Justices issuing the Warrant, any Justice of the Peace, within whose jurisdiction such person shall be or be suspected to be as aforesaid, upon proof alone upon oath of the hand-writing of the Justice or Justices issuing the Warrant, may make an endorsement upon it, signed with his name, authorizing the execution of the Warrant within his jurisdiction; and such endorsement shall be a sufficient authority to the person bringing the Warrant, and to all other persons to whom it was originally directed, and to all Constables or other Peace Officers of the District, County or place where the endorsement is made, to execute the same in any place within the jurisdiction of the Justice of the Peace endorsing the same, and to carry the offender, when apprehended, before the Justice or Justices who first issued the Warrant or some other Justice having the same jurisdiction; Provided always, that no objection shall be taken or allowed to any such Warrant to apprehend a Defendant, so issued upon any such information or complaint as aforesaid, under or by virtue of this Act, for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the Informant or Complainant as hereinafter mentioned; but if any such variance shall appear to the Justice or Justices present and acting at such hearing, to be such that the party so apprehended under such Warrant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day, and in the meantime to commit (D.) the said Defendant to the House of Correction or other prison, lock-up house, or place of security, or to such other custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned: Provided always, that in all cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the time and place in such Recognizance mentioned, then the said Justice, who shall have taken the said Recognizance, or any Justice or Justices, who may then be there present, upon certifying (F.) upon the back of the said Recognizance the non-appearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the District within which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant.

IV. And be it enacted, That in any information or complaint or proceedings thereon, in which it shall be necessary to state the ownership of any property belonging to or in the possession of partners, joint tenants, parceners or tenants in common, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named and another, or others, as the case may be, and whenever in any information or complaint, or the proceedings thereon, it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and whenever in any such information or complaint, or the proceedings thereon, it shall be necessary to describe the ownership of any work or building made, maintained or repaired at the expense of any District, County, Township, City, Parish or place, or of any materials for the making, altering or repairing the same, they may be therein described as the property of the inhabitants of such District, County, Township, City, Parish or place, respectively.

V. And be it enacted, That every person who shall aid, abet, counsel or procure the commission of any offence which is or hereafter shall be punishable on Summary Conviction, shall be liable to be proceeded against and convicted for the same, either together

Backing of Warrant when taken into another jurisdiction.

No objection allowed for want of form in the Warrant or for any variance, &c.

But if the party charged is deceived by the variation, he may be committed or discharged upon Recognizance.

But if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

Description of property of partners, &c.

Prosecution and punishment of aiders and abettors in the commission of offences.

together with the principal offender, or before or after his conviction, and shall be liable, on conviction, to the same forfeiture and punishment as such principal offender is or shall be by law liable, and may be proceeded against and convicted either in the District, County, Township, City, Parish or place where such principal offender may be convicted, or in that in which such offence of aiding, abetting, counselling or procuring may have been committed.

Power to Justices to summon witnesses to attend and give evidence.

VI. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the oath or affirmation of any credible person, that any person within the jurisdiction of such Justice is likely to give material evidence on behalf of the Prosecutor or Complainant or Defendant, and will not voluntarily be and appear as a witness at the time and place appointed for the hearing of such information or complaint, such Justice may, and is hereby required to issue his Summons (G 1) to such person, under his Hand and Seal, requiring him to be and appear at a time and place mentioned in such Summons, before the said Justice, or before such other Justice or Justices of the Peace for the said District, as shall then be there to testify what he shall know concerning the said information or complaint; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by the said Summons, and no just excuse shall be offered for such neglect or refusal, then (after proof upon oath or affirmation of such Summons having been served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode) it shall be lawful for the Justice or Justices before whom such person should have appeared, to issue a Warrant (G 2) under his or their Hands and Seals, to bring and have such person, at a time and place to be therein mentioned, before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same District as shall be then there, to testify as aforesaid, and which said Warrant may, if necessary, be backed as hereinbefore is mentioned, in order to its being executed out of the jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied, by evidence upon oath or affirmation, that it is probable that such person will not attend to give evidence without being compelled so to do, then instead of issuing such Summons it shall be lawful for him to issue his Warrant (G 3) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the appearance of such person so summoned before the said last mentioned Justice or Justices, either in obedience to such Summons, or upon being brought before him or them, by virtue of the said Warrant, such person shall refuse to be examined upon oath or affirmation concerning the premises, or shall refuse to take such oath or affirmation, or having taken such oath or affirmation shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, any justice of the Peace then present, and having jurisdiction, may, by Warrant (G 4) under his Hand and Seal, commit the person so refusing to the Common Gaol or House of Correction for the District where such person refusing shall then be, there to remain and be imprisoned for any time not exceeding ten days, unless he shall, in the meantime, consent to be examined and to answer concerning the premises.

If Summons be not obeyed, Justices may issue Warrant.

In certain cases may issue Warrant in first instance.

Persons appearing on Summons, &c. refusing to be examined, may be committed.

Complaint for an Order need not be in writing.

VII. And be it enacted, That in all cases of complaints upon which a Justice or Justices of the Peace may make an Order for the payment of money or otherwise, it shall not be necessary that such complaint shall be in writing, unless it shall be required to be so by some particular Act of Parliament upon which such complaint shall be framed.

As to proceedings upon informations for offences punishable on Summary Convictions.

VIII. And be it enacted, That in all cases of informations for any offences or acts punishable upon Summary Conviction, any variance between such information and the evidence adduced in support thereof as to the time at which such offence or act shall be alleged to have been committed, shall not be deemed material if it be proved that such information was in fact laid within the time limited by law for laying the same; and any variance between the said information and the evidence adduced in support thereof, as to the place in which the offence or act shall be alleged to have been

been committed, shall not be deemed material, provided that the offence or act be proved to have been committed within the jurisdiction of the Justice or Justices by whom such information shall be heard and determined; and if any such variance, or any variance in any other respect between such information and the evidence adduced in support thereof, shall appear to the Justice or Justices present, and acting at the hearing, to be such that the party charged by such information has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day, and in the meantime to commit (D) the said Defendant to the House of Correction or other prison, lock-up house or place of security, or to such other custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E), with or without Surety or Sureties, at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned: Provided always, that in all cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the time and place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any other Justice or Justices who may then be there present, upon certifying (F) upon the back of the said Recognizance the non-appearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the District within which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant.

IX. And be it declared and enacted, That every such complaint upon which a Justice or Justices of the Peace is, or are or shall be authorized by law to make an Order, and that every information for any offence or act punishable upon Summary Conviction, unless some particular Act of Parliament shall otherwise require, may respectively be made or laid without any oath or affirmation being made of the truth thereof, except in cases of informations, where the Justice or Justices receiving the same shall thereupon issue his or their Warrant in the first instance, to apprehend the Defendant as aforesaid; and in every such case where the Justice or Justices shall issue his or their Warrant in the first instance, the matter of such information shall be substantiated by the oath or affirmation of the informant, or by some witness or witnesses on his behalf, before any such Warrant shall be issued, and every such complaint shall be for one matter of complaint only, and not for two or more matters of complaint, and every such information shall be for one offence only, and not for two or more offences, and every such complaint or information may be laid or made by the Complainant or Informant in person, or by his Counsel or Attorney, or other person authorized in that behalf.

X. And be it enacted, That in all cases where no time is already or shall hereafter be specially limited for making any such complaint or laying any such information in the Act or Acts of Parliament relating to such particular case, such complaint shall be made, and such information shall be laid within six calendar months from the time when the matter of such complaint or information respectively arose.

XI. And be it enacted, That every such complaint or information shall be heard, tried, determined and adjudged by one or two or more Justice or Justices of the Peace, as shall be directed by the Act or Acts of Parliament upon which such complaint or information shall be framed, or such other Act or Acts of Parliament as there may be in that behalf; and if there be no such direction in any such Act of Parliament, then such complaint or information may be heard, tried, determined and adjudged by any one Justice for the District where the matter of such information or complaint shall have arisen; and the room or place in which such Justice or Justices shall sit to hear and try any such complaint or information, shall be deemed an open and public Court to which the public generally may have access, so far as the same can conveniently contain them; and the party against whom such complaint is made or information laid, shall be admitted to make his full answer and defence thereto, and to have the witnesses

The party charged, if deceived by variance between information and evidence, may be committed or discharged upon Recognizance.

But if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

Manner of making complaint or laying information.

When Warrant is issued in the first instance, information to be on oath, &c.

Time limited for such information or complaint.

As to the hearing of complaints and informations.

Places in which Justices shall sit to hear complaints, &c. to be deemed an open Court.

Parties may plead by Counsel or Attorney.

witnesses examined and cross-examined by Counsel or Attorney on his behalf; and every Complainant or Informant in any such case shall be at liberty to conduct such complaint or information respectively, and to have the Witnesses examined and cross-examined by Counsel or Attorney on his behalf.

If defendant does not appear, Justices may proceed to hear and determine or issue Warrant, and adjourn the hearing till defendant is apprehended.

XII. And be it enacted, That if at the day and place appointed in and by the Summons aforesaid for hearing and determining such complaint or information, the Defendant against whom the same shall have been made or laid shall not appear when called, the Constable, or other person who shall have served him with the Summons in that behalf, shall then declare upon oath in what manner he served the said Summons; and if it appear to the satisfaction of any Justice or Justices that he duly served the said Summons in that case, such Justice or Justices may proceed to hear and determine the case in the absence of such Defendant, or the said Justice or Justices, upon the non-appearance of such Defendant as aforesaid, may, if he or they think fit, issue his or their Warrant in manner hereinbefore directed, and shall adjourn the hearing of such complaint or information until the said Defendant shall be apprehended; and when such Defendant shall afterwards be apprehended under such Warrant, he shall be brought before the same Justice or Justices, or some other Justice or Justices of the Peace for the same District, who shall thereupon, either by his or their Warrant (H) commit such Defendant to the House of Correction or other prison, lock-up house or place of security, or if he or they think fit, verbally to the custody of the Constable or other person who shall have apprehended him, or to such other safe custody as he or they shall deem fit, and order the said Defendant to be brought up at a certain time and place before such Justice or Justices of the Peace as shall then be there, of which said Order the Complainant or Informant shall have due notice; or if upon the day and at the place so appointed as aforesaid, such Defendant shall appear voluntarily in obedience to the Summons in that behalf served upon him, or shall be brought before the said Justice or Justices by virtue of any Warrant, then, if the said Complainant or Informant, having had due notice as aforesaid, do not appear by himself, his Counsel or Attorney, the said Justice or Justices shall dismiss such complaint or information unless for some reason he or they shall think proper to adjourn the hearing of the same until some other day, upon such terms as he or they shall think fit, in which case such Justice or Justices may commit (D) the Defendant in the meantime to the House of Correction or other prison, lock-up house or place of security, or to such other custody as such Justice or Justices shall think fit, or may discharge him upon his entering into a Recognizance (E) with or without Surety or Sureties, at the discretion of such Justice or Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned; and if such Defendant shall not afterwards appear at the time and place mentioned in such Recognizance, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F) on the back of the Recognizance the non-appearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace for the District in which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant; but if both parties appear, either personally or by their respective Counsel or Attorneys, before the Justice or Justices who are to hear and determine such complaint or information, then the said Justice or Justices shall proceed to hear and determine the same.

If defendant appear, and complainant &c. do not, Justice may dismiss the complaint, &c. or adjourn hearing, and commit or discharge defendant upon Recognizance.

But if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

If both parties appear, Justice to hear and determine the case.

Proceedings on the hearing of complaints and informations.

XIII. And be it enacted, That when such Defendant shall be present at such hearing, the substance of the information or complaint shall be stated to him, and he shall be asked if he have any cause to shew why he should not be convicted, or why an Order should not be made against him, as the case may be; and if he thereupon admit the truth of the information or complaint, and shew no cause or no sufficient cause why he should not be convicted, or why an Order should not be made against him, as the case may be, then the Justice or Justices, present at the said hearing, shall convict him or make an Order against him accordingly; but if he do not admit the truth of such information

information or complaint as aforesaid, then the said Justice or Justices shall proceed to hear the Prosecutor or Complainant and such Witnesses as he may examine, and such other evidence as he may adduce in support of his information or complaint respectively, and also to hear the Defendant and such Witnesses as he may examine, and such other evidence as he may adduce in his defence, and also to hear such Witnesses as the Prosecutor or Complainant may examine in reply, if such Defendant shall have examined any Witnesses or given any evidence other than as to his the Defendant's general character; but the Prosecutor or Complainant shall not be entitled to make any observations in reply upon the evidence given by the Defendant, nor shall the Defendant be entitled to make any observations in reply upon the evidence given by the Prosecutor or Complainant in reply as aforesaid; and the said Justice or Justices, having heard what each party shall have to say as aforesaid, and the Witnesses and evidence so adduced, shall consider the whole matter and determine the same, and shall convict or make an Order upon the Defendant or dismiss the information or complaint, as the case may be; and if he or they convict or make an Order against the Defendant, a Minute or Memorandum thereof shall then be made, for which no fee shall be paid, and the conviction (I 1, 3) or Order (K 1, 3) shall afterwards be drawn up by the said Justice or Justices in proper form, under his or their Hand and Seal or Hands and Seals, and he or they shall cause the same to be lodged with the Clerk of the Peace to be by him filed among the Records of the General or Quarter Sessions of the Peace; or if the said Justice or Justices shall dismiss such information or complaint, it shall be lawful for such Justice or Justices, when required so to do, to make an Order of Dismissal of the same (L), and shall give the Defendant on that behalf a Certificate thereof (M), which said Certificate afterwards upon being produced, without further proof, shall be a bar to any subsequent information or complaint for the same matters respectively, against the same party: Provided always, that if the information or complaint in any such case shall negative any exemption, exception, proviso, or condition in the Statute on which the same shall be framed, it shall not be necessary for the Prosecutor or Complainant in that behalf to prove such negative, but the Defendant may prove the affirmative thereof in his defence, if he would have advantage of the same.

Proviso.

XIV. And be it enacted, That every Prosecutor of any such information, not having any pecuniary interest in the result of the same, and every Complainant in any such complaint as aforesaid, whatever his interest may be in the result of the same, shall be a competent Witness to support such information or complaint respectively, and every Witness at any such hearing as aforesaid shall be examined upon oath or affirmation, and the Justice or Justices before whom any such Witness shall appear for the purpose of being so examined, shall have full power and authority to administer to every such Witness the usual oath or affirmation.

Prosecutors and complainants in certain cases to be deemed competent witnesses, and examined upon oath, &c.

XV. And be it enacted, That before or during such hearing of any such information or complaint, it shall be lawful for any one Justice or for the Justices present, in their discretion, to adjourn the hearing of the same to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties, or of their respective Attorneys or Agents then present, and in the meantime the said Justice or Justices may suffer the Defendant to go at large or may commit (D) him to the Common Gaol or House of Correction or other prison, lock-up place or other place of security within the District for which such Justice or Justices shall then be acting, or to such other safe custody as the said Justice or Justices shall think fit, or may discharge such Defendant upon his Recognizance (E), with or without Sureties, at the discretion of such Justices, conditioned for his appearance at the time and place to which such hearing or further hearing shall be adjourned; and if, at the time or place to which such hearing or further hearing shall be so adjourned, either or both of the parties shall not appear, personally or by his or their Counsel or Attorneys respectively, before the said Justice or Justices, or such other Justice or Justices as shall then be there, it shall be lawful for the Justice or Justices then there present to proceed to such hearing or further hearing as if such party or parties were present; or if the

Power to Justices to adjourn the hearing of cases, and commit defendant, or suffer him to go at large, or discharge him upon his own Recognizance.

Prosecutor

But if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

Prosecutor or Complainant do not appear, the said Justice or Justices may dismiss the said information or complaint with or without costs, as to such Justices shall seem fit: Provided always, that in all cases when a Defendant shall be discharged upon his Recognizance as aforesaid, and shall not afterwards appear at the time and place mentioned in such Recognizance, then the said Justice or Justices who shall have taken the said Recognizance, or any other Justice or Justices who may then be there present, upon certifying (F) on the back of the Recognizance the non-appearance of such accused party, may transmit such Recognizance to the Clerk of the Peace for the District in which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant.

Form of Convictions and Orders.

XVI. And be it enacted, That in all cases of conviction where no particular form of such conviction is or shall be given by the Statute creating the offence or regulating the prosecution for the same, and in all cases of conviction upon Statutes hitherto passed, whether any particular form of conviction have been therein given or not, it shall be lawful for the Justice or Justices who shall so convict, to draw up his or their conviction, on parchment or on paper, in such one of the forms of conviction (I 1, 3) in the Schedule of this Act contained as shall be applicable to such case, or to the like effect; and when an Order shall be made, and no particular form of Order is or shall be given by the Statute giving authority to make such Order, and in all cases of Orders to be made under the authority of any Statutes hitherto passed, whether any particular form of Order shall therein be given or not, it shall be lawful for the Justice or Justices by whom such Order is to be made, to draw up the same in such one of the forms of Orders (K 1, 3) in the Schedule to this Act contained, as may be applicable to such case, or to the like effect; and in all cases when by an Act of Parliament authority is given to commit a person to prison, or to levy any sum upon his goods or chattels by distress, for not obeying any Order of a Justice or Justices, the Defendant shall be served with a copy of the Minute of such Order before any Warrant of Commitment or of Distress shall issue in that behalf, and such Order or Minute shall not form any part of such Warrant of Commitment or of Distress.

Power to Justice to award costs, which shall be specified in conviction or order of dismissal, and may be recovered by distress.

XVII. And be it enacted, That in all cases of Summary Conviction, or of Orders made by a Justice or Justices of the Peace, it shall be lawful for the Justice or Justices making the same, in his or their discretion, to award and order in and by such Conviction or Order that the Defendant shall pay to the Prosecutor or Complainant respectively such costs as to the said Justice or Justices shall seem reasonable in that behalf; and in cases where such Justice or Justices, instead of convicting or making an Order as aforesaid, shall dismiss the information or complaint, it shall be lawful for him or them, in his or their discretion, in and by his or their Order of Dismissal, to award and order that the Prosecutor or Complainant, respectively, shall pay to the Defendant such costs as to the said Justice or Justices shall seem reasonable, and the sums so allowed for costs shall in all cases be specified in such Conviction or Order, or Order of Dismissal as aforesaid, and the same shall be recoverable in the same manner and under the same Warrants as any penalty or sum of money adjudged to be paid in and by such Conviction or Order is to be recoverable; and in cases where there is no such penalty or sum of money to be thereby recovered, then such costs shall be recoverable by distress and sale of the goods and chattels of the party, and in default of such distress, by imprisonment, with or without hard labor, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

Power to Justice to issue Warrant of Distress.

XVIII. And be it enacted, That where a Conviction adjudges a pecuniary penalty or compensation to be paid, or where an Order requires the payment of a sum of money, and by the Statute authorizing such Conviction or Order, such penalty, compensation, or sum of money is to be levied upon the goods and chattels of the Defendant, by distress and sale thereof; and also in cases where, by the Statute in that behalf, no mode of raising or levying such penalty, compensation or sum of money, or of enforcing the payment of the same, is stated or provided, it shall be lawful for the Justice or
any

any one of the Justices making such Conviction or Order, or for any Justice of the Peace for the same District, to issue his Warrant of Distress (N 1, 2) for the purpose of levying the same, which said Warrant of Distress shall be in writing, under the Hand and Seal of the Justice making the same; and if, after delivery of such Warrant of Distress to the Constable or Constables to whom the same shall have been directed to be executed, sufficient distress shall not be found within the limits of the jurisdiction of the Justice granting such Warrant, then upon proof alone being made upon oath of the handwriting of the Justice granting such Warrant, before any Justice of any other District, such Justice of such other District shall thereupon make an endorsement (N 3) on such Warrant, signed with his Hand, authorizing the execution of such Warrant within the limits of his jurisdiction, by virtue of which said Warrant and endorsement the penalty or sum aforesaid, and costs, or so much thereof as may not have been before levied or paid, shall and may be levied by the person bringing such Warrant, or by the person or persons to whom such Warrant was originally directed, or by any Constable or other Peace Officer of such last mentioned District, by distress and sale of the goods and chattels of the Defendant in such other District: Provided always that whenever it shall appear to any Justice of the Peace to whom application shall be made for any such Warrant of Distress as aforesaid, that the issuing thereof would be ruinous to the Defendant and his family, or whenever it shall appear to the said Justice, by the confession of the Defendant or otherwise, that he hath no goods and chattels whereon to levy such distress, then and in every such case it shall be lawful for such Justice, if he shall deem it fit, instead of issuing such Warrant of Distress, to commit such Defendant to the House of Correction, or, if there be no House of Correction within his jurisdiction, then to the Common Gaol, there to be imprisoned with or without hard labor, for such time and in such manner as by law such Defendant might be so committed in case such Warrant of Distress had issued, and no goods or chattels had been found whereon to levy such penalty or sum and costs aforesaid.

How Warrant to be backed.

When the issuing a Warrant would be ruinous to defendant, or when there are no goods, Justice may commit him to prison.

XIX. And be it enacted, That in all cases where a Justice of the Peace shall issue any such Warrant of Distress, it shall be lawful for him to suffer the Defendant to go at large, or verbally, or by a written Warrant in that behalf, to order the Defendant to be kept and detained in safe custody, until Return shall be made to such Warrant of Distress, unless such Defendant shall give sufficient security, by Recognizance or otherwise, to the satisfaction of such Justice, for his appearance before him at the time and place appointed for the Return of such Warrant of Distress, or before such other Justice or Justices for the same District as may then be there: Provided always, that in all cases where a Defendant shall give security by Recognizance as aforesaid, and shall not afterwards appear at the time and place in the said Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F) on the back of the Recognizance the non-appearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace for the District within which the offence shall be laid to have been committed, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said Defendant.

Justice, after issuing Warrant, may suffer defendant to go at large or order him into custody, until return be made, unless he gives security by Recognizance.

But if he fail to re-appear, Justice may transmit Recognizance to the Clerk of the Peace.

XX. And be it enacted, That if at the time and place appointed for the Return of any such Warrant of Distress, the Constable, who shall have had execution of the same, shall return (N 4) that he could find no goods or chattels or no sufficient goods or chattels whereon he could levy the sum or sums therein mentioned, together with the costs of, or occasioned by, the levy of the same, it shall be lawful for the Justice of the Peace before whom the same shall be returned, to issue his Warrant of Commitment (N 5), under his Hand and Seal, directed to the same or any other Constable, reciting the Conviction or Order, shortly, the issuing of the Warrant of Distress, and the Return thereto, and requiring such Constable to convey such Defendant to the House of Correction, or if there be no House of Correction, then to the Common Gaol

In default of sufficiency of distress, Justice may commit defendant to prison.

of the District for which such Justice shall then be acting, and there to deliver to the Keeper thereof, and requiring such Keeper to receive the Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard labor, in such manner and for such time as shall have been directed and appointed by the Statute on which the Conviction or Order mentioned in such Warrant of Distress was founded, unless the sum or sums adjudged to be paid, and all costs and charges of the distress, and also the costs and charges of the commitment and conveying of the Defendant to prison, if such Justice shall think fit so to order (the amount thereof being ascertained and mentioned in such commitment), shall be sooner paid.

Imprisonment for a subsequent offence to commence at expiration of that for previous offence.

XXI. And be it enacted, That where a Justice or Justices of the Peace shall, upon such information or complaint as aforesaid, adjudge the Defendant to be imprisoned, and such Defendant shall then be in prison undergoing imprisonment upon conviction for any other offence, the Warrant of Conviction for such subsequent offence shall, in every case, be forthwith delivered to the Gaoler to whom the same shall be directed, and it shall be lawful for the Justice or Justices issuing the same, if he or they shall think fit, to award and order therein and thereby, that the imprisonment for such subsequent offence shall commence at the expiration of the imprisonment to which such Defendant shall have been previously adjudged or sentenced.

If information be dismissed, costs may be recovered by distress upon prosecutor, &c. who, in default, may be committed.

XXII. And be it enacted, That when any information or complaint shall be dismissed with costs as aforesaid, the sum which shall be awarded for costs in the Order for Dismissal may be levied by distress (Q 1) on the goods and chattels of the Prosecutor or Complainant in the manner aforesaid; and in default of distress or payment, such Prosecutor or Complainant may be committed (Q 2) to the House of Correction or to the Common Gaol, in manner aforesaid, for any time not exceeding one calendar month, unless such sum, and all costs and charges of the distress, and of the commitment and conveying of such Prosecutor or Complainant to prison (the amount thereof being ascertained and stated in such commitment), shall be sooner paid.

After appeal against conviction or order, Justice may issue Warrants of Distress for execution of the same.

XXIII. And be it enacted, That after an appeal against any such Conviction or Order as aforesaid shall be decided, if the same shall be decided in favor of the Respondents, the Justice or Justices who made such Conviction or Order, or any other Justice of the Peace for the same District, may issue such Warrant of Distress or Commitment as aforesaid for execution of the same, as if no such Appeal had been brought, and if upon any such Appeal the Court of General or Quarter Sessions shall order either party to pay costs, such Order shall direct such costs to be paid to the Clerk of the Peace of such Court, to be by him paid over to the party entitled to the same, and shall state within what time such costs shall be paid; and if the same shall not be paid within the time so limited, and the party ordered to pay the same shall not be bound by any Recognizance conditioned to pay such costs, such Clerk of the Peace or his Deputy, on application of the party entitled to such costs, or of any person on his behalf and on payment of a Fee of One Shilling, shall grant to the party so applying, a Certificate (R) that such costs have not been paid, and upon production of such Certificate to any Justice or Justices of the Peace for the same District, it shall be lawful for him or them to enforce the payment of such costs by Warrant of Distress (S 1) in manner aforesaid, and in default of distress he or they may commit (S 2) the party against whom such Warrant shall have issued in manner hereinbefore mentioned, for any time not exceeding two calendar months, unless the amount of such costs and all costs and charges of the distress, and also the costs of the commitment and conveying of the said party to prison, if such Justice or Justices shall think fit so to order, (the amount thereof being ascertained and stated in such commitment), shall be sooner paid.

On payment of Penalty, &c. distress not to be levied, or the party, if imprisoned for non-payment, shall be discharged.

XXIV. And be it enacted, That in all cases where a Warrant of Distress shall issue as aforesaid against any person, and such person shall pay or tender to the Constable having the execution of the same, the sum or sums in such Warrant mentioned, together with the amount of the expenses of such distress up to the time of such payment or tender, such Constable shall cease to execute the same; and in all cases in which any person

person shall be imprisoned as aforesaid for non-payment of any penalty or other sum, he may pay or cause to be paid to the Keeper of the prison in which he shall be so imprisoned, the sum in the Warrant of Commitment mentioned, together with the amount of the costs, charges and expenses (if any) therein also mentioned, and the said Keeper shall receive the same, and shall thereupon discharge such person if he be in his custody for no other matter.

XXV. And be it enacted, That in all cases of Summary proceedings before a Justice or Justices of the Peace out of Sessions, upon any information or complaint as aforesaid, it shall be lawful for one Justice to receive such information or complaint, and to grant a Summons or Warrant thereon, and to issue his Summons or Warrant to compel the attendance of any Witnesses, and to do all other acts and matters which may be necessary, preliminary to the hearing, even in cases where by the Statute in that behalf such information and complaint must be heard and determined by two or more Justices, and after the case shall have been so heard and determined, one Justice may issue all Warrants of Distress or Commitment thereon; and it shall not be necessary that the Justice who so acts before or after such hearing, shall be the Justice or one of the Justices by whom the said case shall be heard and determined: Provided always, that in all cases where by Statute it is or shall be required that any such information or complaint shall be heard and determined by two or more Justices, or that a Conviction or Order shall be made by two or more Justices, such Justices must be present and acting together during the whole of the hearing and determination of the case.

In cases of summary proceedings, one Justice may issue Summons or Warrant, &c. and after conviction or order may issue Warrant of Distress, &c.

Proviso.

XXVI. And be it enacted, That the Fees to which any Clerk of the Peace, Clerk of the Special Sessions or Clerk of the Weekly Sessions, or Clerk to any Justice or Justices out of Sessions, shall be entitled, shall be ascertained, appointed and regulated in manner following, that is to say: the Justices of the Peace, at their General or Quarter Sessions for the several Districts, shall, within six months from the coming into force of this Act, and afterwards from time to time, as they shall see fit, respectively make Tables of the Fees which in their opinion should be paid to the Clerks of the Peace, to the Clerks of the Special and Weekly Sessions, and to the Clerks of the Justices of the Peace within their several jurisdictions, and which said Tables respectively, being signed by the Chairman of every such Court of General or Quarter Sessions respectively, shall be laid before the Secretary of this Province, and it shall be lawful for such Secretary, if he sees fit, to alter such Table or Tables of Fees, and to subscribe a Certificate or Declaration that the Fees specified in such Table or Tables as made by such Justices, or as altered by such Secretary, are proper to be demanded and received by the Clerks of the Peace, Clerks of the Special Sessions and Weekly Sessions, and the Clerks of the several Justices of the Peace respectively throughout this Province, and such Secretary of the Province shall cause copies of such Table or Set of Tables of Fees to be transmitted to the several Clerks of the Peace throughout the Province, to be by them distributed to the Justices within their several Districts respectively, and to be by the said Justices placed in the hands of their Clerks respectively; and if after such copy shall be received by any such Clerk, he shall demand or receive any other or greater Fee or Gratuity for any business or act transacted or done by him as such Clerk than such as is set down in such Table or Set of Tables, he shall forfeit for every such demand or receipt the sum of Twenty Pounds, to be recovered by action of debt in any Court having jurisdiction for that amount by any person who will sue for the same; Provided always, that until such Tables or Set of Tables shall be framed and confirmed, and distributed as aforesaid, it shall be lawful for such Clerk or Clerks to demand and receive such Fees as they are now by any Rule or Regulation of a Court of General or Quarter Sessions, or otherwise, authorized to demand and receive.

Regulations as to the payment of clerks' fees.

Proviso.

XXVII. And be it enacted, That in every Warrant of Distress to be issued as aforesaid, the Constable or other person to whom the same shall be directed, shall be thereby ordered to pay the amount of the sum to be levied thereunder unto the Clerk of the Peace, Clerk of the Special Sessions, Clerk of the Weekly Sessions, or Clerk

Regulations as to whom penalties, &c. to be paid to.

Clerk of the Justices of the Peace, as the case may be, for the place wherein the Justice or Justices issued such Warrant, and if a person convicted of any penalty, or ordered by a Justice or Justices of the Peace to pay any sum of money, shall pay the same to any Constable or other person, such Constable or other person shall forthwith pay the same to such Clerk of the Peace, Clerk of the Special Sessions, Clerk of the Weekly Sessions, or Clerk of the Justice of the Peace, as the case may be; and if any person committed to prison upon any Conviction or Order as aforesaid for non-payment of any penalty, or of any sum thereby ordered to be paid, shall desire to pay the same and costs before the expiration of the time for which he shall be so ordered to be imprisoned by the Warrant for his commitment, he shall pay the same to the Gaoler or Keeper of the prison in which he shall be so imprisoned, and such Gaoler or Keeper shall forthwith pay the same to the said Clerk of the Peace, Clerk of the Special Sessions, Clerk of the Weekly Sessions, or Clerk of the Justice of the Peace, as the case may be, and all sums so received by the said Clerk shall forthwith be paid by him to the party or parties to whom the same respectively are to be paid, according to the directions of the Statute on which the information or complaint in that behalf shall have been framed; and if such Statute shall contain no such directions for the payment thereof to any person or persons, then such Clerk shall pay the same to the Treasurer of the District, Municipality, City, Town or Borough in which such person shall have been so condemned to pay the said sum, and for which such Treasurer shall give him a receipt; and every such Clerk of the Special Sessions, Clerk of the Weekly Sessions, or Clerk of the Justice of the Peace, and every such Gaoler or Keeper of a prison shall keep a true and exact account of all such moneys by him received, of whom and when received, and to whom and when paid, and shall, once in every three months, render a fair copy of every such accounts to the Clerk of the Peace for the District in which such payment was made, who shall likewise, every three months, render a similar account to the Justices assembled at the Quarterly Sessions of the Peace for the said District, as also, once every month to the Justices assembled at the Weekly Sessions of the Peace.

Forms in Schedule valid.

Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate may act alone.

Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate to have power for preserving order;

And for enforcing execution of Process.

Clerks of the Peace to act as Clerks of Justices, &c.

XXVIII. And be it enacted, That the several forms in the Schedule to this Act contained, or forms to the like effect, shall be deemed good, valid and sufficient in law.

XXIX. And be it enacted, That any one Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate, appointed or to be appointed for any City, Borough, Town, Place or District, and sitting at a Police Court or other place appointed in that behalf, shall have full power to do alone whatever is authorized by this Act to be done by two or more Justices of the Peace; and that the several forms hereinafter mentioned may be varied so far as it may be necessary to render them applicable to the Police Courts aforesaid, or to the Court or other place of sitting of such Stipendiary Magistrate.

XXX. And be it enacted, That any Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate as aforesaid, sitting as aforesaid at any Police Court or other place appointed in that behalf, shall have such and like powers and authority to preserve order in the said Courts during the holding thereof, and by the like ways and means as now by law are or may be exercised and used in like cases and for the like purposes by any Courts of Law in this Province, or by the Judges thereof respectively, during the sittings thereof.

XXXI. And be it enacted, That the said Inspectors and Superintendents of Police, Police Magistrates or Stipendiary Magistrates, in all cases where any resistance shall be offered to the execution of any Summons, Warrant of Execution or other Process issued by them, shall be hereby empowered to enforce the due execution of the same by the means provided by the laws of Lower Canada, for enforcing the execution of the Process of other Courts in like cases.

XXXII. And be it enacted, That in all the Cities, Towns, and other places where General or Quarter Sessions of the Peace are or shall be hereafter held, the Clerk or Clerks of the Peace shall act as Clerk or Clerks of the Justices of the Peace and of the Inspectors or Superintendents of Police in such Cities, Towns, and other places, as well

well at all Special as at all Weekly Sessions of the Peace held or hereafter to be held therein.

XXXIII. And be it enacted, That from and after the day on which this Act shall commence and take effect, all other Acts or parts of Acts contrary to or inconsistent with the provisions of this Act, shall be and the same are hereby repealed.

Inconsistent enactments repealed.

XXXIV. And be it enacted, That this Act shall apply only to Lower Canada, except in so far as any provision thereof is expressly extended to Upper Canada, or to any Act to be done there.

Act how to apply.

XXXV. And be it enacted, That this Act shall commence and have force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-two, and not before.

When to commence.

SCHEDULES.

(A.)

SUMMONS TO THE DEFENDANT UPON AN INFORMATION AND COMPLAINT.

Province of Canada, }
District of }

To A. B. of (laborer),

Whereas information hath this day been laid, (or complaint hath this day been made,) before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District of , for that you (here state shortly the matter of the information or complaint) ; These are therefore to command you in Her Majesty's name, to be and appear on , at o'clock in the forenoon, at , before such Justices of the Peace for the said District as may then be there, to answer to the said information (or complaint), and to be further dealt with according to law.

Given under my Hand and Seal, this day of in the year of our Lord , at , in the (District) aforesaid.

J. S. [L. s.]

(B.)

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Province of Canada, }
District of }

To all or any of the Constables or other Peace Officers in the District of :

Whereas on last past, information was laid (or complaint was made) before , (one) of Her Majesty's Justices of the Peace in and for the said District of , for that A. B. (&c. as in Summons) : And whereas (I) the said Justice of the Peace then issued (my) Summons unto the said A. B. commanding him in Her Majesty's name, to be and appear on , at o'clock in the forenoon, at , before such Justices of the Peace as might then be there, to answer unto the said information (or complaint,) and to be further dealt with according to law ; And whereas the said A. B. hath neglected to be and appear at the time and place so appointed in and by the said Summons, although it hath now been proved to me upon oath that the said Summons hath been duly served upon the said A. B. : These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before some one or more of Her Majesty's Justices of the Peace in and for the said District, to answer to the said information (or complaint), and to be further dealt with according to law.

Given under my Hand and Seal, this day of , in the year of our
 Lord , at , in the (*District*) aforesaid.

J. S. [L. s.]

(C.)

WARRANT IN THE FIRST INSTANCE.

Province of Canada, }
 District of }

To all or any of the Constables or other Peace Officers in the said District of

Whereas information hath this day been laid before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District of , for that A. B. (*here state shortly the matter of information*) ; and oath being now made before me substantiating the matter of such information : These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before some one or more of Her Majesty's Justices of the Peace in and for the said District, to answer to the said information, and to be further dealt with according to law.

Given under my Hand and Seal, this day of , in the year of
 our Lord , at , in the (*District*) aforesaid.

J. S. [L. s.]

(D.)

WARRANT OF COMMITTAL FOR SAFE CUSTODY DURING AN ADJOURNMENT OF THE HEARING.

Province of Canada, }
 District of }

To all and any of the Constables or Peace Officers in the District of
 and to the Keeper of the (*House of Correction*) at

Whereas on last past information was laid (*or complaint made*)
 before , (*one*) of Her Majesty's Justices of the Peace in and for the
 said District of , for that (*§c., as in the Summons*) ; And whereas the
 hearing of the same is adjourned to the day of (*instant,*) at
 o'clock in the (*fore*) noon, at , and it is necessary that the said A. B. should
 in the mean time be kept in safe custody : These are therefore to command you, any
 one of the said Constables or Peace Officers, in Her Majesty's name, forthwith to convey
 the said A. B. to the (*House of Correction,*) at , and there deliver him into
 the custody of the Keeper thereof, together with this Precept ; And I hereby require
 you, the said Keeper, to receive the said A. B. into your custody in the said (*House of*
Correction,) and there safely keep him until the day of ,
 (*instant,*) when you are hereby required to convey and have him, the said A. B., at
 the time and place to which the said hearing is so adjourned as aforesaid, before such
 Justices of the Peace for the said District as may then be there, to answer further to
 the said information (*or complaint,*) and to be further dealt with according to law.

Given under my Hand and Seal, this day of , in the year
 of our Lord , at , in the (*District*) aforesaid.

J. S. [L. s.]

(E.)

(E.)

RECOGNIZANCE FOR THE APPEARANCE OF THE DEFENDANT WHEN THE CASE IS ADJOURNED, OR NOT AT ONCE PROCEEDED WITH.

Province of Canada, }
District of }

Be it remembered, That on _____, A. B. of _____, (*laborer,*) and L. M. of _____, (*grocer,*) personally came and appeared before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District of _____, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following, that is to say: the said A. B. the sum of _____, and the said L. M. the sum of _____, of good and lawful current money of this Province, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. shall fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned at _____, before me.

J. S.

The condition of the within written Recognizance is such that if the said A. B. shall personally appear on the _____ day of _____, (*instant,*) at _____ o'clock in the (*forenoon*), at _____, before such Justices of the Peace for the said District as may then be there, to answer further to the information (*or* complaint) of C. D. exhibited against the said A. B., and to be further dealt with according to law, then the said Recognizance to be void, or else to stand in full force and virtue.

NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE DEFENDANT AND HIS SURETY.

Take notice, that you A. B. are bound in the sum of _____ and you L. M. in the sum of _____, that you A. B. appear personally on _____, at _____ o'clock in the (*fore*) noon at _____, before such Justices of the Peace for the District of _____ as shall then be there, to answer further to a certain information (*or* complaint) of C. D., the further hearing of which was adjourned to the said time and place, and unless you appear accordingly, the Recognizance entered into by you, A. B., and by L. M. as your Surety, will forthwith be levied on you and him.

Dated this _____ day of _____, 18 _____.

J. S.

(F.)

CERTIFICATE OF NON-APPEARANCE TO BE ENDORSED ON THE DEFENDANT'S RECOGNIZANCE.

I hereby certify, that the said A. B. hath not appeared at the time and place in the said condition mentioned, but therein hath made default, by reason whereof the within written Recognizance is forfeited.

J. S.

(G 1.)

SUMMONS OF A WITNESS.

Province of Canada, }
District of }

To E. F. of _____, in the said District of _____ :

Whereas information was laid (*or* complaint was made) before _____ (*one*) of Her Majesty's Justices of the Peace in and for the said District of _____, for _____

to convey and have him at _____, at _____ o'clock in the _____ noon of the same day, before such Justice or Justices of the Peace of the said (District) as may then be there, to answer to the said information (*or, complaint*) and to be further dealt with according to law.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.
 J. S. [L. s.]

(I 1.)

CONVICTION FOR A PENALTY TO BE LEVIED BY DISTRESS, AND IN DEFAULT OF SUFFICIENT DISTRESS, IMPRISONMENT.

Province of Canada, }
 District of }

Be it remembered, That on the _____ day of _____, in the year of our Lord _____, at _____, in the said District, A. B. is convicted before the undersigned, (*one*) of Her Majesty's Justices of the Peace for the said District, for that (he the said A. B., &c. *stating the offence, and the time and place when and where committed*), and I adjudge the said A. B. for his said offence to forfeit and pay the sum of _____ (*stating the penalty, and also the compensation, if any*) to be paid and applied according to law, and also to pay to the said C. D. the sum of _____, for his costs in this behalf; and if the said several sums be not paid forthwith (*or, on or before* _____ next, * I order that the same be levied by distress and sale of the goods and chattels of the said A. B., and in default of sufficient distress, * I adjudge the said A. B. to be imprisoned in the (*House of Correction*) at _____, in the said District (*there to be kept to hard labor*) for the space of _____, unless the said several sums and all costs and charges of the said Distress (*and of the commitment and conveying of the said A. B. to the said House of Correction*) shall be sooner paid.

Given under my Hand and Seal, the day and year first above mentioned, at _____ in the District aforesaid.

J. S. (L. s.)

* *Or, when the issuing of a Distress Warrant would be ruinous to the Defendant or his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks * * say, " then, inasmuch as it hath now been made to appear to me (that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. or his family," or, " that the said A. B. hath no goods or chattels whereon to levy the said sums by distress)," I adjudge, &c., as above, to the end.*

(I 2.)

CONVICTION FOR A PENALTY, AND IN DEFAULT OF PAYMENT, IMPRISONMENT.

Province of Canada, }
 District of }

Be it remembered, That on the _____ day of _____, in the year of our Lord _____, at _____, in the said District, A. B. is convicted before the undersigned (*one*) of Her Majesty's Justices of the Peace for the said District, for that (he the said A. B., &c. *stating the offence, and the time and place when and where it was committed*), and I adjudge the said A. B. for his said offence, to forfeit and pay the sum of _____ (*stating the penalty, and the compensation, if any*), to be paid and applied according to law; and also to pay to the said C. D. the sum of _____ for his costs in this behalf; and if the said several sums be not paid forthwith

forthwith (*or, on or before* next), I adjudge the said A. B. to be imprisoned in the (*House of Correction*), at , in the said District (*and there to be kept at hard labour*) for the space of , unless the said several sums (and the costs and charges of conveying the said A. B. to the said House of Correction) shall be sooner paid.

Given under my Hand and Seal, the day and year first above mentioned, at , in the District aforesaid.

J. S. [L. s.]

(I 3.)

CONVICTION WHEN THE PUNISHMENT IS BY IMPRISONMENT, &c.

Province of Canada, }
District of }

Be it remembered, That on the day of , in the year of our Lord , in the said District, A. B. is convicted before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District, for that he the said A. B., (*&c. stating the offence and the time and place when and where it was committed*) ; and I adjudge the said A. B. for his said offence to be imprisoned in the (*House of Correction*) at , in the said District (*and there to be kept to hard labour*) for the space of ; and I also adjudge the said A. B. to pay to the said C. D. the sum of for his costs in this behalf ; and if the said sum for costs be not paid forthwith, (*or on or before* next) then * I order that the said sum be levied by distress and sale of the goods and chattels of the said A. B ; and in default of sufficient distress in that behalf, * I adjudge the said A. B. to be imprisoned in the said House of Correction (*and there kept to hard labour*) for the space of , to commence at and from the term of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under my Hand and Seal, the day and year first above mentioned at in the district aforesaid.

J. S. [L. s.]

* *Or, where the issuing of a Distress Warrant would be ruinous to the Defendant or his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks * * , say, "inasmuch as it hath now been made to appear to me (that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. and his family," or, "that the said A. B. hath no goods or chattels whereon to levy the said sum for costs by distress)," I adjudge, &c.*

(K 1.)

ORDER FOR PAYMENT OF MONEY TO BE LEVIED BY DISTRESS, AND IN DEFAULT OF DISTRESS, IMPRISONMENT.

Province of Canada, }
District of }

Be it remembered, That on complaint was made before the undersigned (*one*) of Her Majesty's Justices of the Peace in and for the said District of , for that (*stating the facts entitling the complainant to the order, with the time and place when and where they occurred*), and now at this day, to wit, on , at , the parties aforesaid appear before me the said Justice, (*or the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me on oath that the said A. B. has been duly served with the Summons on this behalf, which required him to be and appear here at this day before such Justice or Justices of the Peace for this said District*

District as should now be here, to answer the said complaint, and to be further dealt with according to law); and now having heard the matter of the said complaint, I do adjudge the said A. B. (to pay to the said C. D. the sum of forthwith, or on or before next, or *as the statute may require*), and also to pay to the said C. D. the sum of for his costs in this behalf; and if the said several sums be not paid forthwith (*or on or before next*) * I hereby order that the same be levied by distress, and sale of the goods and chattels of the said A. B. (and in default of sufficient distress in that behalf * I adjudge the said A. B. to be imprisoned in (*House of Correction*) at , in the said District (*and there kept to hard labour*) for the space of , unless the said several sums, and all costs and charges of the said distress (*and of the commitment and conveying of the said A. B. to the said House of Correction*) shall be sooner paid,

Given under my Hand and Seal, this day of , in the year of our Lord , at , in the District aforesaid.

J. S. [L. s.]

* Or, where the issuing of a Distress Warrant would be ruinous to the Defendant or his family, or it appears he has no goods whereon to levy a distress, then, instead of the words between the asterisks * *, say, " then, inasmuch as it hath now been made to appear to me (that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. and his family, " or " that the said A. B. hath no goods or chattels whereon to levy the said sums by distress)," I adjudge, &c.

(K 2.)

ORDER FOR PAYMENT OF MONEY, AND IN DEFAULT OF PAYMENT, IMPRISONMENT.

Province of Canada, }
District of }

Be it remembered, That on complaint was made before the undersigned (*one*) of Her Majesty's Justices of the Peace in and for the said District of , for that (*stating the facts entitling the complainant to the order, with the time and place when and where they occurred*), and now at this day, to wit, on , at , the parties aforesaid appear before me the said Justice (*or the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me on oath that the said A. B. has been duly served with the Summons in this behalf, requiring him to be and appear here on this day before such Justices of the Peace for the said District as should now be here, to answer the said complaint, and be further dealt with according to law*); and now having heard the matter of the said complaint, I do adjudge the said A. B. (to pay to the said C. D. the sum of forthwith, or on or before next, or *as the statute may require*), and also to pay to the said C. D. the sum of for his costs in this behalf; and if the said several sums be not paid forthwith, (*or on or before next*), I adjudge the said A. B. to be imprisoned in the (*House of Correction*), at , in the said District (*there to be kept to hard labor*) for the space of , unless the said several sums (*and costs and charges of commitment and conveying the said A. B. to the said House of Correction*) shall be sooner paid.

Given under my Hand and Seal, this day of , in the year of our Lord , at , in the District aforesaid.

J. S. [L. s.]

(K 3.)

(K 3.)

ORDER FOR ANY OTHER MATTER WHERE THE DISOBEYING OF IT IS PUNISHABLE WITH IMPRISONMENT.

Province of Canada, }
 District of }

Be it remembered, That on complaint was made before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District of , for that (*stating the facts entitling the complainant to the order, with the time and place where and when they occurred*), and now at this day, to wit, on , at , the parties aforesaid appear before me the said Justice, (*or the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me upon oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here this day before such Justice or Justices of the Peace for the said District as should now be here to answer to the said complaint, and to be further dealt with according to law,*) and now having heard the matter of the said complaint, I do therefore adjudge the said A. B. to (*here state the matter required to be done*), and if upon a copy of the Minute of this Order being served upon the said A. B. either personally or by leaving the same for him at his last or most usual place of abode, he shall neglect or refuse to obey the same, in that case I adjudge the said A. B. for such his disobedience to be imprisoned in the (*House of Correction*), at , in the said District, (*there to be kept to hard labor for the space of (unless the said order be sooner obeyed, if the statute authorize this)*); and I do also adjudge the said A. B. to pay to the said C. D. the sum of for his costs in this behalf, and if the said sum for costs be not paid forthwith, (*or, on or before next*), I order the same to be levied by distress and sale of the goods and chattels of the said A. B. (and in default of sufficient distress in that behalf, I adjudge the said A. B. to be imprisoned in the said (*House of Correction*) (*there to be kept to hard labor*) for the space of to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under my Hand and Seal, this day of , in the year of our Lord , at , in the District aforesaid.

J. S. [L. s.]

(L.)

ORDER OF DISMISSAL OF AN INFORMATION OR COMPLAINT.

Province of Canada, }
 District of }

Be it remembered, That on information was laid (*or complaint was made*) before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District of , for that (*ſc., as in the Summons to the defendant*), and now at this day, to wit, on , at , both the said parties appear before me in order that I should hear and determine the said information (*or complaint*), (*or the said A. B. appeareth before me, but the said C. D. although duly called doth not appear*), whereupon the matter of the said information (*or complaint*) being by me duly considered (*it manifestly appears to me that the said information (or complaint) is not proved**) and I do therefore dismiss the same, (and do adjudge that the said C. D. do pay to the said A. B. the sum of for his costs incurred by him in his defence in this behalf; and if the said sum for costs be not paid forthwith, (*or, on or before*) I order that the same be levied by distress and sale of the goods and chattels

* *If the informant or complainant do not appear, these words may be omitted.*

District as should now be here, to answer the said complaint, and to be further dealt with according to law); and now having heard the matter of the said complaint, I do adjudge the said A. B. (to pay to the said C. D. the sum of forthwith, *or* on or before next, *or as the statute may require*), and also to pay to the said C. D. the sum of for his costs in this behalf; and if the said several sums be not paid forthwith (*or* on or before next) * I hereby order that the same be levied by distress, and sale of the goods and chattels of the said A. B. (and in default of sufficient distress in that behalf * I adjudge the said A. B. to be imprisoned in (*House of Correction*) at , in the said District (*and there kept to hard labour*) for the space of , unless the said several sums, and all costs and charges of the said distress (*and of the commitment and conveying of the said A. B. to the said House of Correction*) shall be sooner paid.

Given under my Hand and Seal, this day of , in the year of our Lord , at , in the District aforesaid.

J. S. [L. s.]

* *Or, where the issuing of a Distress Warrant would be ruinous to the Defendant or his family, or it appears he has no goods whereon to levy a distress, then, instead of the words between the asterisks * *, say, "then, inasmuch as it hath now been made to appear to me (that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. and his family," or "that the said A. B. hath no goods or chattels whereon to levy the said sums by distress)," I adjudge, &c.*

(K 2.)

ORDER FOR PAYMENT OF MONEY, AND IN DEFAULT OF PAYMENT, IMPRISONMENT.

Province of Canada, }
District of }

Be it remembered, That on complaint was made before the undersigned (*one*) of Her Majesty's Justices of the Peace in and for the said District of , for that (*stating the facts entitling the complainant to the order, with the time and place when and where they occurred*), and now at this day, to wit, on , at , the parties aforesaid appear before me the said Justice (*or* the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me on oath that the said A. B. has been duly served with the Summons in this behalf, requiring him to be and appear here on this day before such Justices of the Peace for the said District as should now be here, to answer the said complaint, and be further dealt with according to law); and now having heard the matter of the said complaint, I do adjudge the said A. B. (to pay to the said C. D. the sum of forthwith, *or* on or before next, *or as the statute may require*), and also to pay to the said C. D. the sum of for his costs in this behalf; and if the said several sums be not paid forthwith, (*or* on or before next), I adjudge the said A. B. to be imprisoned in the (*House of Correction*), at , in the said District (*there to be kept to hard labor*) for the space of , unless the said several sums (*and costs and charges of commitment and conveying the said A. B. to the said House of Correction*) shall be sooner paid.

Given under my Hand and Seal, this day of , in the year of our Lord , at , in the District aforesaid.

J. S. [L. s.]

(K 3.)

(K 3.)

ORDER FOR ANY OTHER MATTER WHERE THE DISOBEYING OF IT IS PUNISHABLE WITH IMPRISONMENT.

Province of Canada, }
District of }

Be it remembered, That on complaint was made before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District of , for that (*stating the facts entitling the complainant to the order, with the time and place where and when they occurred*), and now at this day, to wit, on , at , the parties aforesaid appear before me the said Justice, (*or the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me upon oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here this day before such Justice or Justices of the Peace for the said District as should now be here to answer to the said complaint, and to be further dealt with according to law,*) and now having heard the matter of the said complaint, I do therefore adjudge the said A. B. to (*here state the matter required to be done*), and if upon a copy of the Minute of this Order being served upon the said A. B. either personally or by leaving the same for him at his last or most usual place of abode, he shall neglect or refuse to obey the same, in that case I adjudge the said A. B. for such his disobedience to be imprisoned in the (*House of Correction*), at , in the said District, (*there to be kept to hard labor for the space of (unless the said order be sooner obeyed, if the statute authorize this)*); and I do also adjudge the said A. B. to pay to the said C. D. the sum of for his costs in this behalf, and if the said sum for costs be not paid forthwith, (*or, on or before next*), I order the same to be levied by distress and sale of the goods and chattels of the said A. B. (and in default of sufficient distress in that behalf, I adjudge the said A. B. to be imprisoned in the said (*House of Correction*) (*there to be kept to hard labor*) for the space of to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under my Hand and Seal, this day of , in the year of our Lord , at , in the District aforesaid.

J. S. [L. s.]

(L.)

ORDER OF DISMISSAL OF AN INFORMATION OR COMPLAINT.

Province of Canada, }
District of }

Be it remembered, That on information was laid (*or complaint was made*) before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District of , for that (*&c., as in the Summons to the defendant*), and now at this day, to wit, on , at , both the said parties appear before me in order that I should hear and determine the said information (*or complaint*), (*or the said A. B. appeareth before me, but the said C. D. although duly called doth not appear*), whereupon the matter of the said information (*or complaint*) being by me duly considered (it manifestly appears to me that the said information (*or complaint*) is not proved*) and I do therefore dismiss the same, (and do adjudge that the said C. D. do pay to the said A. B. the sum of for his costs incurred by him in his defence in this behalf; and if the said sum for costs be not paid forthwith, (*or, on or before*) I order that the same be levied by distress and sale of the goods and chattels

* If the informant or complainant do not appear, these words may be omitted.

chattels of the said C. D. and in default of sufficient distress in that behalf I adjudge the said C. D. to be imprisoned in the (*House of Correction*) at _____, in the said District (*and there to be kept at hard labor*) for the space of _____, unless the said sum for costs and all costs and charges of the said distress (*and of the commitment of the said C. D. to the said House of Correction*) shall be sooner paid.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(M.)

CERTIFICATE OF DISMISSAL.

I hereby certify that an information (*or complaint*) preferred by C. D. against A. B. for that (*or as in the Summons*), was this day considered by me, one of Her Majesty's Justices of the Peace in and for the District of _____, and was by me dismissed (*with costs*).

Dated this _____ day of _____, 18 _____.

J. S. [L. s.]

(N 1.)

WARRANT OF DISTRESS UPON A CONVICTION FOR A PENALTY.

Province of Canada, }
District of _____ }

To all or any of the Constables, or other Peace Officers in the said District of _____ :

Whereas A. B., late of _____, (*laborer*), was on this day (*or on* _____ last past) duly convicted before _____, (*one*) of Her Majesty's Justices of the Peace, in and for the said District of _____, for that (*stating the offence as in the conviction*), and it was thereby adjudged that the said A. B. should for such his offence forfeit and pay, (*&c., as in the conviction*), and should also pay to the said C. D. the sum of _____ for his costs in that behalf; and it was thereby ordered that if the said several sums should not be paid (*forthwith*) the same should be levied by distress and sale of the goods and chattels of the said A. B.; and it was thereby also adjudged that the said A. B., in default of sufficient distress, should be imprisoned in the (*House of Correction*) at _____, in the said District, (*and there be kept to hard labor*) for the space of _____, unless the said several sums and all costs and charges of the said distress, and of the commitment and conveying of the said A. B. to the said (*House of Correction*) should be sooner paid; * And whereas the said A. B. being so convicted as aforesaid, and being (*now*) required to pay the said sums of _____, and _____ hath not paid the same or any part thereof, but therein hath made default; These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B.; and within _____ days next after the making of such distress, the said sums, together with the reasonable charges of taking and keeping the distress, shall not be paid, then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale unto _____ the Clerk of the Peace for the said District of _____ (*or to the Clerk of the Special Sessions for the said District, or to the Clerk of the Weekly Sessions for the said District, or to the Clerk of the convicting Justice, as the case may be*), that he may pay and apply the same as by law is directed, and may render the overplus, if any, on demand, to the said A. B.; and if no such distress can be found, then, that you certify the same unto me, to the end that such further proceedings may be had thereon as to law doth appertain.

Sic.

Given

Given under my Hand and Seal, this _____ day of _____ in the year-of our Lord _____, at _____ in the District aforesaid.
 J. S.

[L. S.]

(N 2.)

WARRANT OF DISTRESS UPON AN ORDER FOR THE PAYMENT OF MONEY.

Province of Canada, }
 District of }

To all or any of the Constables, or other Peace Officers, in the said District of

Whereas on _____ last past a complaint was made before _____, (*one*) of Her Majesty's Justices of the Peace in and for the said District, for that (*&c., as in the order*), and afterwards, to wit, on _____, at _____, the said parties appeared before _____ (*as in the order*), and thereupon having considered the matter of the said complaint, the said A. B. was adjudged (*to pay to the said C. D. the sum of _____ on or before _____ then next*), and also to pay to the said C. D. the sum of _____ for his costs in that behalf; and it was ordered that if the said several sums should not be paid on or before the said _____ then next, the same should be levied by distress and sale of the goods and chattels of the said A. B.; and it was adjudged that in default of sufficient distress in that behalf, the said A. B. should be imprisoned in the (*House of Correction*) at _____, in the said District (*and there kept to hard labor*), for the space of _____, unless the said several sums and all costs and charges of the distress (*and of the commitment and conveying of the said A. B. to the said House of Correction*) should be sooner paid; * And whereas the time in and by the said order appointed for the payment of the said several sums of _____ and _____ hath elapsed, but the said A. B. hath not paid the same or any part thereof, but therein hath made default; These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of _____ days after the making of such distress, the said last mentioned sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then, you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale unto the Clerk of the Peace for the District of _____ (*or to the Clerk of the Special Sessions for the District of _____, or to the Clerk of the Weekly Sessions for the District of _____, or to the Clerk of the convicting Justice, as the case may be*) that he may pay and apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B.; and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____ in the District aforesaid.
 J. S.

[L. S.]

(N 3.)

ENDORSEMENT IN BACKING A WARRANT OF DISTRESS.

Province of Canada, }
 District of }

Whereas proof upon oath hath this day been made before me, one of Her Majesty's Justices of the Peace in and for the said District, that the name of J. S. to the within Warrant subscribed, is of the hand-writing of the Justice of the Peace within mentioned, I do therefore authorize U. T. who bringeth me this Warrant, and all other persons to whom

whom this Warrant was originally directed, or by whom the same may be lawfully executed, and also all Constables and other Peace Officers in the said District of to execute the same within the said District of

Given under my Hand, this day of , 18 J. B.

(N 4.)

CONSTABLE'S RETURN TO A WARRANT OF DISTRESS.

I, W. T., Constable of , in the District of , hereby certify to J. S., Esquire, one of Her Majesty's Justices of the Peace for the said District, that by virtue of this Warrant, I have made diligent search for the goods and chattels of the within mentioned A. B., and that I can find no sufficient goods or chattels of the said A. B., whereon to levy the sums within mentioned.

Witness my Hand, this day of , 18 W. T.

(N 5.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

To all or any of the Constables and other Peace Officers, in the district of , and to the Keeper of the (House of Correction) at , in the said District of :

Whereas (&c. as in either of the foregoing Distress Warrants N. 1, 2, to the asterisk (*) and then this): And whereas afterwards, on the day of , in the year aforesaid, I, the said Justice, issued a Warrant to all or any of the Constables or other Peace Officers of the District of , commanding them, or any of them, to levy the said sums of , and by distress and sale of the goods and chattels of the said A. B.; And whereas it appears to me, as well by the return to the said Warrant of Distress, by the Constable who had the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the sums above mentioned could be found: These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the (House of Correction) at aforesaid, and there deliver him to the said Keeper, together with this Precept; and I do hereby command you, the said Keeper of the said (House of Correction) to receive the said A. B. into your custody, in the said (House of Correction) there to imprison him, (and keep him to hard labor) for the space of , unless the said several sums, and all the costs and charges of the said distress, (and of the commitment and conveying of the said A. B. to the said House of Correction) amounting to the further sum of , shall be sooner paid unto you the said Keeper; and for so doing, this shall be your sufficient Warrant.

Given under my Hand and Seal, this day of , in the year of our Lord , at in the Ditriect aforesaid. J. S. [L. s.]

(O 1.)

WARRANT OF COMMITMENT UPON A CONVICTION FOR A PENALTY IN THE FIRST INSTANCE.

Province of Canada, } District of }

To all or any of the Constables, or other Peace Officers in the said District of , and to the Keeper of the (House of Correction) at , in the said District of :

Whereas A. B., late of (laborer) was on this day convicted before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said District, for

for that (*stating the offence as in the conviction*), and it was thereby adjudged that the said A. B., for his said offence should forfeit and pay the sum of _____ (*&c., as in the conviction*), and should pay to the said C. D., the sum of _____ for his costs in that behalf; and it was thereby further adjudged, that if the said several sums should not be paid (*forthwith*) the said A. B. should be imprisoned in the (*House of Correction*), at _____, in the said District, (*and there kept to hard labor*) for the space of _____, unless the said several sums (*and the costs and charges of conveying the said A. B. to the said House of Correction*) should be sooner paid; And whereas the time in and by the said conviction appointed for the payment of the said several sums hath elapsed, but the said A. B. hath not paid the same or any part thereof, but therein hath made default; These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the (*House of Correction*) at _____ aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said (*House of Correction*), to receive the said A. B. into your custody in the said (*House of Correction*), there to imprison him (*and keep him to hard labor*) for the space of _____, unless the said several sums (*and the costs and charges of carrying him to the said (House of Correction) amounting to the further sum of _____*), shall be sooner paid; and for your so doing, this shall be your sufficient Warrant.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid. J. S. [L. s.]

(O 2.)

WARRANT OF COMMITMENT ON AN ORDER IN THE FIRST INSTANCE.

Province of Canada, }
District of _____ }

To all or any of the Constables and other Peace Officers in the said District of _____, and to the Keeper of the (*House of Correction*), at _____, in the said District of _____:

Whereas on _____ last past, complaint was made before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District of _____, for that (*&c. as in the order*), and afterwards, to wit, on _____, at _____, the parties appeared before me the said Justice (*or as it may be in the order*), and thereupon having considered the matter of the said complaint, I adjudged the said A. B. to pay to the said C. D. the sum of _____, on or before the _____ day of _____ then next, and also to pay to the said C. D. the sum of _____ for his costs in that behalf; and I also thereby adjudged that if the said several sums should not be paid on or before the _____ day of _____ then next, the said A. B. should be imprisoned in the House of Correction, at _____, in the said District, (*and there to be kept to hard labor*) for the space of _____, unless the said several sums (*and the costs and charges of conveying the said A. B. to the said (House of Correction)*) should be sooner paid; And whereas the time in and by the said order appointed for the payment of the said several sums of money hath elapsed, but the said A. B. hath not paid the same or any part thereof, but therein hath made default; These are therefore to command you the said Constables and Peace Officers, or any one of you, to take the said A. B. and him safely to convey to the said (*House of Correction*), at _____ aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said (*House of Correction*) to receive the said A. B. into your custody, in the said (*House of Correction*), there to imprison him (*and keep him to hard labor*) for the space of _____, unless the said several sums (*and costs and charges of conveying him to the said (House of Correction) amounting to the*
the

the further sum of _____, shall be sooner paid unto you the said Keeper ; and for your so doing, this shall be your sufficient Warrant.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(Q 1.)

WARRANT OF DISTRESS FOR COSTS UPON AN ORDER FOR DISMISSAL OF AN INFORMATION OR COMPLAINT.

Province of Canada, }
District of _____ }

To all or any of the Constables, or other Peace Officers in the said District of _____ :

Sic.

Whereas on _____ last past, information was laid (*or information was made*) before _____ (*one*) of Her Majesty's Justices of the Peace in and for the said District of _____, for that (*&c. as in the order of dismissal,*) and afterwards, to wit, on _____, at _____, both parties appearing before _____, in order that (I) should hear and determine the same, and the several proofs adduced to (me) in that behalf being by (me) duly heard and considered, and it manifestly appearing to (me) that the said information (*or complaint*) was not proved, (I) therefore dismissed the same, and adjudged that the said C. D. should pay to the said A. B. the sum of _____ for his costs incurred by him in his defence in that behalf; and (I) ordered that if the said sum for costs should not be paid (*forthwith,*) the same should be levied of the goods and chattels of the said C. D. and (I) adjudged that in default of sufficient distress in that behalf, the said C. D. should be imprisoned in the (*House of Correction,*) at _____ in the said District, (*and there kept at hard labor*) for the space of _____, unless the said sum for costs, and all costs and charges of the said distress, and of the commitment and conveying of the said A. B. to the said (*House of Correction,*) should be sooner paid: (*); And whereas the said C. D. being now required to pay to the said A. B. the said sum for costs, hath not paid the same, or any part thereof, but therein hath made default; These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said C. D., and if within the space of _____ days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the Clerk of the Peace for the said District of _____ (*or to the Clerk of the Special Sessions for the said District of _____ or to the Clerk of the Weekly Sessions of the said District of _____ or to the Clerk of the Justice who made such order or dismissal, as the case may be,*) that he may pay and apply the same as by law directed, and may render the overplus (if any,) on demand to the said C. D., and if no such distress can be found, then that you certify the same unto me, (*or to any other Justice of the Peace for the same District,*) to the end that such proceedings may be had therein as to the law doth appertain.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(Q 2.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE LAST CASE.

Province of Canada, }
 District of }

To all or any of the Constables, or Peace Officers, in the said District of
 and to the Keeper of the (*House of Correction*) at , in the said District of :

Whereas (*ſc. as in the form to the asterisk (*) and then thus*): And whereas, afterwards, on the day of , in the year aforesaid, I, the said Justice issued a Warrant to all or any of the Constables or other Peace Officers of the said District, commanding them, or any one of them, to levy the said sum of for costs, by distress and sale of the goods and chattels of the said C. D.; And whereas it appears to me, as well by the return to the said Warrant of Distress of the Constable (*or*, Peace Officer) charged with the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said C. D., but that no sufficient distress whereon to levy the sum above mentioned could be found; These are therefore to command you, the said Constables and Peace Officers, or any one of you, to take the said C. D. and him safely convey to the (*House of Correction*) at aforesaid, and there deliver him to the Keeper thereof, together with this Precept; and I hereby command you, the said Keeper of the said (*House of Correction*), to receive the said C. D. into your custody in the said (*House of Correction*), there to imprison him (*and keep him to hard labour*) for the space of , unless the said sum, and all the costs and charges of the said distress (*and of the commitment and conveying of the said C. D. to the said House of Correction*), amounting to the further sum of , shall be sooner paid unto you the said Keeper, and for your so doing, this shall be your sufficient Warrant.

Given under my Hand and Seal, this day of , in the year of our Lord , at , in the District aforesaid.
 J. S. [L. s.]

(R)

CERTIFICATE OF CLERK OF THE PEACE THAT THE COSTS OF AN APPEAL ARE NOT PAID.

Office of the Clerk of the Peace for the
 District of

(*Title of the Appeal.*)

I hereby certify, that at a Court of General Quarter Sessions of the Peace, holden at , in and for the said District, on last past, an appeal by A. B. against a conviction (*or order*) of J. S., Esquire, one of Her Majesty's Justices of the Peace in and for the said District, came on to be tried, and was there heard and determined, and the said Court of General Quarter Sessions thereupon ordered that the said conviction (*or order*) should be confirmed (*or quashed*), and that the said (*Appellant*) should pay to the said (*Respondent*) the sum of for his costs incurred by him in the said appeal, and which sum was thereby ordered to be paid to the Clerk of the Peace of the said District, on or before the day of instant, to be by him handed over to the said (*Respondent*), and I further certify that the said sum for costs has not, nor has any part thereof been paid in obedience to the said order.

Dated the day of , 18 .
 G. H.
 (*Deputy*) Clerk of the Peace.
 [S 1.]

(S 1.)

WARRANT OF DISTRESS FOR COSTS OF AN APPEAL AGAINST A CONVICTION OR ORDER.

Province of Canada, }
 District of }

To all or any of the Constables, or other Peace Officers, in the said District of

Whereas (&c. as in the Warrants of Distress, N 1 2, ante, to the end of the Stat^{ment} of the Conviction or Order, and then thus) : And whereas the said A. B. appealed to the Court of General Quarter Sessions of the Peace for the said District, against the said conviction or order, in which appeal the said A. B. was the Appellant, and the said C. D. (or, J. S. Esquire, the Justice of the Peace who made the said conviction or order) was the Repondent, and which said appeal came on to be tried and was heard and determined at the last General Quarter Sessions of the Peace for the said District, holden at _____, on _____, and the said Court of General Quarter Sessions thereupon ordered that the said conviction (or order) should be confirmed (or quashed), and that the said (Appellant) should pay to the said (Respondent) the sum of _____ for his costs incurred by him in the said appeal, which said sum was to be paid to the Clerk of the Peace of the said District, on or before the day of _____, 18____, to be by him handed over to the said (C. D.) ; And whereas the (Deputy) Clerk of the Peace of the said District, hath, on the _____ day of _____ instant, duly certified that the said sum for costs had not been paid; (*) These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said (A. B.), and if within the space of _____ days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then, you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the Clerk of the Peace for the said District of _____, (or to the Clerk of the Special Sessions for the said District of _____, or to the Clerk of the Weekly Sessions for the said District of _____, or to the Clerk of the Justice of the Peace who made such conviction or order, as the case may be), that he may pay and apply the same as by law directed; and if no such distress can be found, then that you certify the same unto me or any other Justice of the Peace for the same District, to the end that such proceedings may be had therein as to the law doth appertain.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.
 J. N. [L. s.]

(S 2.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE LAST CASE.

Province of Canada, }
 District of }

To all or any of the Constables, or other Peace Officers, in the said District of _____, and to the Keeper of the (House of Correction) at _____ in the said District :

Whereas (&c., as in the last form to the asterisk, (*) and then thus) : And whereas, afterwards, on the _____ day of _____, in the year aforesaid, I, the undersigned, issued a Warrant to all or any of the Constables and other Peace Officers in the said District of _____, commanding them, or any of them, to levy the said sum of _____, for costs, by distress and sale of the goods and chattels of the said A. B. ; And whereas it appears to me, as well by the return to the said Warrant of Distress of the Constable (or Peace Officer), who was charged with the execution of the _____ the

the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said (A. B.), but that no sufficient distress whereon to levy the said sum above mentioned could be found ; These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the (*House of Correction*), at _____ aforesaid, and there deliver him to the said Keeper thereof, together with this Precept thereof ; And I do hereby command you, the said Keeper of the said (*House of Correction*) to receive the said A. B. into your custody in the said (*House of Correction*), there to imprison him (*and keep him to hard labour*) for the space of _____, unless the said sum and all costs and charges of the said Distress, (*and of the commitment and conveying of the said A. B. to the said House of Correction*) amounting to the further sum of _____, shall be sooner paid unto you, the said Keeper, and for so doing, this shall be your sufficient Warrant.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.
 J. N. [L. s.]

CAP. XCVI.

An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to persons charged with Indictable Offences.

[30th August, 1851.]

WHEREAS it would conduce much to the improvement of the administration of Criminal Justice in Lower Canada, if the several Statutes and parts of Statutes relating to the duties of Her Majesty's Justices of the Peace therein, with respect to persons charged with indictable offences, were consolidated, with such additions and alterations as may be deemed necessary, and that such duties should be clearly defined by positive enactment : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in all cases where a charge or complaint (A) is made before any one or more of Her Majesty's Justices of the Peace for any District in Lower Canada, that any person has committed, or is suspected to have committed, any treason, felony or other indictable misdemeanor or offence within the limits of the jurisdiction of such Justice or Justices of the Peace, or that any person guilty or suspected to be guilty of having committed any such crime or offence elsewhere out of the jurisdiction of such Justice or Justices, is residing or being, or is suspected to reside or be within the limits of the jurisdiction of such Justice or Justices, then, and in every such case, if the person so charged or complained against shall not then be in custody, it shall be lawful for such Justice or Justices of the Peace to issue his or their Warrant (B) to apprehend such person, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same District, to answer such charge or complaint, and to be further dealt with according to law : Provided always, that in all cases it shall be lawful for such Justice or Justices to whom such charge or complaint shall be preferred, if he or they shall so think fit, instead of issuing in the first instance his or their Warrant to apprehend the person so charged or complained against, to issue his or their Summons (C) directed to such person, requiring him to appear before the said Justice or Justices, at the time and place to be therein mentioned, or before such other Justice or Justices of the same District as may then be there, and if, after being served with such Summons in manner hereinafter mentioned, he shall fail to appear at such time and place, in obedience to such

Preamble.

For what offense a Justice of the Peace may grant a Warrant or Summons to cause a person charged therewith to be brought before him.

In what cases the party may be summoned instead of issuing a Warrant in the first instance.

If the Summons be not obeyed, then a Warrant may be issued.

such Summons, then, and in every such case, the said Justice or Justices, or any other Justice or Justices of the Peace for the same District, may issue his or their Warrant (D) to apprehend such person so charged or complained against, and cause such person to be brought before him or them, or before some other Justice or Justices of the Peace for the same District, to answer to the said charge or complaint, and to be further dealt with according to law; Provided nevertheless, that nothing herein contained shall prevent any Justice or Justices of the Peace from issuing the Warrant hereinbefore first mentioned, at any time before or after the time mentioned in such Summons for the appearance of the said accused party.

Proviso.

Warrant to apprehend a party against whom an indictment is found.

II. And be it enacted, That when any indictment shall be found by the Grand Jury in any Court of Oyer and Terminer or General Gaol Delivery, or in any Court of General or Quarter Sessions of the Peace, against any person who shall then be at large, and whether such person shall be bound by any Recognizance to appear to answer to any such charge or not, the person who shall act as Clerk of the Crown at such Court of Oyer and Terminer, or Gaol Delivery, or as Clerk of the Peace at such Sessions at which the said indictment shall be found, shall, at any time afterwards after the end of the Sessions of Oyer and Terminer, or Gaol Delivery, or Sessions of the Peace, at which such indictment shall have been found, upon application of the Prosecutor, or of any person on his behalf, and on payment of a fee of One Shilling, if such person shall not have already appeared and pleaded to such indictment, grant unto such Prosecutor or person a Certificate (F) of such indictment having been found; and upon production of such Certificate to any Justice or Justices of the Peace for the District in which the offence shall in such indictment be alleged to have been committed, or in which the person indicted in and by such indictment shall reside or be, or be supposed or suspected to reside or be, it shall be lawful for such Justice or Justices, and he or they are hereby required to issue his or their Warrant (G) to apprehend such person so indicted, and to cause him to be brought before such Justice or Justices or any other Justice or Justices for the same District, to be dealt with according to law; and afterwards if such person be thereupon apprehended and brought before any such Justice or Justices, such Justice or Justices, upon its being proved upon oath or affirmation before him or them that the person so apprehended is the same person who is charged and named in such indictment, shall, without further inquiry or examination, commit (H) him for trial or admit him to bail in manner hereinafter mentioned; or if such person so indicted shall be confined in any gaol or prison for any other offence than that charged in the said indictment at the time of such application and production of such Certificate to such Justice or Justices as aforesaid, it shall be lawful for such Justice or Justices, and he or they are hereby required, upon its being proved before him or them upon oath or affirmation, that the person so indicted and the person so confined in prison are one and the same person, to issue his or their Warrant (I), directed to the Gaoler or Keeper of the gaol or prison in which the person so indicted shall then be confined as aforesaid, commanding him to detain such person in his custody, until, by Her Majesty's Writ of *Habeas Corpus*, he shall be removed therefrom for the purpose of being tried upon the said indictment, or until he shall be otherwise removed or discharged out of his custody by due course of law: Provided always, that nothing herein contained shall prevent or be construed to prevent the issuing or execution of Bench Warrants, whenever any Court of Competent Jurisdiction may think proper to order the issuing of any such Warrant.

If person indicted be already in prison for some other offence, Justice may order him to be detained until removed by Writ of Habeas Corpus.

Justices may issue Warrants on Sundays.

When charge is made if a Warrant is to be issued, information, &c, upon oath, &c.

III. And be it enacted, That it shall be lawful for any Justice or Justices of the Peace to grant or issue any Warrant as aforesaid, or any Search Warrant, on a Sunday as well as on any other day.

IV. And be it enacted, That in all cases when a charge or complaint for any indictable offence shall be made before such Justice or Justices aforesaid, if it be intended to issue a Warrant in the first instance against such party or parties so charged, an information and complaint thereof (A) in writing, on the oath or affirmation of the informant, or of some witness or witnesses in that behalf, shall be laid before such Justice

Justice or Justices: Provided always, that in all cases when it is intended to issue a Summons instead of a Warrant in the first instance, it shall not be necessary that such information and complaint shall be in writing, or be sworn to or affirmed in manner aforesaid; but in every such case such information and complaint may be by parol merely, and without any oath or affirmation whatsoever to support or substantiate the same: Provided also, that no objection shall be taken or allowed to any such information or complaint for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the Justice or Justices who shall take the examination of the witnesses on that behalf as hereinafter mentioned, and if any credible Witness shall prove upon oath (E 1) before a Justice of the Peace, that there is reasonable cause to suspect that any property whatsoever, on or with respect to which any larceny or felony shall have been committed, is in any dwelling house, out house, garden, yard, croft or other place or places, the Justice may grant a Warrant (E 2) to search such dwelling house, garden, yard, croft or other place or places, for such property.

If Summons to be issued instead, information, &c. not to be on oath.

No objection allowed for alleged defect in form or substance.

V. And be it enacted, That upon such information and complaint being so laid as aforesaid, the Justice or Justices receiving the same may, if he or they shall think fit, issue his or their Summons or Warrant respectively as hereinbefore directed, to cause the person charged as aforesaid to be and appear before him or them, or any other Justice or Justices of the Peace for the same District, to be dealt with according to law: and every such Summons (C) shall be directed to the party so charged in and by such information, and shall state shortly the matter] of such information, and shall require the party to whom it is directed to be and appear at a certain time and place therein mentioned, before the Justice who shall issue such Summons, or before such other Justice or Justices of the Peace for the same District as may then be there, to answer to the said charge, and to be further dealt with according to law; and every such Summons shall be served by a Constable or other Peace Officer upon the person to whom it is so directed, by delivering the same to the party personally, or, if he cannot conveniently be met with, then by leaving the same for him with some person at his last or most usual place of abode; and the Constable or other Peace Officer who shall have served the same in manner aforesaid, shall attend at the time and place, and before the Justices in the said Summons mentioned, to depose, if necessary, to the service of such Summons; and if the person so served shall not be and appear before such Justice or Justices, at the time and place mentioned in such Summons, in obedience to the same, then it shall be lawful for such Justice or Justices, to issue his or their Warrant (D) for apprehending the party so summoned, and bringing him before such Justice or Justices, or before some other Justice or Justices for the same District, to answer the charge in the said information and complaint mentioned, and to be further dealt with according to law: Provided always, that no objection shall be taken or allowed to any such Summons or Warrant for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the Prosecutor before the Justice or Justices who shall take the examination of the Witnesses in that behalf as hereinafter mentioned; but if any such variance shall appear to such Justice or Justices to be such that the party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the request of the party so charged, to adjourn the hearing of the case to some future day, and, in the meantime, to remand the party so charged, or admit him to bail in manner hereinafter mentioned.

Upon complaint being laid, Justices receiving the same may issue Summons or Warrant for appearance of person charged.

How Summons to be served.

If party summoned do not attend, Justice may issue a Warrant to compel attendance.

No objection allowed for alleged defect in form or substance.

VI. And be it enacted, That every Warrant (B) hereafter to be issued by any Justice or Justices of the Peace to apprehend any person charged with any indictable offence, shall be under the Hand and Seal, or Hands and Seals, of the Justice or Justices issuing the same, and may be directed to all or any of the Constables or other Peace Officers of the District within which the same is to be executed, or to such Constable and all other Constables or Peace Officers in the District within which the Justice or Justices issuing the same has or have jurisdiction, or generally to all the Constables or Peace Officers within such last mentioned District; and it shall state shortly the offence

Warrant to apprehend parties under the hand and seal of Justice.

How Warrant to be directed, and to whom

offence on which it is founded, and shall name or otherwise describe the offender; and it shall order the person or persons to whom it is directed to apprehend the offender, and bring him before the Justice or Justices issuing such Warrant, or before some other Justice or Justices of the Peace for the same District, to answer to the charge contained in the said information, and to be further dealt with according to law; and it shall not be necessary to make such Warrant returnable at any particular time, but the same may remain in force until it shall be executed; and such Warrant may be executed by apprehending the offender at any place within the District within which the Justice or Justices issuing the same shall have jurisdiction, or, in case of fresh pursuit, at any place in the next adjoining District, and within seven miles of the border of such first mentioned District, without having such Warrant backed, as hereinafter mentioned; and in all cases where such Warrant shall be directed to all Constables or other Peace Officers within the District within which such Justice or Justices shall have jurisdiction, it shall be lawful for any Constable or other Peace Officer for any place within such District to execute the said Warrant at any place within the jurisdiction for which said Justice or Justices shall have acted when he or they granted such Warrant, in like manner as if such Warrant were directed specially to such Constable by name, and notwithstanding the place within which such Warrant shall be executed shall not be within the place for which he shall be Constable or Peace Officer; provided always, that no objection shall be taken or allowed to any such Warrant for any defect therein, in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the Justice or Justices who shall take the examination of the Witnesses in that behalf as hereinafter mentioned; but if any such variance shall appear to any such Justice or Justices to be such that the party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the request of the party so charged, to adjourn the hearing of the case to some future day, and in the meantime to remand the party so charged, or to admit him to bail in manner hereinafter mentioned.

How and where Warrant may be executed.

No objection allowed for alleged defect in form or substance.

Regulations as to the backing of Warrants.

VII. And be it enacted, That if the person against whom any such Warrant shall be issued, as aforesaid, shall not be found within the jurisdiction of the Justice or Justices by whom the same shall be issued, or if he shall escape, go into, reside or be, or be supposed or suspected to be in any place within this Province, whether in Upper or in Lower Canada out of the jurisdiction of the Justice or Justices issuing such Warrant, it shall and may be lawful for any Justice of the Peace within the jurisdiction of whom such person shall so escape or go, or in which he shall reside or be, or be supposed or suspected to be, upon proof alone being made on oath of the hand-writing of the Justice issuing the same, and without any security being given, to make an endorsement (K) on such Warrant, signed with his name, authorizing the execution of such Warrant within the jurisdiction of the Justice making such endorsement, and which endorsement shall be sufficient authority to the person bringing such Warrant, and to all other persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the District where such Warrant shall be so endorsed, to execute the same in such other District, and to carry the person against whom such Warrant shall have issued, when apprehended, before the Justice or Justices of the Peace who first issued the said Warrant, or before some other Justice or Justices of the Peace for the same District, or before some Justice or Justices of the District where the offence in the said Warrant mentioned appears therein to have been committed; provided always, that if the Prosecutor or any of the Witnesses upon the part of the prosecution shall then be in the District, County, Division, Riding, City, Town or place where such person shall have been so apprehended, the Constable, or other person or persons who shall have so apprehended such person, may, if so directed by the Justice backing such Warrant, take and convey him before the Justice who shall have so backed the said Warrant, or before some other Justice or Justices for the same District, County, Division, Riding, City, Town or place; and the said Justice or Justices may thereupon

Proviso.

take

take the examination of such Prosecutor or Witnesses, and proceed in every respect in manner hereinafter directed with respect to persons charged before a Justice or Justices of the Peace, with an offence alleged to have been committed in another District than that in which such persons have been apprehended.

VIII. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the oath or affirmation of any credible person, that any person within the jurisdiction of such Justice is likely to give material evidence for the prosecution, and will not voluntarily appear for the purpose of being examined as a Witness at the time and place appointed for the examination of the witnesses against the accused, such Justice may and is hereby required to issue his Summons (L 1) to such person under his Hand and Seal, requiring him to be and appear at a time and place mentioned in such Summons, before the said Justice, or before such other Justice or Justices of the Peace for the same District as shall then be there, to testify what he shall know concerning the charge made against such accused party; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by the said Summons, and no just excuse shall be offered for such neglect or refusal, then (after proof upon oath or affirmation of such Summons having been served upon such person, either personally or with some person for him at his last or most usual place of abode,) it shall be lawful for such Justice or Justices before whom such person should have appeared, to issue a Warrant (L 2) under his or their Hands and Seals, to bring and have such person, at a time and place to be therein mentioned, before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same District as shall then be there, to testify as aforesaid, and which said Warrant may, if necessary, be backed as hereinbefore is mentioned, in order to its being executed out of the jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by evidence upon oath or affirmation that it is probable that such person will not attend to give evidence unless compelled so to do, then, instead of issuing such Summons, it shall be lawful for him to issue his Warrant (L 3) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the appearance of such person so summoned before the said last mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue of the said Warrant, such person shall refuse to be examined upon oath or affirmation concerning the premises, or shall refuse to take such oath or affirmation, or having taken such oath or affirmation shall refuse to answer such questions concerning the premises as shall then be put to him without giving any just excuse for such refusal, any Justice of the Peace then present and having there jurisdiction, may, by Warrant (L 4) under his Hand and Seal, commit the person so refusing to the Common Gaol or House of Correction for the District where such person so refusing shall then be, there to remain and be imprisoned for any time not exceeding ten days, unless he shall in the meantime consent to be examined and to answer concerning the Premises.

IX. And be it enacted, That in all cases where any persons shall appear or be brought before any Justice or Justices of the Peace charged with any indictable offence, whether committed in this Province or upon the high seas, or on land beyond the sea, or whether such person appear voluntarily upon Summons or have been apprehended, with or without Warrant, or be in custody for the same or any other offence, such Justice or Justices before he or they shall commit such accused person to prison for trial, or before he or they shall admit him to bail, shall in the presence of such accused person, who shall be at liberty to put questions to any witness produced against him, take the statement (M) on oath or affirmation of those who shall, know the facts and circumstances of the case, and shall put the same in writing, and such depositions shall be read over to and signed respectively by the witnesses who shall have been so examined, and shall be signed also by the Justice or Justices taking the same; and the Justice or Justices before whom any such witness shall appear to be examined as aforesaid, shall, before such witness is examined, administer to such witness the usual oath or affirmation, which

Power to Justices to summon witnesses to attend and give evidence.

If Summons not obeyed, Warrant may be issued to compel attendance.

In certain cases Warrant may be issued in the first instance.

Persons appearing on Summons and refusing to be examined, may be committed.

As to the examination of witnesses.

Justice to administer oath or affirmation.

Depositions of persons who have died or who are absent may in certain cases be read in evidence.

which such Justice or Justices shall have full power and authority to do ; and if upon the trial of the person so accused as first aforesaid, it shall be proved upon the oath or affirmation of any credible witness, that any person whose deposition shall have been taken as aforesaid is dead, or is so ill as not to be able to travel, and if also it be proved that such deposition was taken in presence of the person so accused, and that he had a full opportunity of cross-examining the witness, then if such deposition purport to be by the Justice by or before whom the same purports to have been taken, it shall be lawful to read such deposition as evidence in such prosecution without further proof thereof, unless it shall be proved that such deposition was not in fact signed by the Justice purporting to sign the same.

After examination of the accused, Justice to read depositions taken against him, and caution him as to any statement he may make.

X. And be it enacted, That after the examinations of all the witnesses on the part of the prosecution as aforesaid shall have been completed, the Justice of the Peace or one of the Justices by or before whom such examination shall have been so completed as aforesaid, shall, without requiring the attendance of the witnesses, read or cause to be read to the accused the depositions taken against him, and shall say to him these words, or words to the like effect : " Having heard the evidence, do you wish to say any thing in answer to the charge ? You are not obliged to say any thing unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial ;" and whatever the prisoner shall then say in answer thereto shall be taken down in writing (N) and read over to him, and shall be signed by the said Justice or Justices, and kept with the depositions of the witnesses, and shall be transmitted with them as hereinafter mentioned ; and afterwards, upon the trial of the said accused person, the same may if necessary be given in evidence against him without further proof thereof, unless it shall be proved that the Justice or Justices purporting to sign the same did not in fact sign the same : Provided always, that the said Justice or Justices, before such accused person shall make any statement, shall state to him and give him clearly to understand that he has nothing to hope from any promise of favor, and nothing to fear from any threat which may have been holden out to him to induce him to make any admission or confession of his guilt, but that whatever he shall then say may be given in evidence against him upon his trial, notwithstanding such promise or threat : Provided nevertheless, that nothing herein contained or enacted shall prevent the prosecutor in any case from giving in evidence any admission or confession, or other statement of the person accused or charged, made at any time which by law would be admissible as evidence against such person.

Proviso.

Proviso.

Place where examination taken, not an open Court, and no person to remain without consent.

XI. And be it declared and enacted, That the room or building in which such Justice or Justices shall take such examination and statement as aforesaid, shall not be deemed an open Court for that purpose ; and it shall be lawful for such Justice or Justices, in his or their discretion, to order that no person shall have access to or be or remain in such room or building without the consent or permission of such Justice or Justices, if it appear to him or them that the ends of Justice will be best answered by so doing.

Power to Justices to bind over the prosecutors and witnesses by Recognizances.

XII. And be it enacted, That it shall be lawful for any such Justice or Justices before whom any such witness shall be examined as aforesaid, to bind by Recognizance (O 1) the Prosecutor, and every such Witness, to appear at the next Court of competent Criminal Jurisdiction at which the accused is to be tried, then and there to prosecute or prosecute and give evidence, or to give evidence, as the case may be, against the party accused, which said Recognizance shall particularly specify the profession, art, mystery or trade of every such person entering into or acknowledging the same, together with his Christian and surname, and the Parish, Township or place of his residence, and if his residence be in a City, Town or Borough, the Recognizance shall also particularly specify the name of the street and the number (if any) of the house in which he resides, and whether he is owner or tenant thereof, or lodger therein ; and the said Recognizance, being duly acknowledged by the person so entering into the same, shall be subscribed by the Justice or Justices before whom the same shall be acknowledged,

acknowledged, and a notice (O 2) thereof, signed by the said Justice or Justices, shall at the same time be given to the person bound thereby; and the several Recognizances so taken, together with the written information (if any), the depositions, the statement of the accused, and the Recognizance of Bail (if any) in every such case shall be delivered by the said Justice or Justices, or he or they shall cause the same to be delivered to the proper Officer of the Court in which the trial is to be had, before or at the opening of the said Court on the first day of the sitting thereof, or at such other time as the Judge, Justice or person who is to preside at such Court at the said trial shall order and appoint: Provided always, that if any such witness shall refuse to enter into or acknowledge such Recognizance as aforesaid, it shall be lawful for the Justice or Justices of the Peace by his or their Warrant (P 1) to commit him to the Common Gaol or House of Correction for the District in which the accused party is to be tried, there to be imprisoned and safely kept until after the trial of such accused party, unless in the meantime such witness shall duly enter into such Recognizance as aforesaid before some one Justice of the Peace for the District in which such Gaol or House of Correction shall be situate: Provided nevertheless, that if afterwards, for want of sufficient evidence in that behalf, or other cause, the Justice or Justices before whom such accused party shall have been brought shall not commit him or hold him to bail for the offence with which he is charged, it shall be lawful for such Justice or Justices, or for any other Justice or Justices for the same District, by his or their Order (P 2) in that behalf, to order and direct the Keeper of such Common Gaol or House of Correction where such witnesses shall be so in custody, to discharge him from the same, and such Keeper shall thereupon forthwith discharge him accordingly.

XIII. And be it enacted, That if from the absence of witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination or further examination of the witnesses for any time, it shall be lawful to and for the Justice or Justices before whom the accused shall appear or be brought by his or their Warrant (Q 1) from time to time to remand the party accused for such time as by such Justice or Justices in their discretion shall be deemed reasonable, not exceeding eight clear days at any one time, to the Common Gaol or House of Correction or other Prison, Lock-up house, or place of security in the District for which such Justice or Justices shall then be acting; or if the remand be for a time not exceeding three clear days, it shall be lawful for such Justice or Justices verbally to order the Constable, or other person in whose custody such party accused may then be, or any other Constable or person to be named by the said Justice or Justices in that behalf, to continue or keep such party accused in his custody, and to bring him before the same or such other Justice or Justices as shall be there acting at the time appointed for continuing such examination: Provided always, that any such Justice or Justices may order such accused party to be brought before him or them, or before any other Justice or Justices of the Peace for the same District, at any time before the expiration of the time for which such party shall be remanded, and the Gaoler or Officer in whose custody he shall then be shall duly obey such Order: Provided also, that instead of detaining the said accused party in custody during the period for which such accused party shall be so remanded, any one Justice of the Peace before whom such party shall so appear or be brought as aforesaid, may discharge him, upon his entering into a Recognizance (Q 2,3,) with or without a Surety or Sureties, at the discretion of such Justice, conditioned for his appearance at the time and place appointed for the continuance of such examination; and if such accused party shall not afterwards appear at the time and place mentioned in such Recognizance, then the said Justice or any other Justice of the Peace who may then and there be present, upon certifying (Q 4) upon the back of the Recognizances the non-appearance of such accused party, may transmit such Recognizance to the Clerk of the Peace for the District within which such Recognizance shall have been taken, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *prima facie* evidence of such non-appearance of the said accused party.

Recognizance, Depositions, &c. to be transmitted to the Court in which the trial is to be had.

Witnesses refusing to enter into Recognizances may be committed.

Proviso.

Sic.

Power to Justice to remand the accused from time to time, not exceeding eight days, by Warrant.

If remand be for three days only, by verbal order.

Proviso.

Party accused may be admitted to bail on the examination being adjourned.

If party does not appear upon Recognizance, Justice may transmit the same to the Clerk of the Peace.

If a person be apprehended in one District on charge of an offence committed in another, he may be examined in the former ;

And, if evidence be deemed sufficient, may be committed to prison ;

If insufficient, to be brought before some Justice in the latter District.

As to payment of expenses of conveying the accused into the proper District.

XIV. And whereas it often happens that a person is charged before a Justice of the Peace with an offence alleged to have been committed in another District than that in which such person has been apprehended, or in which such Justice has jurisdiction, and it is necessary to make provision as to the manner of taking the examinations of the witnesses, and of committing the party accused or admitting him to bail in such a case, Be it therefore enacted, That whenever a person shall appear or be brought before a Justice or Justices of the Peace in the District wherein such Justice or Justices shall have jurisdiction, charged with an offence alleged to have been committed by him within any District wherein such Justice or Justices shall not have jurisdiction, it shall be lawful for such Justice or Justices, and he or they are hereby required to examine such witnesses, and receive such evidence in proof of the said charge as shall be produced before him or them within his or their jurisdiction ; and if in his or their opinion such testimony and evidence shall be sufficient proof of the charge made against such accused party, such Justice or Justices shall thereupon commit him to the Common Gaol or House of Correction for the District where the offence is alleged to have been committed, or shall admit him to bail as hereinafter mentioned, and shall bind over the prosecutor (if he have appeared before him or them) and the witnesses by Recognizance accordingly as herein before mentioned ; but if such testimony and evidence shall not, in the opinion of such Justice or Justices be sufficient to put the accused party upon his trial for the offence with which he is so charged, then such Justice or Justices shall bind over such witness or witnesses as he shall have examined by Recognizance to give evidence as hereinbefore is mentioned ; and such Justice or Justices shall, by Warrant (R 1) under his or their Hand and Seal, or Hands and Seals, order the said accused party to be taken before some Justice or Justices of the Peace in and for the District where the offence is alleged to have been committed, and shall at the same time deliver up the information and complaint, and also the depositions and Recognizances so taken by him or them to the Constable who shall have the execution of such last mentioned Warrant, to be by him delivered to the Justice or Justices before whom he shall take the accused, in obedience to the said Warrant, and which said depositions and Recognizances shall be deemed to be taken in the case, and shall be treated to all intents and purposes as if they had been taken by or before the said last mentioned Justice or Justices, and shall, together with such depositions and Recognizances as such last mentioned Justice or Justices shall take in the matter of such charge against the said accused party, be transmitted to the Clerk of the Court where the said accused party is to be tried, in the manner and at the time hereinbefore mentioned, if such accused party shall be committed for trial upon the said charge, or shall be admitted to bail ; and in case such accused party shall be taken before the Justice or Justices last aforesaid, by virtue of the said last mentioned Warrant, the Constable or other person or persons to whom the said Warrant shall have been directed, and who shall have conveyed such accused party before such last mentioned Justice or Justices, shall be entitled to be paid his costs and expenses of conveying the said accused party before the said Justice or Justices ; and upon the said Constable or other person producing the said accused party before such Justice or Justices, and delivering him into the custody of such person as the said Justice or Justices shall direct or name in that behalf ; and upon the said Constable delivering to the said Justice or Justices the Warrant, information (if any), depositions and Recognizances aforesaid, and proving by oath the hand-writing of the Justice or Justices who shall have subscribed the same, such Justice or Justices before whom the said accused party is produced shall thereupon furnish such Constable with a Receipt or Certificate (R 2) of his or their having received from him the body of the said accused party, together with the said Warrant, information (if any), depositions and Recognizances, and of his having proved to him or them, upon oath, the hand-writing of the Justice who shall have issued the said Warrant ; and the said Constable, on producing such Receipt or Certificate to the Sheriff of the District in which such accused party was apprehended, will be entitled

entitled to be paid all his reasonable charges, costs and expenses of conveying such accused party into such other District, and of returning from the same.

XV. And be it enacted, That when any person shall have appeared before any Justice of the Peace charged with any felony, or on suspicion of felony, it shall be lawful for such Justice, jointly with some other Justice of the Peace, to admit such person to bail upon his procuring and producing such Surety or Sureties as in the opinion of such two Justices will be sufficient to ensure the appearance of such person so charged at the time and place when and where he is to be tried for such offence; and thereupon, such two Justices shall take the Recognizance (S 1, 2) of the said accused person and his Surety or Sureties conditioned for the appearance of such accused person at the time and place of trial, and that he will then surrender and take his trial, and not depart the Court without leave: Provided always, that when the offence committed or suspected to have been committed is a misdemeanor, any one Justice may admit to bail in manner aforesaid, and such Justice or Justices may at their discretion require that such bail should justify upon oath as to their sufficiency, which oath the said Justice or Justices is and are hereby authorized to administer: Provided also nevertheless, that no Justice or Justices of the Peace shall admit any person to bail for treason, nor shall any such person be admitted to bail except by order of Her Majesty's Court of Queen's Bench, or one of the Judges thereof in vacation.

Power to any two Justices to bail persons charged with felony, or on suspicion of felony.

In cases of misdemeanor, one Justice may bail.

No bail in cases of treason, but by order of a Judge of Q. B.

XVI. And be it enacted, That in all cases where a Justice or Justices of the Peace shall admit to bail any person who shall then be in any prison charged with the offence for which he shall be so admitted to bail, such Justice or Justices shall send to or cause to be lodged with the Keeper of such prison, a Warrant of Deliverance (S 3) under his or their Hand and Seal or Hands and Seals, requiring the said Keeper to discharge the person so admitted to bail if he be detained for no other offence, and upon such Warrant of Deliverance being delivered to or lodged with such Keeper, he shall forthwith obey the same.

When a Justice admits a person to bail after commitment, a Writ of Deliverance shall be sent by him, &c.

XVII. And be it enacted, That when all the evidence offered upon the part of the prosecution against the accused party shall have been heard, if the Justice or Justices of the Peace then present shall be of opinion that it is not sufficient to put such accused party upon his trial for any indictable offence, such Justice or Justices shall forthwith order such accused party, if in custody, to be discharged as to the information then under inquiry; but if in the opinion of such Justice or Justices such evidence is sufficient to put the accused party upon his trial for an indictable offence, or if the evidence given raise a strong or probable presumption of the guilt of such accused party, then such Justice or Justices shall by his or their Warrant (T 1) commit him to the common Gaol or House of Correction for the District to which by law he may now be committed, or, in the case of an indictable offence committed on the high seas or on land beyond the sea, to the Common Gaol of the District within which such Justice or Justices shall have jurisdiction, to be there safely kept until he shall be thence delivered by due course of law, or admit him to bail as hereinbefore mentioned.

If the evidence be not thought sufficient to Warrant commitment, accused shall be discharged; but if it be considered sufficient, Justice shall by Warrant commit the accused for trial.

XVIII. And be it enacted, That the Constable or any of the Constables, or other persons to whom any Warrant of Commitment shall be directed, authorized by this or any other Act, shall convey such accused person therein named or described to the Gaol or other Prison mentioned in such Warrant, and there deliver him, together with such Warrant, to the Gaoler, Keeper or Governor of such Gaol or Prison, who shall thereupon give such Constable or other person so delivering such prisoner into his custody a receipt (T 2) for such prisoner, setting forth the state and condition in which such prisoner was when he was delivered into the custody of such Gaoler, Keeper or Governor; and in all cases where such Constable or other person shall be entitled to his costs or expenses for conveying such person to such prison as aforesaid, it shall be lawful for the Justice or Justices who shall have committed the accused party, or for any Justice of the Peace in and for the said District wherein the offence is alleged in the said Warrant to have been committed, to ascertain the sum which ought to be paid to such Constable or other person for arresting and conveying such prisoner to such

Regulations for conveying prisoners to gaol.

As to payment of costs of conveying prisoners to prisons.

Gaol

Gaol or Prison, and also the sum which should reasonably be allowed him for his expenses in returning, and thereupon such Justice shall make an Order (T 2) upon the Sheriff for the District within which the offence is alleged to have been committed, for payment to such Constable or other person of the sums so ascertained to be payable to him in that behalf ; and the said Sheriff, upon such Order being produced to him, shall pay the amount thereof to such Constable or other person producing the same, or to any person who shall produce the same to him for payment.

After examinations are completed, defendant entitled to copies of the depositions.

XIX. And be it enacted, That at any time after all the examinations aforesaid shall have been completed, and before the first day of the Sessions, or other first sitting of the Court at which any person so committed to prison or admitted to bail as aforesaid is to be tried, such person may require and shall be entitled to have, from the Officer or person having the custody of the same, copies of the depositions on which he shall have been committed or bailed, on payment of a reasonable sum for the same, not exceeding at the rate of Three Pence for each folio of one hundred words.

Forms in Schedule valid.

XX. And be it enacted, That the several forms in the Schedule to this Act contained, or forms to the like effect, shall be good, valid and sufficient in law.

Inspectors and Superintendent of Police, Police Magistrate or Stipendiary Magistrate, may act alone.

XXI. And be it enacted, That any Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate, appointed or to be appointed for any City, Borough, Town, Place or District, shall have full power to do alone whatever is authorized by this Act to be done by any two or more Justices of the Peace, and that the several forms in the Schedule to this Act annexed, may be varied so far as it may be necessary to render them applicable to such Inspector and Superintendent of Police, Police Magistrate or Stipendiary Magistrate aforesaid.

Inconsistent enactments repealed.

XXII. And be it enacted, That from and after the day on which this Act shall commence to take effect, all other Act or Acts or parts of Acts which are contrary to or inconsistent with the provisions of this Act, be and the same are hereby repealed.

This Act to apply to Lower Canada only, except, &c.

XXIII. And be it enacted, That this Act shall apply only to Lower Canada, except in so far as any provision thereof is expressly extended to Upper Canada, or to any Act to be done there.

Commencement of this Act.

XXIV. And be it enacted, That this Act shall commence and have force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-two, and not before.

SCHEDULE (A.)

INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

Province of Canada, }
District of }

The information and complaint of C. D. of , (yeoman), taken this day of , in the year of our Lord , before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District of , who saith that (&c., stating the offence).

Sworn before (me), the day and year first above mentioned, at

J. S.

(B.)

WARRANT TO APPREHEND A PERSON CHARGED WITH AN INDICTABLE OFFENCE.

Province of Canada, }
District of }

To all or any of the Constables or other Peace Officers in the District of :

Whereas A. B., of , (laborer), hath this day been charged upon oath before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District of , for that he on , at , did (&c.

(*&c. stating shortly the offence*): These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before (*me*) or some other of Her Majesty's Justices of the Peace in and for the said District, to answer unto the said charge, and to be further dealt with according to law.

Given under (*my*) Hand and Seal, this _____ day of _____,
 at _____, in the District aforesaid. J. S. [L. s.]

(C.)

SUMMONS TO A PERSON CHARGED WITH AN INDICTABLE OFFENCE.

Province of Canada, }
 District of }

To A. B. of _____, (*laborer*).

Whereas you have this day been charged before the undersigned (*one*) of Her Majesty's Justices of the Peace in and for the said District of _____ for that you on _____, at _____, (*&c. stating shortly the offence*); These are therefore to command you, in Her Majesty's name, to be and appear before (*me*) on _____, at _____ o'clock in the (*fore*) noon at _____, or before such other Justice or Justices of the Peace for the same District as may then be there, to answer to the said charge, and to be further dealt with according to law. Herein fail not.

Given under (*my*) Hand and Seal, this _____ day of _____,
 in the year of our Lord _____, at _____, in the District aforesaid. J. S. [L. s.]

(D 1.)

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Province of Canada, }
 District of }

To all or any of the Constables, or other Peace Officers in the said District of _____

Whereas on the _____ day of _____ (*instant or last past*) A. B. of the _____, was charged before me or us, the undersigned, (*or name the Magistrate or Magistrates, as the case may be*) (*one*) of Her Majesty's Justices of the Peace in and for the said District of _____, for that (*&c. as in the Summons*); And whereas (*I, we, he, the said Justice of the Peace, or they, the said Justices of the Peace*) then issued (*my, our, his or their*) Summons to the said A. B., commanding him, in Her Majesty's name, to be and appear before (*me*) on _____, at _____ o'clock in the (*fore*) noon, at _____, or before such other Justice or Justices of the Peace as should then be there, to answer to the said charge, and to be further dealt with according to law; And whereas the said A. B. hath neglected to be or appear at the time and place appointed in and by the said Summons, although it hath now been proved to me upon oath, that the said Summons was duly served upon the said A. B.; These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before (*me*) or some other of Her Majesty's Justices of the Peace in and for the said District, to answer the said charge, and to be further dealt with according to law.

Given under (*my*) Hand and Seal, this _____ day of _____, in the year
 of our Lord _____, at _____, in the District aforesaid. J. S. [L. s.]

(D 2.)

(D 2.)

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Province of Canada, }
 District of }

To all or any of the Constables, or other Peace Officers, in the said District of :

Whereas on the day of (*instant, or last past*) A. B. of the , was charged before me or us, the undersigned, (*or name of the Magistrate, as the case may be*) (*one*) of Her Majesty's Justices of the Peace, in and for the said District of , for that (*&c. as in the Summons*); And whereas (I, we, he the said Justice of the Peace, or they the said Justices of the Peace) then issued (*my, our, his or their*) Summons to the said A. B. commanding him, in Her Majesty's name, to be and appear before (*me*) on , at o'clock in the (*fore*) noon, at , or before such other Justice or Justices of the Peace as should then be there, to answer to the said charge, and to be further dealt with according to law; And whereas the said A. B. hath neglected to be or appear at the time and place appointed in and by the said Summons although it hath now been proved to me upon oath that the said Summons was duly served upon the said A. B.; These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (*me*) or some other of Her Majesty's Justices of the Peace in and for the said District, to answer the said charge, and to be further dealt with according to law.

Given under (*my*) Hand and Seal, this day of , in the year of our Lord , at in the District aforesaid.

J. S. [L. s.]

(E 1.)

INFORMATION TO OBTAIN A SEARCH WARRANT.

Province of Canada, }
 District of }

The information of A. B. of the , of , in the said District, (*yeoman*), taken this day of , in the year of our Lord , before me W. S. Esquire, one of Her Majesty's Justices of the Peace, in and for the District of , who saith that on the day of , (*insert description of articles stolen,*) of the goods and chattels of Deponent, were feloniously stolen, taken and carried away, from and out of the (*Dwelling House*) of this Deponent, at the (*Parish, &c.*) aforesaid, by (some person or persons unknown, *or name the person,*) and that he hath just and reasonable cause to suspect, and doth suspect, that the said goods and chattels, or some part of them are concealed in the (*Dwelling House, &c. of C. D.*) of , in the said District (*here add the causes of suspicion, whatever they may be*); Wherefore, prays that a Search Warrant may be granted to him to search (*the Dwelling House, &c.*) of the said C. D. as aforesaid, for the said goods and chattels so feloniously stolen, taken and carried away as aforesaid.

Sworn before me the day and year first above mentioned, at

W. S. J. P.

(E 2.)

(E 2.)

SEARCH WARRANT.

Province of Canada, }
District of - }

To all or any of the Constables, or other Peace Officers, in the District of :

Whereas A. B. of the _____, of _____, in the said District, hath this day made oath before me the undersigned, one of Her Majesty's Justices of the Peace, in and for the said District of _____, that on the _____ day of (*copy information as far as place of supposed concealment*); These are therefore in the name of our Sovereign Lady the Queen, to authorize and require you, and each and every of you, with necessary and proper Assistants, to enter in the day time into the said (*Dwelling House, &c.* of the said, &c.) and there diligently search for the said goods and chattels, and if the same or any part thereof shall be found upon such search, that you bring the goods so found, and also the body of the said C. D. before me, or some other Justice of the Peace, in and for the said District, to be disposed of and dealt with according to law.

Sworn under my Hand and Seal, at _____, in the said District, this _____ day of _____, in the year of our Lord, one thousand eight hundred and _____

W. R. J. P. (*Seal.*)

)F.)

CERTIFICATE OF INDICTMENT BEING FOUND.

I hereby certify that at a Court of (Oyer and Terminer, or General Gaol Delivery, or General Sessions of the Peace) holden in and for the District of _____, at _____, in the said District, on _____, a Bill of Indictment was found by the Grand Jury against A. B., therein described as A. B. late of _____, (*laborer*), for that he (*&c. stating shortly the offence*), and that the said A. B. hath not appeared or pleaded to the said indictment.

Dated this _____, day of _____ 18 .

Clerk of the Crown at (*the name of the Court*)

or

Clerk of the Peace of and for the said District.

(G.)

WARRANT TO APPREHEND A PERSON INDICTED.

Province of Canada, }
District of }

To all or any of the Constables or other Peace Officers in the said District of :

Whereas it hath been duly certified by J. D., Clerk of the Crown at (*name the Court*) (or Clerk of the Peace in and for the District of _____) that (*&c. stating the certificate*); These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before (*me*), or some other Justice or Justices of the Peace in and for the said District, to be dealt with according to law.

Given

Given under my Hand and Seal, this _____ day of _____, in the
 year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(H.)

WARRANT OF COMMITMENT OF A PERSON INDICTED.

Province of Canada, }
 District of }

To all or any of the Constables or other Peace Officers in the said District of _____,
 and to the Keeper of the (Common Gaol or House of Correction,) _____
 at _____, in the said District of _____ :

Whereas by a Warrant under the Hand and Seal of _____, (one) of
 Her Majesty's Justices of the Peace in and for the said District of _____,
 under (_____) Hand and Seal, dated the day of _____, after
 reciting that it had been certified by J. D. (*ſc. as in the certificate*) (_____) the
 said Justice of the Peace commanded all or any of the Constables, in Her Majesty's
 name, forthwith to apprehend the said A. B. and to bring him before (me) the said
 Justice of the Peace in and for the said District, or before some other Justice or
 Justices in and for the said District, to be dealt with according to law ; And whereas
 the said A. B. hath been apprehended under and by virtue of the said Warrant, and
 being now brought before (me), it is hereupon duly proved to (me) upon oath that the
 said A. B. is the same person who is named and charged by _____, in the
 said indictment ; These are therefore to command you the said Constables and Peace
 Officers, or any of you, in Her Majesty's name, forthwith to take and convey the said
 A. B. to the said (House of Correction), at _____, in the said District, and
 there to deliver him to the Keeper thereof, together with this Precept ; and (I) hereby
 command you the said Keeper to receive the said A. B. into your custody in the said
 (House of Correction), and him there safely to keep until he shall thence be delivered
 by due course of law.

Given under (my) Hand and Seal, this _____ day of _____, in the
 year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(I.)

WARRANT TO DETAIN A PERSON INDICTED, WHO IS ALREADY IN CUSTODY FOR ANOTHER
 OFFENCE.

Province of Canada, }
 District of }

To the Keeper of the (Common Gaol or House of Correction) at _____,
 in the said District of _____

Whereas it hath been duly certified by J. D., Clerk of the Crown at (name the
 Court) (or Clerk of the Peace of and for the District of _____) that
 (*ſc. stating the certificate*) ; And whereas (I am) informed that the said A. B. is in
 your custody in the said (Common Gaol) at _____ aforesaid, charged
 with some offence, or other matter ; and it being now duly proved upon oath before
 (me)

(*me*) that the said A. B. so indicted as aforesaid, and the said A. B., in your custody as aforesaid, are one and the same person ; These are therefore to command you, in Her Majesty's name, to detain the said A. B. in your custody in the said (*Common Gaol*) aforesaid, until by Her Majesty's Writ of *Habeas Corpus* he shall be removed therefrom for the purpose of being tried upon the said indictment, or until he shall otherwise be removed or discharged out of your custody by due course of law.

Given under (*my*) Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(K.)

ENDORSEMENT IN BACKING A WARRANT.

Province of Canada, }
District of _____ }

Whereas proof upon oath hath this day been made before me, one of Her Majesty's Justices of the Peace in and for the said District of _____, that the name of J. S., to the within Warrant subscribed, is of the hand-writing of the Justice of the Peace within mentioned ; I do therefore hereby authorize W. T. who bringeth to me this Warrant, and all other persons to whom this Warrant was originally directed, or by whom it may be lawfully executed, and also all Constables and other Peace Officers of the said District of _____, to execute the same within the said last mentioned District.

Given under my Hand, this _____ day of _____, in the year of our Lord, _____ at _____, in the District aforesaid.

J. L.

(L 1.)

SUMMONS TO A WITNESS.

Province of Canada, }
District of _____ }

To E. F. of _____, (*laborer*).

Whereas information hath been laid before the undersigned, one of Her Majesty's Justices of the Peace in and for the said District of _____, that A. B. (*ſc. as in the Summons or Warrant against the accused,*) and it hath been made to appear to me upon (*oath*), that you are likely to give material evidence for the (*prosecution*) ; These are therefore to require you to be and to appear before me on _____ next, at _____ o'clock in the (*fore*) noon, at _____, or before such other Justice or Justices of the Peace for the same District, as may then be there, to testify what you shall know concerning the said charge so made against the said A. B. as aforesaid. Herein fail not.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(L 2.)

(L 2.)

WARRANT WHEN A WITNESS HAS NOT OBEYED A SUMMONS.

Province of Canada, }
 District of }

To all or any of the Constables, or other Peace Officers, in the said District of :

Whereas information having been laid before (one) of Her Majesty's Justices of the Peace, in and for the said District of , that A. B., (*&c. as in the Summons*); And it having been made to appear to (me) upon oath that E. F. of , (*laborer*), was likely to give material evidence for the prosecution, (I) did duly issue (my) Summons to the said E. F., requiring him to be and appear before (me) on at , or before such other Justice or Justices of the Peace for the same District as might then be there, to testify what he should know respecting the said charge so made against the said A. B. as aforesaid; And whereas proof hath this day been made upon oath before (me) of such Summons having been duly served upon the said E. F.; And whereas the said E. F. hath neglected to appear at the time and place appointed by the said Summons, and no just excuse has been offered for such neglect; These are therefore to command you to bring and have the said E. F. before (me) on o'clock in the (*fore*)noon, at , or before such other Justice or Justices of the Peace for the same District as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.

Given under (my) Hand and Seal, this day of , in the year of our Lord , at , in the District aforesaid.

J. S. [L. s.]

(L 3.)

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Province of Canada, }
 District of }

To all or any the Constables or Peace Officers in the said District of :

Whereas information has been laid before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said District of , that (*&c. as in the Summons*); and it having been made to appear to (me) upon oath, that E. F. of , (*laborer*), is likely to give material evidence for the prosecution, and that it is probable that the said E. F. will not attend to give evidence unless compelled so to do; These are therefore to command you to bring and have the said E. F. before (me) on at o'clock in the (*fore*)noon, at , or before such other Justice or Justices of the Peace for the same District as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.

Given under my Hand and Seal, this day of , in the year of our Lord , at , in the District aforesaid.

J. S. [L. s.]

(L 4.)

(L 4.)

WARRANT OF COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN,
OR TO GIVE EVIDENCE.

Province of Canada, }
District of }

To all or any of the Constables or other Peace Officer in the District of _____,
and to the Keeper of the (*House of Correction*), at _____, in the said District
of _____:

Whereas A. B. was lately charged before _____, (*one*) of Her Majesty's Justices of the
Peace in and for the said District of _____, for that (*&c. as in the Summons*); And it having
been made to appear to (*me*) upon oath that E. F. of _____, was likely to give material
evidence for the prosecution, (I) duly issued (my) Summons to the said E. F. requiring
him to be and appear before me on _____, at _____, or before such other Justice or
Justices of the Peace for the same District as should then be there, to testify what he
should know concerning the said charge so made against the said A. B. as aforesaid;
And the said E. F. now appearing before (*me*) (*or being brought before (me) by virtue*
of a Warrant in that behalf to testify as aforesaid,) and being required to make oath or
affirmation as a witness in that behalf, hath now refused so to do, (*or being duly sworn*
as a witness doth now refuse to answer certain questions concerning the premises which
are now here put to him, and more particularly the following) without offering any just
excuse for such refusal; These are therefore to command you, the said Constables,
Peace Officers, or any one of you, to take the said E. F. and him safely convey to the
(*House of Correction*), at _____, in the District aforesaid, and there to deliver
him to the Keeper thereof, together with this Precept; And (I) do hereby command
you, the said Keeper of the said (*House of Correction*) to receive the said E. F. into
your custody in the said (*House of Correction*), and him there safely keep for the space
of _____ days, for his said contempt, unless he shall in the meantime consent to be
examined, and to answer concerning the premises; and for your so doing, this shall be
your sufficient Warrant.

Given under (my) Hand and Seal, this _____ day of _____, in the year
of our Lord _____, at _____, in the District aforesaid.
J. S. [L. s.]

(M.)

DEPOSITIONS OF WITNESSES.

Province of Canada, }
District of }

The examination of C. W. of _____, (*farmer,*) and E. F. of _____,
(*laborer*), taken on (*oath*) this _____ day of _____, in the year of our Lord _____,
at _____, in the District aforesaid, before the undersigned, (*one*) of Her Majesty's
Justices of the Peace for the said District, in the presence and hearing of A. B. who is
charged this day before (*me*) for that he, the said A. B. on _____, at _____,
(*&c. describing the offence as in a Warrant of Commitment*).

This Deponent C. D. on his (*oath*) saith as follows: (*&c. stating the depositions of
the witnesses as nearly as possible in the words he uses. When his deposition is completed,
let him sign it.*)

And this Deponent, E. F. upon his (*oath*) saith as fellows: (*&c.*)

The above depositions of C. D. and E. F. were taken and (*sworn*) before me, at
_____ on the day and year first above mentioned.

J. S.
(N.)

(N.)

STATEMENT OF THE ACCUSED.

Province of Canada, }
 District of }

A. B. stands charged before the undersigned, (*one*) of Her Majesty's Justices of the Peace, in and for the District aforesaid, this day of , in the year of our Lord , for that the said A. B., on , at , (*&c. as in the caption of the depositions*) ; And the said charge being read to the said A. B., and the witnesses for the prosecution C. D. and E. F. being severally examined in his presence, the said A. B. is now addressed by me as follows : " Having heard the evidence, do you wish to say any thing in answer to the charge ? You are not obliged to say any thing, unless you desire to do so ; but whatever you say will be taken down in writing, and may be given in evidence against you at your trial." Whereupon the said A. B. saith as follows : (*Here state whatever the prisoner may say, and in his very words, as nearly as possible. Get him to sign it if he will.*)

A. B.

Taken before me, at , the day and year first above mentioned.

(O 1.)

RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE.

Province of Canada, }
 District of }

Be it remembered, That on the day of , in the year of Our Lord , C. D. of , in the of , in the County of , in the said District of , (*farmer,*) (*or C. D. of No. 2, Street, in the Parish of , or in the Borough of , or in the Town or City of , Surgeon,* of which said house he is *tenant,*) personally came before me, one of Her Majesty's Justices of the Peace in and for the said District of , and acknowledged himself to owe to our Sovereign [Lady the Queen the sum of , of good and lawful current money of this Province, to be made and levied of his goods and chattels, lands and tenements, to the use of Our said Lady the Queen, Her Heirs and Successors, if he the said C. D. shall fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at before me,

J. S.

CONDITION TO PROSECUTE.

The condition of the within written Recognizance is such, that whereas one A. B. was this day charged before me J. S. Justice of the Peace within mentioned, for that (*&c. as in the caption of the depositions*) ; if, therefore, he, the said C. D. shall appear at the next Court of Oyer and Terminer or General Gaol Delivery, (*or at the next Court of General or Quarter Sessions of the Peace,*) to be holden in and for the District of , * and there prefer or cause to be preferred a Bill of Indictment for the offence aforesaid, against the said A. B. and there also duly prosecute such indictment, then the said Recognizance to be void, or else to stand in full force and virtue.

CONDITION TO PROSECUTE AND GIVE EVIDENCE.

(*Same as the last form, to the asterisk, * and then thus:*)—" And there prefer or cause to be preferred a Bill of Indictment against the said A. B. for the offence aforesaid, and duly prosecute such indictment, and give evidence thereon, as well to the Jurors who shall

shall then enquire into the said offence, as also to them who shall pass upon the trial of the said A. B., then the said Recognizance to be void, or else to stand in full force and virtue."

CONDITION TO GIVE EVIDENCE.

(Same as the last form but one, to the asterisk, * and then thus :) "And there give such evidence as he knoweth upon a Bill of Indictment to be then and there preferred against the said A. B. for the offence aforesaid, as well to the Jurors who shall there enquire of the said offence, as also to the Jurors who shall pass upon the trial of the said A. B. if the said Bill shall be found a True Bill, then the said Recognizance to be void, otherwise to remain in full force and virtue."

(O 2.)

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE PROSECUTOR AND HIS WITNESS.

Province of Canada, }
District of }

Take notice that you C. D. of _____, are bound in the sum of _____, to appear at the next Court of (*General Quarter Sessions of the Peace*), in and for the District of _____, to be holden at _____, in the said District, and then and there (*prosecute and*) give evidence against A. B. and unless you then appear there, (*prosecute and*) give evidence accordingly, the Recognizance entered into by you will be forthwith levied on you.

Dated this _____ day of _____, 18 ..

J. S.

(P 1.)

COMMITMENT OF WITNESS FOR REFUSING TO ENTER INTO THE RECOGNIZANCE.

Province of Canada, }
District of }

To all or any of the Constables or other Peace Officers in the said District of _____, and to the Keeper of the (*House of Correction*), at _____, in the said District of _____ :

Whereas A. B. was lately charged before the undersigned, (*or name of Justice of Peace, (one)*) of Her Majesty's Justices of the Peace in and for the said District of _____, for that (*&c. as in the Summons to the Witness*), and it having been made to appear to (*me*) upon oath that E. F., of _____, was likely to give material evidence for the prosecution, (*I*) duly issued (*my*) Summons to the said E. F., requiring him to be and appear before (*me*) on _____, at _____, or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said charge so made against the said A. B. as aforesaid; and the said E. F. now appearing before (*me*) (or being brought before (*me*) by virtue of a Warrant in that behalf to testify as aforesaid), hath been now examined before (*me*) touching the premises, but being by (*me*) required to enter into a Recognizance conditioned to give evidence against the said A. B., hath now refused so to do; These are therefore to command you the said Constables or Peace Officers, or any one of you, to take the said E. F., and him safely to convey to the (*House of Correction*), at _____, in the District aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the said (*House of Correction*),

Correction), to receive the said E. F. into your custody in the said (*House of Correction*), there to imprison and safely keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime the said E. F. shall duly enter into such Recognizance as aforesaid, in the sum of _____, before some one Justice of the Peace for the said District, conditioned in the usual form to appear at the next Court of (Oyer and Terminer, or General Gaol Delivery, or General Quarter Sessions of the Peace), to be holden in and for the said District of _____, and there to give evidence before the Grand Jury upon any Bill of Indictment, which may then and there be preferred against the said A. B. for the offence aforesaid, and also to give evidence upon the trial of the said A. B. for the said offence, if a True Bill should be found against him for the same.

Given under my Hand and Seal, this _____, day of _____, in the year of Our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(P 2.)

SUBSEQUENT ORDER TO DISCHARGE THE WITNESS.

Province of Canada, }
District of _____ }

To the Keeper of the (*House of Correction*), at _____, in the District of _____ aforesaid.

Whereas by (*my*) order dated the _____ day of _____ (*instant*), reciting that A. B. was lately before then charged before (*me*) for a certain offence therein mentioned, and that E. F. having appeared before (*me*), and being examined as a witness for the prosecution in that behalf, refused to enter into a Recognizance to give evidence against the said A. B., and I therefore thereby committed the said E. F. to your custody, and required you safely to keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime he should enter into such Recognizance as aforesaid; And whereas for want of sufficient evidence against the said A. B., the said A. B. has not been committed or holden to bail for the said offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said E. F. should be detained longer in your custody; These are therefore to order and direct you the said Keeper to discharge the said E. F. out of your custody, as to the said commitment, and suffer him to go at large.

Given under my Hand and Seal, this _____, day of _____, in the year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(Q 1.)

WARRANT REMANDING A PRISONER.

Province of Canada, }
District of _____ }

To all or any of the Constables or other Peace Officers in the said District of _____, and to the Keeper of the (*House of Correction*), at _____, in the said District of _____:

Whereas A. B. was this day charged before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District of _____, for that (*&c. as in the Warrant to apprehend*), and it appears to (*me*) to be necessary to remand the said _____

said A. B. ; These are therefore to command you the said Constables or Peace Officers, or any one of you, in Her Majesty's name, forthwith to convey the said A. B. to the (*House of Correction*), at _____, in the said District, and there to deliver him to the Keeper thereof, together with this Precept ; and I hereby command you the said Keeper to receive the said A. B. into your custody in the said (*House of Correction*), and there safely keep him until the _____ day of (*instant*), when I hereby command you to have him at _____, at o'clock in the (*fore*) noon of the same day before (*me*) or before some other Justice or Justices of the Peace for the said District as may then be there, to answer further to the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord _____, at _____, in the District aforesaid. J. S. [L. s.]

(Q 2.)

RECOGNIZANCE OF BAIL INSTEAD OF REMAND, ON AN ADJOURNMENT OF EXAMINATION.

Province of Canada, }
District of }

Be it remembered, That on the _____, day of _____, in the year of our Lord _____, A. B. of _____, (*laborer*), L. M. of _____, (*grocer*), and N. O. of _____, (*butcher*), personally came before me, (*one*) of Her Majesty's Justices of the Peace for the said District, and severally acknowledged themselves to owe to our Lady the Queen the several sums following, that is to say : the said A. B. the sum of _____, and the said L. M. and N. O. the sum of _____, each, of good and lawful current money of this Province, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at _____, before me.

J. S.

CONDITION.

The condition of the within written Recognizance is such, that whereas the within bounden A. B. was this day (*or, on last past*) charged before me for that (*&c. as in the Warrant*): And whereas the examination of the Witnesses for the prosecution in this behalf is adjourned until the _____ day of _____ (*instant*) ; If therefore the said A. B. shall appear before me on the said _____ day of _____ (*instant*), at _____ o'clock in the forenoon, or before such other Justice or Justices of the Peace for the said District as may then be there, to answer (*further*) to the said charge, and to be further dealt with according to law, then the said Recognizance to be void, or else to stand in full force and virtue.

(Q 3.)

NOTICE OF RECOGNIZANCE TO BE GIVEN TO THE ACCUSED AND TO HIS SURETIES.

Province of Canada, }
District of }

Take notice that you A. B. of _____, are bound in the sum of _____, and your Sureties L. M. and N. O. in the sum of _____, each, that you A. B. appear before _____

before me J. S. one of Her Majesty's Justices of the Peace for the District of , on , the day of (instant), at o'clock in the (fore) noon, at , or before such other Justice or Justices of the same District as may be then there, to answer (further) to the charge made against you by C. D., and to be further dealt with according to law ; and unless you A. B. personally appear accordingly, the Recognizances entered into by yourself and Sureties will be forthwith levied on you and them.

Dated this day of , one thousand eight hundred and

J. S.

CERTIFICATE OF NON-APPEARANCE TO BE ENDORSED ON THE RECOGNIZANCE.

I hereby certify that the said A. B. hath not appeared at the time and place, in the above condition mentioned, but therein hath made default, by reason whereof the within written Recognizance is forfeited.

J. S.

(R 1.)

WARRANT TO CONVEY THE ACCUSED BEFORE A JUSTICE OF THE DISTRICT IN WHICH THE OFFENCE WAS COMMITTED.

Province of Canada, } District of }

To all or any of the Constables, or other Peace Officers, in the said District of :

Whereas A. B. of , (laborer), hath this day been charged before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the District of , for that (ſc. as in the Warrant to apprehend); And whereas (I) have taken the deposition of C. D. a witness examined by (me) in this behalf, but inasmuch as (I) am informed that the principal witnesses to prove the said offence against the said A. B. reside in the District of , where the said offence is alleged to have been committed; These are therefore to command you, in Her Majesty's name, forthwith to take and convey the said A. B. to the said District of , and there carry him before some Justice or Justices of the Peace in and for that District, and near unto the (Parish of) where the offence is alleged to have been committed, to answer further to the said charge before him or them, and to be further dealt with according to law; and (I) hereby further command you to deliver to the said Justice or Justices the information in this behalf, and also the said deposition of C. D. now given into your possession for that purpose, together with this Precept.

Given under my Hand and Seal, this day of , in the year of our Lord , at , in the District aforesaid.

J. S. [L. s.]

(R 2.)

RECEIPT TO BE GIVEN TO THE CONSTABLE BY THE JUSTICE FOR THE DISTRICT IN WHICH THE OFFENCE WAS COMMITTED.

Province of Canada, } District of }

I, J. P. one of Her Majesty's Justices of the Peace, in and for the District of , hereby certify that W. T., Constable, or Peace Officer, of the District of , has on this day of , one thousand eight hundred and , by

virtue

virtue of and in obedience to a Warrant of J. S. Esquire, one of Her Majesty's Justices of the Peace in and for the District of _____, produced before me, one A. B. charged before the said J. S. with having (*&c. stating shortly the offence*), and delivered him into the custody of _____ by my direction, to answer to the said charge, and further to be dealt with according to law, and has also delivered unto me the said Warrant, together with the information (if any) in that behalf, and the deposition (s) of C. D. (*and of* _____) in the said Warrant mentioned, and that he has also proved to me upon oath, the hand-writing of the said J. S. subscribed to the same.

Dated the day and year first above mentioned, at _____ in the said District of _____
J. P.

(S 1.)

RECOGNIZANCE OF BAIL.

Province of Canada, }
District of _____ }

Be it remembered, That on the _____ day of _____ in the year of our Lord _____, A. B. of _____, (*laborer*), L. M. of _____, (*grocer*), and N. O. of _____, (*butcher*), personally came before (*us*) the undersigned, two of Her Majesty's Justices of the Peace for the said District, and severally acknowledged themselves to owe to our Lady the Queen, the several sums following, that is to say: the said A. B. the sum of _____, and the said L. M. and N. O. the sum of _____, each, of good and lawful current money of this Province, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he, the said A. B., fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at _____ before us.
J. S.
J. N.

CONDITION.

The condition of the within written Recognizance is such, that whereas the said A. B. was this day charged before (*us*), the Justices within mentioned for that (*&c. as in the Warrant*); If therefore the said A. B. will appear at the next Court of Oyer and Terminer or General Gaol Delivery (*or Court of General Quarter Sessions of the Peace*) to be holden in and for the District of _____, and there surrender himself into the custody of the Keeper of the (*Common Gaol*) there, and plead to such Indictment as may be found against him by the Grand Jury, for and in respect to the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said Recognizance to be void, or else to stand in full force and virtue.

(S 2.)

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE ACCUSED AND HIS BAIL.

Take notice that you A. B., of _____, are bound in the sum of _____, and your Sureties (*L. M. and N. O.*) in the sum of _____, each, that you A. B., appear (*&c. as in the condition of the Recognizance*), and not depart the said Court without leave; and unless you, the said A. B., personally appear and plead, and take your trial accordingly, the Recognizance entered into by you and your Sureties shall be forthwith levied on you and them.

Dated this _____ day of _____, 18 _____

J. S.

(S 3.)

(S 3.)

WARRANT OF DELIVERANCE ON BAIL BEING GIVEN FOR A PRISONER ALREADY COMMITTED.

Province of Canada, }
District of }To the Keeper of the (*House of Correction*), at _____, in the said
District of _____ :

Whereas A. B., late of _____; (*laborer*), hath before (*us, two*) of Her Majesty's Justices of the Peace in and for the said District of _____, entered into his own Recognizance, and found sufficient sureties for his appearance at the next Court of Oyer and Terminer or General Gaol Delivery (or Court of General Quarter Sessions of the Peace) to be holden in and for the District of _____, to answer our Sovereign Lady the Queen, for that (*&c. as in the Commitment*), for which he was taken and committed to your said (*House of Correction*); These are therefore to command you, in Her said Majesty's name, that if the said A. B. do remain in your custody in the said (*House of Correction*) for the said cause, and for no other, you shall forthwith suffer him to go at large.

Given under our Hands and Seals, this _____ day of _____, in the
year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]
J. N. [L. s.]

(T 1.)

WARRANT OF COMMITMENT.

Province of Canada, }
District of }To all or any of the Constables, or other Peace Officers, in the said District of _____,
and to the Keeper of the (*House of Correction*), at _____, in the said District of _____ :

Whereas A. B. was this day charged before (*me*) J. S. (*one*) of Her Majesty's Justices of the Peace in and for the said District of _____, on the oath of C. D. of _____, (*farmer*), and others, for that (*&c. stating shortly the offence*); These are therefore to command you the said Constables or Peace Officers, or any of you, to take the said A. B. and him safely convey to the (*House of Correction*), at _____ aforesaid, and there deliver him to the Keeper thereof, together with this Precept; And I do hereby command you the said Keeper of the said (*House of Correction*) to receive the said A. B. into your custody in the said (*House of Correction*), and there safely to keep him until he shall be thence delivered by due course of law.

Given under my Hand and Seal, this _____ day of _____, in the
year of our Lord _____, at _____, in the District aforesaid.

J. S. [L. s.]

(T 2.)

GAOLER'S RECEIPT TO THE CONSTABLE FOR THE PRISONER, AND JUSTICE'S ORDER THEREON
FOR THE PAYMENT OF THE CONSTABLE'S EXPENSES IN EXECUTING THE COMMITMENT.

I hereby certify that I have received from W. T., Constable of the District of _____,
the body of A. B., together with a Warrant under the Hand and Seal of J. S., Esquire,
one

one of Her Majesty's Justices of the Peace for the said District of
and that the said A. B. was (sober, or, as the case may be) at the time he was delivered
into my custody.

P. K.
Keeper of the *House of Correction*
at

To R. W., Esquire, Sheriff for the District of

Whereas W. T., Constable, of the District of , hath produced unto
me, J. P., one of Her Majesty's Justices of the Peace in and for the said District
of , the above Receipt of P. K., Keeper of the (*House of Correction*),
at ; And whereas, in pursuance of the Statute in such case made
and provided, I have ascertained that the sum which ought to be paid to the said W.
T. for arresting and conveying the said A. B. from , (in the District
of) to the said (*House of Correction*), is , and that the reasonable
expenses of the said W. T. in returning will amount to the further sum of ,
making together the sum of ; These are therefore to order you, as such
Sheriff for the said District of , to pay unto the said W. T. the said
sum of , according to the form of the Statute in such case made and
provided, for which payment this Order shall be your sufficient Voucher and Authority.

Given under my Hand, this day of , 18 .

J. P.

Received the day of , one thousand eight hundred
and , of the Sheriff for the District of , the sum of , being
the amount of the above Order.

£ . . .

W. T.

C A P. X C V I I.

An Act to provide for the establishment of a Normal School, and further to promote
Education in Lower Canada.

[30th August, 1851.]

WHEREAS the number of Common Schools in Lower Canada hath of late years
greatly increased, and the want of able Masters and Teachers for the same
is deeply felt, and it has become necessary, in order that the liberal encouragement
granted by the Legislature for public instruction may not be unavailing, to establish a
Normal School in Lower Canada, for the purpose of training Masters and Teachers ;
And whereas it is expedient to make provision for the closer inspection and supervision
of the Common Schools of Lower Canada, and to amend an Act passed in the twelfth
year of Her Majesty's Reign, intituled, *An Act to amend the School Law of Lower
Canada*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with
the advice and consent of the Legislative Council and of the Legislative Assembly of the
Province of Canada, constituted and assembled by virtue of and under the authority
of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland,
and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for
the Government of Canada*, and it is hereby enacted by the authority of the same, That
it shall be lawful for the Governor of this Province to adopt all needful measures for
the establishment of a Normal School in Lower Canada, containing one or more Model
Schools, for the instruction and training of Teachers of Common Schools in the Science
of Education and Art of Teaching,—to cause to be made from time to time Rules and
Regulations necessary for the management of such Normal School, and for prescribing
the terms and conditions on which Students shall be received and instructed therein,—
to select the location of such School,—and to erect or procure and furnish the buildings
requisite

Preamble.

12 Vict. c. 50.

Governor to take mea-
sures for establishing
a Normal School in
L. C.

requisite for the same,—and to determine the number and remuneration of the Teachers, and of all others who may be employed therein.

Provision for payment of salaries, &c.

II. That there shall be allowed annually, out of the unexpended or unclaimed balance of the Common School Fund, and in case there be no such balance, or that it proved insufficient, out of the Jesuits' Estates Fund, wholly or in part, a sum not exceeding Fifteen Hundred Pounds, for the payment of the salaries of Officers and the contingent expenses of the said Normal School; and a further sum not exceeding Two Hundred Pounds, to facilitate the attendance of Teachers in training at such Normal School, under such Regulations as shall be from time to time made by Order of and approved by the Governor in Council.

Inspectors of Common Schools to be appointed.

Their duties and powers.

III. That it shall be lawful for the Governor to appoint, from time to time, and for such period as he shall deem necessary, in each of the Districts of Lower Canada, one or more competent persons as Inspectors of Common Schools therein, whose duty shall be to visit each School Municipality in the District or section of a District for which he shall be appointed,—to examine the Schools, School Teachers and School Houses therein,—to inspect the Accounts of the Secretary Treasurer and the Register of the School Commissioners of every such Municipality,—and generally to ascertain whether the provisions of the existing School Laws are there carried out and obeyed; and every such Inspector shall, with reference to such visits and examinations, have all the powers and authority of the Superintendent of Schools, unless those powers be otherwise defined, restricted or limited in and by the Instrument appointing him.

Inspectors of Common Schools to make reports quarterly: What such reports shall shew.

IV. That every such Inspector shall act under instructions conveyed to him by the Superintendent of Schools, to whom he shall, at least once in every three months, make a Report of all his proceedings, setting forth, in a clear manner, the state of Education in each Municipality visited by him,—the number of Schools in operation therein,—the competency of the Teachers employed in such Schools,—the condition of the School Houses in cases where they are public property,—the state of the School Commissioners' Register and Secretary Treasurer's Accounts,—and the causes, if any, so far as they can be ascertained, which impede the full execution and operation of the School Laws in such Municipality; and shall include in such Report, or shall furnish at any other time when required by the Superintendent of Schools, all such other information as may, by the Superintendent, be deemed necessary.

Penalty on Secretary Treasurers and Teachers refusing information to Inspectors.

V. That the Secretary Treasurer of each such Municipality, and every Teacher of a Common School therein, shall, on being thereunto requested by any such Inspector, exhibit to him all and every the documents in his charge, belonging to or in any way relating to his office of Secretary Treasurer or Teacher, and for every refusal or neglect so to do, shall be liable to and incur a fine or penalty of Two Pounds currency, recoverable in the manner prescribed in and by the Act hereinbefore first cited for the recovery of fines thereby imposed.

Inspectors to be Justices of the Peace, and exempt from 6. V. c. 3.

VI. That every Inspector appointed under the authority of this Act shall be *ex officio* a Justice of the Peace of the District for which he shall be appointed; and the provisions of the Act passed in the sixth year of Her Majesty's Reign, intituled, *An Act for the qualification of Justices of the Peace*, shall not extend to any such Inspector.

Remuneration of Inspectors.

VII. That each of the said Inspectors shall be paid such sum as shall appear to the Governor adequate remuneration for the duties performed by such Inspector, provided such remuneration in no case exceed the rate of Three Hundred Pounds per annum; and the sums necessary for such payment shall be taken from the same fund or funds, and in the same manner, as prescribed in the second section of this Act.

Act 19 Vict. c. 113, repealed.

VIII. That an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to repeal certain parts of an Act therein mentioned, and to make better provision for the support of Common Schools in the Cities of Quebec and Montreal*, be and the same is hereby repealed; Provided always, that the forty-third section of the Lower Canada School Act, thereby repealed, shall continue to be so repealed.

Proviso.

No School rate to be imposed in Quebec or

IX. That in the Cities of Quebec and Montreal, no Rate shall be imposed or levied for the purposes of Common Schools, but that the City Treasurer of each of the said Cities,

Cities, shall, out of the moneys in his hands forming part of the funds of the Corporation of such City, from whatever source such moneys are derived, (all Laws or Rules or By-laws of the Council of such Corporation to the contrary notwithstanding,) pay to the respective Boards of School Commissioners of such City, and in proportion to the population of the religious persuasion represented by such Boards respectively, a sum equal in amount to that apportioned to such City out of the Common School Fund, to be employed by and for the purposes of the Common Schools, under the direction of such Boards of School Commissioners respectively; and if such Treasurer refuse to make such payment, the Board of Commissioners, or their Secretary, may recover the amount by action in the Superior Court, who shall order such Treasurer to pay the amount awarded by their judgment, principal, interest and costs, out of the moneys he may then have in, or that may thereafter come into his hands as such Treasurer; and shall compel him, by all legal means, even by *contrainte par corps*, to satisfy such judgment.

Montreal, but sum required to be paid out of any moneys of the Corporation to the Boards of School Commissioners.

Mode of compelling payment.

X. That the Secretary Treasurer of each School Municipality, shall, annually, in the first week of the month of July, prepare and submit to the School Commissioners thereof a detailed Statement of the Receipts and Expenditure of such Municipality for the year expired on the thirtieth day of June immediately preceding; and such detailed Statement, after being approved by the said School Commissioners, shall be by them submitted to a public meeting of the Rate Payers of such Municipality, to be convened sometime in the month of July, by the Secretary Treasurer, in the manner prescribed for convening meetings for the election of School Commissioners; and a fair copy of such detailed Statement, certified and signed by the Secretary Treasurer, shall be by him affixed at the door of the Church, or principal place of worship in such Municipality, before the hour of nine of the clock in the forenoon of the Sunday next after such meeting; and such Secretary Treasurer shall, on the payment to him of the sum of Five Shillings, currency, furnish to any Rate Payer a copy of such Statement.

Annual statements to be laid by Secretary Treasurer before School Commissioners.

Statements to be publicly exposed.

XI. That the Provincial Secretary shall, immediately after the passing of this Act, cause copies thereof to be printed and distributed in the several School Municipalities throughout Lower Canada.

Copies of this Act to be distributed.

XII. That this Act shall apply to Lower Canada only.

Extent of Act.

C A P. X C V I I I.

An Act further to amend the Municipal Laws of Lower Canada.

[30th August, 1851.]

WHEREAS it is expedient to amend the Act passed by the Legislature of Canada, in the Session thereof held in the tenth and eleventh years of Her Majesty's Reign, chaptered seven, and intituled, *An Act to make better provision for the establishment of Municipal Authorities in Lower Canada*, and the Act passed by the said Legislature in the Session thereof, held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered thirty-four, and intituled, *An Act to amend the Municipal Law of Lower Canada*, and to remove certain doubts as to the true intent and meaning of certain parts of the said Acts: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Municipal Councils of Lower Canada may, for the purpose of completing any business submitted to them at any Quarterly Meeting, adjourn from day to day, but not beyond the third day, provided a quorum of the Council be present at the time of such adjournment.

Preamble.

10 & 11 Vict. c. 7.

13 & 14 Vict. c. 34.

Adjournments of Municipal Councils.

Special meetings how called, &c.

II. That the Mayor of any Municipality shall, upon requisition addressed to him signed by not less than three Municipal Councillors, call a Special Meeting of the Council by a notice under the Hand of the Secretary Treasurer, addressed at least two clear days before the holding of such meeting, to each of the Councillors, and mentioning the purpose for which any such Special Meeting is called; and at such Special Meeting no other business than that mentioned in such notice shall be transacted.

Special rate for restoring buildings injured by mobs, &c.

III. That every Municipal Council shall have power to impose on the whole Municipality, or any Parish or Township, or portion of a Municipality, Parish or Township, constituting a part thereof, a Special Rate, over and above all other Rates which such Council are empowered to impose, to defray and meet the expenses of widening, planting, gravelling, macadamizing, or raising with sand, earth or other material, any road or part of a road, or of making any embankment along or near any river, lake, stream or rivulet where a public road runs, or for otherwise improving any road or part of a road, or for preventing accidents at or near the same, or for rendering the same safe and commodious, or for repairing, restoring or erecting any building or buildings or other property whatsoever that may be destroyed, injured, damaged or deteriorated in value by any incendiary, mob, tumultuous assembly or riotous persons whomsoever in such County, Parish or Township.

As to making, &c., roads, &c., lying in any part of a Parish, &c., situate in two Municipalities.

IV. That whenever any part of a Parish or Township is situate in one Municipality, and the remainder of such Parish or Township in another Municipality, and it shall have been or shall be deemed necessary to make or repair the roads, bridges or by-roads in any part of such Parishes or Townships so situate in two Municipalities, it shall be lawful for the Municipal Council of the Municipality in which the two Municipal Councillors of such Parishes or Townships sit, to cause a valuation to be made by a person appointed for that purpose, of the assessable property of all persons who were or shall be held and bound to make, repair or maintain such roads, by-roads or bridges, whether the said property be situate within or without the limits of such Municipality, and to cause a Roll to be drawn up in writing of the said valuation, according to the value of the said property, which Roll shall be submitted to the Municipal Council of the said Municipality for the purpose of being confirmed or amended, as shall be decided by the said Municipality who shall cause the amount thereof to be levied in the manner provided by the laws in force in this Province.

By-laws, how to be published, &c.

V. That every By-law of such Council shall be published by printing the same in at least one Newspaper, or affixing upon the main entrance of the door of the Parish Church of each Parish in the Municipality by which such By-law is affected, and upon the main entrance of the door of one of the most public or most frequented buildings in each Township in such Municipality, and no such By-law shall have any effect or force until so published, and the Appeal against certain By-laws allowed by the thirty-eighth section of the Act hereinbefore firstly recited may be made within fifteen days after the publication of any such By-law, instead of within fifteen days after the passing of such By-law, as by the said section provided.

Appeal, when may be made.

Court of Review may examine witnesses.

VI. That the Court of Review constituted by the thirty-ninth section of the said first mentioned Act, has had, has, and shall have power and authority to hear and examine witnesses in relation to matters of difference or reference submitted to them under the provisions of the said Act.

Sect. 13 of 13 & 14 Vict. c. 34, extends to front roads.

VII. That the provisions contained in the thirteenth section of the Act hereinbefore secondly cited, shall extend to all front roads as well as to by-roads.

Judgment not required before selling lands for taxes.

VIII. That it shall not be necessary, in order to comply with the nineteenth, twentieth and twenty-first sections of the said secondly recited Act, in causing lands to be sold for Rates, that a judgment of any Court shall have been previously obtained against the owners or possessors thereof, or against any person or persons whomsoever, provided the other formalities required by the said cited sections be complied with.

IX. And notwithstanding any thing in the said cited Acts contained, or any thing specially contained in the twenty-fifth clause of the thirty-third section of the said firstly

firstly recited Act, and to remove all doubts with respect to the interpretation of the said clause, Be it declared and enacted, That it has been, is, and shall be lawful for any Municipal Council to assess, for any purposes connected with roads, By-roads, or bridges, whether for the construction, maintenance or repair of such roads or bridges, and whether the said roads are front roads or by-roads, according to the value of the rateable property to be assessed for such purposes, payable in money or by apportionment of labor, as a majority of the Councillors of such Municipality shall determine, any law or *procès-verbal* to the contrary thereof in anywise notwithstanding; and the by-laws of any Council heretofore made for any such purpose, not contrary to the provisions of this section, shall be valid unless and until altered or repealed by such Council.

Assessments for Roads.

X. That in any appeal to the Court of Review, or in any suit or any other legal proceedings arising out of the interpretation of the said twenty-fifth clause now pending or that may hereafter arise, it shall be lawful to plead this Act, which shall be final as regards the interpretation of the said clause, or any other part of the said firstly recited Act dependent thereon.

This Act may be cited before Court of Review.

XI. That every Municipal Council may, on the request of any interested party whomsoever, appoint a Syndic to superintend the performance of the works to be done, and the keeping up and maintaining of the works done or to be done, in and upon the banks of any stream, outlet, or water course, and every such Syndic so appointed, shall be invested with the same rights, powers and authority, as if he were appointed according to the formalities required by the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture.*

A Syndic may be appointed, for what and by whom.

XII. That whenever the inhabitants of any Parish or Township are not sufficiently numerous to furnish persons to replace the various Road Officers whose term of service shall have expired, such Road Officers may be chosen, for one period of service, from amongst the inhabitants of the adjoining Parish or Township within the limits of the same Municipality.

Road Officers may be taken from adjoining parishes, &c. in certain cases.

XIII. That whenever any part of a Parish is under the provisions of the fiftieth section of the Act hereinbefore firstly cited, represented by one Councillor only, such Councillor shall go out of office at the expiration of the first Municipal year after his election; any thing in the seventh section of the said Act to the contrary notwithstanding: Provided always, that the Councillors elected for all such parts of Parishes for the Municipal year now last past, shall continue in office until the annual election in the month of July next.

Retirement from office of a Councillor being the only one representing any Parish.

XIV. That the eleventh section of an Act passed by the Legislature of Lower Canada, in the thirty-sixth year of the Reign of His late Majesty King George the Third, chaptered nine, and intituled, *An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes*, shall not, after the passing of this Act, extend or be applicable to trees planted for ornament along the side of any Public Highway, nor to any maple trees forming part of any maple grove destined for the manufacture of sugar, adjoining any such highway.

Sect. 11 of 36 Geo. 3, c. 9, not to extend to certain trees.

XV. That all expenses incurred by the Council, or by any Road Officer in the performance of duties imposed on proprietors of real property by any law regulating highways, by-roads, ditches or fences, shall be considered as Municipal Rates, and shall be recovered in the manner prescribed by the Acts hereinbefore firstly and secondly recited for the recovery of Municipal Rates.

Certain expenses to be recoverable as rates.

XVI. That whenever, in any proposed new road, a bridge or bridges shall be necessary to complete the line of communication, such bridge or bridges shall be constructed before the other part or parts of such road shall be commenced.

On new Roads, Bridges to be first made.

XVII. That if any Council deem it necessary to cause a front road to be made on any property through which another front road already passes, such second front road shall not be made at a distance of less than one mile from that already existing, except with

Front roads not to be at less than a mile, except by consent, &c.

with the consent of the owner of such property, and unless costs of opening and keeping up such front road be defrayed by the parties requiring such road.

Conferences between two Municipalities interested in any Road, &c.

XVIII. That whenever a petition for a new road, by-road or bridge, or for the altering or changing the direction or site of any road, by-road or bridge, or for the acquisition of the privileged rights belonging to any toll-road or bridge common to any two Municipalities, or to a part of two Municipalities, shall have been presented to any Municipal Council, it shall be lawful for such Council to name three of its Members to confer with an equal number of Members of the Council of the other Municipality ; and the Mayor of the Council to which such petition is presented shall, under the Hand of the Secretary thereof, notify the Mayor of the other Municipality interested in such petition, of the nomination of such three Members, and of the purport of the petition ; and the latter Council shall, at their next quarterly meeting, or special meeting called for that purpose, name three of their Members to meet the said firstly nominated three Members, at the place where the Sessions of the said first Council are usually held, and at such time as the Mayor of the Council to which such petition shall have been presented shall fix in and by a notice in writing under his Hand, and addressed to each of the said Councillors, at least eight days before the holding of such meeting.

Powers of Members of such conferences.

XIX. That the said six Councillors and the said last mentioned Mayor, or a majority of them, shall, after due deliberation thereon, draw up such rules and regulations with reference to the object of such petition as to them shall appear just and reasonable, and in accordance with the powers by law vested in either of the said Councils, and shall report the same to the Council to which the petition was originally presented, and such report being confirmed by the said Council, and passed as a By-law, shall have all the force of a By-law passed by authority of the said Councils, and shall be equally binding upon persons thereby affected in either Municipality.

Additional powers vested in Councils of Villages and Towns.

XX. And whereas it is expedient to amend the second part of the herein firstly cited Act, to make additional provisions with reference to Councils in Towns and Villages : Be it therefore enacted, That the Council for any Village or Town shall, in addition to the powers granted them by the Acts hereinbefore firstly and secondly cited, have authority to make By-laws for the following purposes :

Streets.

Firstly. For obliging the proprietors in any Village or Town, owners, occupants or tenants of any lot or parcel of ground situate therein, to keep in good order the road, highway or street in front of such lot or parcel of land ; and to make and keep in good order in front of such lot or parcel of land, a foot-path of wood or earth of such width and height as shall by any such By-law be prescribed.

Markets.

Secondly. For establishing markets or market places, for abolishing any market or market place existing at the passing of this Act, or that shall hereafter exist in any such Village or Town, and for appropriating the whole or any part of the site of such market place for any other public use whatsoever.

Market Officers.

Thirdly. For regulating and defining the duties and powers of all Officers employed by such Council on the said markets, and for regulating the sale thereon of all provisions, butchers' meat, vegetables, grain, fowls, hay, straw, cordwood, all articles made of wood, or any other things whatsoever ; and for regulating the conduct of all persons vending or purchasing upon the said markets.

Municipal Council of County of Sherbrooke may fix the limits of the Town for certain purposes.

XXI. That notwithstanding any thing contained in the sixty-sixth section of the herein firstly recited Act, it shall be lawful for the Municipal Council for the County of Sherbrooke, to fix the limits of the Town of Sherbrooke for the purpose of establishing a Town Council therein in conformity with the provisions of the said firstly recited Act, without reference to the limits of the said Town now established for the purposes of representation of the said Town in Provincial Parliament.

Hours of office.

XXII. That the Secretary and Treasurer of any Municipal Council shall keep his office open from the hour of ten o'clock in the forenoon until three o'clock in the afternoon, at least one day in each week, at the place where the sittings of the Municipal Council are held.

XXIII. That the nineteenth section of an Ordinance passed by the Legislature of Lower Canada, in the second year of Her Majesty's Reign, chapter seven, and intituled, *An Ordinance to amend the Act passed in the thirty-sixth year of the Reign of King George the Third, chapter nine, commonly called the Road Act*, be, and the same is hereby repealed.

Sect. 19 of Ord. 2
Vict. c. 7 repealed.

XXIV. That so much of the twenty-eighth section of the Act hereinbefore secondly cited, as provides that nothing in the said section contained, shall be construed to affect the County of Huntingdon, shall be, and is hereby repealed.

Proviso of sect. 28 of
13 & 14 Vict. c. 24,
repealed.

XXV. That any person who shall wilfully contravene the provisions of this Act, or any of the provisions of the Acts hereinbefore firstly and secondly recited, shall, for every such offence, whether of commission or omission, not specially provided for, be liable to and incur a fine or penalty of not less than Twenty Shillings and not exceeding Fifty Shillings currency.

Penalties for contra-
vening this Act or
the Acts herein cited.

XXVI. And be it declared and enacted, That notwithstanding any thing contained in the Acts above cited, the obligation on the part of Freehold Electors, under the said Acts, to pay their Assessment or Local Taxes, until the day of the Election, in order to entitle them to vote, shall only apply to Municipal Taxes imposed by the Municipal Councils themselves, and under the above cited Acts only.

Interpretation clause.

XXVII. And be it enacted, That that part of the Seigniorie of Lauzon which is situated in the place or village of St. Catharines, in the County of Dorchester, in the District of Quebec, containing an extent of about two miles, along the River Chaudière from Fief St. Etienne, on the South-East, to the land of Charles Begin, on the North-West of the said Seigniorie, by a depth of about five miles and a half, which said part is now united by a Canonical Decree to the Parish of St. Bernard, is hereby declared to be annexed to the said Parish of St. Bernard, and to form part thereof for all Municipal purposes, and shall hereafter be included within the limits of the Municipality of the County of Dorchester Number One, and be subject to the jurisdiction thereof, to all intents and purposes whatsoever.

Certain portion of the
Seigniorie of Lauzon
annexed to the Parish
of St. Bernard, &c.

XXVIII. And be it enacted, That all penalties imposed by this Act, shall be recovered in the manner provided by the Act hereinbefore firstly recited; And when in any case in which a penalty shall have been imposed by virtue of this Act, or of either of the Acts hereinbefore firstly and secondly recited, a Return shall be made by the Officer charged with the execution of a Distress Warrant, that the Defendant has not sufficient goods and chattels to meet the amount of fine and costs, the Justice of the Peace to whom such Return is made shall by his Warrant commit such Defendant to the Common Gaol or House of Correction for the District, for any period not exceeding two months.

Penalties, how to be
recovered.

XXIX. And be it enacted, That it shall be the duty of the Provincial Secretary forthwith after the passing of this Act, to cause to be printed a sufficient number of copies of the same, together with such parts of the two Acts herein firstly and secondly recited, as are in force, and to cause them to be distributed to the Members of each Municipal Council, without waiting for the ordinary printing and distributing of the other Acts.

Special distribution of
this Act.

XXX. And be it enacted, That this Act shall extend to Lower Canada only.

Extent of this Act.

C A P. X C I X.

An Act to repeal a Proviso of the Act of the now last Session, amending the Lower Canada Municipalities Act.

[30th August, 1851.]

WHEREAS it is expedient to repeal the Proviso hereinafter mentioned, in so far as regards the County of Huntingdon: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces*

Preamble.

of

Proviso to sect. 28 of 13 & 14 Vict. c. 34, repealed, as regards the County of Huntingdon.

of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That so much of the second Proviso to the twenty-eighth section of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend the Municipal Law of Lower Canada*, as provides that nothing in the said section contained shall be construed to affect the said County of Huntingdon, shall be and is hereby repealed, and the said section shall, after the passing of this Act, apply to the said County of Huntingdon, and to all other Counties in Lower Canada, except the County of St. Hyacinthe.

C A P . C .

An Act to make better provision for granting Licenses to Keepers of Taverns, and Dealers in Spirituous Liquors in Lower Canada, and for the more effectual repression of Intemperance.

[30th August, 1851.]

Preamble.

13 & 14 Vict. c. 27.

WHEREAS the Act passed in the now last Session of the Provincial Parliament, intituled, *An Act for the more effectual suppression of Intemperance*, has been found defective; and whereas it is expedient that other provisions of law be made for the regulation of Taverns and other Places of Public Entertainment, and for the more effectual repression of Intemperance: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act first cited in the Preamble to this Act, and the twenty-first clause of the thirty-third section of the Act passed in the Session of the said Parliament held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to make better provision for the establishment of Municipal Authorities in Lower Canada*, and all Acts, Ordinances or Provisions of Law inconsistent with or repugnant to this Act, shall be and the same are hereby repealed, except as to licenses issued and penalties already incurred under and by virtue of any such Acts or Ordinances, but no Act or Ordinance thereby repealed shall revive.

Inconsistent enactments repealed.

10 & 11 Vict. c. 7.

Unlicensed persons not to sell spirituous liquors in small quantities.

9 Vict. c. 2.

II. And be it enacted, That except Distillers duly licensed under the provisions of the Act passed in the ninth year of the reign of Her Majesty, intituled, *An Act to repeal certain Acts therein mentioned, and to impose a Duty on Distillers and on the spirituous liquors made by them, and to provide for the collection of such Duties*, who are and shall be hereby empowered, as such Licensed Distillers, to sell in the same quantities as Storekeepers or Merchants who may be duly licensed under this Act to sell spirituous liquors, no person shall sell or retail brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, in a less quantity than three gallons at any one time, nor shall any person keep any Inn, Tavern, Temperance Hotel or other House of Public Entertainment for the reception of travellers and others, without a license as hereinafter provided for.

Duty on licenses for different purposes.

Imp. Act, 14 Geo. 3. c. 88.

III. And be it enacted, That over and above such duty as may in any of the cases hereinafter mentioned, be payable under the authority of an Act passed in the Parliament of Great Britain and Ireland, in the fourteenth year of the reign of His late Majesty King George the Third, intituled, *An Act to establish a fund towards further defraying the charges of the Administration of Justice and support of the Civil Government within the Province of Quebec, in America*, there shall be paid by every person who shall take out a License for keeping a House or any other place of Public Entertainment, or for the retailing of brandy, rum, whiskey or other spirituous liquors, or wine, ale, beer, porter, cider or other vinous or fermented liquors, the following

following duty or duties respectively, that is to say: for every license to keep an Inn, Tavern or other House or Place of Public Entertainment, and for retailing brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, the sum of Five Pounds current money of this Province; for every license to keep an Inn, Tavern, or other House or Place of Public Entertainment, and for retailing wine, ale, beer, porter, cider or other vinous or fermented liquors, but not brandy, rum, whiskey or other spirituous liquors, the sum of Two Pounds Ten Shillings currency; for every license to keep a "Temperance Hotel" for the reception of travellers and others, but not for retailing brandy, rum, whiskey or other spirituous liquors, nor wine, ale, beer, porter, cider or other vinous or fermented liquors, the sum of One Pound currency; for every license to vend or retail in any store or shop, brandy, rum, whiskey or other spirituous liquors, and wine, ale, beer, porter, cider or other vinous or fermented liquors, in a quantity not less than three half-pints at any one time, the sum of Three Pounds currency; for every license to retail on board any Steamboat or other Vessel, brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, the sum of Five Pounds; and for every license to retail on board any Steamboat or other Vessel, wine, ale, beer, porter, cider or other vinous or fermented liquors, but not brandy, rum, whiskey or other spirituous liquors, the sum of Two Pounds Ten Shillings; and whenever the Act of the Imperial Parliament hereinbefore mentioned shall be repealed, the duty thereby imposed shall nevertheless continue in force by virtue of this Act, as if herein re-enacted: Provided always, that any person who may be desirous of taking out a license under this Act for the remainder of the year, ending on the first day of May, one thousand eight hundred and fifty-two, shall be at liberty to do so, on paying to the Revenue Inspector one half the amount to be paid for one whole year, and on first obtaining a Certificate as hereinafter provided in the case of licenses for a whole year, and on complying with the requirements for a license hereinafter mentioned.

To be over and above Imperial duty.

IV. And be it enacted, That the licenses before mentioned shall be granted under the authority of the Governor of this Province, and the duties thereon shall be paid to, and the licenses shall be issued by the Revenue Inspector or Inspectors in the District in which such Houses or Places of Public Entertainment, Stores or Shops shall be situate, and for Steamboats and other Vessels as hereinafter provided, or by such other person, persons or authority only as the Governor may appoint; any law, usage or custom to the contrary notwithstanding.

By whom licenses shall be issued,

V. And be it enacted, That no license shall be granted to any person for keeping an Inn, Tavern, Temperance Hotel or other House or Place of Public Entertainment in any part of Lower Canada, unless the person applying for the same shall produce to the Revenue Inspector, a Certificate signed by fifty Municipal Electors, of the parish, township or town, or of the ward of the city, in which such House of Entertainment is situated, and approved after due deliberation by the Municipal Council or Corporation of the County or Division of the County, or of the Incorporated City, Town or Village within the limits of which such Inn, Tavern, Temperance Hotel or other House or Place of Public Entertainment is intended to be kept, in the form expressed in Schedule (B) annexed to this Act, and signed by the Mayor and Secretary of such Council or Corporation.

By whom the certificate required before a license can issue, may be granted.

VI. And be it enacted, That if on the day appointed for holding a meeting of a Municipal Council there be no *quorum* present, any Certificate in the form (B) by this Act prescribed, submitted to such Council for confirmation on such day, may be confirmed by the Mayor of such Municipal Council and two Justices of the Peace not being Municipal Councillors, residing in the County where the house for which such Certificate is granted, is situate; and in case of a vacancy in the office of Mayor, by any three such Justices of the Peace, and such Council or such Mayor and Justices, or such Justices, as the case may be, may refuse to confirm any such Certificate, if they see fit so to do.

Provision in case there is no *quorum* of Municipal Council, &c.

What shall be set forth in the certificate:

VII. And be it enacted, That every such Certificate shall set forth that the Applicant is a subject of Her Majesty,—that he is personally known to the signers thereof,—that he is honest, sober and of good repute,—and is a fit and proper person to keep a House of Public Entertainment; and every such Certificate shall also state, if it refer to country parts, that a House of Public Entertainment is required at the place where it is intended to be kept, and that the house for which a license is required contains the accommodation required by this Act; and such Certificate shall be accompanied by an Affidavit from the person applying for the same, that he is duly qualified according to law to obtain such license, which Affidavit shall be in the form (A) annexed to this Act.

Bond to be given by person obtaining license.

VIII. And be it enacted, That before any license shall be granted for keeping an Inn, Tavern, Temperance Hotel, or any House or Place of Public Entertainment, the person applying for the same shall enter into a Bond to Her Majesty, in the sum of Fifty Pounds currency, with two good and sufficient Sureties in the sum of Twenty-five Pounds each, conditioned for the payment of all fines and penalties such person may be condemned to pay for any offence against the provisions of this Act, or of any Act, Ordinance or provision of law, relative to Houses of Public Entertainment now or hereafter to be in force, and to do, perform and observe all the requirements thereof, and to conform to all Rules and Regulations that may be established by competent authority in such behalf; and such Bond, to be drawn in the form expressed in the Schedule (C) annexed to this Act, shall be executed in the presence of, and the Sureties shall be approved of by one or more of the Municipal Councillors or Justices granting the Certificate, which Bond, with the Certificate and Affidavit required by this Act, shall be filed in the office of the Revenue Inspector.

Penalty on persons selling liquors without license.

IX. And be it enacted, That if any person shall keep an Inn, Tavern, Temperance Hotel, or any other House or Place of Public Entertainment, or shall sell, vend or barter by retail, brandy, rum, whiskey, or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, or shall cause or suffer the same or any of the same to be sold, vended or bartered by retail in his house or premises, or in any boat, barge, craft or other construction floating on or moored in any river, lake or stream, or in any house, shanty, hut, or other building erected upon any frozen water, without the license required by the provisions of this Act, or according to its true intent and meaning, such person shall be liable to a penalty of Twelve Pounds Ten Shillings for every such offence; and any person who shall knowingly purchase any spirituous, vinous or fermented liquor in any quantity less than three gallons at any one time, from any person not being duly licensed to retail the same, shall be liable to a penalty of Two Pounds Ten Shillings for every such offence, unless he give information of such purchase to the District Revenue Inspector within forty-eight hours thereof.

What accommodation must be kept at every Inn, &c.

X. And be it enacted, That every licensed Inn or Tavern, Temperance Hotel or House of Public Entertainment, situated in Villages and country parts, shall contain at least three rooms, with at least one good bed in each, for the accommodation of travellers, in addition to those used by the family; and the Keeper of every such Inn, Tavern, Temperance Hotel, or other House of Public Entertainment shall have a stable adjacent or attached to such house, with convenient stalls for at least four horses, and the Keeper of such house shall be constantly supplied with a sufficient quantity of provisions, and of hay and oats, for travellers and their cattle, and in default of any one or more of the foregoing requirements, the Keeper of such house shall be liable to a penalty of Five Pounds.

Penalty.

Sign to be kept up by persons licensed to keep Inns, &c.

XI. And be it enacted, That the Keeper of every licensed Inn, Tavern, Temperance Hotel or other House or Place of Public Entertainment, shall at all times, on demand, exhibit his license to the Revenue Inspector, his Deputy or Deputies, hereinafter authorized to be employed, and shall cause the same to be constantly exposed to public view in the Bar-room in a conspicuous place and manner to the satisfaction of the Revenue Inspector, and shall also cause to be painted in legible characters of not less than three inches in height, and of proportionate width, immediately over the door of such house, his name at full length, with the following words in addition, as the case

case may be: "LICENSED TO RETAIL SPIRITUOUS LIQUORS," "LICENSED TO RETAIL WINES AND FERMENTED LIQUORS," "LICENSED TO KEEP A TEMPERANCE HOTEL;" and whenever such house is situate in country parts, the Keeper thereof shall also expose or cause to be exposed, and keep so exposed, during the whole time of the duration of his license, a like sign in letters not less than four inches in height, and of proportionate width, in a conspicuous place near the house, to indicate the same to travellers, and shall, in default of complying with any of the foregoing requirements, incur a penalty of Five Pounds for each and every offence.

Penalty.

XII. And be it enacted, That the Keeper of every licensed Inn, Tavern, Temperance Hotel, or other House or Place of Public Entertainment, shall keep a peaceable, decent and orderly house, and shall not knowingly suffer any person resorting to his, her or their house to play any game whatsoever at which money or any thing which can be valued in money shall be lost or won, nor shall the Keeper of any house licensed to retail spirituous liquors, or ale or vinous and fermented liquors, be at liberty to keep a Bar or Bars in more than one house, or to vend at any time any such liquors to any intoxicated person, or on Sundays to any person whomsoever, except sick persons or travellers, nor to any soldier, seaman, apprentice or servant, knowing him to be such, on any day after eight o'clock in the afternoon in winter, and nine o'clock in the afternoon in summer, under a penalty of Five Pounds for each offence.

Keepers of Inns to keep orderly houses, &c.

Penalty.

XIII. And be it enacted, That no person holding a license to keep an Inn, Tavern, Temperance Hotel, or other House of Public Entertainment, shall refuse to receive and accommodate any traveller without just cause, under a penalty of Five Pounds for each offence.

Penalty for refusing to receive travellers.

XIV. And be it enacted, That if any person not being duly licensed under the provisions of this Act, expose or cause or suffer to be exposed in, on or near his house or premises any sign, painting, printing or writing of a description or character to induce travellers or others to believe or suppose such house to be a duly licensed House or Place of Public Entertainment, or that spirituous liquors or vinous or fermented liquors are sold, vended or bartered by retail therein, such person shall be liable to a penalty of Five Pounds for each such offence.

Penalty on persons not licensed putting up signs, &c.

XV. And be it enacted, That for every license issued under the provisions of this Act, there shall be paid to the Revenue Inspector, issuing the same, a Fee of Five Shillings, by the person to whom it shall be issued.

Fee on licenses.

XVI. And be it enacted, That the licenses issued under the provisions of this Act, shall expire on the first day of the month of May in each and every year.

Duration of licenses.

XVII. And be it enacted, That in case any person licensed under this Act shall die before the expiration of his license, or shall remove from his house, such person, his heirs, executors, administrators or assigns may transfer such license to any other person, who, under such transfer, may exercise the rights granted by such license, until the expiration thereof, in the house and premises for or in respect of which such license was granted, but in no other place: Provided that the person in whose favor such transfer is made shall produce to the Revenue Inspector a Certificate, and enter into a Bond, with Sureties such as was required of the original holder of such license; such transfer being endorsed on the license by the Revenue Inspector: Provided also, that if such transfer be not executed within three months after the death or removal of the original holder of the license, the said license shall be null and void.

Persons dying, &c. during the time for which they have licenses.

Proviso.

Proviso.

XVIII. And be it enacted, That no Revenue Inspector shall issue any license under the provisions of this Act, after the expiration of thirty days from the date of such Certificate, if obtained on or after the first day of May in any year, nor after the thirtieth day of May, if such Certificate is obtained before the first day of the said month of May; and any such Certificate upon which no license shall have been taken out within the period hereby prescribed, shall become unavailable, void and of no effect.

Revenue Inspector not to issue licenses in certain cases.

XIX. And be it enacted, That it shall not be necessary, in any suit or action instituted under the authority of this Act, to prove the precise day specified in such action or suit as the day on which the offense is alleged to have been committed, to

Proof in prosecution facilitated.

obtain

Proviso.

obtain judgment against the Defendant: Provided always, that it be proved that the said offence was committed on or about the day set forth in and by the Summons, information or declaration in the said suit or action, and before the commencement of such suit or action.

Keepers of Temperance Hotels not to suffer spirituous liquors to be drunk on their premises, &c.

XX. And be it enacted, That if any Keeper of a licensed Temperance Hotel knowingly suffer to be drunk any brandy, rum, whiskey or other spirituous liquor, wine, ale, beer, porter, cider or any other vinous or fermented liquor, in the said house or on the premises thereto belonging; or if any Keeper of a licensed Inn, Tavern or other House or Place of Public Entertainment, not licensed to retail brandy, whiskey, rum, or other spirituous liquors, knowingly suffer to be drunk any brandy, rum, whiskey, or other spirituous liquor within such house, or any out-building, or in any part of the premises belonging to such Inn, Tavern, or House or Place of Public Entertainment, each and every such person shall be liable to a penalty of Five Pounds for each and every offence.

Inspector to visit Taverns once a year.

XXI. And be it enacted, That every Revenue Inspector, either in person or by his Deputy or Deputies, shall visit once at least in each year, every Inn, Tavern, Temperance Hotel, and every other House or Place of Public Entertainment within the District or division of District for which such Revenue Inspector is appointed, shall examine the same, and shall prosecute every Keeper of any such Inn, Tavern, Temperance Hotel, or Place of Public Entertainment, or other person who may offend against the provisions of this Act.

Revenue Inspectors may appoint Deputies.

XXII. And be it enacted, That every Revenue Inspector, may, with the consent and approval of the Inspector General of the Province for the time being, appoint one or more Deputy or Deputies for the performance of the duties relating to his office under the provisions of this or of any other Act, and that every such Revenue Inspector and every Deputy to be appointed by him, shall take and subscribe the following oath, which oath shall be taken before any Judge of the Superior Court or of the Circuit Courts, or before the Commissioner of Customs, who is hereby authorized to administer the same; and every such oath shall be deposited in the office of the Inspector General of Public Accounts:

He and they shall take an oath of office.

" I , Revenue Inspector for District, , do swear, that I will " well and truly execute and perform the duty of Revenue Inspector, relating to Inns, " Taverns, Temperance Hotels, and other Houses and Places of Public Entertainment, " according to the best of my skill and knowledge, and that in all cases of fraud or " suspicion of fraud that shall come to my knowledge, I will spare no person from favor " or affection, nor will I aggrieve any person from hatred or ill-will, and that I will in " all things, to the best of my skill and ability, comply with and enforce the law in this " behalf. So help me God."

The oath.

Penalty on persons refusing admittance to Inspector, or molesting him.

XXIII. And be it enacted, That if the Keeper of any licensed Inn, Tavern, Temperance Hotel, or of any licensed House or Place of Public Entertainment, refuse admittance to the Revenue Inspector, or to his Deputy or Deputies, or if any person in any way oppose, or hinder, obstruct or molest the Revenue Inspector, his Deputy or Deputies, in the execution of his or their duty, such Keeper or person shall be liable to a penalty of Ten Pounds for every such offence.

Inspector to issue licenses for retailing liquors in shops, &c.

XXIV. And be it enacted, That every Revenue Inspector shall, upon receipt of the duties and the fee hereinbefore mentioned, issue to every person applying for the same, a license for retailing in any one shop, store or place, to be accurately designated in such license, brandy, rum, whiskey and other spirituous liquors, and wine, ale, beer, porter, cider and other vinous or fermented liquors, in quantities of not less than three half pints at any one time, and if any person holding any such license sell any such liquor in quantity less than three half pints, or allow any such liquor to be drunk within such shop, store or place, or on the premises appertaining to the same, either by the purchaser of such liquor or by any person not residing with or in the employ of the person holding such license, or sell any such liquor in any quantity less than three gallons

gallons in any shop, store or place not designated in such license, such person shall be liable to a penalty of Twelve Pounds Ten Shillings currency, for every such offence.

XXV. And be it enacted, That if any person who has purchased any brandy, whiskey, rum or other spirituous liquor, wine, ale, beer, porter, cider or other vinous or fermented liquor, in any shop or store, licensed under the provisions of the preceding section, drink the same or any part thereof, or allow the same or any part thereof to be drunk in the said shop, store, house or out-buildings, or on the premises appertaining thereto, such person shall be liable to a penalty of Two Pounds Ten Shillings for every such offence.

Penalty on drinking in shops liquor purchased therein.

XXVI. And be it enacted, That the Owner or Keeper of every such shop or store shall cause to be painted in legible characters, immediately over the door of such shop or store, his name at full length, with the addition "LICENSED WINE AND SPIRIT STORE," and shall cause his license to be constantly exposed in a conspicuous place and manner within such shop or store, and shall allow the Revenue Inspector, his Deputy or Deputies to have free access thereto at all reasonable hours, under a penalty of Five Pounds for every offence.

Persons having shop licenses to have signs.

Penalty.

XXVII. And be it enacted, That every owner, master, or person in charge of any Steamboat or Vessel, who shall intend to retail brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, on board such Steamboat or Vessel, shall, upon applying for the same, receive from any Revenue Inspector a license for such purpose, as specified in the third section of this Act, without entering into the Bond required for keeping a House or place of Public Entertainment, which license shall be constantly exposed in the Bar-room or Bar-cabin of such Steamboat or Vessel, under a penalty of Five Pounds: Provided always, that if any owner, master or person in charge of any Steamboat or Vessel shall allow any brandy, whiskey, rum or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors to be sold on board such Steamboat or Vessel during the time the same shall be laid up in winter, shall be liable to a penalty of Ten Pounds for each offence.

Persons intending to sell liquors on board any steamboat, &c. to take out licences.

Proviso: they shall not sell in winter.

XXVIII. And be it enacted, That every owner, master or person in charge of a Steamboat or Vessel, who shall, after the passing of this Act, retail or allow to be retailed or vended, any spirituous, vinous or fermented liquors, on board of any such Steamboat or Vessel, without having previously obtained a license, such owner, master or person in charge, shall be subject to a penalty of Twelve Pounds Ten Shillings currency, for each and every offence, which penalty shall be sued for and recovered as hereinafter prescribed, and the amount thereof, with costs, if not forthwith paid, shall be levied by distress and sale of the tackle and furniture of such Steamboat or Vessel, on board of which such spirituous, vinous or fermented liquors shall have been retailed or vended, by Warrant under the Hand of the Justice or Justices of the Peace before whom the offender shall have been convicted.

Penalty on persons selling on board steamboats, &c. without license.

How levied,

XXIX. And be it enacted, That it shall be lawful for any Revenue Inspector, his Deputy or Deputies, at all reasonable hours, to go on board any Steamboat or Vessel to examine whether a license be exhibited, and to ascertain whether all other requirements of this Act be complied with.

Revenue Inspector may visit steamboats, &c.

XXX. And be it enacted, That if any person by force or violence, or in any way assault, resist, oppose, molest, hinder or obstruct any Revenue Inspector, his Deputy or Deputies, in the exercise of his or their office, or any person acting under him or them, such person shall be liable to a penalty of not more than Ten Pounds, nor less than Two Pounds for every such offence.

Penalty for assaulting, resisting &c. Revenue Inspector on duty.

XXXI. And be it enacted, That with the exception of the duties arising from licenses, otherwise appropriated by the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's reign, intituled, *An Act to appropriate the moneys arising from Duties on Tavern Licenses in the County and City of Montreal, towards defraying the cost of the new Court House to be erected in the City of Montreal,* or which may be otherwise appropriated by any other Act passed, or to be passed in the

Appropriation of certain duties under this Act.

the

the present Session; the Duties arising from Licenses for Inns, Taverns, Temperance Hotels and other Houses and Places of Public Entertainment, to be levied and collected under the provisions of this Act, shall belong to the respective Municipal Councils or Corporations of the Cities, Towns, Villages, Counties or Divisions of Counties within which the houses for which such licenses shall be issued are situate, and the same shall be accounted for and paid over to the Treasurer of the respective Municipalities of such Cities, Towns, Villages, Counties or Divisions of Counties having a right thereto, at such time or times, and in such manner as may be directed by the Governor: Provided that an amount equal to ten per centum of the gross proceeds thereof shall be paid over to the Receiver General, or shall be retained and accounted for by the Revenue Inspectors respectively, to be applied under the directions of the Inspector General of the Province, for the purpose of defraying the expenses of collection and of supervision, and the disbursements consequent on or attending prosecutions for breaches of this Act; and the surplus of such per centage, if any remain, shall form part of the Consolidated Revenue Fund of the Province.

Proviso, ten per cent to be retained for expenses of collection.

Shop license duties to belong to the Province.

XXXII. And be it enacted, That the Duties arising from Stores or Shops, licensed to retail not less than three half-pints of spirituous liquors, or of wine, ale, beer, porter, cider or other vinous or fermented liquors to be consumed out of such shop or stores, and the duties on Steamboats or Vessels on board of which wines and spirituous liquors, or ale, beer, porter or cider are vended or retailed, shall, after deducting such charges and expenses of collection as may be authorized by the Governor, be paid over to the Receiver General for the public uses of the Province.

Brewers, distillers, &c. not to act as Magistrates under this Act.

XXXIII. And be it enacted, That any Municipal Councillor or Elector, who being a common Brewer, Distiller or Retailer of any Spirituous Liquors, or Keeper or Proprietor of any House or Place of Public Entertainment, shall sign any Certificate for a license for any Inn, Tavern, Temperance Hotel, or House or Place of Public Entertainment, or for the transfer of a license for any such House or Place of Public Entertainment, shall be liable to a penalty of Twelve Pounds Ten Shillings for every such offence.

Penalty on unqualified persons signing Certificates.

XXXIV. And be it enacted, That any person who shall knowingly sign any Certificate for a license or for the transfer of a license, without being duly qualified to do so, shall be liable to a penalty of Five Pounds for every such offence.

Licenses of persons convicted under this Act, to be revoked.

XXXV. And be it enacted, That if any person licensed under the provisions of this Act to keep an Inn, Tavern, Temperance Hotel, or other House or Place of Public Entertainment, be convicted of any breach or non-fulfilment of the requirements of this Act, or of any felony, it shall be lawful for the Governor of this Province to cancel, revoke or suspend the license granted to such person; and if such person after being duly notified of such revocation or suspension of his license, shall continue to keep open a House of Public Entertainment, or to retail spirituous liquors, wine, ale, beer, porter or cider, such person shall be liable to the same pains and penalties as are imposed on persons for keeping a House of Public Entertainment, or for retailing such liquors without license.

List of licensed houses to be published.

XXXVI. And be it enacted, That a list of the Licensed Houses of Public Entertainment shall be published by the several Revenue Inspectors once a year, or oftener, at such time or times and in such newspapers as may be directed by the Inspector General of Public Accounts.

Liability of persons who give liquor to others, who afterwards, being intoxicated, commit suicide, &c.

XXXVII. And be it enacted, That whenever any person has drunk spirituous or other intoxicating liquors to excess in any Inn, Tavern or other House or Place of Public Entertainment, vended, sold or retailed, by or with the permission or sufferance of the Keeper thereof, for the gain or reward of such Keeper, and while in a state of intoxication or drunkenness arising out of the use of such spirituous or intoxicating liquors, has come to his death by committing suicide or by drowning, perishing from cold, or by any accident occurring in consequence of his being so intoxicated or drunk, the Keeper of such Inn or Tavern shall be liable to be indicted and tried before the Court of Queen's Bench sitting in the District in which such person resides, for a misdemeanor,

misdemeanor, and if convicted thereof, shall be liable to a penalty of not less than Fifty Pounds, nor more than Two Hundred and Fifty Pounds, to be paid to the heirs or legal representatives of the deceased person, or to be imprisoned for a period not less than one month nor more than six months.

Penalty.

XXXVIII. And be it enacted, That all licenses to Shopkeepers, Merchants and others, for vending and retailing wine and spirituous liquors, issued for the current year prior to the passing of this Act, shall be held to be in force until the first day of May next, and no longer, and shall empower and license the holders thereof to retail brandy, rum, whiskey and other spirituous liquors, wine, ale, beer, porter and cider or other fermented liquors, in any quantity not less than three half-pints at any one time.

How long present licenses shall be in force.

XXXIX. And be it enacted, That all licenses for keeping Temperance Hotels, which shall have been issued by any Municipal Council or proper authority, since the first day of January last past, shall, provided the person or persons holding the same record or cause the same to be recorded at the office of the Revenue Inspector, for the District or Division of the District within which such Temperance Hotels shall be situate, within three months after the passing of this Act, remain in force until the first day of the month of May of the next ensuing year, and no longer; and the Revenue Inspector shall endorse on the license the date when it shall be so recorded, for which he shall be entitled to a fee of Two Shillings and Six Pence, to be paid by the holder of the license; and every license for a Temperance Hotel issued as aforesaid, which shall not be recorded in the manner and within the period herein prescribed, shall, at the expiration of three months after the passing of this Act, be null and void, and of no effect.

Licenses how granted for keeping Temperance Hotels: to be recorded with Inspector.

XL. And be it enacted, That from and after the passing of this Act, all the provisions thereof, so far as they may be applicable, shall apply to all licenses now in force issued by the authority either of the Governor of the Province, or of any Municipal Council, for keeping Inns, Taverns, Temperance Hotels, or other Houses or Places of Public Entertainment, or for vending or retailing spirituous, vinous or fermented liquors, and the holders of such licenses shall be liable to each and every of the pains and penalties imposed by this Act, for the non-fulfilment or infraction of the provisions thereof.

Act to apply to licenses now in force.

XLI. And be it enacted, That if the moneys appropriated by the Act passed in the last session of this Parliament, intituled, *An Act to appropriate the moneys arising from Duties on Tavern Licenses, in the County and City of Montreal, towards defraying the cost of the new Court House to be erected in the City of Montreal*, should at any time be found to yield less than the amount produced from the same when the fund was so appropriated, it shall and may be lawful for the Governor in Council to increase the Rate of Duty to be paid for every license to keep an Inn, Tavern or other House or Place of Public Entertainment for retailing brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors within the county and city of Montreal, to any amount not exceeding, in the whole, the sum of Twelve Pounds currency, for each license.

Governor in Council may increase duties in the County and City of Montreal in certain cases.

XLII. And be it enacted, That all suits, actions or prosecutions under any of the provisions, except those of the thirty-seventh section of this Act shall, within six months after the alleged offence, be commenced in the name of one of the Revenue Inspectors, and shall be heard and determined in a Summary manner, either upon the confession of the Defendant or upon the evidence of one or more Witness or Witnesses, before one or more Justice or Justices of the Peace for the District, and in the County in which such offence has been committed, if such offence has been committed elsewhere than in or on board of a Steamboat or Vessel, and before any one or more Justice or Justices of the Peace for any District in Lower Canada, if such offence has been committed in or on board of any such Steamboat or Vessel, and in default of immediate payment of the penalty, and such costs as shall be awarded to the Prosecutor, the amount thereof shall be levied by Warrant of Distress out of the goods and chattels of the Defendant; and in default of such goods and chattels, or in case of their being insufficient, the Defendant shall be imprisoned under the Warrant of any such Justice for a period of not less

Suits, &c, to be commenced in the name of the Inspector with in six months after the alleged offence.

Proviso.

less than two months, and not exceeding six months: Provided always that the Defendant may at any time obtain his liberation from such imprisonment by making full payment of the said penalty and of all costs, whether incurred upon or after conviction; and every such suit, action or prosecution may be served, and the service thereof certified under his Oath of Office by any Constable or Peace Officer duly appointed for the District in which the same is brought or instituted.

Certain suits not to be dismissed for informality.

XLIII. And be it enacted, That no suit, action or prosecution under any of the provisions, except those of the thirty-seventh section of this Act, shall be dismissed or set aside for any alleged defect, informality, error or omission; but if it appear that the party summoned has or may have been thereby deceived or misled, it shall be lawful for the presiding Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day.

As to appeals.

XLIV. And be it enacted, That any person against whom any judgment is rendered under the authority of any of the provisions of this Act, (except the provisions contained in the thirty-seventh Section thereof,) who shall within twenty-four hours from the date of such judgment, give notice to the Clerk, or the person acting as Clerk of such Justice or Justices, of his intention to appeal therefrom, and shall, within fifteen days from the date of such judgment, deposit with the Clerk of the Peace for the District within which such judgment has been pronounced, the amount of the penalty and costs awarded by such judgment, may appeal to the Court of General or Quarter Sessions of the said District, at its next ensuing term, if such term is not to be held within twenty days, or at the second next term, if the first is to be held within twenty days from the date of such judgment.

Forms in Schedule to be valid.

XLV. And be it enacted, That the forms of Declaration, Summons, Conviction, Warrant of Distress and Commitment, D, E, F, G, H, annexed to this Act, or any other form to the like effect, shall be and are hereby declared to be good and sufficient, and shall be used in any action, suit or prosecution, under this Act, or in proceedings antecedent to, or consequent thereon.

Appropriation of penalties.

XLVI. And be it enacted, That all fines and penalties recovered under the provisions of this Act, shall be paid to the Revenue Inspector who shall sue for the same, and shall be by him disposed of in the following manner, that is to say: One third thereof shall belong to the person upon whose information the suit shall have been instituted, and such person shall not, on account of his interest in the event of such suit, be considered incompetent to give evidence therein; one third shall belong to and be retained by the Revenue Inspector, being the Prosecutor, and the remaining third shall belong to the Crown; and if there be no informer, then one half shall belong to the Revenue Inspector, being the Prosecutor, and the other half to the Crown; but in cases where the Revenue Inspector or his Deputy shall have been the sole Witness, the whole of the penalty shall belong to the Crown, and the share belonging to the Crown shall be paid to the Receiver General for the public uses of the Province.

Exception.

XLVII. And be it enacted, That if any person shall tamper with a Witness, either before or after he shall be summoned as such Witness in any trial under this Act, or shall by the offer of money, or by threats, or in any way, either directly or indirectly, induce, or attempt to induce any such person to absent himself or herself, or to swear falsely, such person or persons shall be liable to a penalty of Twelve Pounds Ten Shillings for each and every offence.

Penalty for tampering with witnesses.

Protection of Inspectors in suits brought against them for things done in the exercise of their office.

XLVIII. And be it enacted, That no suit, action or prosecution shall be brought, instituted or commenced against any Revenue Inspector for any thing done by him in the exercise of his office, unless the same be brought within six calendar months after the cause thereof, and the Defendant may plead the general issue, and give the special matter in evidence; and if the Plaintiff become non-suited, or discontinue the action, or judgment be given against the Plaintiff, the Defendant shall receive costs; and if judgment be given for the Plaintiff, and the Judge or Court before whom the suit, action or prosecution has been tried, certify that the Revenue Inspector had reasonable grounds

grounds for the act or proceeding complained of, the Plaintiff shall not be entitled to any costs of suit, nor to more than nominal damages.

XLIX. And be it enacted, That in every action, suit, or prosecution which may be instituted or commenced by, or against any Revenue Inspector under the provisions of this Act, or for any thing done in pursuance of this Act, it shall be lawful for such Revenue Inspector to appeal from the judgment given therein, within three months thereafter, to any Court having competent jurisdiction.

Appeal given to Revenue Inspector.

L. And whereas various doubts and difficulties have arisen with regard to the true intent and meaning of several provisions of the Act passed in the last Session of this Parliament, intituled, *An Act for the more effectual suppression of Intemperance*: Be it therefore enacted, That all and every person or persons who have been concerned in the granting or issuing of Licenses or Certificates for License under the same, shall be and are hereby saved harmless, and shall not be liable to any action, suit or prosecution, for any act or thing done by him or them in respect thereof, and all Licenses and Certificates for License granted or issued under the same before the passing of this Act, shall be held to have been legally granted and issued, notwithstanding any misunderstanding or misinterpretation of the provisions of the said Act.

Removal of doubts under 13 & 14, Vict. c. 27.

LI. And be it enacted, That this Act shall apply to Lower Canada only.

To apply to Lower Canada only.

SCHEDULES.

(A.)

FORM OF AFFIDAVIT TO BE MADE BY A PERSON DESIROUS OF OBTAINING A LICENSE TO KEEP A HOUSE OR PLACE OF PUBLIC ENTERTAINMENT.

Province of Canada, }
District of }

I, _____, of _____, in the County of _____, in the District of _____, who am desirous of obtaining a License to keep * _____ situated at † _____, being duly sworn, do make oath and say, that I am a subject of Her Majesty, and that I am in all respects duly qualified according to law, to keep a House or Place of Public Entertainment.

(Signature.)

Sworn to before me, at _____, this _____ day of _____, one thousand eight hundred and fifty _____, J. P. District of _____.

(B.)

FORM OF CERTIFICATE FOR OBTAINING A LICENSE TO KEEP AN INN OR TAVERN, OR TEMPERANCE HOTEL, (as the case may be.)

Province of Canada, }
District of }

We, the undersigned Municipal Electors of the _____ of _____, in the County of _____, do hereby certify that _____, of _____, in the County _____

NOTE.—At the mark *, insert “a House or Place of Public Entertainment for retailing spirituous liquors, &c.” or, “a House or Place of Public Entertainment, and for retailing vinous and fermented liquors,” or, “a Temperance Hotel,” as the case may be. At the mark †, describe the exact locality as nearly as possible.

The Note is common to the forms A. B. and C.

County of _____, in the District of _____, who is desirous of obtaining a License to keep * _____ at † _____ is personally known to each of us, that he is a subject of Her Majesty, is honest, sober, and of good repute, and is a fit and proper person for keeping a House of Public Entertainment, (*where in country parts, add: that we have visited or are acquainted with the house and premises situated at _____, for which the license is required, and that he has in and in the same, bedding, stabling and accommodation for travellers, as required by law.*)

If in country parts, add: We further certify that a House of Public Entertainment is required at the place where the said house is situate.

Given under our hands, the _____ day of _____, in the year one thousand eight hundred and fifty

} Municipal Electors for
} the County of _____

The foregoing Certificate having been this day submitted to the Municipal Council of (*or to the Corporation of*) _____ and the said Council (*or Corporation*) being duly assembled, and having deliberated thereon, confirm the same Certificate in favor of therein mentioned.

Signed at _____, this day of _____, one thousand eight hundred and fifty

P. Q., Mayor.
R. S., Secretary.

WHEN THE CERTIFICATE IS CONFIRMED UNDER THE PROVISIONS OF THE SIXTH SECTION.

The foregoing Certificate having been this day submitted to us, conformably to the sixth clause of the Provincial Act 14 & 15 Victoria, ch. _____ we do hereby confirm the same.

(Signatures.)

(C.)

Know all Men by these Presents, that we T. U. of _____, V. W. of _____, and X. Y. of _____, are held and firmly bound unto Her Majesty Queen Victoria, Her Heirs and Successors, in the penal sum of One Hundred Pounds of good and lawful money of the Province of Canada, that is to say, the said T. U. in the sum of Fifty Pounds, the said V. W. in the sum of Twenty-five Pounds, and the said X. Y. in the sum of Twenty-five Pounds, of like good and lawful money, for payment of which, well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas, the above bounden T. U. is about to obtain a license to keep * _____, the condition of this Obligation is such, that if during all the time such license shall remain in force, the said T. U. shall pay all fines and penalties he may be condemned to pay for any offence or breaches of the law relative to Houses of Public Entertainment now or hereafter to be in force, and shall do, perform and observe all the requirements thereof, and shall conform to all Rules and Regulations that are or may be established by competent authority in such behalf, then this Obligation to be null and void, otherwise to remain in full force, virtue and effect.

In

In witness whereof, we have signed these presents with our Hands and sealed them with our Seals, this _____ day of _____, 185 .

T. U. [L. s.]
 V. W. [L. s.]
 X. Y. [L. s.]

Signed, Sealed and Delivered, }
 in the presence of us }

(D.)

FORM OF DECLARATION.

Province of Canada, }
 District of }

Special Sessions of the Peace.

(Name of Revenue Inspector,) of the City, Town, Township or Parish of (name of the City, Town, Township or Parish,) in the District of (name of the District,) Revenue Inspector for the (Division if the District be divided,) District of (name of District,) in behalf of our Sovereign Lady the Queen, prosecutes, (name of Defendant,) of the City, (Town, Township or Parish) of _____ in the District of _____.

For that whereas the said (name of Defendant,) did at the City, (Town, Township or Parish,) of _____ in the District aforesaid _____, on _____, and at sundry times before and since (here state succinctly the offence,) contrary to the Statute in such case made and provided ; Whereby and by force of the said Statute, the said _____ hath become liable to pay the sum of _____ Pounds _____ Shillings.

Wherefore the said Revenue Inspector prays judgment in the premises, and that the said (name of Defendant,) may be condemned to pay the sum of _____ Pounds _____ Shillings for the said offence, with costs.

Revenue Inspector,
 for the District of _____
 Prosecutor.

(E.)

FORM OF SUMMONS.

Province of Canada, }
 District of }

To (name of Defendant,) of the (City, Town, Township or Parish,) of (name of the City, Town, Parish or Township,) in the District of (name of District.)

You are hereby commanded to be and appear before me, the undersigned Justice of the Peace for the said District, at (name of place,) on the _____ day of _____, at the hour of _____ of the Clock in the _____ noon, or before such other Justice or Justices of the Peace for the said District, as may then be there, to answer to the complaint made against you by (name of Revenue Inspector,) Revenue Inspector, who prosecutes you in Her Majesty's name and behalf, for the causes mentioned in the declaration hereunto annexed, otherwise judgment will be given against you by default.
 Given

Given under my Hand and Seal, this _____ day of _____, in the year of Our Lord,
 one thousand eight hundred and _____, at _____, in the District aforesaid.

J. P. [Seal.]

CERTIFICATE OF SERVICE.

I, the undersigned _____, do hereby certify, upon my oath of Office, that
 on the _____ day of _____, I did serve the within Summons, and the
 Declaration thereto annexed, on the within named Defendant, at the Hour of _____
 of the clock in the _____ noon, by leaving a true and certified copy of the said
 Summons and of the said Declaration at the domicile of the said Defendant, in the
 speaking to _____ of _____ day of _____ 18

NOTE—*The Copy left with or for the Defendant is to be certified as a "true copy" by
 the Justice of the Peace signing the Summons.*

(F.)

FORM OF CONVICTION.

Province of Canada, }
 District of _____ }

Be it remembered, That on the _____ day of _____, in year one thousand eight
 hundred and _____, at *(name of place where convicted)* in the said District,
 is convicted before the undersigned *(one)* of Her Majesty's Justices of the Peace for the
 said District, for that he, the said *(name of Defendant or Defendants)* did *(state the
 offence succinctly of which he or they were convicted)* and *(I or we)* adjudge the said *(name
 of Defendant or Defendants)* for his said offence, to forfeit and pay to _____ the sum
 of _____, and also to pay to the said _____ the sum of _____, for his costs in
 this behalf.

Given under _____ Hand and Seal, the day and year first above mentioned.

Signature, J. P. *(Seal or Seals.)*
 or Signatures.

(G.)

FORM OF WARRANT OF DISTRESS.

Province of Canada, }
 District of _____ }

(Name of Justice or Justices) Esquire, _____ of Her Majesty's Justices of the Peace
 in and for the said District.

To any Bailiff, Constable, or other Officer of the Peace, in and for the said District :

Whereas *(name of Defendant or Defendants)* of the Parish of *(name of Parish or
 Township,)* in the said District, hath *(or have severally)* been convicted before
(one) of Her Majesty's Justices of the Peace for the said District, of having *(state the
 offence)* whereby the said *(name of Defendant or Defendants)* hath forfeited, and hath
 by _____

by the said Justice been adjudged to pay the sum of Pounds Shillings
 , and further the sum of (*amount of costs allowed by (me or us) the said Justice*
 allowed and adjudged to be paid by the said (*Defendant or Defendants*) to (*name of*
Officer) Revenue Inspector, for costs by him laid out about the conviction aforesaid (*);
 These are therefore to command and require you, and each and every of you, to distress
 the goods and chattels of the said (*name of Defendant or Defendants*) wheresoever they
 may be found within the said District; and on the said goods and chattels so distrained
 to levy the said penalty and costs, making together the sum of Pounds
 Shillings and Pence; and if within the space of four days next after such distress
 by you made, the said last mentioned sum of Pounds Shillings and
 Pence, together with the reasonable charges of taking and keeping the said distress shall
 not be paid, that then you do sell the said goods and chattels so by you distrained as
 aforesaid, and out of the money arising from such sale that you do pay the said sum
 of Pounds Shillings and
 Pence unto the said Revenue
 Inspector, returning to the said the overplus, the reasonable charges of taking,
 keeping and selling the said distress being first deducted; and you are to certify to
 with the Return of this Precept what you shall have done in the execution thereof.
 Hereof fail not.

Given under Hand and Seal, at , in the said District, this day of ,
 in the year one thousand eight hundred and

Signature, J. P. [Seal or Seals.]
 or Signatures.

(H.)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

To all or any of the Bailiffs, Constables and other Peace Officers, in the District
 of , and to the Keeper of the (House of Correction) at in the said District of :

Whereas (*§c. as in the foregoing Distress Warrant to the (*) and then, this*): And
 whereas afterwards, on the in the year aforesaid, I, *or, as the case may be*, issued
 a Warrant to all or any of the Bailiffs, Constables or other Peace Officers of the District
 of , commanding them or any of them, to levy the said sums of and
 by distress and sale of the goods and chattels of the said ; And whereas it
 appears to me, as well by the return to the said Warrant of Distress by the (*Constable*)
 who had the execution of the same, as otherwise, that the said (*Constable*) hath made
 diligent search for the goods and chattels of the said , but that no sufficient
 distress whereon to levy the sums above mentioned could be found; These are therefore
 to command you, the said Bailiffs, Constables or Peace Officers, or any one of you, to
 take the said and him safely to convey to the (House of Correction) at
 aforesaid, and there deliver him to the said Keeper, together with this Precept; and I do
 hereby command you the said Keeper of the said (*House of Correction*) to receive the
 said into your custody, in the said (House of Correction) there to imprison him,
 (*and keep him to hard labor*) for the space of , unless the said several sums, and
 all the costs and charges of the said distress, (*and of the commitment and conveying of*
the said to the said House of Correction) amounting to the further sum of ,
 shall be sooner paid unto you the said Keeper; and for so doing, this shall be your
 sufficient Warrant.

Given under my Hand and Seal, this day of , in the year of our
 Lord , at , in the District aforesaid.

Signature, J. P. [L. s.]

CAP. CI.

An Act to correct a Clerical error in the English Version of the Act of last Session, exempting Masters of Vessels belonging to Lower Canada from taking Pilots in certain cases.

[30th August, 1851.]

Preamble.

13 & 14 Vict. c. 96,
cited.

In the English version
of the said Act, read
" 125" tons, instead
of 120 tons.

WHEREAS a Clerical error occurs in the English Version of the Act passed in the Session of the Legislature held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to repeal certain provisions of an Act passed in the last Session of the Provincial Parliament, and intituled, ' An Act to consolidate ' the Laws relative to the powers and duties of the Trinity House of Quebec, and for ' other purposes, and to exempt Masters of Vessels belonging to Lower Canada from ' taking Pilots in certain cases,'* and it is expedient to correct the same so as to make it conformable to the French Version, in which the same error does not occur: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby declared and enacted by the authority of the same, That the Act first above cited shall be construed and have effect as if the words " one hundred and twenty-five tons," had been, at the time of the passing of the said Act, inserted in the English Version thereof, instead of the words " one hundred and twenty tons."

CAP. CII.

An Act to amend an Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, relating to Agriculture in Lower Canada, in so far as the said Act concerns Navigable Rivers and Rivulets, and the banks thereof used in the floating and conveyance of Wood and Timber.

[30th August, 1851.]

Preamble.

13 & 14 Vict. c. 40,
cited.

WHEREAS it is provided and enacted by the second section of an Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture,* " that no person shall enter into or " pass through any field, whether it be sown or unsown, nor along the banks of any " river or rivulet, nor into nor through any garden, coppice, or other property whatsoever, " without the permission of the proprietor, or some person duly authorized by him to " grant such permission, under a penalty of not less than Five Shillings, nor more than " Thirty Shillings currency for every such offence, and over and above the amount of " all damages occasioned thereby," and it hath been represented, that the aforesaid provision is a great impediment to Lumberers, and others engaged in the conveyance of Timber down rivers navigable and used therefor in this Province; And whereas the Lumbering Business, Manufacture of Wood, and Trade in Timber, are of great importance, and it is therefore necessary to secure to such Lumberers and others, every facility and convenience which the Laws of the Province afford for the driving and safe conveyance by water of such Wood or Timber in Rafts or otherwise, whether for fuel or for mercantile purposes, from the places where manufactured to the market: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government* of

of Canada, and it is hereby declared and enacted by the authority of the same, That nothing in the aforesaid section of the above in part recited Act shall be construed to prevent any person or persons from the full and free use of any navigable river, rivulet, stream or water-course, and the banks thereof on either side, in that part of this Province which formerly constituted Lower Canada, proper for the floating and conveyance of Wood or Timber, or for the general purposes of navigation, but that all such rivers, rivulets, streams and water-courses, and the banks thereof on either side, to such extent as may be necessary, and in accordance with the laws, usages and customs of that part of this Province which formerly constituted Lower Canada, shall be and remain free to the public, as fully and entirely, to all intents and purposes, as if the above recited clause of the aforesaid Act had never been passed, nor made part thereof: Provided always, that all persons so passing, or landing upon the banks of any such river, rivulet, stream or water-course, shall repair immediately thereafter the fences, drains or ditches which they shall have damaged, and be liable for all other damages resulting therefrom.

Rivers, Rivulets, &c., in L. C. made free to the public in a certain case.

Proviso.

C A P . C I I I .

An Act to amend the Act to continue and amend the Ordinance concerning the erection of Parishes, Churches and Church-yards, in Lower Canada.

[30th August, 1851.]

WHEREAS it is expedient to amend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to continue and amend the Ordinance concerning the erection of Parishes, and the construction and repairing of Churches, Parsonage Houses, and Church-yards*, and the Ordinance of the Governor and Special Council of the late Province of Lower Canada, passed in the third Session of the said Council, held in the second year of Her Majesty's Reign, and intituled, *An Ordinance concerning the erection of Parishes, and the building of Churches, Parsonage Houses, and Church-yards*, in the manner hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all sums which by the said Act and Ordinance the Trustees appointed or hereafter to be appointed under the said Act or Ordinance, are or shall be authorized to levy by assessment for the purposes of the said Act and Ordinance, shall hereafter be payable by the parties assessed under the said Act and Ordinance, in twelve equal instalments, instead of in the manner by the said Act and Ordinance provided.

Preamble.

13 & 14 Vict. c. 44.

L. C. 2, Vict. c. 29.

Sums authorized to be levied by assessment made payable by instalments.

II. And be it enacted, That whenever a less sum than that payable by virtue of any such assessment for the construction of a Church in any Parish or Mission, or any other of the purposes of the said Act or Ordinance, shall be found sufficient for the construction of such Church or for such other purpose, it shall not be lawful for the said Trustees to call in any instalment remaining due after such sufficient sum shall have been paid in, unless any fraction of any such remaining instalment shall be required to complete the construction of such Church, or for such other purpose, when and in such case it shall be lawful for the said Trustees to call in the whole of such instalment, any fraction whereof may be so required; and the balance of such instalment so called in, after deducting therefrom such fraction or part as aforesaid, shall be paid over and applied as provided by the said Act or Ordinance.

No more instalments than are necessary to pay the expense for building a church, &c., shall be called in.

Exception:

III. And be it enacted, That the said Trustees shall render a true and faithful account, once in every year, of the expenditure of the moneys entrusted to them, and of the moneys and material due to them or in their hands, and of all their proceedings for

Trustees to render accounts yearly: and at what time.

for and in respect of the said moneys and materials; and the said account shall be so rendered on the first Sunday in December in every year, at a meeting of the inhabitant freeholders to be held in the Sacristy of the Parish or Mission, or in the Church if there be no Sacristy, or in the public Place if there be no Church nor Sacristy, immediately after High Mass on the said Sunday, notice having been given from the pulpit of the Church or Chapel in the Parish or Mission, by the *Curé*, or other person administering the said Parish or Mission, on the two previous Sundays or at any hour appointed, notice having been given in some public place of the Parish or Mission, if there be no Church nor Chapel, and the first meeting for the rendering of such accounts by the said Trustees under this Act, shall take place on the first Sunday in December next after the passing of this Act, and on the same day in every year thereafter, due notice as aforesaid being given on the two Sundays previous: Provided always, that, when from any unavoidable accident, or other circumstance, any such meeting shall not be held on the said first Sunday in December, the same may take place on the second or on the third Sunday in the same month.

Proviso.

Agents to be appointed for compelling the Trustees to render such accounts, if they fail to render the same.

IV. And be it enacted, That if the said Trustees shall fail or neglect to render such accounts at such meeting on the said first, second or third Sundays in December next, or on either of the same days in any year thereafter, it shall be lawful for the inhabitant freeholders of the said Parish or Mission to assemble together at the said Sacristy, Church or Public Place as hereinbefore mentioned for the rendering of the accounts (at least eight day's notice of the time and place of such meeting having been given from the pulpit by the *Curé*, or person administering the said Parish or Mission, or if there be no Church nor Chapel, then in a Public Place, on a requisition being made to him for that purpose by any three inhabitant householders), for the purpose of electing from among themselves three Agents to demand the said accounts from the said Trustees, and sue for the rendering of the same before any Tribunal of competent jurisdiction, in case they shall be authorized so to do, at a meeting to be held as hereinafter provided.

Agents may sue for rendering accounts if authorized at a meeting at which they shall report their proceedings.

V. And be it enacted, That the Agents so appointed shall demand from the said Trustees the accounts which have not been rendered, and if the same be not rendered to their satisfaction within thirty days after being so demanded, the said Agents shall make a report accordingly at a meeting of the said inhabitant freeholders, to be called by the said Agents and held as aforesaid, by a notice under their Hand, published and posted at the Church door, or other public place of the Parish or Mission, at least eight days previous to such meeting; and if upon the report of the said Agents, the majority of the persons present at such meeting shall decide that the said Agents shall sue for the rendering of the said accounts by the said Trustees, the said Agents shall, and they are hereby authorized to sue by their name of office, and without otherwise naming them or any of them, for the rendering of the said accounts by the said Trustees, and the costs of such action shall be advanced out of the funds of the *Fabrique* of the said Parish or Mission; in the event of the said Agents failing to obtain a judgment in their favor, with or without costs, then the Agents shall pay the said costs out of the funds in their Hands, and if they have no funds, they shall levy the said costs by an assessment on the Parish or Mission, which assessment shall be made, advertised, deposited, presented and homologated in the same manner as other assessments which they are already entitled to make, but the assessment herein mentioned shall be levied in one single payment; and no such action shall abate or be discontinued by the decease of any of the Agents or their going out of office, but shall be continued by the other or others, with or without any new Agent or Agents, or a meeting may be called and a new Agent or Agents elected in manner aforesaid, but the action shall not thereby be discontinued or abated, but shall proceed as if no change had taken place in the persons being the Agents; Provided always, that any Court before which any such action shall be brought shall be authorized, if it shall deem it equitable, to condemn the said Trustees personally to pay the costs in their capacity as Trustees.

Proviso.

VI. And be it enacted, That the names of the said three Agents so chosen shall be borne upon the Registers of the said Parish or Mission, and an extract therefrom duly certified by the *Curé* or officiating *Curé* or first Churchwarden in office, of the *Fabrique* of the said Parish or Mission, shall be *prima facie* evidence in all Courts of Justice, of the election and appointment of such Agents, and of their authority to sue for the rendering of the said accounts.

What shall be *prima facie* evidence of appointment of agents.

VII. And be it enacted, That the name under which the said Agents shall bring any such action, shall be "the Agents of the Parish (or Mission) of (*name of Parish or Mission.*)"

Name in which they shall sue.

VIII. And be it enacted, That if any person whosoever shall fail or neglect to perform any of the duties required of him by this Act, or shall directly or indirectly obstruct the performance of the said duties, he shall be liable to a penalty not exceeding Five Pounds, currency, recoverable before any Justice of the Peace of the District.

Penalty for obstructing execution of this Act.

IX. And be it enacted, That so much of the Act and of the Ordinance above mentioned as shall be repugnant to the provisions of this Act, shall be and is hereby repealed.

Repeal of inconsistent enactments.

CAP. CIV.

An Act to amend the Act for the encouragement of Agriculture in Lower Canada.

[30th August, 1851.]

WHEREAS for the greater advantage of Agriculture in Lower Canada, it is expedient to amend the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and better to encourage Agriculture in Lower Canada, by the establishment of Agricultural Societies therein:* Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That it shall be lawful for each Agricultural Society, whether of a District or of a County or division of County, to fix such time during the course of any year for holding their Public Shows, as such Society shall deem best for the advancement of Agriculture; any thing in the sixteenth section of the said Act to the contrary notwithstanding.

Preamble.

8 Vict. c. 53.

Each Society may fix the time for holding its shows.

II. And be it enacted, That the Act above cited, as amended by this Act, and by any other Act of the Legislature, shall remain in force until the first day of January next, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

Duration.

CAP. CV.

An Act to amend the Act incorporating the Members of the Medical Profession in Lower Canada, and to regulate the Study and Practice of Physic and Surgery therein, to afford relief to certain persons who where in practice as Physicians and Surgeons in this Province at the time when the said Act became Law.

[30th August, 1851.]

WHEREAS it is expedient to amend an Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to incorporate the Members of the Medical Profession in Lower Canada, and to regulate the Study and Practice of Physic and Surgery therein,* to afford relief to the persons hereinafter named, who were in practice as Physicians and Surgeons in this Province at the time when the said Act became Law, and who have been omitted to be included among the

Preamble.

10 & 11 V. c. --

Members

Members of the Corporation thereby established : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the persons following, to wit: Joseph Ford, Benjamin Damon, Lathrop Shurtleff, Amos Lay, Jeremiah Lovejoy, George O. Somers, Chester William Cowles, Stilmap S. Kendall, and Nathaniel Jenks, resident in the County of Stanstead, and Abraham Perkins Silver, Hiram Glines, Richard Norris Webber, Simon French Rankin, Asher Rodgers, Simon Mallory, Benjamin Libbee, and — McDougall, resident in the County of Sherbrooke, who were practising as Physicians and Surgeons and *Accoucheurs* in Lower Canada at and for a long time prior to the twenty-eighth day of July, in the year of our Lord one thousand eight hundred and forty-seven, when the said cited Act became Law, whose names have been omitted to be included in the said Act as Members of the said Corporation, shall be, from and after the passing of this Act, exempted from incurring any liability to prosecution, and shall not be subjected to any penalty for practising and continuing to practise Physic, Surgery and Midwifery within this Province, in the same manner, and to the same extent as the Members of said Corporation are now exempted from such liability, and are not subjected to any such penalty, and that the said hereinabove named persons shall have power to sue at Law, and maintain any action or suit for the recovery of fees for services rendered, or medicines furnished as such Physicians, Surgeons or *Accoucheurs*, as fully, and in the same manner as if they were Members of said Corporation: Provided, nevertheless, that if the above named persons, or any one of them, shall desire to become Members of the College of Physicians and Surgeons of Lower Canada, they, and each of them, shall submit to a regular examination before the Provincial Board of Examiners, as provided by the herein-first recited Act.

Proviso.

C A P. C V I.

An Act to authorize the setting apart of Lands for the use of certain Indian Tribes in Lower Canada.

[30th August, 1851.]

Preamble.

WHEREAS it is expedient to set apart certain Lands for the use of certain Indian Tribes resident in Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That tracts of Land in Lower Canada, not exceeding in the whole two hundred and thirty thousand Acres, may, under orders in Council to be made in that behalf, be described, surveyed and set out by the Commissioner of Crown Lands, and such tracts of Land shall be and are hereby respectively set apart and appropriated to and for the use of the several Indian Tribes in Lower Canada, for which they shall be respectively directed to be set apart in any order in Council, to be made as aforesaid, and the said tracts of Land shall accordingly, by virtue of this Act, and without any price or payment being required therefor, be vested in and managed by the Commissioner of Indian Lands for Lower Canada, under the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act for the better protection of the Lands and Property of the Indians in Lower Canada*.

230,000 acres land to be set apart for Indians in L. C.

And be vested in Commission of Indian Lands.

II. And be it enacted, That there shall be paid yearly out of the Consolidated Revenue Fund of this Province, a sum not exceeding One Thousand Pounds currency, to be distributed amongst certain Indian Tribes in Lower Canada by the Superintendent General of Indian affairs, in such proportions amongst the said Indian Tribes, and in such manner as the Governor General in Council may from time to time direct.

£1000 to be distributed among Indian Tribes in L. C.

CAP. CVII.

An Act for the regulation of Hunting and the preservation of Game.

[30th August, 1851.]

WHEREAS the mode of hunting followed in certain cases, tends to the destruction of Game and to diminish the number of the Birds of Passage which frequent the shores and shoals of the County of Kamouraska in great numbers: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the spring shooting season shall only commence on the Eighth of April, in each year, and it shall not be lawful to shoot any Game (*Gibier*) frequenting the beach and shoals in the County of Kamouraska, before the Eighth of April, nor after the Thirtieth of May in any year, for the spring shooting.

Preamble.

Spring shooting season.

II. It shall not be lawful to shoot any of the said Game before the Fifteenth of September in any year, which day shall be considered as the beginning of the fall shooting season, which shall last so long as the Game shall remain on the shore.

Fall shooting season.

III. It shall not be lawful at any time, nor in any manner, to hunt Game during the night, nor to shoot Game when it has alighted on or when it is flying over the shoals after sunset and before sunrise, except ducks which may be shot for the space of one hour after sunset.

Certain modes of shooting forbidden.

IV. It shall not be lawful to go in quest of Game on the beach and shoals at low water, nor to hunt Game by approaching it when it is feeding at low water.

The game.

V. Provided always, That this prohibition to hunt Game at low water, shall not be construed to prevent the shooting of Game on its passage, by persons on the watch on the points of land, and in the description of shelter called " Gabions, " erected on the beach and shoals, provided this Method of hunting be used without following the Game, during the day time, and within the periods above fixed for the spring and fall shooting seasons.

Proviso: and exceptions.

VI. The destruction or carrying away of the eggs of any species of wild fowl, is by this Act prohibited in any part of Lower Canada, under the penalties hereinafter provided.

The destruction of eggs, &c.

VII. Every contravention of the above provisions, shall be punished by a fine of One Pound for the first offence, and Two Pounds for every subsequent offence; and the said fines may be sued for and recovered before any Magistrate within the limits of his jurisdiction, and in the manner and form prescribed in such cases.

Penalty for contravention.

VIII. This Act shall only apply to the County of Kamouraska, except the sixth section which applies to the whole of Lower Canada, and shall remain in force until it shall be repealed or amended by the authority aforesaid.

Extent of Act.

CAP. CVIII.

An Act to fix the place for holding the Polls for the Election of Members of Parliament in Townships divided into Wards in Upper Canada, and for other purposes relative to Elections.

[30th August, 1851.]

Preamble.

12 V. c. 22.

At what place the Poll shall be held in Townships divided into wards.

Proviso.

Proviso.

Part of section 3 of the amended Act repealed, and other provisions substituted.

WHEREAS it is expedient to determine the places at which Polls shall be held, under the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act, the several statutory provisions now in force, for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof*, in Townships in Upper Canada, divided into Wards, inasmuch as the said Act provides that such Polls shall in Townships be held at the place where the last Township Meeting was held, and there will be several such places in a Township divided into Wards; And whereas alterations have been made during the present Session in the Territorial divisions of Upper Canada, and it is necessary to make provision for cases arising out of such alterations: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in every case where a Poll is to be held under the Act first above cited in a Township divided into Wards, such Poll shall be held at the Town Hall in which the Meetings of the Municipal Council of the Township are held, if there be any such Town Hall, and if there be none, then at the place where the Municipal Council of the Township shall have held its first meeting in the year in which such Poll is to be held, or if the said Council shall not have met during such year, then at the place where it shall have held its last meeting during the next preceding year: Provided always, that if in any case it shall happen that there is no place at which, under the provisions of the said Act and of this Act, the Poll ought to be held, and every union of Townships divided into Wards shall be deemed a Township divided into Wards within the meaning of this Act, then the Deputy Returning Officer shall himself appoint the place, selecting such as he shall deem most central and convenient for the majority of the Electors: Provided also, that if in any case there shall be no officer or person who, under the provisions of the eighteenth section of the said Act, ought to be appointed Deputy Returning Officer, then it shall be lawful for the Returning Officer to appoint such person as he may think fit to be Deputy Returning Officer, who shall have all the powers and perform all the duties, and be subject to all the liabilities incident to the said office by virtue of the said Act.

II. And be it enacted, That all the words in the third section of this Act first above cited, after the words "in Upper Canada only" in the beginning of the said section, shall be repealed, and the following words substituted therefor: "That the High Sheriffs for the time being of the several Counties and Unions of Counties for judicial purposes in that part of the Province, shall be *ex officio* Returning Officers for the Counties and Unions of Counties for purposes of Representation in the Provincial Parliament, over which or over any County in which, their authority as such Sheriffs shall extend, and in which they shall respectively reside, and also for the respective cities and towns sending Members to Parliament and lying within the local limits of such Counties or Unions of Counties; and that for the several other Counties or Unions of Counties for the purpose of Representation, for which no Sheriff shall, under the foregoing provision, be *ex officio* the Returning Officer, the Registrars of Deeds for the time being for such Counties or Unions of Counties, or for any of the Counties included in such Unions of Counties, shall be *ex officio* Returning Officers: Provided

Provided always, Firstly, That so long as the County of Peel shall remain united for judicial purposes to the County of York, the Sheriff of that County, or of the Union of which it is a Member, shall be *ex officio* Returning Officer for the County of Peel as well as for the County of York and the City of Toronto; and so long as the County of Ontario shall remain united for judicial purposes to the said County of York, and there shall be no separate Registrar for the said County of Ontario, the Registrar of the said County of York, shall be *ex officio* Returning Officer for the said County of Ontario: And provided also, Secondly, That if in any case there shall be more than one person who may under the foregoing provisions be *ex officio* Returning Officer for any place, then the Writ of Election may be directed to either of them, and the person to whom it shall be directed shall alone act as such Returning Officer; and if in any case it shall happen that Writs of Election shall issue at the same time, or so nearly at the same time that the one shall not be returnable before the other or others shall issue, for several places for which the same person would, under the foregoing provisions, be *ex officio* Returning Officer, then only one of such Writs shall be directed to such person, and the other or others to such other person or persons, qualified in the manner provided by the fifth section of the said Act, as the Governor shall appoint to be the Returning Officer or Officers.”

III. And be it enacted, That if in any case it shall happen, either in Upper or in Lower Canada, that there shall be no person, who, under the provisions of the said Act and of this Act, shall be *ex officio* Returning Officer for any place for which an Election is to be held, or the person who is such Returning Officer shall be absent from the Province, or incapacitated from sickness or otherwise from performing the duties of Returning Officer, then it shall be lawful for the Governor to appoint any person qualified under the said fifth section of the said Act to be Returning Officer for such place.

Proviso.
Proviso.
If there be no *ex officio* Returning Officer, Governor to appoint one

C A P. C I X.

An Act to amend the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, by adapting the same to the late change in the Upper Canada Assessment Laws, and for other purposes relating to the Municipal Corporations of that section of the Province.

[30th August, 1851.]

WHEREAS from the recent change in the Laws for the Assessment of Property for local purposes in Upper Canada, it has become necessary to make some corresponding alterations in those for the establishment and regulation of the Municipal Corporations of that section of the Province, the better to adapt the same to such change, as well as to make some further provisions with respect to such Municipal Corporations: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That nothing in that part of the eleventh section of the Act passed in the last Session of Parliament, chaptered sixty-seven, and intituled, *An Act to establish a more equal and just system of Assessment in the several Townships, Villages, Towns and Cities in Upper Canada*, which requires that the sums which shall be required by Law or by any By-law of any Township or County, for any lawful purpose, shall and may be taxed, rated and raised, upon estimate of the amount required for any such lawful purpose, for each year in which such tax is to be levied, shall affect, or be construed to affect or apply to By-laws for creating or contracting such debts or loans as are referred to in and by the one hundred and seventy-seventh section of the Upper Canada

Preamble.

Certain part of the 11th sect. of 13 & 14 Vict. c. 67, not to affect certain By-laws for creating or contracting debts or loans referred to in the 177th sect. of the U. C. Municipal Corporations Act of 1849, or any By-laws relating thereto.

Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, when passed in the manner prescribed by that section as modified by the provisions of this Act, or to any By-laws relating to the same.

Recital.

II. And whereas, in consequence of the said change in the said Assessment Laws, the rates imposed for the payment and satisfaction of debts and loans, heretofore incurred or contracted by Municipal Corporations, and Provisional Municipal Corporations in Upper Canada, under the provisions of the said one hundred and seventy-seventh section of the said Act, will, unless altered, produce a much larger annual amount of money than will be necessary for the payment and satisfaction of such debts and loans, with the interest thereof, within the time originally stipulated for that purpose, according to the provisions of the said one hundred and seventy-seventh section; and nevertheless, such Corporations are by the said Act precluded from either lessening such rate or applying any part of the proceeds thereof, till after such payment and satisfaction, to any other purpose whatsoever; And inasmuch as the increased amount collected upon such rates will arise, not from the gradual growth of wealth and population within the jurisdiction of such Corporations respectively, but in consequence of an Act of the Legislature, extending the basis upon which such rates are made to operate, public faith, with the respective creditors of such Corporations, will not be violated by permitting such Corporations to substitute for such original special rates, new special rates, adequate to insure, under the provisions of the said new Assessment Law, the payment and satisfaction of such debts and loans, at the times originally stipulated for the payment and satisfaction thereof, within the twenty years limited by the said one hundred and seventy-seventh section of the said Act for that purpose; Be it therefore enacted, That with respect to any debt or loan, which shall have been lawfully incurred or contracted by any such Corporation according to the said one hundred and seventy-seventh section of the said Act, previous to the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty-two, it shall and may be lawful for any such Corporation at any time within two years from that day, to pass a By-law, substituting a new special rate for the payment and satisfaction of any such debt or loan, in lieu of the old special rate originally imposed for that purpose, such new special rate, according to the amount of rateable property in the County, or United Counties, City, Town, Township or Village over which such Corporation shall have jurisdiction, as such amount shall have been ascertained by the Assessment Returns for such County, City, Town, Township or Village, for the financial year next preceding that in which the By-law for the substitution of such new special rate in lieu of the old one, shall be passed, being sufficient to satisfy and discharge such debt or loan, with the interest thereof, within the twenty years limited by the said section for that purpose, and on the days and times, and in the manner stipulated by such original By-law, and by the Bills, Bonds, Debentures, or other Obligations issued under the authority thereof for the payment of the same; and it shall not be competent for any such Corporation to repeal such By-law for such new special rate, or to discontinue such new special rate until such debt or loan, and the interest thereof, shall be fully paid, satisfied and discharged, nor to apply the proceeds thereof or any part thereof, to any other purpose, until the full payment, satisfaction and discharge of the same, with the interest thereof: Provided always, nevertheless, Firstly,—That in every such case, the twenty years limited by the said one hundred and seventy-seventh section of the said Act shall, as far as it may affect the amount of such new special rate, be reckoned from the time that the original By-law for the incurring or contracting of such debt or loan shall, by the terms of such original By-law, or otherwise according to Law, have taken effect and gone into operation, and that in all other respects the several provisions of the said Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, and of this Act, respecting original By-laws for creating or contracting debts or loans by such Corporations, shall apply to all such By-laws for substituting new special rates in lieu of the old ones, as if such last mentioned By-laws had been for creating or contracting such debts or loans originally; Provided also, Secondly,—

Corporation empowered to make, within a certain time, a By-law by which a new special rate for the payment of debt or loan may be substituted in lieu of the old special rate.

New special rate not to be discontinued until debt, &c., be fully paid.

Proviso.

Proviso.

Secondly,—That no such By-law for substituting any such new special rate for the old one, shall be of any force or effect whatsoever, until the same shall have been approved by the Governor of this Province in Council, as provided with respect to certain other By-laws by the twelfth section of this Act; And provided also, Thirdly,—That before any such By-law shall be so approved by the Governor in Council, the facts upon which such By-law shall be founded, shall be verified to the satisfaction of the Governor in Council, in a similar manner to that provided for by the thirteenth section of this Act, with respect to the By-laws to which that section applies, and all the provisions of the said last mentioned section shall apply to all By-laws to be passed under the authority of this section.

Proviso.

III. And be it enacted, That the time limited by the one hundred and eighty-second section of the said Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, for the different Municipal Corporations therein mentioned, to pass By-laws providing for the liquidation of any such debt as in the said one hundred and eighty-second section of the said Act is mentioned, shall be and the same is hereby extended to the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty-three, and to such further day thereafter as the Governor of this Province, by Proclamation under the Great Seal thereof, issued either before or after that day, or any further day to which such time may be so extended, may from time to time think fit to appoint: Provided always, nevertheless, that nothing herein contained shall be construed to extending the time for payment, or providing for the payment, of any such debts to a period beyond the time therein limited for that purpose, that is to say, within twenty years from the first day of January, one thousand eight hundred and fifty-one.

The time limited by the 182d sect. of the U. C. Municipal Corporations Act of 1849, for passing by-laws for liquidation of debt, extended.

Proviso.

IV. And be it enacted, That in every By-law to be hereafter passed by any Municipal Corporation, or Provisional Municipal Corporation in Upper Canada, for creating a debt or contracting a loan upon the credit of the County or United Counties, City, Town, Township, or Village, of which they are such Corporation, there shall be recited or set forth, by way of preamble to the same:—First, the amount of such debt or loan, and in some brief and general terms the object for which the same was created or contracted; Secondly, the amount required to be raised annually, according to the one hundred and seventy-seventh section of "The Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine," as a special rate for the payment of such debt or loan, and the interest thereof, within the time thereby limited for the satisfaction and discharge of all such debts and loans, at the days and times when the same shall become payable, according to such By-law; Thirdly, the amount of the whole rateable property of such County, Union of Counties, Cities, Town, Township, or Village, according to the Assessment Returns for the same, for the then next preceding financial year; and, Fourthly, the annual rate in the Pound upon such rateable property required as a special rate for the payment of the said interest, and for the creation of a Sinking Fund for the payment of the principal of such debt or loan, according to the requirements of the said one hundred and seventy-seventh section of the said Act; which amounts shall be ascertained, irrespective of any future increase of the rateable property of such County, Union of Counties, City, Town, Township, or Village, and also irrespective of any income, whether in the nature of tolls, interest or dividends, to accrue or be derived from any public or Corporation work, or any stock, shares, or interest in any such work, in or upon which such debt or loan shall or may, by such Municipal Corporation, be invested or applied, or any part thereof, and also irrespective of any income to be derived from the temporary investment of such Sinking Fund, or any part thereof, pursuant to the provisions of the said one hundred and seventy-seventh section of the said Act.

What shall be set forth in By-laws to be passed for creating a debt, &c., upon the credit of the county, &c., &c.

V. And be it enacted, That it shall and may be lawful for any such Municipal Corporation, or Provisional Municipal Corporation, in any such By-law, or in any other By-law to be passed for that purpose, if they shall think fit so to do, to direct that any annual surplus of income which shall be derived from any such Public or Corporation

Corporation, in By-law, may direct how any annual surplus of income to be derived from certain works, &c., shall be applied

to payment of debt,
&c.

Corporation work, or from any stock, shares, or interest in any such work, after payment out of such annual income of all the annual expenses of such work, stock, shares or interest, shall be applied to the payment and satisfaction of such debt or loan; and whenever any such provision shall be contained in the By-law for creating or contracting such debt or loan, it shall not be competent to any such Corporation to alter or repeal such provision, or to discontinue the application of such surplus to the payment and satisfaction of such debt or loan, until such debt or loan, and all interest thereon, shall have been fully paid, satisfied or discharged.

Corporation how fur-
ther to apply moneys.

VI. And be it enacted, That it shall and may be lawful for any such Municipal Corporation, or Provisional Municipal Corporation, from time to time, to apply any moneys in the Corporation Treasury belonging to such County, Union of Counties, City, Town, Township, or Village, not otherwise appropriated, and also any other moneys which they may think fit, by any additional rate, to raise, levy and collect for that purpose, to the payment of any such debt or loan: Provided always, nevertheless, that no such moneys, having been once by Order or By-law of such Corporation directed to be so applied, shall thereafter, on any pretence whatsoever, be diverted, appropriated or applied to any other purpose whatsoever, until such debt or loan, and all interest thereon, shall have been fully paid, satisfied or discharged.

Proviso.

Corporation bound to
have two separate ac-
counts kept in their
books, one for every
special rate, and one
for sinking fund, &c.

VII. And be it enacted, That in the books of every such Corporation or Provisional Corporation, two separate accounts shall be kept, one for every such special rate, and one for the Sinking Fund of such debt or loan, to be both distinguished from all other accounts in such books by some prefix designating the purpose for which such debt or loan was created or contracted; which accounts, with any others that may be necessary for that purpose, shall be so kept as at all times to exhibit the state of such debt or loan, and the amount of moneys raised, obtained, and appropriated for the payment thereof.

After due application
of moneys to interest
and sinking fund ap-
propriation of any
loan or debts, how
the amount of residue,
when any remain at
the credit of the spe-
cial rate account,
at the close of any
year, is to be applied.

VIII. And be it enacted, That when, after the regular application of the necessary amounts to the interest and Sinking Fund appropriation of any loan or debt for any financial year according to law, there shall at the close of such year still remain a residue at the credit of the special rate account of such debt or loan, as raised by such special rate during such year, or on hand from former years, if such residue shall not amount to more than sufficient to meet the interest that shall fall due on such debt or loan, or on the amount thereof still remaining unpaid, during the financial year next subsequent to the occurrence of such residue, the amount of such residue shall remain at the credit of such special rate account, to be applied to or towards the payment of such next subsequent year's interest, in case the produce of the special rate belonging to such debt or loan for such next subsequent year should not be sufficient, or should not be collected and paid into the Corporation Treasury in sufficient time to meet the payment of such interest at the days and times when the same shall become due and payable. And when such residue shall amount to more than sufficient to meet such interest for such next subsequent year, the amount necessary to meet such interest for such next subsequent year shall remain at the credit of such special rate account, to be applied to the payment of such next subsequent year's interest, in the like cases as those above mentioned; and the remainder of such residue at the credit of such special rate account, as raised by such special rate during such first-mentioned financial year, shall be carried to the credit of the Sinking Fund account of such debt or loan, and applied accordingly.

Certain amounts of
income, &c., to be
carried to the credit
of the sinking fund ac-
count, and how to be
applied.

IX. And be it enacted, That the amount of any annual surplus of income derived from the public or Corporation work, or from the stock, shares or interest in such work so directed to be applied to the payment and satisfaction of such debt or loan, according to the provisions of the fifth section of this Act, together with all special appropriations made for the payment and satisfaction of such debt or loan, according to the provisions of the sixth section of this Act, and the income derived from the temporary investment of the Sinking Fund appropriated to the payment and satisfaction of such debt or loan, or any part thereof, according to the provisions of the said one hundred

hundred and seventy-seventh section of the said Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, shall be carried to the credit of the Sinking Fund account of such debt or loan, and be applied exclusively to the payment and satisfaction of such debt or loan, and the interest thereof accordingly:

X. And be it enacted, That if in the case of any particular debt or loan created or contracted as aforesaid, the amount of the residue of the special rate imposed for the payment and satisfaction thereof, and raised and collected for any particular year, or on hand from former years, together with that of the surplus of the income derived from any such work, stock, shares or interest applicable to the augmentation of the Sinking Fund, of such debt or loan, under the fifth Section of this Act, and the amount of any temporary investment of such Sinking Fund, or of any part thereof, which shall be carried to the credit of such Sinking Fund for such year as aforesaid, shall together, or any one or more of them separate from the other or others, amount to more than the amount so required to be raised annually as a special rate for the payment and satisfaction of such debt or loan with the interest thereof, within the time so limited for the satisfaction and discharge of all such debt or loans by the said one hundred and seventy-seventh section of the said "Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine," and by the fourth section of this Act required to be set forth in the Preamble to the By-law for the creating or contracting such debt or loan, then and in every such case it shall and may be lawful for such Municipal Corporation, or Provisional Municipal Corporation, if they shall think fit so to do, by a By-law to be passed by them for that purpose, reciting or setting forth by way of Preamble; First, the amount of such special rate as imposed by the By-law for the creating or contracting of such debt or loan; Secondly, the amount of the residue (if any) of such special rate for the particular year, or on hand from former years; Thirdly, the amount of such surplus annual income from such work, stock, shares or interest as aforesaid (if any) for such year so appropriated as aforesaid; and Fourthly, the amount derived for such year from the Sinking Fund of such debt or loan,—to direct that for the next subsequent year after the occurrence of such aggregate or separate surplus, any amount not greater than the amount of such special annual rate, nor less than the difference between the amount of such special annual rate, and such aggregate or separate surplus derived from the several sources above mentioned, shall be levied under the said first mentioned By-law, and to set forth in such last mentioned By-law the amount in the pound upon the whole assessed property of such County, Union of Counties, City, Town, Township or Village, which for such next subsequent year shall be levied under the said original By-law for creating or contracting such debt or loan, in lieu of that thereby directed to be levied; and upon such above mentioned By-law providing for the levying of such reduced rate for any year, being approved by the Governor of this Province in Council, every such reduced rate shall for such year, but no other, be raised, levied, collected and applied under the said original By-law in lieu of such original special rate for such particular subsequent year, and all the provisions of such original By-law shall apply to such reduced rate as if it had been the rate originally imposed by such original By-law.

XI. And be it enacted, That when any such debt or loan shall have been created or contracted by any such Municipal Corporation or Provisional Municipal Corporation, and all the necessary provisions for providing for and securing the payment and satisfaction thereof duly made according to the requirements of "The Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine," "The Upper Canada Municipal Corporations Law Amendment Act of one thousand eight hundred and fifty," and this Act, if at any time thereafter it shall be deemed expedient by such Municipal Corporation, or Provisional Municipal Corporation to substitute an Anticipatory Appropriation for the interest and Sinking Fund appropriation of such debt or loan for any particular financial year subsequent to that in which such Anticipatory Appropriation shall be made as hereinafter provided, in lieu of the annual special rate for such subsequent year, applicable to the payment and satisfaction

When and how the Corporation may frame and pass a By-law providing for the levying of a certain reduced rate for any year, in a certain case.

Such By-law, when approved by Governor, how to apply.

Corporation may, in a certain case, substitute an Anticipatory Appropriation in lieu of the annual special rate, by applying certain moneys to the payment of the interest and sinking fund appropriation of debt or loan for any subsequent financial year.

of the annual interest and Sinking Fund appropriation of such debt or loan for such subsequent year, it shall and may be lawful for such Municipal Corporation, or Provisional Municipal Corporation, to make such Anticipatory Appropriation by appropriating and applying to the payment and satisfaction of the interest and Sinking Fund appropriation of such debt or loan for such subsequent year; Firstly, any moneys that may remain at the credit of the special rate account of such debt or loan beyond what may be necessary to meet all other similar Anticipatory Appropriations from such special rate account, and beyond also whatever may be necessary to meet the interest of such debt or loan for the year next subsequent to that in which such Anticipatory Appropriation shall be made as hereinbefore provided; Secondly, any surplus of annual income derived from any such work, stock, shares or interest, and then applicable to the augmentation of the Sinking Fund of such debt or loan as hereinbefore provided and not already appropriated; Thirdly, any moneys derived from any temporary investment of such Sinking Fund or of any part thereof not already appropriated for any particular year; Fourthly, any moneys that such Municipal Corporation or Provisional Municipal Corporation may, by additional rate or otherwise, have raised for the purpose of any such Anticipatory Appropriations, and not then already appropriated to any particular debt or loan for any particular year; and, Fifthly, any other moneys of such Municipal Corporation or Provisional Municipal Corporation then in the Corporation Treasury and unappropriated, or any of such moneys, distinguishing in their By-law or Order for such Anticipatory Appropriation, the several sources of the amount forming the aggregate of such Anticipatory Appropriation respectively, and distinguishing in like manner, the amount of such Anticipatory Appropriation to be applied for the interest, and that to be applied for the Sinking Fund appropriation of such debt or loan for such subsequent year, respectively; and to cause such sums to be carried to the credit of the Sinking Fund account of the debt or loan which shall be the object of such Anticipatory Appropriation, to be applied accordingly.

Sources of the amounts forming the aggregate of such Anticipatory Appropriation to be distinguished in by-law or order;

As also the amount to be applied for the interest, and that to be applied for sinking fund.

Sums how to be carried.

Corporation having made such Anticipatory Appropriation, may by By-law direct the original special rate not to be levied for such subsequent year; such By-law to recite certain things.

XII. And be it enacted, That it shall and may be lawful for any Municipal Corporation or Provisional Municipal Corporation which by By-law or Order shall have made any such Anticipatory Appropriation as is provided for by the next preceding section of this Act, by a By-law to be passed by them for that purpose, and reciting or setting forth by way of Preamble to such last mentioned By-law; First, the original amount of such debt or loan, and by some brief and general terms the object for which the same was created or contracted; Secondly, the amount of the annual Sinking Fund appropriation for the payment and satisfaction of such debt or loan; Thirdly, the amount of such debt or loan, if any, which shall have been already paid or satisfied; Fourthly, the amount of the Sinking Fund appropriations belonging to such debt or loan then on hand for the payment and satisfaction thereof, distinguishing the amount thereof in cash in the Corporation Treasury, and the amount temporarily invested, pursuant to the one hundred and seventy-seventh section of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine; Fifthly, the amount required to meet the interest of such debt or loan, or of so much thereof as shall not have been already paid and satisfied for such subsequent year; and Sixthly, that there had been appropriated and applied by such Corporation, a sum of money equal to the amount of interest and Sinking Fund appropriation required for such year, to meet such interest and Sinking Fund appropriation, and that they had caused the same to be carried to the credit of the Sinking Fund account of such debt or loan, to be so applied accordingly,—to direct the original special rate imposed for the payment and satisfaction of such debt or loan and the interest thereof, not to be levied for such particular subsequent year for which such Anticipatory Appropriation shall have been so made as aforesaid; and upon such last mentioned By-law being approved by the Governor of this Province in Council, such original special rate shall not nor shall any part thereof be raised, levied or collected under such original By-law or otherwise in or for such particular subsequent year, any thing in the said, “The Upper Canada

By-law subject to the Governor's approval.

Municipal Corporations Act of one thousand eight hundred and forty-nine," "The Upper Canada Municipal Corporations Law Amendment Act of one thousand eight hundred and fifty," or in this Act to the contrary thereof notwithstanding.

XIII. And be it enacted, That before any such last mentioned By-law, or any other By-law requiring such approval, shall be approved by the Governor in Council as required by the next preceding Section of this Act, the facts therein required to be recited or set forth by way of preamble to the same, shall be verified upon oath or affirmation to be taken before a Justice of the Peace or Alderman having Magisterial jurisdiction within the territorial limits of such Corporation, by the Head of such Corporation, the Chamberlain or Treasurer and Clerk thereof for the time being, and also by the further testimony on oath or affirmation, to be taken in like manner, of the same and such other parties or persons as may be required by the Governor in Council, and be sufficient to satisfy him of the truth of such recitals: Provided always, nevertheless, that in case of the death or absence of any such Municipal Officer, it shall and may be lawful for the Governor in Council, if he shall think fit so to do, to accept the oath or affirmation of any other Member of such Corporation, in lieu of that of such Officer so dead or absent as aforesaid.

Facts required to be stated in By-law, to be verified.

By whom.

Proviso.

XIV. And be it enacted, That where any such original By-law may have been passed by any such Municipal Corporation or Provisional Municipal Corporation, for creating any debt or contracting any loan under the one hundred and seventy-seventh section of the said Municipal Corporations Act of one thousand eight hundred and forty-nine, it shall and may be lawful for such Municipal Corporation or Provisional Municipal Corporation, notwithstanding any thing in the said section contained, to repeal such By-law at any time before the creating of any part of such debt or the contracting of any part of such loan, and the actual issue of the Bills, Bonds, Debentures or other Obligations of such Municipal Corporation, or Provisional Municipal Corporation, for the same.

Corporation may repeal original By-law in certain cases.

XV. And be it enacted, That where any such By-law may have been passed by any such Municipal Corporation or Provisional Municipal Corporation for creating any debt or contracting any loan under the one hundred and seventy-seventh section of the said Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, it shall and may be lawful for such Municipal Corporation or Provisional Municipal Corporation, notwithstanding any thing in the said section contained, at any time after a part of such debt or loan shall have been created or contracted, and the Bills, Bonds, Debentures or other Obligations of such Municipal Corporation or Provisional Municipal Corporation shall have been actually issued for the same, and before the residue of such debt or loan shall have been so created or contracted, and such Bills, Bonds, Debentures or other Obligations actually issued for the same, by any By-law to be passed for that purpose, to repeal such original by-law so far as the same relates to such residue or any part thereof, and the proportionate part of the original special rate imposed for the payment and satisfaction of such residue or such part thereof: Provided always, nevertheless, Firstly, that every such last mentioned repealing By-law, by a clause to be inserted therein, shall be appointed to take effect and come into operation on the thirty-first day of December in the year in which the same shall be passed, and not before, and shall not in any way affect any rates due or penalties incurred previous to such day: And provided also, Secondly, that no such last mentioned repealing By-law shall be of any force or effect whatsoever, until the same shall have been approved by the Governor of this Province in Council, as provided with respect to certain other By-laws by the twelfth section of this Act; And provided also, Thirdly, that before any such last mentioned repealing By-law shall be so approved by the Governor in Council, the facts upon which such By-law shall be founded shall be verified to the satisfaction of the Governor in Council, in a similar manner to that provided by the thirteenth section of this Act with respect to the By-laws to which that section applies, and all the provisions of the said last mentioned

When certain parts of original By-law may be repealed.

Proviso.

Proviso.

Proviso.

mentioned section shall apply to all By-laws to be passed under the authority of this section.

No By-law for creating any debt, &c, under the 177th sect. of the U. C. Municipal Corporations Act of 1849, to be passed except at a meeting of Corporation, specially called for, held at a certain time.

Notice of meeting to be published.

Proviso.

Form of Notice.

XVI. And be it enacted, That no By-law for creating any debt or contracting any loan under the one hundredth and seventy-seventh section of "The Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine," shall be passed, except at a meeting of the Municipal Corporation or Provisional Municipal Corporation, specially called for the purpose of considering the same, and held at least three calendar months after a copy of such By-law, at length, as the same shall be ultimately passed, together with a notice of the day appointed for considering the same, shall have been published in some public newspaper, published weekly or oftener, within the territorial jurisdiction of such Corporation, or if there be no such public newspaper published within such jurisdiction, then in such public newspaper published nearest to such jurisdiction: Provided always, nevertheless, that the notice of such meeting to be appended to every such copy for the purpose aforesaid, shall and may be to the effect following, that is to say:

"Notice:—The above is a true copy of a proposed By-law to be taken into consideration by the Municipality of the Township of A, in the County of B, one of the United Counties of B, C and D, at _____, in the said Township, on the _____ day of _____, 185 _____ at the _____ o'clock in the _____ noon, at which time and place the Members of the said Municipality are hereby required to attend for the purpose aforesaid.

G. H.,

Township Clerk."

The provisions of this Act respecting the qualification of persons to be elected to municipal seats, to be suspended in a certain case.

No qualification, &c, required of the elected in such case.

Liabilities and duties of the Senior County in case of dissolution of union of Counties.

XVII. And be it enacted, That in every case in which there shall not be more than two persons at the least qualified to be elected as Township, Village, Town or City, Councillor or Alderman for each Municipal Seat required by law to be filled by such election, the provisions of this Act respecting the qualification of persons to be elected to such Municipal Seat as required by the Municipal Corporations Acts, shall be and the same are hereby suspended as far as regards such election, and the persons to be elected thereat, and no qualification or oath of qualification shall be required of any person elected to fill any of such Municipal Seats at such election; any thing in the Upper Canada Municipal Corporations Acts, or any of them, to the contrary thereof notwithstanding.

XVIII. And be it enacted, That notwithstanding the dissolution of any Union of Counties, the Senior County or Counties from which the Junior County of such Union shall have been separated, shall after such separation continue liable to the debts and loans created or contracted by such Union, according to the provisions of the one hundred and seventy-seventh section of the Municipal Corporations Act of one thousand eight hundred and forty-nine, and of this Act, and to the holders of all Bills, Bonds, Debentures and other Obligations issued by such United Counties before the dissolution of such Union for any such debt or loan or any part thereof, as if such debt or loan had been so created or contracted, and such Bills, Bonds, Debentures or other Obligations had been issued by such Senior County or Counties after the dissolution of such Union, and the Municipal Corporation of such Senior County or Counties shall issue their Bills, Bonds, Debentures or other Obligations for any part of such debt or loan for which the Bills, Bonds, Debentures or other Obligations of such Union shall not have been issued previous to the dissolution of such Union, all which last mentioned Bills, Bonds, Debentures or other Obligations shall contain a recital or statement setting forth the liability of the Municipal Corporation of such Junior County for the payment and satisfaction of the moneys secured thereby under this Act, and such Senior County or Counties shall also continue subject to all the other liabilities of such Union of what nature or kind soever which existed at the time of the dissolution of such Union, as if such last mentioned liabilities had been incurred by such Senior County or Counties after the dissolution of such Union; Provided always, nevertheless, that nothing herein contained shall be construed to prevent or interfere with the liability of such Junior County, to such Senior County or Counties

Proviso as to liability of the Junior to the Senior County in a certain case under the

upon

upon any agreement or award made with respect to any part of such debts, loans or liabilities under the fifteenth section of the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, chaptered seventy-eight, and intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for judicial and other purposes, and for the future Dissolutions of such Unions as the increase of wealth and population may require.*

15th sect. of 12 Vic. c. 78.

XIX. And be it enacted, That notwithstanding the dissolution of any Union of Counties, every Junior County, after its separation, shall continue liable to the debts and loans created or contracted by such Union, according to the provisions of the one hundred and seventy-seventh section of the Municipal Corporations Act of one thousand eight hundred and forty-nine, and of this Act, and to the holders of all Bills, Bonds, Debentures and other Obligations issued by such United Counties before the dissolution of such Union, or by the Senior County or Counties of such Union, after the dissolution of such Union, for any such debt or loan, or any part thereof, as if such debt or loan had been so created or contracted, and such Bills, Bonds, Debentures or other Obligations had been issued by such Junior County after the dissolution of such Union: Provided always, nevertheless, that nothing herein contained shall extend or be construed to extend to prevent or interfere with the liability of such Senior County or Counties, to such Junior County, upon any agreement or award made with respect to any part of such debts or loans, under the fifteenth section of the said Act, passed in the twelfth year of Her Majesty's Reign, chaptered seventy-eight, and intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for the providing for temporary Unions of Counties for judicial and other purposes, and for the future dissolutions of such Unions, as the increase of wealth and population may require,* and the Municipal Corporation of such Junior County shall be entitled to recover from the Municipal Corporation of such Senior County or Counties, all such moneys as such Junior County shall be obliged to pay upon any such Bills, Bonds, Debentures or other Obligations, as for so much money paid by such Junior County for the use of such Senior County or Counties, except only such parts thereof as under and by virtue of any such agreement or award as is provided for, in and by the said fifteenth section of the said last mentioned Act, such Junior County shall be bound to pay as its proportion or part of its proportion of such debts or loans.

Liability of the Junior County after dissolution of Union of Counties.

Proviso as to liability of the Senior to the Junior County in a certain case under the said 15th section of the above Act.

What may be recovered by Corporation of the Junior County from that of the Senior County.

Exception.

XX. And be it enacted, That notwithstanding the dissolution of any Union of Counties, all original special rates imposed by any By-law of the Municipal Corporation of such Union, for the payment or satisfaction of any debt or loan created or contracted as provided by the one hundred and seventy-seventh section of the said Municipal Corporations Act of one thousand eight hundred and forty-nine, and by this Act, shall continue to be levied in the Junior County which shall be so separated, as if such separation had not taken place, and the amount thereof shall be paid over by the Treasurer of such Junior County to the Treasurer of such Senior County or Counties from time to time as the same shall be received, and shall be applied by such last mentioned Treasurer to the same purpose, and in the same manner as the moneys raised under the same By-law in such Senior County or Counties shall be applied, according to law: Provided always, nevertheless, Firstly, that in every such case it shall and may be lawful for such Senior County or Counties to make an Anticipatory Appropriation for any year, as hereinbefore provided by the eleventh section of this Act, equal to that part of such original special rate which, by the estimate upon which such original special rate was settled, was to be derived from such Junior County for such year, and thereupon by By-law to be passed as provided with respect to such other Anticipatory Appropriations by the twelfth section of this Act, to direct the said original special rate for the payment or satisfaction of such debt or loan and the interest thereof, not to be levied upon such Junior County for such subsequent year; and upon such last mentioned By-law being approved by the Governor of this Province in Council, as by this Act provided with respect to such similar By-laws, such original special

All original special rates for payment of debt, &c., shall continue to be levied in the Junior County, notwithstanding dissolution of union; amount thereof by and to whom paid, & how applied.

Proviso: Senior County may make Anticipatory Appropriation as under the 11th sect. of this Act, and in what proportion to the Junior County; and may direct by By-law as provided in the 12th section of same act.

Rate not to be levied &c., upon such By-law being approved by Governor.

special rate shall not, nor shall any part thereof, be raised, levied or collected in such Junior County or any part thereof, under such original By-law or otherwise, in or for such particular subsequent year, any thing in the said Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, "The Upper Canada Municipal Corporations Law amendment Act of one thousand eight hundred and fifty," or in this Act, to the contrary notwithstanding: And provided also, Secondly, that the Municipal Corporation of such Junior County shall be entitled to recover from the Municipal Corporation of such Senior County or Counties an amount equal to that of all such moneys so paid over by its Treasurer to the Treasurer of such Senior County or Counties, to be applied as last aforesaid as for so much money paid by such Junior County for the use of such Senior County, except only so much thereof, as under and by virtue of any such agreement or award as is provided for in and by the said fifteenth Section of the said Act, intituled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for judicial and other purposes, and for the future dissolutions of such Unions as the increase of wealth and population may require*, such Junior County shall be bound to pay as its proportion, or part of its proportion of the debts or loans of such Union.

Proviso: Corporation of Junior County entitled to recover from that of the Senior County an amount equal to that paid over to Treasurer of Senior County; same how to be applied.

Exception as to the Junior County's liability to pay its proportion of debt or loan under stated provisions.

As to any Town being separated from any County for the purpose of being erected into a City.

XXI. And be it enacted, That previous to the issue of any Proclamation for the erecting of any Town into a City, under the provisions of the eighty-fourth section of the said Municipal Corporations Act of one thousand eight hundred and forty-nine, an agreement or arbitration similar, as nearly as may be, in all respects, to the agreement and arbitration provided for by the fifteenth section of the said Act, of the twelfth year of Her Majesty's Reign, chaptered seventy-eight, between a Junior County and the County or Counties from which it is about to be separated, shall be made or had between such Town and the County or Union of Counties within the limits of which such Town shall lie, in which the Municipal Corporation of such Town shall do all on behalf of such Town as in and by the said fifteenth section is required to be done by the Provisional Municipal Council of such Junior County, on behalf of such Junior County; and the arbitrators shall be appointed, the award be made, and all other particulars observed by and between such Town and County, or Union of Counties, as in and by such fifteenth section is required by and between such Junior County and the County or Counties from which it is to be separated.

Liabilities of such Town when so erected into a City.

XXII. And be it enacted, That upon the erection of any such Town into a City as aforesaid, such City and the liberties thereof shall remain liable to all the debts and loans created or contracted by the County or Union of Counties, within the limits of which such City and the liberties thereof shall lie, according to the provisions of the one hundred and seventy-seventh section of the Municipal Corporations Act of one thousand eight hundred and forty-nine, and of this Act, to the like extent and in the like manner as a Junior County, on its separation from the County or Counties with which it was united, remains liable to the similar Debts and Loans of such Union; and all the several provisions of the eighteenth, nineteenth and twentieth sections of this Act, shall apply between such City and such County, or United Counties, as between a Junior County and the Senior County or Counties from which it shall have been separated.

By-laws of any union of Counties to remain in force in the Junior County after its separation therefrom, until repealed, altered, &c.

Proviso: Certain By-laws not to be repealed, &c., in certain cases.

XXIII. And be it enacted, That the By-laws of every Union of Counties in force in any Junior County of such Union at the time of the dissolution of any such Union by Proclamation or otherwise, according to law, shall continue in force in such Junior County as if such By-laws had been passed by the Municipal Council of such Junior County, until the same shall be repealed, altered or amended respectively by the Municipal Council of such Junior County: Provided always, nevertheless, that nothing herein contained shall extend to empower the Municipal Council of such Junior County to repeal, alter or amend any of such By-laws, or any part thereof, which could not lawfully be so repealed, altered or amended by the Municipal Council of such

such Union of Counties, were such Union a still subsisting Union at the time of such repeal, alteration or amendment.

XXIV. And be it enacted, That the By-laws of every County or Union of Counties in force in any Town, or in such parts of the said County or Counties as are added to the same, when such Town shall be erected into a City, by Proclamation, or otherwise, according to Law, shall continue in force in such City and the liberties thereof, after the erection thereof, as if such By-laws had been passed by the Common Council of such City, until the same shall be repealed, altered or amended respectively, by the Common Council of such City: Provided always, nevertheless, that nothing herein contained shall extend to empower the Common Council of such City, to repeal, alter or amend any of such By-laws or any part thereof, which could not be lawfully so repealed, altered or amended by the Municipal Council of the County or Union of Counties of which such Town formed part previously to its erection into a City, if it were not so erected but still formed part of such County or Union.

As to By-laws of County, &c., remaining in force in any Town, &c., separated therefrom for the purpose of being erected into a City.

Proviso: Certain By-laws not to be repealed, &c., in certain cases,

XXV. And be it enacted, That in any case in which the Common Council of any City shall, before the passing of this Act, by petition to any Branch of the Legislature, resolution or otherwise by a majority of the Common Council of such City consisting of at least two thirds of the members thereof, have affirmed the expediency of a re-division of such City and the liberties thereof, or of any part thereof into Wards, it shall and may be lawful for the Governor of this Province to proceed to a re-division thereof accordingly, as provided for by the eighty-fourth section of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, upon the Common Council of the said City again affirming by a like majority the expediency of such re-division in the manner required by the said eighty-fourth section, at any time before the eighteenth day of September in the present year.

Re-division of any City into wards, how to be obtained.

XXVI. And be it enacted, That the time limited by the eighth section of The Upper Canada Municipal Corporations Law amendment Act of one thousand eight hundred and fifty, for the County Municipal Councils to pass By-laws for the dissolution of the Unions of Townships within their respective jurisdictions, and for the formation of new Unions for the greater accommodation of the people of such Townships, as in the said eighth section of the said Act is mentioned, shall be and the same is hereby extended to the thirty-first day of December next, and to such further day thereafter as the Governor of this Province, by Proclamation under the Great Seal thereof, issued either before or after that day, or any further day to which such time may be so extended, may from time to time think fit to appoint; and that the County Municipal Councils may dissolve the Union of Townships created by virtue of the last recited Act, and form other Unions of Townships or independent Townships in pursuance of the provisions of the said last recited Act and of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, and that Unions of Townships formed under By-laws passed under the authority of the said eighth section of the said Act and of this Act, shall and may be dissolved in the same manner as the pre-existing Unions to which the said section expressly refers.

To extend the time limited for passing By-laws for dissolution of unions of Townships, and for the formation of new unions.

XXVII. And be it enacted, That upon or at any time after the appointment of a Recorder for any City in Upper Canada, under the provisions of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, it shall and may be lawful for the Governor of this Province, by Letters Patent under the Great Seal thereof, to authorize and appoint the Recorder for the time being of such City to preside over and hold the Division Court of and for that Division of the County or Union of Counties within which such City and the liberties thereof shall lie, which shall include such City and liberties; and in every such case, so long as such Letters Patent shall remain unrevoked, the Recorder of such City shall have and exercise all the powers and privileges, and perform all the duties of the County Court Judge as Judge of the said Division Court, in the same manner, and to the same extent as such County

Recorders for any City may be appointed to preside over and hold the Division Court.

His powers, under
Letters Patent.

County Court Judge would be authorized to have, exercise and perform the same if this Act had not been passed; and such Recorder shall, by virtue of such Letters Patent, have full power and authority to hold such Division Court and to perform all other duties, whether of a judicial or other character, which, if this Act had not been passed, it would appertain and belong to such County Judge as Judge of such Division Court to exercise and perform; Provided always, nevertheless, that while any Recorder shall be so authorized and appointed to hold such Division Court, such Recorder shall not practise as a Barrister, Advocate, Attorney, Solicitor or Proctor in any of Her Majesty's Courts of Law or Equity in this Province.

Proviso.

As to the authority,
&c., of the County
Judge when Recorder
is so appointed as
Judge.

XXVIII. And be it enacted, That upon and from the issuing of any such Letters Patent under this Act, appointing the Recorder of any City to preside over and hold the Division Court of and for the Division within the limits of which such City and the liberties thereof shall lie, and while such Letters Patent shall remain unrevoked, the authority and duties of the County Judge of such County or Union of Counties as Judge of such Division Court, except as in the next section of this Act provided, shall cease: Provided always, nevertheless, that all and every the business and proceedings of, or in any such Division Court, whether pending or otherwise at the time of the issue of any such Letters Patent, and all matters and things thereto relating, shall be continued, managed and disposed of by and under the authority of such Recorder, instead of such County Judge, as if he had been the Judge of such Division Court when the same was commenced.

Proviso

In case of absence,
&c., of Recorder,
the County Judge to
sit; Recorder may
name a Barrister in
his stead.

XXIX. And be it enacted, That in case of the illness or unavoidable absence or absence by leave of the Governor, of the Recorder of any such City, it shall and may be lawful for the Judge of the County Court in and for the County or Union of Counties within the limits of which such City and the liberties thereof shall lie, to sit for such Recorder as Judge of such Division Court, and in every other capacity, whether judicial or otherwise, belonging or attached to the office of such Recorder as Judge of such Division Court by virtue of such Letters Patent as aforesaid, or for such Recorder, if he think fit so to do, by an instrument in writing, under his hand and seal, to name and appoint some Barrister, duly admitted as such, so to sit for him in holding such Division Court as aforesaid; and in every such case, as well such County Judge as such other person so named and appointed to sit for such Recorder as aforesaid, shall on every such occasion have full power and authority to sit for such Recorder as Judge of such Division Court, and in every other capacity, whether judicial or of any other character, belonging or attached to the office of such Recorder as Judge of such Division Court, by virtue of such Letters Patent as aforesaid: Provided always, nevertheless, that no such nomination or appointment shall continue or be in force for more than one Calendar Month without the renewal of the same by a like instrument as aforesaid.

Powers.

Proviso.

As to Instrument of
nomination.

XXX. And be it enacted, That every such instrument of nomination shall contain a recital of the cause which rendered such nomination necessary, and shall be executed in triplicate, one of which triplicate originals shall, by the Recorder making the same, be filed in the office of the Clerk of such Division Court, another of them delivered or sent to the person so named to sit for such Recorder, and the third be transmitted to the Provincial Secretary for the information of the Governor of this Province.

Governor may annul
the nomination, and
appoint some other
person.

XXXI. And be it enacted, That in the case of every such nomination, it shall and may be lawful for the Governor of this Province, by an instrument under his Privy Seal, to annul such nomination, and if he shall think fit so to do, to name, by the same or any other instrument under his Privy Seal, some other person legally qualified to have been named by such Recorder himself, to sit for such Recorder, instead of the person so named by such Recorder as aforesaid, and with the like powers hereby conferred upon such person so named.

XXXII. And be it enacted, That it shall and may be lawful for the Governor of this Province in Council, to fix an annual remuneration to be paid to every such Recorder for performing such duties, due regard being had in fixing the same to the population resident within the jurisdiction of such Division Court, the amount derived to the Fee Fund from the fees collected and returned from such Division Court, the amount of the salary of such Recorder as such, and the amount of the salaries of other County Court Judges in Upper Canada, and that such annual remuneration shall be subject to be altered in the like way, and shall be paid out of the like funds and in the like manner as the salary of the County Judge in and for the County or Union of Counties within the limits of which such City and the liberties thereof shall lie.

Remuneration to Recorder.

XXXIII. And be it enacted, That the Act of the Parliament of this Province passed in the eighth year of Her Majesty's Reign, chaptered Fifty-seven, and intituled, *An Act to empower the District Councils of Municipal Districts and Boards of Police of Incorporated Towns in Upper Canada, to impose a Tax on Dogs within their respective Districts and Towns*, and also the two hundred and eighth Section of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, as amended by the Upper Canada Municipal Corporations Law Amendment Act of one thousand eight hundred and fifty, together with the amendments by the said last mentioned Act made therein, and the Seventeenth Section of the said last mentioned Act, shall be and the same are hereby repealed.

8 Vict, c. 57, and other enactments repealed.

XXXIV. And be it enacted, That in any case where any Township Municipality shall have heretofore abolished any Division thereof into Wards that may have previously existed, such proceeding of such Municipality shall be and is hereby confirmed and made valid to all intents and purposes, unless the same shall have been set aside by judicial decision.

Abolition by Township Municipalities of Division into Wards to be valid in a certain case.

XXXV. And be it enacted, That whenever any By-law, Order and Resolution shall be or has been passed or adopted by any Municipality whatever, and such By-law, Order or Resolution has been or shall be quashed, or declared illegal or void by any Court having competent jurisdiction therein, the Municipality by which such By-law, Order or Resolution has been or shall be passed, shall alone be responsible in damages for any act or acts done or committed under such By-law, Order or Resolution, and any Clerk, Constable or other Officer acting thereunder, shall be freed and discharged from any action or cause of action which shall accrue or may have accrued to any person or persons by reason of such By-law being illegal and void, or having been quashed, and such Municipality shall pay all costs and expenses attending the quashing of any such By-law; and the Superior Courts of Common Law shall also have full power and authority to grant or refuse costs in their discretion in any case in which application shall be or may have been made for any Writ of *Mandamus* for or against any Municipal Corporation, which costs, when granted to either party, shall be taxed and allowed in the same manner as between party and party.

Responsibility of Municipality if any of its By-laws, &c, be quashed.

Court may grant or refuse costs in a certain case; the same to be taxed.

XXXVI. And be it enacted, That the several words, phrases and sentences of "The Upper Canada Municipal Corporations Act" of one thousand eight hundred and forty-nine, as such Act was corrected and amended by "The Upper Canada Municipal Corporations Law Amendment Act" of one thousand eight hundred and fifty, and of the said "Upper Canada Municipal Corporations Law Amendment Act" of one thousand eight hundred and fifty, in the first column of the Schedule to this Act annexed, marked A, numbered from one to thirty inclusive, and set forth in the second column of the said Schedule, as such several words, phrases and sentences are contained in those several parts of the several and respective sections, sub-sections and provisoes of the said Acts particularly referred to in the third column of the said Schedule opposite to each of such words, phrases and sentences respectively, shall be and the same, as so contained in such section, sub-sections and provisoes, are hereby

Certain words, &c., contained in Schedule A, repealed.

Other words, &c., substituted for the above, as set forth in the 4th column of the Schedule.

The same how to apply.

Acts to be construed as if such words, &c., were contained therein.

Inconsistent provisions repealed.

Proviso: Things performed under Acts, unless made the subject of legal proceedings in certain cases.

Proviso: As to offences, fines, moneys, &c., before this Act comes into operation.

Short titles by which certain Acts relating to U. Canada may be cited.

hereby repealed; and the several and respective words, phrases and sentences set forth in the fourth column of the said Schedule, opposite to each of such first mentioned words, phrases and sentences respectively, shall be and the same are hereby substituted for such first mentioned words, phrases and sentences, each for each respectively; and henceforth, the said substituted words, phrases and sentences instead of those for which they are so substituted as aforesaid respectively, shall be and shall be deemed and taken to have been the words, phrases and sentences used in the several and respective sections, sub-sections and provisoes of the said Acts respectively, in the third column of the said Schedule mentioned, opposite to each of such words, phrases and sentences respectively, and in the parts of such sections, sub-sections and provisoes therein particularly mentioned; and the said Acts, and all other Acts referring to the same, shall be construed as if such substituted words, phrases and sentences had been there used in such respective sections, sub-sections and provisoes respectively, and in the parts thereof respectively in the said third column of the said Schedule mentioned as aforesaid, at the time of the passing of the said Acts respectively, any thing therein contained to the contrary notwithstanding; and so much of the said "Upper Canada Municipal Corporations Law Amendment Act" of one thousand eight hundred and fifty, as makes any correction or amendment in or to any of such words, phrases or sentences other than those hereby made in or to the same, and so much of both or either of the said Acts as makes any other provision whatever contrary to or inconsistent with the provisions of this Act, or any provision whatever in any matter provided for by this Act, other than such as is hereby made in such matter, shall be, and the same is hereby repealed, and shall cease to be in force upon, from and after the day when this Act shall come into operation: Provided always, nevertheless, Firstly, that nothing in this Act contained shall render void or otherwise affect in any way, any thing heretofore done under the authority of the said Acts or either of them, but the same, unless it shall have been made the subject of proceedings at law actually instituted before the passing of this Act, or shall be made the subject of such proceedings within six calendar months next after the passing of this Act, shall be and the same is hereby ratified and confirmed, any thing herein contained to the contrary notwithstanding: And provided also, Secondly, that notwithstanding the repeal of the parts and provisions of the said Acts hereby repealed, all acts which might have been done, and all proceedings which might have been taken or prosecuted, relating to any offences or neglects which may have been committed, or to any matters which shall have happened, or to any moneys which shall have become due, or to any fines or penalties which shall have been incurred before the day on which this Act shall have come into operation, shall and may still be done or prosecuted, and the offences and omissions may be dealt with and punished, and the moneys may be recovered and dealt with, and the fines and penalties may be imposed and applied as if the said parts and provisions of the said Acts hereby repealed continued in force.

XXXVII. And be it enacted, That in pleading, citing or otherwise referring to the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, chaptered amongst the Public General Statutes of the Session in which the same was passed, as chapter eighty, and intituled, *An Act to repeal the Acts in force in Upper Canada, relative to the establishment of local and Municipal Authorities, and other matters of a like nature*, it shall in all cases whatsoever be sufficient to use the expression, "The Upper Canada original Municipal Authorities Repeal Act of 1849," or words of equivalent import; that in pleading, citing or otherwise referring to the Act passed in the same year, chaptered eighty-one, and intituled, *An Act to provide by one General Law for the erection of Municipal Corporations, and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages, in Upper Canada*, it shall in all cases whatsoever be sufficient to use the expression, "The Upper Canada Municipal Corporations Act of 1849," or words of equivalent import; that in pleading, citing or otherwise referring to the Act passed in the Session of the said Parliament, in the thirteenth and fourteenth years of Her Majesty's

Majesty's Reign, chaptered amongst the Public General Statutes of the said Session, as chapter sixty-four, and intituled, *An Act for correcting certain errors and omissions in the Act of Parliament of this Province, passed in the last Session thereof, intituled, 'An Act to provide by one General Law for the erection of Municipal Corporations, and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages, in Upper Canada,' for amending certain of the provisions of the said Act, and making some further provisions for the better accomplishment of the object thereof*, it shall in all cases whatsoever be sufficient to use the expression, "The Upper Canada Municipal Corporations Law Amendment Act of 1850," or words of equivalent import: And that in pleading, citing or otherwise referring to this present Act, it shall in all cases whatsoever be sufficient to use the expression, "The Upper Canada Municipal Corporations Law Amendment Act of 1851," or words of equivalent import; and that in pleading, citing or otherwise referring to the said Acts, or to the said Acts or any other Acts that may be hereafter passed, touching or concerning, or in any wise relating to such Municipal Corporations generally, it shall in all cases whatsoever be sufficient to use the expression, "The Upper Canada Municipal Corporations Acts," or words of equivalent import, which shall in all such cases be understood to include and refer to such and so much of the said Acts as shall be in force at the time referred to, touching or concerning or in any wise relating to such Municipal Corporations: Provided always, nevertheless, that in all Legislative Enactments wholly confined in their operations to that part of this Province called Upper Canada, the use of the words, "Upper Canada," or words of equivalent import, in any of the expressions above mentioned, shall not be deemed necessary for the purpose aforesaid, but in every such case, the expression shall have the like effect as if such words were contained therein.

Proviso as to the words "Upper Canada."

SCHEDULE A.

Referred to in the Thirty-sixth Section of this Act.

Number.	Words, Phrases and Sentences of 12 Vic. chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13 & 14 Vic. chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vic. chap. 81, and of the 13th & 14th Vic. chap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
1	"That no such first mentioned by-law—"	12 Vic. cap. 81, 13 & 14 Vict. cap. 64, sec. 8. Schedule A, No. 1.	"That no such by-law."
2	"For that purpose."	12 Vic. cap. 81, sec. 8, 13 & 14 Vict. cap. 64, Schedule A, No. 1.	"For that purpose to abolish the said Division into Wards or"
3	"Two-thirds"	12 Vic. cap. 81, Sec. 13.	"Four fifths"
4	"It shall be the duty of the Collector (to the end of the section).	12 Vic. cap. 81, sec. 22. At the beginning of the section.	"It shall be the duty of the Returning Officer for every such Township or rural ward to procure a correct copy of the Collector's roll for such Township or ward for the year next before that in which the election shall be holden, so far as such roll contains the names of all male freeholders and householders rated upon such roll, in respect of rateable real property lying in such Township or ward, with the amount of the assessed value of the real property for which they shall be respectively rated on such roll, which copy shall be verified by the affidavit or affirmation of such Collector, or of such other person as may have the legal custody of the original roll for the time being, and also by that of such Returning Officer, to be appended to or endorsed upon such copy, and which affidavits or affirmations shall be taken respectively before any Justice of the Peace for the County, or other officer having authority to administer an oath or affirmation for any purpose under this Act, and which affidavits or affirmations shall be to the effect, that such copy is a true copy of such roll, as far as the same relates to such Township or ward, and all male freeholders or householders rated upon such roll in respect of rateable real property lying in such Township or ward, with the amount of the assessed value of the real property for which they are so rated respectively; and no person shall be qualified to be elected a Township Councillor, at any such election, who shall not be a freeholder or householder of such Township or ward, seized or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof which shall be rated on such Collector's Roll in the case of a freeholder, to the amount of one hundred pounds or upwards, and in the case of a householder to the amount of two hundred pounds or upwards, and the persons entitled to vote at such election shall be the freeholders and householders of such Township or ward, whose names shall be entered on the said roll as rated for rateable real property, held in their own right or that of their wives respectively, as proprietors or tenants thereof, and who at the time of such election shall be resident in such Township or ward. Provided always nevertheless, firstly,—That the occupant of a house, built of logs, whether hewn or unhewn, shall be considered a householder within the meaning of this Act, in case he shall be rated

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12 Vic., chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13 & 14 Vic. chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vic. chap. 81, and of the 13th & 14th Vic., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			therefor as a householder upon such Collector's roll as aforesaid. Provided also, secondly,—That the occupant of any separate portion of a house, having a distinct communication with a public road or street by an outer door, shall also be considered a householder within the meaning of this Act, in case he shall in like manner be rated therefor, as a householder, upon such Collector's roll as aforesaid. Provided also, thirdly,—That whenever both the owner and occupant of any such real property shall be so rated in respect of such rateable real property, the owner and the occupant shall both be deemed rated within the meaning of this section: And provided also, fourthly,—That where any such real property shall be owned or occupied jointly by more than one person, and the amount at which the same shall be so rated, shall be sufficient, if equally divided between them, to give a qualification to each, then and in every such case, every male whose name shall appear on such roll, as one of the joint owners or occupants of such real property, shall be deemed a person rated within the meaning of this section; but if the amount at which such real property shall be so rated shall not be sufficient, if so divided, to give a qualification to each of such joint owners or occupants, then, none of such owners or occupants shall be deemed a person rated within the meaning of this section."
5	"Communication within such Township."	12 Vic. c. 81, sec. 31; sub-section 10, between the words "or other" and the words "and for"	"Communication within such Township, or between such Township and any adjoining Township, City, Town or incorporated Village, and for entering into, performing and executing any arrangement or agreement with the Municipal Corporations of any such adjoining Township, City, Town or incorporated Village, for the execution of any such work at the joint expense, and for the joint benefit of the Municipal Corporations of such Township, City, Town or Village, and the people they represent respectively."
6	"in money therefor."	12 Vic. c. 81, sec. 31; sub-section 28.	"in money therefor. Provided always nevertheless, that the power by this and the next preceding sub-section conferred, shall not extend, or be construed to extend, to the statute labour or the commutation money, payable instead thereof, of any person residing upon or whose lands are bounded by any Township line or road between two or more Townships in the same County, or between such County and any adjoining Counties or County, or between one or more Townships, and any City, Town or incorporated Village lying on the bounds or within the boundaries of such County."
7	"not exceeding twenty days"	12 Vic. c. 81, sec. 31; sub-sec. 29, 13 & 14 Vic. c. 64, schedule A, No. 6.	"not exceeding twenty days, and either with or without hard labor, in case of non-payment of any such fine, and there being no distress found out of which the same may be levied for the breach."

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12th Vic., chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act or as they stand amended by the 13th & 14th Vic., c. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vic., c. 81, and of the 13th & 14th Vic., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
8	"meetings of such Municipal Council."	12 Vic. c. 81, sec. 35. At the end of the section.	"meetings of such Municipal Council; Provided always, nevertheless, that in case of an equality of votes on any such election of County Warden, the member of such Municipal Council present at such election, who shall be the Reeve (or in his absence the Deputy Reeve, if there be one, and he be present) for the Township, Town or Village which shall have had the greatest number of freeholders and householders upon the Collector's Roll thereof for the next preceding year, shall have a second or casting vote in such election; and in the event of there being more than one of such Townships, Towns or Villages having a greater number of freeholders or householders on their respective Collector's Rolls than the rest, but as amongst themselves an equal number of such freeholders and householders, it shall be decided by lot between the Reeves or Deputy Reeves of such Townships, Towns and Villages having such equality, which of them shall have the second or casting vote on such election, and such Reeve or Deputy Reeve shall have such second or casting vote accordingly."
9	"and for establishing the rates"	12 Vic. c. 81, sec. 81. Sub-sec. 4, and 13 & 14 Vic. c. 64, Schedule A, No. 14.	"And for establishing as well the amount to be paid into the Corporation Treasury for such license, as the rates."
10	"or maintained at the public expense of such County"	12 Vic. c. 81, sec. 41; Sub-section 11, between the words "improved, preserved," and the words "and for entering into"	"or maintained at the public expense of such County; and for empowering the landholders residing upon, or where lands are bounded by any such highway, road, street, sidewalk, crossing, alley, lane, bridge or other communication, to compound for the statute labour by them respectively performable for any term not exceeding Five years, at any rate not exceeding Two Shillings and Six Pence for each day's labor, and at any time before the labor compounded for ought to be performed, and by any such regulations to direct to what officer of such County such composition money shall be paid, and how such money shall be applied and accounted for, and to regulate the manner and the divisions in which such statute labor shall be performed."
11	"it shall be the duty of the Returning officer" (to the end of the section).	12 Vic. c. 81, sec. 57. At the beginning of the section.	"it shall be the duty of the Returning Officer for every such incorporated Village to procure a correct copy of the Collector's Roll for such Village, for the year next before that in which the Election shall be holden, so far as such Roll contains the names of all male freeholders and householders rated upon such Roll, in respect of rateable real property lying in such Village, with the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified in like manner as the copies of Collectors' Rolls for Township Elections, as hereinbefore provided; and no person shall be qualified to be elected a Village Councillor at any such Election who shall not be a freeholder or householder of such Village, seized or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof, which shall be rated on such Collector's Roll in the case of a freeholder, to the amount of Ten Pounds per annum or upwards, and in the case of a

SCHEDULE A.—Continued.

<p>Number.</p>	<p>Words, Phrases and Sentences of 12th Vic., chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th & 14th Vic. chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.</p>	<p>Sections, Sub-sections and Provisoes of the 12th Vic. c. 81, and of the 13th & 14th Vic. cap. 64, and the parts thereof respectively, in which the repealed Words, Phrases and Sentences are contained.</p> <p>WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.</p>
		<p>householder to the amount of Twenty Pounds per annum or upwards; and who shall not be seized or possessed to his own use or that of his wife of the real property for which he shall be so assessed, either in fee or freehold, or for a term of one year or upwards, situate within such Village. And the persons entitled to vote at such Election shall be the freeholders and householders of such Village, whose names shall be entered on the said Roll as rated for rateable real property held in their own names, or that of their wives respectively, as proprietors or tenants thereof, to the amount of Three Pounds per annum or upwards, and who, at the time of such Election, shall be resident in such Village; Provided always, nevertheless, Firstly, That it shall not be necessary that the property qualification of such Village Councillors or voters shall consist wholly of freehold or wholly of leasehold property, provided the aggregate amount at which both shall be assessed shall be sufficient, as above required. And provided also, Secondly, That the occupant of a house built of logs, whether hewed or unhewed, shall be considered a householder, within the meaning of this Act, in case he shall be rated therefor as a householder, upon such Collector's Roll, as aforesaid: Provided also, Thirdly, That the occupant of any separate portion of a house, having a distinct communication with a public road or street, by an outer door, shall also be considered a householder within the meaning of this Act, in case he shall in like manner be rated therefor as a house holder upon such Collector's Roll, as aforesaid: Provided also, Fourthly, That whenever both the owner and occupant of any such real property, shall be so rated in respect of such rateable real property, the owner, and the occupant shall both be deemed rated within the meaning of this Section: And provided also, Fifthly, That where any such real property shall be owned or occupied jointly by more than one person, and the amount at which the same shall be so rated shall be sufficient, if equally divided between them, to give a qualification to each, then and in every such case, every male whose name shall appear on such Roll as one of the joint owners or occupants of such real property shall be deemed a person rated within the meaning of this Section; but if the amount at which such real property shall be so rated shall not be sufficient, if so divided, to give a qualification to each of such joint owners or occupants, then none of such owners or occupants shall be deemed a person rated within the meaning of this Section."</p>
<p>12 "it shall be the duty of any person" (to the end of the section.)</p>	<p>12 Vic. c. 81, sec. 65. At the beginning of the section.</p>	<p>" It shall be the duty of the Returning Officer for each Ward of every such Incorporated Town to procure a correct copy of the Collector's Roll for such ward for the year next before that in which the Election shall be holden, so far as such Roll contains the names of all male freeholders and householders rated upon such Roll in respect of real property lying in such ward, with the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified in like manner as the copies of Collectors' Rolls for Township Elections as hereinbefore provided; and no person shall be qualified to be elected a Town Councillor at any such Election who shall not be a freeholder or householder of such Town seized</p>

SCHEDULE A.—Continued.

<p>Number.</p> <p>Words, Phrases and Sentences of 12th Vict. chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act or as they stand amended by the 13th & 14th Vic. chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.</p>	<p>Sections, Sub-sections and Provisoes of the 12th Vic. cap. 81, and of the 13th & 14th Vic., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.</p>	<p>WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.</p>
		<p>or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof which shall be rated on such Collectors' Roll or on the Collector's Roll or Collectors Rolls for some one or more of the other Wards of such Town for such next preceding year in the case of a freeholder, to the amount of Twenty Pounds perannum or upwards, and in the case of a householder to the amount of Forty Pounds per annum or upwards, and who shall not be seized or possessed to his own use or that of his wife of the real property for which he shall be so rated, either in fee or freehold, or for a term of one year or upwards, situate within such Town; and the persons entitled to vote at such Election shall be the freeholders and householders of the ward for which such Election shall be held, whose names shall be entered on the Collector's Roll thereof for such next preceding year as rated for rateable real property held in their own names or that of their wives respectively, as proprietors, or tenants thereof, to the amount of Five Pounds per annum or upwards, and who at the time of such Election shall be resident in such ward: Provided always, nevertheless, Firstly, that it shall not be necessary that the property qualifications of such Town Councillors or voters shall consist wholly of freehold or wholly of leasehold property, provided the aggregate amount at which both shall be assessed shall be sufficient as above required; and provided also, Secondly, that the occupant of a house built of logs, whether hewed or unhewed, shall be considered a householder within the meaning of this Act, in case he shall be rated therefor as a householder upon such Collector's Roll as aforesaid: Provided also, Thirdly, that the occupant of any separate portion of a house having a distinct communication with a public road or street by an outer door, shall also be considered a householder, within the meaning of this Act, in case he shall in like manner be rated therefor as a householder upon such Collector's Roll as aforesaid: Provided also, Fourthly, that whenever both the owner and occupant of any such real property shall be so rated in respect of such rateable real property, the owner and the occupant shall both be deemed rated within the meaning of this section; and provided also, Fifthly, that where any such real property shall be owned or occupied jointly by more than one person, and the amount at which the same shall be so rated shall be sufficient, if equally divided between them, to give a qualification to each, then and in every such case every male whose name shall appear on such roll as one of the joint owners or occupants of such real property shall be deemed a person rated within the meaning of this section; but if the amount at which such real property shall be so rated shall not be sufficient if so divided to give a qualification to each of such joint owners or occupants, then none of such owners or occupants shall be deemed a person rated within the meaning of this section."</p>
<p>13 "committed within the same"</p>	<p>12 Vic. c. 81, sec. 75; and 13 & 14 Vic. c. 64, Schedule A, No. 13. At the end of the sec. as amended.</p>	<p>"committed within the same, except only so far as respects offences against the By-laws of such Town, and penalties for refusal to accept or be sworn into office in such Town, as to which latter offences and penalties, jurisdiction shall belong to the Police Magistrate or Mayor of such Town, as the case may be, and to the Justices of the Peace for such Town, and</p>

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12 Vic. chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th & 14th Vic. chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vic. cap. 81, and of the 13th & 14th Vic., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
14	"For every ward" (to the end of the section).	12 Vic. c. 81, sec. 83. At the beginning of the section.	<p>not to those of the County within which such Town shall be situate as aforesaid."</p> <hr/> <p>"For each ward of every such City there shall be two Aldermen and two Councillors, to be elected as hereinbefore provided with respect to Town Councillors, which Aldermen and Councillors shall together constitute the Common Council of such City, and which City and the Mayor and Common Council thereof shall have and exercise all and singular the same rights, powers, privileges and jurisdiction in, over and with respect to such City and the liberties thereof, as are hereinbefore given, granted or conferred upon, or as shall, by virtue of this Act or otherwise, belong to incorporated Towns, in Upper Canada, the Mayor, Councillors and Common Councils thereof, and all the rules, regulations, provisions and enactments contained in this Act, as applied to such incorporated Towns, the Mayors and the Councillors thereof, and their election, and those by whom such election is to be made, and to the Town Council thereof, either by way of reference to those provided for incorporated Villages, or otherwise, shall apply to each of the said Cities and the Mayor, Aldermen and Councillors thereof and their election, and to the Common Council thereof; Provided always nevertheless, Firstly,—That the Mayor of every such City shall be elected by the Aldermen and Councillors of such City from among the Aldermen thereof; And provided also, Secondly,—That no person shall be qualified to be elected an Alderman for any ward of such City, who shall not be a freeholder or householder of such City seized or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof, which shall be rated on the Collector's Roll of the ward for which he shall be elected, or on the Collector's Roll or Collectors' Rolls for some one or more of the other wards of such City for the year next preceding his election, in the case of a freeholder to the amount of forty pounds per annum or upwards, and in the case of a householder to the amount of eighty pounds per annum or upwards, and who shall not be seized or possessed to his own use or that of his wife of such real property either in fee or freehold, or for a term of one year or upwards, situate within such City or the liberties thereof. And provided also, Thirdly,—That no person shall be qualified to be elected a Councillor for any ward of such City, who shall not be a freeholder or householder of such City seized or possessed of real property held in his own right or that of his wife as proprietor or tenant thereof which shall be rated on the Collector's Roll of the ward for which he shall be elected, or on the Collector's Roll or Collector's Rolls for some one or more of the other wards of such City, for the year next preceding his election, in the case of a freeholder to the amount of twenty pounds per annum or upwards, and in the case of a householder to the amount of forty pounds per annum or upwards, and who shall not be seized or possessed to his own use or that of his wife of such real property either in fee or freehold, or for a term of one year or upwards, situate within such City or the liberties thereof. And provided also, Fourthly,—That the persons entitled to vote at the elections of such Aldermen and Councillors, shall be the freeholders and householders of the ward for which such election shall be</p>

SCHEDULE A.—Continued.

Number	Words, Phrases and Sentences of 12th Vic. chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th & 14th Vic. chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vic. cap. 81, and of the 13th & 14th Vic. chap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			held, whose names shall be entered on the Collector's Roll thereof for such next preceding year, as rated for rateable real property, held in their own names or that of their wives respectively, or proprietors or tenants thereof, to the amount of Eight Pounds per annum or upwards, and who at the time of such election shall be resident in such ward or the liberties attached to the same."
15	" <i>teste</i> of such Proclamation."	12 Vic. c. 81, s. 84. At the end of the section.	" <i>teste</i> of such Proclamation. Provided always, nevertheless, that when and so often as it shall be deemed desirable for the greater convenience of the citizens of any of the Cities incorporated or to be incorporated as aforesaid, that the area forming such City and the liberties thereof, (either with any portion of the Township or Townships adjacent, which from the proximity of streets or buildings therein or the probable future exigencies of such City, it may appear desirable should be attached to such City or the liberties thereof, or without such portion of such Township or Townships) or any part thereof, should be re-divided into wards, and the expediency of such re-division shall have been affirmed by a majority of the Common Council of such City, consisting of at least of two-thirds of the members thereof, in the month of February, in two successive years, it shall and may be lawful for the Governor of this Province, by an order in Council, to issue a Proclamation under the Great Seal thereof, re-dividing such City or such part of such City into wards, with liberties attached to such wards respectively, as to him shall seem expedient. And on, from after the first day of January next after the end of three calendar months from the <i>teste</i> of such Proclamation, such re-division shall take effect to all intents and purposes, as if such had been the original division of such City into wards, or of the part thereof so re-divided in and by Act of Parliament or Proclamation in the first instance. And provided also, Secondly,—That in every such re-division, it shall and may be lawful, in and by such Proclamation, to include within the boundaries of such City or the liberties thereof, any portion of the Township or Townships adjacent, which from the proximity of streets or buildings therein, or the probable future exigencies of such City, it may appear desirable, in the opinion of the Governor in Council, should be attached to such City or the liberties thereof."
16	" in future, the Collector's rolls" (to the end of the section).	12 Vic. c. 81, sec. 120. At the beginning of the section.	" in future it shall be the duty of all Assessors to state in their Assessment Rolls whether the persons therein named are freeholders or householders, or both, by having a separate column for this purpose, and using the initial letters F. and H. to signify the same respectively; and that in future every person whose duty it shall be to prepare the Collector's Roll for any Township, Village or Ward in Upper Canada, shall be and he is hereby required to state upon such roll, in proper columns appropriated to such purpose, whether the persons whose names shall appear thereon are freeholders or householders, and to designate in like manner the amount for which such person is rated in respect of real property, and the amount for which such person is so rated for personal property, as the same shall appear upon the assessment roll from

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12th Vict., chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th & 14th Vict., chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vict., c. 81, and of the 13th & 14th Vict., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			which such Collector's Roll shall be prepared, as well as the amount to be collected from such persons respectively: Provided always, nevertheless, Firstly,—That the occupant of a house built of logs, whether hewed or unhewed, shall be considered a householder within the meaning of this Section; and provided also, secondly, that the occupant of any separate portion of a house having a direct communication with a Public Road or Street by an outer door, shall also be considered a householder within the meaning of the same."
17	" before he shall enter into the duties of his office, take "	12 Vic. c. 81, sec. 129.	" before he shall take the oath of Office, or enter into the duties of such Office, take"
18	" Capacity of Councillor."	12 Vic. c. 81, sec. 132.	" Capacity of Town Reeve or Deputy Town Reeve."
19	" a detailed statement of the receipts and expenditures and liabilities of such Corporation in two newspapers published within the jurisdiction thereof, or in those nearest thereto."	12 Vic. c. 81, sec. 144. Between the words " to publish " and the words " and to file "	" an abstract of the receipts and expenditures and liabilities of such Corporation in some public newspaper published within the jurisdiction of such Corporation, or in any other manner that such Corporation may by By-law direct."
20	" if the person "	12 Vic. c. 81, sec. 154, between the word " that " at the beginning of the section, and the words " whose duty "	" when no other statutory provision exists for the appointment of a Returning Officer to hold any Municipal Election required to be held by Law, it shall and may be lawful for the Governor of this Province to appoint a Returning Officer to hold such Election, and if the person so appointed or any person "
21	" certified under his hand and the seal of the Municipal Corporation of which he is the officer, and either of Her Majesty's Superior Courts of Common Law at Toronto may be moved " (to the end of the section, as amended.)	12 Vic. c. 81, sec. 155, and 13th and 14 Vic. c. 64, Schedule A, No. 26, after the words " furnish a copy of such By-law."	" certified under his hand and the seal of the Municipal Corporation of which he is the officer; and either of Her Majesty's Superior Courts of Common Law at Toronto may be moved, upon production of such copy and upon affidavit that the same is the copy received from such Township, Town, Village, County or City Clerk, to quash such By-law or any part thereof; and if it shall appear to such Court that such By-law is in the whole or in part illegal, it shall and may be lawful, upon proof of service of a rule upon such Corporation, to show cause within not less than eight days after such service, why such By-law should not be quashed in the whole or in part, to order such By-law to be quashed in the whole or in part as to such Court shall appear agreeable to Law; and if it shall appear to such Court that such By-law is legal in the whole or in the part complained of, to award costs in favour of such Corporation, or otherwise against such Corporation; and that no action shall be sustained for or by reason of any thing required to be done under any such By-law, unless such By-law

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12th Vict., chap. 81 (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th & 14th Vict., chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vict., c. 81, and of the 13th and 14th Vict., cap 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			<p>or the part thereof under which the same shall be done shall be quashed in manner aforesaid one calendar month at least previous to the bringing such action; and if such Corporation, or any person sued for acting under such By-law shall cause amends to be tendered to the Plaintiff or his attorney, and upon such tender being pleaded, no more than the amends tendered shall be recovered, it shall and may be lawful for such Court to award no costs in favour of the Plaintiff, and to award costs in favour of the Defendant, and to adjudge that the same shall be deducted out of the amount of the verdict, and that any amount by which such costs may exceed such verdict shall be recovered against the said Plaintiff by execution or otherwise, according to the course of such Court; Provided always, nevertheless, firstly, that no such application to quash any such By-law which shall have been specially promulgated as hereinafter mentioned, and whereby any rate shall be imposed by any such Municipal Corporation, shall be entertained by any such Court, unless such application shall have been made within six calendar months next after such special promulgation of such By-law; and provided also, secondly,—that every special promulgation of a By-law within the meaning of the Municipal Corporations Acts, shall consist in the publication through the Public Press of a true copy of such By-law, and the signature attesting its authenticity, with a notice appended thereto of the time limited by Law for applications to the Courts to quash the same or any part thereof; or in the case of By-laws by which any Rate shall be imposed for any purpose whatsoever, then either by such publication of a copy of such By-law, with such notice as aforesaid, or in lieu thereof by such publication of a notice setting forth the amount of such rate, and giving the substance only of the other parts of such By-law, with a similar notice of the time so limited for such applications to quash as aforesaid, which publication shall for the purpose aforesaid be in each public newspaper published weekly or oftener within the territorial jurisdiction of such Municipal Corporation; or if there be no such public newspaper within such jurisdiction, then in at least two public newspapers published weekly or oftener nearest to such jurisdiction, every which publication shall for the purpose aforesaid be continued in at least three consecutive numbers of such paper: Provided also, thirdly,—that the notice to be appended to every such copy for the purpose aforesaid shall and may be to the effect following, that is to say:</p> <p>“ NOTICE.—The above is a true copy of a By-law passed by the Municipality of the Township of A, in the County of B, one of the United Counties of B, C and D, (or as the case may be,) on the _____ day of _____, 185____, and (where the approval of the Governor in Council is by law required to give effect to such By-law) approved by His Excellency the Governor General in Council, on the _____ day of _____, 185____, and all persons are hereby required to take notice, that any one desirous of applying to have such By-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty’s Superior Courts of Common Law at Toronto, within six Calendar Months at the farthest after the special promulgation thereof by the publication of this notice in three consecutive numbers of the</p>

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12th Vict. cap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th & 14th Vict., cap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vict., c. 81, and of the 13th & 14th Vict., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			<p>following newspapers, viz :—(here name the newspapers in which the publication is to be made) or he will be too late to be heard in that behalf.</p> <p style="text-align: center;">G. H. Township Clerk.”</p> <p>And that the notice setting forth the amount of such rate, and giving the substance only of the other parts of such By-law, for the purpose aforesaid, shall and may be to the effect following, that is to say :</p> <p>Township A, in the County of B, one of the United Counties of B, C and D, in Upper Canada ; to wit :</p> <p>Notice is hereby given, that a By-law intituled (set out the title,) and numbered (give the number by which the By-law is designated,) was on the day of , 185 , passed by the Municipal Corporation of the Township of A, in the County of B, one of the United Counties of B, C and D, in Upper Canada, for the purpose of [here set out in substance the object of the By-law, as “ for the purpose of raising the necessary funds to meet the general public expenses of the Township of for the year 185 ,” or “ for the purpose of raising and contracting for a loan of Pounds, for making and macadamizing a Road from to ” or otherwise, as the case may be, (and where the approval of the Governor in Council is by law required to give effect to such By-law,) approved by His Excellency the Governor General in Council, on the day of 185 ;] and all persons are hereby required to take notice, that any one desirous of applying to have such By-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty’s Superior Courts of Common Law at Toronto, within six Calendar Months, at the farthest, after the special promulgation thereof, by the publication of this notice in three consecutive numbers of the following newspapers, viz : (here name the newspapers in which the publication is to be made) or he will be too late to be heard in that behalf.</p> <p style="text-align: center;">G. H. Township Clerk.</p> <p>And provided also, Fourthly, That unless application to quash any such by-law, which shall be so specially promulgated as aforesaid, shall be made within the time so hereby limited for that purpose ; such by-law, or so much thereof as shall not be the subject of any such application, and which shall not be quashed upon such application, so far as the same shall ordain, prescribe or direct any thing within the proper competence of such Municipal Corporation to ordain, prescribe, or direct, shall, notwithstanding any want of substance or form, either in such By-law itself, or in the time or manner of passing the same, be to all intents and purposes whatsoever deemed to be and to have been a valid By-law for the purposes intended.”</p>
22	“ Warden, Mayor or Town-reeve by reason ”	12 Vic. c. 81, sec. 166.	“ Warden, Mayor, Townreeve or deputy Townreeve by reason.”

SCHEDULE A. *Continued.*

Number.	Words, Phrases and Sentences of 12th Vict. chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th and 14th Vict. chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub sections and Provisoes of the 12th Vict, c. 81, and of the 13th and 14th Vict. cap 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
23	" Warden, Mayor or Townreeve as often "	12 Vic. c. 81, sec. 166.	" Warden, Mayor, Townreeve or Deputy Townreeve as often."
24	" it shall be the duty of such Municipal Corporations respectively" (to the end of the section).	12 Vic. c. 81, sec. 177. At the beginning of the section.	" subject to the provisions hereinafter contained, it shall be the duty of such Municipal Corporations, respectively, to cause to be assessed and levied upon the whole rateable property in their several Counties, Cities, Towns, Townships and Villages respectively, a sufficient sum of money in each year to pay all debts incurred or which shall be incurred, with the interest thereof, which shall fall due or become payable within such year, and no By-law hereafter to be passed for creating any such debt, or for contracting any loan, shall be valid or effectual to bind any such Municipal Corporation, unless such By-law shall contain a clause appointing some day within the financial year in which such By-law shall be passed, for the same to take effect and come into operation; nor unless the whole of such debt or loan shall by such By-law, and by the bills, bonds, debentures, or other obligations thereby authorized to be issued for the same, be thereby made payable within twenty years at the farthest (exclusive of the first and last days of such period) from the time that such By-law shall be so appointed to take effect and come into operation; nor unless a special rate per annum over and above and in addition to all other rates whatsoever shall be settled in such By-law to be levied in each year for the payment of such debt or the loan to be contracted, with the interest thereof, nor unless such special rate according to the amount of rateable property in such County, City, Town, Township or Village, as the case may be, as such amount shall have been ascertained by the assessment returns for such County, City, Town, Township or Village, for the financial year next preceding that in which such By-law shall have been passed, shall be sufficient to satisfy and discharge such debt or loan, with the interest thereof, within twenty years at the farthest from the time that such By-law shall be so appointed to take effect and come into operation, and on the days and times and in the manner stipulated by such By-law, and by the bills, bonds, debentures, or other obligations directed to be issued for the amount of such debt or loan, under the authority thereof; and it shall not be competent to any such Municipal Corporation to repeal such By-law, or to discontinue such rate until the debt so created or the loan so contracted, and the interest thereof, shall be fully paid, satisfied and discharged; nor to apply the proceeds, of any such special rate, or any part of such proceeds, to any other purpose than the payment, satisfaction, and discharge of such debt or loan, and the interest thereof, until such debt or loan, with the interest thereof, shall have been fully paid, satisfied and discharged: Provided always, nevertheless, that in the event of there being any part of such special rate on hand, and which cannot be immediately applied towards the payment, satisfaction or discharge of such debt or loan, or the interest thereof, by reason of no part thereof being then due and payable, it shall be the duty of such Municipal Corporation, and they are hereby required to invest such money in the Government securities of this Province, or in such other securities as the Governor of this Province in Council shall think fit to permit, direct or appoint, and to apply all interest or dividends to arise, or be

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12 Vict., chap. 81, (The Upper Canada Municipal Corporations Act of 1849) as they originally stood in that Act, or as they stand amended by the 13th & 14th Vict., chap. 64, (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vict., c. 81, and of the 13th & 14th Vict., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
			received upon the same, to the like purpose as the amount so levied by such special rate, and no other."
25	" On the alteration of any Road under the authority of this Act where the road thus altered "	12 Vic. c. 81, sec. 188. At the beginning of the section.	" On the stopping up or altering of any road under the authority of this Act, where the road thus stopped up or altered."
26	" ten years "	12 Vic. c. 81, sec. 191, the third Proviso.	" Twenty-one years."
27	" And the two Arbitrators shall "	12 Vic. c. 81, sec. 195.	" or if within three Calendar Months after service of a copy of such By-law certified to be a true copy under the hand of the Clerk of such Corporation on the person or persons owning such property, such person or persons shall omit to name an arbitrator and give notice thereof as aforesaid, it shall and may be lawful for the head of such Corporation to name an arbitrator on behalf of such Corporation, and to give notice thereof to the person or persons owning the said property, and such person or persons shall within three days after such notice name an arbitrator on his or their behalf, and upon such two arbitrators being so named as aforesaid, they shall."
28	" that if the head of the Corporation shall neglect to appoint an Arbitrator for the Corporation within such time as aforesaid, "	12 Vic. c. 81, sec. 195, in second Proviso.	" that if the head of such Corporation, or the person or persons owning such property, shall neglect to appoint an arbitrator within such time as is so prescribed for that purpose as aforesaid."
29	" who, according to the Collector's roll " (to the end of the section.)	13 & 14 Vic c. 64, sec. 15. Between the words " such Municipal Corporation, " and the words " or Rolls "	" present at such election, who, according to the Collector's Roll or Rolls of such Township, Village, Town or City, for the year next preceding that for which such election shall be held, shall be assessed for the highest amount, shall have a second or casting vote in such election, and in the event of there being two or more such members assessed for the same amount, but that greater than that of any of the other members present at such election, it shall be decided by lot, between such equally assessed members, which of them shall have the second or casting vote on such election, and such member shall have such second or casting vote on such election accordingly."
30	"secondly that in all cases "	13 & 14 Vic., c. 64, sec. 16. Between the words " provided also " and the words " of an equal division."	"secondly,—That in all cases of an equal division of votes in the election or appointment of a Provisional Warden, a second or casting vote shall belong to such member of such Provisional Municipal Council as would be entitled to the same were it an election for a Warden. And provided also, thirdly, That in all other cases"

SCHEDULE A.—Continued.

Number.	Words, Phrases and Sentences of 12 Vict., chap. 81, (The Upper Canada Municipal Corporations Act of 1849), as they originally stood in that Act, or as they stand amended by the 13th & 14th Vict., chap. 64. (The Upper Canada Municipal Corporations Law Amendment Act of 1850) and of this latter Act, which are repealed by this Act.	Sections, Sub-sections and Provisoes of the 12th Vict., c. 81, and of the 13th and 14th Vict., cap. 64, and the parts thereof respectively in which the repealed Words, Phrases and Sentences are contained.	WORDS, PHRASES AND SENTENCES SUBSTITUTED FOR THOSE BY THIS ACT REPEALED.
31	"Or other places dangerous to travellers"	12 Vic., chap. 81, sec. 31. Sub-sec. 15.	"Or other places dangerous to travellers for regulating or preventing the Fishing with nets or seines, or the erection of wires for eels or other fish in any stream, river, or water course within such Township, or such part of any stream, river, or water course, as may be within such Township."

CAP. CX.

An Act to explain and amend the Assessment Law of Upper Canada.

[30th August, 1851.]

Preamble.

13 & 14 V. c. 27.

Intent of the said Act declared as to—

Machinery.

Average Stock of Goods.

In what place any party shall be assessed for Stock of Goods;

Or for income.

Vacant Lots in Towns, &c.

WHEREAS it is expedient to explain and amend, in the manner hereinafter mentioned, the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to establish a more equal and just system of Assessment in the several Townships, Villages, Towns and Cities in Upper Canada*, hereinafter called *The Upper Canada Assessment Act of 1850*: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it was and is the intention of the said *Upper Canada Assessment Act of 1850*—

That all machinery so fixed in any building or real property as to form in law part of the realty, shall be valued and assessed as part of such building or property :

That in the average stock of goods on hand of every merchant, trader or dealer, manufacturer, tradesman or mechanic, all materials intended to be used by him in the manufacture of any goods, in whatever state such materials may be, as well as the manufactured goods themselves, whether in a complete or incomplete state, shall be included :

That every person, partnership, company, or body corporate, should be assessed for his, her, or their average stock of goods as aforesaid, in the place where such stock of goods is kept, or, if it be kept partly in one place and partly in another, then in each such place for the average stock there, although such person, or any member of such partnership, company, or body corporate, should reside elsewhere; but no person assessed for such stock, or any part thereof, for a greater amount than his income, shall be liable to be taxed upon his income, in the same or any other place :

That every person liable to be assessed upon his income, shall be so assessed in the Municipality wherein he resides, although the place at which he exercises the trade, calling, office, or profession from which such income is derived, may be within some other Municipality :

That every vacant Lot in a City, Incorporated Town or Village, shall be assessed at its actual value, and six per cent. thereon shall be deemed its yearly value; and no Lot having

having any building upon it shall be assessed at a less sum than if it were a vacant lot.

That the word "Office," in the fourth section of the said Act, does and shall include all pensions payable out of the public moneys of this Province.

Pensions.

II. And be it declared and enacted, That the terms, "Income from any trade, calling, office, or profession," in the Upper Canada Assessment Act of 1850, do not and shall not extend to or include the income of a farmer derived from his farm, or to the full or half pay of any one in any of Her Majesty's Naval or Military Services, or to any pension, salary, or other gratuity or stipend derived by any person from Her Majesty's Imperial Treasury, or elsewhere out of this Province; nor shall the other personal property of any such persons in such Naval or Military Services, on full pay, or otherwise in actual then present service, be liable to be assessed, nor shall such persons be liable to perform statute labor, or to commute for the same under the said Act.

Income from Farms not assessable.

Exemption in favour of Officers on full or half pay.

III. And be it enacted, That so much of the first proviso to the twenty-second section of the said Act as refers to the Municipal Corporations of Cities, Towns and Villages, shall be, and the same is hereby repealed.

Proviso to Sect. 22, repealed in part.

IV. And be it declared and enacted, That the said Act does not and shall not apply to the Governor or Lieutenant-Governor of this Province in any way, nor is he nor shall he be assessable under it; nor shall any other person administering the government of the Province for the time being, be assessable for his official income as such Administrator.

Governor declared exempt.

V. And be it enacted, That the Municipal Council of each County and Union of Counties, at a meeting to be held by them for that purpose annually, on the first Monday in the month of May in each year, and to be continued by adjournment from time to time till such duty be completed, shall examine the Assessment Rolls of the different Townships, Villages and Wards of Towns divided into Wards, in the County or Union of Counties, for the purpose of ascertaining whether the valuations made by the Assessors in one such Township, Village, or Urban Ward, bears a just relation to the valuations so made in all such Townships, Villages, and Urban Wards in each County or Union of Counties. And it shall be lawful for such Municipal Council to increase or decrease the aggregate valuations of real and personal estates and property, in any such Township, Village, or Urban Ward, adding or deducting such sum upon the hundred as may, in their opinion, be necessary to produce a just relation between all the valuations of real and personal estates in such County or Union of Counties; but it shall not be lawful for them, in any case, to reduce the aggregate valuation thereof, for the whole County or Union of Counties, as made by such Assessors.

County Councils to examine the Assessment Rolls, and equalize the valuations in the several Townships, &c.

VI. And be it enacted, That the Municipal Council of each County or Union of Counties, in apportioning any County rate among the different Townships, Villages, and Towns within such County or Union of Counties, as provided by the thirty-first section of the said Upper Canada Assessment Act of 1850, in order that the same may be a rate assessed equally on the whole rateable property of such County or Union of Counties liable to assessment within the provisions of the Upper Canada Municipal Corporations Act of 1849, shall make the amount of property returned on the assessment rolls of such Townships, Villages and Towns, for the financial year next before that in which such rate shall be so apportioned, the basis upon which such apportionment shall be made; and that, in making such apportionment between Townships in which rates are assessable on the capital value of property, and Villages and Towns in which such rates are assessable on the annual value of such property, the said capital value shall on every such occasion be taken and deemed to be greater than the said annual value in the proportion of one hundred to six, as nearly as may be, and without regarding fractions.

What shall be the basis in apportioning a County rate among the General Townships, &c.

Proportion between capital value and annual value.

VII. And be it declared and enacted, That it is and shall be the duty of all Assessors to complete the duty imposed upon them by the sixteenth section of the said Act within the time therein mentioned: Provided always, nevertheless, that it is, shall, and

Time within which assessors must complete certain duties. Proviso.

and may be lawful for such Assessors, when unable to complete such duty within such time, to perform the same as soon as may be thereafter.

Time for doing certain things required by Sect. 46 and 47 extended, &c.

VIII. And whereas it is expedient to extend the time allowed by the forty-sixth and forty-seventh sections of the said Act, for the doing of certain things therein mentioned: Be it therefore enacted, That any thing required to be done by the said forty-sixth and forty-seventh sections of the said Act, before the first day of January, one thousand eight hundred and fifty-one, or the first day of January, one thousand eight hundred and fifty-two, respectively, and which shall not have been done before the said days respectively, may be lawfully done at any time within one year from the time prescribed for doing the same by the said sections, which with regard to any such thing, shall be construed and have effect as if the words "one thousand eight hundred and fifty-two" were substituted for the words "one thousand eight hundred and fifty one" wherever the latter occur in the said sections, and the words "one thousand eight hundred and fifty-three," for the words "one thousand eight hundred and fifty-two" wherever the latter occur in the said sections: Provided always, that the Municipal Council of the County shall cause the lists to be made up by the County Treasurers in pursuance of the requirements of the said sections, to be submitted to the several Township Councils in the County before the County Clerk shall certify any arrears therein mentioned to the Clerk of the proper locality, to the end that such Township Councils may cause such lists to be corrected by crediting the proper party with any sum which may have been paid on account of any such arrears, and omitted by the Treasurer in such lists.

Meaning of the 22d, 34th & 35th sec.

IX. And be it enacted, That it was and is the true intent and meaning of the twenty-second, thirty-fourth, and thirty-seventh clauses of the said Act that the Collector should and might and shall and may in person, and without warrant from any Justice of the Peace or other Officer, levy and collect the taxes and commutation for Statute labor in the said Act mentioned, by distress and sale of the goods and chattels of the party; or by Warrant under his Hand and Seal, may appoint and authorize a Bailiff to levy and collect the same.

Penalty if distress be insufficient, and the sum and costs not paid.

X. And be it enacted, That in case no distress sufficient to satisfy the sum due by any party for or in lieu of statute labor, or commutation thereof, as provided in the said twenty-second section, should or shall be found, then, that it shall and may be lawful for the Head of any such Municipality, upon complaint that such party appears upon the Collector's Roll to be rated for such sum, that the same has been duly demanded, and that the party has neglected to pay the same and that no sufficient distress can be found, to issue a Warrant under his Hand and Seal, and to commit the party to the Common Gaol of the County for any time not exceeding six days, unless such sum and the costs of the Warrant hereby authorized to be issued, and the execution thereof shall be sooner paid.

Short titles by which this Act and the amended Act shall be known.

XI. And be it enacted, That in citing or referring to the Act cited in the preamble to this Act, in any statute or in any pleading, instrument or otherwise, it shall be sufficient to use the expression, "The Upper Canada Assessment Act of one thousand eight hundred and fifty"; and, in citing or referring as aforesaid to this Act, it shall be sufficient to use the expression, "The Upper Canada Assessment Law Amending Act of 1851."

C A P . C X I .

An Act to define and restore certain Rights to parties therein mentioned.

[30th August, 1851.]

Preamble.

WHEREAS it is desirable to remove doubts which have arisen in regard to certain provisions of the nineteenth section of an Act passed by the Parliament of this Province, in the Session thereof held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*; And whereas it is inexpedient to deprive

13 & 14 Vic. c. 48 cited.

deprive any of the parties concerned of rights which they have enjoyed under preceding School Acts for Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That each of the parties applying according to the provisions of the said Act shall be entitled to have a separate School in each Ward, or in two or more Wards united, as said party or parties shall judge expedient, in each City or Town in Upper Canada: Provided always, that each such School in its establishment and operations shall be subject to all the conditions and obligations, and entitled to all the advantages imposed and conferred upon separate Schools by the said nineteenth section of the said Act.

Each party applying shall be entitled to have a separate school.
Proviso.

CAP. CXII.

An Act to extend the time for making the selection of Jurors, and preparing the Jurors' Books in Upper Canada in the present year.

[30th August, 1851.]

WHEREAS it is expedient to extend the time for making the selection of Jurors and for preparing the Jurors' Books in Upper Canada in the present year: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing in the Upper Canada Jurors' Act to the contrary thereof, the Selectors of Jurors for any City, Town, Village or Township in Upper Canada; shall and may meet for the purpose of performing their duties as such Selectors for the present year, at any time before the first day of October next, and the selection of Jurors made or to be made by them, or a majority of them, on or after the first day of September and before the first day of October in this present year, shall be a good and valid selection of Jurors in Law, upon the Report of such selection being made and the other requirements of the Jurors' Acts complied with in respect to the same.

Preamble.

Selectors of Jurors to meet before the 1st October next.

Selection of Jurors made between 1st September and 1st October, 1851, to be valid.

II. And be it enacted, That if the Selectors for any such City, Town, Village or Township, shall not have made their selection of Jurors in this year, at the time prescribed by the Jurors' Act of one thousand eight hundred and fifty for that purpose, it shall be the duty of the Mayor or Townreeve of such City, Town, Village or Township respectively, to appoint a day for the meeting of the Selectors for that purpose, and to give notice thereof to the other Selectors, and the Selectors shall thereupon proceed to make such selection as on the day prescribed by the said Jurors' Acts, and in default thereof shall be liable to all the penalties by Law prescribed for such default.

Case wherein selection has not been made this year within a certain time provided for.

III. And be it enacted, That for and notwithstanding any thing in the said Jurors' Acts to the contrary thereof, the duties imposed on the Clerks of the Peace by the said Acts, shall and may for this present year be performed by them between the first and thirty-first days of October next, and all Affidavits, Certificates, and other proceedings connected therewith, shall be adapted to the same accordingly,

Duties imposed on Clerks of Peace by the Jurors Acts may be performed at a certain time this year, &c.

CAP. CXIII.

An Act to confirm Decrees and Orders and other proceedings of the Court of Chancery of Upper Canada, in certain cases.

[30th August, 1851.]

Preamble.

Act of U. C. 7 W.
IV. c. 2, recited.

WHEREAS by a certain Act of the Parliament of that part of this Province heretofore constituting the Province of Upper Canada, intituled, *An Act to establish a Court of Chancery in this Province*, it was amongst other things enacted, That the Vice-Chancellor of the said Court thereby constituted and established, should have full power and authority, from time to time, to settle and declare the form of process and to define the practice and proceedings to be observed in the said Court of Chancery in prosecuting and defending suits therein: And whereas in pursuance of the said authority, the Vice-Chancellor of the said Court made and passed the several Orders, numbered sixty-three, sixty-six, sixty-eight and seventy-five, mentioned and set forth in the Schedule marked A. hereunto annexed, and the Order also mentioned and set forth in the Schedule and numbered one hundred and seventy-eight, was afterwards made and passed by the Chancery Commissioners, and afterwards confirmed by Parliament: And whereas under or by virtue of the said Orders, divers Decrees and Orders of the said Court have been made as well for the foreclosure of divers mortgages of lands as for the sale of mortgaged premises, for the rescision of contracts, for the sale and purchase of lands, and for other purposes relating to or affecting real estate in that part of this Province heretofore constituting the Province of Upper Canada, in cases in which the Defendants in the said suits, or some or one of them, have been absent from the part of this Province aforesaid and resident without the jurisdiction of the said Court: And whereas in order to obviate all doubts which have arisen or may arise as to the titles of the Lands affected by such Decrees or Orders of the said Court, it is expedient that the same Decrees or Orders should be ratified and confirmed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all and every the Decrees and Orders of the said Court, under or in pursuance of the said Orders of the said Court of Chancery, in the said Schedule set forth, which have been respectively pronounced, enforced and perfected, shall be and the same and each and every of them is and are hereby ratified and confirmed, and shall be, and be deemed and taken to be as valid and effectual in all respects and to all intents and purposes, except as hereinafter provided, as if the Defendants in the several suits wherein such Decrees or Orders have been respectively pronounced or made, had been resident in the part of this Province aforesaid, and within the jurisdiction of the said Court of Chancery, and had respectively appeared in the said Court of Chancery in the said suits, and the proceedings in the same had been prosecuted to Judgment or Decree, and all other proceedings had been had and taken therein, according to the usual course and practice of the said Court of Chancery, in suits wherein the Defendants have appeared.

Certain decrees, &c.
made under the old
orders as to absent
Defendants, confirm-
ed.

Certain suits com-
menced but not ended
may be completed as
if no doubts existed as
to such old orders,

II. And be it enacted, That it shall and may be lawful to and for the said Court of Chancery, in all suits commenced in the said Court under the Order numbered sixty-three, in the said Schedule mentioned, and in which suits before the passing of this Act, an Order for a Defendant's appearance was made or Process was served, under or by virtue of the said last mentioned Order, as well to make all necessary Orders and Decrees for the purpose of enabling the parties to prosecute the same suits, as for enforcing, perfecting and carrying out all such Decrees and Orders of the said Court, and for confirming all such reports as have at any time or times, on or before the first day of January last, been made or pronounced under the said Order in the said Schedule mentioned, and as have not hitherto respectively been enforced or perfected or confirmed,

in

in such and the same manner as the same would have been respectively prosecuted, enforced or perfected or confirmed by any Order or Orders of the said Court of Chancery, in case no doubts had arisen or could arise touching the validity of the said Order last mentioned; and such Decrees, Orders and Reports respectively shall, when the same respectively shall be so pronounced, enforced, perfected or confirmed, be as valid and effectual in all respects and to all intents and purposes, as if the Defendants in the several suits, had been respectively resident in the part of this Province aforesaid, and within the jurisdiction of the said Court of Chancery, and had respectively appeared therein, and the proceedings in the same suits had been prosecuted, and all proceedings had and taken therein, and the Defendants had respectively been served therewith, according to the usual course and practice of the said Court in suits wherein the Defendants have appeared.

III. Provided always, and be it enacted, That nothing herein contained shall affect the right of any party in or to the said suits or any of them, to appeal against the said Decrees or Orders of the said Court enforced or to be enforced as aforesaid, in such and the same manner as such parties would have been entitled to appeal, in case such Decrees or Orders had been made or pronounced in suits wherein the Defendants had appeared, on any question touching such Decrees or Orders other than a question relating to or affecting the said Orders in the said Schedule to this Act, or relating to or affecting the necessity of serving any proceedings or proceeding subsequent to the first Process in any such suits.

Right of appeal saved,

IV. Provided always, and be it enacted, That the Defendant or Defendants, or his or their representatives, in any cause wherein such Decree or Order as aforesaid, shall have been or shall or may be made or pronounced as aforesaid, may, within two years after the passing of this Act, or the pronouncement of such Decree, if pronounced after the passing of this Act, appear in the said Court of Chancery in the cause, and petition to be heard; and the party so petitioning, upon paying or securing to be paid such costs as the said Court shall adjudge, and submitting to such terms as to the said Court shall, under the circumstances of the case, seem just and reasonable, may, in the discretion of the Court (subject to appeal,) be admitted to answer the complainant's Bill, and set up such defence as he may be advised; and the suit shall then proceed in the same manner as if such Defendant had appeared in due season, and no Decree or no Report had been made, as the case may be: Provided always, nevertheless, that such Decrees or Orders shall not be absolute except in the case provided for by the next following section of this Act, until the expiration of the time in this section before limited.

Defendant may within six months petition the Court to be heard, on such conditions as the Court shall impose.

Proviso.

V. Provided always, and be it enacted, That no sale or conveyance *bonâ fide* made under or by virtue of the said Decrees or Orders, hitherto made or pronounced upon a bill filed for the foreclosure or satisfaction of a mortgage or other charge, shall be affected or prejudiced by the appearance of the Defendant under the provisions hereinbefore contained, nor subject to such right of appeal as aforesaid, by any other proceeding; but such Defendant or his representatives may, at any time within one year after the passing of this Act, file a Bill or Petition against the complainant or his representatives, in the said Court, to account for all moneys received by them by virtue of such sale, over and above the amount which was justly due on the mortgage, and the costs of suit, together with his costs, charges and expenses subsequently incurred, with interest on the same respectively; and the said Court shall proceed upon such Bill, and make such Decree therein as, under the circumstances of the case, shall seem just and reasonable.

No sale to be affected by Defendant appearing afterwards; but Defendant or his representatives may within one year file a Bill for an account,

his Honour doth order that the same course of proceedings shall be adopted on the Common Law side of the Court, with respect to Defendants out of the jurisdiction thereof, as by the said Order is prescribed with reference to proceedings on the Equity side, *mutatis mutandis*.

68. That in all cases within the Order of the twenty-fifth of August, one thousand eight hundred and thirty-seven, relative to Defendants out of the jurisdiction, after any state of facts shall have been carried into the Master's Office, pursuant to the reference directed by the Decree, the Warrant, on leaving such state of facts, henceforth shall be discontinued, and the Plaintiff shall be at liberty immediately to apply for and obtain a Warrant to proceed on the state of facts.

178. Whereas in the case of Defendants residing without the jurisdiction of this Court, but whose place of residence is known, and who may therefore be served personally with the Process of this Court to compel such Defendants to appear to and answer the Plaintiff's Bill, it is deemed advisable to allow Plaintiffs to proceed against such absent Defendants, by personal service of such Process in cases where the same can be effected, instead of according to the present mode of proceeding against absent Defendants, it is therefore ordered, that upon motion in open Court, founded upon Affidavit or Affidavits and such other documents of evidence, if required or proper, as may be applicable for the purpose of ascertaining the residence of any Defendant or Defendants residing without the jurisdiction of the Court, and the facts material to identify such Defendant or Defendants, and his or their place or places of residence, it shall be competent for the Court to order and direct, that service of a *Subpœna* to appear and answer, upon such terms and in such manner, and at such times, as to the said Court shall seem reasonable (or in cases where the Court shall deem fit, upon the Receiver, Steward, Bailiff, Agent, or other person receiving or remitting rents of lands and premises, if any, in the suit mentioned, or otherwise acting on behalf of such Defendant or Defendants in relation to the matter or matters which are the subject of such suit, returnable at such time as the Court shall direct,) together with a copy of such Order and of the prayer of the Plaintiff's Bill, shall be deemed good service upon such Defendant or Defendants, such Order to direct also in what mode such service may be authenticated, in cases where such service may be effected without the jurisdiction of this Court; and in case such Defendant or Defendants shall, after such service, make default in appearance by the time limited by such Order and Process aforesaid, the Plaintiff shall be at liberty to enter an appearance for such Defendant or Defendants, upon filing with the Registrar an Affidavit of such service sworn as in such Order directed; and if the Defendant shall not answer the Plaintiff's Bill within the time limited by such Order, the Plaintiff shall be entitled to an Order to set down the cause for hearing, in order that the Bill may be taken *pro confesso* against such Defendant or Defendants, upon filing with the Registrar his *Præcipe* for that purpose; and thereupon a Decree may be made and enforced against such Defendant or Defendants accordingly, unless the Court on special circumstances disclosed by Affidavit, shall allow further time to such Defendant or Defendants to answer the Plaintiff's Bill: Provided nevertheless that the following notice, or such other notice as the Court may in any case direct, shall in such cases be endorsed on the said Writ of *Subpœna*, and signed by the Solicitor for the Plaintiff.

ORDINARY NOTICE to be endorsed *ad respondendum* in Absent Defendant Cases:

" You are served with this Process to the intent that you may, either in person or by
 " your Solicitor, appear in Her Majesty's Court of Chancery at Toronto, by filing your
 " appearance with the Registrar of the said Court within _____, after the
 " service hereof upon you, exclusive of the day of such service, and that you may
 " answer a Bill of Complaint filed against you by _____, a copy of the prayer
 " of which said Bill is served upon you herewith; and you will take notice, that unless
 " you enter such appearance, an appearance will be entered for you by the Plaintiff at
 " the expiration of the said _____, and unless you answer the said Bill at or
 " before the expiration of _____, after such appearance shall have been entered
 " by _____

“ by you or for you, you will be considered as confessing the truth of the several matters alleged in the said Bill of Complaint, and a Decree will thereupon be made and enforced against you.”

Ordered that in case the Court shall think fit so to direct, it shall be competent for the Court to order that the Plaintiff be at liberty either to proceed against such absent Defendant by such personal service of Process, or by publication of Order by advertisement, according to the previous practice of the Court in that behalf; and in such case the Plaintiff shall be at liberty, for the purposes of such advertisement, to take the usual Order in Absent Defendant Cases under the previous practice as aforesaid, without any further application to the Court in respect thereof.

75. That in all cases where the Plaintiff shall personally serve the Defendant with the Writ of *Subpœna* to appear and answer the Bill, and the Defendant shall make default in appearance at the time limited by the practice of the Court, the Plaintiff shall be at liberty to enter an appearance for such Defendant; and if the Defendant shall not answer the Bill within the time limited by the Court in that behalf, the Bill may be ordered to be taken *pro confesso*, and a Decree made and enforced against him accordingly, unless the Court on special circumstances disclosed by Affidavit, shall allow further time to the Defendant to answer, in which case no such Order shall be entered until the expiration of such further time allowed; Provided nevertheless, that the following statement shall be added to the notice at present endorsed on the said Writ of *Subpœna*, and signed by the Solicitor for the Plaintiff, that is to say: And you will take notice that unless such appearance as before mentioned shall be entered, an appearance will be entered for you; and if you do not answer, the said complainant's Bill at or before the expiration of twenty-eight days, from and exclusive of the day on which such appearance shall be entered for you, you will be considered as confessing the truth of the matters alleged in the said Bill of Complaint, and a Decree will be made and enforced against you.

CAP. CXIV.

An Act to alter and settle the mode of proceeding in the action of Ejectment.

[30th August, 1851.]

Preamble.

WHEREAS it is expedient to abolish all fictions of law in actions of Ejectment, and to place such actions, as nearly as may be, on the same footing as other actions between parties; and it is also expedient to prevent the multiplication of suits for the purpose of recovering costs or mesne profits where parties recover the possession of land in such actions, and to enable such parties to recover such mesne profits and costs, in any suit brought for the recovery of lands: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all actions of Ejectment shall be commenced by Writ of Summons, in the same manner as other actions, in which the names of all the persons claiming the property shall appear as Plaintiffs, and the persons in actual possession, or in case of a vacant possession, the persons last in actual possession, shall appear as Defendants, and such Writ may be in the following form, and shall bear *teste* of the day on which it is issued, and be in force for four calendar months thereafter:

Mode of commencing actions of ejectment.

County

County of _____ } Victoria, by the Grace of God, of the United Kingdom of
 to wit: } Great Britain and Ireland, Queen, Defender of the Faith.
 [SEAL] To A. B. of _____

We command you that you do appear before us in our Court of Queen's Bench (or Common Pleas, *as the case may be*) within sixteen days after the service hereof, to answer to C. D., of _____, in the County of _____, Yeoman, in an action of Ejectment, in which action the said C. D. claims to recover certain premises, of which it is said you are in possession, which premises consist of (*describe the premises particularly*), and you are hereby required to enter your appearance in the office of the (Clerk of the Crown, or Deputy Clerk of the Crown, *as the case may be*), in and for the County of _____, at _____, in the said County, at the suit of the said C. D., for your defence to the whole of the said property, or such part thereof as you may be advised, or in default of such appearance you will be turned out of possession of the said property. Herein fail not.

Witness, &c. (*to be tested in the usual manner.*)

II. And be it enacted, That the said Writ of Summons shall be served in the same manner as a declaration in Ejectment is at present served, and in case of a vacant possession, by posting a copy thereof upon the door of the dwelling house (if any) or on some other conspicuous part of the property, and the persons named as Defendants in the Writ, or any of them, or any person having an interest in the land shall be allowed to appear within the time appointed, and also any other person shall be allowed to appear on filing an Affidavit in the office from which the Writ issued, that at the time of action brought he was and still is in possession of the property, either by himself or his tenants: Provided always, that the Court or a Judge shall, on cause shewn, have power to strike out or confine defences set up by persons not in possession by themselves or their tenants. Service, &c.

III. And be it enacted, That any person appearing shall be at liberty to limit his defence to a part only of the property mentioned in the Writ, describing that part with reasonable certainty, in a notice entitled in the Court and cause, and signed by the party appearing or his Attorney, to be filed and served within four days after appearance, upon the Attorney whose name is endorsed on the Writ, if any, and if none, then upon the Plaintiff: Provided always, that if the description of the premises in any Writ or notice be not sufficiently certain, the Court or a Judge, or the Judge of the County Court of the County in which the action is brought, may order better particulars of the land claimed or defended to be delivered. Limiting defence &c.

IV. And be it enacted, That an appearance without a notice, confining the defence to part, shall be considered as a defence for the whole property claimed. Appearance without limiting defence.

V. And be it enacted, That if no appearance shall be entered within the time appointed, or if an appearance be entered, but the defence be limited to part only, the Plaintiffs shall be at liberty to sign a judgment that the person whose title is asserted in the Writ shall recover possession of the property, or of the part thereof to which the defence does not apply; which judgment may be in the form in the Schedule A, to this Act. Default of appearance, &c.

VI. And be it enacted, That in case an appearance shall be entered, the case shall be at once considered at issue, and the record for trial shall be made up, setting forth the Writ, stating the appearance with its date, and setting forth the notice limiting the defence, if any, of each of the persons appearing, so that it may appear for what part defence is made, and also setting forth a Plea in the form of the Schedule B, to this Act, which shall be the only Plea allowed, and the remainder of the record being made up as in other actions. If an appearance be entered.

VII. And be it enacted, That a special case in any such action may be stated in the same manner as at present, and if no special case be agreed to, the parties may proceed to trial in the same manner as in other actions, and the question at the trial shall be, except in the cases hereinafter mentioned, whether the statement in the Writ of the title Special case may be stated.

title of the claimants is true or false, and if true, then which of the claimants is entitled; but the Jury may find a special verdict as at present.

Finding for claimants.

VIII. And be it enacted, That upon a finding for the claimants, judgment may be signed, and execution issue for the recovery of possession and costs, as at present in the action of Ejectment, and the said judgment having the same and no other effect than at present.

Finding for defendants.

IX. And be it enacted, That upon a finding for the Defendants, or any of them, a judgment may be signed and execution issue against the claimants named in the Writ.

Joint tenants, &c.

X. And be it enacted, That in any such action brought by some or one of several persons entitled as joint tenants, tenants in common or coparceners, any joint tenant, tenant in common or coparcener in possession may, at the time of appearance, or within four days after, give notice, in the same form as in the notice of a limited defence, that he defends as such, and admits the right of the claimant to an undivided share of the property, but denies any actual ouster of him from the property, and within the same time file an Affidavit stating the same facts, and such notice shall be entered on the record in the same manner as the notice limiting the defence, and upon the trial, the additional question of whether an actual ouster has taken place shall be tried, as at present, in an action of Ejectment, and the effect of a judgment therein shall be the same as at present.

Judges may alter forms, &c.

XI. And be it enacted, That the Judges of the Superior Courts of Common Law shall have power from time to time to make such alterations in the forms of Writs and proceedings, and also such Rules as they may consider necessary to carry this Act into better effect.

Jury may assess damages, &c.

XII. And be it enacted, That in all cases wherein a Jury shall be empannelled to try any suit brought to recover possession of any property, the jury shall also be sworn to assess any damages to which the Plaintiff or Plaintiffs may be entitled for the use, occupation or enjoyment of the premises in dispute by the party or parties defending the suit, and any damage, waste or spoil occasioned to such premises by such party or parties; and the jury shall assess such damages as may appear just according to the evidence; Provided always nevertheless, that in all cases where substantial damages are demanded, the party or parties seeking to recover the same shall, with the original Summons, serve the Defendant or Defendants, and the person in occupation (if any) with a notice to the following effect, and that none but nominal damages shall be assessed unless such notice shall be given.

Proviso.

“ To A. B., the occupant of lot _____, in the _____ Concession
 “ of the Township of _____, in the County of _____ :
 “ You are hereby notified that the Plaintiff or Plaintiffs named in the Summons served
 “ herewith, will proceed against you, the said A. B., on the trial thereof, for the use,
 “ occupation, rents and profits of the premises for which this action is brought, during
 “ your possession and occupation of the said premises, and for all damages, waste and
 “ injury accruing to the said premises, or any part thereof, while in your possession
 “ and occupation.
 “ Dated at _____, this _____ day of _____.”

When no appearance, Plaintiff may suggest that he is entitled to damages, &c.

XIII. And be it enacted, That in all cases where no appearance is entered according to the provisions of this Act, and the Plaintiff has in consequence thereof signed judgment and entered up the same and sued out his Writ of Possession thereon, it shall and may be lawful for the said Plaintiff, after having given the notice in the twelfth clause of this Act mentioned, to suggest upon the Roll or Record of the judgment that he is entitled to damages for all or any of the causes set forth in the said twelfth clause of this Act mentioned, and thereupon, after giving the notice which the law now requires in all cases of assessment of damages of his intention to assess such damages, may be entitled at any Court of Assize and Nisi Prius thereafter, upon filing a certified copy of the said record and suggestion thereon in the said Court, to have a Jury empannelled to assess his said damages, and in case they find a verdict for the Plaintiff for any sum not less than Two Pounds, he shall upon filing the said record and verdict in the proper office,

office, have the right to sue out a Writ of Execution, and to levy the same with the costs from the time of entering the said suggestion, including the entry thereof.

XIV. And be it enacted, That it shall and may be lawful for any person or persons who shall be served with a Summons in Ejectment and the notices required by this Act to be served therewith, within twelve days after the service of such Summons and Notice or Notices, to notify the Plaintiff or Plaintiffs that such person or persons disclaim any interest in the premises, and is or are willing to give up possession thereof; and if such person or persons shall, after such notice, give up possession and pay or tender to the Plaintiff or Plaintiffs a sufficient amount to cover all claims for the rents, issues, profits or occupation of the premises, and all reasonable costs incurred and damages occasioned to such premises while in the occupation of such person or persons, the proceedings in such suit may, on the application of such person or persons, be stayed by the Court in which the same shall be pending, or a Judge in Chambers; Provided nevertheless, that if a sum insufficient shall be tendered, the Plaintiff or Plaintiffs shall be entitled to proceed for any larger amount to which he or they may consider himself or themselves entitled, but if on the trial a verdict shall be rendered against the Plaintiff or Plaintiffs, or a verdict shall be rendered in his or their favor for a sum not exceeding the amount tendered, the Plaintiff or Plaintiffs shall pay all costs subsequent to such tender, and shall only be entitled to levy the amount of the verdict, after deducting therefrom the Defendant's costs subsequent, together with costs to the time of such tender.

Defendant may offer to give up the premises, &c.

Proviso.

XV. And be it enacted, That in all cases when the party in possession or in the occupation of lands shall, after service of a Summons under this Act, abandon or give up possession of the premises mentioned in such Summons, and forthwith notify the Plaintiff or his Attorney thereof, and that the Plaintiff may enter thereon, the Plaintiff shall cause statement of the costs incurred to be rendered to such party, and on payment of such costs the suit shall be discontinued, unless the Plaintiff shall proceed in the same for the purpose of recovering damages for the rents, issues, profits or occupation of the premises, or for injury, waste or spoil done or committed thereon by such party or parties, or others under him or them during the possession of the premises by such party or parties; and if the Plaintiff or Plaintiffs shall proceed in such action, and a verdict shall be given for the Defendant, or shall not be given for the Plaintiff or Plaintiffs for a greater amount than Five Pounds, the Plaintiff or Plaintiffs shall pay all costs in the suit to the Defendant, who shall be at liberty to levy any amount of such costs exceeding the said sum for which such verdict shall be given.

If defendant gives up the lands, and pays costs, &c.

XVI. And be it enacted, That the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to alter and amend the practice and proceedings in actions of Ejectment in Upper Canada*, be, and the same is hereby repealed.

13 & 14 Vict. c. 57 repealed.

XVII. And be it enacted, That the provisions of this Act shall not in any wise affect any proceeding taken in any action of Ejectment before this Act becomes a Law; and that this Act shall come in force from and after the first day of January next, and not before, and shall not apply to any suit or action commenced before that day.

Pending cases saved.

SCHEDULE A.

FORM OF JUDGMENT WHERE NO APPEARANCE TO WHOLE OF PROPERTY CLAIMED.

The day of (*day when judgment entered*). (*After setting forth the Writ, proceed.*) And the said A. B. did not appear as directed by the said Writ, but made default. Therefore, it is considered that the said C. D. do recover his possession of the said property in the said Writ mentioned. (*And in cases where the appearance is only for part of the property*), [*except (setting out the part for which no appearance has been entered)*]. And also the sum of £ for his costs and charges expended about his suit, and a Writ to recover such possession and costs is granted accordingly.

SCHEDULE

SCHEDULE B.

FORM OF PLEA.

And the Defendant says that the Plaintiff is not entitled to the possession of the said property, for which the Defendant has appeared.

CAP. CXV.

An Act to enable Married Women resident in Foreign Countries, to convey Real Estate of which they are seized in Upper Canada.

[30th August, 1851.]

Preamble

WHEREAS no provision has been made by Law to enable Married Women resident out of the Province of Canada, and who are residents of States or Countries not owning allegiance to the Crown of Great Britain, or who may be temporarily absent from the said Province of Canada, and for the time being residents of such States or Countries as aforesaid, to convey any real estate being within the said Province, and of which such Married Women may be seized, possessed of or otherwise entitled to: And whereas it often happens that such Married Women so resident as aforesaid, or absent from the said Province, are willing and desirous to convey and dispose of such their real estate and all their interest and estate therein to purchasers and others desirous of obtaining the title thereto, and it is right that such Married Women should be enabled to convey such their real estate without its being required that such Married Women or Husbands should come into this Province for the purpose of enabling them to make a valid conveyance of such their real estate, their estate and interest therein: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any Married Woman being above the age of twenty-one years, resident out of this Province, and being a resident of any State or Country not owning allegiance to the Crown of Great Britain, or being temporarily absent from this Province, and for the time being a resident of such State or Country as aforesaid, and being seized, possessed of or otherwise entitled to real estate within this Province, to alien and convey such real estate or any interest therein she may be entitled to by Deed, to be executed in such State or Country as aforesaid, by her jointly with her husband, to such use and uses as to her and her husband shall seem meet: Provided always nevertheless, that such Deed shall not be valid or have any effect, unless such Married Woman shall execute the same in the presence of the Governor, or other Chief Executive Officer of such State or Country aforesaid, or in the presence of the British Consul resident in such State or Country, if there be a British Consul there resident, or in the presence of a Judge of a Court of Record of such State or Country, nor unless such Married Woman be examined by the said Governor, or other Chief Executive Officer, or such British Consul, or Judge of Court of Record, touching her consent to alien and depart with such real estate, and shall freely and voluntarily, and without coercion, give her consent before such Governor, or other Chief Executive Officer, or such British Consul or Judge as aforesaid, to alien and depart with such estate: Provided always, that it shall not in any case be necessary for any such Governor, or other Chief Executive Officer, British Consul or Judge, to attest the execution of any such Deed as a subscribing Witness.

Married Women resident in a foreign State may convey estate in U. C

Proviso: Deed to be executed before the Governor, British Consul, &c.

Who shall examine her.

Proviso.

Such Governor, Consul, &c., to give a certificate.

II. And be it enacted, That in case it shall appear to such Governor, or other Chief Executive Officer, British Consul or Judge, that such Married Woman doth freely and voluntarily consent to depart with, alien and convey her said real estate, or any interest she

she may be entitled to therein, without coercion on the part of her husband or any other person, it shall and may be lawful for such Governor, or other Chief Executive Officer, British Consul or Judge, to cause a Certificate thereof to be endorsed on the Deed so executed by her and her said husband as aforesaid, which Certificate shall state the day on which such examination is taken, and shall be signed by such Governor, or other Chief Executive Officer, and shall be also under the Seal of the State or Country of which such Governor or other Chief Executive Officer shall be the Governor or Chief Executive Officer as aforesaid, in cases where the said Certificate is made by such Governor or Chief Executive Officer, or signed by the said British Consul, or Judge of a Court of Record, and under the Seal of such Court, and which Certificate shall be in form or to the effect following, viz :

Particulars to be stated therein.

“ I, _____, do hereby certify, that on this _____ day of _____, at _____, the within Deed was duly executed in the presence of _____, by A. B., of _____, wife of _____, one of the grantors therein named ; and that the said wife of the said _____, at the said time and place being examined by me, apart from her husband, did appear to give her consent to depart with her estate in the lands mentioned in the said Deed, freely and voluntarily, and without coercion or fear of coercion on the part of her husband, or of any other person or persons whatsoever.”

Form of certificate.

And such Certificate shall be deemed and taken to be *prima facie* evidence of the facts contained therein.

Its effect.

III. And be it enacted, That the first section of an Act of the Parliament of the Province of Upper Canada, passed in the first year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to enable Married Women more conveniently to alien and convey their Real Estate, and to repeal an Act passed in the forty-third year of the Reign of King George the Third, intituled, ‘ An Act to enable Married Women, having Real Estate, more conveniently to alienate and convey the same,’* be, and the same is hereby amended, by expunging from the proviso of the said section the following paragraph, viz : “ Or in the presence of a Judge in the District Court, or of a Judge of the Surrogate Court of the District in which such Married Woman shall reside, or of two Justices of the Peace for such District,” and inserting in the place thereof and substituting therefor the following paragraph, viz : “ Or in the presence of the Judge of the County Court, or Judge of the Surrogate Court, or two Justices of the Peace of the County where such Married Woman shall reside, or happen to be when the said Deed is executed by such Married Woman.”

Part of sec. 1 of Act of U. C. 1 Will. 4, c. 2. repealed.

Other provisions substituted.

IV. And be it enacted, That this Act shall apply to Real Estate in Upper Canada only.

Extent of Act.

C A P. C X V I.

An Act to extend the provisions of the Insolvent Debtors’ Act, and to afford relief to a certain description of persons therein named.

[30th August, 1851.]

WHEREAS there are many instances of Traders who did, while the Bankrupt Act was in force in this Province, at the request of a number of their Creditors, expressed by their coming in under the Assignments hereinafter mentioned, execute Assignments of all their property for the benefit of their Creditors, or of such as might choose to come into such Assignments, for the purpose of avoiding the expense and delay attending proceedings in Bankruptcy, thereby, at such especial instance of the said Creditors, foregoing the advantage of the said Bankrupt Act; and in some instances it has happened that, notwithstanding such complete yielding up of all the property of such Traders, some of their Creditors have afterwards declined becoming parties to such Assignments, without fraud, or gross or culpable negligence on the part of such Traders; and whereas such parties are precluded from availing themselves of the benefit of the Act of the eighth Victoria, chapter forty-eight, for the relief

amble.

relief of Insolvent Debtors: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all such Traders coming within the description above, in the preamble to this Act set forth, shall be entitled to avail themselves of the benefit of the Act of this Province, passed in the eighth year of the reign of Her Majesty Queen Victoria, and intituled, *An Act for the relief of Insolvent Debtors in Upper Canada, and for other purposes therein mentioned*, on their taking the steps and proceedings therein set forth for obtaining their discharge.

Such traders as are mentioned in the Preamble, to have the benefit of the Act 8 Vict. c. 48.

Effect of the Final Order in such cases.

II. And be it enacted, That, as to such persons, the Order called the Final Order, in the said last mentioned Act, shall, in addition to its effect as mentioned in the fourth section of the said Act, operate as a discharge of all debts due up to the date of the said Assignment, in each case respectively, as fully and completely, and to the same extent, as if such Trader had obtained a Certificate under the fifty-ninth section of the Act relating to Bankrupts, passed in the seventh year of the reign of Her Majesty, and intituled, *An Act to repeal an Ordinance of Lower Canada, intituled, 'An Ordinance concerning Bankrupts, and the Administration and Distribution of their Estate and Effects', and to make provision for the same object throughout the Province of Canada.*

7 Vict. c. 10.

Extent of Act.

III. Provided always, and be it enacted, That this Act shall be construed to apply, and be in force only in that part of this Province formerly Upper Canada.

C A P . C X V I I .

An Act to authorize the Payment of certain Expenses of the Administration of Justice in the Recorders' Courts in Upper Canada, out of the Consolidated Revenue Fund of this Province.

[30th August, 1851.]

Preamble.

WHEREAS it is expedient that the Expenses of the Administration of Justice in Criminal Cases in the Recorders' Courts in Upper Canada, should be defrayed by the Province to the same extent to which such expenses were so defrayed when incurred in the Courts for which such Recorders' Courts are substituted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Expenses of the Administration of Justice in Criminal Cases in the Recorders' Courts established or to be established in the several Cities of Upper Canada, under the provisions of the Act passed in the twelfth year of Her Majesty's reign, and intituled, *An Act to provide, by one general law, for the erection of Municipal Corporations, and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages, in Upper Canada*, or of any Act amending the same, to be incurred after the first day of January next, shall be defrayed out of the Consolidated Revenue Fund of this Province, in like manner and to the like extent as the Expenses attending the Administration of Justice in Criminal Cases in the several Courts of Quarter Sessions in Upper Canada.

Certain expenses of administration of Justice in Recorders' Courts to be paid out of Provincial Funds.

CAP. CXVIII.

An Act to authorize and require the several Deputy Clerks of the Crown to perform the duties of Clerks of Assize in their respective Counties in Upper Canada, except as therein mentioned.

[30th August, 1851.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the Deputy Clerks of the Crown in the several Counties or Unions of Counties in Upper Canada, shall *ex officio* be and act as Clerks of Assize and Marshals at the Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, to be holden in their respective Counties or Unions of Counties, and shall have all the powers and perform all the functions incident to the same, as such Clerks of Assize and Marshals, and it shall be the duty of the said Deputy Clerks of the Crown, respectively, immediately after each sitting of such Courts to forward to the Clerk of the Crown and Pleas at Toronto, every Recognizance, Indictment, Paper or Proceeding in any criminal matter in their custody as such Officers respectively, and to the Clerk of the Judges' Chambers at Toronto, every Record, Exhibit and Proceeding which shall be required by either party or his or her Attorney or Agent, for the purpose of moving for new trial or otherwise, upon receiving notice to that effect, together with the usual and proper Returns as such Clerks of Assize and Marshals, by post; and it shall be the duty of such Clerk of the Judges' Chambers to deliver to the Clerk of the particular Court in which the cause is pending, every Record or other Paper in his custody, when required, for the purpose of motions for new trials or otherwise: Provided always, that the notice to be given, shall in all cases be served on the Deputy Clerk of the Crown, in time for the Record or Proceeding required to be sent, to reach Toronto by regular course of mail, on or before the last day for moving against the verdict or non suit.

II. And be it enacted, That the said Deputy Clerks of the Crown shall, after the time for the moving for new trials has expired, deliver to the Attorney of the party entitled to the Postea, any Record in their custody upon getting a receipt for the same, but that they shall not deliver to any party any Exhibit filed without a Judge's order to that effect.

III. And be it enacted, That the sum of Five Shillings shall be hereafter paid to the said Deputy Clerks of the Crown, as the fee upon each Record entered, which sum, and no more, shall be paid, whether the cause be tried or not, and that the said fees shall be by them accounted for, paid over and applied under the provisions of the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada*, as part of the fund thereby created: Provided always, that the said Deputy Clerks shall respectively be allowed to retain out of such fees a sum equal to One Pound for each day's attendance as such Clerks of Assize.

IV. And be it enacted, That after verdict or non suit, the Attorney of the party entitled to the Postea in the cause shall prepare the same.

V. And be it enacted, That no charge whatever shall be made by the said Clerks of Assize or Marshals upon any criminal trial or proceeding in any Court, at which they may act as such Clerks of Assize and Marshals respectively.

VI. And be it enacted, That the party requiring any Record, Exhibit or other Paper to be sent to the Clerk of the Judges' Chambers shall, with the notice, pay the postages incident to the transmission of the Record, Exhibit or Paper required by him.

Preamble.

From the passing of this Act, the Deputy Clerks of the Crown, in Counties, &c., in U. Canada, to be Clerks of Assize, &c.

Papers to be forwarded by them in certain cases, and to whom.

Clerk of the Judges' chambers to deliver records, &c., when required, and to whom.

Proviso: as to notice to be given.

When and how Deputy Clerks shall deliver record or exhibits to attorney or parties.

Fee to Deputy Clerks of the Crown.

Shall account for the same, &c.

9 V. c.—

Proviso: as to allowance to said Dy. Clerks for attendance.

Attorney entitled to postea, to prepare the same.

No charge to be made by the said Clerks, in certain cases.

Postage to be paid by party.

VII.

Clerks to pay postage in a certain case, and take credit for the same.

VII. And be it enacted, That the Deputy Clerks of the Crown shall pay the postage on the transmission of Indictments and other Proceedings in criminal cases, and take credit for such postages in accounting for the fees received under this Act, or fees in any other manner received by them, in case the fees under this Act shall not be sufficient for that purpose.

Case of the Marshall and Clerk of Assize for the County of York provided for.

VIII. And whereas William Alexander Campbell has, for twenty-six years now last past, held the office of Marshal and Clerk of Assize for the County of York : Be it enacted, That from and after the passing of this Act the said William Alexander Campbell shall continue to be the Marshal and Clerk of Assize for the County of York, and shall hold office during good behaviour, and be removeable by the Judges of the Superior Courts of Common Law, or a majority of them, and shall act as Marshal and Clerk of Assize at the Courts of Assize and Nisi Prius, and Oyer and Terminer and General Gaol Delivery for the said County of York, and shall receive as such Marshal and Clerk of Assize, the salary of Three Hundred Pounds per annum, which shall be charged upon the fund in this Act mentioned, and as Marshal and Clerk of Assize for the said County of York, shall be subject to all the provisions relating to Records, Exhibits and other Documents in this Act mentioned, and in the event of the death or removal from his said office of the said William Alexander Campbell, the Clerk of the Crown and Pleas for the time being, or his Deputy, in the said County of York, shall act as such Marshal and Clerk of Assize for the said County of York, and have all the powers and exercise all the functions that are had and exercised by the Clerks of Assize by law and under this Act.

As to his fees.

IX. And be it enacted, That the Marshal and Clerk of Assize of the County of York shall take and receive the same fees only as are taken by the other Marshals and Clerks of Assize under this Act, and such fees shall be accounted for, paid over and applied in the same manner as the other fees taken under the authority of this Act.

As to Precepts to be issued by Clerks appointed under this Act.

X. And be it enacted, That the several Clerks of Assize appointed under this Act shall issue the Precepts to the several Sheriffs of Counties in the same manner and with the same effect as such Precepts are now issued by law, by any Marshal or Clerk of Assize.

When this Act shall come into force.

XI. And be it enacted, That this Act shall not come into force until the first day of January next.

CAP. CXIX.

An Act to establish an Uniform Rate of Fees to be received by Justices of the Peace in Upper Canada, and to repeal the Act of Upper Canada, passed in the fourth year of the reign of King William the Fourth, chapter seventeen.

[30th August, 1851.]

Preamble:

WHEREAS it is expedient to establish a Uniform Rate of Fees to be received by Justices of the Peace in Upper Canada, for the duties therein mentioned, and to repeal the Act of Upper Canada, passed in the fourth year of the reign of His late Majesty King William the Fourth, chapter seventeen, intituled, *An Act to declare what Fees shall be received by Justices of the Peace for the duties therein mentioned*; and whereas, since the passing of the said Act, increased duties have been imposed upon Justices of the Peace in Upper Canada, for which no Fees have been established by law; and whereas, under the said recited Act doubts have arisen as to the meaning and application of some of its provisions; therefore, to remove such doubts and establish a Uniform Rate of Fees to be received by the Justices aforesaid for the services hereinafter mentioned—Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of*
Upper

Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That the said Act, intituled, An Act to declare what Fees shall be received by Justices of the Peace for the duties therein mentioned, be, and the same is hereby repealed.

II. And be it enacted, That from and after the passing of this Act, the following Fees, and no other, shall be taken from the parties prosecuting, by Justices of the Peace in Upper Canada, or by their Clerks, for the duties and services hereinafter mentioned, that is to say :

What Fees only shall be received by Justices of the Peace in U. C.

For information and Warrant for apprehension, or for an information and Summons for assault, trespass, or other misdemeanor, Two Shillings and Six Pence ;

For each Copy of Summons to be served on Defendant or Defendants, Six Pence ;

For a *Subpœna*, Six Pence, — only one on each side is to be charged for in each case, which may contain any number of names ; and if the justice of the case shall require it, additional *Subpœnas* shall be issued without charge ;

For every Recognizance, One Shilling and Three Pence, — only one to be charged in each case ;

For every Certificate of Recognizance under the Act of Upper Canada, Seventh William the Fourth, chapter ten, One Shilling and Three Pence ;

For information and Warrant for surety of the peace or good behaviour, to be paid by complainant, Two Shillings and Six Pence ;

For Warrant of Commitment for default of surety to keep peace or good behaviour, to be paid by complainant, Two Shillings and Six Pence ;

III. And be it enacted, That the costs to be charged in all cases of convictions, where the Fees are not expressly prescribed by any Statute, other than the Statute hereinbefore repealed, shall be as follows, that is to say :

Costs on conviction.

For information and Warrant for apprehension, or for information and Summons for service, Two Shillings and Six Pence ;

For every Copy of Summons to be served upon Defendant or Defendants, Six Pence ;

For every *Subpœna* to a Witness, (as provided in the second section of this Act,) Six Pence ;

For Hearing and Determining the case, Two Shillings and Six Pence ;

For Warrant to levy Penalty, One Shilling and Three Pence ;

For making up every Record of Conviction when the same is ordered to be returned to the Sessions, or on *Certiorari*, Five Shillings.

Provided always, That in all such cases as admit of a summary proceeding before a single Justice of the Peace, and wherein no higher penalty than Five Pounds can be imposed, the sum of Two Shillings and Six Pence only shall be charged for the Conviction, and One Shilling and Three Pence for the Warrant to levy the Penalty ; and that in all cases where persons are *subpœnaed* to give evidence before Justices of the Peace in case of assault, trespass or misdemeanor, such Witness shall be entitled, in the discretion of the Magistrate, to receive at the rate of Two Shillings and Six Pence for every day's attendance, where the distance travelled in coming to and returning from such adjudication does not exceed ten miles, and Three Pence for each mile above ten.

Proviso : as to summary proceedings.

Every Bill of Costs, when demanded to be made out in detail, when demanded, Six Pence.

Copy of any other paper connected with any trial, and the Minutes of the same if demanded,—every folio of one hundred words, Six Pence.

IV. And be it enacted, That in all cases of a summary conviction before any one or two Justices of the Peace, under the provisions of the several Acts passed in the Session held in the fourth and fifth years of Her Majesty's reign, chapters twenty-five, twenty-six and twenty-seven, and intituled respectively, *An Act for consolidating and amending the laws of this Province relative to larceny and other offences connected therewith*, — *An Act for consolidating and amending the laws in this Province relative to malicious injuries to property*, — and *An Act for consolidating and amending the*

In cases of summary conviction under 4 & 5 Vict. caps. 25, 26, 27, warrant of distress may issue, in discretion of the Justice or Justices.

Statutes in this Province relative to offences against the person, it shall and may be lawful for such Justice or Justices, in his or their discretion, to issue his or their Warrant to levy, by distress and sale of the offender's goods and chattels, the amount of fine and costs imposed, and in default of the same being levied or made, the offender or offenders may be committed to the Common Gaol or House of Correction for the period and in the manner prescribed by the above mentioned Statutes, or to proceed, as heretofore, by committal for default of payment, instead of issuing such Distress Warrant.

Costs against prosecution failing may be levied by distress.

V. And be it enacted, That in all cases where costs are payable by parties who may have failed in prosecuting with effect, it shall and may be lawful for the Justice or Justices before whom complaint may have been made, in his or their discretion, to issue his or their Warrant to levy, by distress and sale of the goods and chattels of such person so failing to prosecute, such costs as shall be determined by the Justice or Justices to be payable by him or them.

Act not to authorize fees or allowance to witnesses, in cases above misdemeanors, &c.

VI. And be it enacted, That this Act shall not be construed to authorize any claim being made by the [Justices aforesaid, for Fees of any description connected with cases above the degree of misdemeanor; nor shall Witnesses in such cases be allowed anything for their attendance or travel, except under the Order of the Court before which the trial of the case shall be had; anything in this Act to the contrary thereof in any wise notwithstanding.

Commencement of Act.

VII. And be it enacted, That this Act shall come into operation on, and take effect from the first day of November next.

C A P. C X X .

An Act to explain and amend the Act of the last Session, intituled, *An Act to amend the Laws relating to Tavern Licenses in Upper Canada.*

[30th August, 1851.]

Preamble.

WHEREAS doubts have arisen as to the true intent and meaning of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to amend the Laws relative to Tavern Licenses in Upper Canada*, which doubts it is expedient to remove: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it was and is the intention of the Act first above cited, that the seventh and eighth sections of the Act of the Parliament of Upper Canada, passed in the sixth year of the Reign of His late Majesty King William the Fourth, chaptered four, and intituled, *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, intituled, '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 a License,' and for other purposes therein mentioned*, should be and they are and have been by the Act first above cited, continued in force in Upper Canada, to all intents and purposes whatsoever.

True intent and meaning of the Act 13 & 14 Vict to amend the laws relative to Tavern Licenses in U. C., respecting the 7th and 8th sect. of 6 Will. 4, c. 4, declared.

As to the intention of the Act first above cited respecting the powers of Township Municipalities, &c., in U. C., in certain cases.

II. And be it declared and enacted, That it was and is the intention of the Act first above cited, that the Municipality of each Township or Incorporated Village, the Town Council of each Incorporated Town, and the Common Council of each City in Upper Canada, should have, and that they have and have had respectively, from the time of the passing of the said Act, power and authority to make By-laws for preventing the selling of wines or spirituous liquors, or the keeping of Inns, Taverns or Houses of Public Entertainment by persons not thereunto duly licensed, and to impose for any contravention

contravention of such By-laws any penalty or punishment which they may lawfully impose for any contravention of other By-laws, and that all penalties incurred under or by virtue of the Act first above cited, or of any By-law made under the authority thereof, shall and may be prosecuted and recovered under the provisions of the said seventh section of the Act of the Parliament of Upper Canada hereinbefore cited, and all such penalties shall belong one half to the Municipality in which the offence shall have been committed, and the other half to the prosecutor, unless he be examined as a witness to prove the offence, in which case the whole shall belong to the said Municipality: Provided always, that nothing herein contained shall apply to any case in which any final Judgment or Order shall have been made or conviction had by or before any competent Tribunal, but with regard to such case, the Provincial Acts hereinbefore cited shall be construed and have effect as if this Act had not been passed.

III. And be it enacted, That whenever any party to whom a license to keep a House of Public Entertainment shall have been granted, shall desire to furnish such refreshments as by law he is permitted to do in the house for which he has obtained a license, at any place out of his said house, but within the limits to which such license extends, or to remove from the house for which the same shall have been granted, into another house in the same Township, Incorporated Village, or Town, or City, and to keep a House of Public Entertainment therein, it shall be lawful for the Inspectors of Houses of Public Entertainment for such Township, Incorporated Village, or Town, or City, or a majority of such Inspectors, in their discretion (but subject always to any By-law which may have been made in that behalf by the Municipal Authority of the locality) to endorse on such license a permission to the party to whom it was granted to furnish such refreshments as aforesaid, or to keep a House of Public Entertainment in the house to which he shall so wish to remove, and such permission shall give such right, and the license shall thereafter apply to the House described in such endorsement, and shall authorize the party to whom such license was granted, to furnish such refreshments or to keep a House of Public Entertainment in the House mentioned in such endorsement during the unexpired portion of the term for which such license was granted, and upon the same terms and conditions; and any Bond or Security which such party may have given for the due observance of the Laws and By-laws concerning Houses of Public Entertainment, and the Keepers thereof, or for any purpose relative to such license, shall apply as fully to the house to which he shall be so authorized to remove, and to his conduct and doings therein, as without such endorsement it would have applied to the house for which the license was originally granted, and to his conduct or doings therein.

Penalties may be recovered;

And to whom to belong.

Proviso:

Case wherein a party is desirous of furnishing Refreshments at any place out of his house, or of removing therefrom.

Inspectors to endorse permission on License.

Subject to regulations.

Right conferred thereby, &c.

Upon what conditions.

Bond or Security how to apply.

CAP. CXXI.

An Act to repeal so much of the Act thirteenth and fourteenth, Victoria, Chapter Seventy-two, as relates to the construction of Rail-ways.

[30th August, 1851.]

WHEREAS it is expedient to repeal so much of the Act hereinafter mentioned as extends the provisions of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada, to Rail-roads or Tram Roads*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend and extend the*

Preamble.

12 Vict. c. 84.

Part of 13 & 14 Vict c. 72, repealed.

Proviso.

Proviso.

the provisions of an Act passed in the twelfth year of Her Majesty's Reign, intituled, 'An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada,' as extends the provisions of the Act cited in the Preamble to this Act to Rail-roads or Tram Roads, shall be and is hereby repealed: Provided always, that nothing herein contained shall in any manner interfere or be construed to interfere with the rights that the Brantford and Buffalo Joint Stock Rail-road Corporation, or any person or persons or body corporate may have in any manner legally acquired, under the provisions of the said recited Act, repealed by this Act: Provided also, that nothing contained in this Act, or in any Acts passed during the present session, shall be construed to prevent the said Brantford and Buffalo Joint Stock Rail-way Company, or any other Company organized under the provisions of the Act hereby repealed, from proceeding to carry on its operations or from exercising or enjoying or continuing to exercise or enjoy all or any of the rights, powers and privileges which such Company or Companies might have exercised or enjoyed if the said Act had not been repealed.

C A P . C X X I I .

An Act to amend the Act, intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*, and to extend the provisions thereof.

[30th August, 1851.]

Preamble,
13 Vict. c. 84.

Sect. 7 & 16 re-
pealed.

Case of any Company
wishing to extend
their works provided
for.

Borrowing money.

New stock.

Registry of new
subscribers.

Rights and liabilities
of new subscribers.

WHEREAS it is expedient to amend the Act passed in the second Session of the third Parliament of this Province, intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada*, and to extend the provisions thereof to other objects: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Seventh and Sixteenth Sections of the said Act be repealed.

II. And be it enacted, That if at any time after the formation of any such Joint Stock Company, the Directors shall be of opinion that it would be desirable to extend or alter the projected line of road,—to construct any side roads to intersect the original main roads,—or that the original capital subscribed will not be sufficient to complete the work contemplated by such Company to be executed or to be extended or altered, it shall and may be lawful for the said Directors, under a Resolution to be passed by them for that purpose, either to borrow upon the security of the said Company by Bond, or Mortgage of the Road and Tolls to be collected thereon, a sufficient sum of money to complete the same, or to authorize the subscription of such number of additional shares as shall be named in their Resolution, a copy whereof, under the Hand of the President and Seal of the Company, shall be engrossed at the head of the subscription list to be opened for subscribers to the additional number of shares thereby authorized to be subscribed; and that when such a number of new shares shall have been subscribed as the Directors shall deem it desirable to have registered, the President shall deliver such new list of subscribers to the Register having the custody of the original Instrument, who shall attach such new list of subscribers thereto, which shall thenceforth be held and taken to be part and parcel of the said Instrument; and all the subscribers thereto, and those who may thereafter enter their names as subscribers thereon, with the consent of such Directors, to be signified by producing a receipt from the Treasurer of such Company, that the person desiring to subscribe to the said new stock list has paid an instalment of six per cent. on his shares, shall be subject to all the liabilities, and entitled to all the rights, benefits, privileges and advantages to which the original subscribers

subscribers shall thenceforth be entitled, and as well to the first line of road as to any extension thereof as aforesaid, and which the said Companies are hereby authorized to construct, and which shall thenceforth be considered as part and parcel of the original line, and such additional shares or Stock shall and may be called in, demanded and recovered in the same manner and under the same penalties as is or are or may be provided or authorized in respect of the original Shares or Stock of any such Company.

III. And be it enacted, That Tolls may be taken by any such Company at each time of passing each gate upon any road constructed by such Company for any portion of such Road on either side or on both sides of such gate not being more than halfway to the next gate, or gates on the same Road, if any, and not exceeding five miles in the whole, or for the whole of such Road, if the length thereof do not exceed five miles, and there be only one gate thereon, at the following rates per mile, that is to say: for every vehicle, whether loaded or otherwise, and for the horse or other beast, or one of the horses or other beasts drawing the same, one penny; and for every additional horse or other beast drawing any such vehicle, one half penny; for every horse and rider, one half penny; for every led horse, one half penny; for every score or number less than a score of sheep, swine or neat cattle, one half penny: Provided always, that any Company may in their discretion charge a greater or less toll according to the weight or quantity drawn by each team, not exceeding however the above rates of toll in any case.

Rates of toll limited.

IV. And be it enacted, That the tolls to be taken or levied by any Company formed or to be formed under the said Act cited in the preamble of this Act as amended and extended by the Act of the Parliament of this Province, passed in the Session thereof held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered fourteen, and intituled, *An Act to extend the Acts for the formation of Companies for constructing Roads and other works to Companies formed for the purpose of acquiring Public Works of like nature, upon any Road granted or transferred to such Company under the authority of the said Acts and the Act passed by the Parliament of this Province in the Session thereof held in the twelfth year of Her Majesty's Reign, chaptered five, and intituled, 'An Act for the better management of the Public Debt, Accounts, Revenue and Property'*, shall be regulated by the next preceding section of this Act, all the provisions of which section shall apply to every such Company and Road: Provided however, that lower rates of toll upon any road hereafter transferred under the said Acts, may be fixed or established in the Order of the Governor in Council transferring the same to any such Company.

Tolls to be regulated by the next preceding section.

Provisions of the same how to apply. Proviso.

V. And be it enacted, That any Company now or hereafter to be formed under the provisions of the said in part recited Act and this Act, for the construction of any Turnpike Road, may in their discretion form the same in part or in whole either of metal, timber, charcoal or any other suitable material for constructing a firm, substantial and smooth surface, whether the material be mentioned in the registered Instrument of Incorporation or not.

Materials to be used in the construction of Roads.

VI. And be it enacted, That the provision contained in the thirty-fourth clause of the said in part recited Act, passed in the twelfth year of Her Majesty's Reign, shall extend to all Turnpike Road Companies chartered by any other Act of the Parliament of this Province, in the same manner as if the said thirty-fourth clause had been and were part of the said several Acts respectively incorporating Road Companies in Upper Canada.

The 34th. clause of 12 Vict. c. — to extend to all incorporated Turnpike Road Companies.

VII. And be it enacted, That if any Arbitrator named by any party according to the provisions of this or the said in part recited Act, shall refuse or neglect to take upon him the duties thereby imposed, it shall be lawful for the Judge of the County Court, as provided by the said Act, to nominate a Councillor, as therein also provided, to act in the place of such Arbitrator so refusing or neglecting as aforesaid, and that every Arbitrator so appointed by the Judge of the County Court as aforesaid, shall and he is hereby required to hear and determine the matter to be submitted to him with all convenient speed after he shall have been so nominated as aforesaid.

If arbitrator refuse or neglect to perform duties, who shall act in his place.

Vacancies occurring amongst Directors, how to be filled up.

VIII. And be it enacted, That if any vacancy or vacancies shall at any time happen amongst the Directors of any of the said Companies during the current year of their appointment by death, resignation or permanent residence without the County or Counties in which the Road is situated in respect of which such vacancy or vacancies shall occur, or by any other cause, 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, unless otherwise provided by some By-law or Regulation of the Company in which such vacancy may occur.

When two companies may unite, and be formed into one.

IX. And be it enacted, That it shall and may be lawful for any two Companies formed for the construction of Roads, which may intersect or be contiguous to each other, to unite and form one consolidated Company on such terms as to them may seem meet.

Notice to be served prior to company commencing any work.

X. And be it enacted, That no Company to be formed under the provisions of this and the said in part recited Act, shall commence any work until ten days after the Directors shall have served a written notice upon each Municipal Councillor or at the Dwelling House of each Councillor for any Township through which such Road or other work shall be intended to pass or be constructed.

Certain Instruments or Receipts, with whom to be registered.

XI. And be it enacted, That any Instrument or Receipt required by the said Act in the preamble of this Act mentioned, or by this Act to be registered, which hath been or shall be made, executed or entered into for the construction of any Road or other work situated or being or intended to be made partly in two or more Counties, shall be considered well registered in pursuance of the said Act and of this Act if the same hath been or shall be registered with the Register of any County in which such Road or other works shall be partly situated or intended to be made.

As to when the first year mentioned in the 6th sect. of the said act cited in the preamble of this act, shall terminate.

XII. And be it enacted, That the first year mentioned in the sixth section of the said Act, cited in the preamble of this Act, during which the affairs of any such Company shall be managed by Directors named in the Instrument, in such section referred to, shall terminate with the last day of December next, after the formation of such Company, in respect of every such Company, as shall have been formed during the present year or shall be hereafter formed, and that the term of office of the present Directors of every such Company, as shall have been formed previous to the present year, shall expire with the last day of December next, and the Directors of every Company formed or to be formed under the authority of the said Act and of this Act, shall be annually elected to serve after the expiration of the term of office of the previous Directors, for one year, commencing with the first day of January, and such annual Election shall take place according to the provisions of any By-law, which the Directors of the Company for which such Election shall be held, shall have passed or shall from time to time pass for the regulation of the annual Election of the Directors of such Company, not interfering with the qualification of voters mentioned in the said sixth section: Provided however, that if the annual Election of Directors for any such Company, shall for any cause not take place regularly at the time appointed, such Company shall not thereby be dissolved, but the Directors thereof for the time being, shall in that case continue to serve until another Election of Directors shall be held, which, in such case, shall take place at such time as shall have been or shall be provided for by any By-law passed by the Directors of such Company for that purpose.

Term of office of the present Directors.

Directors to be annually elected.

Election how to take place.

Proviso: Directors to continue in office till next election.

C A P . C X X I I I .

An Act to explain and amend the Acts for preventing obstructions in Rivers and Rivulets in Upper Canada.

[30th August, 1851.]

Acts of Canada 7
Vict. c. 36, 10 & 11
Vict. c. 20 explained
and amended.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an

an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing to the contrary contained in the Act of the Parliament of this Province, passed in the Session thereof, held in the seventh year of Her Majesty's Reign, chaptered thirty-six, and intituled, *An Act to prevent obstructions in Rivers and Rivulets in Upper Canada*, or in the Act of the Parliament of this Province, passed in the Session thereof, held in the tenth and eleventh years of Her Majesty's Reign, chaptered twenty, and intituled, *An Act to amend, explain and continue an Act passed in the seventh year of the Reign of Her Majesty, intituled, 'An Act to prevent obstructions in Rivers and Rivulets in Upper Canada,'* the said Acts shall not, nor shall either of them, or any part thereof, extend to the River Saint Lawrence, nor to the River Ottawa, nor to any River or Rivulet wherein Salmon or Pickerel or Black Bass or Perch do not abound.

CAP. CXXIV.

An Act to enable Municipal Corporations in Upper Canada to contract Debts to the Crown, in the purchase of Public Works, without imposing a Special Rate or Tax for the payment of the same.

[30th August, 1851.]

WHEREAS the Public Works which have been, or may be hereafter sold or transferred to Municipal Corporations in Upper Canada, yield large sums of money arising from Tolls collected on the same, which the said Municipal Corporations may be desirous of applying towards the payment of the instalments of the purchase money of such Works and the interest thereon, as the same shall fall due, instead of being obliged to impose or levy a Special Rate or Tax per annum for payment of the same, and it is therefore desirable that such Corporations be at liberty to become Debtors to the Crown for the purchase money aforesaid, without levying such Special Rate: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for any Municipality or Municipal Corporation in Upper Canada to contract any Debt or Debts to Her Majesty, Her Heirs or Successors, in the purchase of any of the Public Roads, Harbors, Bridges, Buildings, or other Public Works in Upper Canada; and that any such Municipality or other Municipal Corporation may enter into, make and execute, all or any Bonds, Deeds, Covenants, or other Securities to Her Majesty, Her Heirs or Successors, which such Municipality or other Municipal Corporation may deem fit for the payment of the amount of the Purchase Money of any such Public Work already sold or transferred, or which may be hereafter sold or transferred, or agreed so to be to such Municipality or Municipal Corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass and enact all necessary By-laws for any of the purposes aforesaid. And that all such By-laws, Debts, Bonds, Deeds, Covenants, or other Securities shall be valid and effectual in law, and binding upon such Municipality or other Municipal Corporation to all intents and purposes whatsoever; although no Special or other Rate per annum be settled or imposed to be levied in each year, as provided in and by the one hundred and seventy-seventh section of an Act of the Legislature of this Province, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to provide by one General Law for the erection of Municipal Corporations, and the*

Preamble.

Municipal Corporations empowered to contract debts to Her Majesty, in the purchase of Public Works.

177 sect. of 12 Vict., c.—

the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada.

Corporation may by By-law settle and impose a special rate per annum.

II. And be it enacted, That it shall, nevertheless, be lawful for any such Municipality or Municipal Corporation, in any By-law to be passed for the creation of any such Debts as aforesaid, or for the making or executing any such Bonds, Deeds, Covenants, or other Securities as aforesaid, to Her Majesty, Her Heirs or Successors, or in any other By-law to be passed by such Municipality or Municipal Corporation, to settle and impose a Special Rate per annum, of such amount as such Municipality or Municipal Corporation may deem expedient, over and above and in addition to all other rates whatsoever, to be levied in each year upon the assessed rateable property within the limits of such Municipality or Municipal Corporation, for the payment and discharge of such Debts, Bonds, Covenants, or other Securities, or some part thereof; and that every such By-law shall be valid and effectual and binding upon such Municipality or Municipal Corporation, although the Rate settled or imposed thereby be less than is required by the said one hundred and seventy-seventh section of the last mentioned Statute; and that all and every the provisions of the said Act, or of any other Act passed or to be passed amending, varying, or repealing the same or any part thereof shall, except in so far as they are inconsistent with the previous provisions of this Act, apply and extend to every such By-law; and the moneys raised or to be raised thereby as fully in every respect as such provisions would extend or apply to any By-law enacted by any such Municipality or Municipal Corporation for the creation of any Debt, or the negotiation or raising of any loan, as provided in the said one hundred and seventy-seventh section, or to the moneys raised or to be raised thereby.

Provisions of the said Act, how to apply.

C A P . C X X V .

An Act to repeal the provision limiting the distance between the County Town and any additional Grammar School in the same County, in Upper Canada.

[30th August, 1851.]

Preamble.

WHEREAS inconvenience has arisen from the Proviso hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the sixth section of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to make temporary provision for the appropriation of the Funds derived from the sale of School Lands in that part of the Province formerly Upper Canada, and for other purposes*, as is in the words following: "Provided any such additional School shall not be within six miles of the "District Town," shall be, and is hereby repealed.

Part of sect. 6 of 4 & 5 Vict. c. 19 repealed.

Payment of allowance to be authorized in a certain case.

II. And be it enacted, That notwithstanding the provision of an Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to amend the Act therein mentioned relating to the appropriation of moneys derived from the sale of School Lands in Upper Canada*, it shall and may be lawful for the Governor, by and with the consent of the Executive Council, to authorize the payment of the annual allowance to the Board of Trustees of any School, if not less than twenty Scholars shall be educated therein.

CAP. CXXVI.

An Act to amend an Act, intituled, *An Act to compel Vessels to carry a Light during the Night, and to make sundry provisions to regulate the Navigation of the waters of this Province.*

[30th August, 1851.]

WHEREAS it is expedient to amend the Act of the Parliament of Upper Canada, passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, *An Act to compel Vessels to carry a Light during the Night, and to make sundry provisions to regulate the Navigation of the waters of this Province* : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all Steamboats, whether propelled wholly or in part by steam, while navigating the waters of Upper Canada, shall be provided during the night with Lights, to be exhibited and affixed as follows :

Preamble.

All vessels to carry lights,

When under weigh, a white light on flag staff aft, a bright white light on the foremast head, a green light on the starboard bow, a red light on the port bow, to be fitted with inboard screens :

When at anchor, a common bright light, at foremast head ;
As illustrated and explained in the Schedule A.

That Schooners and other sailing Vessels shall be provided during the night with lights to be exhibited and affixed as follows :

When sailing before the wind, a pale light,
When sailing on the starboard tack, a red light,
When sailing on the larboard tack, a green light, } On the Pawl Bit or Knight head.
When at anchor, a pale light in the foremast rigging.

Sailing Vessels running before the wind, or with the wind free, and making a Steamer's light dead a head shall pass on the starboard side, but if to avoid jibing their mainsail, or for any other good reason, they shall wish to pass on the larboard side, then shall shew their green light, indicating that they are on the larboard tack, when the Steamer will pass under the Vessel's stern.

In case of two sailing Vessels approaching one another on opposite tacks, the Vessel on the starboard tack shall keep the wind, and the one on the larboard tack keep away, always when tacking ship at night, shifting the light.

A Vessel in distress shall shew both the red and green lights.

II. And be it enacted, That any such Steamboat, Schooner or Vessel as aforesaid, shall be provided with a Fog Horn or a Bell of a weight not less than twenty pounds, which it shall be the duty of the Master or person commanding such Steamboat, Schooner or Vessel, under the penalty in the seventh section of the said recited Act contained, to cause to be sounded or rung at regular intervals of or not less than five minutes at a time, with an intermission of two minutes, during the time that any such Steamboat, Schooner or other Vessel as aforesaid shall be in a fog.

All vessels to have fog bells, and to ring them when in a fog.

III. And be it enacted, That no part of the foregoing clauses of this Act shall extend to Lower Canada.

The above not to apply to L. C.

IV. And be it enacted, That the Governor in Council shall from time to time appoint at Quebec, Montreal, Bytown, Kingston, Toronto, Hamilton and Niagara, and at such other places as may be found advisable, one or more persons skilled and competent to make inspections of Steamboats or Vessels propelled in whole or in part by steam, and of the machinery and boilers employed in the same, who shall not be interested in the manufacture of steam-engines, steamboat boilers, or other machinery belonging

Governor to appoint Inspectors of vessels propelled by steam, and of the machinery thereof.

belonging to steam vessels, and whose duty it shall be to make such inspection when called on for that purpose, and to give to the owner or master of such boat or vessel, Duplicate Certificates of such inspection; and every such Inspector, before entering upon the duties required by this Act, shall make and subscribe an oath, before any person duly authorized to administer an oath, well, faithfully and impartially to execute the duties imposed on him by this Act.

Inspector of Hull to give a certificate.

V. And be it enacted, That the person or persons who shall be called upon to inspect the hull of any steamboat or steam vessel under the provisions of this Act, shall, after a thorough examination of the same, give to the owner or master, as the case may be, a Certificate, in which shall be stated the age of the said boat or vessel, when and where originally built, and the length of time the same has been running; and he or they shall also state whether in his or their opinion, the said boat or vessel is sound, and in all respect seaworthy, and fit to be used for the transport of freight and passengers, for which service so performed upon each and every boat or vessel, the Inspectors shall each be paid and allowed by the said master or owner applying for such inspection, the sum of Two Pounds and Ten Shillings.

Fee.

Inspector of Machinery to give a certificate.

VI. And be it enacted, That the person or persons who shall be called upon to inspect the boiler and machinery of any steamboat or vessel, under the provisions of this Act, shall, after a thorough examination of the same, make a Certificate, in which he or they shall state his or their opinion, whether such boiler is sound and fit for use, together with the age of such boiler, and the heaviest pressure of steam to which such boiler may, in his opinion, be safely subjected during the period to which such inspection is to apply, as well when the vessel is stationary as when running, thereby establishing a rate of pressure in each case, and shall not deliver such Certificate unless such vessel shall be provided with such steam gauge as is hereinafter required; and Duplicates thereof shall be delivered to the owner or master of such steamboat or vessel, one of which it shall be the duty of the said master or owner to deliver to the Collector of the port where such inspection has been made, and the other he shall cause to be posted up and kept in some conspicuous part of the said boat or vessel, for the information of the public; and for each and every inspection so made, each of the Inspectors shall be paid by the said master or owner applying, the sum of Two Pounds and Ten Shillings.

Fee.

How frequently the Hull and Machinery shall be inspected.

VII. And be it enacted, That it shall be the duty of the master or owner of any such boat or vessel to cause the said inspection of the hull thereof to be made at least once in every twelve calendar months, and the said inspection of the boilers and machinery of such boat or vessel at least once in every six calendar months, and to deliver to the Collector of the port where such inspection shall be made, a Certificate of such inspection, and on a failure of such inspections or either of them, and delivery, such master or owner shall be subject to the penalty of One Hundred Pounds, and such boat or vessel shall be liable for and chargeable therewith.

Safety valve to be raised when the vessel is stopped.

VIII. And be it enacted, That in a conspicuous and easily accessible place in every such Steam Vessel there shall be a Steam Gauge properly constructed and open to the view of all passengers and others on board such Vessel, and shewing at all times the true pressure of the steam in the boiler thereof; and whenever the master of any such boat or vessel, propelled wholly or in part by steam, or the person or persons charged with navigating the same, shall stop the motion or headway of such boat or vessel, or when such boat or vessel shall be stopped for the purpose of discharging or taking in cargo, fuel or passengers, he or they shall open the safety valve, so as to keep the steam down in the said boiler to the pressure limited as aforesaid, under the penalty of Fifty Pounds for every contravention of this provision; and that if any master or engineer of any such Steam Vessel shall at any time allow the pressure of steam to which the boiler of such Steam Vessel shall be subjected, to exceed that limited by such Certificate as aforesaid, or shall alter or conceal or otherwise deal with such Steam Gauge aforesaid, so as to prevent the real pressure of steam from being seen and ascertained

ascertained by any passenger, he shall thereby incur a like penalty of Fifty Pounds for every such offence.

IX. And be it enacted, That it shall be the duty of the owner and master of every Steamboat, unless the same be a Ferry-boat, engaged in the transportation of freight and passengers on the Lakes Ontario, Erie, Huron, Simcoe and Superior, and on the River St. Lawrence or Ottawa, the tonnage of which shall not exceed two hundred tons, to provide and carry with the said boat, upon each and every voyage, two long-boats or yawls, each of which shall be competent to carry at least twenty persons, and where the tonnage of such Steamboat shall exceed two hundred tons, not less than three long-boats or yawls of the same or larger dimensions; and for every failure in these particulars, the said master or owner shall forfeit and pay Fifty Pounds: Provided always, that this clause shall not apply to Schooners or Vessels of whatever tonnage engaged in the Coasting Trade, within and below the Port of Quebec.

Steamers to carry
Boats of certain di-
mensions.

X. And be it enacted, That it shall be the duty of every such owner or master of every Steam Vessel navigating any of the Lakes or Rivers last aforesaid, to provide, as a part of the necessary furniture, a suction hose and fire engine and hose, suitable to be worked on the said vessel in case of fire, and carry the same on each and every voyage, in good order; and on failure thereof, such owner or master shall forfeit Fifty Pounds for every such offence.

Steamboats to carry
fire-engines with
proper hose.

XI. And be it enacted, That if any damage to any person or property shall be sustained in consequence of the non-observance of any of the provisions contained in this Act, the same shall in all Courts of Justice be deemed, in the absence of proof to the contrary, to have been caused by the wilful default of the Master or other person having charge of such Steamboat, Schooner or other vessel as aforesaid; and the Owner thereof in all civil proceedings, and such Master or other person in all proceedings, whether civil or criminal, shall be subject to the legal consequences of such default.

Liability of masters
and owners contra-
vening this Act.

XII. And be it enacted, That the penalties imposed by this Act may be sued for by information or action of debt, in the name of Her Majesty, in any Court of Record of competent jurisdiction, and one half of such penalty shall be paid to the informer.

Recovery and applica-
tion of Penalties.

XIII. And be it enacted, That this Act shall commence and be in force upon, from and after the first day of April next, and not before.

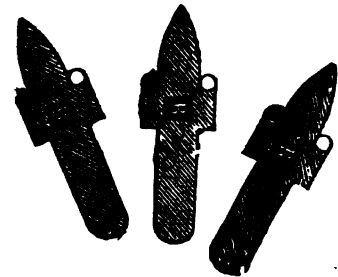
Commencement of
this Act.

SCHEDULE A.

The following Diagrams are intended to illustrate the working of the Plan prescribed by this Act.

FIRST SITUATION.

In this situation, the Steamer A will only see the red light of the Vessel B, in whichever of the three positions the latter may happen to be, because the green light will be hid from view. A will be assured that the larboard side of B is towards him, and that the latter is therefore crossing the bows of A in some direction to port. A will therefore (if so close as to fear collision) port his helm with confidence, and pass clear. On the other hand, the Vessel B, in either of the three positions, will see the red, green, and mast-head lights of A appear in a triangular form, by which the former will know that a Steamer is approaching directly towards him:—B will act accordingly. It is scarcely necessary to remark that the mast-head light will always be visible in every situation till abaft the beam.



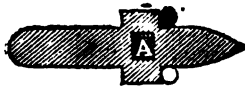
SECOND SITUATION.

Here A will see B's green light only, which will clearly indicate to the former that B is crossing to starboard. Again, A's three lights being visible to B, will apprise the latter that a Steamer is steering directly towards him.



THIRD SITUATION.

A and B will see each other's red light only, the screens preventing the green lights being seen. Both Vessels are evidently passing to port.



FOURTH SITUATION.

Here a green light only will be visible to each: the screens preventing the red lights being seen. They are therefore passing to starboard.



FIFTH SITUATION.

This is a situation requiring caution:—the red light in view to A, and green to B, will inform both that they are approaching each other in an oblique direction. A should put his helm to port, according to the standing rule mentioned in the next situation.



SIXTH SITUATION.

Here the two colored lights, visible to each, will indicate their direct approach towards each other. In this situation it ought to be a standing rule that both should put their helms to port.



CAP. CXXVII.

An Act to provide for the better organization of Agricultural Societies in Upper Canada.

[30th August, 1851.]

WHEREAS by an Act of the Legislature passed during the now last Session, provision was made for the establishment of a Board of Agriculture in Upper Canada ; and whereas to enable the said Board to accomplish the object for which it was established, it is necessary to re-organize the Agricultural Societies of Upper Canada, and to provide a uniform system for their more efficient working : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act of the Legislature passed in the eighth year of Her Majesty's Reign, intituled, *An Act for the encouragement of Agricultural Societies and Agriculture in Upper Canada*, be, and the same is hereby repealed.

Preamble.

8 Vict. c. 54, repealed.

COUNTY SOCIETIES.

II. And be it enacted, That a County Agricultural Society may be organized in each of the Counties of Upper Canada, whenever fifty persons shall become Members thereof, by signing a Declaration in the form of the Schedule A, to this Act annexed, and subscribing each not less than Five Shillings annually to the Funds of the said Society.

County societies organized.

III. And be it enacted, That the object of the said Societies, and of the Township or Branch Societies in connection therewith, shall be to encourage improvement in Agriculture, by holding Meetings for Discussion, and for hearing Lectures on subjects connected with the theory and practice of Improved Husbandry ; by promoting the circulation of the Agricultural Periodicals published in the Province ; by importing or otherwise procuring Seeds, Plants and Animals of new and valuable kinds ; by offering Prizes for Essays on Questions of Scientific Inquiry relating to Agriculture ; and by awarding Premiums for Excellence in the raising or introduction of Stock, the invention or Improvement of Agricultural Implements and Machines, the production of Grain and all kinds of Vegetables, and generally for excellence in any Agricultural Production or Operation, and also by the acquisition and cultivation by any such County Society of a Model Farm, if deemed advisable by such Society ; and it shall not be lawful to expend the Funds of the Societies, derived from subscriptions of Members, or the Public Grant, for any object inconsistent with those above mentioned, and that the Directors of every such County and Township Society, shall have full power from time to time to make, alter and repeal By-laws and Rules for the regulation of such Society and the carrying out of its objects.

Objects of County and of Branch or Township Societies.

IV. And be it enacted, That the said Societies shall hold their Annual Meetings in the month of February in each year, and shall, at such Meeting, elect a President, two Vice-Presidents, a Secretary and Treasurer and five Directors.

Annual meetings, and officers.

V. And be it enacted, That the Presidents of the several Township Agricultural Societies, within the County, shall, in addition to those before mentioned, be *ex officio* Directors of the County Society, and the said Officers and Directors shall and may, for the year next following the Annual Meeting, exercise all the powers vested in the County Society by this Act.

Presidents of Township Societies to be Directors.

VI. And be it enacted, That the Meetings of the Officers and Directors shall be held pursuant to adjournment, or called by written notice to each to be called by authority of the President, or in his absence the Senior Vice-President, at least one week before the day appointed ; and at any such Meeting five shall be a quorum.

Meetings how called, &c.

VII.

Annual report to be made, and what it shall contain.

VII. And be it enacted, That the said Officers and Directors shall, in addition to the ordinary duties of Management, cause to be prepared, and shall present at the Annual Meeting, a Report of the proceedings during the year, in which shall be stated the names of all the Members of the Society, the amount paid by each set opposite his name, the names of all persons to whom Premiums were awarded, the amount of such Premiums respectively, and the name of the animal, article or thing in respect of which the same was granted, together with such remarks upon the Agriculture of the County, the Improvements which have been, or may be made therein, as the Directors shall be enabled to offer ; there shall also be presented to the said Annual Meeting, a detailed Statement of the Receipts and Disbursements of the Society during the year ; which Report and Statement, if approved by the Meeting, shall be entered in the Society's Journal, to be kept for such purposes, and signed by the President or a Vice-President, as being a correct entry ; and a true copy thereof, certified by the President or Secretary for the time being, shall be sent to the Secretary of the Board of Agriculture, on or before the first day of April following.

Statement of accounts.

Report and statement when approved to be sent to the Board of Agriculture.

County Society to receive and transmit reports of Township Societies.

VIII. And be it enacted, That the County Society shall receive the Reports of the Township or Branch Societies, and shall transmit them, along with its own Report, to the Secretary of the Board of Agriculture, with such remarks thereon as may enable the said Board to obtain a correct knowledge of the progress of Agricultural Improvement in the County.

Officers and Directors to answer queries of Board of Agriculture.

IX. And be it enacted, That it shall be the duty of the said Officers and Directors to answer such queries, and give such information, as the Board of Agriculture may, from time to time, by Circular Letter or otherwise, require, touching the interests or condition of Agriculture in their County ; and generally to act, as far as practicable, upon the recommendations of the said Board.

TOWNSHIP SOCIETIES.

Township Societies how organized.

X. And be it enacted, That a Township or Branch Agricultural Society may be organized in each Township of any County, or in any two or more Townships together, whenever a sufficient number of persons shall become Members, by signing a Declaration in the form of the Schedule A, to this Act annexed, and subscribing, each, not less than Five Shillings annually to the Funds thereof, to raise an aggregate amount of not less than Seventeen Pounds Ten Shillings.

Annual meetings, and officers.

XI. And be it enacted, That the said Societies shall hold their Annual Meetings in the month of January in each year, and shall elect a President, Vice-President, Secretary and Treasurer, and three or not more than nine Directors.

Annual report to be made.

XII. And be it enacted, That the said Officers and Directors shall prepare and present to the Annual Meeting of the Society, a Report of their proceedings during the year, in the same manner as hereinbefore directed for County Societies, and containing information under the same heads ; and shall transmit a true copy thereof, certified by the President or Vice-President, to the Secretary of the County Society, in time for the Annual Meeting thereof in the month of February.

GENERAL PROVISIONS.

Exhibition may be held in any Township having a Society.

XIII. And be it enacted, That when a County Society and Township Societies are organized in any County, it shall be lawful for the Directors of the County Society, if they think proper, to appoint the Exhibition of the County Society to be held in any Township in the said County ; and the Society of the said Township (or, if such Township be united with another or others, to form a Society, the Society of such Township), shall not hold a Show for that year, but the same shall merge in the Exhibition of the County Society, and the Funds of the Township or Branch Society, for that year's Exhibition, shall be paid over to the Treasurer of the County Society : Provided that the said Township or Branch Society shall not forfeit any right to a share of the Public Grant for not making a full Report for such year.

Proviso.

XIV.

XIV. And be it enacted, That when the Chairman and Secretary of the Board of Agriculture shall certify to the Governor of this Province, that any County Society has sent to the said Board Reports and Statements as required by this Act, for the year then last previous, and shall also certify that the Treasurer or other Officer of the said Society, has transmitted to the said Board an Affidavit (which may be in the form of the Schedule B, to this Act annexed, and may be sworn to before any Justice of the Peace, who is hereby authorized to receive the same), stating the amount subscribed for that year, and paid to the Treasurer of the County Society by the Members thereof, and by the several Township Societies of the said County, it shall be lawful for the Governor to issue his Warrant in favor of such County Society, for a sum to be taken out of any unappropriated moneys in the Hands of the Receiver General, equal to three times the amount appearing by the said Affidavit to be then in the Hands of the Treasurer : Provided, that no Grant shall be made unless Twenty-five Pounds be first subscribed and paid to the Treasurer ; and provided that the whole amount granted to any County Society shall not exceed Two Hundred and Fifty Pounds in any year : and provided also, that it shall not be necessary that any County Society should have sent Reports and Statements as above mentioned to the Board of Agriculture, in order to enable such Society to obtain the Government Allowance under this Section for the present year one thousand eight hundred and fifty-one, nor shall it be necessary, in order to enable any County Society to obtain such Allowance for the first year in which it shall be established, that it should have sent such Reports and Statements to the said Board for the previous year, but it shall in either of the said cases be sufficient that such Society has complied with the other requirements of this Section.

Government Grant to be paid to any County Society on certificate of Secretary of Board of Agriculture.

Proviso: amount limited.

XV. And be it enacted, That every Township or Branch Society, organized according to this Act, and sending a Report of its proceedings to the County Society, as hereinbefore required, shall be entitled to a share of the Grant to the County Society, in proportion to the amount which shall have been subscribed by the Members of such Township or Branch Society, and deposited with the Treasurer of the County Society, on or before the first day of May in each year ; and the sum so deposited by any Township or Branch Society shall be repaid, along with its share of the Public Grant, so soon as the said Grant shall have been received by the County Society : Provided always, that not more than one half of the sum granted to any County Society shall be subject to division among Township or Branch Societies.

Share of Township Societies regulated.

Proviso.

XVI. And be it enacted, That the Treasurer or other Officer of any County, Township or Branch Society, who shall certify that a subscription, or any sum of money, has been paid to him for the Society, when it has not been so paid, or who shall pay back any such subscription before the Public Grant is divided, shall forfeit and pay to Her Majesty the sum of Ten Pounds for every such offence, and shall be guilty of a misdemeanor.

Penalty on officers certifying untruly.

XVII. And be it enacted, That for and notwithstanding any thing in the tenth section or any other part of the Act passed in the now last Session, and intituled, *An Act to establish a Board of Agriculture in Upper Canada*, the Vice-President, or in his absence the Secretary or Treasurer of any County Society, may, in the absence of the President of such County Society, act in his stead as a Director of the Agricultural Association of Upper Canada.

Word "County" interpreted.

XVIII. And be it enacted, That it shall be lawful for the Municipal Council of any County in Upper Canada, from time to time, if they see fit, to grant aid from the County Funds to the Agriculture Association of Upper Canada.

Aid from the County funds.

XIX. And be it enacted, That the said Board of Agriculture, and the several County Societies organized according to the provisions of this Act, shall be and become Bodies Corporate, with power to acquire and hold land and personal property, and to sell, lease or otherwise dispose of the same ; Provided that the real estate to be held by the said Board shall at no time exceed in value the sum of Five Thousand Pounds, and the Real Estate to be held by each of the said County Societies shall at no time exceed in value the sum of One Thousand Pounds.

Corporate powers.

Amounts of real estate.

Section 10, of 13 & 14
Vict. c. 73, amended.

XX. And be it enacted, That the word "County" in this Act, shall mean and include Union of Counties.

SCHEDULE A.

We, whose names are subscribed hereto, agree to form ourselves into a Society, under the provisions of the Act of the Legislature, (*Title and date of this Act*) to be called the "County (*Township or Branch, as the case may be,*) Agricultural Society of the County of " (*or Township of*); and we hereby severally agree to pay to the Treasurer yearly, while we continue Members of the said Society, (*any Member being at liberty to retire therefrom, upon giving notice in writing, at any time before the Annual Meeting, to the Secretary of his wish so to do*) the sums opposite our respective names; and we further agree to conform to the Rules and By-laws of the said Society.

Names.	£	s.	d.

SCHEDULE B.

County of , }
to wit: , }

I, A. B., of the Township of , Treasurer of the County Agricultural Society of , make oath and say, that the sum of has been paid into my Hands since the first day of February last, by the Township Agricultural Societies of the said County, as and for the Members' subscription for this year; and that the sum of has been paid into my Hands, as subscriptions for this year, by Members of the said County Society; and that the said sums, making in the whole the sum of , now remain in my Hands, ready to be disposed of according to law.

A. B.

Sworn to before me, this day
of A. D. 185 .

Justice of the Peace for the
County of

CAP. CXXVIII.

An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal.

[30th August, 1851.]

WHEREAS it is expedient to amend and consolidate the provisions of two certain Ordinances of the Legislature of the heretofore Province of Lower Canada, made and passed in the fourth year of Her Majesty's Reign, and respectively intituled, *An Ordinance to incorporate the City and Town of Montreal*, and *An Ordinance to amend the Ordinance to incorporate the City and Town of Montreal*, and of certain Acts of the Legislature of this Province, passed in the eighth, ninth and eleventh years of Her Majesty's Reign, and respectively intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal*, and of a certain Ordinance amending that Ordinance, and to vest certain other powers in the Corporation created by the said first mentioned Ordinance,—*An Act to amend the Laws incorporating the City of Montreal*, and to facilitate the decision of cases wherein the right of any party to any office in the Corporation may be called in question,—*An Act to amend an Act therein mentioned*, and to make better provision for the Election of Councillors and Assessors of and for the City of Montreal,—and *An Act to amend the Laws relating to the Incorporation of the City of Montreal*, and to vest certain other powers in the Corporation of the Mayor, Aldermen and Citizens of the City of Montreal, constituted by the said Ordinance therein first mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the inhabitants of the said City and Town of Montreal, and their successors, inhabitants of the same, incorporated under the said Ordinance herein first mentioned, shall continue to be, and shall be, as provided in and by the said Ordinance herein first mentioned, a Body Corporate in fact and in name, by and under the name, style and title of *The Mayor, Aldermen and Citizens of the City of Montreal*, and as such shall have perpetual succession, and a Common Seal, with power to break, renew, change and alter the same at pleasure; and shall be capable of suing and being sued, and of impleading and being impleaded, in all Courts of Law and Equity, and other places, in all manner of actions, causes and matters whatsoever, and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, moveable and immoveable Estate, and of granting, selling, alienating, assigning, demising and conveying the same, and of entering into and becoming a party to contracts, and for granting and accepting any Bills, Bonds, Judgments, or other Instruments or Securities, for the payment or securing of the payment of any money borrowed or lent, or the performance, or securing the performance, of any other duty, matter or thing whatsoever.

Preamble.

Ordinances of 3 & 4 Vic. c. 30 & 36, cited.

Ordinances of 8 Vic. c. 59,—9 Vic. c. 21 & 43,—11 Vic. c. 11, cited.

Corporation continued.

General Corporate powers granted.

Powers to grant Bonds.

II. And be it enacted, That for the purposes mentioned in the preceding section of this Act, and especially for the payment or securing the payment of any money borrowed, for the purpose of paying loans already made, or debts now owing by the said Corporation, or of taking up Bonds that may be due or may hereafter become due, or for the purpose of making a new loan or loans, to the extent hereinafter by the fifty-second and fifty-third sections of this Act prescribed, or for any other legitimate and sufficient purpose whatsoever, the said Council may grant and issue Bonds for the sum or sums of money therein to be specified, payable at such time and times after the granting and issuing thereof, and in such place or places in this Province, in the United

States

States of America, in any part of Great Britain, or elsewhere, and either in the currency of this Province, or in sterling money, or in the currency of the Country where the same may be respectively made payable, as by the said Council may be thought advantageous or expedient.

Limits of the City of Montreal defined.

III. And be it enacted, That the Tract of land which, in and by a certain Proclamation of His Excellency Alured Clarke, Esquire, Lieutenant-Governor of the heretofore Province of Lower Canada, issued under the Great Seal of the said last mentioned Province, and bearing date the seventh day of May, in the year of our Lord, one thousand seven hundred and ninety-two, was, and is described, as being comprehended within the City and Town of Montreal, and which it was therein declared, should be thenceforward called by that name, shall, as provided by the said Ordinance herein first mentioned, constitute and be, and be called, the City of Montreal.

City divided into nine wards.

IV. And be it enacted, That for the purposes of this Act, the said City of Montreal shall, from and after the passing of this Act, be divided, for the purposes of the same, into nine Wards, called respectively, East Ward, Centre Ward, West Ward, Saint Anne's Ward, Saint Antoine Ward, Saint Lawrence Ward, Saint Louis Ward, Saint James Ward, and Saint Mary's Ward.

Boundaries of the several Wards.

V. And be it enacted, That the said Wards of the City of Montreal shall be divided, bounded and limited as follows, that is to say:

East Ward.

The *East Ward* of the said City, on the south-east by that part of the River Saint Lawrence opposite to, and extending from Lacroix Street to the extremity of Walker Lane; on the south-west by the middle of Walker Lane and Saint Gabriel Street, to Craig Street; on the north-west by the middle of Craig Street, from Saint Gabriel Street aforesaid, to Sanguinet Street, and continuing down Sanguinet Street until it meets Saint Louis Street, from thence, along the middle of the said Saint Louis Street, to where the said Saint Louis Street meets Lacroix Street aforesaid; lastly, on the north-east by the centre of Lacroix Street aforesaid, from Saint Louis Street aforesaid to the River or point of departure.

Centre Ward.

The *Centre Ward* of the said City, shall continue to be, and shall be divided, bounded and limited as follows, that is to say: on the south-east by that part of the River Saint Lawrence opposite to, and extending from the middle of Walker Lane to the middle of the extremity of Callières Street; on the south-west by the middle of the said Callières Street, and crossing the interval between the said Callières Street and Saint François Xavier Street, by the middle of Saint François Xavier Street, to Craig Street; on the north-west by the middle of Craig Street to Saint Gabriel Street; and lastly, on the north-east by the middle of the said Saint Gabriel Street and Walker Lane, to the River or point of departure.

West Ward.

The *West Ward* of the said City shall continue to be, and shall be divided, bounded and limited as follows, that is to say: on the south-east by that part of the River Saint Lawrence opposite to, and extending from the middle of the extremity of Callières Street to the middle of the extremity of M'Gill Street; on the south-west by a line passing through the centre of M'Gill Street and through Commissioners' Square, to Craig Street; on the north-west by the middle of Craig Street as far as Saint François Xavier Street; and lastly, on the north-east by the middle of Saint François Xavier Street and Callières Street, to the river or point of departure.

Saint Anne's Ward.

The *Saint Anne's Ward* shall be bounded as follows: on the north-east by the centre of M'Gill Street, commencing at the River Saint Lawrence; thence, north, along the centre of M'Gill Street, to its junction with the centre of Saint Joseph Street; thence, along the centre of Saint Joseph Street, to the City boundary; thence, along the said boundary line in a south-easterly direction, to the River Saint Lawrence, and thence, to the place of beginning.

Saint Antoine Ward.

The *Saint Antoine Ward* shall be bounded as follows: on the north-east by the centre of M'Gill Street, and through Commissioners' Square, to Craig Street; thence, north, through the centre of Craig Street, to Alexander Street; thence, through the centre of Alexander Street, to the centre of Saint Catherine Street; thence, the north-west

north-west side of the centre of Saint Catherine Street to City Councillors' Street; thence, the south-west side of City Councillors' Street to Sherbrooke Street; thence, the north-west side of the centre of Sherbrooke Street to Durocher Street; thence, the south-west side of the centre of Durocher Street, and the extension of the same, to the City boundary line; thence, along the same line so far as it may extend towards the south-west; thence, along the said line, in a south-east direction to the centre of Saint Joseph Street; thence, to the north-west of the centre of Saint Joseph Street, till intersecting the centre of M'Gill Street, the point of commencement.

The *Saint Lawrence Ward* shall be bounded as follows: on the north-west side of the centre of Craig Street, commencing at Saint Lawrence Main Street, and continuing to Alexander Street; thence, the north-east side of the centre of Alexander Street, to Saint Catherine Street; thence, the north-west side of the centre of Saint Catherine Street, to City Councillors' Street; thence, the north-east side of the centre of City Councillors' Street, to Sherbrooke Street; thence, the south-east side of the centre of Sherbrooke Street, to Durocher Street; thence, the north-east side of the centre of Durocher Street, to the City boundary line; thence, along the said line towards the north-east, until the same joins the centre of Saint Lawrence Main Street; thence, the south-west side of the centre of Saint Lawrence Main Street, to Craig Street, or the place of beginning.

St. Lawrence Ward.

The *Saint Lewis Ward* shall be bounded as follows: commencing at the centre of Saint Louis and Saint Denis Streets, continuing south-west along the centre of Saint Louis Street to Sanguinet Street; thence, along the centre of Sanguinet Street until intersecting the centre of Craig Street; thence, the north-west of the centre line of Craig Street, until it arrives at the middle of Saint Lawrence Main Street; thence, the north-east side of the centre of Saint Lawrence Main Street, to the City boundary line; thence, along the said line, towards the north-east, until intersecting the centre of Saint Denis Street; thence, the south-west of the centre of Saint Denis Street, to the middle of Saint Louis Street, the point of commencement.

Saint Lewis Ward.

The *Saint James Ward* shall be bounded as follows: the north-east side of the centre of Lacroix Street, commencing at the River Saint Lawrence and continuing to Saint Louis Street; from thence, the north-west side of the centre of Saint Louis Street, to Saint Denis Street; from thence, the north-east side of the centre of Saint Denis Street, with the extension thereof, to the City boundary; thence, along the City boundary line towards the north-east until it intersects the continuation of the centre of Visitation Street; thence, continuing the said line of the centre of Visitation Street, in a south-east direction, until the same shall reach Saint Mary Street; and thence, from the centre of Barclay Street, to the River Saint Lawrence; and thence, along the said River, to the place of beginning.

Saint James Ward.

The *Saint Mary's Ward* shall be bounded as follows: the north-east side of the centre of Barclay Street, commencing at the River Saint Lawrence, to Saint Mary Street; and thence, continuing from the centre of Visitation Street to the City boundary line; thence, along the said line, towards the north-east, so far as the same may be found to extend; thence, continuing the said line in a south-easterly direction until the same shall reach the River Saint Lawrence; and thence, along the said River, to the place of commencement.

Saint Mary's Ward.

VI. And be it enacted, That there shall be elected in the manner hereinafter mentioned, one fit person, who shall be and be called the Mayor of the said City of Montreal, and a certain number of fit persons, who shall be and be called Aldermen of the said City, and a certain number of other fit persons, who shall be and be called Councillors of the said City; and such Mayor, Aldermen and Councillors, for the time being, shall be and be called the Council of the said City.

Mayor, Aldermen and Councillors to be elected, and to be called the Council of the City.

VII. And be it enacted, That no person shall be capable of being elected Mayor of the City of Montreal, or an Alderman thereof, unless he shall have been a resident householder within the said City for one year next before such election, and unless he shall be seized and possessed, to his own use, of real or personal estate, or both,

Qualification for Aldermen.

within the said City, after payment or deduction of his just debts, of the value of one thousand pounds currency.

Qualification for Councillor.

VIII. And be it enacted, That no person shall be capable of being elected a Councillor of the said City of Montreal, unless he shall have been a resident householder within the said City for one year next before such election, and unless he shall be seized or possessed, to his own use, of real or personal estate, or both, within the said City, after payment or deduction of his just debts, of the value of Five Hundred Pounds currency.

Persons incapable of being elected Mayor, Aldermen, or Councillors, or of voting at any election of City officers.

IX. And be it enacted, That no person shall be capable of being elected Mayor, Alderman or Councillor of the said City of Montreal, or of voting at any election of City Officers, who shall not be a natural born or naturalized subject of Her Majesty, and of the full age of twenty-one years; nor shall any person be capable of voting or of being elected at any such election who shall have been attainted for treason or felony, in any Court of Law within any of Her Majesty's dominions.

Persons incapable of being elected Councillors.

X. And be it enacted, That no person being in Holy Orders, or being a Minister or Teacher of any Dissenting or Religious Sect, nor any Judge or Judges, Clerk or Clerks of any Court, or any Member of the Executive Council, nor any person accountable for the City Revenue or receiving any pecuniary allowance from the City for his services, or any Officer or person presiding at an election of a Councillor or Councillors, while so presiding, nor any Clerk or Assistant employed by him at any such election, while so employed, shall be capable of being elected a Councillor for the said City, or of being a Mayor, an Alderman or a Councillor of the said City.

Qualifications of voters at the election of Councillors.

XI. And be it enacted, That the Councillors of the said City of Montreal, at the periods hereinafter appointed, shall be chosen by the majority of votes of such male persons being inhabitant householders or occupiers of dwelling-houses, within the Ward for which such election shall be had, as shall severally be possessed, on the first day of January next preceding such election, of a dwelling-house within the Ward, held by them respectively in freehold or for a term of years, or for a term not less than one year, the annual value whereof, if held in freehold, shall not be less than Forty Shillings current money of this Province, or the rent paid therefor, if otherwise held, shall not be less than Eight Pounds said current money, and who shall have been resident within the said City, during one year or more previous to the first day of January next before any such election, and who shall have resided within the particular Ward for which such election shall be had, not less than three months next before the first day of January preceding such election, and who shall have been assessed under the Laws and By-Laws in force on the first day of January next preceding any such election, in a sum of not less than Eight Pounds, current money aforesaid, upon the dwelling-house so occupied, and part of a dwelling-house in which an inhabitant shall reside as a householder or occupier, but not as a boarder or lodger, and having an outer door under his sole control, by which a communication with the street may be afforded, shall be considered a dwelling-house within the meaning of this enactment, provided the annual value thereof, or the rent paid therefor, as aforesaid, be not less than Eight Pounds, and the rate of assessment thereon be on a sum not less than Eight Pounds, current money aforesaid, per annum. And every male person, though not a householder, who shall have been resident in the said City during one year next before the first day of January, preceding any such election of Councillors, and who, either individually or jointly, as a co-partner with any other person or persons, shall have occupied any warehouse, counting-house or shop, within any of the said Wards of the City, during three months next preceding any such election, and shall have been assessed for not less than one year on such premises, on a sum not less than Eight Pounds if occupied by one individual, or not less than Eight Pounds per share if there are two or more co-partners, be entitled to vote at the election of Councillors to be had in the Ward in which such premises shall be situated: And provided also, That whether the said assessments be paid by the owner or proprietor of the property so assessed, or by the inhabitant, householder, tenant,

Dwelling-house of the value of 20 rental.

Residence of one year in the City, and of three months in the Ward—

To have been assessed.

Part of dwelling-house, in certain cases, deemed a dwelling-house.

Persons not householders, but occupying premises that are rated for duty on business, which is paid up, to be entitled to vote.

Provido.

or

or occupier thereof, the said inhabitant, householder, tenant, or occupier, shall be entitled to vote in respect of his occupation of such property, or part thereof as aforesaid, and shall not be deprived thereof in consequence of his not having paid the same, provided he be otherwise rated, charged or assessed in respect of the Laws and By-Laws in force: And provided also, That no such inhabitant, householder, tenant or occupier, of a dwelling-house, part of a dwelling-house, warehouse, counting-house or shop, within the said City, shall be entitled to vote at any such election of Councillors, unless he shall, previous to the first day of January, next before the holding of any such election, have paid the amount of all rates and assessments, and of every tax, duty, or impost (drain amounts excepted) lawfully imposed by any By-Law, Rule, Regulation or Order now in force, or that hereafter may be in force in the said City of Montreal, that may be due and payable by him in the capacity aforesaid, or as owner or proprietor of other lands, lots, houses or other buildings, within the City, either vacant or in the possession of tenants, householders or occupiers who have neglected to pay the assessment thereon, up to the first day of January, next before the holding of any such election.

Voters to have paid all assessments due, before they can vote.

XII. And be it enacted, That the Mayor of the said City shall be elected by the majority of the votes of all the Electors of the said City, qualified as aforesaid, taken in the Wards in which they are severally and respectively entitled to vote in the election of Councillors as aforesaid.

Election of mayor, &c.

XIII. And whereas provision for the Registry of Voters has been found equitable and convenient, Be it enacted, That before the first day of January, in every year, the Assessors hereinafter mentioned shall make out from the last Assessment Roll, an alphabetical list of the Voters qualified to vote at the election of Councillors in each Ward, to be called "The Voters' List," to which they shall add the names of all such persons, not on the said Assessment Roll, as they know are then entitled to vote at such election, according to the provisions of this Act, and the said Assessors shall sign such list, certifying that it is correct to the best of their knowledge and belief, (and shall also keep a true copy thereof,) which list they shall deliver to the City Clerk, to be by him submitted to the Board of Revisors.

The voters' List.

XIV. And be it enacted, That the said list shall be kept in the City Hall for the examination of all concerned, at reasonable hours, from the first to the fifteenth day of January, inclusive, of which fact the City Clerk shall give immediate public notice, either by printed placards, or by advertisement in not less than one newspaper published in the English language, and one published in the French language, in the said City; and any person who shall claim to be added to the said "Voters' List," or any elector who shall desire to have any name erased therefrom, shall prefer his request in writing, signed with his name, stating the Ward to which he belongs, and shall cause the same to be delivered to the City Clerk on or before the said fifteenth day of January.

Lists to be publicly exposed for one month.

Claims how to be made.

XV. And be it enacted, That at their last Quarterly meeting in every year after the passing of this Act, the City Council shall choose from among their own number four Members of the said Council, who, together with the Mayor for the time being, shall be and constitute a Board of Revisors, any three of whom shall be a *quorum* to revise the said Voters' List, and decide, according to the best of their judgment, upon the claims previously made as aforesaid, for the insertion or omission of names in or from the said Lists; and the Mayor, or in his absence, such person as the other Members of the Board shall choose at the meeting, shall preside at such meeting of the Board, and such Board shall, on their first day of meeting, be duly sworn by one Justice of the Peace for the District of Montreal, well and impartially to perform their duties as such Revisors; and the said Board shall give public notice, before their first day of sitting, of the order in which they will take up the Lists of the several Wards; and they shall meet on the Twentieth day of January, or on the day following, if that day be a holiday, at ten o'clock in the forenoon, for the purpose of hearing persons concerned in making the said claims, and deciding upon them, and shall

Board of Revisors to be appointed—its duties.

Who shall preside

Board to give notice of their order of proceeding, &c.

shall adjourn from day to day until all the Voters' Lists are revised and settled; and the Mayor or person presiding at the said Board for the time being, shall have power to examine persons upon oath respecting the said claims and all matters connected with the revision of the said Lists; and the said Board, after hearing the best evidence of which the cases will admit, shall, and they are hereby required to decide upon and make the necessary additions or erasures to or from the said Voters' Lists, in relation to the applications before them; and the said Board shall also have power to correct any mistake, or supply any accidental omission made by the Assessors in the said Lists; and the said Lists, so revised and settled, shall be signed by the presiding Officer of the said Board, and sealed with the City Seal, and shall be the only correct Voters' Lists: Provided always, that the said Lists shall be finally completed before the Tenth day of February: And provided also, that no person's name shall be erased from any of the said lists without his being informed of the claim to that effect, and having an opportunity to be heard in reference thereto.

Proviso: Lists when to be completed, and Voters to receive notice of objections.

Publication of the revised lists.

Persons named in them producing a certificate, may vote.

XVI. And be it enacted, That the Voters' List for each Ward, when so settled and signed, shall be again placed and kept in the City Hall until after the close of the elections, and shall then be filed in the Office of the City Clerk; and that every person whose name shall appear in such Ward List, and who shall produce a Certificate as hereinafter mentioned, shall be entitled to vote at the election for Mayor of the said City, and for a Councillor or Councillors, as the case may be, for such Ward, without any further enquiry as to his qualification, and without taking any oath other than that he is the person named in such list, and has not before voted at such election, which oath the Mayor, or any Alderman or Councillor, or the Recorder of the said City is hereby required and authorized to administer.

Voters to obtain certificates, and not to vote without them.

XVII. And be it enacted, That on the application of any person whose name shall be on the Voters' List for any Ward, at any time on or after the Fifteenth day of the said month of February, and until the close of the said elections, the City Clerk shall deliver to such person a Certificate signed by him, that the name of such person is on the Voters' List for such Ward, and that he is entitled to vote at the election to be held for Mayor of the said City, and for a Councillor or Councillors for such Ward, and such Certificate shall be deposited by the Voters in the City Hall in the manner hereinafter provided; and no person shall be entitled to vote at the election without producing and delivering such Certificate, although his name be on the Voters' List for the Ward.

Public notice of polling places, &c. to be given.

XVIII. And be it enacted, That public notice shall be given by the City Clerk, in both languages, and in at least one newspaper published in the English language, and in one published in the French language in the said City, of the time when the Elections shall be held, and the said Certificates may be deposited in the City Hall; such notice being given at least three days before the election to which it shall refer; but no want of or defect in such notice shall vitiate any election.

Election of Mayor and Councillors.

XIX. And be it enacted, That the Election of Mayor and Councillors aforesaid shall annually take place and be held in manner following, to wit: The Corporation of the said City shall cause Books to be prepared in which shall annually be entered and recorded, the names of all persons, who being qualified to vote at the said Elections, shall produce and deposit their Certificates of Qualification in the City Hall of the said City at any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, from the fifteenth day of the month of February until Thursday intervening between the first and second Mondays in the month of March in each year, both days inclusive; that the said Certificate shall be prepared and made out on a sheet of paper having two leaves thereto, on the inner one of which shall be printed or stamped, blank lines followed by the words, "For Mayor," and "For Councillor in the
to wit:

For Mayor.

For Councillor in the

Ward.

For

For Councillor in the Ward.
That the party entitled to the said Certificate, and desirous of voting, shall fill up the said blanks, or if unable to write, shall cause the same to be filled up in the presence of two subscribing Witnesses, with the names of those persons for whom he may desire to vote, and whom he may wish to have elected Mayor of the said City and Councillor or Councillors thereof, as the case may be, for the Ward in which he is entitled to vote; That the holders of the said Certificates being the parties named therein, may produce the same to the City Clerk of the said City, in the City Hall thereof, at any time within the hours and periods hereinbefore specified, and after entry made by the City Clerk of the name of the said Voter, and the date of the production of the said Certificate, the holder thereof being the party named therein as aforesaid, may deposit the said Certificate in a suitable and closed box, in the said City Hall, labelled with the name of the Ward in which the said party may be entitled to vote, of which description of box, appropriately labelled, the said Corporation shall furnish one for each Ward of the said City; That at the time of producing and depositing the said Certificate, the said Voter shall be under no necessity of declaring or making known for whom he may vote either as Mayor or Councillor, and no entry or record of the party or parties voted for shall be made by the City Clerk, but only an entry of the name of the party voting and of the date when he shall produce and deposit as aforesaid his said Certificate and vote; That it shall be lawful for the said Mayor, or for any Alderman or Councillor of the said City, or for the Recorder thereof, to administer the oath prescribed in the fifteenth section of this Act, to any party producing a Certificate of Qualification, and claiming a right to deposit the same and vote at the said election; And it shall be imperative on the said Mayor and Recorder, and on each and every Alderman and Councillor of the said City, to administer the said oath, upon the requisition to that effect, of any duly qualified Voter in the said City, and likewise in all cases where doubts are or may be entertained of the identity of the party desirous of voting, and any person who shall swear falsely upon the said oath being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence. That the said nine Boxes, (one for each Ward) shall severally be locked with five locks each; that each lock shall be different from the others, and shall be opened with a key of a different construction from the keys of any other of the said locks, so that no two of the said locks may be opened with the same key; that the keys of the said locks shall be given in custody to the Board of Revisors appointed by the Council, each of whom shall keep one key, so that the said Boxes cannot be opened unless in the presence of all the Members of the said Board; That immediately after the said Thursday intervening between the first and second Mondays in March, the said Board of Revisors shall meet, in the City Hall, shall open the said Boxes, and shall cause the entries and record of the City Clerk in the said Books to be perfected, by entering and recording in the said Books the names of the persons for whom each Voter shall or may vote, to be elected Mayor or Councillor as aforesaid; And the said Board of Revisors shall ascertain and report to the Council of the said City, at its next Quarterly Meeting on the Monday, Tuesday or Wednesday following, or if prevented from so doing, then at its next Special Meeting, the total number of votes given for each Candidate, the name of the Candidate for the Office of Mayor for whom the greatest number of votes shall have been given by the Voters in all the Wards, and the Candidates for the Offices of Councillors, for whom the greatest number of votes shall have been given in each of the said several Wards; and the said Council shall, after examination of the said Books, Certificates and Report of the said Committee, thereupon declare the parties having the greatest number of votes to be respectively elected Mayor and Councillors of the said City; and in case of an equality of votes, the said Council shall determine which of the parties having the said equality shall be elected to office: Provided, That the newly elected Members, respecting whose election there is no question, shall, if present, be first sworn in, that they may vote in the said cases of equality

Council to declare the parties having a majority of votes respectively elected Mayor and Councillors.
Case of equality of votes.
Proviso.

equality of votes, if desirous of so doing; and the said Mayor and Councillors elect shall afterwards respectively take the oaths prescribed by this Act; and the said Books, with the names of the said Voters, and the names of the parties for whom they have respectively voted, together with the Certificates produced and deposited by the said Voters, shall remain in the Office of the City Clerk, where they shall be open to inspection by any Elector, on payment of One Shilling.

If any of the Revisors be dead or absent, others to be appointed in their stead.

To act for the purpose of the election only.

If Council be unable to appoint Revisors in the stead of those who are absent, &c., duties to be performed by the remaining members of the Board.

Penalty if Revisor neglects or refuses to perform duties.

Mayor, his term of office.

Case of a vacancy occurring in the office of Mayor.

Any person being elected Mayor and Councillor, to declare which office he accepts.
Proviso.

Penalty for non-acceptance.

Proviso: If the office of Mayor be accepted, a new election of Councillor to be held.

No person to carry flags, ribbons, or badges at elections.

Nor to act violently, nor disturb the election.

Under pain of being arrested anew and confined.

XX. Provided always, That in the event of the decease or absence from illness or otherwise, of any one or more of the Members of the said Board of Revisors, the Council shall appoint from among themselves, other Revisors in the stead of those who shall be so deceased or absent as aforesaid, which said Revisors so appointed shall be sworn in the same manner as those in whose stead they shall be so appointed, and any Member who shall be so appointed in the stead of an absent Revisor, shall only act as such for the purposes of the Election which shall be then going on; but if the Council shall be unable to appoint such other Revisors in the stead of those who shall have so deceased, or be absent as aforesaid, then it shall be lawful for the remaining Members of the said Board, to perform all the duties in and by this Act directed to be done by the said Board of Revisors.

XXI. And be it enacted, That if any Revisor appointed under the provisions of this Act shall neglect or refuse to perform any of the duties required of him, under the next preceding section, he shall incur a penalty of Two Hundred Pounds currency.

XXII. And be it enacted, That the said Mayor so elected, shall continue in office as Mayor of the said City, until his successor in the said office of Mayor shall have been elected and sworn in; And in case a vacancy shall occur in the office of Mayor by reason of any person who shall have been elected to that office not accepting the same, or by reason of his dying, or ceasing to hold the said office, the said Council shall, at the first General or Special Meeting thereof, after such vacancy, elect from among the Members of the Council, another fit person to be Mayor for the remainder of the period for which the Mayor whose place is to be supplied was to have served; And if any person be elected at the same time Mayor of the said City and a Councillor for any of the Wards thereof, he shall be held and bound to declare within four days after notice given to him of the said Elections, which office he will accept: Provided that if he be not legally excused from accepting the office of Mayor, he shall be held and bound to accept the same, and shall incur and pay a fine or penalty of One Hundred Pounds, for non-acceptance thereof, and the said fine or penalty shall be incurred and paid, notwithstanding that he may, at the same time, accept the office of Councillor: Provided also, that if any person so elected Mayor and Councillor at the same time, shall accept the said office of Mayor, then a new Election of Councillor shall be held for the Ward for which such person was elected Councillor, within a period to be appointed by the Mayor for that purpose, and in the manner, and subject to the same conditions, as are hereinafter provided for extraordinary vacancies in the said Council.

XXIII. And be it enacted, That each and every person who shall at any election of a Mayor or Councillor or Councillors to be had as aforesaid, wear or carry any flag, ribbon or cockade, or other badge or mark whatsoever, to distinguish him or them as supporting any particular Candidate or Candidates at such election, or who shall be armed with, or carry or have in his possession any cane, stick, club, stave, bludgeon, axe-handle or any other offensive instrument or weapon whatsoever, or who by violence, menace or malicious practice, or in any manner or way whatsoever, shall or may impede or disturb or thereby endeavour to impede or disturb any election, or thereby prevent or endeavour to prevent any elector or electors from giving his or their votes at the same, according to his or their wish or desire, shall and may be liable to be forthwith arrested on view, by any Justice of the Peace for the said City of Montreal, or by any Peace Officer or Constable, present on duty at any such election, or by Warrant issued by any Justice of the Peace, and so arrested to be committed to safe custody or confined in the Common Gaol of the District of Montreal, till the close or termination of the said election, and till good and sufficient security may be taken from the parties so arrested for their

their future peaceable conduct, and that they shall duly appear and answer to any charge that may be made against them, and for or on account of which they may be so arrested, and each and every such person, on conviction of any of the offences hereinbefore enumerated, for which he may be so arrested on view or by Warrant as aforesaid, shall forfeit and pay a fine or sum of money not exceeding Twenty-Five Pounds current money of this Province, and be liable to an imprisonment not exceeding three months' detention at hard labour in the Common Gaol or the House of Correction of the said District, for every such offence.

And of a penalty and imprisonment.

XXIV. And be it enacted, That persons entitled to vote at the election of Mayor or Councillors as aforesaid, shall vote within the particular Ward in which the property constituting their qualification to vote shall be situated, and not otherwise; and if any such person shall be possessed of property qualifying him to vote in two or more Wards, he shall be entitled to vote in that Ward only in which he may reside.

In what ward an elector may vote.

XXV. And be it enacted, That from and after the first Monday of the month of March now next, the said several Wards shall be represented in the Council of the said City by three Councillors, each independently and exclusively of the person to be elected Mayor as aforesaid; that the said Mayor shall not continue in office without being re-elected longer than one year, and until his successor in office shall have been elected and sworn in; and no Councillor elected or to be hereafter elected for any of the said Wards shall continue in office without being re-elected, for any longer period than three years; that at the next annual election of a Mayor and Councillors in the said City, to be held in the City Hall thereof, between the fifteenth day of February now next, and the Thursday intervening between the first and second Mondays of the month of March following, the inhabitant householders and persons qualified to vote as aforesaid, shall elect from the persons qualified to be Councillors, two fit and proper persons to be Councillors for each of the said Wards hereinbefore designated as the Saint Ann's, the Saint Antoine, the Saint Lawrence, the Saint Lewis, the Saint James, and the Saint Mary's Wards respectively, and also from the persons qualified to be Councillors for each of the other three Wards, such number of persons as shall be required to supply the places of those who shall then go out of office; and that on the first Monday of the month of March, in each and every year, that Councillor for each and every of the said Wards respectively, shall go out of office who shall have been Member thereof for the longest time without re-election: Provided that whenever any two Councillors are elected at the same time in any Ward, that Councillor shall first go out of office who shall have been elected by the smaller number of votes: And provided always, that whenever any two Members of the Council for any of the said Wards may be elected by an equal number of votes, then it shall be determined by a majority of the Council, which of the Members thereof for such said Wards shall go out of office: And provided further, that any Member going out of office may be re-elected, if qualified according to the provisions of this Act.

Representation of the wards, after the 1st march, 1852.

Mayor, how long to remain in office.

Councillors, their term of office.

Councillors to be elected at the next elections.

On the first monday in march, in each year, a Councillor to go out of office, and which.

Proviso.

Proviso.

Proviso: may be re-elected.

XXVI. And be it enacted, That if at any election of a Councillor or Councillors as aforesaid, any person shall be elected a Councillor for more than one Ward of the said City, he shall, within three days after notice thereof from the City Clerk, make his option, or on his default, the Mayor of the said City shall declare, for which one of the said Wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that Ward only, and in no other.

No person to serve as Councillor for more than one ward.

XXVII. And be it enacted, That to facilitate the decision of cases in which the right of any person to hold or exercise any office in the Corporation of the said City may be called in question, the Superior Court for the District of Montreal, sitting in Term, or at its weekly sittings for the cognizance of suits and actions of a civil nature, shall, on the information (*requête libellée*) of any citizen of the said City qualified to vote at the election of Councillor for some Ward thereof, supported by Affidavit to the satisfaction of the Court or of such Justices, and complaining that any person illegally exercises, or assumes, or attempts to exercise the office of Mayor, Alderman, or Councillor of the said City, have full power and authority to order the

Superior Court in term, or at its weekly sittings, to try and adjudicate cases under this Act.

Process.

the person so complained of to appear before such Court or Justices, and to shew by what authority he exercises, or assumes, or attempts to exercise such office; and such order shall be served (with a copy of the information) upon the party complained of, at least three days before that on which such party shall be ordered to appear; and the said Court shall have full power and authority thereupon to try and adjudge upon the right of the person so complained of to exercise the office in question, and to make such order in the case, and to cause (if need shall be) such Writ of *Mandamus* or Order to be addressed to the Corporation of the Mayor, Aldermen and Citizens of Montreal, as to right and justice may appertain; and such Order or Writ shall be obeyed by the said Corporation, and by all other parties whatsoever, and from the Judgment of the said Court in any such matter as aforesaid, there shall be no appeal; and the said Court shall have full power to tax and award such costs against any party as in their discretion they shall deem right: Provided always, that so far as may be consistent with this Act, the forms of proceeding in any such case as aforesaid, shall be as summary as may be consistent with a due examination into the merits of the case: And provided also, that the authority and powers conferred by this section on the said Superior Court in Term, or at its weekly sittings, shall apply to cases where the party complained of exercised, or assumed or attempted to exercise the office in question before the passing of this Act; and that any proceedings commenced in Term before the Court may be continued before the weekly sittings of the said Court, and any proceedings commenced before the said Court in the weekly sittings thereof, may be continued before the said Court in Term.

Proviso.

Proviso.

Mayor to appoint a day for elections.

XXVIII. And be it enacted, That whensoever hereafter it may happen that from any cause whatsoever, an election for a Member or Members of the said Council of the said City shall not take place for any Ward or Wards of the said City at the time fixed therefor by law, or appointed therefor by the Mayor of the said City, it shall be lawful for the said Mayor, as soon thereafter as expedient, to appoint a period within which an election or elections, in lieu and place thereof, shall be held and take place, in the City Hall of the said City, in the manner hereinafter prescribed.

Four quarterly meetings in each year of three days each.

XXIX. And be it enacted, That there shall be in each year four Quarterly Meetings of the said Council, which shall be held on the following days, that is to say, on the second Monday of the months of March, June, September and December, in each and every year; and the said meetings shall not at any one time be held for a longer period than three days successively, in which holidays shall not be included.

Mayor &c. now in office, to continue in office.

XXX. And be it enacted, That the Mayor, Aldermen and Councillors of the City of Montreal, who shall be in office when this Act shall come into force, shall continue in office until required to go out of office under the provisions of this Act; and the person who shall so be the Mayor of the City of Montreal at the time this Act shall come into force, shall continue in office until his successor in the said office of Mayor shall have been appointed and sworn in, according to the provisions of this Act; and on the first Monday in March in each and every year, one of the Members of the Council for each Ward shall go out of office; and on the first Monday in March now next, and on the first Monday in March in each succeeding year, those Members of the Council for each Ward respectively shall go out of office who shall have been Members thereof for the longest time without re-election: Provided always, that if on the first Monday in March next, or in any succeeding year, there shall be a vacancy or vacancies in the office of any Member or Members of the Council for any Ward, who would not, under the provisions of this section, have gone out of office on that day, then a Member or Members of the Council shall be elected for the Ward to fill such vacancy, as well as in the place of the Member who shall then go out of office under the provisions of this section: And provided also, that it shall be allowable for any Member of the said Council to resign his said office of Councillor, and vacate his seat in the said Council, if the reason assigned by him for so doing be considered good and sufficient, and his said resignation be accepted of by not less than two-thirds of the

One member for each ward to go out of office in march every year.

If at such election a further vacancy should occur, another member to be elected.

the

the Members composing the said Council. And if in any year, the first Monday in March be a holiday, all that by this section is ordered to be done on that day, shall be done on the following day.

Case of a holiday

XXXI. And be it enacted, That at the first Quarterly or Special Meeting of the Council of the said City, after the election of Members thereof next year, and each subsequent year, the said Council shall elect from among the Members of the said Council, so many as may then be requisite, with those Aldermen remaining in office, to make the number of nine, (if so many Members there be duly qualified, and if there be not, then such less number as may be so qualified,) to be Aldermen of the said City, until the time when they shall respectively cease to be Members of the said Council under the provisions of this Act, and no longer: Provided always, that any Alderman going out of office, in any year, may, if re-elected as a Member of the Council, at the next or any subsequent election of Councillors, be re-elected as an Alderman.

Election of Aldermen

Alderman going out of office may be re-elected.

XXXII. And be it enacted, That if, after the passing of this Act, any extraordinary vacancy shall occur in the office of Member of the Council of the said City, for any Ward thereof, the inhabitant householders and persons qualified to vote in the Ward for which such vacancy shall have occurred, shall, within a period to be appointed by the Mayor, after such vacancy shall have occurred, elect from the persons qualified to be Members of the Council, a person duly qualified to fill such vacancy; and such election shall be held, and the voting and other proceedings shall be conducted in the same manner and subject to the same provisions in this Act contained, with respect to other Elections of Members of the said Council; and every person so elected shall hold such office until the period at which the person in the room of whom he shall have been elected, would, in ordinary course, have gone out of office, and shall then go out of office, but may be immediately re-elected if then duly qualified: Provided always, that no election shall take place to supply any such extraordinary vacancy between the first day of January and the first day of March in any year: And provided also, that as soon as any such extraordinary vacancy in the office of Member of the said Council shall have been supplied, if the Member of the Council whose office so became vacant, was an Alderman, it shall be lawful for the said Council to elect from the Members of the said Council, qualified to be Aldermen, a person to be Alderman in the room of the Alderman whose office may have so become vacant.

Extraordinary vacancies in Council, to be filled up.

Period for which person shall be elected.

Limitation of period for holding such extraordinary elections. Vacancies among Aldermen how supplied.

XXXIII. And be it enacted, That whenever and so long as the Mayor of the said City may be absent from the said City, or from sickness be incapable of discharging the duty of Mayor of the said City, the said Council shall elect from the Aldermen of the said City, one who shall, during such absence or sickness of the Mayor of the said City, have all the power, authority and rights vested by Law in the Mayor of the said City, and shall, during any and every such absence or sickness of the said Mayor, discharge and perform all the duties imposed by Law on the Mayor of the said City; and whenever and so often as a vacancy shall occur in the office of Mayor of the said City, the said Council shall elect from among the Aldermen thereof, one who shall, during such vacancy, act as Mayor of the said City, and shall, until such vacancy be filled up, have all the authority, power and rights vested by Law in the Mayor of the said City.

In case of absence or sickness of the Mayor, Council to elect Alderman to act in his place.

XXXIV. And be it enacted, That at any Quarterly or Special Meeting of the said Council after the Election of Members thereof, in the year of our Lord one thousand eight hundred and fifty-two, and in each succeeding year, the said Council shall appoint as many Assessors for the said City, not exceeding nine in number, as may be necessary, and the said Council may grant the said Assessors such remuneration for their services, as they the said Council may deem fitting; and the said Council may order and determine in what and how many Wards the said Assessors shall act, and if they see fit, that the Assessors to be appointed shall act as such, throughout the whole City limits; and it shall be the duty of the said Assessors to make the Assessments, to assess all property, and to make returns of all persons liable to pay any rate, duty, tax or impost for or by reason of any cause whatsoever, in the said City, in like manner

Council to appoint Assessors;

May remunerate them.

as the same has been hitherto done in the said City; and the said Assessors shall not hereafter, in the performance of the duties vested in and imposed upon them by Law, base their proceeding, estimate or assessment of property, on a fancied value or rental thereof as has heretofore often been done, but that they the said Assessors shall be, and they are hereby required to determine the assessment to be made by them on all such property, upon the actual and *bonâ fide* rent thereof, if the said rent be a fair and equitable one, and proportionate to the value of the property, but if otherwise, then on the interest of the actual value of the property assessed; and where property to be assessed is in the occupation or possession of the proprietors thereof, the said Assessors shall be, and they are hereby required to determine the Assessment to be paid thereon, upon and according to the rent, which the said property may be worth, and ought to obtain, were the same to be leased, at a fair and equitable rental, by the said Proprietor at the time; and henceforth, all vacant and unoccupied lots of land within the limits of the said City, shall be assessed in all their depth, to their whole extent, and at their full value, that is to say, on the interest of the actual value thereof.

Assessment to be made on the actual value of property.

Assessors to be sworn:

XXXV. And be it enacted, That every person to be appointed Assessors as aforesaid, shall, before he begin to act as such, or execute the duties of his said office, take the oath of allegiance, and also the following oath, before the Mayor of the said City, or any two Members of the Council thereof, that is to say:

Oath.

"I, _____, having been appointed Assessor for the said City of Montreal, or for the said _____ Ward of the said City, (as the case may be,) do swear, that I will faithfully, impartially, honestly and diligently execute all the duties of the said office, according to the best of my skill and knowledge. So help me God."

For what period Assessors may act.

XXXVI. And be it enacted, That notwithstanding any thing to the contrary in any Act or Law heretofore passed, or in force in this Province, it shall not be necessary for the Assessment in the said City to be made between the tenth day of May and the tenth day of June in each year, but that the powers and authority of the Assessors elected and appointed or to be hereafter elected and appointed under and by virtue of this Act, shall be and continue in force, and may be exercised for and during the period and term of their election and appointment, to wit, until the first Monday in March in the year next following their said election and appointment.

Council to make By-laws relating to Assessors.

XXXVII. And be it enacted, That it shall be lawful for the said Council, at any meeting or meetings composed of not less than two thirds of the Members thereof, to make a By-law or By-laws, which shall regulate and determine the time when the Assessors of the said City shall annually commence their duties, the manner in which they shall perform them, the period within which they shall annually make their first general return of the Assessments to be levied and obtained in the said City, and the time and manner in which they may or shall correct their said return, by extending the same, and adding thereto the names of any parties omitted or who shall have become known to the said Assessors, or shall have arrived in the said City subsequently to the making thereof, or who shall have become liable to pay any Assessment, Tax or Duty to the said City, at any time after the said General Return shall or may have been made; and in the event of any vacancy or vacancies occurring in the office of Assessor or Assessors, by the non-election of any Assessor or Assessors, at the time fixed by Law therefor, or by the absence or death of any person or persons elected or appointed to that office, or by the refusal or inability of any Assessor or Assessors elected or appointed, to attend to, perform and fulfil the duty or duties which he or they are or may be bound or required by Law to attend to, perform and fulfil, it shall and may be lawful for the said Council, at any Quarterly or Special Meeting thereof, to elect, nominate and appoint one or more competent and duly qualified person or persons to fill and supply such vacancy or vacancies.

Election of Auditors.

XXXVIII. And be it enacted, That at the Quarterly Meeting to be held by the said Council in the month of December, in the year one thousand eight hundred and fifty-two, and at the Quarterly Meeting to be held by the said Council in the month of

December

December in every succeeding year, the Members of the said Council shall elect, by a majority of votes, from the persons qualified to be Councillors, two persons who shall be, and be called, Auditors of the said City of Montreal; and every such Auditor shall continue in office until the second Monday in the month of March in the year following his election: Provided always, that no Member of the said Council, nor the Clerk, nor Assistant-Clerk of the said City, shall be capable of being elected an Auditor as aforesaid: And provided further, that any vacancy that may occur in the office of Auditor, may be filled up by the said Council, by an election to be had in the manner and under the provisions aforesaid, at any subsequent General or Special Meeting; and the person so elected, shall hold his office until the time when the person whose place he shall have been elected to supply would have gone out of office.

Their qualification and term of office.

Disqualification of certain persons to be Auditors.

Vacancy in office of Auditors how filled up.

XXXIX. And be it enacted, That no person elected to be Mayor, Alderman or Councillor as aforesaid, shall be capable of acting as such, except in administering the oaths hereinafter mentioned, until he shall have made and subscribed before any two or more of such Aldermen or Councillors, (who are hereby respectively authorized and required to administer the said oath to each other,) the oath of allegiance to Her Majesty, Her Heirs and Successors; and also an oath in the words or to the effect following, that is to say:

Oaths to be taken by the Mayor, Aldermen or Councillors.

"I, A. B., having been elected Mayor, (or Alderman or Councillor, as the case may be,) for the City of Montreal, do sincerely and solemnly swear, that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability; and that I am seized or possessed, for my own use, of real or personal estate, or both, in the said City of Montreal, after the payment or deduction of my just debts, of the value of One Thousand Pounds (or Five Hundred Pounds, as the case may be,) and that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be elected Mayor, (Alderman, or Councillor, as the case may be,) as aforesaid. So help me God."

Oath.

XL. And be it enacted, That every person duly qualified, who shall be elected to the office of Mayor, Alderman or Councillor, or appointed Assessor or Auditor, of the said City as aforesaid, shall accept the office to which he shall have been so elected, or shall, in default thereof, pay to the Treasurer of the said City, and for the use of the said City, a fine as follows, that is to say: for non-acceptance of the office of Alderman or Councillor, a fine of Fifty Pounds; for non-acceptance of the office of Auditor or Assessor, a fine of Fifty Pounds; and for non-acceptance of the office of Mayor, a fine of One Hundred Pounds; and every person so elected or appointed, shall within four days after notice of his election or appointment, accept such office by taking the oath of allegiance, and in the case of the Mayor, Aldermen and Councillors, by making and subscribing the declaration hereinbefore mentioned, and in the case of the Assessors and Auditors, by taking and subscribing the oath hereinbefore prescribed, and in default thereof, shall be liable to pay the fine aforesaid, as for his non-acceptance of such office, and such office shall thereupon be deemed vacant, and shall be filled up by a new election, to be made in the manner hereinbefore prescribed: Provided always, that any person not qualified to make the said declaration, may be permitted and shall be held and bound to make oath that he is not seized or possessed of real or personal estate, or both, in the terms of the said declaration, of the value of One Thousand Pounds, or Five Hundred Pounds, as the case may be, in which case, but not otherwise, he shall be exempted from accepting or filling the said office: Provided also, that no persons disabled by lunacy or imbecility of mind shall be liable to pay such fine as aforesaid: And that every person so elected to any such office, who shall be above the age of sixty-five years, or who shall already have served such office, or paid the fine for not accepting such office, within five years next preceding the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office, if he shall claim such exemption within five days after notice of his election from the City Clerk: And provided also, that no Military, Naval, or Marine Officer, in Her Majesty's Service, on full pay, nor any Member of the Legislature of this Province,

Fines for non-acceptance of office.

As Aldermen or Councillor, as Auditor, or Assessor, as Mayor.

Acceptance of office to be made by taking oaths, &c.

Persons not qualified to swear to their non-qualification.

Exemptions from said offices.

or

or of the Executive Council, nor any Surveyor General, Adjutant General of Militia, or Provincial Secretary, nor the Provincial Postmaster General, or his Deputies, nor any Custom House Officer, Sheriff, or Coroner, nor the Clerks and Commissioned Officers of the Legislature or of the Executive Council, nor any School-master, shall be held or bound to accept or hold any such office as aforesaid, or any other office in the said City.

Cases in which the Mayor, Aldermen or Councillors shall become disqualified.

XLI. And be it enacted, That if any person holding the office of Mayor, Alderman, or Councillor, shall be declared Bankrupt, or shall become insolvent, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by deed with his creditors, or shall take or enter into Holy Orders, or become a Minister or Teacher of any Religious Sect, or a Judge or Clerk of any Court, or a Member of the Executive Council, or shall become accountable for the City Revenue, or receive any pecuniary allowance from the City for his services, or shall be absent from the said City for more than two calendar months at one and the same time, or shall be absent from the Meetings of the said Council for more than two calendar months consecutively, (unless in case of illness, or with leave of the Council,) then, and in every such case, such person shall thereupon immediately become disqualified, and shall cease to hold such office of Mayor, Alderman, or Councillor, as aforesaid; and in the case of such absence, shall be liable to the same fine as if he had refused to accept such office.

Mayor, Aldermen and Councillors to be Justices of the Peace.

XLII. And be it enacted, That the Mayor of the said City for the time being, shall be Justice of the Peace for the City and District of Montreal; and that the Aldermen and Councillors of the said City for the time being shall severally be Justices of the Peace for the said City of Montreal, and it shall be lawful for the said Common Council, from and out of the moneys belonging to the said City, to grant and allow to the said Mayor, for the time being, in lieu of all fees and perquisites, such salary not exceeding Five Hundred Pounds, and not less than Two Hundred Pounds, as the said Council shall think fit.

Mayor to have a salary.

Council to name City Clerk.

XLIII. And be it enacted, That it shall be lawful for the said Council of the said City, from time to time, as occasion may require, to appoint a fit and proper person, not being a Member of the Council, to be Clerk of the said City, and another fit person, not being a Member of the said Council, and not being City Clerk, to be the Treasurer of the said City: one or more fit person or persons, not being of the Council, to be the Clerk or Clerks of the Markets of the said City; and one or more Surveyor or Surveyors of Highways, Streets and Bridges; and such number of Overseers of Highways, Streets and Bridges, as they may deem necessary; and one Collector for each of the Wards of the said City; one or more Pound Keeper or Pound Keepers for the said City, and such other Officers as they may think necessary, to enable them to carry into execution the powers vested in them by this Act, and to prescribe and regulate the duties of all such officers respectively, and at their pleasure to remove any such Officer, and appoint another in his place; and the said Council shall take such security for the due execution of the offices of City Clerk, Treasurer or other Officer, as they shall think proper, and shall and may grant and allow to the City Clerk, Treasurer and other Officer, to be appointed as aforesaid, such salary, aid allowance or other compensation for their services, as they may think fit; and whenever and so long as the said Clerk of the said City may be absent from the said City, or, from sickness or any such cause, be incapable of discharging the duties of the office of the said City Clerk, it shall be lawful for the Mayor of the said City, by a writing under his Hand, to appoint a fit and proper person to be Assistant Clerk of the said City; and every such Assistant Clerk shall, during the time for which he may be so appointed, discharge the duties of the office of the said City Clerk; and all acts, matters and things done by the said Assistant City Clerk, during the time of his appointment, shall have the same force and effect as if performed by the City Clerk of the said City.

City Treasurer, Clerks of Markets.

Surveyors of Highways.

Overseers.

Collectors.

Pound keepers and other officers.

To prescribe duties.

Security to be taken.

Salaries to be given.

In case of absence or sickness of City Clerk, Mayor may name Assistant Clerk.

the heretofore Province of Lower Canada, passed in the thirty-sixth year of the Reign of His late Majesty King George the Third, intituled, *An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes*, as provides for the appointment of Assessors and of a Road-Treasurer for the said City of Montreal; and also a certain Act of the Legislature of the said heretofore Province of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to increase the number of Assessors for the Cities of Quebec and Montreal*; and also so much of a certain other Act of the Legislature of the said heretofore Province of Lower Canada, passed in the thirty-ninth year of the Reign of His late Majesty King George the Third, intituled, *An Act to amend an Act passed in the thirty-sixth year of His present Majesty's Reign, intituled, 'An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes,'* as provides for the appointment of a Surveyor of the Highways, Streets, Lanes and Bridges in the said City of Montreal, by the Governor, Lieutenant-Governor, or person administering the Government of the said heretofore Province of Lower Canada, and which were repealed by the said Ordinance to incorporate the City and Town of Montreal, shall continue to be, and shall be and remain repealed; and all and every the powers, authority and duties which, in and by the said Acts, or any other Act or Acts of the Legislature of the said heretofore Province of Lower Canada, were, before the passing of the said Ordinances to incorporate the City and Town of Montreal, vested in, and imposed on, the Assessors appointed in pursuance of the provisions of the said Act passed in the thirty-sixth year aforesaid, and the powers and duties of the said Road-Treasurer, and of the said Surveyor of Highways, Streets and Bridges in the said City, appointed under the said Act passed in the thirty-sixth year aforesaid, and which under and by virtue of the said Ordinances to incorporate the City and Town of Montreal, are now vested in and imposed on the Assessors appointed in pursuance of the last mentioned Ordinance and on the Treasurer of the said City, and on the Surveyor of Highways for the said City of Montreal, appointed respectively under the authority of the last mentioned Ordinance, shall continue to be, and shall be and remain vested in, and imposed on the Assessors, Treasurer of the said City, and on the Surveyor of Highways for the said City of Montreal, respectively, who may be in office under the authority of the said last mentioned Ordinance when this Act comes into force, and in their successors in the said offices respectively, to be appointed under and by virtue of the present Act: Provided always, that all duties that may be performed by the said Assessors, may be performed with equal force and effect by a concurring majority in number of the said Assessors, and that in all cases where there may be a difference of opinion among the said Assessors, the opinion of a concurring majority in number of them, any two or more shall have the same force and effect as if the whole of the said Assessors had concurred: And if the said Assessors, acting without a third, or preponderating Assessor, differ in opinion, the third, remaining or preponderating Assessor shall examine the premises respecting which such difference of opinion may have occurred, and by his opinion confirm that of one or other of the Assessors or divisions of Assessors who may have so differed, and the opinion so confirmed shall have the same force and effect as if the three or more Assessors had concurred in it; and in each of the cases above mentioned, and in every other such case, the Assessor or Assessors dissenting may make an entry in the Assessment Books of the reasons of his or their dissent.

XLV. And be it enacted, That the Treasurer of the said City, shall, in Books to be kept for that purpose, enter true accounts of all sums of money by him received or paid, as such Treasurer, and the several matters for which such sums shall have been received or paid; and the Books containing the said accounts shall, at all seasonable times, be open to the inspection of any of the Aldermen or Councillors of the said City; and all the accounts of the said Treasurer, with all vouchers and papers relating thereto, shall, on the first day of February in each and every year, be submitted by such

Treasurer

Assessors, Surveyors, &c. under 3 Geo. III. c. 9. (L. C.)

9 Geo. IV. c. 16. (L. C.)

39 Geo. III. c. 5. (L. C.)

Transferred to the same officers appointed under this Act.

The duties of Assessors may be performed by a majority of them.

Case of difference of opinion how met.

Treasurer of the City — his duties.

Accounts to be annually submitted to the Auditor

the Council for examination and audit.

Treasurer to the Auditors elected for the said City as aforesaid, and to such Members of the said Council, as the Mayor of the said City shall name; and the said Books of accounts, accounts and all vouchers and papers relating thereto, shall, from the first to the last day of February, inclusively, in each and every year, be open to the examination of the said Auditors, and Councillors to be named by the Mayor, for the purpose of the said Books and accounts being examined and audited for the year preceding such annual examination; and if the said accounts shall be found to be correct, the Auditors shall certify the same to be so; and after the said accounts shall have been so examined and audited, in the month of February in every year, the Treasurer shall make out in writing, and cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of the said City, and copies thereof shall be delivered to all rate-payers of the said City applying for the same, on payment of a reasonable price for each copy.

Abstract of accounts to be annually printed.

On what orders Treasurer may make payments.

XLVI. And be it enacted, That the Treasurer of the said City shall not pay any moneys, in his hands as such Treasurer, otherwise than upon an Order in writing of the Council of the said City, signed by three or more Members of the said Council, and countersigned by the Clerk of the City, or in pursuance of a Judgment or Order of any Court of Justice.

City officers to render detailed accounts.

XLVII. And be it enacted, That the Clerk, Treasurer and other Officers of the said City, appointed by the Council as aforesaid, shall respectively, at such times during their continuance in office, and within three months after they shall respectively cease to be in office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorize to receive the same, a true account in writing, of all matters committed to their charge, by virtue or in pursuance of this Act; And also, of all moneys which shall have been by them respectively received, by virtue, or for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments: and every such officer shall pay all such moneys as shall remain due from him to the Treasurer, for the time being, or to such person as the said Council shall authorize to receive the same; And if any such Officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such person as they shall authorize to receive the same, within three days after being thereto required by the said Council, all Books, Documents, Papers, and Writings in his custody or power as such Officer as aforesaid, then, and in every such case, on complaint made on behalf of the said Council, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the District or County wherein such Officer shall reside or be, such Justice of the Peace shall be, and is hereby authorized and required, to issue a Warrant under his Hand and Seal, for bringing any such Officer before any two Justices of the Peace for such District or County; And upon the said Officer appearing, or not appearing, or not being found, it shall be lawful for the said Justices to hear and determine the matter in a summary manner; And if it shall appear to such Justices, that any moneys remain due from such Officer, such Justices may, and they are hereby authorized and required, on non-payment thereof, by Warrant under their Hands and Seals, to cause such moneys to be levied by distress and sale of the goods and chattels of such Officer; and if sufficient goods and chattels shall not be found to satisfy the said moneys and the charges of the distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such Accounts, or the Vouchers relating thereto, or that any Books, Documents, Papers, or Writings which were or are in the custody or power of such Officer, in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then, and in every such case, such Justices shall, and they are hereby required, to commit such Officers to the Common Gaol or House of Correction for the District or County where such Officer shall reside or be, there to remain without bail, until he shall have paid such moneys as aforesaid, and shall have delivered a true Account as aforesaid, together

To pay over all moneys by them due.

How they may be proceeded against for refusal or neglect of such duty.

Judgment to be obtained in a summary manner.

In default of payment, the party may be imprisoned.

with

with such vouchers as aforesaid, and until he shall have delivered up such Deeds, Documents, Papers and Writings as aforesaid, or have given satisfaction in respect of the matters aforesaid, to the said Council: Provided always, that no person so committed shall be detained in prison for want of sufficient distress only for a longer space of time than three calendar months: Provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such Officer so offending as aforesaid, or against any surety for any such Officer.

Term of imprisonment limited.

Remedy by action not to be abridged against such officer or his surety.

At meetings of Council, majority to decide all questions.

Who shall preside.

Casting vote to member presiding.

Special meetings how called.

In case of refusal by the Mayor to call such meetings, five members may call a meeting after certain notice.

Business before such meetings to be specially mentioned in such notice.

Minutes of proceedings at meetings to be kept.

Meetings to be held with open doors.

Copies of entries certified by the clerk and under the City Seal to be deemed as *prima facie* evidence.

Council may hold adjourned meetings.

XLVIII. And be it enacted, That in all meetings of the said Council, to be held in pursuance of this Act, a majority of the Members present at such Meeting shall determine all questions and matters submitted to, or under the consideration of the said Council, provided that the number present at the said Meeting be not less than one third part of the whole number of the said Members of the said Council; And at all such Meetings, the Mayor of the said City, if present, shall preside, and in case of his absence, such Alderman, or, in the absence of all the Aldermen, such Councillor as the Members of the Council so assembled shall choose to be Chairman of any such Meeting, shall preside at the same; And in case of an equality of votes, the Mayor or Chairman presiding shall have a casting vote, that is to say, such Mayor or Chairman shall not in any case, while so presiding, have a vote as a Member of the Council, nor unless the votes be as aforesaid equally divided.

XLIX. And be it enacted, That it shall be lawful for the Mayor of the said City, or in case of his absence from the said City, or sickness, for the Alderman of the said City, elected in the manner hereinbefore provided to fill his place, to call a Special Meeting of the said Council, when and as often as the said Mayor, or in case of his absence or sickness as aforesaid, the said Alderman of the said City, may deem it proper, after three days previous notice thereof; and in case the said Mayor, or the said Alderman, during the absence or sickness of the said Mayor as aforesaid, shall refuse to call any such Meeting, after a requisition for that purpose, signed by five or more Members of the said Council, or in case of the absence or sickness as aforesaid of the said Mayor and of the said Alderman at the same time, it shall be lawful for any five or more Members of the said Council to call a Meeting of the said Council, after three days previous notice, which notice shall be signed by the said Members; And every such notice, whether given by the Mayor, or by the said Alderman, or by any five or more Members of the said Council, shall specify the business for which the proposed meeting is to be held; and in all cases of such Special Meetings as aforesaid, a Summons, to attend the Council, summarily specifying the business to be transacted at such Meetings, and signed by the City Clerk, shall be delivered to every Member of the said Council, or shall be left at the usual place of abode of every Member of the said Council, three days at least before such Meeting.

L. And be it enacted, That the Minutes of the proceedings of all meetings to be held as aforesaid, shall be drawn up and fairly entered in a Book to be kept for that purpose, and shall be signed by the Mayor, Alderman or Councillor presiding at such meeting, and the said Minutes shall be open to the inspection of all persons qualified to vote at the election of Councillors, on payment of a fee of One Shilling; and the said meetings shall be held with open doors, and all extracts from the Book required to be kept by this section of this Act, and all copies of entries therein, and generally all Certificates, Deeds and Papers signed by the Mayor of the said City, and countersigned by the City Clerk of the said City, and under the Seal of the said City, shall, in all Courts of Justice in this Province, be taken and received as *prima facie* evidence of the facts set forth in such Extracts, Copies, Certificates, Deeds and Papers, respectively.

LI. And be it enacted, That at any Quarterly or Special Meeting of the said Council of the said City of Montreal, when the business before the meeting cannot be gone through with, or be fully disposed of, it shall be competent to the said Council to adjourn the said meeting from time to time and as often as may be necessary or be thought expedient by the said Council, for the consideration and disposal of the

said unfinished business; but that no new business shall be brought before, or be considered at, any such adjourned meeting, or any other subject or business than the unfinished business of the previous meeting: that it shall not be necessary to give notice of any such adjourned meeting to any Members present at the time of the adjournment of the said Council, but that notice thereof and of the unfinished business to be considered and transacted thereat, be given in all possible cases, to the Members of the said Council not present at the said adjournment; and for that purpose, that, except in cases of great emergency, no adjourned meeting be held within less than twelve hours delay from the time of the adjournment of the preceding meeting.

Council may name committees.

LII. And be it enacted, That it shall be lawful for the said Council to appoint, from and out of the Members comprising such Council, such and so many committees, consisting of such number of persons as they may think fit, for the better transaction of the business before the Council, and for the discharge of such duties within the scope of their powers, as may by the said Council be prescribed, but subject in all things to the approval, authority and control of the said Council.

Certain powers formerly vested in Magistrates to be exercised by the Council.

LIII. And be it enacted, That all and every the powers and authorities which, in and by any Act of the Legislature of the heretofore Province of Lower Canada, in force at the time of the passing of the said Ordinance to incorporate the City and Town of Montreal, had been, and were at the time of the passing of the last mentioned Ordinance, vested in the Court of Quarter Sessions of the Peace for the said District of Montreal, and in any Special Sessions of the Peace for the same District, and in the Justices of the Peace for the said District of Montreal, or any of them, for, touching, or concerning the laying out, making, erecting, keeping in repair and regulating the highways, bridges, streets, squares, lanes, cause-ways, pavements, drains, ditches, embankments, water-courses, sewers, market-houses, and weigh-houses, and other public erections and works in the said City of Montreal, or any of them, and for, touching and concerning the dividing of the said City into divisions, and the appointment of Overseers of highways, streets and bridges in the said City, and for, touching and concerning the laying, imposing, raising, levying, collecting, applying, paying and accounting for, a rate or rates of assessment upon occupiers of lands, lots, houses and buildings, in proportion to the annual value thereof, within the said City of Montreal, and which, under and by virtue of the said Ordinance to incorporate the said City and Town of Montreal, became and was vested in the said Council of the said City of Montreal, shall continue to be vested in and exercised by, and shall be and remain vested in, and exercised by the said Council of the said City of Montreal; and all real and personal property within the said City, which, before the passing of the said Ordinance to incorporate the City and Town of Montreal, were subject to the management, control or authority of the Justices of the Peace for the said District of Montreal, or any of them, and which, under and by virtue of the last mentioned Ordinance, have become, and are subject to the power, authority, order and control of the said Council of the said City, shall continue to be, and shall be and remain, subject to the power and authority, order and control, of the said Council of the said City; and the said Council shall, moreover, have the exclusive power to grant or refuse Ferry Licenses to persons plying as Ferrymen to the said City of Montreal from any place within nine miles of the said City; any law, usage or custom to the contrary notwithstanding.

Council to grant Ferry licenses.

Council authorized to borrow to a certain extent.

LIV. And be it enacted, That it shall be lawful for the said Council of the said City of Montreal to borrow, on the credit of the said City, such sum or sums of money as the said Council of the said City may think proper to borrow on the credit of the said City: Provided always, that the total amount borrowed, and remaining unpaid, exclusive and independent of the amounts due, or to become due, for the purchase of the Montreal Water Works, authorized to be made in and by the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal, to purchase, acquire, and hold the property now known as the Montreal Water Works*, shall not exceed at any one time the sum of

one hundred and fifty thousand pounds, currency; and all and every public moneys raised, or to be raised, by assessment as aforesaid, and all moneys now due and payable, or that may hereafter be due and payable to the said Council of the said City, as well as all other moneys hereafter to be raised or received by and under the authority of that Act, or of any other Act, or by any other cause or causes whatever, shall be charged and chargeable with the payment of the sums of money so to be borrowed by the Council of the said City, and with the payment of the sums of money which have been already borrowed by the said Council of the said City, and generally with the payment of all debts which have been or may be legally contracted, or which are now or hereafter may be legally due and owing by the said Council of the said City; and all sums of money heretofore legally borrowed by the said Council of the said City, and still remaining unpaid, and all sums of money hereafter to be legally borrowed by the said Council of the said City, and generally all debts now legally due or hereafter to be legally due by the said Council of the said City, shall be payable from and out of all or any moneys that may be raised or received by the said Council, under the authority of this Act, or under the authority of any other Act now in force, or that hereafter may be in force in this Province, or by any other cause or causes whatever.

City Revenues charged with the payment of such debt and all other debts contracted by the council.

LV. And be it enacted, That for the purpose of extending and improving the said Water Works, it shall and may be lawful for the said Corporation of the said City, to borrow over and above the sum of One Hundred and Fifty Thousand pounds, current money aforesaid, to which the said Corporation is limited in the next preceding section of this Act, such sum or sums of money not exceeding the sum of Fifty Thousand Pounds current money aforesaid, in all, as the said Corporation may find it necessary or expedient to borrow for the extension and improvement of the said Water Works, and it shall and may be lawful for the said Corporation to issue under the Hand of the Mayor, and the Seal of the Corporation, Debentures or Corporation Bonds, for the sum or sums of money to be so borrowed as aforesaid for the extension and improvement of the said Water Works, payable at such time and times after the granting and issuing thereof, to the bearer thereof, either within this Province, or any place or places without this Province, and either in the currency of this Province or in sterling money, or in the currency of the place where the same may be respectively made payable, which said Bonds shall bear interest payable semi-annually, on the first days of May and November in each year, and at a rate not exceeding six per centum per annum, and all such Debentures or Bonds may have *Coupons* thereto annexed, for the said half yearly interest thereon, which *Coupons* being signed by the Mayor shall be respectively payable to the bearer thereof when the half yearly interest therein mentioned becomes due, and shall on payment thereof be delivered up to the Corporation, and the possession of any such *Coupon* by the Corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such Debentures or Bond, and all the provisions of this section shall apply as well to the Debentures or Bonds, heretofore issued, as to those to be issued after the passing of this Act, and all such Debentures or Bonds, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by special privilege on the said Water Works, immediately next in order to and after extinction by payment of the Debentures or Bonds already issued for the purchase of the said Water Works under and by virtue of the provisions of an Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works*, and all the privileges and advantages granted and secured to the said Debentures or Bonds, already issued as aforesaid for the purchase of the said Water Works, in and by the above mentioned Act, shall be and the same are hereby extended to, granted and secured for and in favor of the Debentures or Bonds which shall or may be hereafter issued by the said Corporation in pursuance of this Act; Provided that nothing herein contained shall be held or

Corporation may borrow a further sum, for the extension and improvement of Water Works.

May issue debentures, &c.

To bear interest.

Coupons of debentures, &c.

Possession of *coupons*, to be evidence of payment of interest, in a certain case.

Debentures to come under this section.

To be secured on general Funds, &c.

7 Vict. c. — cited.

Privileges of said Act in favor of Bonds already issued extended to those to be issued under this Act.

Proviso: as to priority of privilege.

construed to affect or destroy the priority of privilege of the said Bonds so as aforesaid already issued for the purchase of the said Water Works.

A rate or assessment to be levied for supplying water.

Who is to be subject to such rate.

Rate, when payable.

Not to exceed 1s. 6d. in the Pound, &c.

By whom paid.

Notice to be given.

For a broken period, the rate to be paid in proportion.

As to the rate per annum.

Proviso: no further charge to be made.

Proviso: as to who shall bear certain expenses.

Corporation may make special agreements in certain cases, for the supply of water.

Supply of water may be discontinued for non-payment.

Party to remain liable to arrears and subsequent rates.

Council to make By-laws for certain general purposes.

For the cleanliness, health and local government of the City.

For raising and applying moneys, by tolls, rates or assessments.

LVI. And be it enacted, That it shall and may be lawful for the said Corporation, when and so soon as they are prepared to supply the said City or any parts thereof with water, to specify and declare by a By-law, that the proprietors or occupiers of houses, stores and similar buildings in the said City, or in such parts thereof as they are ready to supply as aforesaid, or both the said proprietors and occupants shall by reason thereof be subject to an annual rate or assessment payable at the periods to be fixed by the said By-law, to the said Corporation, which rate or assessment shall not however be made payable before the water is ready to be supplied to the said proprietors or occupiers by the said Corporation, and shall not exceed One Shilling and Six Pence in the Pound on the assessed annual value of the said houses, stores and similar buildings, and the said rate or assessment shall and may be imposed upon, and shall be payable by all such proprietors and occupiers, as well by those who consent as by those who refuse to receive into their houses, stores or other buildings, the water-pipe to receive the same, but such rate or assessment shall not be payable by the proprietors or occupiers of any such house, store or building, in the said City, until after the said Corporation shall have notified him, that they are prepared and ready to supply such house, store or building, with water; and if from the time of such notification, to the next period appointed for the payment of such rate or assessment, there shall be any broken period, then such rate or assessment shall be payable *pro rata*, for such broken period as if accruing day by day; but the rate per annum shall not exceed that limited by this Act: Provided that no other or further charge than the said rate or assessment shall be made for the supply of the water as aforesaid, any thing in the said last mentioned Act to the contrary notwithstanding: And Provided also, that the expense of introducing the said water into the said houses, stores or other buildings, shall be borne by the said Corporation, and the work performed by the same, but the distribution of the said water through the said houses, stores or other buildings, after being introduced into them, shall be borne by such proprietors or occupiers, if required by them.

LVII. And be it enacted, That the said Corporation shall have power to make special agreements with parties interested for the supply of water for any Steam Engine, Baths, Breweries, Distilleries, Manufactories, Livery Stables, Hotels, or other special cases: And in all cases where any party receiving or entitled to receive a supply of water from the said Corporation, shall neglect or refuse to pay the said rate or assessment, it shall be lawful for the said Corporation to turn off the water from the premises of the said party, and to discontinue the supply of water to the said party; but the said party shall notwithstanding continue to be liable for, and shall be bound to pay the said arrears, and likewise the rate or assessment thereafter to become due under the said By-law.

LVIII. And be it enacted, That it shall be lawful for the said Council, at any meeting or meetings of the said Council, composed of not less than two thirds of the Members thereof, to make By-laws, which shall be binding on all persons for the following purposes, that is to say:

For the good rule, peace, welfare, improvement, cleanliness, health, internal economy and local government of the said City, and for the prevention and suppression of all nuisances, and all acts and proceedings in the said City, obstructive of, or opposed, or disadvantageous to, the good rule, peace, welfare, improvement, cleanliness, health, internal economy or local government of the said City.

For the raising, assessing and applying such moneys, as may be required for the execution of the powers with which the said Council is now, or may be hereafter invested, either by imposing tolls and rates, to be paid in respect of any Public Works within the said City, or by means of a rate or assessment, to be assessed and levied each and every year, on real or personal property, or both, within the said City, or upon the owners or occupiers thereof in respect of such property, provided that such assessment may in any one year, amount to, but shall not exceed (excepting

as hereinafter provided) One Shilling and Six Pence in the Pound on the assessed yearly value of the property, liable to such assessment; and by imposing a duty or duties on the keepers of houses of public entertainment, and the retailers of spirituous liquors, and on Merchants and Dealers and the Agents of all such resorting to, or visiting the City, to take or receive orders therein, or to sell therein, or buy according to sample, contract or agreement, or in any other manner or way whatsoever, and on all hawkers, pedlars and petty chapmen, within the City; and on all proprietors, owners, agents, managers or keepers of Theatres, Circuses or public entertainments, Exhibitions or shows of any kind; or of horses or carriages of any kind kept for pleasure, for use, for working or for letting or hiring out, or of billiard tables, ball alleys or games, amusements or means of gambling of any kind, or of dogs within the said City; and on all wholesale or retail dealers in goods, wares or merchandize of any kind, within the said City, and the premises occupied by any and all such; on Bankers, Banks and all agents of Bankers or Banks and the premises occupied by all such, and on all Banking Institutions, and all premises occupied as Banks, Bank agencies or for Banking purposes of any kind whatsoever, in the said City, except that particular class of Savings Banks in the said City which are or may be established for the benefit and advantage of the industrial and labouring classes of the people, and not for the profit of the Stockholders, which said class of Savings Banks are hereby exempted from any special rate or assessment, other than the ordinary rate or assessment levied on all real property in the said City; on all Forwarding Merchants or Forwarders and the agents of all such, and all premises occupied by them; on all Brokers and money changers and the agents of all such, and the premises occupied by all such Brokers, money changers or their agents in the said City; on all Insurance Companies, and all agents of, or for any Insurance Company or Companies in the said City, and all premises occupied by such Insurance Companies, or by any agent or agents of, or for any such in the said City; on all agents of merchants residing in any other City or place in this said Province, or elsewhere; on all Telegraph Companies and the agents of all such in the said City, and on the proprietors of all Telegraph-wires or means of communication in the said City, or passing through any part thereof; on all Gas Companies, and the premises used and occupied by all such within the said City; on all keepers of Eating Houses, Coffee Houses and Ordinaries; on all Auctioneers, Grocers, Bakers, Butchers, Hucksters, Pawnbrokers, Livery Stable Keepers and Carters; on all Traders and Manufacturers, and the agents of all such; on all Brewers, Distillers, Soap or Candle Manufacturers; on all Camphine or other Oil Manufacturers; on all Ginger Beer, Spruce Beer and Root Beer Brewers, and the Agents and Agencies of any and all such; on all Brick Manufactures, Dealers in Wood and Proprietors or Keepers of Wood Yards; on all Proprietors and Keepers of Tanneries and Slaughter Houses in the City, on all Inspectors of Pot or Pearl Ashes, of Beef, Pork, Flour, Butter, or any other produce, articles or effects whatsoever in the said City, and generally on all trades, manufactories, occupations, business, arts, professions or means of profit, livelihood or gain, whether hereinbefore enumerated or not, which now are or may hereafter be carried on, exercised or in operation in the City; on all persons by whom the same are or may be carried on, exercised or put in operation therein, either on their own account or as Agents for others; and on the premises wherein or whereon the same are or may be so carried on, exercised or put in operation; and on all persons acting as Ferrymen to the said City or plying for hire for the conveyance of persons by water to the said City from any place not more than nine miles distant from the same.

For increasing the amount of the commutation money payable by each person liable to statute labor on the highways within the said City, to any sum not exceeding Five Shillings, currency, for each person so liable; and for obliging each and every person, so liable, to pay the amount of such commutation money so fixed, without being allowed to offer his personal labor on the said highways instead thereof, and for

- Or duties on public houses, retailers of spirituous liquors, pedlars.
- Theatres, &c. Horses, carriages, billiard tables, dogs.
- Wholesale and retail dealers.
- Banks.
- Forwarders.
- Brokers.
- Insurance Companies.
- Agents.
- Gas Companies.
- Coffee Houses.
- Auctioneers, &c. Manufacturers.
- Brewers and Distillers.
- Chandlers, Brick Makers.
- Inspectors of Ashes, &c.
- All trades and business generally.
- Ferrymen.
- To increase commutation money, or to exempt parties therefrom.

for exempting from the payment of such commutation money, any class of persons to whom they shall deem it right to grant such exemption on account of the limited pecuniary means of such persons liable to pay the same.

To change sites of market places when necessary.

For changing the site of any market or market place within the said City, or to establish any new market or market place, or to abolish any market or market place, now in existence, or hereafter to be in existence, in the said City, or to appropriate the site thereof, or any part of such site, for any other public purpose whatever, any law, statute or usage to the contrary notwithstanding; saving to any party aggrieved by any act of the said Council respecting any such market or market place, any remedy such party may, by law, have against the Corporation of the said City, for any damage by such party sustained by reason of such act.

Saving the rights of parties aggrieved.

To determine powers of Clerks of Markets and other officers employed about the Markets.

For determining and regulating the powers and duties of the Clerks of the markets in the said City, and of all other officers and persons employed, or to be employed by the said Council in or about any of the said markets; and for letting the stalls and other places for selling or exposing to sale any kind of goods or commodities in the said markets, or upon the said market places; and for imposing, regulating, fixing and determining the duties, taxes or rates to be paid by any person or persons selling or retailing, in or at any of the said markets, any provisions, vegetables, butchers' meat of any kind, grain, fowls, hay, straw, fire-wood, or any other thing or things whatever; and for regulating the conduct of all persons buying or selling in or at any of the said markets; and to provide for the weighing or measuring, as the case may require, at the instance of any party interested, by any officer or other person to be named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale in or at any such market.

To let stalls, and regulate the sale of articles on the markets.

To regulate vehicles in Market, and impose duties thereon.

For regulating all vehicles of every kind whatever, in which any articles shall be exposed for sale in any public market, or in any street or public place, within the said City, and for imposing a duty or duties on such vehicles, and establishing the mode in which such duty or duties shall be collected and paid.

To establish a board of health.

For establishing a Board or Boards of Health for and within the said City, and for appointing the Members thereof, and for making all such regulations as they may deem necessary for preserving the inhabitants thereof from contagious and infectious disease, or for diminishing the danger of, or arising from the same.

To confer certain privileges on the Board of Health.

To confer upon and to convey to the said Board of Health all the privileges, power and authority in relation to the duties of the said Board, and all Orders to be made, and all things to be done by the said Board, as are possessed by the said Council, and the said Council is itself invested with in reference to health.

To prohibit interments in the City.

To prohibit interments within the limits of the said City, or any particular section thereof, or within any particular burying ground, vault or other place therein; to compel the taking up or the removal and re-interment out of, and beyond the said City, of any Body interred within the said limits contrary to such prohibition: Provided that nothing herein contained shall prevent the interment in Roman Catholic Churches in the said City, of Priests or Nuns of the said Roman Catholic Faith.

To regulate weight of fire-wood, coals, salt and grain.

For regulating the weight or measurement of all fire-wood, coals and salt, and of all grain brought into the said City, for sale and consumption therein; for regulating and determining in what manner, either by measurement or weight, or both measurement or weight, any or all of the said articles shall hereafter be bought and sold in the said City, and for appointing Measurers and Weighers of all such articles, and establishing and regulating the fees to be paid to such Officers, and the duties they shall perform.

To assess real property for common sewers.

For assessing the Proprietors of Real Property, for such sum or sums as may at any time be necessary to defray the expenses of making or repairing any common sewer in any public street or highway within the said City, and immediately in front of such real property respectively, and for regulating the mode in which such Assessments shall be collected and paid.

To compel the Proprietor or Proprietors of all Real Property within the City limits, their Agents, and all others having or assuming charge of such property, to enclose the same; and to regulate the height, quantity and material of every such enclosure.

To compel the enclosure of all real property.

To prohibit the opening, making or extending of any street, lane or roadway, either public or private, within the City, unless the same be opened, made or extended at a width of at least sixty feet French measure: Provided however, that lanes made in rear of lots solely for the purpose of communicating with the out-buildings and yards on such lots, be specially exempted from the operation of such By-law.

To regulate the opening of streets.

To compel the Occupants of unfenced lots of land in the said City, or of land therein, having stagnant or filthy water in or upon it, or of land in the said City that is in other way offensive or dangerous to the public health, and the Agents of the Proprietors of all such lands, and all persons having or assuming the charge of any such land, in the absence from the said City of the Proprietors of the said land, or in case the said Proprietors may not be able to be found, to properly fence in the said land within such delay, and with fences of such height, and of such material as the said Council may direct, and to drain off all stagnant water from the said land, or any water thereon that may be otherwise offensive or dangerous, to remove therefrom all filthy and offensive matters or things, and to fill up and properly level the same; And if there be no persons in occupation of the said land, and no Agent or other person representing the Proprietors of any such land in the City, or their Agents, or should the Proprietors of any such land in the said City, their Agents or the Occupants of the said land, or other persons in charge of the said land, or assuming charge thereof, refuse or neglect to fence in as aforesaid, to drain, cleanse, fill up and level the same, when so directed by the said Council, or the proper Officer thereof; or should the said Proprietors, Agents, Occupants, or other persons, be unable for want of means, or any other cause whatsoever, so to fence in, drain, cleanse, fill up and level the said land when so directed as aforesaid, then, and in all such case, it may be competent to the said Council, and the said Council is hereby authorized and empowered to have the same done at the cost and expense of the said Proprietors of the said land, and to acquire thereby a special mortgage on the said land for the amount or sum of money so expended on the same.

To compel occupants of unfenced lots of land, to fence the same.

For directing and requiring the removal, at any time, of any door steps, porches, railings, or other projections into, or obstructions in, any public street or highway within the said City, by and at the expense of the Proprietors of the real property, in, or on which such projection or obstruction shall be found.

To require the removal of door steps.

For defraying, out of the funds of the said City, the expense of lighting the said City, or any part thereof, with gas, or with oil, or in any other manner, and of performing all such work of any kind, as may be necessary for such purposes; and for obliging the Proprietors of Real Property, in any part of the City so lighted or to be lighted, to allow such work to be performed on or in such property, respectively; and such pipes, lamps, lamp-posts, and other contrivances or things as may be necessary for the purpose aforesaid, to be fixed in or upon such property, or any building thereon; the expense of all such work being, in every case, defrayed by the said Council, and out of the funds of the said City.

To defray the expense of lighting the City.

For altering the level of the foot-paths or side-walks in any street or highway within the said City, in such manner as the said Council shall deem conducive to the convenience, safety and interest of the inhabitants of the said City: Provided always, that the said Council shall and may make compensation out of the funds of the said City, to any person whose property shall be injuriously affected by any such alteration of the level of any foot-path in front thereof.

To alter levels.

Proviso for compensation.

To pull down, demolish and remove, when necessary, all old dilapidated or ruinous walls, chimnies and buildings that may endanger the public safety; and to determine the time and manner in which the same shall be pulled down, demolished, or removed and by what party or parties the expense thereof shall be borne.

To pull down old walls, &c.

For

To regulate weight and quality of bread.

For regulating, fixing and determining the weight and quality of all bread that may be sold or offered for sale within the said City of Montreal.

To regulate servants.

For restraining, ruling and governing apprentices, domestics, hired servants and journeymen, in the said City of Montreal, and for the conduct of masters and mistresses towards their said apprentices, domestics, hired servants and journeymen within the said City of Montreal.

To prevent gaming.

To prevent gaming or the keeping of any gaming-house, or place for gambling in the said City.

To regulate ferrymen and landing-places.

For the government of persons plying as ferrymen, to the said City of Montreal, from any place within nine miles of the said City, and to establish a tariff or tariffs of fees to be taken by such ferrymen; and also to fix and determine what places in the said City may be used as landing-places, and respecting all other matters and things connected with such ferries and landing-places.

To compel the attendance of members.

To compel the attendance of the Members of the said Council at all Quarterly and other Meetings of the said Council, and the regular performance, by the said Members of the said Council, of their respective duties as Members of the said Council.

To regulate the constabulary force.

For the governing, regulating, arming, clothing, lodging and paying of the Men and Officers of the Constabulary Force to be established under this Act, and for regulating the residence, classification, rank, service, inspection and distribution of the said Force; and for the government generally of the said Constabulary Force, so as to prevent any neglect of duty or abuse of power on the part of the Members composing the Force last mentioned.

To establish Pounds.

To establish as many Pounds and in as many different places in the said City of Montreal, as may be deemed expedient for the impounding of horses, horned cattle, sheep, goats and hogs which may be found astray, and impounded according to law.

To compel live stock and provisions brought to the City to be taken to the markets.

To compel and require that all kinds of live stock and all kinds of provision and provender whatsoever, usually bought and sold in public markets that may hereafter be brought to the said City for sale, shall be taken to the public markets of the said City and there exposed, and that neither the said live stock nor the said provisions or provender, shall be offered or exposed for sale or be sold or purchased elsewhere in the said City, than on the said public markets thereof without the special license and permission of the said Council.

To impose a duty on private marts.

To impose a duty on all the private marts in the said City, or that may hereafter be established therein, for the sale of cattle, provisions or provender, or of any thing else whatsoever that is usually sold in public markets, with power to regulate and fix the said duty as regards each particular mart, as the said Council may see fit.

To assess the citizens for watering and sweeping any particular street.

For assessing the Citizens residing in any particular street, lane, square, or section of the City, in any sum or sums necessary to meet the expense of sweeping and watering the said street, lane, square or section of the City, provided that not less than two thirds of the said Citizens residing as aforesaid, in such said street, lane, square or section shall have first prayed or demanded to have the same swept or watered; and provided also, that the said assessment shall in no case exceed the amount of Three Pence in the Pound. To impose a special assessment over and above all other rates or assessments which the said Council are empowered to impose, to defray and meet the expenses of any building or buildings, or other property whatsoever that may be demolished, destroyed, injured, damaged or deteriorated in value, by any mob, tumultuous assemblage, or riotous persons whomsoever in the said City; provided, that in the event of the demolition, destruction, injury or damage to any property in the said City by any mob or tumultuous assembly, if the said Council omit to provide, by such special assessment, to defray the expense thereof within six months after the destruction or injury of the said property, then the said Council shall be liable to pay the same, and the proprietors of the property destroyed or injured may recover the amount or value thereof by action against the said Council.

To assess for property destroyed by mob or during riots.

To prohibit the erection of wooden buildings within the city.

To prohibit and prevent the construction of any wooden building, of any kind or description whatever, or the covering of any building of any kind whatsoever with Shingles

Shingles or wooden materials of any kind whatsoever, within the City limits, and to require and enforce the erection of separation-walls of stone or of brick, and of such height and thickness as the said Council may deem necessary, between all lots of land belonging to different Proprietors, and situated within that part of the said City, which is bounded by the River St. Lawrence, by Craig, Lacroix and McGill Streets; any law, usage or custom to the contrary notwithstanding.

To prohibit the erection of any steam-engine within the limits of the said City, unless the building containing the same, shall be distinct from any other building, and from the line of any street, square, lane, or other thoroughfare, at least one hundred feet.

To prohibit steam engines.

To punish, either by fine or imprisonment, or by both, any person or persons who shall ill-use, or cruelly treat any animal, within the limits of the said City.

Cruelty to animals.

And by any such By-law for any of the purposes aforesaid, the said Council may impose such fines not exceeding Five Pounds, or such imprisonment not exceeding thirty days, or both, as they may deem necessary for enforcing the same.

Penalty.

LIX. And for the better protection of the lives and property of the inhabitants of the said City, and for preventing accidents by fire therein, Be it enacted, That from and after the passing of this Act, the said Council of the said City, at a Meeting of the said Council, composed of not less than two thirds of the Members of the said Council, shall, moreover, have full power and authority to make By-laws, which shall be binding on all persons, for the following purposes, that is to say:

Council may make By-laws to prevent accidents by fire.

For regulating the construction, dimensions, height and elevation of chimnies, and specially where any houses or premises are built or elevated above other houses and premises to which they may adjoin or be near, by whom, at whose cost, in what manner, to what height, and whether what delay the chimnies of the less elevated houses or premises shall be raised or built up so as not to endanger the adjoining or neighbouring premises, and to prevent all hazard of accident or loss by fire.

And to regulate the height of chimnies.

For establishing such rules and regulations as they shall deem expedient for preventing accidents by fire, and for the conduct of all persons present at any fire within the City.

And conduct of persons at fire.

For appointing all such Officers as they may deem necessary for carrying such rules and regulations as aforesaid, into effect, and for prescribing the duties of such Officers, and providing for their adequate remuneration out of the Funds of the said City.

To appoint officers to carry rules into effect.

For defraying, out of the said Funds, any expenses that they may deem it right to incur, for the purchase of engines or apparatus of any kind, or for any other purpose relative to the prevention of accidents by fire, or to the means of arresting the progress of fires.

To defray expenses to prevent fires.

For authorizing such Officers as shall be appointed by the Council for that purpose, to visit and examine at suitable times and hours, to be established in such By-laws, as well the interior as the exterior of all houses, buildings, and real property, of any description, within the said City, for the purpose of ascertaining whether the rules and regulations to be made as aforesaid, have been duly observed and obeyed; and for obliging all Proprietors, Possessors or Occupants of such houses, buildings, or real property, to admit such officers and persons into and upon the same, at the times and for the purposes aforesaid.

To authorize officers to visit buildings, for the purpose of enforcing such By-laws.

For vesting in such Members of the said Council, and in such Officers as shall be designated in such By-laws, the power of causing to be demolished or taken down, all buildings or fences which such Members or Officers shall deem necessary to be demolished or taken down, in order to arrest the progress of any fire.

To authorize the demolition of buildings in case of fire.

For preventing thefts and depredations at fires, and for punishing any person who shall resist or maltreat any Member or Officer of the Council in the execution of any duty assigned to him, or in the exercise of any power vested in him by any By-law made under the authority of this section.

To prevent depredations at fires.

For defraying out of the Funds of the City, any expense to be incurred by the said Council, in assisting any person in their employ, who shall have received any wound

To defray the expenses incurred by wounds or diseases

or

contracted at fires, or
to grant pensions.

or contracted any disease at any fire, or in assisting or providing for the family of any person in their employ who shall perish at any fire, or in bestowing rewards in money, medals, or otherwise, upon any person who shall have performed any meritorious action at any fire.

To cause an enquiry
to be made as to the
cause and origin of
fires.

For establishing, or authorizing and requiring to be established, after any and every fire in the said City, a Judicial Enquiry into the cause and origin of such fire, for which purpose the said Council, or any Committee thereof, authorized to the effect aforesaid, or the Recorder of the said City, is hereby authorized and empowered to compel the attendance of parties and witnesses before them, under pain of fine and imprisonment, or both, to examine them on oath; and to commit for trial any party or parties against whom well grounded cause of suspicion may be found of their having wilfully or maliciously originated the said fire or fires.

To make a further
assessment of three
pence in the pound.

For imposing over and above all other rates, assessments or duties, which the said Council are empowered to impose, an annual rate or assessment to be assessed and levied on all real property within the said City, or upon the Owners or Occupiers thereof, in respect of such property, provided that such assessment shall not, in any one year, exceed Three Pence in the Pound on the assessed value of the property lying and being within the said City, and for regulating the time and manner in which such rate or assessment shall be collected; and by any By-law, for any of the purposes for which the said Council are authorized by this section of this Act to make any By-law, the said Council may impose such fines not exceeding Five Pounds, or such imprisonment not exceeding thirty days, or both, as they may deem expedient for enforcing the same.

Fines and imprison-
ment limited.

Firemen exempted
from certain duties.

LX. And be it enacted, That any person enrolled and serving in any fire, hose, hook or ladder, or property protecting company, established or to be established by the said Council, or in any such company under the control and management of the said Council of the said City, shall, during the time he may so continue enrolled and serve, be exempted from the payment of the commutation money for statute labor, and from serving as a Juror, Constable, or Militiaman, excepting during any war or invasion of the Province.

Council empowered
to impose penalty on
assessors neglecting
their duty.

LXI. And be it enacted, That it shall be lawful for the said Council of the said City, at a Meeting or Meetings of the said Council, composed of not less than two thirds of the said Council, to impose by By-law, a penalty not exceeding One Hundred Pounds, currency of the said Province, on any Assessor or Assessors of, in or for the said City or any Ward thereof, refusing or wilfully neglecting to attend to, perform or fulfil, the duty or duties, which he or they, the said Assessor or Assessors, are or may be bound and required by Law to attend to, perform and fulfil; and a like penalty not exceeding One Hundred Pounds on every such Assessor performing the said duty in a negligent, partial or imperfect manner.

Chimnies how to be
swept.

Sweepers to be licens-
ed.

LXII. And whereas the different systems of chimney-sweeping that have heretofore been in use in the said City, have proved to be defective and bad, and it is highly important to establish an efficient system of chimney-sweeping: Be it therefore enacted, That it shall be lawful for the said Council to grant to persons intending to pursue the occupation of chimney-sweeping in the said City, or in any such part thereof, licenses to sweep chimneys for gain or hire in the said City, or in such part thereof as the license or licenses so to be granted may extend to, upon the payment of such duty or tax in that behalf, and upon such other terms and conditions as the said Council may deem it expedient to impose, and from and after the passing of this Act, no person shall, for gain or hire, sweep any chimney, or part of any chimney in the said City, or for gain or hire cause any chimney in the said City, to be swept, without having received a license from the said Council to sweep chimnies in the said City, or in some part of the said City to be designated in the said license; nor from and after the passing of this Act, shall any person, having received any such license, for gain or hire, sweep any chimney or part of a chimney, nor for gain or hire cause any chimney or part of a chimney to be swept, after the time for which such license shall be granted, or at any place within the said City to which such license shall not extend, or beyond the limits mentioned

Allowances to such
Sweeps to be estab-
lished by a Tariff.

mentioned in such license; nor shall any person, having obtained such license, charge or receive, either directly or indirectly, any greater sum or allowance of any kind, for the sweeping of any chimney or part of a chimney, or for any work or service connected therewith, or for any service to be performed under such license, than he may be allowed to charge under the Tariff to be established in that behalf, as hereinafter provided for, under a penalty of Twenty-five Shillings currency, for each and every offence against any one or more of the foregoing provisions in this section of this Act contained.

LXIII. And be it enacted, That it shall be lawful for the said Council, at a meeting or meetings of the said Council, composed of not less than two thirds of the said Council, to make By-laws, which shall be binding on all persons, for causing all chimnies, within the said City, to be swept by a Licensed Sweep in such manner, at such times, and so often as the said Council shall appoint, and to establish a Tariff of the rates or prices to be paid to such Licensed Sweeps for the sweeping of chimnies; and in every case in which a chimney shall take fire in the said City the occupant of the house in which such chimney shall take fire, shall pay a penalty of not less than Twenty-five Shillings, currency, and not more than Fifty Shillings, currency, at the discretion of the Court before which the recovery of such penalty shall be sought, together with the costs of suit, unless the occupant of the house in which such chimney shall take fire, shall have caused, and proved that he caused the chimney that may have so taken fire, to be swept, by a Licensed Sweep, and unless it appear that, according to the By-laws of the said City of Montreal, it was not incumbent on such occupant to cause such chimney to be swept between the time of the sweeping thereof by such Licensed Sweep, and the time at which such chimney may have taken fire: Provided always, that any occupant of any part of a house in the said City, who may use, or cause to be used, the whole or any part of a chimney in, or attached to, or forming a part of any such house in the said City, shall be considered, for all and every the purposes of this section of this Act, as the occupant of such house; and provided further, that if any chimney that may so take fire, be in the use, or be used by the occupants of different buildings, or by the occupants of different parts of the same building, each such occupant shall be subject to the same liabilities, in all respects, as if such chimney had been in his sole use; and provided also, that any chimney which may be used in any way, for the purpose of heating any building, or of conducting the smoke from any building, or for any such purpose, whether such chimney be inside or outside of such building, or partly inside and partly outside of such building, shall be considered as a chimney in such building, for all and every the intents and purposes of this Act.

By-laws to be made respecting sweeps.

Chimney taking fire, a penalty to be paid, and by whom.

Construction of the liability of occupants, and as to the nature of such chimneys.

LXIV. Provided always, and be it enacted, That a copy of every By-law to be made by virtue of this Act, shall be transmitted with all convenient speed, after the making thereof, to the Governor of this Province for the time being; and it shall be lawful for the said Governor, by and with the advice of the Executive Council of this Province, within three months from and after the receipt of such copy, to disallow any such By-law; and such disallowance shall, without delay, be signified to the Mayor of the said City, and thenceforward such By-law shall be void and of no effect: Provided also, that all By-laws repugnant to any law of the land, or to any Act of the Legislature of this Province, shall be null and void.

All By-laws to be submitted to the Governor, and may be disallowed.

LXV. Provided always, and be it enacted, That all and every the Rules, Orders and Regulations and Acts of Authority, legally made by the said Council since the passing of the said Ordinance to incorporate the said City and Town of Montreal, or by the Justices of the Peace for the District of Montreal, before the passing of the last mentioned Ordinance to incorporate the said City and Town of Montreal, which may be in force at the time of the passing of this Act, shall continue, be, and remain in full force and virtue, until the same shall be rescinded, repealed or altered by the said Council, under the authority of this Act, or by other competent legal authority.

All By-laws in force, to continue in force.

LXVI. And be it enacted, That the said Council shall have full power and authority, notwithstanding any law to the contrary, to purchase and acquire, or take and enter into,

How Council may acquire real estate.

into, after paying, tendering or depositing the value thereof, to be ascertained as hereinafter provided, such land, ground, or real property of any description, within the said City, as may by them be deemed necessary, for opening new streets, squares, market places or other public highways or places, or for continuing, enlarging, or otherwise improving those streets, squares, market places or other public highways or places now made, and the neighbourhood thereof, or as a site for any public building to be erected by the said Council, and to pay to, or for the use of the proprietor or proprietors of such ground or real property, and out of any funds of the said City, now in, or which shall hereafter come into their hands, such sum or sums of money as may be agreed upon as the value of such ground or other property, by the party proprietor thereof, and the said Council respectively, or ascertained in the manner hereinafter mentioned, in case they shall not so agree upon the same.

Corporations, husbands, tutors, curators, &c. authorized to sell, and convey to the said Council.

LXVII. And be it enacted, That it shall be lawful for all Corporations, aggregate or sole, husbands, tutors or guardians, curators, *grevés de substitution*, and all trustees whatsoever, who are or shall be seized or possessed of, or interested in any piece or pieces, parcel or parcels of ground or other real property within the said City, selected and fixed upon by the said Council for any of the purposes aforesaid, not only for themselves, their heirs and successors, but for and on behalf of all persons whom they represent, or for whom or in trust for whom they are or shall be seized, possessed or interested as aforesaid, whether minors or issue unborn, lunatics, idiots, *femes-covert*, or other person or persons, to contract for, sell and convey such piece or pieces, parcel or parcels of ground, to the Corporation of the Mayor, Aldermen and Citizens of the City of Montreal; and such contracts, sales and conveyances shall be valid and effectual in law to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding; and all Corporations and persons whatsoever, so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale, which he, she or they shall respectively make by virtue of or in pursuance of this Act, saving always the rights of any person or party to the whole or any part of the purchase money or compensation to be paid by the said Corporation for any real property purchased or taken as aforesaid.

Price or compensation to be determined in certain cases by jury.

LXVIII. And be it enacted, That in all cases where the said Council, and the persons seized or possessed of, or interested in the said pieces or parcels of ground, or other real property, or any of them, or any part thereof, shall be absent, or shall not be known, or shall not, by voluntary agreement, settle and determine the price and prices, compensation and compensations to be paid for the said premises, or any part thereof, such price and prices, compensation and compensations, shall be ascertained, fixed and determined in manner following, that is to say: The Justices of the Peace, resident within the said City and Town of Montreal, in a special session to be for that purpose holden, upon a petition to them addressed, and upon proof, that notice in writing was given one month previously to the party seized, possessed of or interested in such pieces or parcels of ground or real property, or his, or her, or their tutor, curator, administrator, attorney, agent or curator *ad hoc*, or in the event of the said party being absent from the District of Montreal, and there being no curator, administrator, attorney, agent or curator *ad hoc* to the said party, then, upon proof that public notice was given and published, at least twice a week for two months in at least one newspaper published in the English and one newspaper published in the French language in the said City, of the intention of the said Council to present such petition to the said Justices of the Peace, for the purpose of taking possession of, entering into, and appropriating to the use of the said Corporation, such pieces or parcels of ground or other real property, shall summon a Jury of twelve disinterested persons, taken from among the persons resident within the said City, qualified to be Special Jurors or Jurors in civil cases; and the said Jury shall determine upon their oaths, the amount of the price or compensation which they shall deem reasonable, to be paid by the said Corporation, for such pieces or parcels of ground or real property as aforesaid: Provided always, that any determination, as aforesaid, in which any nine

Provision as to the mode of summoning

of

jurors, and the manner in which they are to decide.

of the Jurors shall agree, shall, for the purposes of this Act, have the same effect as if all the Jurors had agreed therein: and provided further, the said Jurors shall not as heretofore, be taken irregularly from the list of persons qualified to be such Jurors in civil cases, but a sufficient list of Jurors shall be made out in rotation in the order in which the names may stand on the said general list of persons residing in the said City of Montreal, qualified to be such Jurors in civil cases, beginning therein from when the names have been last taken for a trial by Jury; and the Jury or Panel of Jurors to determine the price or compensation of the land, or other fact in which the said Corporation is interested, shall be selected or struck from the said list of Jurors so made or taken from the said general list as aforesaid in the same way that lists of Special Jurors or Jurors in civil cases are now or may hereafter be selected or struck for the trial of any issue between individuals in civil cases; and, Juries empannelled to determine as aforesaid the price or compensation to be paid for real estate required by the Corporation, are hereby required not to award, in the manner heretofore done, the actual and abstract value of the property taken or to be taken by the said Corporation, but on the contrary to determine and award what may be the damage to, or deterioration in value (if any) of the residue of the property, by the separation from it of the part required by the said Corporation, and the application of the said part to the purposes or improvement for which the same is so required; and when no damage may be occasioned to the residue of the said property by the said separation from it of the part required as aforesaid, or when on the contrary the said residue of property is increased in value by the improvement, then that the said Jury do not award any price or compensation for the part so required, taken or to be taken by the said Corporation as aforesaid.

LXIX. And be it enacted, That on payment of the price or prices, compensation or compensations, to be fixed and determined as aforesaid, or in case of refusal or neglect to accept the same, or in case it should be doubtful to what person or party the same shall of right belong, on the deposit thereof in the hands of the Prothonotary of the Superior Court sitting for the District of Montreal, for the use of the person or persons or party entitled to the same, the right of property, title and interest in and to such pieces or parcels of ground or other real property respectively, for which such price or prices, compensation or compensations shall be payable, shall be divested out of the person or persons or party seized and possessed thereof or entitled to the same, and shall become and be vested in the Corporation of the Mayor, Aldermen and Citizens of the City of Montreal; and the Council of the said City may, after fifteen days' notice in that behalf to the proprietor, possessor or occupant of the piece or parcel of land to which such award shall relate, enter upon, take possession of, and use such pieces or parcels of land, for any of the purposes authorized by this Act; any law, statute or usage to the contrary notwithstanding.

Title of property to be vested in the Council on payment or deposit of money in certain cases.

LXX. And be it enacted, That all the provisions and enactments of the two sections next immediately preceding this section, with regard to the mode in which the value of any real property, taken by the said Council, shall be ascertained, and the amount thereof paid or deposited, in certain cases, shall be, and are hereby extended to all cases in which it shall become requisite to ascertain the amount of compensation to be paid by the Council, to any proprietor of real property for any damage by him sustained, by reason of any alteration made by order of the said Council, in the level of any foot-path or side-walk, or by reason of the removal of any establishment subject to be removed under any By-law that may be passed under the fifty-sixth or other section of this Act, or to any party by reason of any other act of the said Council, for which they are bound to make compensation, and with regard to the amount of compensation for which damage the party sustaining the same, and the said Council, shall not agree.

Provisions extended to compensation for foot-paths, &c.

LXXI. And be it enacted, That in all cases where, for the purpose of opening any new street, square, market-place or other public highway or place, or for continuing, enlarging or otherwise improving those streets, squares, market-places or other public highways or places now made, or as a site for any public building to be erected by the

Council may acquire ground to open streets, &c.

the said Council, the said Council shall deem it advantageous to purchase and acquire, or take and enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said Council, so as aforesaid, to purchase and acquire an extent over and above what may be required for the above purposes; Provided nevertheless, such extent do not exceed one hundred feet in depth, by whatever length may exist.

Corporations may invest price or compensation for property.

LXXII. And be it enacted, That all Corporations, ecclesiastical or civil, whose property, or any part of whose property, shall be conveyed to, or taken by the said Corporation of the City of Montreal, under the authority of this Act, may invest the price of compensation paid for the property so conveyed or taken, in other real property in any part of this Province, and may take and hold the same without Her Majesty's Letters of Mortmain; any law to the contrary notwithstanding.

Council may purchase property for public cemetery.

LXXIII. And be it enacted, That the said Council shall have full power and authority to purchase property, to wit: real estate, in the said City of Montreal, and also without and beyond the limits thereof, if deemed expedient so to do, for any purpose whatsoever, having for object to promote or preserve the public health, and especially for the purpose of establishing a public cemetery or cemeteries in or near the said City, for the use and benefit of its inhabitants and the inhabitants in the environs of the said City.

As to parties applying for any specific local improvement in any street.

LXXIV. And be it enacted, That in all cases where the Proprietors of the majority of the real estate in any street, square or section of the City, that is to say, the Proprietors of the larger part in value, of the said real estate, may apply to the said Council for any specific local improvement in or to the said street, square or section, other than the repairing of the streets thereof, it shall be competent for the said Council to allow the same; and for the purpose of defraying and covering the cost of the said specific improvement, or any part thereof which the said Council may determine to be borne by the parties interested in the same, the said Council is hereby empowered to impose and levy by By-law a Special Rate Tax or Assessment, on all real estate in the said street, square or section of the City benefited, or to be benefited by the said improvement, according to the assessed value thereof, sufficient to cover the expense of the said improvement, in whole or in part, as the said Council may decide, which said rate, tax or assessment, it shall also be in the power of the said Council, if the said Council see fit, to regulate and apply to and upon such Real Estate to be rated, taxed or assessed, and according and in proportion to the amount of benefit which will be conferred thereon by the said improvement.

Non-payment of assessment to be liable to ten per cent. increase per annum.

LXXV. And be it enacted, That in all cases of the non-payment of the assessment on any real property in the said City liable to assessment, an increase of ten per cent. on the amount at which the said property may and shall be assessed, shall annually accrue upon, and be made to, all arrears of assessment due on such property, so long as the same shall remain unpaid; and the said property, or any sufficient part or portion thereof, if the same be easily susceptible of division, shall, after five years' non-payment of the said arrears of assessment, and increase of ten per cent. thereon, be liable to be sold therefor; And the Sheriff of the District of Montreal is hereby authorized and empowered to sell and dispose of any and all such property, after six months' notice to that effect, given by him, the said Sheriff, in the usual manner and form, in payment and satisfaction of any judgment that may be obtained for the said arrears of assessment, and the increased per centage due thereon, for the said period of five years, whether the said judgment be obtained in the said Superior Court or in the Recorder's Court, upon a Writ or Order to that effect being duly made and directed to the said Sheriff from the said Superior Court or the said Recorder's Court, and the moneys levied by the sale of the said property to be so as aforesaid sold, the said Sheriff shall in all cases return before the said Superior Court, sitting in the District of Montreal, to be by the said Court adjudged upon, distributed and ordered to be paid according to Law, and the rights and privileges of the parties claiming the same: Provided however, that any balance or amount of the said moneys to be so as aforesaid levied by the said Sheriff,

Property to be sold after five years' non-payment of assessment.

How property is to be sold for arrears of assessment, and per centage thereon.

Return of Sheriff to be made to the Superior Court.

Balance to be paid over to the Corporation, and liable to six

remaining

remaining in the hands of the said Sheriff, after the judgment and distribution pronounced thereon by the said Court, shall, within fifteen days thereafter, be paid over by the said Sheriff to the said Mayor, Aldermen and Citizens of the City of Montreal, to remain in their hands, at the legal interest of six per cent. till demanded and claimed by the party or parties having a right to demand and claim the same.

per cent. interest, till demanded by the party claiming the same.

LXXVI. And be it enacted, That any rate or assessment with which any real estate within the said City may be legally rated or assessed, may be exacted and recovered, either from the owner of the real property so rated or assessed, or from any person occupying the same or any part thereof, either as a tenant or otherwise; and when any such rate or assessment shall be paid by any tenant not bound to make such payment, by the lease or other agreement under which he holds or occupies such real estate, such tenant shall have the right to deduct the sum so paid by him, from the rent payable by him in respect of the enjoyment or occupation of the Real Estate so rated and assessed; Provided always, that a judgment obtained or execution issued against either party, Proprietor or Tenant, shall not debar or hinder proceedings against the other party for payment of the said rate or assessment, if the same cannot be had or obtained from the party first proceeded against.

Tenant liable to pay assessment, with right to deduct amount paid from rent.

LXXVII. And be it enacted, That all debts, that, from and after the passing of this Act, shall become due to the said Corporation, for any rate or assessment, assessed or imposed on any real or personal property, or both, within the said City, or upon the Owners or Occupiers thereof, in respect of such property, or for duty on business, or for any other rate, tax or impost levied under and by virtue of any By-law of the said Council, shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to Her Majesty, and shall, in the distribution of the proceeds of property, whether real or personal, of any person liable to pay any such debt, be so held, considered and adjudged, by all Courts of Justice, and by all Commissioners, or other persons having jurisdiction in Bankruptcy in Lower Canada: Provided always, that the privilege hereby granted shall not extend beyond the rates or assessments due for five years, that is to say, for the current year when such claim may be made, and for the five years next preceding that year: And provided also, that the said privilege shall not require registration to preserve it; any Act, Ordinance or Law to the contrary notwithstanding.

Privilege granted to secure five years' assessments.

LXXVIII. And whereas many cases arise of enquiries into facts before the said Council, as well as before Committees thereof when the interests of justice would be promoted, if the witnesses brought forward could be examined on oath, and power were given to the said Council and Committee to compel the attendance of witnesses before them: Be it therefore enacted, That upon any enquiry or investigation being entered into before the said Council or any Committee thereof, other than those already provided for by Law, it shall be lawful for the Mayor of the said City, or other person representing him, to issue his Summons requiring any person to appear before the said Council, or any Committee thereof as aforesaid, for the purpose of giving evidence touching the said enquiry or investigation, and if any person so summoned shall neglect or refuse to appear at the time and place appointed by such Summons, and no reasonable excuse for his absence shall be proved before the said Council or Committee, or if any person appearing in obedience to such Summons, shall refuse to be examined on oath touching the said enquiry or investigation, it shall be lawful for the said Mayor to enforce the attendance of all such persons, and to compel such persons to answer all lawful questions by the like means as are used for such purposes in the ordinary Courts of Civil Jurisdiction in Lower Canada: and every person so neglecting or refusing to appear or refusing to be examined on oath as aforesaid, shall, moreover, on conviction thereof before the Recorder's Court of the said City of Montreal, forfeit and pay such sum of money not exceeding Five Pounds, and be liable to such imprisonment not exceeding thirty days, as to the said Recorder's Court shall seem meet; And any person who shall wilfully and corruptly give false evidence

Witness summoned on enquiry into facts may be examined on oath.

Penalty.

upon

Recorder's Court established.

upon any such inquiry or investigation, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence.

LXXIX. And whereas it is expedient to provide a summary and inexpensive mode of recovering the debts, fines and penalties, and of hearing and determining the offences hereinafter mentioned: Be it therefore enacted, That there shall be a Court of Record in the said City, which shall be called the Recorder's Court of the City of Montreal, and wherein the Recorder for the time being shall preside, assisted by one or more of the Aldermen or Councillors of the said City, or in the absence of the Recorder, from sickness or other causes, or when there shall be no Recorder, the Mayor, or one of the Aldermen or Councillors of the said City, shall preside; and such Court shall in all cases possess the like powers, and have the like jurisdiction, as to crimes, offences, and misdemeanors; committed in the said City, as the Court of Weekly Sessions of the Peace, for the said City of Montreal, now has or hereafter may have by law, as to crimes, offences and misdemeanors, committed within its local jurisdiction, as well as in all those matters of Civil concern, not belonging to the ordinary jurisdiction of a Court of Justice, as have been or may hereafter be by Law vested in the said Court of Weekly Sessions of the Peace; and it shall be lawful for the said Recorder's Court to hear and determine all causes and suits that may be brought by the said Corporation of the said City, for the recovery of any sum or sums of money that may be due and payable to the said Corporation of the said City, as the amount of any rate, assessment, tax, duty or impost lawfully imposed by any By-law, Rule, Regulation or Order now in force, or that hereafter may be in force in the said City, and all causes and suits that may be brought by the said Corporation, for the recovery of any sum or sums of money that may be due and payable to the said Corporation, for the rent or occupation of any Butcher's or Huckster's Stall, or other stall or stand whatsoever, in or upon any of the Public Markets of the said City, or as and for the amount of any rate, tax, duty or impost now levied or collected, or that may hereafter be lawfully imposed, levied or collected on any of the said Public Markets; also to hear and determine all causes and suits that may be brought by the said Corporation of the said City of Montreal, for the recovery of any water rent or revenue, or any sum or sums of money whatsoever that may be due and payable to the said Corporation for water rent, or for any supply of water given or furnished from the Montreal Water Works, now the property of the said Corporation, to any house or premises, or to or for the use of any person or persons in the said City, or for the introduction of any pipe or pipes from the said works into any house or premises in the said City, or the enlarging, extending, repairing, altering, removing or changing of any such pipe or pipes, in any house or premises, or at the instance or request, or for the use or benefit of any person or persons in the said City; and also to hear and determine all offences against any such By-law, Rule, Regulation or Order, or against any Law concerning any Market or Markets in the said City, or against any Law concerning any assessment, tax or duty, to be levied in the said City, or against any of the provisions of an Ordinance of the Legislature of the Province of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*; and also to hear and determine all suits and prosecutions that may be brought for the recovery of any fine or penalty that may hereafter be incurred, and be due and payable under any such By-law, Rule, Regulation or Order now in force, or that hereafter may be in force in the said City as aforesaid, or under this Act, or under any Act or Acts concerning any Market or Markets in the said City, or under any Act or Acts concerning assessment to be raised in the said City, or under any of the provisions of the said Ordinance, passed in the second year of Her Majesty's Reign, and intituled, as above mentioned, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*: and for the purposes aforesaid, the said Recorder's Court shall be held from time to time, as occasion may require, in the City Hall of the said City, or in such other place in the said City as the said Council of the said City may ordain; and the City Clerk of the City of Montreal shall

shall be the Clerk of the said Recorder's Court, and the Receipts, Writs and Processes, to be issued out of the said Recorder's Court, shall not require to be under any Seal, but shall run and be in the name and style of Her Majesty, Her Heirs or Successors, and shall be signed by the Recorder of the said City of Montreal, or in the event of his absence or non-appointment, by the said Mayor or Alderman or Councillor presiding, and be countersigned by the said Clerk; and it shall be lawful for the said Court to summon, by a Writ to be signed and countersigned as aforesaid, the party accused of any offence as aforesaid, or from whom any sum of money shall be claimed for any one or more of the causes in this section before set forth, and the witnesses to be heard as well in his favour as against such party, and upon the appearance or default of the party accused or complained against, in not appearing, upon proof of service of such Summons by the return in writing of the person who made the service, to proceed with the examination of the witness or witnesses on oath, and to give judgment accordingly, awarding costs for the successful party; and when the party accused or complained against shall be convicted of such offence, or if judgment be given in favour of the Prosecutors for the sum of money sought to be recovered, or for any part thereof, on proof or by confession, to issue a Warrant or Warrants, to be signed and countersigned as aforesaid, requiring any Constable or Bailiff, of the goods and chattels belonging to the party convicted, or against whom such judgment shall be rendered, to levy the amount of such judgment, or of any penalty or fine to be imposed by such conviction, as the case may be, and costs of suit, and to cause sale thereof to be made; which Warrant shall authorize any Constable or Bailiff to execute such Warrant in any part of the District of Montreal, by *saisie* and sale of any goods and chattels which shall and may be found in the said District, appertaining to the person or persons against whom such Warrant shall thus be issued; and when the goods of a person so convicted, or against whom a judgment shall be given, shall not prove sufficient to satisfy such Warrant, upon a return to that effect, the said Court, by a further Warrant to be signed and countersigned as aforesaid, to be addressed to any Constable or Bailiff, may and shall cause to be apprehended and committed, the person against whom such judgment shall have been so given, or the person so convicted, to the Common Gaol of the District in which such person may be found, there to remain until the penalty imposed by such Court, or the amount of the judgment given, with the costs in either case, shall have been paid and satisfied: Provided always, that no person so committed shall be detained in gaol more than one calendar month; and provided also, that such imprisonment shall not in any case have the effect of satisfying the said judgment, or of debarring the said prosecutors from enforcing payment of the said judgment, by seizure of any goods or chattels, or lands and tenements, liable to seizure, that may afterwards be found belonging to the said parties, or by any other legal means or process whatsoever, other than imprisonment of the said parties; and where imprisonment for any time is the punishment to be suffered by any person or persons under any conviction or convictions to be pronounced by the said Recorder's Court, the said last mentioned Court, by a Warrant, to be signed and countersigned as aforesaid, and to be addressed to any Constable or Bailiff, shall cause such person so ordered to be imprisoned to be forthwith apprehended, if not already in custody, and when so in custody, or subsequently apprehended, to be committed to the Common Gaol of the District in which such person may be found, there to remain for the time he may be so condemned to be imprisoned.

Proviso.

Powers of the Recorder's Court further defined.

LXXX. And be it enacted, That it shall be lawful for the said Recorder's Court to cause order to be preserved in the said Recorder's Court, and to punish by fine or imprisonment any person guilty of any contempt of the said Court or of any member thereof, if such contempt be committed during the sitting, and in the presence of the said Recorder's Court; to enforce the attendance of any witnesses in any action, cause or prosecution, that may be pending before the said Recorder's Court, and to compel such witnesses to answer all lawful questions; to authorize and require the examination of any party on interrogatories on facts and articles *faits et articles*, or

on the *juramentum litis decisorium*, or on the *juramentum judiciale*, in the same and like cases and circumstances in which such examination may be lawfully required and had in the ordinary Courts of Civil Jurisdiction in Lower Canada; and to cause the execution of, and obedience to any Order, Precept, Writ, Process or Warrant, that may issue from the said Recorder's Court, for any one or more of the purposes aforesaid, by the like means as are used for any such purpose or purposes in the ordinary Courts of Civil Jurisdiction in Lower Canada. And it shall be lawful for the Council of the said City of Montreal, to appoint so many Bailiffs of the said Court, as the said Council may think fit; and to make and settle a tariff of the fees which should be exacted by the Clerk of the said Recorder's Court and by the Bailiffs and other such Officers, to be employed in and about the said Recorder's Court: Provided always, that no fee shall be exacted under such tariff until such tariff be approved of by the Governor in Council. And it shall be the duty of the Clerk of the said Recorder's Court, to prepare and make out all the Precepts, Writs and Processes severally that may issue from the said Court, and in a Register, to be kept for that purpose, to enter in a succinct manner, all the proceedings had in the said Court, and to record at full length all the judgments rendered, and convictions pronounced by the said Court, but not to take in writing the depositions of witnesses or of parties examined in the said Court; and any person who shall, either as a party or as a witness, wilfully and corruptly give false evidence, in any cause, suit, action, prosecution, or other proceeding in the said Recorder's Court, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to the penalties of wilful and corrupt perjury; and any Member of the said Council, excepting the Mayor, Aldermen or Councillors of the said Council then sitting in the said Court, and any Member, Officer or Servant of the said Corporation, shall be a competent witness in any suit or prosecution that may be instituted in the said Recorder's Court, if he have no direct interest in the issue of such suit or prosecution, or be not otherwise rendered incompetent; any law, usage, or custom to the contrary notwithstanding. And any toll, assessment, tax, duty or impost, fine or penalty, that may be sued for in the said Recorder's Court, shall be recoverable there, upon the oath of one credible witness; and any person prosecuted in the said Court, for any offence that may be heard and determined by the said Court, shall be liable to be convicted on the oath of one credible witness.

Proviso.

As to the appointment of a Recorder for the City of Montreal, &c.

LXXXI. And be it enacted, That the Recorder for the said City of Montreal shall be a Barrister of that part of the Province of Canada heretofore Lower Canada, of not less than five years standing, and shall be appointed by the Crown during pleasure, and such Recorder shall be ex-officio a Justice of the Peace, in and for the said City and District of Montreal, and shall receive a salary of not less than Three Hundred Pounds per annum, payable monthly out of the Funds of the said City: Provided always nevertheless, that the said Recorder shall not in the first instance be appointed until after the Corporation of the said City shall have communicated to the Governor General of this Province, through the Provincial Secretary thereof, their opinion that such an Officer is required for the better conduct of the affairs of the said City, and administration of Justice therein.

Proviso.

Further powers of the Recorder's Court.

LXXXII. And be it enacted, That it shall be lawful for the said Recorder's Court to be held and to sit daily, and as many times as may be necessary each day, without previous notice or time fixed, to summarily hear and determine upon the case of any person offending against the provisions of the said Ordinance passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, or the provisions of any Act or Acts concerning Assessments to be raised in the said City, or concerning Markets, or against any By-law, Rule, Regulation or Order now in force, or that may be hereafter in force in the said City; and upon the case of any vagrant, loose, idle or disorderly person, and other offenders arrested by or in charge of the Police of the said City, the cases of persons arrested on view, or immediately after the commission of

of any offence, or by Warrant issued out of the said Court, or by the said Recorder, or by any Justice of the Peace for the said District of Montreal; and it shall and may be lawful for the Police or Constabulary Force of the said City of Montreal, or for any other Peace Officer or Constable, to bring before the said Recorder's Court, or before the said Recorder, or, in case of his absence as aforesaid, before the Mayor, or such of the Aldermen or Councillors of the said City as may be appointed to act in his stead, in the City Hall of the said City, any person offending as aforesaid against the provisions of the said Ordinance, against any Act or Acts concerning Assessments or Markets, or against any By-law, Rule, Regulation or Order now in force, or that may hereafter be so, in the said City, and any vagrant, loose, idle or disorderly person, and every person arrested as such, to be then and there dealt with according to law, as the said Recorder's Court, the said Recorder individually, or the Mayor, Alderman or Councillor aforesaid, may adjudge and determine.

LXXXIII. And be it enacted, That all fines and penalties imposed by any By-law, Rule, Order or Regulation, which may be in force at the time of the passing of this Act, whether made by the Justices of the Peace for the said District, before the passing of the said Ordinance to incorporate the City and Town of Montreal, or by the said Council, since the passing of that Ordinance, or hereafter to be made by the said Council, and all fines and penalties imposed by this Act or any Acts concerning any market or markets in the said City, or by any Act concerning any assessment, tax or duty to be raised in the said City, or by the said Ordinance, intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, which shall or may be prosecuted for, or recovered in the said Recorder's Court; and generally, all fines and penalties, sued for, recovered, imposed or levied in the said Court, shall be recovered in the name of "the Mayor, Aldermen and Citizens of the City of Montreal," and for the use of that Corporation, and shall belong to and form part of the General Funds of the said City, and in no other name or for no other use. And it shall be lawful for the said Council to remit any such fine or penalty, or to accept payment of any such fine or penalty from any party willing to pay the same without prosecution, and all fines or penalties that may be so paid without prosecution shall form part of the General Funds of the said City.

How certain fines, &c. are to be recovered and applied.

LXXXIV. And be it enacted, That all and every the Records, Registers, Documents and Proceedings of the Mayor's Court of the said City of Montreal, shall forthwith after this Act shall come fully into effect, be transmitted into, and make part of the Records, Registers, Documents and Proceedings of the said Recorder's Court hereby established, and the said Mayor's Court shall, after the time aforesaid, cease to be held in the said City, and that no Judgment, Order, Rule or Act of the said Mayor's Court legally pronounced, given, heard or done, before this Act shall come fully into effect, shall be hereby avoided, but shall remain in full force and virtue, as if this Act had not been passed, nor shall any suit, cause or proceeding commenced or depending in the said Mayor's Court, be abated, discontinued or annulled by reason of the change made in the constitution of the said Court by this Act, but the same shall in their then present condition be respectively transferred to, and subsist and depend in, the said Recorder's Court hereby established, to all intents and purposes, as if they had respectively been commenced, brought or recorded in the said last mentioned Court, which shall have full power and authority to proceed accordingly in and upon all such suits, causes or proceedings, to judgment or execution, and to make such Rules and Orders respecting the same as the said Recorder's Court is hereby empowered to make in suits, causes or proceedings, commenced in, and depending before, the said last mentioned Court.

Records, Registers, &c. of Mayor's Court, to be transferred over to the Recorder's Court.

LXXXV. And be it enacted, That it shall be lawful for the said Council to establish and regulate a Police Force for the said City, and for that purpose from time to time as occasion may require, to appoint, either from the Police Force, now under the control of the said Council, or from any other persons, a sufficient number of fit men, who shall be sworn before the Mayor or Recorder of the said City, or before some Justice of

Police Force established.

the Peace for the District of Montreal, to act as Constables for preserving the peace, by day and by night, and preventing robberies and other felonies, and apprehending offenders against the peace ; and the men so sworn shall not only within the City of Montreal, but also within the whole of the District of Montreal, have all such powers and privileges, (and be liable to all such duties and responsibilities,) as any Constable or Peace Officer now has, or hereafter may have, within the place to which his appointment extends, by virtue of the laws now in force, or hereafter to be in force, in Lower Canada ; and it shall also be lawful for the said Council to appoint such Officers to superintend and assist in the management of the said Constabulary Force as to the said Council may seem needful, and to give to such Officers, so appointed, such names, and to assign to them such duties as to the said Council may seem proper ; and the said Officers and Men so to be appointed, shall obey all such lawful commands as they may receive from the said Council ; and any Officer or Officers, so to be appointed, shall, during his appointment, have not only all the powers and privileges of a Constable appointed under this Act, but also all such powers as may be necessary for the legal fulfilment of any duty or duties lawfully assigned to him by the said Council, and the said Council, or any Member or Members of the said Council, authorized to that effect by the said Council, may, at any time, suspend or dismiss any Officer or Constable appointed under this Act, whom they shall think negligent in the discharge of his duty, or otherwise unfit for the same, and appoint others in their place ; and the Officers of the said Constabulary Force, shall have such power in relation to the government, control, dismissing or suspending of the Constables, so to be appointed, as the said Council may think proper, by a By-law in that behalf, to give to the said Officers respectively.

Authority to apprehend idle and disorderly persons.

LXXXVI. And be it enacted, That it shall be lawful for any Constable, during the time of his being on duty, to apprehend all idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, and all persons whom he shall find lying in any field, and highway, yard or other place, or loitering therein and not giving a satisfactory account of themselves, and to deliver any person so apprehended, into the custody of the Officer or Constable appointed under this Act, who shall be in attendance at the nearest Police Station or Watch-house, in order that such person may be secured until he can be brought before the Recorder's Court of the said City, the Recorder of the said City, or in his absence before the Mayor of the said City, or such Alderman or Councillor as may be appointed to act in his place, to be dealt with according to Law, or may give Bail to such Constable or Officer for his appearance before the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor, if such Officer or Constable shall think fit to take Bail in the manner hereinafter mentioned.

Further powers given to the Police Force.

LXXXVII. And be it enacted, That in addition to the powers and authority conferred by the preceding section of this Act, on the said Constabulary Force, it shall and may be lawful for any Officer or Constable of the said Force, by day as well as by night, to arrest on view any person offending against any of the By-laws, Rules and Regulations of the said City of Montreal, or of the Council thereof, the violation of which is punishable with imprisonment ; and it may and shall be lawful also for any such Officer or Constable to arrest any such Offender against any such By-law, Rule or Regulation, immediately or very soon after the commission of the offence, upon good and satisfactory information given as to the nature of the offence, and the parties by whom committed : and all persons so summarily arrested shall be forthwith conveyed to the City Hall for trial, before the said Recorder's Court, if then sitting, or if the said Recorder's Court can be soon thereafter assembled, or if not, that Bail or Recognizance may be taken by the said Recorder, by the said Mayor, or any Alderman or Councillor of the said City appointed to act in his stead, that the said parties shall appear at the next sitting of the said Recorder's Court, to answer the charge or plaint preferred against them, and for which they may have been so arrested as aforesaid ; and every Recognizance so taken shall be of equal obligation

obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof before the said Recorder's Court as Recognizances taken before a Justice of the Peace, and estreated before the General or Quarter Sessions of the Peace for the said District of Montreal: Provided that nothing herein contained shall prevent the persons so summarily arrested as aforesaid, from being at once examined and tried, when taken to the City Hall as aforesaid before the said Recorder, or in his absence before the said Mayor, or any Alderman or Councillor appointed to act in his stead, if the offence for which the said parties have been so arrested as aforesaid may legally be tried by the said Recorder, or in his absence before the said Mayor, Alderman or Councillor as aforesaid, being a Justice of the Peace in the said City of Montreal, under the provisions of the said last mentioned Ordinance, or any other Ordinance or Act now in force in the said Province.

Proviso.

LXXXVIII. And be it enacted, That when any person charged with any petty misdemeanor, shall be brought, without the Warrant of a Justice of the Peace, into the custody of any Officer or Constable appointed under this Act, during his attendance in the night time at any Watch-house, within the said City as aforesaid, it shall be lawful for such Officer or Constable, if he shall think fit, to take Bail by Recognizance, without any fee or reward from such person, conditioned that such person shall appear for examination within two days before the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor, within the said City of Montreal, at some time and place to be specified in the Recognizance, and every Recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof before the said Recorder's Court, as Recognizances taken before a Justice of the Peace, and estreated before the General or Quarter Sessions of the Peace for the said District of Montreal; and if the party not appearing shall apply by any person on his behalf, to postpone the hearing of the charge against him, and the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor shall think fit to consent thereto, the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor shall be at liberty to enlarge the Recognizance to such further time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint, or by binding the party over to answer the matter thereof at the Session, or otherwise, the Recognizance for the appearance of the party before the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor, shall be discharged without fee or reward.

Bail to be taken in certain cases

LXXXIX. And be it enacted, That if any Officer or Constable, to be appointed as aforesaid, shall be guilty of any neglect of duty, or of any disobedience of any lawful Order, every such offender, being convicted thereof, before the Recorder's Court to be established under this Act, shall, for every such offence, be liable to be imprisoned for any time not exceeding thirty days, and to be fined in any sum not exceeding Fifty Shillings, or to be dismissed from his office, or to any two, or to all of the said punishments, as the said Recorder's Court shall in their discretion think meet.

Officer or Constable punishable for neglect of duty.

XC. And be it enacted, That if any person shall assault or resist any Officer or Constable appointed under this Act, in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof before the Recorder of the said City of Montreal, or in his absence before the Mayor of the said City, or any Alderman or Councillor thereof appointed to act in his place, shall for every such offence forfeit and pay such sum, not exceeding Five Pounds, and be liable to such imprisonment, not exceeding thirty days, as the said Recorder, or in his absence, the said Mayor, Alderman or Councillor may adjudge: Provided always, that nothing herein contained shall prevent any prosecution by way of indictment against any person so offending, but so as that such person shall not be prosecuted by indictment, and also proceeded against under this Act for the same offence.

Person assaulting an Officer or Constable how punished.

Proviso.

XCI.

Certain laws to continue repealed, and certain laws repealed.

XCI. And be it enacted, That every law, and every part of any law, repealed by the said Ordinance, to incorporate the City and Town of Montreal, or by the said Ordinance to amend the last mentioned Ordinance, shall continue and remain repealed; and all the provisions of any law inconsistent with the provisions of this Act, are hereby repealed.

Powers of the Trinity House of the Harbor Commissioners, or the Lachine Canal Commissioners not to be affected by this Act.

XCII. Provided always, and be it enacted, That nothing in this Act shall extend or be construed to extend to revoke, alter, or abridge or in any manner affect the powers and authority now by law vested, or which may hereafter be vested in the Master, Deputy-Master, and Wardens of the Trinity House of Montreal, or in the Commissioners appointed or to be appointed for the execution of any Act now in force or hereafter to be in force, relating to the improvement and enlargement of the Harbor of Montreal, or any of them, or in the Commissioners appointed or to be appointed for making, superintending, repairing and improving the Lachine Canal, nor to the wharves and slips erected or to be erected by the said first mentioned Commissioners, nor to the wharves and grounds under the direction of the said last mentioned Commissioners: Provided always, that the said Corporation of the City of Montreal, shall have power, so often as the same may be requisite, to open any drain leading from the said City to the River St. Lawrence; to employ the Constabulary Force of the said City in the maintenance of peace and good order on the said Wharves, and to appoint and designate stands or places of rendez-vous for carts and carriages thereon.

Proviso.

How this Act is to be understood with regard to powers conferred on Police Inspector, &c., by previous enactments.

XCIII. Provided always, and be it enacted, That nothing in this Act contained, shall be construed to abridge or interfere with the duties, powers, authorities or jurisdiction of any Inspector or Superintendent of the Police, or of any Member or Members of the Police Force of the said City, appointed or to be appointed by the Governor of this Province, under and in virtue of the provisions of the said Ordinance of the Legislature of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, but the same shall continue to be executed and exercised as if this Act had not been passed.

Reservation of Her Majesty's rights.

XCIV. And be it enacted, That nothing in this Act contained, shall in any manner derogate from or affect, or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, except in so far only as the same may be expressly derogated from or affected by the provisions of this Act.

Certain words interpreted.

XCV. And be it enacted, That the words "Governor of this Province," wherever they occur in this Act, shall be understood as meaning the Governor, or any person authorized to execute the Commission of Governor within this Province for the time being; and the word "Councillor" and the word "Councillors," wherever they occur in this Act, shall be understood as meaning any Member or Members of the said Council of the City of Montreal, unless by the context it shall appear clearly that the words "Councillor" or "Councillors," respectively, are intended to apply exclusively to a Member or Members of the said Council, who is not or are not the Mayor or Alderman or Aldermen of the said City; and the words, "the said Corporation," or "the said Corporation of the City of Montreal," wherever they occur in this Act, shall be understood as meaning the said Corporation of "the Mayor, Aldermen and Citizens of the City of Montreal," unless the context necessarily requires a different meaning to be given to those words; and that the words "Lower Canada," wherever they occur in this Act, are to be understood as meaning and comprehending that part of the Province of Canada which formerly constituted the Province of Lower Canada; and any word or words implying the singular number, or the masculine gender only, shall be understood to include several matters of the same kind, as well as one matter, and several persons as well as one person, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

Public Act.

XCVI. And be it enacted, That this Act shall be held and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices, and other persons whomsoever, without being specially pleaded.

An Act to provide means to recover from the Corporation of the City of Montreal, part of the expense incurred in guarding the Common Gaol at that place.

[30th August, 1851.]

WHEREAS by far the greater number of the prisoners detained in the Common Gaol for the District of Montreal, are persons charged with or convicted of crimes and criminal offences committed within the City of Montreal, and it is therefore just and proper that the Corporation of the said City should contribute towards defraying the expense of guarding the said Gaol: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for and the duty of the Sheriff of the District of Montreal, on the first juridical day in each of the months of March, June, September and December in each and every year, beginning with the month of December, next after the passing of this Act, to furnish to the Clerk of the City of Montreal, for the information of the Council of the said City, a Statement in writing of the probable expense of guarding the Common Gaol for the District of Montreal during the three months then next ensuing, over and above any sum of money applicable for that purpose which he may have in hand at the time of furnishing such Statement; and the said Sheriff may, by his Warrant or Warrants from time to time, require the Council of the said City, out of the funds of the said City, to pay any sum or sums of money not exceeding two thirds of the sum mentioned in the then last Statement, and the Council of the said City shall thereupon cause the said sum or sums of money in the said Warrant or Warrants mentioned, to be paid to the said Sheriff by the Treasurer of the said City, within forty days from the delivery of such Warrant or Warrants to the Clerk of the said City: Provided always, that the sum and sums of money so to be required and received from the Council of the said City, for the purposes and in the manner aforesaid, shall not in any one year exceed the sum of Six Hundred Pounds; and that the application and expenditure thereof shall be accounted for by the said Sheriff to the Council of the said City, on or before the last juridical day of each of the months of February, May, August and November, in each and every year.

Preamble.

Council of Montreal on warrant of the Sheriff to pay part of the expense of guarding the said Gaol.

Proviso.

II. And be it enacted, That the Treasurer of the said City, at the time and times of making payment to the said Sheriff of any sum or sums of money required to be paid to him by this Act, for the purposes and in the manner aforesaid, shall sign and deliver to the said Sheriff a Note in writing, specifying the sum or sums of money so paid, which Note shall be kept by the said Sheriff as a Voucher for his Receipt of such sum or sums; and the Receipt of the said Sheriff, specifying the sum or sums paid to him by the said Treasurer as aforesaid, shall be a sufficient Discharge and Voucher for such Treasurer, and shall be allowed as such, in passing his Accounts.

Receipts and vouchers for payments under this Act.

III. And be it enacted, That if after the lapse of forty days from the delivery of any such Warrant or Warrants to the Clerk of the said City as aforesaid, the sum or sums of money therein mentioned, or any or either of them, or any part thereof, shall remain unpaid to the said Sheriff, an action shall accrue to the said Sheriff, on behalf of Her Majesty, to demand and have, of and from the said Corporation, to wit, the Corporation of the Mayor, Aldermen and Citizens of the City of Montreal, such sum or sums of money so remaining unpaid as aforesaid; and the cause of such action shall be held to have arisen in the said City of Montreal, and the Statement or Statements of the said Sheriff, so by him furnished to the Clerk of the said City as aforesaid, in respect of which the Warrant or Warrants for the amount of which, either wholly

Action given if the money so payable be not paid within a certain time.

Proviso.

wholly or in part, any such action may be brought, shall be sufficient *prima facie* evidence in the said action, of the probable expense of guarding the said Gaol for the period or periods mentioned in such Statement or Statements respectively: Provided always, that if and whenever it shall be pleaded by the said Corporation, by way of defence in any such action, that the said Sheriff hath not accounted to the Council of the said City for the application and expenditure of any sum or sums of money paid to him by the Treasurer of the said City, for the purposes and in the manner aforesaid, under and by virtue of this Act, previous to the date of such Statement or Statements, the burden of proving that he did so account shall lie upon the said Sheriff; and in the event of his failing to do so, the action shall be dismissed, with costs against the said Sheriff personally.

C A P. C X X X.

An Act further to amend the Ordinances incorporating the City of Quebec.

[30th August, 1851.]

Preamble.

WHEREAS the Corporation of *The Mayor and Councillors of the City of Quebec* have represented the inconvenience to which they are exposed for want of the privilege for securing Municipal Taxes due to them, which has been granted to the Rural Municipalities generally by the Statute in that behalf, and have prayed that such privilege be granted them; and whereas it is for the public interest that their prayer should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all debts which, from and after the passing of this Act, shall become due to the said Corporation, for any Rate or Assessment, assessed or imposed on any real or personal property, or both, within the said City of Quebec, or upon the owners or occupiers thereof, in respect of such property, or for duty on business, or for any other Rate, Tax or Impost levied under and by virtue of any By-law of the Council of the said City, shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to Her Majesty, and shall, in the distribution of the proceeds of property, whether real or personal, of any person liable to pay any such debt, be so held, considered and adjudged, by all Courts of Justice, and by all Commissioners or other persons having jurisdiction in Bankruptcy or Insolvency in Lower Canada: Provided always, that the privilege hereby granted shall not extend beyond the Rates or Assessments due for five years, that is to say, for the current year, when such claim may be made, and for the five years next preceding that year.

Debts due for taxes to be privileged.

Proviso; extent of privilege limited.

Privilege not to require registration.

Made of referring to By-laws in suits brought under them.

II. And inasmuch as the expense of registering the privilege hereby granted, would bear heavily on all parties, and the amount secured by it can always be readily ascertained, Be it therefore enacted, That the said privilege shall not require registration to preserve it; any Act, Ordinance or Law to the contrary notwithstanding.

III. And be it enacted, That for and notwithstanding any thing in the Ordinances incorporating the said City, or in any other Act or Law, it shall not be necessary for the said Corporation in any suit or proceeding for the recovery of any Taxes, Penalty or other sum of money alleged to have become due by virtue of any By-law of the Corporation, or by reason of any infraction or contravention thereof to set forth or recite such By-law, but it shall be sufficient in such case for the said Corporation to allege that the sum sued for is due by virtue of, or by reason of the contravention or infraction of the By-law in such case made and provided, without more particularly reciting or referring to it.

CAP. CXXXI.

An Act further to amend the Acts for supplying the City of Quebec and parts adjacent thereto with Water.

[30th August, 1851.]

WHEREAS the Corporation of *The Mayor and Councillors of the City of Quebec*, have, by their petition, represented that further provisions are necessary to enable them properly to carry into effect the Act passed by the Legislative Council and Legislative Assembly in the ninth, and assented to by Her Majesty in the tenth year of Her Reign, and intituled, *An Act for supplying the City of Quebec and parts adjacent thereto with Water*, and the Act amending the same, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend an Act for supplying the City of Quebec and parts adjacent thereto with Water*, and have prayed that such provisions be made; And whereas it is expedient to grant their prayer: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the nineteenth section of the Act first cited in the preamble to this Act, be, and the same is hereby repealed.

II. And for the removal of all doubts, Be it declared and enacted, That the principal and interest of the sums secured by Debentures issued or to be issued by the Corporation of *The Mayor and Councillors of the City of Quebec*, under the authority of the Act secondly cited in the preamble to this Act, may be made payable to the bearer thereof, and either within this Province, or at any place or places without this Province, and either in currency of this Province or in sterling money, or in the currency of the place where the same may be respectively made payable, provided the total amount of the principal secured by such Debentures do not exceed the sum of One Hundred and Twenty-five Thousand Pounds Currency, reckoning all sums payable in other than Provincial Currency, at the par of exchange; and all such Debentures may be in the form of the Schedule A to this Act, or in any other form not inconsistent with the said Acts as amended by this Act, and may have *Coupons* thereunto annexed for the half-yearly interest thereon, which *Coupons* being signed by the Mayor or Treasurer of the Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the Corporation, and the possession of any such *Coupon* by the Corporation shall be *prima facie* evidence that the half years' interest therein mentioned has been paid according to the tenor of such Debenture: and all the provisions of this Section shall apply as well to the Debentures heretofore issued as to those to be issued after the passing of this Act; and all such Debentures, and as well the interest as the principal thereof, are and shall be secured on the General Funds of the said Corporation, as well as by the special privilege on the Water Works, mentioned in the fifteenth section of the Act first above cited.

III. And be it enacted, That it shall be lawful for the said Corporation, if they shall think fit, to renounce with regard to any such Debentures (whether issued before or after the passing of this Act) the benefit of the twenty-first section of the Act first cited in the preamble to this Act, empowering the Corporation to call in Debentures at any time prior to the date at which the same may be made payable, and such renunciation being expressed in the body of any Debenture, or written thereupon, after the issuing thereof, and signed by the Mayor, shall prevent the said section from applying to such Debenture.

IV. And be it enacted, That for and notwithstanding anything in the said Acts, or either of them, it shall be lawful for the said Corporation, at any time after the passing of

Preamble.

10 Vict. c. 113.

13 & 14 Vict. c. 100.

Sect. 19 of 10 Vict. c. 113, repealed.

Debentures and interest may be made payable in Sterling money, &c. and at any place.

Form of Debentures and *Coupons*.

Corporation may renounce the right given them by Sect. 21 of 10 Vict. c. 113,

Corporation may at any time pass By-laws imposing a Water

Rate, but it shall not be payable until they are ready to supply the Water.

of this Act, to specify and declare, by a By-law, that the proprietors or occupiers of houses, stores, and similar buildings, in the said City, shall be subject to the annual Rate or Assessment, payable at the periods to be fixed by such By-law, to the said Corporation; but such Rate or Assessment shall not be payable by the proprietor or proprietors, occupier or occupiers of any such house, store or building in the said City, until after the said Corporation shall have notified him or them that they are prepared and ready to supply such house, store or building, with water, under the provisions of the said Acts; and if from the time of such notification to the next period appointed for the payment of such Rate or Assessment there shall be any broken period, then such Rate or Assessment shall be payable *pro rata* for such broken period, as if accruing day by day; but the Rate per annum shall not exceed that limited by the Act secondly cited in the preamble to this Act.

Limitation of Rate declared not to apply to certain special cases mentioned in 13 & 14 Vict. c. 100.

V. Provided always, and be it declared and enacted, That the limitation of the said Rate or Assessment does not and shall not extend to the cases mentioned in the fourth section of the Act secondly cited in the preamble to this Act, but that it shall always be lawful for the said Corporation to notify the proprietor or occupier of any brewery, distillery, manufactory, livery-stable or hotel, or of any building or premises in which a steam-engine is used, or in which for any reason they shall think that a more than ordinary consumption of water will take place, that they will not supply the same with water at the Rate so limited as aforesaid, and in any such case the proprietor or occupier shall not be liable to the said Rate or Assessment, but it shall be lawful for the Corporation to agree with such proprietor or occupier as to the Rate at which they will supply such house or premises with water, and any Memorandum in writing of such Agreement shall be valid and binding upon the Corporation and the party, and the Rate thereby agreed upon shall be recoverable in the same manner and with the same privileges for enforcing payment of the same, as the Rate limited by the said Act; but, except under such Agreement as aforesaid, no person shall be compelled to pay a higher Rate than that limited by the said Act.

Corporation may search for and take materials for Water Works, making compensation for actual damage.

VI. And be it enacted, That for the purposes of this Act and of the Acts hereinbefore cited, the said Corporation, their Deputies, Servants, Agents and Workmen, shall have full power and authority to enter, in the day time, for the purpose of searching for materials for the works they are authorized to construct, or for any purpose relating thereto, into and upon the lands of any person, body politic or corporate, or other party whomsoever, doing no actual damage; and also to bore, dig, cut, blast, get, remove, take, carry away and lay earth, stone, soil, rubbish, trees, roots, beds of gravel, sand or other material or thing, out of, from or upon any such lands, for the purposes aforesaid, paying or tendering compensation for the damages actually done by the said Corporation, in the manner provided by the Acts aforesaid, with regard to the compensation to be made by the said Corporation for land taken or damages done in the exercise of the powers thereby vested in them.

S C H E D U L E A .

FORM OF A DEBENTURE.

Certificate No.

L O A N .

Interest at per cent.

FOR SUPPLYING THE CITY OF QUEBEC WITH WATER.

Secured by Acts of the Parliament of Canada, upon the General Funds of the Corporation of the City of Quebec, and by especial privilege upon the Water Works and their revenue.

§ 10 Vict., cap. 113, sect. 14, 15, 16.
} 13 and 14 Vict., cap. 100, sect. 3.

WE, THE MAYOR AND COUNCILLORS OF THE CITY OF QUEBEC, certify that under the authority of an Act of the Parliament of Canada, passed in the tenth year of Her Majesty's

Majesty's Reign, intituled, *An Act for supplying the City of Quebec and parts adjacent thereto with Water*, and of another Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to amend an Act for supplying the City of Quebec and parts adjacent thereto with Water*, and of another Act passed in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act further to amend the Acts for supplying the City of Quebec and parts adjacent thereto with Water*; there has been borrowed and received from the sum of Pounds currency, (or sterling, as the case may be, or state the sum in the currency of the country in which it is to be paid,) bearing interest from the date hereof (or, as the case may be,) at the rate of per cent. per annum, payable semi-annually, on the first day of November and May, (or, as the case may be,) in every year, on presentation of the Coupons for the same, signed by the Mayor upon the margin of this Debenture, and reimbursable on the first day of November, one thousand eight hundred and , to the said or the bearer hereof.

Sealed with our Seal, and signed by the Mayor of the said City, this day of , one thousand eight hundred and

N. B.
Mayor.

Attested.
E. F.,
City Clerk.

FORM OF A COUPON.

Coupon No.

£

Quebec, 1st November, 1850. }
(or, as the case may be.) }

Half-yearly interest on Water Works Debenture, No. for Pounds (or Dollars, as the case may be.)

Mayor.

C A P . C X X X I I .

An Act to authorize the Quebec Turnpike Road Trustees to effect a new Loan, and to extend the provisions of the Quebec Turnpike Road Ordinance to certain other Roads.

[30th August, 1851.]

WHEREAS it is expedient to extend the provisions of the Ordinance hereinafter mentioned to certain other roads than those to which it at present extends: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act the provisions of the Ordinance of the Governor and Special Council of the late Province of Lower Canada, passed in the fourth year of the Reign of Her Majesty, and intituled, *An Ordinance to provide for the improvement of certain roads in the neighbourhood of, and leading to, the City of Quebec, and to raise a Fund for that purpose*, and the powers of the Trustees appointed under the authority thereof, shall apply, to all intents and purposes, to the roads or parts of roads hereinafter mentioned, as if the said roads and parts of roads had been mentioned

Preamble.

Provisions of 4 Vict. c. 17, extended to certain roads.

The roads described.

12 Vict. c. 115.

Trustees may borrow £15,000—but without any guarantee on the part of the Province.

Proviso : rate of interest limited, &c.

By what priority of lien, &c., such loan shall be secured.

mentioned and described in the ninth section of the said Ordinance, as forming part of those to which the said provisions and powers were intended to apply, that is to say : firstly, the road from Charlesbourg, commencing from the place which forms the termination of the mile and a half which is to be macadamized under the Act passed in the twelfth year of the Reign of Her Majesty, intituled, *An Act to authorize and enable the Trustees of the Quebec Turnpike Roads to acquire and assume the possession and property of the Bridge called Dorchester Bridge, and for other purposes*, and mentioned in the fifth section of the said last mentioned Act, as far as the land of François Lafrance, and thence in two different directions, that is to say, two miles in a north-easterly direction towards Lake Beauport, and four miles and a half in a north-westerly direction towards the Township of Stoneham ; and, secondly, the road leading past the Grist Mill belonging to the Government, in the Parish of Ancienne Lorette, to the road between the Seigniories of Saint Gabriel and Gaudarville, from its junction with the public road already under the control of the said Quebec Turnpike Road Trustees for a distance of one mile and a half.

II. And be it enacted, That in order to give effect to the provisions herein above mentioned, and to those of the Act last above mentioned, it shall be lawful for the Quebec Turnpike Road Trustees to raise, by way of Loan, a sum not exceeding Fifteen Thousand Pounds Currency, and such Loan and the Debentures which shall be issued in conformity with the provisions of this Act, and all other matters relating to the said Loan, shall be subject to the provisions of the Ordinance hereinbefore mentioned relative to the Loan authorized under the said Ordinance : Provided nevertheless, that the rate of interest to be allowed under the authority of this Act shall in no case exceed the rate of six per centum per annum ; and that no money shall be advanced out of the Provincial Funds for the purpose of paying the said interest ; and all Debentures issued under the authority of this Act, so far as regards the interest payable thereon, shall take precedence and have priority of lien on the tolls and other moneys which may come into the possession, and be at the disposal of the said Trustees, over the interest payable on all Debentures which shall have been issued upon the guarantee of the Province, or which shall hereafter be issued by the said Trustees upon the guarantee of the Province, as well as to all claims for re-payment of any sums of money advanced, or to be advanced to the said Trustees by the Receiver-General of this Province ; and the said Debentures issued under this Act shall, as regards both the payment of the interest and the principal thereof, rank after those issued under the authority of the Act last above cited passed in the twelfth year of Her Majesty's Reign.

III. And be it enacted, That after the macadamizing of the roads in the above mentioned Statutes described, and of the roads above mentioned, it shall be lawful for the said Trustees to apply any unexpended balance of the money to be raised by the Loan provided for by this Act, to the repairing and macadamizing of the following roads, to wit : the road commonly called *la Route de la Misère* or *la Route Saint Jacques*, from the road on the northern bank of the River Saint Charles to the road leading to the Parish Church of Saint Ambroise, and the road recently ordered to be opened by the Municipal Council of the County of Quebec, between the Parish of Charlesbourg in the rear of the said Parish, and the Parish of Saint Ambroise, as described in the Ordinance and Procès-verbal of the said Council, which said roads, or either of them, the said Trustees shall have full power to take under their control and management whenever they shall deem it expedient, and as soon as the said Trustees shall have given notice, by an advertisement in the French Language in a newspaper published in the French Language in the City of Quebec, and in the English Language in a newspaper published in the English Language in the said City, of their taking the said roads or either of them under their control, then all the provisions of the above mentioned Ordinance shall apply to the said roads, or to either of them, as the case may be.

CAP. XXXIII.

An Act to authorize the Trustees of the Quebec Turnpike Roads, to issue Debentures to a limited amount, for the purpose of buying and rebuilding the Montmorency Bridge.

[30th August, 1851.]

WHEREAS it will be conducive to the safety and advantage of the public, that the Bridge over the River Montmorency, erected under the authority of the Act of the Legislature of the Province of Lower Canada, passed in the fifty-second year of the Reign of His Majesty King George the Third, chaptered Seventeen, and intituled, *An Act to authorize François Huot and Joseph Jacob to erect a Bridge over the Montmorency, above the Falls*, should be placed under the control of the Trustees of the Quebec Turnpike Roads: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Trustees are hereby authorized to purchase the said Bridge and to rebuild it, and for that purpose to borrow a sum not exceeding Five Thousand Pounds, at a rate not exceeding six per cent. per annum.

Preamble.

Act of L. C. 52 G. c. 17.

Trustees may borrow £5000.

II. And be it enacted, That the interest of the moneys to be borrowed under this Act shall be privileged over the interest on the Debentures issued or to be issued by the said Trustees with the guarantee of the Province, and shall, as regards the interest on the Debentures last mentioned, have priority of lien on the Tolls and other moneys now being or hereafter to come into the hands of the said Trustees, but shall rank after the Debentures issued or to be issued under the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to authorize and enable the Trustees of the Quebec Turnpike Roads to acquire and assume the possession and property of the Bridge called Dorchester Bridge, and for other purposes*, and neither the principal or interest of the Debentures to be issued under this Act shall be guaranteed by the Province, or payable out of any Provincial Funds.

How the Debenture to be issued under this Act shall rank.

12 V. c. 115.

III. And be it enacted, That whenever the said Trustees shall have purchased the said Bridge over the River Montmorency, they shall be invested with and have all the rights and privileges vested in the Proprietors thereof by virtue of the Act aforesaid, passed in the fifty-second year of the Reign of King George the Third, and shall, in their stead, levy the Tolls allowed by the said Act.

Trustees to succeed to the rights of the proprietors if they purchase the Bridge.

IV. And be it enacted, That the Revenue arising from the said Bridge, whether from Tolls or otherwise, shall be exclusively applied to the improvement and gradual completion of the High-road of the *Côte de Beaupré*, from the *Mill du Petit Pré* towards the other extremity of the Parish of Chateau Richer, and below it; and the said Bridge and the said Road, as it shall be so improved and completed, shall be under the control of the said Trustees, and subject to the Provisions of the Ordinance of the Special Council of the Province of Lower-Canada, passed in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance to provide for the Improvement of certain Roads in the neighbourhood of and leading to the City of Quebec, and to raise a fund for that purpose*.

Revenue from the Bridge, to what purpose to be applied.

4 V. c. 17.

V. And be it enacted, That if by reason of the refusal of the Proprietors to sell, or of their demanding too high a price for the said Bridge, the said Trustees shall not be able to purchase the same within six months from the passing of this Act, (and it shall be the duty of the said Trustees to enter into negotiations with the proprietors for the purchase thereof within the said six months), then the said Trustees shall apply the sum of Five Thousand Pounds above mentioned to the improvement and completion of the Chateau Richer Road mentioned in the next preceding section.

To what purpose the loan shall be applied if the bridge be not purchased.

CAP.

CAP. CXXXIV.

An Act to revive and amend the Act relating to the Common of Maskinongé.

[30th August, 1851.]

Preamble.

WHEREAS by an Act of the Legislature of the late Province of Lower-Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act to authorize the inhabitants of the Seigniory of Maskinongé, in the County of St. Maurice, to make more advantageous regulations for the government of the Common of the said Seigniory*, a Corporation was established for the management of the affairs of the said Common, and the said Act expired on the first day of May, in the year of our Lord one thousand eight hundred and fifty, in consequence whereof the said Corporation hath become dissolved; And whereas divers inhabitants of the said Seigniory of Maskinongé, in the Parish of *Saint Joseph de Maskinongé*, County of Saint Maurice, and of the Parishes of *Saint Barthelemi*, *Saint Cuthbert*, and *Sainte Geneviève de Berthier*, in the County of Berthier, interested in the said Common, have by their petition to the Legislature prayed that the said Act be revived and amended, and the granting of the said prayer would be of great advantage to them: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Act to authorize the inhabitants of the Seigniory of Maskinongé in the County of St. Maurice, to make more advantageous regulations for the government of the Common of the said Seigniory, shall revive and have the same force and effect as if it had not expired and as if it had been recited at full length in this Act.

9th Geo. 4, c. 41, revised.

Certain persons declared to be the Chairman and Trustees.

II. And be it enacted, That the persons chosen and elected Chairman and Trustees at the last meeting for the election and choice of the said Officers, are hereby appointed and declared to be the Chairman and Trustees of the said Common, and as such shall be and are invested with all the powers and authority which they had the right of exercising, and be subject to the performance of all the duties they were required to perform before the expiration of the said Act; and the said Chairman and Trustees shall remain in office until re-placed or re-elected in the manner hereinafter provided.

Election of Chairman and Trustees.

III. And be it enacted, That on the first Monday of the month of December next, the Chairman and Trustees aforesaid shall go out of office, and shall be re-placed or re-elected by the persons interested in the said Common, at a meeting to be called, presided over, held and conducted in the manner prescribed by the first and fourth sections of the said Act hereby revived and amended: Provided always, that if the election shall not take place on the said day, another meeting shall be called, presided over, held and conducted in the same manner and for the same object, between the said first Monday in December and the first Tuesday of March next, and the Chairman and Trustees chosen and elected at such meeting, shall remain in office until the first Monday of June, in the year of our Lord one thousand eight hundred and fifty-four, unless they shall be then re-elected; after which the election of the said Officers shall be held at the end of every second year, as provided by the fourth section of the said Act hereby revived and amended.

Proviso.

Assessment for defraying expenses of management of Common.

IV. And whereas the said inhabitants interested in the said Common have represented, in and by the said Petition, that the Chairman and Trustees thereof were not authorized to levy assessments on all the parties interested for defraying the necessary costs and expenses: Be it therefore enacted, That whenever it shall be necessary to incur expenses for the management, maintaining or improvement of the said Common, or for the doing of any act or thing, or the payment of any expenses in relation thereto, an estimate of such expenses shall be first drawn up by the said
Chairman

Chairman and Trustees, or the majority of them, and they shall have power to impose and levy the amount of such estimate and apportion the same among the proprietors or parties interested in the said Common, in proportion to the rights or shares of each one therein; and if at the date of the coming into force of this Act, any costs or expenses have been incurred for the management, maintaining or improvement of the said Common, or for any act, thing, or prosecution relative thereto, a faithful account thereof shall be drawn up by the said Chairman and Trustees or the majority of them, who are hereby required to impose and levy the amount of such account, and apportion the same in the manner above prescribed, with respect to costs and expenses which it may be necessary to incur hereafter; and in default of payment of any amount to be apportioned as aforesaid, the same shall be recoverable by Summary Process in the name of the Chairman and Trustees of the Common of Maskinongé, before a Justice of the Peace not interested in the matter, nor related nor of kin to the party sued within the degrees prohibited by law; and such Justice is hereby authorized to try, hear and finally determine and adjudge upon the said action, and issue execution against the goods and chattels of the defendant for the payment of the amount of the judgment and costs of suit and other subsequent costs: Provided always, that such execution shall not issue before the expiration of eight days from the rendering of the judgment.

V. And be it enacted, That whenever it shall be necessary to ascertain the persons who have or pretend to have a right in the said Common, and the rights or shares which each one now holds or hereafter may hold, for the purpose of making any apportionment of the costs and expenses which may be now or hereafter incurred, as provided in the preceding section, or for any other object, it shall be lawful for the said Chairman and Trustees, or the majority of them, to require all such persons to produce and exhibit their respective titles to such rights or shares, at the time and place which they shall mention, one month's public notice or sufficient private notice having been given by them for that purpose; and if any person interested in the said Common, shall refuse or neglect to produce and exhibit his titles at the time and place by them mentioned, he shall incur a penalty of Ten Shillings currency, and of One Shilling currency for each day on which he shall refuse or neglect so to do.

Exhibition of titles to
Common.

VI. And be it enacted, That if any person who shall be lawfully called upon to accept any office or perform any duty under this Act, or the Act hereby revived and amended, shall refuse to accept such office or refuse to perform such duty, or shall in any manner contravene the provisions of this Act or of the Act hereby revived and amended as aforesaid, he shall incur, for every such offence, whether of commission or omission, a penalty of Forty Shillings currency.

Penalty for refusal to
accept office, &c.

VII. And be it enacted, That all fines and penalties imposed by this Act, and by the Act hereby revived and amended, as well as by any By-laws or Regulations which may be now or hereafter made or passed by the Chairman and Trustees of the said Common, or by a majority of them, shall be recoverable on Summary Prosecution by any party interested in the said Common, before a Justice of the Peace not interested therein, nor related nor of kin to the party sued within the degrees prohibited by law; and such Justice of the Peace may issue execution eight days after judgment against the goods and chattels of the contravening party, for the levying of the amount of the penalty, together with the costs of suit and subsequent costs; and all fines and penalties shall be paid to the said Chairman and Trustees, and by them applied to the general purposes of the said Common.

Recovery of penalties

VIII. And be it enacted, That this Act shall be a Public Act.

Public Act.

C A P .

CAP. CXXXV.

An Act to revive the Act authorizing the Inhabitants of the Seigniorship of Yamaska to regulate the Common of the said Seigniorship.

[30th August, 1851.]

Preamble.

WHEREAS it is expedient to revive and to continue for a limited time the Act hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act of the Legislature of Lower Canada, passed in the third year of the Reign of His Majesty King George the Fourth, and intituled, *An Act to enable the inhabitants of the Seigniorship of Yamaska to provide for the better regulation of the Common of the said Seigniorship*, the duration whereof was limited to the first day of May, one thousand eight hundred and fifty, shall be and is hereby revived, and shall, until repealed or altered by competent authority, be in full force and effect as if herein repeated and re-enacted: Provided always, that the first meeting for the election of a Chairman and five Trustees shall be held on the first Monday in September next after the passing of this Act, but such Chairman and Trustees shall go out of office on the first Monday in May, one thousand eight hundred and fifty-two, on which day and on the first Monday in May in each second year thereafter, a Chairman and Trustees shall be elected in the manner provided by the said Act.

Act of L. C. 3 Geo. 4. c. 18, revived.

Proviso: when the first election shall be held.

CAP. CXXXVI.

An Act to provide for the Erection of Parishes, for Civil Purposes only, in the Seigniorship of Argenteuil, in Lower Canada.

[30th August, 1851.]

Preamble.

WHEREAS it appears that there are in the Seigniorship of Argenteuil, in the County of Two Mountains, in Lower Canada, tracts of land of considerable extent which, in consequence of their being inhabited chiefly by Protestants, cannot be erected into separate Parishes under the provisions of the Ordinances of the Legislature of Lower Canada, and Acts of the Parliament of this Province, concerning the Erection of Parishes and the Building of Churches, Parsonage Houses and Church Yards in Lower Canada; And whereas, from their extent it is just that such tracts should be set apart as Parishes for Civil Purposes only, and that their inhabitants should not be deprived of the Municipal Rights and other advantages conferred by law on Parishes erected under the Provisions of the above mentioned Ordinances and Acts, and on Townships in the said portion of the Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever it shall be made to appear to the satisfaction of the Governor in Council, that there is in the Seigniorship of Argenteuil aforesaid, any tract of land having a population of six hundred souls or upwards, and the majority of the inhabitants of such tract being Protestants, shall, by petition to the Governor, represent the fact, and shall pray that such tract be erected into a Parish for Civil Purposes, it shall be lawful for the Governor in Council to order that such tract, with the boundaries and by the name to be assigned to it in such Order, shall upon, from and after a day to be therein named, be a Parish for

Certain tracts may be erected by order in Council into Parishes for civil purposes only.

for all Municipal and other Civil Purposes whatsoever, which such tract shall accordingly be, and shall not thereafter be included or remain, for Municipal or other Civil Purposes, in any Parish erected under the above mentioned Ordinance, or any other Law; and such Order in Council shall be published in the *Canada Gazette*: Provided always, that nothing herein contained shall make any such tract a Parish for Ecclesiastical Purposes, or confer any Ecclesiastical Right, Power, or Jurisdiction; nor shall this Act prevent any such tract from being thereafter included or from remaining for Ecclesiastical Purposes in any Parish erected under the said Ordinance, or any other Ordinance or Law.

C A P . C X X X V I I .

An Act to remedy, as far as possible, the inconvenience which might otherwise arise from the destruction of the Registers of the Parish of St. Louis de Lotbinière.

[30th August, 1851.]

WHEREAS it appears that on the fifteenth day of December last, the Sacristy of the Parish of St. Louis de Lotbinière, in the County of Lotbinière, was destroyed by fire, and the Registers of Baptisms, Marriages and Burials performed in the said Parish were totally destroyed, with the exception of those for the period between the year one thousand eight hundred and forty-six and the date of the said fire, which, though saved, were nevertheless greatly damaged, and it is expedient to remedy, in so far as may be possible, the great inconvenience which might otherwise arise from the destruction or partial destruction of the said Registers; And whereas the Reverend E. Faucher, who is now and hath been, from a period prior to the first day of January, one thousand eight hundred and fifty, Rector (*Curé*) of the said Parish, and by whom almost the whole of the entries in the said Register for the year one thousand eight hundred and fifty were made, hath, from the portions thereof which have escaped destruction, and other information, and from his own personal knowledge of the facts, made up a Register, extending from the first day of January, one thousand eight hundred and fifty, to the date of the said fire, which he believes to be in all material points correct: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Reverend E. Faucher shall, as far as it may be possible for him so to do, complete the Register so by him made as last aforesaid, and shall authenticate the same by his signature as having been made under the authority of this Act, and as being, to the best of his knowledge and belief, a true copy, in every material point, of the Register of the Baptisms, Marriages and Burials performed in the said Parish, from the first day of January, one thousand eight hundred and fifty, to the end of the said year; and having so completed and authenticated the said Register, shall make a Duplicate thereof and authenticate the same in like manner, and shall cause both Duplicates to be numbered and authenticated by one of the Judges of the Superior Court in the manner by law required, and shall then deposit one Duplicate thereof in the Prothonotary's Office of the Superior Court at Quebec, and the other shall be kept in the Archives of the *Fabrique* of the said Parish, and either of the said Duplicates, or Extracts therefrom, made and certified by the Rector (*Curé*) of the said Parish for the time being, or other person having the legal custody of such Duplicate, or by the said Prothonotary, shall be *prima facie* evidence of the facts therein stated.

Preamble:

Rev. E. Faucher to make up a Register for 1850, from the best information he can procure, and the same, or extracts therefrom, to be *prima facie* evidence.

CAP. CXXXVIII.

An Act to authorize the Municipal Council of the United Counties of Wentworth and Halton to dispose of a part of the present Court House Square.

[30th August, 1851.]

Preamble.

WHEREAS the late George Hamilton, Esquire, did on or about the thirtieth day of December, in the year of our Lord one thousand eight hundred and sixteen, duly execute a Deed of Surrender unto His Majesty George the Third, His Heirs and Successors, of a certain piece of land then in the Township of Barton, in the District of Gore, in order that the said District of Gore might be accommodated with a convenient site or piece of land whereon to erect a Gaol, Court House and other Public Buildings for the uses of the said District of Gore: And whereas the situation of the said piece of land, being in the centre of the City of Hamilton, renders it unsuitable for the site of a Gaol: And whereas the Municipal Council of the United Counties of Wentworth and Halton have, by their Petition, prayed that authority may be given them to dispose of the said premises, or a portion thereof, the proceeds to be applied to the purchase of a site and erection of a new Gaol, in a situation where prisoners might be put to labour, and thereby contribute towards their maintenance, instead of being a burden on the public: And whereas it is expedient to grant the prayer of the said Council: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing in the said Deed of Surrender mentioned, or dedication therein made, or any law to the contrary, it shall and may be lawful for the Municipal Council of the United Counties of Wentworth and Halton, and their successors, and they are hereby empowered to lay out the said piece of land, or so much thereof as they may deem expedient, in lots, and to sell, dispose of and convey the same by an absolute title in fee simple at their pleasure, the proceeds of such sale to be applied solely to the purchase of a suitable site within one mile of the present Gaol and Court House, and to the erection of a new Gaol thereon, and other Public Buildings, for the uses of the said United Counties: Provided always, that before offering the said piece of land or portion thereof to Public Sale, it shall be the duty of the said Municipal Council to offer the same to the Corporation of the City of Hamilton, at and for the price or sum of Six Thousand Pounds, currency, and it shall be the duty of the Council of the City of Hamilton, within three months from the date of any such offer, to accept or reject the same; failing in which, the said Municipal Council of the said United Counties of Wentworth and Halton shall be at liberty to dispose of the said premises, or part thereof, to such person or persons, or Bodies Corporate, or Company, and in such mode as they may determine by By-law or otherwise: Provided also, that nothing in this Act contained shall in any manner affect or prejudice any claim which Robert J. Hamilton, eldest son and heir of the before mentioned George Hamilton, shall or may have in law or equity to the piece or parcel of land surrendered by his late father for the purposes aforesaid; and the amount of compensation to be paid to the said Robert J. Hamilton shall be fixed and determined by Arbitrators, to be chosen, one by the said Council, another by the said Robert J. Hamilton, and a third to be named by them, the said Arbitrators, should they not agree; and their or his award shall be final.

Municipal Council of Wentworth and Halton empowered to dispose of the said lot or of part thereof.

Proviso: they must first offer it to the City of Hamilton.

Proviso: as to the total price.

Account of expense of new Jail to be rendered to Parliament, &c.

II. And be it enacted, That the said Municipal Council shall, on the completion of the said new Gaol, render to the Provincial Parliament a detailed account of the moneys received and expended on account thereof; and if any surplus shall remain after the purchase

purchase of a suitable site and the erection of a new Gaol, and payment or incidental expenses incurred in regard to the same, such surplus shall be invested in such manner as the Governor and Council for the time being may direct; the interest on such investment to be applied by the said Municipal Council in the maintenance of the said Gaol, or repair or extension of the same, rendering to the Provincial Parliament an annual account thereof.

C A P . C X X X I X .

An Act to authorize the County of Welland Municipal Council to purchase certain lands in the said County, known as the Great Cranberry Marsh, and for other purposes.

[30th August, 1851.]

WHEREAS the Municipal Councils of several Municipalities in the County of Welland have prayed, by their petitions to the Legislature in that behalf, that the Provisional or other Municipal Council of the County of Welland may be authorized to purchase a certain tract of land, known as the Great Cranberry Marsh, lying principally in the Townships of Wainfleet and Humberstone, for the purpose of draining and improving the same, and disposing thereof for the benefit of the said County, and it is expedient to authorize the said County Council to purchase the said Marsh, and to grant them such further powers as may be most conducive to the advantage of the said County: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Commissioners or Building Committee, now appointed by the Provisional Municipal Council of the said County of Welland, that is to say: John Fraser, Robert Hobson, John Radcliffe, David P. Brown and John Graybiel, Esquires, shall have full power and authority for and in the name of the said County, and for the benefit thereof, to purchase or otherwise acquire from the Government of this Province, all or any part of the said tract of land, lying principally within the Townships of Wainfleet and Humberstone, and known as the Great Cranberry Marsh; and that on such purchase being completed, the said land shall become vested in the said County Council of Welland, to be improved and disposed of by them by sale of the fee or by lease, and for such purpose as the said Council shall by By-law or By-laws determine.

Preamble.

Certain persons authorized to buy the marsh for the County, and to drain it.

II. And be it enacted, That so soon as may be after the passing of this Act, a Survey shall be made at the expense of the Provisional Municipality of the County of Welland, of the River Chippewa, by any Officer or Engineer to be appointed by the Commissioners of Public Works for that purpose, with a view to ascertain whether the navigation thereof will not be affected by lowering the water of the said River for the purpose of draining the lands bordering on the said River, and in the event of his making a Report in favor of the said improvement, the said Provisional Municipal Council of the said County of Welland shall also have power to make By-laws for the purpose of lowering, by not more than three feet, the quantity of water in the said River, and to levy, by assessment, upon the owners of lands benefitted thereby, the sums necessary to cover the expense of the said undertaking.

A Survey to be made of the River Chippewa, with a view to draining the lands bordering thereon.

III. And be it enacted, That the said Commissioners or Building Committee, or the said County Council of Welland, shall make the purchase or other acquisition of the said land at or before the end of the next Session of the Provincial Parliament.

Time of purchase limited.

C A P . C X L .

An Act to allow a Grant of the Hospital Reserve, Belleville, to the Town Council.

[30th August, 1851.]

Preamble.

WHEREAS in the Original Survey of the Town of Belleville, Lots numbers thirty-two and thirty-three on the east side of Church Street, and thirty-two and thirty-three on the west side of Rear Street, in the said Town, were set apart and reserved for the purpose of a Public Hospital; And whereas it appears from the representation of the Town Council of the said Town that the said land is not suited for the purpose for which it was so designed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so soon as the said Town Council shall have made other suitable provision for a Public Hospital in the said Town, to the satisfaction of the Governor General of this Province, or the person administering the Government thereof, it shall and may be lawful for Her Majesty, Her Heirs or Successors to grant to the Town Council of the Town of Belleville, all and singular, the said land and premises with the appurtenances, to hold to the said Town Council in fee simple for the uses of the said Town of Belleville.

Power given to Her Majesty to grant the Hospital Reserve in Belleville to the Town Council.

C A P . C X L I .

An Act to amend the Act incorporating the Trustees of the Toronto Hospital.

[30th August, 1851.]

Preamble.

WHEREAS in and by an Act passed by the Parliament of this Province, in the Session thereof held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to incorporate the Trustees of the Toronto Hospital*, it is amongst other things in effect enacted, That the two Senior Professors of any School of Medicine, to be thereafter established in the City of Toronto, and in default of or until the establishment of such School, any such medical men resident in the said City as should be nominated and appointed as vacancies should occur, by the Common Council of the said City, in Common Council assembled, at any meeting of such Common Council, should be Members of the Corporation created by the said Act; And whereas it is desirable to repeal the aforesaid provision of the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, no Professor of any School of Medicine, established or to be established in the said City of Toronto, shall be *ex officio* a Member of the said Corporation of the Trustees of the Toronto Hospital; but the said Common Council shall have power from time to time to nominate and appoint any two persons resident in the said City of Toronto to be Trustees of the said Toronto Hospital; and such two Trustees, and the Trustees to be appointed by the Government, as well as the Trustees at present constituting the said Corporation, shall be removable at pleasure by the power appointing them; and any Trustees from time to time appointed under the said recited Act and this Act, shall hereafter compose the said Corporation: Provided always, that subject to such removal as aforesaid, the Trustees at present lawfully composing the said Corporation shall continue to compose the same.

Who shall be Trustees of Hospital in future.

An Act to incorporate the Benevolent Societies of the Wesleyan Methodist Church in Canada.

[30th August, 1851.]

WHEREAS it has been represented to the Legislature of this Province, that certain Ministers and Members of the Wesleyan Methodist Church in Canada, in connexion with the British Wesleyan Conference, have established themselves together under a constitution, intituled, "The Doctrines and Discipline of the Wesleyan Methodist Church in Canada," and certain other Rules and Regulations, creating and establishing "The Book and Printing Establishments," and "The Annuitant Fund Society," and "The Superannuated or worn-out Preachers' Fund," and have contributed, or engaged to contribute, considerable sums of money, and have given or granted, or promised to give or grant, lands or real estate for the following objects, that is to say :

Preamble.

Firstly. For the publication and circulation of periodicals and books for the diffusion of useful knowledge ;

Secondly. For the support of aged and infirm Ministers, and the widows and children of Ministers ;

And whereas it would tend to promote the purposes of the said Association that it should be incorporated, and empowered to hold property in mortmain without letters of license, and to manage, administer, alienate or dispose of the same for the uses and purposes aforesaid, and to make and enforce Rules and Regulations for the government of the said Association, and for better attaining the purposes aforesaid : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Conference of the Ministers of the said Church, as described in a certain Act, passed in the fourth and fifth years of Her Majesty's Reign, chapter thirty-seven, and intituled, *An Act to incorporate the Upper Canada Academy under the name and style of Victoria College*, namely : the Reverend Enoch Wood, President of the Conference, the Reverend John Ryerson, Co-Delegate, the Reverend James Musgrove, Secretary of the Conference, the Reverend Anson Green, Book Steward, the Reverend James Spencer, Editor, the Reverend Egerton Ryerson, D. D., President of Victoria College, the Reverend Henry Wilkinson, and such other persons as are now Members of the said Association, according to the existing Constitution, Rules and Regulations thereof, and their successors to be elected in the manner hereinafter provided, and such other persons as shall from time to time hereafter be elected to be Members of the said Association, to be also elected in the manner hereinafter provided, shall be and are hereby declared to be a Body Corporate and Politic in name and in deed, by the name of "The Connexional Society of the Wesleyan Methodist Church in Canada ;" and by such name they and their successors shall have perpetual succession and a Common Seal, and have and hold all such land as is now attached to or appropriated for the purposes of the said Act, and shall and may be capable of receiving and taking from Her Majesty, or from any other person or persons, or any body corporate or politic, by grant, devise or otherwise, any lands or interest in lands, or any goods, chattels, moneys or effects, which Her Majesty, or any such person or persons, body corporate or politic, may be desirous of granting or conveying to them or their successors in office, for the use and support of the said Association ; and shall be capable of suing and being sued, impleading and being impleaded, for the purposes of the said Association.

Certain persons incorporated.

Corporate name.

II. And be it enacted, That all lands, messuages, tenements, hereditaments or immoveable property as aforesaid, and all sums of money, debts, goods, chattels, effects

Property vested in the Corporation.

or

the said Company to construct a Branch Line, extending from Stanbridge aforesaid, through the Counties of Missisquoi and Shefford, in such course as will enable the said Company to connect their Line from Stanbridge aforesaid, with the Passumpsick and Connecticut River Rail-road at the Province Line, bordering on the Counties of Franklin and Orleans, in the State of Vermont: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Montreal and Vermont Junction Rail-way Company shall, within six years from the passing of this Act, and under the provisions, conditions and limitations in the first recited Act mentioned, have power and authority to construct a Branch Line of Rail-way to connect the Montreal and Vermont Junction Rail-way Company with the Passumpsick and Connecticut River Rail-road and the Missisquoi Valley Rail-road, by such favorable and direct route as the said Company may select, from the Main Line of the Montreal and Vermont Junction Rail-way, at some point in the Township of Stanbridge, in the County of Missisquoi aforesaid, and extending through the Parish of Saint Armand, in the said County, and also through the Valley of the Missisquoi River, in the Township of Sutton in the said County, and in the Township of Potten in the County of Shefford, and touching the Province Line at the said Counties of Franklin and Orleans.

Location.

Authorized to increase Capital Stock.

II. And be it enacted, That for the purpose of making and constructing the said Branch Line of Rail-way, it shall be competent for the said Company to increase the amount of the Capital authorized to be raised by the said hereinbefore recited Act, by the amount or sum of Two Hundred Thousand Pounds currency, which shall be subscribed and raised, and divided into shares, in the same manner and of the same amount as the Capital of the said Company in the said Act.

How the course of the Railway between the River Richelieu and the Province line may be changed.

III. And be it enacted, That it shall be lawful for any five or more proprietors of shares in the said undertaking, holding together One Hundred Shares at least, who may be desirous of changing either wholly or in part the course and direction of the said intended Rail-way between the River Richelieu and the Province Line, to cause a Special General Meeting of Proprietors to be held at Bedford, in the County of Missisquoi, for that purpose, at any hour on any day not being a Sunday or Holiday, and in any public house or place designated in a public notice of such meeting, inserted at least once a week in some newspaper published in the English language, and at least once a week in some newspaper published in the French language in the District of Montreal, and also legibly written or printed in both languages, and posted up at the church doors of Saint Armand West and Stanbridge respectively, during at least four weeks next preceding such day; and if at such meeting it shall be decided by a majority of the votes of those present either in person or by proxy, that such change is desirable for the interests of the Company, it shall be lawful for the said Company to make such change accordingly: Provided always, that the votes of the Proprietors shall be reckoned, and the majority ascertained, at the said Special General Meeting, and the same shall be in every respect not herein specially mentioned and provided for, regulated and governed according to the provisions in the said Act contained with reference to Special General Meetings of the said Proprietors.

Proviso.

Surveys and levels to be made in the above case.

IV. And be it enacted, That in the event of any such total or partial change as aforesaid being decided upon as aforesaid, the said Company may, by some Sworn Land Surveyor for Lower Canada, and by an Engineer or Engineers by them to be appointed, cause to be taken and made surveys and levels of the lands through which so much of the said intended Rail-way is to be carried in pursuance of such change, together with a Map or Plan of so much of the said intended Rail-way and of the new course and direction thereof, and of the said lands through which the same is to pass as aforesaid, and the lands intended to be taken as aforesaid for the several purposes authorized

Map or Plan.

by

by the said first cited Act and by this Act, as far as then ascertained, and also a Book of Reference for so much of the said intended Rail-way, in which shall be set forth a description of the said several lands and the names of the owners, occupiers and proprietors thereof, so far as they can be ascertained by the said Company, and in which shall be contained every thing necessary for the right understanding of such Map or Plan; which said Map or Plan and Book of Reference shall be examined and certified by the person performing the duties formerly assigned to the Surveyor-General or his Deputies, who shall deposit copies thereof in the office of the Prothonotary of the Superior Court in and for the District of Montreal, and also in the office of the Secretary of the Province, and shall also deliver one copy thereof to the said Company, and all persons shall have liberty to resort to such copies so to be deposited as aforesaid and to make extracts or copies therefrom as occasion may require, paying to the said Secretary of the Province or Prothonotary at the rate of Six Pence current money of this Province for every hundred words; and the said triplicates of the said Map or Plan and Book of Reference so certified, and a true copy or copies thereof, certified by the Secretary of the Province or by the Prothonotary of the Superior Court in and for the said District of Montreal, shall severally be, and are hereby declared to be, good evidence in all Courts of Law and elsewhere.

Book of Reference.

Copies to be filed.

Extracts may be made, &c.

To be good evidence.

V. And be it enacted, That the said Company, in making the said intended Rail-way, in the event of the course and direction of so much thereof as aforesaid being either wholly or partially changed as aforesaid, shall not deviate more than a mile from the line of the Rail-way, or from the places assigned to the several works of the Company in the Map or Plan and Book of Reference deposited as aforesaid, nor cut, carry, place, lay down or convey the said Rail-way into, through, across, under or over any part of the lands or grounds not shewn and mentioned in such Map or Plan and Book of Reference as being required for such purpose, or as being within one mile of the said line and of the places assigned therein to the said works respectively, (save in such instances as are herein or in the said Act specially provided for) without the consent of the party or parties who could under the provisions of the said Act and this Act convey such lands.

Certain powers conferred, in the event of the above change taking place.

VI. And be it enacted, That any Municipal Corporation through which the said Montreal and Vermont Junction Rail-way, or the said branch shall be carried, or which shall be interested therein, shall have power to subscribe for any number of Shares in the Stock of, or lend to or guarantee the payment of any sum of money borrowed by the Company from any Corporation or person, or to endorse or guarantee the payment of any Debentures to be issued by the Company for money by them borrowed, and shall have power to assess and levy from time to time upon the rateable property of the Municipality, a sufficient sum for them to discharge the debt or engagement so contracted, and for the like purpose to issue Debentures, payable at such times, and for such sums respectively, not less than Five Pounds currency, and bearing or not bearing interest, as such Municipality may think meet, provided that the said interest shall not exceed eight per centum per annum.

Municipal Corporations may subscribe for shares, lend money to the Company, &c.

VII. And be it enacted, That any such Debenture issued, endorsed or guaranteed, shall be valid and binding upon such Municipal Corporation, if signed and endorsed, and countersigned by such Person or Officer, and in such manner and form as shall be directed by any By-Law of the Corporation, and the Corporation Seal thereto shall not be necessary, or the observance of any other form with regard to the Debenture, than such as shall be directed in such By-Law as aforesaid.

Debentures to be in the form prescribed by By-law.

VIII. And be it enacted, That no such Municipal Corporation shall subscribe for Stock, or incur any debt or liability under this Act, or the first cited Act, unless and until a By-Law to that effect shall have been duly made and adopted with the consent first had of a majority of the qualified Electors of the Municipality to be ascertained in such manner as shall be determined by the said By-Law, after public advertisement thereof, containing a copy of such proposed By-Law, inserted at least four times in any Newspaper printed within the limits of any such Municipality, or if none be printed therein,

As to the By-law to be made prior to corporation taking shares, or incurring any debt, &c.

therein, then in some one or more Newspapers printed in the City of Montreal, and circulated in the said Municipality.

The Mayor, &c., to be *ex officio* one of the Directors, in a certain case.

IX. And be it enacted, That the Mayor or other Officer, being the Head of such Municipal Corporation, subscribing for and holding Stock in the said Company to the amount of Five Thousand Pounds currency, or upwards, shall be and continue to be *ex officio* one of the Directors of the said Company, in addition to the number of Directors authorized by the said first cited Act, and shall have the same rights, powers and duties as any of the said Directors of the said Company.

Provisions to be deemed to be incorporated herewith.

X. And be it enacted, That all and every the clauses and provisions of the said hereinbefore recited Act, shall be deemed to form part and be incorporated herewith, and shall in every respect apply hereto as fully as if the said recited Act and the provisions thereof had been at length inserted into and contained herein, save in the particulars in this Act contained; and save and except the Map or Plan and Book of Reference herein mentioned, may be validly made and deposited at any time within one year from the passing of this Act: And further, provided always, that the same tolls shall be payable at the same time and under the same circumstances upon the said Rail-road, constructed in and by the said Acts incorporating the said Company, and upon the said Branch Rail-road established by this Act, so that no undue advantage, privilege, or monopoly may be afforded to any person or class of persons, by any By-laws relating to the Tolls or by reason of the said Tolls.

Exceptions.

Proviso.

No tolls to be levied until approved, &c.

XI. And be it enacted, That no Tolls shall be levied or taken by the said Company until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette*, of the By-law establishing such Tolls, and of the Order in Council approving thereof.

By-laws relating to tolls to be subject to revision—others may be substituted by an order in Council.

XII. And be it enacted, That every By-law fixing and regulating Tolls, shall be subject to revision by the Governor in Council, from time to time, after approval thereof as aforesaid; and after an Order in Council reducing the Tolls fixed and regulated by any By-law shall have been twice published in the *Canada Gazette*, the Tolls mentioned in such Order in Council shall be substituted for those mentioned in such By-law, so long as such Order in Council remains unrevoked.

Public Act.

XIII. And be it enacted, That this Act shall be deemed a Public Act.

CAP. CXLVI.

An Act to incorporate "The Kingston and Toronto Rail-way Company."

[30th August, 1851.]

Preamble:

WHEREAS it is desirable, in carrying out the design of a main trunk line of Rail-way through the Province of Canada, that a Company should be incorporated for the purpose of constructing so much of the said Rail-way as may extend from the City of Kingston to the City of Toronto; And whereas Francis Manning Hill, Mayor of the City of Kingston, David Roblin, Warden of the United Counties of Frontenac, Lennox and Addington, George Benjamin, Warden of the County of Hastings, William Hamilton Ponton, Mayor of the Town of Belleville, Asa Allworth Burnham, Warden of the United Counties of Northumberland and Durham, William Weller, Mayor of the Town of Cobourg, James Smith, Mayor of the Town of Port Hope, and John George Bowes, Mayor of the City of Toronto, have petitioned for the passing of a law incorporating a Joint Stock Company for the purpose of constructing a single or double track iron Rail-road or way, to extend from Kingston to Toronto aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the

the authority of the same, That the said Francis Manning Hill, David Roblin, George Benjamin, William Hamilton Ponton, Asa Allworth Burnham, William Weller, James Smith, and John George Bowes, with all such other persons or Corporations as shall become Shareholders in such Joint Stock Company 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 Kingston and Toronto Rail-way Company."

Certain persons incorporated.

II. And be it enacted, That the several clauses of "the Rail-way Clauses Consolidation Act," to be passed during the present Session with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their Election and duties," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for Indemnity, and Fines and Penalties, and their prosecution," "Working of the Rail-way," and "General Provisions," shall be incorporated with this Act.

Enactments incorporated with this act.

III. And be it enacted, That the said Company and their Agents or Servants shall have full power under this Act, to lay out, construct, make and finish a double or single iron Rail-road or way, at their own costs and charges, on and over any part of the country, lying between the said City of Kingston and the said City of Toronto.

Power to construct a Rail-road between Kingston and Toronto.

IV. And be it enacted, That the Governor shall, with all convenient speed, cause to be ascertained by actual survey, the shortest and most direct line between Kingston and Toronto, having due regard to the best grades and the interests of the Province, and that the said Company shall construct the said Rail-way on the line selected by the Governor after such survey.

Line to be ascertained by order of the Governor.

V. And be it enacted, That all Deeds and Conveyances for lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the party making such conveyances will admit, be made in the form given in the Schedule of this Act marked A, and all Registrars are hereby required to enter in their Registry Book such Deeds on the production thereof, and proof of execution, without any Memorial, and to minute such entry on the said Deed, and the said Company are to pay to the said Registrar, for so doing, the sum of Two Shillings and Six Pence, and no more.

Certain Deeds to be made according to form in Schedule A.

Registrars to enter such Deeds, &c.

Fee.

VI. And be it enacted, That the Capital Stock of the said Company shall not exceed in the whole the sum of Seven Hundred and Fifty Thousand Pounds currency, to be divided in Thirty Thousand Shares of Twenty-five Pounds each, which amount shall be raised by the persons above named, or some of them, together with such other persons and corporations as may become subscribers towards such Stock; and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the Rail-way, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Rail-way and other purposes of this Act, and to no other purpose whatever: Provided always, that until the said preliminary expenses connected with the said Rail-way shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any County, City or Town on the line of the said road, to pay, out of the General Funds of such Municipality, their fair proportion of such preliminary expenses; which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

Capital Stock

Proviso.

VII. And be it enacted, That until one third of the Capital Stock of the said Company shall have been subscribed, the affairs of the said Company shall be managed by the Heads of the Municipalities of the Counties of Frontenac, Lennox and Addington, Hastings, Northumberland and Durham, and York, the Cities of Kingston and Toronto, and the Towns of Belleville, Cobourg and Port Hope, or by such persons in lieu thereof as may be appointed under the Seal of the said Municipalities, who, or a

Who shall manage the Stock of Company.

the Capital Stock of the road so purchased, independently of all other increase of the same authorized by this Act.

Votes of Shareholders.

XI. And be it enacted, That the number of votes to which each Shareholder in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the Members of the said Company are to be given, shall be in proportion to the number of shares held by him: Provided always, that no one Shareholder as aforesaid shall have more than three hundred votes.

First General Meeting and Election of Committee.

XII. And be it enacted, That the first General Meeting of the Shareholders for putting this Act in execution, may be held at the Court House, in the City of Montreal, whenever one thousand shares in the said undertaking shall have been subscribed, provided that public notice thereof be given during one week in the *Canada Gazette*, and in any other paper published in Montreal, and in some paper published at Kingston aforesaid; and at such said first General Meeting the Shareholders assembled, together with such proxies as shall be present, shall choose nine persons, being each a Shareholder of twenty or more shares in the said undertaking, out of whom any five or more of them shall be a Committee for managing the affairs of the said Company, until the due appointment of Directors as hereinafter provided, and such Committee shall have the same powers and authorities as are by law conferred on the said Directors, and shall be subject to the same restrictions and control.

First General Meeting and Election of Directors.

XIII. And be it enacted, That the said Committee, or any five of them, shall call a General Meeting of the Shareholders for the purpose of putting this Act into effect, to be held in the City of Montreal, within one month after one fourth of the Capital Stock authorized to be raised under this Act shall have been subscribed, [fifteen days' public notice thereof being given in the *Canada Gazette*, and in not less than one other newspaper published in each of the Cities of Montreal and Kingston, at which said General Meeting the Shareholders assembled with such proxies as shall be present, shall choose nine persons, being each a Shareholder of not less than twenty shares in the said undertaking, to be Directors of the said Company, in such manner as is hereinafter directed.

Annual General Meeting.

XIV. And be it enacted, That in the month of February in each year, an Annual General Meeting of the said Company shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company; but if at any time it shall appear to any eleven or more of such Shareholders, holding together two thousand shares at least, that for more effectually putting this Act in execution, a Special Meeting of Shareholders is necessary to be held, it shall be lawful for such eleven or more of them to cause fifteen days' notice, at least, to be given thereof in the *Canada Gazette*, and in any other newspaper in each of the Cities of Montreal and Kingston, or in such manner as the Shareholders or their successors shall, at any General Meeting, direct or appoint, specifying in such notice the time and place, and the reason and intention of such Special Meeting respectively; and the Shareholders are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the Shareholders, or the majority of them, at such Special Meetings assembled, such majority not having either as principals or proxies less than two thousand shares, shall be as valid to all intents and purposes as if the same were done at General Meetings: Provided always, that it shall and may be lawful for the said Company, at such Special Meetings, in case of the death, absence, resignation or removal of any person named of the Committee to manage the affairs of the said Company in manner aforesaid, to choose and appoint another or others, in the room or stead of those of such Committee who may die, or be absent, resign or be removed as aforesaid; any thing in this Act to the contrary notwithstanding.

Retirement of Directors in rotation.

XV. And be it enacted, That at the said Annual Meeting, three of the said nine Directors shall annually retire in rotation, the retirement of the said first elected nine Directors being decided by lot, but the Directors then or at any subsequent time retiring shall be eligible for re-election: Provided always, that no such retirement shall have effect

a quorum of the Directors, is and shall be binding upon the said Company, and every such Promissory Note or Bill of Exchange so made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, either before or after the passing of this Act, shall be presumed to have been properly made, drawn and accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President or the Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually, to any liability whatever: Provided always that nothing in this clause shall be construed to authorize the said Company to issue any Note payable to Bearer, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

Proviso:

XV. And be it enacted, That it shall be lawful for the Directors, (if authorized by any General Meeting of the Shareholders to be called for the purpose), to enter into and make any arrangement with the Directors of any other Rail-way Company, now or hereafter to be chartered in any part of this Province, more particularly with the Company of any Rail-way extending from Kingston to Montreal, for the union, junction, amalgamation or purchase of any Rail-way or Rail-way Company, by mutual agreement with such Company; and the Capital Stock of any Companies so united shall become the Capital Stock of the Companies so united, and be controlled and managed as such, independently of all other increase of Stock authorized by this Act.

Company may unite, &c. with other Rail-ways.

XVI. And be it enacted, That the Gauge of the said Rail-way shall not be broader or narrower than five feet six inches.

As to the Gauge.

XVII. And be it enacted, That it shall and may be lawful for the said Company to take and appropriate, for the use of the said Rail-way, so much of the land covered with the waters of any river, stream or canal, or of their respective beds, as may be found necessary, for the making and completing, or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes and other works, as to the Company shall seem meet; Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their Rail-way shall be carried; and if the said Rail-way shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work, upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

The company empowered to take land covered with water for the purposes of the said Rail-way.

Proviso.

XVIII. And be it enacted, That by any Regulations to be made by the Governor in Council, touching any such draw-bridge or swing-bridge as aforesaid, penalties not exceeding Ten Pounds in any case may be imposed for the contravention thereof, and such penalties shall be recoverable from the said Company or from any of their Officers or Servants by whom the Regulations shall have been contravened.

As to penalties for contravening the regulations to be made with regard to any draw-bridge, &c.

XIX. And be it enacted, That the Provincial Government may at any time after the commencement of the said Rail-way assume the possession and property thereof, and of all the property which the said Company is empowered to hold and shall then have, and of all the rights, privileges and advantages vested in the said Company; all of which shall, after such assumption, be vested in Her Majesty, on the said Government giving to the Company six months' notice of the intention to assume the same.

Government may assume the possession and property of the Rail-ways, &c.

Notice to be given.

XX. And be it enacted, That the said Government shall, within six months after the Company shall render an account in writing to the amount of money expended by the said

Sums to be paid to the Company, &c.

until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

Regulations for draw-bridges, and penalties for contravention thereof.

XXIII. And be it enacted, That by any regulations to be made by the Governor in Council touching any such draw-bridge or swing-bridge as aforesaid, penalties not exceeding Ten Pounds, in any case, may be imposed for the contravention thereof, and such penalties shall be recoverable from the said Company or from any of their Officers or Servants by whom the regulations shall have been contravened.

Company may become parties to Promissory Notes, &c.

XXIV. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less than Twenty-five Pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, is and shall be binding upon the Company; and every such Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, either before or after the passing of this Act, shall be presumed to have been properly made, drawn, accepted, or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President, or the Secretary and Treasurer of the Company so making, drawing, accepting, or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this clause shall be construed to authorize the said Company to issue any Note payable to Bearer, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

City of Montreal, Seminary, City of Kingston, &c., &c. competent to promote.

XXV. And be it enacted, That if at any time the Mayor, Aldermen and Citizens of the City of Montreal, or the Municipality of the City of Kingston, or the Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or any other Corporate Body, Civil or Ecclesiastical, or any Municipality in this Province, shall be desirous of subscribing for Shares of the Capital Stock of the said Company, or of otherwise promoting the speedy completion of the said Rail-way, by loans of money or securities for money at interest or *à constitution de rente*, it shall be lawful for them respectively so to do in like manner, and with the same rights and privileges in respect thereof as private individuals may do under or in virtue of this Act, any thing in any Ordinance or Act or Instrument of Incorporation of any such body, or in any law or usage to the contrary notwithstanding: Provided always that should the said Company require to purchase from the Ecclesiastics of the Seminary of Saint Sulpice of Montreal, any land either on the Lachine Canal, River Saint Lawrence, or in any other place, for the purposes of the Rail-way, it shall be lawful for the said Ecclesiastics to sell and convey the same to the Company, without advertising and offering the said lands at public sale, or without any other formality of sale than is herein provided by this Act.

Proviso.

Government may assume the possession and property of the Rail-way, &c.

XXVI. And be it enacted, That the Provincial Government may, at any time after the commencement of the said Rail-way, assume the possession and property thereof, and of all the property which the said Company is empowered to hold and shall then have, and of all the rights, privileges and advantages vested in the said Company; all of which shall, after such assumption, be vested in Her Majesty, on the said Government giving to the Company six months' notice of the intention to assume the same.

Notice to be given.

Sums to be paid to the company by government, in the above case.

XXVII. And be it enacted, That the Government shall, within six months after the Company shall render an account in writing of the amount of money expended by the said Company, and all their then ascertained liabilities, up to the time of such assumption, pay to the Company the whole amount of the money so expended, and of the liabilities so ascertained, together with interest at the rate of six per cent, and ten per cent additional thereon, after deducting the amount of any dividends before then declared; and the said Government shall also from time to time pay and discharge all liabilities of

Prescott Rail-way Company to an amount of not less than two hundred Shares, at any time to call a Special Meeting of the Shareholders of the said Company, and that thirty days' notice of such Special Meeting shall be given in one newspaper in Bytown, and in one newspaper in Montreal, and in one newspaper in Prescott, if a newspaper be published there, or in such manner as the Directors may have appointed by By-law; and such Special Meeting of Shareholders may be held in Bytown, Kemptville or Prescott, according as those who call the meeting may think proper, and the notice calling such Special Meeting shall state the time and place at which the same shall be held, and the purpose for which it is required, and no business other than that named in such notice shall be transacted at any such Special Meeting of Shareholders.

II. And be it enacted, That the Annual General Meeting of Shareholders, held at the office of the Company in the Town of Bytown, on Wednesday, the twenty-first day of May, one thousand eight hundred and fifty-one, under a By-law passed by the Board of Directors, is hereby declared to be, and to have been legal and valid to all intents and purposes, as if the same had been held under a By-law passed by the Shareholders at their first General Meeting, and all the proceedings at the said Annual General Meeting, as well the election of Directors as all other proceedings, are hereby declared legal and valid.

General meeting held on 21st May, 1851, confirmed.

III. And be it enacted, That hereafter the Directors of the said Company shall be elected on the second Monday in the month of May in each year, at such hour of the day and place as shall be appointed by the Directors of the previous year; and public notice of such Annual Election shall be published one month before the day of election in the *Canada Gazette*, and also fifteen days before the election in one newspaper in each Town, County, or City on the line of road; and that so much of section thirty-seven of the Act first above recited, as relates to the holding of Annual General Meetings, is hereby repealed.

Directors to fix periods for annual general meetings.

IV. And be it enacted, That it is and shall 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 the transmission of property or persons on the Bytown and Prescott Rail-road, subject always to the provision in the said Act made, as to the confirmation by the Governor of any By-law imposing or regulating such Tolls.

Directors to fix tolls, &c.

V. And be it declared and enacted, That any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold Stock in the said Company, to vote on the same, and be eligible to office in the said Company.

Aliens may vote and be Directors, &c.

VI. And be it enacted, That if in case of accident, negligence of Officers, or any other cause, no Annual General Meeting of Shareholders should be held, nor election of Directors made, as required by the Act incorporating the said Company, or by this Act, then in such case the Corporation of 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 a General Meeting of Shareholders, notice being given in like manner as for Special Meetings of Shareholders, and to make an election of Directors, in such manner as shall have been regulated by the By-laws and Regulations of the said Company.

Failure to hold meetings or elections not to operate dissolution of Company.

VII. And be it enacted, That it is and shall be lawful for the Mayor and Town Council of the Town of Bytown, or for any other Municipal Corporation in this Province, to lend any sum of money, or to guarantee and become security for the payment of any sum of money borrowed by the said Bytown and Prescott Rail-way Company, after the first day of July, one thousand eight hundred and fifty-one, from any other Corporation, or Company, or party, or to endorse or guarantee the payment of any Debentures to be issued by the said Company, for money borrowed by them after the said day: Provided always, that nothing herein contained shall be construed to increase the total amount of the Capital Stock which the said Company is now authorized by law to raise, or the total amount of money which it is now authorized to borrow.

Corporation of Bytown and other Municipalities may lend money, &c. to the Company.

Proviso.

The company may construct wharves, &c., and use a vessel.

Proviso.

Within what limits the Bridge shall be built.

May use part of the beach, &c.

Proviso.

Company may borrow a further sum of money.

13 & 14 Vict. c. 114.

Tolls may be taken by Company.

Proviso.

Proviso.

II. And be it enacted, That the said Company shall have full power and authority to construct on the western bank of the said River and on the western side of Ash Island, suitable Wharves or Piers and landing places, and to have and use such Vessel as they shall find suitable for conveying their trains, cars or carriages, passengers and goods across the opening between the said Wharves or Piers: Provided always, that a clear opening of at least two hundred and fifty feet, at the deepest part of the said River, shall be left between the said Wharves or Piers, so that the said Piers shall not come nearer to the centre of the channel of the said River than one hundred and twenty-five feet on each side thereof; and the said Vessel shall always be kept out of the said opening, except when actually employed in conveying over any Train, Cars, Carriages, Passengers or Goods; and the said Company shall cause the said Wharves or Piers to be properly lighted at night, so as to shew distinctly the said opening between them, and shall also have proper Lights on board their said Ferry-vessel when crossing the said opening; and the said Company shall also have power to construct a Viaduct for their said Branch Rail-road from the eastern bank of Ash Island to the eastern bank of the said River, such Viaduct to be on open piles without solid piers, and so constructed as not materially to diminish the flow of water.

III. And be it enacted, That the said Company shall have full power and authority to take, use, occupy and hold, but not to alienate, so much of the public beach or beach-road, or of the land covered with the waters of the said River Richelieu, or of Ash Island, and whether such beach, beach-road or land covered with water form part of or adjoin the main shore of the said river or the said island, as may be required for the said Viaduct, and the Wharves and other works aforesaid, or are necessary for the proper use thereof; Provided always, that such lands shall not be taken, nor the said Viaduct erected except in accordance with the provisions of this Act; nor shall any land vested in the Principal Officers of Her Majesty's Ordnance be taken without their consent.

IV. And for the purpose of enabling the said Company to carry out the improvements aforesaid, it shall be lawful for them to borrow from time to time in this Province or elsewhere, such sums of money as they may find necessary, not exceeding the sum of Seventy-five Thousand Pounds, over and above the sums they are now by law authorized to borrow; and such sum may be borrowed, made payable and secured, under the provisions made by the third Section of the Act passed in the Session held in the Thirteenth and Fourteenth years of Her Majesty's Reign, and intituled, *An Act to authorize the Company of Proprietors of the Champlain and Saint Lawrence Rail-Road to extend the said Road, and for other purposes*, and at any rate of interest not exceeding that limited in the said section, which shall apply to the sum hereby authorized to be borrowed, as if it formed part of the sum which by the said section the Directors are empowered to borrow.

V. And be it enacted, That it shall be lawful for the said Company, from time to time, to ask and demand, take and recover for all goods, wares, merchandize, and commodities, and for any passengers conveyed over the branch Rail-road they are hereby empowered to construct, the same and no higher Rates for each and every mile they may be so conveyed, as they are by the Act last above cited and the other Acts incorporating or relating to the said Company, empowered to ask, demand, take and recover on other portions of their Rail-Road, and with like power to fix the sums to be charged for carrying small parcels; Provided always, that the By-laws fixing any such Toll shall be subject to all the provisions made by the said Act with regard to By-Laws fixing Tolls: And provided also, that the same Tolls shall be payable at the same time, and under the same circumstances, and upon the said Rail-Road authorized to be constructed in and by the said Acts incorporating the said Company, and upon the said branch Rail-Road, established by this Act, so that no undue advantage, privilege or monopoly, may be afforded to any person or class of persons, by any By-Laws relating to the Tolls, or by reason of the said Tolls, and that no Tolls shall be levied or taken for the transportation of freight and passengers, until approved of by the Governor General

General in Council, nor until after two weekly publications in the *Canada Gazette* of the By-Law establishing such Tolls, and of the Order in Council approving thereof: and that every By-Law of the said Company fixing and regulating Tolls shall be subject to revision by the Governor in Council from time to time, after approval thereof as aforesaid, and after an Order in Council reducing the Tolls fixed and regulated by any By-Law, shall have been twice published in the *Canada Gazette*, the Tolls mentioned in such Order in Council shall be substituted for those mentioned in such By-Law, so long as such Order in Council remains unrevoked.

VI. And be it enacted, That the Act above cited and all the provisions thereof shall (except only in so far as they may be inapplicable or inconsistent with the provisions of this Act) apply to the branch Rail-Road and other works which the said Company are hereby empowered to construct, and to the lands required for the same, as fully as to the branch Rail-Road and other works mentioned in the said Act, or as they would do if the branch Rail-Road and other works mentioned in this Act, formed part of those which the Company are empowered to construct by the said Act; and that, subject to the provisions of this Act and of the Act last above cited, the provisions of the Act incorporating the said Company, passed in the second year of the Reign of King William the Fourth, and intituled, *An Act for making a Rail-Road from Lake Champlain to the River St. Lawrence*, as modified by the subsequent Act and Ordinance, amending the same, shall apply to the branch Rail-Road and works to be constructed under this Act, which shall, when completed, form part of, and together with the present Rail-Road, shall be and be called "The Champlain and St. Lawrence Rail-Road."

Provisions of certain Acts to extend to their works, authorized by this Act.

2 W. 4. c. 58.

VII. And be it enacted, That for and notwithstanding any thing in the said Act incorporating the said Company, or in any other Act thereunto relating, any person being the proprietor of the requisite amount of the Stock of the said Company, and otherwise qualified to become a Director thereof, may be elected and be such Director, although he be not a subject of Her Majesty by birth, naturalization or otherwise.

Aliens may be Directors.

VIII. And be it enacted, That nothing herein contained shall be construed to except the said branch Road and other works mentioned in this Act, from the provisions of any General Act relating to Rail-ways which may be passed during the present or any future Session of Parliament; and that no further provisions which the Legislature may hereafter make with regard to the form, and times and details of the accounts to be laid before the Legislature by the Company, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges of the Company.

Branch, &c. to be subject to any general Act.

IX. And be it enacted, That the said Company shall construct, and complete the said branch Rail-Road within three years from the passing of this Act, and shall make and file the Plan and Book of Reference required with regard to the same, within one year from the passing hereof, in the manner prescribed by the seventh section of the said Act, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, otherwise their right to make such branch Rail-Road shall cease.

Branch Road and Bridge to be completed within a certain time.

X. And be it enacted, That this Act shall be a Public Act.

Public Act.

C A P. C X L V .

An Act to amend and extend the Act incorporating the Montreal and Vermont Junction Rail-way Company.

[30th August, 1851.]

WHEREAS in and by the provisions of the Act of this Province passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to incorporate the Montreal and Vermont Junction Rail-way Company*, it is enacted that the said Company are authorized to construct a line of Rail-way from the River Saint Lawrence, opposite Montreal, to such point at the Province Line near Highgate, Vermont, as the Company may deem expedient, for forming a junction with a Rail-way from Burlington, Vermont; And whereas the said Line takes its course through the Township of Stanbridge, in the County of Missisquoi, and it is expedient, in addition to the said Line, to authorize the

Preamble.

the

the said Company to construct a Branch Line, extending from Stanbridge aforesaid, through the Counties of Missisquoi and Shefford, in such course as will enable the said Company to connect their Line from Stanbridge aforesaid, with the Passumpsick and Connecticut River Rail-road at the Province Line, bordering on the Counties of Franklin and Orleans, in the State of Vermont: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Montreal and Vermont Junction Rail-way Company shall, within six years from the passing of this Act, and under the provisions, conditions and limitations in the first recited Act mentioned, have power and authority to construct a Branch Line of Rail-way to connect the Montreal and Vermont Junction Rail-way Company with the Passumpsick and Connecticut River Rail-road and the Missisquoi Valley Rail-road, by such favorable and direct route as the said Company may select, from the Main Line of the Montreal and Vermont Junction Rail-way, at some point in the Township of Stanbridge, in the County of Missisquoi aforesaid, and extending through the Parish of Saint Armand, in the said County, and also through the Valley of the Missisquoi River, in the Township of Sutton in the said County, and in the Township of Potten in the County of Shefford, and touching the Province Line at the said Counties of Franklin and Orleans.

Location.

Authorized to increase Capital Stock.

II. And be it enacted, That for the purpose of making and constructing the said Branch Line of Rail-way, it shall be competent for the said Company to increase the amount of the Capital authorized to be raised by the said hereinbefore recited Act, by the amount or sum of Two Hundred Thousand Pounds currency, which shall be subscribed and raised, and divided into shares, in the same manner and of the same amount as the Capital of the said Company in the said Act.

How the course of the Railway between the River Richelieu and the Province line may be changed.

III. And be it enacted, That it shall be lawful for any five or more proprietors of shares in the said undertaking, holding together One Hundred Shares at least, who may be desirous of changing either wholly or in part the course and direction of the said intended Rail-way between the River Richelieu and the Province Line, to cause a Special General Meeting of Proprietors to be held at Bedford, in the County of Missisquoi, for that purpose, at any hour on any day not being a Sunday or Holiday, and in any public house or place designated in a public notice of such meeting, inserted at least once a week in some newspaper published in the English language, and at least once a week in some newspaper published in the French language in the District of Montreal, and also legibly written or printed in both languages, and posted up at the church doors of Saint Armand West and Stanbridge respectively, during at least four weeks next preceding such day; and if at such meeting it shall be decided by a majority of the votes of those present either in person or by proxy, that such change is desirable for the interests of the Company, it shall be lawful for the said Company to make such change accordingly: Provided always, that the votes of the Proprietors shall be reckoned, and the majority ascertained, at the said Special General Meeting, and the same shall be in every respect not herein specially mentioned and provided for, regulated and governed according to the provisions in the said Act contained with reference to Special General Meetings of the said Proprietors.

Proviso.

Surveys and levels to be made in the above case.

IV. And be it enacted, That in the event of any such total or partial change as aforesaid being decided upon as aforesaid, the said Company may, by some Sworn Land Surveyor for Lower Canada, and by an Engineer or Engineers by them to be appointed, cause to be taken and made surveys and levels of the lands through which so much of the said intended Rail-way is to be carried in pursuance of such change, together with a Map or Plan of so much of the said intended Rail-way and of the new course and direction thereof, and of the said lands through which the same is to pass as aforesaid, and the lands intended to be taken as aforesaid for the several purposes authorized

Map or Plan.

by

by the said first cited Act and by this Act, as far as then ascertained, and also a Book of Reference for so much of the said intended Rail-way, in which shall be set forth a description of the said several lands and the names of the owners, occupiers and proprietors thereof, so far as they can be ascertained by the said Company, and in which shall be contained every thing necessary for the right understanding of such Map or Plan; which said Map or Plan and Book of Reference shall be examined and certified by the person performing the duties formerly assigned to the Surveyor-General or his Deputies, who shall deposit copies thereof in the office of the Prothonotary of the Superior Court in and for the District of Montreal, and also in the office of the Secretary of the Province, and shall also deliver one copy thereof to the said Company, and all persons shall have liberty to resort to such copies so to be deposited as aforesaid and to make extracts or copies therefrom as occasion may require, paying to the said Secretary of the Province or Prothonotary at the rate of Six Pence current money of this Province for every hundred words; and the said triplicates of the said Map or Plan and Book of Reference so certified, and a true copy or copies thereof, certified by the Secretary of the Province or by the Prothonotary of the Superior Court in and for the said District of Montreal, shall severally be, and are hereby declared to be, good evidence in all Courts of Law and elsewhere.

Book of Reference.

Copies to be filed.

Extracts may be made, &c.

To be good evidence.

Certain powers conferred, in the event of the above change taking place.

V. And be it enacted, That the said Company, in making the said intended Rail-way, in the event of the course and direction of so much thereof as aforesaid being either wholly or partially changed as aforesaid, shall not deviate more than a mile from the line of the Rail-way, or from the places assigned to the several works of the Company in the Map or Plan and Book of Reference deposited as aforesaid, nor cut, carry, place, lay down or convey the said Rail-way into, through, across, under or over any part of the lands or grounds not shown and mentioned in such Map or Plan and Book of Reference as being required for such purpose, or as being within one mile of the said line and of the places assigned therein to the said works respectively, (save in such instances as are herein or in the said Act specially provided for) without the consent of the party or parties who could under the provisions of the said Act and this Act convey such lands.

Municipal Corporations may subscribe for shares, lend money to the Company, &c.

VI. And be it enacted, That any Municipal Corporation through which the said Montreal and Vermont Junction Rail-way, or the said branch shall be carried, or which shall be interested therein, shall have power to subscribe for any number of Shares in the Stock of, or lend to or guarantee the payment of any sum of money borrowed by the Company from any Corporation or person, or to endorse or guarantee the payment of any Debentures to be issued by the Company for money by them borrowed, and shall have power to assess and levy from time to time upon the rateable property of the Municipality, a sufficient sum for them to discharge the debt or engagement so contracted, and for the like purpose to issue Debentures, payable at such times, and for such sums respectively, not less than Five Pounds currency, and bearing or not bearing interest, as such Municipality may think meet, provided that the said interest shall not exceed eight per centum per annum.

Debentures to be in the form prescribed by By-law.

VII. And be it enacted, That any such Debenture issued, endorsed or guaranteed, shall be valid and binding upon such Municipal Corporation, if signed and endorsed, and countersigned by such Person or Officer, and in such manner and form as shall be directed by any By-Law of the Corporation, and the Corporation Seal thereto shall not be necessary, or the observance of any other form with regard to the Debenture, than such as shall be directed in such By-Law as aforesaid.

VIII. And be it enacted, That no such Municipal Corporation shall subscribe for Stock, or incur any debt or liability under this Act, or the first cited Act, unless and until a By-Law to that effect shall have been duly made and adopted with the consent first had of a majority of the qualified Electors of the Municipality to be ascertained in such manner as shall be determined by the said By-Law, after public advertisement thereof, containing a copy of such proposed By-Law, inserted at least four times in any Newspaper printed within the limits of any such Municipality, or if none be printed therein,

As to the By-law to be made prior to corporation taking shares, or incurring any debt, &c.

therein, then in some one or more Newspapers printed in the City of Montreal, and circulated in the said Municipality.

The Mayor, &c., to be *ex officio* one of the Directors, in a certain case.

IX. And be it enacted, That the Mayor or other Officer, being the Head of such Municipal Corporation, subscribing for and holding Stock in the said Company to the amount of Five Thousand Pounds currency, or upwards, shall be and continue to be *ex officio* one of the Directors of the said Company, in addition to the number of Directors authorized by the said first cited Act, and shall have the same rights, powers and duties as any of the said Directors of the said Company.

Provisions to be deemed to be incorporated herewith.

X. And be it enacted, That all and every the clauses and provisions of the said hereinbefore recited Act, shall be deemed to form part and be incorporated herewith, and shall in every respect apply hereto as fully as if the said recited Act and the provisions thereof had been at length inserted into and contained herein, save in the particulars in this Act contained; and save and except the Map or Plan and Book of Reference herein mentioned, may be validly made and deposited at any time within one year from the passing of this Act: And further, provided always, that the same tolls shall be payable at the same time and under the same circumstances upon the said Rail-road, constructed in and by the said Acts incorporating the said Company, and upon the said Branch Rail-road established by this Act, so that no undue advantage, privilege, or monopoly may be afforded to any person or class of persons, by any By-laws relating to the Tolls or by reason of the said Tolls.

Exceptions.

Proviso.

No tolls to be levied until approved, &c.

XI. And be it enacted, That no Tolls shall be levied or taken by the said Company until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette*, of the By-law establishing such Tolls, and of the Order in Council approving thereof.

By-laws relating to tolls to be subject to revision—others may be substituted by an order in Council.

XII. And be it enacted, That every By-law fixing and regulating Tolls, shall be subject to revision by the Governor in Council, from time to time, after approval thereof as aforesaid; and after an Order in Council reducing the Tolls fixed and regulated by any By-law shall have been twice published in the *Canada Gazette*, the Tolls mentioned in such Order in Council shall be substituted for those mentioned in such By-law, so long as such Order in Council remains unrevoked.

Public Act.

XIII. And be it enacted, That this Act shall be deemed a Public Act.

CAP. CXLVI.

An Act to incorporate "The Kingston and Toronto Rail-way Company."

[30th August, 1851.]

Preamble.

WHEREAS it is desirable, in carrying out the design of a main trunk line of Rail-way through the Province of Canada, that a Company should be incorporated for the purpose of constructing so much of the said Rail-way as may extend from the City of Kingston to the City of Toronto; And whereas Francis Manning Hill, Mayor of the City of Kingston, David Roblin, Warden of the United Counties of Frontenac, Lennox and Addington, George Benjamin, Warden of the County of Hastings, William Hamilton Ponton, Mayor of the Town of Belleville, Asa Allworth Burnham, Warden of the United Counties of Northumberland and Durham, William Weller, Mayor of the Town of Cobourg, James Smith, Mayor of the Town of Port Hope, and John George Bowes, Mayor of the City of Toronto, have petitioned for the passing of a law incorporating a Joint Stock Company for the purpose of constructing a single or double track iron Rail-road or way, to extend from Kingston to Toronto aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the

the authority of the same, That the said Francis Manning Hill, David Roblin, George Benjamin, William Hamilton Ponton, Asa Allworth Burnham, William Weller, James Smith, and John George Bowes, with all such other persons or Corporations as shall become Shareholders in such Joint Stock Company 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 Kingston and Toronto Rail-way Company."

Certain persons incorporated.

II. And be it enacted, That the several clauses of "the Rail-way Clauses Consolidation Act," to be passed during the present Session with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their Election and duties," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for Indemnity, and Fines and Penalties, and their prosecution," "Working of the Rail-way," and "General Provisions," shall be incorporated with this Act.

Enactments incorporated with this act.

III. And be it enacted, That the said Company and their Agents or Servants shall have full power under this Act, to lay out, construct, make and finish a double or single iron Rail-road or way, at their own costs and charges, on and over any part of the country, lying between the said City of Kingston and the said City of Toronto.

Power to construct a Rail-road between Kingston and Toronto.

IV. And be it enacted, That the Governor shall, with all convenient speed, cause to be ascertained by actual survey, the shortest and most direct line between Kingston and Toronto, having due regard to the best grades and the interests of the Province, and that the said Company shall construct the said Rail-way on the line selected by the Governor after such survey.

Line to be ascertained by order of the Governor.

V. And be it enacted, That all Deeds and Conveyances for lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the party making such conveyances will admit, be made in the form given in the Schedule of this Act marked A, and all Registrars are hereby required to enter in their Registry Book such Deeds on the production thereof, and proof of execution, without any Memorial, and to minute such entry on the said Deed, and the said Company are to pay to the said Registrar, for so doing, the sum of Two Shillings and Six Pence, and no more.

Certain Deeds to be made according to form in Schedule A.

Registrars to enter such Deeds, &c.

Fee.

VI. And be it enacted, That the Capital Stock of the said Company shall not exceed in the whole the sum of Seven Hundred and Fifty Thousand Pounds currency, to be divided in Thirty Thousand Shares of Twenty-five Pounds each, which amount shall be raised by the persons above named, or some of them, together with such other persons and corporations as may become subscribers towards such Stock; and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the Rail-way, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Rail-way and other purposes of this Act, and to no other purpose whatever: Provided always, that until the said preliminary expenses connected with the said Rail-way shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any County, City or Town on the line of the said road, to pay, out of the General Funds of such Municipality, their fair proportion of such preliminary expenses; which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

Capital Stock

Proviso.

VII. And be it enacted, That until one third of the Capital Stock of the said Company shall have been subscribed, the affairs of the said Company shall be managed by the Heads of the Municipalities of the Counties of Frontenac, Lennox and Addington, Hastings, Northumberland and Durham, and York, the Cities of Kingston and Toronto, and the Towns of Belleville, Cobourg and Port Hope, or by such persons in lieu thereof as may be appointed under the Seal of the said Municipalities, who, or a majority

Who shall manage the Stock of Company.

majority of them, are hereby authorized to take all necessary measures for opening the Stock Books and commencing the operations of the Company.

Meeting of Members.

VIII. And be it enacted, That so soon as one third of the said Capital Stock shall have been subscribed, a General Meeting of the Shareholders shall be held at the City of Kingston for the purpose of putting this Act into effect, which meeting may be called by the Heads of any five Municipalities of Cities or Counties on the line of road, fifteen days' public notice thereof being given, and to be published once in one newspaper in each City or County on the line of road, at which said General Meeting, the Shareholders present, either in person or by proxy, shall choose nine Directors in manner and qualified as hereinafter mentioned, who, together with the *ex officio* Directors as provided by the Rail-way Clauses Consolidation Act, shall hold office until the first Monday in April following: Provided, that the Heads of Municipalities subscribing for Stock may represent such Stock at the said first meeting, or in their absence such persons as may be duly authorized under the Seal of the Municipality for the purpose, and such Heads of Municipalities or persons so voting shall vote according to the Scale of Votes hereinafter mentioned, and in the same manner as individual Shareholders.

Proviso.

Directors.

IX. And be it enacted, That on the first Monday in April in each year, at such time and place as shall be appointed by the Directors of the previous year, there shall be chosen by the Shareholders, nine Directors, in the manner hereinafter mentioned; and public notice of such annual election shall be published one month before the day of election in the *Canada Gazette*, and also once fifteen days before the election in one newspaper in each City or County on the line of road; and all elections for such Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors, and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made; and if any vacancy shall at any time happen among the Directors by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year by a majority of the Directors, and that the said nine Directors, together with the said *ex officio* Directors, shall form the Board of Directors.

Quorum, &c.

X. And be it enacted, That six Directors shall form a quorum for the transaction of business: Provided, That the said Directors may employ one or more of their said number, as paid Director or Directors.

Qualification of Directors.

XI. And be it enacted, That the persons qualified to be elected Directors of said Company under this Act, shall be any Shareholder, holding Stock to the amount of Five Hundred Pounds, who shall have paid up all Calls on the said Stock.

Instalments.

XII. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for a first Instalment of Five per cent. upon each Share which they or any of them may respectively subscribe for; and that the residue of the amount of Shares of the Shareholders shall be payable by Instalments at such times and in such proportions as the Directors of the said Company may see fit, so as no such Instalment shall exceed Ten per cent: Provided always, that the said Directors shall not commence the construction of the said Rail-way or way until the said first Instalment shall be called in.

Ratio of votes to shares.

XIII. And be it enacted, That each Shareholder, whether in his own right, or representing any Municipality holding less than two hundred Shares, shall be entitled to the number of Votes proportioned to the number of Shares which he or they shall have had in his or their name at least two weeks prior to the time of voting: Provided that no one Shareholder as aforesaid, shall have more than three hundred votes.

Company may become parties to promissory notes, &c.

XIV. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less than Twenty-Five Pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President of the Company or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of

a quorum of the Directors, is and shall be binding upon the said Company, and every such Promissory Note or Bill of Exchange so made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, either before or after the passing of this Act, shall be presumed to have been properly made, drawn and accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President or the Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually, to any liability whatever: Provided always that nothing in this clause shall be construed to authorize the said Company to issue any Note payable to Bearer, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

Proviso:

XV. And be it enacted, That it shall be lawful for the Directors, (if authorized by any General Meeting of the Shareholders to be called for the purpose), to enter into and make any arrangement with the Directors of any other Rail-way Company, now or hereafter to be chartered in any part of this Province, more particularly with the Company of any Rail-way extending from Kingston to Montreal, for the union, junction, amalgamation or purchase of any Rail-way or Rail-way Company, by mutual agreement with such Company; and the Capital Stock of any Companies so united shall become the Capital Stock of the Companies so united, and be controlled and managed as such, independently of all other increase of Stock authorized by this Act.

Company may unite, &c. with other Rail-ways.

XVI. And be it enacted, That the Gauge of the said Rail-way shall not be broader or narrower than five feet six inches.

As to the Gauge.

XVII. And be it enacted, That it shall and may be lawful for the said Company to take and appropriate, for the use of the said Rail-way, so much of the land covered with the waters of any river, stream or canal, or of their respective beds, as may be found necessary, for the making and completing, or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes and other works, as to the Company shall seem meet; Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their Rail-way shall be carried; and if the said Rail-way shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work, upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

The company empowered to take land covered with water for the purposes of the said Rail-way.

Proviso.

XVIII. And be it enacted, That by any Regulations to be made by the Governor in Council, touching any such draw-bridge or swing-bridge as aforesaid, penalties not exceeding Ten Pounds in any case may be imposed for the contravention thereof, and such penalties shall be recoverable from the said Company or from any of their Officers or Servants by whom the Regulations shall have been contravened.

As to penalties for contravening the regulations to be made with regard to any draw-bridge, &c.

XIX. And be it enacted, That the Provincial Government may at any time after the commencement of the said Rail-way assume the possession and property thereof, and of all the property which the said Company is empowered to hold and shall then have, and of all the rights, privileges and advantages vested in the said Company; all of which shall, after such assumption, be vested in Her Majesty, on the said Government giving to the Company six months' notice of the intention to assume the same.

Government may assume the possession and property of the Rail-ways, &c.

Notice to be given.

XX. And be it enacted, That the said Government shall, within six months after the Company shall render an account in writing to the amount of money expended by the

Sums to be paid to the Company, &c., on said

said

government assuming
the said property.

said Company, and all their then ascertained liabilities, up to the time of such assumption, pay to the said Company the whole amount of the money so expended, and of the liabilities so ascertained, together with interest at the rate of six per cent. and ten per cent. additional thereon after deducting the amount of any dividends before then declared, and the said Government shall also from time to time pay and discharge all liabilities of the Company not ascertained at the time of such assumption as the same shall be established against the said Company. Provided always, that in case of a difference between the Government and the Company as to the amount so to be paid by the Government, such difference shall be referred to two Arbitrators, one to be named by the Government, the other by the Company; and in case of disagreement, such difference shall be referred to an Umpire to be chosen by the said Arbitrators before entering into the consideration of the said difference, and that the said award so made by the Arbitrators or the Umpire shall be final; and provided also that in case of refusal by the Company to appoint an Arbitrator on their behalf, the same shall be appointed by any two of the Judges of either of the Superior Courts of Common Law for Upper Canada on application of the Government.

Proviso.

Proviso

When and how this
Act shall come into
force.

XXI. And be it enacted, That this Act shall be in force so as to enable the said Company to enter upon lands, to make all necessary surveys for the construction of the said Rail-way, from the time that the same shall receive the Royal Assent, but not for any other purpose, until the Governor shall issue a Proclamation declaring it to be in force.

SCHEDULE A.

FORM OF CONVEYANCE.

Know all men by these presents, that I, A. B., of _____, do hereby, in consideration of (*here state the purchase-money*), paid to me by the Kingston and Toronto Rail-way Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm, unto the said Kingston and Toronto Rail-way Company, their successors and assigns, for ever, all that certain tract or parcel of land situate (*here describe the land*), the same having been selected and laid out by the said Company for the purposes of their Road: To have and to hold the said land and premises, together with the hereditaments and appurtenances thereto, to the said Kingston and Toronto Rail-way Company, their successors and assigns, for ever.

Witness my Hand and Seal, this _____ day of _____, one thousand eight hundred and _____

[L. s.]

Signed, sealed and delivered
in presence of _____

CAP. CXLVII.

An Act to amend the Act incorporating the Bytown and Prescott Rail-way Company.

[30th August, 1851.]

Preamble.
13 & 14 Vict. c. 132.

WHEREAS it is necessary to amend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act for the incorporation of a Company to construct a Rail-road between Bytown and Prescott*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for any fifteen persons, together owning Stock in the Bytown and Prescott

Special meetings of
shareholders how
called.

Prescott Rail-way Company to an amount of not less than two hundred Shares, at any time to call a Special Meeting of the Shareholders of the said Company, and that thirty days' notice of such Special Meeting shall be given in one newspaper in Bytown, and in one newspaper in Montreal, and in one newspaper in Prescott, if a newspaper be published there, or in such manner as the Directors may have appointed by By-law; and such Special Meeting of Shareholders may be held in Bytown, Kemptville or Prescott, according as those who call the meeting may think proper, and the notice calling such Special Meeting shall state the time and place at which the same shall be held, and the purpose for which it is required, and no business other than that named in such notice shall be transacted at any such Special Meeting of Shareholders.

II. And be it enacted, That the Annual General Meeting of Shareholders, held at the office of the Company in the Town of Bytown, on Wednesday, the twenty-first day of May, one thousand eight hundred and fifty-one, under a By-law passed by the Board of Directors, is hereby declared to be, and to have been legal and valid to all intents and purposes, as if the same had been held under a By-law passed by the Shareholders at their first General Meeting, and all the proceedings at the said Annual General Meeting, as well the election of Directors as all other proceedings, are hereby declared legal and valid.

General meeting held on 21st May, 1851, confirmed.

III. And be it enacted, That hereafter the Directors of the said Company shall be elected on the second Monday in the month of May in each year, at such hour of the day and place as shall be appointed by the Directors of the previous year; and public notice of such Annual Election shall be published one month before the day of election in the *Canada Gazette*, and also fifteen days before the election in one newspaper in each Town, County, or City on the line of road; and that so much of section thirty-seven of the Act first above recited, as relates to the holding of Annual General Meetings, is hereby repealed.

Directors to fix periods for annual general meetings.

IV. And be it enacted, That it is and shall 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 the transmission of property or persons on the Bytown and Prescott Rail-road, subject always to the provision in the said Act made, as to the confirmation by the Governor of any By-law imposing or regulating such Tolls.

Directors to fix tolls, &c.

V. And be it declared and enacted, That any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold Stock in the said Company, to vote on the same, and be eligible to office in the said Company.

Aliens may vote and be Directors, &c.

VI. And be it enacted, That if in case of accident, negligence of Officers, or any other cause, no Annual General Meeting of Shareholders should be held, nor election of Directors made, as required by the Act incorporating the said Company, or by this Act, then in such case the Corporation of 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 a General Meeting of Shareholders, notice being given in like manner as for Special Meetings of Shareholders, and to make an election of Directors, in such manner as shall have been regulated by the By-laws and Regulations of the said Company.

Failure to hold meetings or elections not to operate dissolution of Company.

VII. And be it enacted, That it is and shall be lawful for the Mayor and Town Council of the Town of Bytown, or for any other Municipal Corporation in this Province, to lend any sum of money, or to guarantee and become security for the payment of any sum of money borrowed by the said Bytown and Prescott Rail-way Company, after the first day of July, one thousand eight hundred and fifty-one, from any other Corporation, or Company, or party, or to endorse or guarantee the payment of any Debentures to be issued by the said Company, for money borrowed by them after the said day: Provided always, that nothing herein contained shall be construed to increase the total amount of the Capital Stock which the said Company is now authorized by law to raise, or the total amount of money which it is now authorized to borrow.

Corporation of Bytown and other Municipalities may lend money, &c. to the Company.

Proviso.

Such Corporation may levy money to meet engagements so contracted.

And issue debentures.

Proviso: in what manner and by what majority the By-law authorizing the loan, &c., must be passed.

Form of debentures issued by any Corporation.

Warden, &c of Corporations subscribing £5,000, to be a Director.

Proviso.

Parties not having paid up, not to vote.

Scale of votes.

Effect of certain copies of minutes, &c., as evidence.

Notices by Secretary.

VIII. And be it enacted, That the Municipal Corporation of any County, Town, Township or Village, who shall lend or guarantee the payment of any sum of money under this Act, have, and shall have, full power and authority to cause to be assessed and levied, from time to time, upon the whole rateable property of such County, City, Town, Township or Village, sufficient sums to enable them to discharge the obligations and engagements which they shall have contracted as aforesaid, and also for the like purpose to issue Debentures payable at such times and for such sums respectively, not less than Twenty-five Pounds, as they may think proper: Provided always, that no Municipal Corporation shall incur any such debt or liability as aforesaid, unless and until a By-law to that effect shall have been duly made and adopted with the consent first had and obtained of a majority of the qualified electors of the Municipality, to be ascertained in such manner as shall be determined by the said By-law after public advertisement thereof, containing a copy of such proposed By-law, inserted at least four times in each newspaper printed within the limits of the Municipality, or if none be printed therein, then in some one or more newspapers printed in the nearest City or Town thereto, and circulated therein.

IX. And be it enacted, That any Debenture which any Corporation may have issued or may hereafter issue, under the Act first above cited incorporating the said Bytown and Prescott Rail-way Company, or under this Act, in payment of Stock subscribed by such Corporation in the Bytown and Prescott Rail-road, or which any such Corporation shall endorse or guarantee for the said Company, shall be valid and binding upon such Corporation, if signed or endorsed or countersigned by such Officer or Person, and in such manner and form as shall be or has been directed by any By-law of the Corporation; and it shall not be necessary that it be under the Seal of the Corporation, or that any further form be observed with regard to it, than such as shall be or has been directed in such By-law as aforesaid.

X. And be it enacted, That the Warden, Mayor or Town-Reeve, being the Head of any Municipal Corporation subscribing for and holding Shares in the Stock of the said Company, to the amount of Five Thousand Pounds or upwards, shall be *ex officio* one of the Directors of the said Company in addition to the Directors elected by the Shareholders pursuant to the Act incorporating the Company, and shall have the same rights, powers and duties as any of the other Directors of the said Company: Provided always, that any such Municipal Corporation whose Warden, Mayor or Town-Reeve shall be *ex officio* such Director as aforesaid, shall not vote or be entitled to vote in or for the election of the other Directors aforesaid elected by the Shareholders.

XI. And be it enacted, That no party or parties shall be entitled to vote at the Meetings of Shareholders who shall not have paid up all the calls due upon his, her or their Stock, or the Stock upon which such party claims to vote, at least eighteen hours before the hour appointed for any such meeting.

XII. And be it enacted, That any party or parties holding Stock in the said Company to the amount of one hundred Shares, or any amount less than one hundred Shares, shall at the meetings of Shareholders, have one Vote for each Share; and for any amount over one hundred Shares, and not over six hundred Shares, one Vote to two Shares; and for any amount over six hundred, and not over fifteen hundred Shares, one Vote to three Shares; and for any amount exceeding fifteen hundred Shares, one Vote to four Shares.

XIII. And be it enacted, That copies of the Minutes of Proceedings and Resolves of the Proprietors of Shares of the Capital Stock of the said Company, at any General or Special Meeting of Shareholders, and of Minutes of Proceedings and Resolves of the Directors at their meetings, extracted from the Book of Proceedings, or Books kept by the Secretary of the Company, and by him certified to be true copies, extracted from such Book or Books, shall be *prima facie* evidence of such Proceedings and Resolves in all Courts of Civil Jurisdiction; and all notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the said Directors and Company.

XIV. And be it enacted, That so much of the Act first above cited incorporating the said Company, as may be inconsistent with this Act, shall be and is hereby repealed.

Inconsistent enact-
ments repealed.

XV. And be it enacted, That this Act shall be a Public Act.

Public Act.

C A P . C X L V I I I .

An Act for incorporating The Toronto and Guelph Rail-way Company.

[30th August, 1851.]

WHEREAS the persons hereinafter mentioned, together with others, have, among other things, petitioned for the revival of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act for incorporating the Toronto and Goderich Rail-way Company*; And whereas it is expedient in part to grant the prayer of the said Petitioners in so far as to incorporate a Company to construct a Rail-way from the City of Toronto to the Town of Guelph, under the provisions of the Rail-way Clauses Consolidation Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, John Arnold, John G. Bowes, A. M. Clark, William Clarke, James Colton, John Fiskin, William Charles Gwynne, George Herrick, James Hodgert, John Holmes, William P. Howland, Samuel Peters Jarvis, John McDonald, Samuel Smith, John Smith, James McGill Strachan, James Webster, Ezekiel F. Whittemore, Frederick Widder, and George Wright, Esquires, together with every person who has already under the provisions of the first above recited Act become a subscriber to, or has agreed to become a Shareholder in the Rail-way by the said Act authorized to be constructed, and who shall, within three months from and after the passing of this Act, express his desire, in writing, addressed and delivered to the Secretary or to the Directors, or to any of the Directors of the Company hereinafter named, to have the amount, or any part of the amount so by him subscribed for the purposes of the said Act, transferred to the purpose of constructing the work in this clause mentioned, and also together with such other Persons, Corporations, or Corporation, as shall, after the passing of this Act, become Subscribers to and Shareholders in the Rail-way in this clause mentioned; and their several and respective successors, executors, administrators and assigns, shall be, and they are hereby declared to be united into a Company for making and maintaining, and they are hereby authorized and empowered to make and maintain, a Double or Single Line of Rail-way, with the other works necessary therefor, extending from the waters of Lake Ontario, within the limits of the City of Toronto to the Town of Guelph, in the County of Waterloo, and for that purpose shall be one Body Corporate, by the name and style of "The Toronto and Guelph Rail-way Company," and by that name and style shall have perpetual succession, and shall have a Common Seal, and by that name shall and may sue and be sued.

Preamble.

Name of "The To-
ronto and Guelph
Western Extension
Rail-road Company."

II. And be it enacted, That all persons who, prior to the passing of this Act, have made any payments in respect of the Shares by them subscribed for in the said Toronto and Goderich Rail-way Company, shall be entitled to receive credit therefor upon such Stock as they shall respectively transfer as aforesaid, under the provisions of this Act, in the same manner as they would have been entitled to such credit upon the Stock by them respectively subscribed for in the said Toronto and Goderich Rail-way Company.

Payments made before
the passing of this
Act.

III. And be it enacted, That it shall and may be lawful for the said Toronto and Guelph Rail-way Company, to raise and contribute among themselves, in such proportions as to them shall seem meet, a competent sum of money for the completion of the said

Capital £250,000
divided into shares
of five pounds each.

Rail-way

Rail-way from the City of Toronto to the Town of Guelph, and for the completion of the works necessary for the efficient working and maintaining the said Rail-way, provided that such sum so to be raised shall not exceed the sum of Two Hundred and Fifty Thousand Pounds currency in the whole.

Enactments incorporated with this Act.

IV. And be it enacted, That the several clauses of the Rail-way Clauses Consolidation Act, passed during the present Session, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said last mentioned Act, with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shareholders" "Shares, and their transfer," "Municipalities," "Shareholders," "Actions for Indemnity, and fines and penalties and their prosecution," "Working of the Rail-way," and "General Provisions," shall be incorporated with this Act.

Who shall be the Provisional Directors.

V. And be it enacted, That from and after the passing of this Act, the said John Arnold, John G. Bowes, A. M. Clark, William Clarke, James Colton, John Fiskin, William Charles Gwynne, George Herrick, James Hodgert, John Holmes, William P. Howland, Samuel Peters Jarvis, John McDonald, Samuel Smith, John Smith, James McGill Strachan, Ezekiel F. Whittemore, Frederick Widder, James Webster, and George Wright, Esquires, shall be the Provisional Directors for carrying into effect the object and purposes of this Act.

Number of votes to which the shareholders shall be entitled.

VI. And be it enacted, That the number of Votes to which each Shareholder in the said undertaking shall be entitled, on every occasion when the Votes of the Members of the said Toronto and Guelph Rail-way Company are to be given, shall be in the proportion following, to the number of Shares held by him, that is to say: one Vote for one Share, two Votes for five Shares, three Votes for ten Shares, four Votes for twenty Shares, and one additional Vote for every twenty additional Shares.

When the Provisional Directors shall call a meeting at Toronto for the purpose of electing Directors.

VII. And be it enacted, That when and so soon as Shares to the amount of One Hundred and Fifty Thousand Pounds in the Capital Stock of the said Company, shall be taken, and ten per cent. thereon shall have been paid in, it shall be lawful for the said Provisional Directors of the said Company, or the Survivors of them, to call a Meeting at the City of Toronto of the Holders of such Shares, for the purpose of electing Directors: Provided always, that if the said Provisional Directors, or the Survivors of them, shall neglect or omit to call such Meeting, then the same may be called by any ten of the Holders of Shares in the said Company, holding among them at least One Thousand Shares: And provided always, that in either case, public notice of the time and place of holding such Meeting, shall be given during one month in two of the Newspapers published in the said City of Toronto; and at such General Meeting, the Shareholders assembled, with such proxies as shall be present, shall choose thirteen persons, being each a Proprietor of not less than Forty Shares in the said undertaking, to be Directors of the said Company, and shall also proceed to pass such Rules and Regulations and By-Laws, as shall seem to them fit, provided they be not inconsistent with this Act.

Proviso.

Proviso.

Directors so elected to remain in office until the first Monday in June following.

A general meeting to be held on the first Monday in June, &c., in each year, to choose Directors.

A special general meeting may be called.

VIII. And be it enacted, That the Directors so elected, (or those appointed in their stead in case of vacancy) shall remain in office until the first Monday in the month of June next following; and that on the said first Monday in June, and on the first Monday in June in each year thereafter, or on such other day as shall be appointed by any By-law, an Annual General Meeting of the said Proprietors shall be held at the Office of the Company for the time being, to choose Directors in the room of those whose period of office shall have expired, and generally to transact the business of the Company; but if at any time it shall appear to any ten or more of such Shareholders, holding together one thousand shares at least, that a Special General Meeting of Shareholders is necessary to be held, it shall be lawful for such ten or more of them, to cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall by any By-law direct or appoint, specifying in such notice the time and place, and the reason and intention of such Special Meeting respectively;

respectively; and the Shareholders are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only, and all such acts of the Shareholders or the majority of them, at such Special Meetings assembled, such majority not having, either as principals or proxies, less than One Thousand Shares, shall be as valid to all intents and purposes, as if the same were done at Annual Meetings; and any Meeting of the said Directors at which not less than seven Directors shall be present, shall be a quorum, and shall be competent to use and exercise all and any of the powers hereby vested in the said Directors.

What shall be the Quorum at any meeting of the Directors.

IX. And be it enacted, That the Gauge to be used on the said Rail-way shall be five feet six inches, and neither more nor less.

Gauge to be used on Rail-way.

X. And be it enacted, That the Stock to be subscribed for by Municipal Corporations shall be represented by the Mayor, Warden or Reeve from time to time being, of such respective Municipal Corporations subscribing to the said Rail-way, and that such Mayor, Warden and Reeve respectively shall be entitled to vote upon all occasions in respect of the Stock subscribed for by such respective Municipal Corporations, in proportion to the amounts so subscribed for, and shall be eligible as Directors of the said Company in respect of such Stock, in addition to the provisions of the Rail-way Clauses Consolidation Act.

The stock to be subscribed for by Municipal Corporations to be represented by the Mayor, &c.; Who shall be entitled to vote, and be eligible as Directors, to a certain extent.

C A P. C X L I X.

An Act to incorporate the Wolfe Island Rail-way and Canal Company.

[30th August, 1851.]

WHEREAS an Act passed in the tenth year of Her Majesty's Reign, intituled, *An Act to incorporate The Wolfe Island, Kingston and Toronto Rail-road Company*, has expired; And whereas another Company has applied to the Legislature for a Charter to construct a Rail-road from Kingston to Toronto; And whereas it is expedient to incorporate a Company to construct a Railway and Canal, or one of them, across Wolfe Island, in the County of Frontenac: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Francis M. Hill, John Macpherson, Thomas Kirkpatrick, William Ford the younger, John K. Forsyth, Henry Smith the younger, John Watkins, Ellery W. Palmer, Noble Palmer, George Baxter, Henry Gildersleeve, John A. Macdonald, Colin Miller, Maxwell W. Strange, John Counter and Alexander Campbell, or any of them, together with all such persons as shall become Shareholders of any Share or Shares in the undertaking hereinafter mentioned and authorized to be carried on, shall be, and are hereby ordained, constituted and declared to be a Body Corporate and Politic in fact, and by the name of "The Wolfe Island Rail-way and Canal 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, and in all manner of actions, suits, complaints, matters and causes 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 name aforesaid, 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 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 and expedient.

Preamble.

Certain persons incorporated as the Wolfe Island Rail-way and Canal Company.

Corporate name and powers.

Company may enter into and take lands.

II. And be it enacted, That the said Company, and their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of and belonging to Her Majesty the Queen, Her Heirs or Successors, or to any other person or persons, bodies politic or corporate, on the consent of Her said Majesty, Her Heirs or Successors, and of such other person or persons, bodies politic or corporate, first being obtained, 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 deem necessary and proper for making the said Rail-way and Canal, or either of them, and to take and appropriate, have and hold, to and for the use of the said Company and their successors, lands sufficient for the construction of the said Rail-way and Canal, or either of them, with all necessary locks, towpaths, basins, stations, warehouses and other erections, as may be required by the said Company for the purposes aforesaid; and to purchase the same to and for the use of the said Company; and with full power under this Act to lay out and construct, make and finish, a double or single iron or wooden Rail-way; and also to make and construct a Canal, of such dimensions as they may think proper; and with full power to intersect or cross any road or highway lying in the route of the said Rail-way or Canal, and to construct their Rail-way or Canal, across, upon or along the same: Provided that the Company shall restore the said road or highway so as not to impair its usefulness; and also with full power and authority to carry for hire and reward, in steam or other vessels, goods, wares, merchandize and passengers, from the City of Kingston, through the said Canal, to Cape Vincent, in the State of New York: Provided always, that nothing hereinbefore contained shall extend or be construed to extend to compel the owner or owners of any lands, to sell, convey, or otherwise depart with the same to the said Company without his or their consent.

Power to do certain things and construct certain works.

Proviso.

Proviso.

And may agree with owners of lands, &c.

III. And be it enacted, That the Directors of said Company shall be and the same are hereby empowered to contract, compound, compromise, and agree with the owners and occupiers of any land through or upon which they may determine to cut and construct the said intended Rail-way and Canal, or either of them, either for the absolute purchase of so much of the land as they shall require for the purposes of the said Company, or for the damages which he, she, or they may be entitled to recover in consequence of the said intended Rail-way and Canal or either of them, and other constructions or buildings upon his, her or their respective lands; and in case of any disagreement between the Company and the owner or owners, occupier or occupiers of such land as aforesaid, either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid, as aforesaid, it shall and may be lawful for the Directors of the said Company to nominate and appoint an indifferent person, who, together with one other person, nominated and appointed by the party or parties so disagreeing, shall elect a third, which three shall be the Arbitrators between the Company and party or parties so disagreeing, the award of the majority of whom shall be final.

Arbitration in case of disagreement.

Penalty on persons damaging, &c.

IV. And be it enacted, That if any person or persons shall wilfully, maliciously, or to the prejudice of the said Company, 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 or prevent the carrying into execution, or completing, supporting, or maintaining the said Rail-way and Canal, or either of them, or works hereinbefore referred to, every such person or persons offending, shall forfeit and pay to the said Company the value of the damages proved by the oath of one or more credible witness or witnesses, such damages, 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, and in case of default of payment, such offender or offenders may be committed to the Common Gaol for any time not exceeding three months, at the discretion of the Court before which such offender shall be convicted.

And obstructing passage of boats, &c., thereon.

V. And be it enacted, That if any person or persons shall in any manner obstruct the passage of any boat, vessel or raft passing on or through the said Canal, and shall

not

not immediately, upon due notice given to such person or persons so obstructing the passage aforesaid, remove the same, shall forfeit and pay for every such offence the sum of Five Pounds, which forfeiture shall be paid to the said Company; and it shall and may be lawful for the agents or servants of the Company to cause any boat, vessel or raft to be unloaded or removed in such manner as shall be proper for preventing such obstruction in the navigation, and to detain and seize such boat, vessel or raft, and the loading thereof, until the charges occasioned by such obstruction, unloading or removal are paid.

VI. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company to regulate, from time to time, and establish the Rates of Toll payable by persons navigating upon the said Canal, and also the Rates of Toll payable for the transportation of goods, wares, merchandize and passengers in the said Rail-way, and the said Company shall, annually if required, exhibit an account to either branch of the Legislature, of the Tolls collected upon the said Rail-way and Canal, and of the sums expended in keeping the same in repair, and also of the goods, wares, and merchandize, transported in and along the same.

Tolls how to be regulated.

VII. And be it enacted, That the said Directors of said Company shall, at their first General Meeting held after the Rail-way or Canal shall be finished, ascertain and fix the Rates and Dues to be taken by virtue of this Act; and it shall and may be lawful for the Directors of the said Company to alter the said Rates at any subsequent meeting, after giving three months' public notice of the same; and that a Schedule of Rates shall be affixed upon the most public place at such Rail-way and Canal.

Meeting of Directors to fix rates.

VIII. And be it enacted, That the several Dues, Tolls and Rates, so appointed to be taken as aforesaid, shall be paid to such person or persons at the said Rail-way or Canal, or at such place or places near the said Rail-way or Canal, in such manner and under such regulations as the said Directors shall direct or appoint, and in case of denial or neglect of payment of any such Rates, Dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may 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, and they are hereby 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, &c. to whom paid, &c.

IX. And be it enacted, That the whole amount of the Stock, Estate and Property which the said Company shall be authorized to hold, including the Capital or Shares hereinafter mentioned, shall not exceed in value Fifty Thousand Pounds.

Capital Stock.

X. And be it enacted, That each Share shall be Twenty-five Pounds Provincial currency, and the number of Shares shall not exceed two thousand, and that Books of Subscription shall be opened by such person or persons, and under such Regulations as the majority of Directors hereinafter named, for the time being, assembled at a meeting to be called by any one of them, shall direct.

Amount of Shares.

XI. And be it enacted, That Francis M. Hill, William Ford the younger, John Counter, Henry Smith the younger, John A. Macdonald, Henry Gildersleeve, and Alexander Campbell, shall be, and they are hereby constituted and appointed the first Directors of the said Company, appointed under this Act, which Body of Directors shall, after the passing of this Act, elect one of their Body to be the President, and appoint the Officers, Agents, and Servants necessary to such direction; and should any one or more of the said Directors resign, or be removed by death, then the majority of the survivors may elect some other person or persons to supply such vacancy so made as aforesaid.

Who shall be the first Directors.

XII. And be it enacted, That so soon as Ten Thousand Pounds shall have been subscribed, and a Deposit made thereon, as may be required by the Rules, Regulations, and By-laws made and adopted by the Directors as aforesaid, a General Meeting of the Subscribers shall take place, of which due notice of not less than thirty days shall be given in some newspaper of the City of Kingston, of the time and place of such meeting,

A general meeting to take place after a certain amount subscribed.

meeting, and it shall and may be lawful for the Subscribers, at such meeting, to proceed to the election of new Directors for the said Company; and such election shall then and there be made by a majority of Shares voted for in manner hereinafter prescribed, and the Directors then and there elected shall be capable of serving until the first Monday in June succeeding.

Seven Directors to manage affairs, &c.

XIII. And be it enacted, That the affairs and concerns of the said Company shall be managed and conducted by seven Directors, who shall be Shareholders, each to the amount of five Shares, one of whom shall be chosen President, who shall hold their office for one year; and such Directors shall be elected on the first Monday in June in each and every year, at such time of the day and at such place as a majority of the Directors for the time being shall appoint, and public notice shall be given in the usual manner, of such time and place of meeting; and the said election shall be held and made by such of the Shareholders of the said Company as shall attend for that purpose, in their own proper person or by proxy; and all elections for Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election, shall be Directors, and the majority of Directors shall elect the President. Each Shareholder shall be entitled to a number of Votes proportionable to the number of Shares he or she shall have held in his or her own name at least one month prior to the time of voting.

Votes.

Corporation not dissolved by failure to elect Directors.

XIV. And be it enacted, That in case it should 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 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.

Directors to make rules for management of stock, &c.

XV. And be it enacted, That the Directors for the time being, or the majority of them, shall have power to make such By-laws and Regulations as to them shall appear proper, touching the management of the Stock, Estate and Effects of the said Corporation, and touching 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 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.

Public Act.

XVI. And be it enacted, That this Act shall be taken and deemed 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.

C A P. C L.

An Act to amend the Sydenham Mountain Road Act, and to vest in George Rolph, Esquire, his heirs and assigns, certain privileges therewith connected.

[30th August, 1851.]

Preamble.

WHEREAS the inhabitants of the District of Gore have failed in taking advantage of the Act to establish the Sydenham Mountain Road; And whereas George Rolph, one of the former Petitioners to Parliament for the said Act, has made and macadamized the said Road, at his own expense, and completed the same at a cost of Two Thousand Six Hundred and Fifty Pounds; And whereas the fee simple of the land composing the said Road is his own private property; And whereas it is but just and right that the said George Rolph, having benefited the country by the expenditure of his capital and labor in making the said Road, should be secured in all the advantages set forth in the Act aforesaid; And whereas the Municipal Township Council of the Township of West Flamborough has passed a By-law recognising the payment of Tolls on the said Road, and to shut up the old Kill Horse Road, now useless to the public by the formation of the Sydenham Road, as by reference to the Act of the Municipal Council of the said Township,

Township, passed in January last, will more fully appear: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the whole of the said Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to establish a Company by the name of the Sydenham Mountain Road Company*, is hereby repealed, excepting that portion which relates to the amount of Tolls to be demanded and taken, which Tolls are hereby vested in George Rolph, his heirs and assigns, for ever.

Act 4 & 5 Vict. c. 80, repealed.

Exception.

II. And be it enacted, That the said George Rolph, his heirs and assigns, shall have full power and authority to demand, sue for, collect and recover the Tolls allowed by this Act, in the same manner as is pointed out by the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*, and that all the provisions of the said last mentioned Act against parties evading or assisting others to evade Tolls, shall extend and apply to the Tolls authorized to be levied under this Act.

G. Rolph may recover tolls.

12 Vict. c. 84.

III. And be it enacted, That whenever the Tolls shall in annual receipts exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said Road, and to afford an annual income to the said George Rolph, his heirs and assigns, of ten per cent. profit, on the Capital expended in the construction of the said Road from the commencement of its being travelled upon, then and in such case the said Tolls shall be reduced, so as not to exceed the ten per cent. profit to the said George Rolph, his heirs and assigns.

Tolls to be reduced when the profits exceed a certain rate.

IV. And be it enacted, That the Government of this Province or the County Municipal Council, shall be at liberty, at any time whatever, to purchase the said Road from the said George Rolph, his heirs and assigns, paying to the said George Rolph, his heirs and assigns, the Capital hereinbefore mentioned, together with fifteen per cent. advance thereupon; and it is also hereby provided and declared that if any deficiency of the said ten per cent. annual profit should occur in the case of the said Road, such deficiency shall be chargeable against the increasing revenue of the subsequent years, so that the said George Rolph, his heirs and assigns, may fairly and actually receive ten per cent. profit on their said expenditure of Two Thousand Six Hundred and Fifty Pounds.

Government, &c., may purchase the Road, and at what rate.

V. And be it enacted, That after purchase by the Government of this Province, or by the Municipal Council of the United Counties of Wentworth and Halton, it shall and may be lawful for the Township Municipality of the Township of West Flamborough, or the Town Council of the Town of Dundas, to purchase from the Government, or the said County Municipality, the said Road, together with all Tolls, Rights and Advantages thereto belonging.

Town Council of West Flamborough or Dundas may purchase the Road from Government, or the County Council.

VI. And be it enacted, That the said George Rolph, his heirs and assigns, shall annually, if required, exhibit an account to either branch of the Legislature of the Province, or to the Municipal County Council, of the Tolls collected and the amount thereof received, and of the sums expended in keeping the Road in repair; and also such accounts authenticated in such manner and form as the authority so requiring the same may deem satisfactory.

G. Rolph to exhibit accounts, if required.

VII. And be it enacted, as it was found necessary to alter the original Survey of the Road, That the same shall commence and terminate agreeably to the last Survey made by Hugh McMahon, Esquire, Deputy Provincial Surveyor, that is to say: commencing on the centre of said Road at its junction with Melville Street, in the Town of Dundas; thence, north, eight degrees thirty minutes, east, twelve chains thirty-four links, to the lower bridge; thence, north, twenty degrees ten minutes, west, eight chains

Course and width of Road.

chains seventy links, to the northern limits of the aforesaid Town of Dundas; thence, on the same course, north, twenty degrees ten minutes, west, three chains two links, to the Toll-Gate; thence, north, twenty-six degrees thirty minutes, west, seven chains seventy-five links; thence, north, eighty-seven degrees forty-five minutes, east, four chains; thence, north, fifty-eight degrees, east, five chains twenty-eight links; thence, north, thirty-eight degrees, thirty minutes, east, one chain fifty links; thence, north, sixty-three degrees, east, two chains forty-six links; thence, north, sixty-four degrees thirty minutes, east, eight chains sixty-four links; thence, north, fifty-two degrees, east, fifteen chains ninety-three links, to the top of the Mountain; thence, north, forty-seven degrees thirty minutes, east, two chains twelve links; thence, north, twenty-four degrees, east, five chains eighty links, to the old Road,—the breadth of the Road for the first thirty-one chains eighty-one links being forty feet; thence, for twenty-one chains eighty-one links, being sixty-six feet in width; thence, tapering to the top of the Mountain, where, on account of the great depth of rock cut through, it is only thirty feet in width, but from the top of the rock increases to forty feet in breadth, to the old Road, commencing secondly on Melville Street; thence, south, ten degrees west, eleven chains, more or less, to King Street, the breadth of this section as now established.

Recital.

VIII. And whereas it may be found necessary hereafter to enter upon the lands of persons adjoining the said Road, for the purpose of draining off the water which overflows, at certain seasons, the Sydenham Road, that the Road may be more effectually saved from injury, by the formation of a culvert or drain across the said lands into the old Kill Horse Road: Be it therefore enacted, That the Municipal Council of West Flamborough shall have power and authority to enter upon the said lands, and make and construct such culverts or drains as may be necessary to protect the said Sydenham Road, the said George Rolph, his heirs and assigns, paying to the said Council the expenses of making the same.

Town Council of
West Flamborough
may make culverts,
&c.

The Kill Horse Road
to be shut up in a
certain place, &c.

IX. And be it enacted, That the said Kill Horse Road referred to in the preamble of this Act, shall be shut up as far as the same passes through the property of the said George Rolph, from the top of the Mountain to the north-east corner of the land belonging to James Hare, of Dundas, and no further, and be enclosed by him so long as the said Sydenham Road is kept open to the public, upon due payment of Tolls allowed by this Act.

Public Act.

X. And be it enacted, That this Act shall be deemed and taken to be a Public Act.

C A P . C L I .

An Act to authorize the Grand River Navigation Company to raise, by way of Loan, a certain sum of money, and for other purposes therein mentioned.

[30th August, 1851.]

Preamble.

WHEREAS the Grand River Navigation Company have heretofore necessarily incurred a Debt of upwards of Twelve Thousand Five Hundred Pounds in completing the navigation to the Town of Brantford, and have issued Bonds or Debentures for the same, payable at different periods, with interest; And whereas the said Company are also otherwise indebted to upwards of Three Thousand Pounds; And whereas in view of the increased business which would be done on the said navigation in case the Lower Locks were enlarged to the same size as those nearest the Town of Brantford, and the Channel deepened to three feet and a half, the said Company are desirous, not only to provide for the payment of the present Debts, but also to enlarge the said Lower Locks and deepen the Channel; And whereas the expense of enlarging the said Locks and deepening the Channel as aforesaid is estimated to cost the sum of Nine Thousand Pounds: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom

of

of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Grand River Navigation Company, to raise, by way of Loan, the sum of Forty Thousand Pounds, in order to pay off all its Debts and deepen the Channel of the said River to not less than three and a half feet, and to enlarge the Lower Locks on the said navigation to an equal size as those nearest to the Town of Brantford; and that it shall and may be lawful for the said Company to issue its Debentures for the raising of the said Loan, in such sums as the said Company may find expedient, but not to run longer than twenty years, nor to have a higher rate of interest than six per centum per annum; the interest to be paid semi-annually during the term such Debentures may have to run.

Loan of £40,000 may be raised on Debentures.

II. And be it enacted, That it shall and may be lawful for the present or future Holders of the present Debentures, and other Creditors of the said Company, to subscribe for the Capital Stock in the said Company, to the amount of their several and respective claims against the said Company; and that in such case the Directors of the said Company shall and may by a By-law or By-laws increase the Capital Stock of the said Company to the amount so to be subscribed for, and that such Increased Stock shall be Preferred Stock, upon which the said Company shall pay a sum, first, semi-annually, as shall be equal to six per centum per annum, before making any dividends or payments on other Capital Stock of the said Company: but said six per centum per annum, so to be paid on such Preferred Stock, shall be in the nature of Dividends, and said Stock shall not share in further Dividends out of the profits made by the said Company, until the Dividends on the remaining Stock shall annually amount to an equal sum of six per cent. per annum; after which all of which said Capital Stock shall share equally any profits over and above the amount of six per cent. per annum.

Creditors may subscribe for Stock, which may be increased by Preferred Stock accordingly.

III. And be it enacted, That it shall and may be lawful for the Town of Brantford, in its corporate capacity, to lend its credit to the said Grand River Navigation Company, by issuing the Debentures of the said Town, in such sum or sums as may be agreed upon, by and between the Directors of the said Company, or a majority of them, and the Town Council of the said Town of Brantford, to the extent of Forty Thousand Pounds, bearing interest not exceeding six per cent. per annum; such interest to be payable semi-annually, and the principal sum within twenty years; such Debentures to be applied, firstly, in payment of the said Debt of the said Company, and secondly, in deepening the Channel of the said navigation and enlarging the Lower Locks on the same to the required size; that it shall not be necessary for the said Town Council of Brantford to advertise the intention of passing a By-law granting such credit before granting the same; and it shall be the duty of the said Council, in granting such credit, to pass a By-law imposing a Rate on all taxable property of the said Town of Brantford, as will provide for the payment of the said interest on such Debentures and the ultimate payment of the principal sum thereof, in case the said Grand River Navigation Company shall, for any cause, be unable to pay the same; and that such Rate may be assessed on all the assessable property in the said Town of Brantford, which may be in the said Town at the time of actually levying the same, but that the said Assessments shall not be levied at any time, excepting to supply any deficiency on the part of the said Grand River Navigation Company in paying the interest or principal sum of Forty Thousand Pounds.

Town of Brantford may lend its credit to the Company, by issuing Debentures to the extent of £40,000.

IV. And be it enacted, That in case the said Town of Brantford so loaning its credit as aforesaid, the said Town of Brantford shall be entitled to elect two Directors to the Board of Directors, of the said Grand River Navigation Company on or after the annual election now defined by the Act or Acts relating to the said Company, which said two Directors shall be in addition to the present number and shall be appointed or elected by the Town Council of the said Town of Brantford from amongst the Members of the said Town Council or from amongst the Rate-Payers of the said Town of Brantford qualified to be elected Councillors of the said Town, and the said Town shall be so represented at the said Board of Directors until the said Debentures and interest thereon shall

In that case the Town to elect two Directors of the Company.

shall be finally and fully paid, and on and after which the power of electing such two Directors shall cease.

Debentures to be as a Mortgage on the property of the Company.

V. And be it enacted, That for the security of the said Town of Brantford against loss by its so loaning its credit, the said Debentures shall have the same effect as a Mortgage upon all the property and income of the said Grand River Navigation Company, with the exception of Town or Village Lots now or hereafter to be laid out (not meaning to except those Lots on which there is or may be Water Power); and that the proceeds of the sale of such Lots, which may hereafter be sold, shall be applied to the payment of the interest on such Debentures.

Sinking Fund to be formed if Town loans its credit.

VI. And be it enacted, That in case the said Town of Brantford shall so loan its credit to the said Grand River Navigation Company, the Directors of the said Company shall, after the expiration of Ten Years from the passing of this Act, annually set apart a sum of not less than two per cent, upon the Capital Stock out of the annual revenues of the said Company after paying the interest on the said Debentures, to form a Sinking Fund to redeem the said Debentures, which said per centage shall be invested by the Board of Directors of the said Company in such funds as they may see fit for that purpose.

Directors for current year.

VII. And be it enacted, That the said Town Council shall and may elect the two Directors aforesaid for the current year, to represent the said Town immediately on and after so loaning its credit to the said Grand River Navigation Company for any portion of such Loan.

C A P. C L I I.

An Act for incorporating and granting certain powers to a Company for the encouragement of Manufactures on the Welland Canal.

[30th August, 1851.]

Preamble.

WHEREAS the establishment of an Incorporated Company, with power to loan Money to persons desirous of erecting Mills and Manufactories on the Welland Canal, would induce the investment of a large amount of private capital in Manufactories, and lead to the most beneficial results, both to the Government, by the increase of trade and tolls on the Welland Canal, and to the inhabitants of Canada, by the increase of a home market for their produce: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That James Rea Benson, Nehemiah Merritt, Andrew Heron, John Ker, John Latham Ranney, William Hamilton Merritt, the younger, John Hamilton Conolly, and William Austin Chisholm, and their successors, and such other and so many other persons or parties as may or shall become Shareholders in the Capital Stock hereinafter mentioned, shall be and they are hereby constituted a Body Politic and Corporate, by the name of the "Welland Canal Loan Company," and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Law or Equity whatsoever, and shall have perpetual succession, with a Common Seal, which may be changed or varied at their pleasure.

Certain persons incorporated.

Corporate name and powers.

The right to certain estate transferred from the persons aforesaid to the corporation hereby created.

II. And be it enacted, That the right to all estate, property, privileges or advantages sold or granted, or agreed to be sold or granted by the Crown, through the Commissioners of Public Works, to James Rea Benson, Nehemiah Merritt, Andrew Heron, John Ker, John Latham Ranney, William Hamilton Merritt, the younger, John Hamilton Conolly, and William Austin Chisholm, on the twenty-second day of April, one thousand eight hundred and fifty-one, at St. Catharines, in the County of Lincoln,

at

at the Government Sale of Welland Canal Lands, and purchased by the said parties on the understanding and agreement that they should form themselves with others into a Company, with a Capital of Fifty Thousand Pounds, shall be transferred to and vested in the Corporation established hereby, in the same manner as though the said Purchasers had fully assigned and set over their rights and property in the same to the said Company by Deed; and that the said Corporation shall be and stand in the place and stead of the said James Rea Benson, Nehemiah Merritt, Andrew Heron, John Ker, John Latham Ranney, William Hamilton Merritt, the younger, John Hamilton Conolly, and William Austin Chisholm, and become and be liable to Her Majesty for the Purchase Money due and owing on account of the same: **Provido** always, nevertheless, that nothing herein contained shall relieve the said parties above named from their present liability to the Crown for the Purchase Money due on the said Sale; but the said parties, their heirs, executors and administrators shall be jointly and severally liable to the Crown for the payment of such Purchase Money, according to the terms of the said sale.

III. And be it enacted, That the Capital Stock of the Corporation hereby constituted shall be Fifty Thousand Pounds, and be divided into Two Thousand Shares, which shall be numbered from one to two thousand, and be respectively distinguished by the numbers affixed to them. **Capital Shares.**

IV. And be it enacted, That no Shareholder in the said Corporation shall be in any manner whatsoever liable for, or charged with the payment of any debt or demand due by the said Corporation, beyond the amount of his or their Shares in the Stock of the said Corporation. **Liability of Shareholders.**

V. And be it enacted, That all Shares in the said Company shall be personal property, and transmissible and assignable as such. **Shares to be personalty.**

VI. And be it enacted, That it shall be lawful for the said Company to acquire by purchase, mortgage, or otherwise, and to hold, either absolutely or conditionally, any lands, real property, or hydraulic privileges, and to lay out and apply the Capital and other property for the time being of the Company, or any moneys raised by the Company, in acquiring by purchase, mortgage, or otherwise, such property, lands and privileges in the Counties of Lincoln and Welland: **Provided** that the said Company shall not have a larger amount than Twenty-five Thousand Pounds invested in lands at any one time. **Company may acquire certain property.**

VII. And be it enacted, That the Company shall be, and they are hereby authorized and empowered to lay out and invest their Capital, in the first place in paying the cost of this Act, in paying the Purchase Money due to Her Majesty as aforesaid, and all expenses in laying out their property to the best advantage, in streets and lots, or in the purchase of such lands within the said Counties as it may appear suitable or advantageous for the Company to buy. The remainder of their Capital, as it is called in, as well as the Capital hereinafter authorized to be raised by the Company, they may loan, and advance by way of Loan, on the Security of Real Estate within either of the Counties aforesaid, at such rates of interest, not exceeding six per centum per annum, as to the Company shall be deemed satisfactory, for the following purposes, namely: for the Building, Erecting, Enlarging, or Improving of any Mills, Factories, or Machinery whatsoever, on the line of the Welland Canal. **To what purposes the Capital of the Company shall be applied.**

VIII. And be it enacted, That it shall be lawful for the said Company, from time to time, to deal with, and dispose of any or all lands acquired or held in trust for the said Company, or contracted for, or to which the said Company shall be entitled, or of any trust thereof, by such mortgage or lease or other disposition thereof which they may deem most conducive to promoting the objects and advantages of the said Corporation; and the said Company shall, and are hereby authorized to lay out and invest their Capital and property for the time being, or any moneys to be raised by them, in so dealing and disposing of their lands. **Company may dispose of lands, &c.**

IX. **Provided** always, and be it enacted, That nothing in this Act shall authorize the said Company to issue Bank Notes, or in any way to act as Bankers. **Not to act as bankers.**

Company may receive interest half yearly in advance.

X. And be it enacted, That the said Company may, and are hereby empowered to receive in advance, from any person or persons, the half yearly interest from time to time to accrue on any loans made by the Company, under and by virtue of the powers given them by this Act ; any Law or Statute of this Province notwithstanding.

Register book of Shareholders to be kept,

XI. And be it enacted, That the Company shall keep a Book, to be called "The Register Book of Shareholders," and in such Book shall be fairly and distinctly entered, from time to time, the names of the several Corporations, and the names and additions of the several persons, being Shareholders of the Company, the number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its number, and the amount of the subscriptions paid on such Shares ; and such Book shall be authenticated by the Common Seal of the Company affixed thereto.

How shares of the stock may be assigned.

XII. And be it enacted, That the Shares in the Stock of the said Company shall be assignable by delivery of the Certificates to be issued to the Holders of such Shares respectively, and by assignment in the form of the Schedule annexed to this Act, or in any other convenient form to be prescribed by any By-law of the said Company, and that by such assignment, on the same being duly entered on the Register Book of the Company, the party accepting such transfer shall thenceforth become, in all respects, a Member of the said Corporation, in respect of such Share or Shares, in the place of the party transferring the same, but no such transfer shall be valid until all the calls or instalments due on the Shares purporting to be transferred, and all debts due to the Corporation thereon, shall have been paid ; and a copy of such transfer, extracted from the Register Book of the Company, signed by the Clerk or other Officer of the Company, shall be *prima facie* evidence of such transfer in all the Courts of this Province.

Evidence of transfer.

As to the transfer of shares by other means than assignment.

XIII. And with respect to the Registration of Shares, the interest in which may become transmitted in consequence of the death, or bankruptcy, or insolvency of any Shareholder, or in consequence of the marriage of a female Shareholder, or by any other legal means than an assignment, according to the provisions of this Act, Be it enacted, That no person claiming, by virtue of any such transmission, shall be entitled to receive any Share of the profits of the said undertaking, nor to vote in respect of any such Share or Shares as the Holder thereof, until such transmission has been authenticated by a declaration, in writing, as hereinafter mentioned, or in such other manner as the Directors shall require ; and every such declaration shall state the manner in which, and the party to whom such Share or Shares shall have been so transmitted, and shall be made and signed by some credible person before a Justice of the Peace, or before a Master or Master Extraordinary in the Court of Chancery, and such Declaration shall be left with the Secretary, and thereupon he shall enter the name of the person entitled under such transmission in the Register Book of Shareholders of the Company, whereby such person shall be and become a Shareholder in the said undertaking ; and for every such entry, the Secretary may demand any sum not exceeding Five Shillings.

Fee to Secretary.

As to transmission of shares by marriage, devise, &c.

XIV. And be it enacted, That if such transmission be by virtue of the marriage of a Female Shareholder, the said Declaration shall contain a copy of the Register of such marriage, and shall declare the identity of the wife with the Holder of such Share ; and if such transmission have taken place by virtue of any Testamentary Instrument, or by Intestacy, the Probate of the Will, or Letters of Administration, Act of Curatorship, or other Document proving the right, or an Official Extract therefrom, shall, together with such Declaration, be produced to the Secretary ; and upon such production, in either of the cases aforesaid, the Secretary shall make an entry of the Declaration in the said Registry of Transfers.

Shares of idiots and lunatics.

XV. And be it enacted, That if any money be payable to any Shareholder, being a minor, idiot or lunatic, the receipt of the guardian of such minor, or the receipt of the committee of such idiot or lunatic, shall be a sufficient discharge to the Company for the same.

Powers to call in instalments.

XVI. And be it enacted, That from time to time the Company may make such Calls of money upon the respective Shareholders, in respect of the amount of Capital respectively subscribed or owing by them, as they shall think fit, provided that

thirty-one

thirty-one days' notice, at the least, be given of each Call, and that no Call exceed the amount of Two Pounds per Share, and that two successive Calls be not made at a less interval than three months, and that the aggregate amount of Calls made in any one year do not exceed the amount of Eight Pounds per Share; and every Shareholder shall be liable to pay the amount of the Calls so made in respect of the Shares held by him, to the persons, and at the times and places from time to time appointed by the Company.

Limitations.

XVII. And be it enacted, That if before or on the day appointed for payment, any Shareholder do not pay the amount of any Call to which he may be liable, then such Shareholders shall be liable to pay interest on the same, at the rate of Six Pounds per centum per annum, from the day appointed for the payment thereof to the time of the actual payment.

Interest on instalments due and unpaid.

XVIII. And be it enacted, That the Company may, if they think fit, receive from any of the Shareholders, willing to advance the same, all or any part of the money due upon their respective shares, beyond the sums actually called for; and upon the principal money so paid in advance, or so much thereof as from time to time shall exceed the amount of the Calls made upon the Shares in respect of which such advance shall have been made, the Company may pay interest at such Rate, not exceeding Six Pounds per centum per annum, as the Shareholder paying such sum in advance and the Company shall agree upon.

Company may receive instalments in advance and allow interest.

XIX. And be it enacted, That if at the time appointed by the Company for the payment of any Call, the Holder of any Share fail to pay the amount of such Call, the Company may sue such Shareholder for the amount thereof in any Court having competent jurisdiction, and may recover the same with interest, at the rate of Six Pounds per centum per annum, from the day on which such Call may have been made payable.

Instalments unpaid may be recovered with interest.

XX. And be it enacted, That in any action to be brought by the Company against any Shareholder, to recover any money due for any Call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the Defendant is a Holder of one Share or more in the Company, (stating the number of Shares,) and is indebted to the Company in the sum of money to which the Calls in arrear shall amount, in respect of one Call or more upon one Share or more (stating the number and the amount of each of such Calls,) whereby an action hath accrued to the Company by virtue of this Act.

What only must be stated in the declaration.

XXI. And be it enacted, That on trial of such action, it shall be sufficient to prove that the Defendant, at the time of making such Call, was a Holder of one Share or more in the Company, and that such Call was in fact made, and such notice thereof given, as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such Call, nor any other matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such Call, with interest thereon, unless it shall appear either that any such Call exceeds the amount of Two Pounds per share, or that due notice of such Call was not given, or that the interval of three months between two successive Calls had not elapsed, or that Calls amounting to more than Eight Pounds per year per Share had been made.

What only need be proved.

XXII. And be it enacted, That the production of the Register Book of the Shareholders of the Company, shall be *prima facie* evidence of such Defendant being a Shareholder, and of the number and amount of his Shares, and of the sums paid in respect thereof.

Evidence.

XXIII. And be it enacted, That if the Holder of any Share fail to pay a Call payable by him in respect thereof, together with the interest, if any, that shall have accrued thereon, the Directors, at any time after the expiration of one month from the day appointed for the payment of such Call, may declare such Share forfeited, and that whether the Company have sued for the amount of such Call or not.

Shares may be forfeited for non-payment of instalments.

XXIV. And be it enacted, That before declaring any Share forfeited, the Directors shall cause notice of such intention to be left at the usual or last known place of abode of the person appearing by the Register Book of Proprietors to be the proprietor of such

Proceedings preliminary to forfeiture.

such Share ; and if the proprietor of any such Share be abroad, or if the interest in any such Share shall be known by the Directors to have become transmitted otherwise than by assignment, as hereinbefore mentionned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted shall not be known to the Directors, the Directors shall give public notice of such intention by advertisement in a newspaper, as hereinafter provided, and the several notices aforesaid shall be given twenty-one days, at least, before the Directors shall make such declaration of forfeiture.

Forfeiture must be sanctioned at a general meeting.

XXV. And be it enacted, That such declaration of forfeiture shall not take effect, so as to authorize the sale or other disposition of the Share, until such declaration have been confirmed at some General Meeting of the Company, to be held after the expiration of two months, at the least, from the day on which such notice of intention to make such declaration of forfeiture shall have been given, and it shall be lawful for the Company to confirm such forfeiture at any such meeting, and by an Order at such meeting, or at any subsequent General Meeting, to direct the Shares so forfeited to be sold or otherwise disposed of ; and after such confirmation, the Directors may sell the forfeited Shares, either separately or together, or in lots, as to them shall seem fit.

Sale.

Title of the purchaser of any forfeited share, how made.

XXVI. And be it enacted, That a declaration, in writing, by an Officer or Servant of the Company, or by some credible person (not interested in the matter), made before any Justice, or before any Master or Master Extraordinary in the Court of Chancery, that the Call in respect to a Share was made, and notice thereof given, and that default in the payment of the Call was made, and that the forfeiture of the Share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated ; and such declaration and the receipt of the Secretary of the Company for the price of such Share shall constitute a good title to such Share, and thereupon the purchaser shall be deemed the proprietor of such Share, discharged from all Calls made prior to such purchase ; and a Certificate of Proprietorship shall be delivered to such purchaser, upon his signing the undertaking to hold the Shares so purchased by him as aforesaid, subject to the provisions of this Act, and he shall not be bound to see to the application of the purchase money, nor shall his title to such Share be affected by any irregularity in the proceedings in reference to any such sale.

Certificate to be given to him.

No more shares to be sold than are sufficient to pay instalments due.

XXVII. And be it enacted, That the Company shall not sell or transfer more of the Shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any Calls, together with interest and the expenses attending such sale and declaration of forfeiture ; and if the money produced by the sale of any such forfeited Share, be more than sufficient to pay all arrears of Calls and Interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter, or in default thereof, applied in and towards satisfaction of any Calls made thereafter, but prior to such demand being made as last aforesaid, in respect of the remaining unsold Shares of such defaulter.

If there be any residue of price.

Share to revert if instalments be paid before sale.

XXVIII. And be it enacted, That if payment of such arrears of Call and Interest, and expenses be made before any Share so forfeited and vested in the Company shall have been sold, such Share shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such Calls had been duly paid.

Company may borrow money.

Proviso.

XXIX. And be it enacted, That it shall be lawful for the Company to borrow, on mortgage of any or all their Real Property, or Bond, such sums of money at a rate not exceeding six per cent interest as may appear to them necessary ; Provided the sum so owing by the Company at any one time shall not exceed Twenty-Five Thousand Pounds.

Votes.

Proxies.

Limitation.

XXX. And be it enacted, That every share shall entitle the Holder thereof to one Vote at the General Meetings and Elections of the said Company, and that the right of voting may be exercised in person or by proxy, but that no person shall by proxy represent more than ten Shareholders.

XXXI. And be it enacted, That if several persons be jointly entitled to a Share, the person whose name stands first on the Register of Shareholders as one of the Holders of such Share, shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof, and on all occasions the Vote of such first named Shareholder alone, either in person or by proxy, shall be allowed as the Vote in respect of such Share, and proof of the concurrence of the other Holders thereof shall not be requisite.

Votes on shares held by more than one person.

XXXII. And be it enacted, That for managing the affairs of the said Corporation there shall be elected out of the Members of the Company seven persons, being each a proprietor of not less than ten Shares of the Capital Stock, to be Directors of the Company, for ordering, managing and directing the affairs of the Company; any four of the Directors shall form a *quorum* of the Board, and any majority of such *quorum* may exercise the powers of Directors; they shall exercise all the powers of the Company, and, amongst other things, they may use and affix, or cause to be used and affixed, the Seal of the Company to any Document or Paper requiring the same; may make and enforce Calls, declare Forfeitures of Shares not duly paid; they may make any Payments, Loans and Advances for the building, erecting and enlarging any Mills, Factories or Machinery whatsoever on the line of the Welland Canal, on such landed security as they may deem expedient; they may effect Loans or borrow Money on the Bonds, or secured on the real property of the Company, to the extent allowed by this Act; they may generally deal with, treat, sell and dispose of and exercise all other acts of Ownership over the lands, property and effects of the Company for the time being, in such manner as they shall deem expedient and conducive to the benefit of the Company, in such and the same manner as if the same lands, property and effects were held, not by a Body Corporate, but by any of Her Majesty's subjects being *sui juris* or of full age, and for whom they were fully empowered to act; they may make By-laws regulating the affairs of the Company, providing for the retirement of Directors, the filling of vacancies in the Board, regulating the appointment, control, and power of the Officers and Servants of the Company, the mode of calling General Meetings of the Company, and for the General Management of the business of the Company, whether herein enumerated or not, which said By-laws and Regulations shall be submitted for approval, rejection, or alteration by the Shareholders at the next General Meeting, or at one called for that purpose; and when ratified and confirmed, shall be entered of Record in the Books of the Company, and be binding upon, observed and taken notice of by all the Members of the Corporation; and any copy of the said By-laws, purporting to be under the Hand of the Clerk, Secretary or other Officer of the Company, and bearing the Seal of the Corporation affixed thereto, shall be received as *prima facie* evidence of such By-laws in all Courts of this Province: Provided always, that the Shareholders may, at any General or Special Meeting, appoint such Salary or Compensation to the President and Directors respectively as to them shall seem reasonable and proper; the election of Directors, except the first one hereinafter provided for, shall take place yearly, on the first Monday in October, and at their first meeting after their election, the Directors shall elect one of their number to be President, who shall, in all cases of equal division, have a Second or Casting Vote.

Directors to be elected.

Their powers.

Managing property.

Making By-laws.

Approval by stockholders.

By-laws, how proved.

Proviso.

Remuneration of Directors, &c.

Yearly elections.

President.

Aliens may be Directors.

Opening books of subscription.

XXXIII. And be it enacted, That any person holding the requisite amount of Stock in the Company, may be elected a Director, although such person be not a subject of Her Majesty, and do not reside within this Province.

XXXIV. And be it enacted, That James Rea Benson, John Ker, and William Hamilton Merritt, the younger, Esquires, shall be Commissioners, who shall, on or before the first Monday in January next, at St. Catharines, open Books to receive Subscriptions to the Capital Stock of the Corporation; and that thirty days' notice shall be given of the same in one or more newspapers, and that the said Books shall remain open for thirty days at the said place, under the direction of one or more of the said Commissioners, and such sum as they may think expedient, not exceeding five per cent., shall be paid on each Share subscribed, at the time of subscribing.

XXXV.

Distribution of stock when £25,000 subscribed for.

XXXV. And be it enacted, That the said Commissioners shall assemble at Saint Catharines, as soon as Twenty-five Thousand Pounds of the Capital Stock of the Company shall be subscribed for, and shall proceed to deliver Certificates for the said Stock to the Subscribers thereto; and as soon as the same shall be distributed, the Commissioners shall give public notice in one or more newspapers published in the Counties of Lincoln and Welland, of a Meeting of the Shareholders at Saint Catharines, to choose seven Directors; and such election shall be made at the said time and place, by such of the Shareholders as shall attend for that purpose; and the Commissioners shall deliver the Subscription Money and Books to the Directors, and the said Directors shall immediately proceed to the election of a President from out of their own number, and the said President and Directors shall serve and hold their respective offices until their successors are appointed, at the next Annual Election.

Meeting for election of Directors.

President.

Term of office.

Provision if the whole of the Stock be not subscribed for.

XXXVI. Provided always, and be it enacted, That if at the expiration of thirty days, during which the said Books are to be kept open, (as required by the thirty-fourth clause), the whole amount of the Capital shall not be subscribed, the Books of Subscription shall be kept open by the Directors until the whole Capital shall have been subscribed.

Failure of election not to dissolve the Company.

XXXVII. And be it enacted, That the failure to hold any such election of Directors or President at the time appointed, shall not dissolve the Company, but such omission may be supplied by a Special Meeting of the Shareholders, called by the Directors, for the purpose of electing Directors, and that until such election the said President and Directors shall continue in office.

Directors to cause minutes of proceedings to be made and signed.

XXXVIII. And be it enacted, That the Directors shall cause notices, minutes, or copies, as the case may require, of all Appointments made, or Contracts entered into by the Directors, to be duly entered in Books, to be from time to time provided for the purpose, which shall be under the Superintendence of the Directors; and every such entry shall be signed by the Chairman of the Meeting at which the matter in respect of which such entry was made, was moved, or discussed, at or previously to the next meeting of the said Company or Directors, as the case may be: and such entry so signed, shall be received as *prima facie* evidence in all Courts, and before all Judges, Justices and others, without proof of such respective meeting having been convened, or of the persons making or entering such Orders or Proceedings being Shareholders or Directors, or Members of the Committee respectively, or by the Signature of the Chairman, all of which last-mentioned matters shall be presumed; and all such Books shall, at any reasonable times, be open to the inspection of any of the Shareholders.

Entries to be evidence.

Acts not avoided by error as to right of any person to act as Director.

XXXIX. And be it enacted, That all acts done by any Meeting of the Directors, or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding it may be afterwards discovered that there was some defect or error in the appointment of any person attending such Meeting as a Director, or acting as aforesaid, or that such person was disqualified, be as valid as if such person had been duly appointed and was qualified to be a Director.

Non-liability and indemnification of Directors for acts done by them as such.

XL. And be it enacted, That no Director, by being a party to, or making, signing or executing, in his capacity of Director, any Contract or other Instrument on behalf of the Company, or otherwise lawfully executing any powers given to the Directors, shall be subject to be sued or prosecuted, either collectively or individually, by any person whomsoever; and the bodies or goods, or lands of the Directors, or any of them, shall not be liable to execution of any legal Process by reason of any Contract or other Instrument so entered into, signed or executed by them, or any of them, or by reason of any other lawful act done by them, or any of them, in the execution of any of their powers as Directors, and the Directors, their heirs, executors and administrators, shall be indemnified out of the Capital of the Company for all payments made, or liabilities incurred in respect of any acts done by them, and for all losses, costs and damages, which they may incur in the execution of the powers granted to them; and the Directors for the time being of the Company shall apply the existing Funds and Capital

Capital of the Company for the purposes of such indemnity, and shall, if necessary for that purpose, make Calls of the Capital remaining unpaid.

XLI. And be it enacted, That the Directors shall have power to make Dividends on the paid up Capital each half year, when, in their opinion, it shall be advisable; provided always, that no such Dividend shall be declared or made, whereby the Capital Stock will be in any degree reduced.

Dividends.
Not to impair capital.

XLII. And be it enacted, That the word "land", in this Act, shall include all lands, tenements and hereditaments, and real and immoveable property whatsoever; and the word "Shareholders", shall include the heirs, executors and administrators, curators, legatees or assigns, of such Shareholders, or any other party having the legal possession of any Share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction.

Interpretation clause.

XLIII. And be it enacted, That the said Company shall annually submit to three Branches of the Legislature, within the first fifteen days of each Session, a Statement shewing the amount of Landed or other Property held by the said Company,—the total amount of money borrowed by them under the provisions of this Act, with the Rates of Interest paid thereon,—and a Statement of the various sums loaned by them, with the Rate of Interest thereon.

Statements to the Legislature.

XLIV. And be it enacted, That this Act shall be deemed a Public Act.

Public Act.

SCHEDULE.

Know all men by these presents, that I, A. B., of _____, have assigned, and do assign to C. D., of _____, for value received of him, _____ Shares in the Stock of "The Welland Canal Loan Company": Witness my Hand, this _____ day of _____, one thousand eight hundred and fifty-_____.

A. B.

And I, the said C. D., hereby accept the said Shares, and all liabilities and obligations thereunto attached.

Witness my Hand, this _____ day of _____, one thousand eight hundred and fifty-_____.

C. D.

CAP. CLIII.

An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company.

[30th August, 1851.]

WHEREAS "The Niagara Harbour and Dock Company," and Clarke Gamble, Esquire, to whom the said Company have conveyed the premises vested in them by the Act of the Legislature of Upper Canada, passed in the first year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to incorporate the Niagara Harbour and Dock Company*, in trust for certain purposes, have severally by petition prayed to be enabled to sell and dispose of the same: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the President and Directors of the said Company and Clarke Gamble, his heirs or assigns, shall be, and are hereby authorized and empowered by joint Deed to grant, bargain, sell and transfer, to any person or persons, or body politic or corporate whatsoever, all the estate, right and title of the said Company and of Clarke Gamble, his heirs or assigns, or of either of

Preamble.

1 Will. 4, c. 13.

The Company and Clarke Gamble, as Trustee, empowered to sell and convey certain property.

of them, of, in and to all and singular the tracts of land and premises now held or occupied by, or in any manner vested in or belonging to the said Company, or the said Clarke Gamble, in trust as aforesaid, in the Town of Niagara and the County of Welland, and particularly the premises mentioned in the seventh section of the Act first above cited, and that the purchasers of the said premises, or any part thereof, shall not be bound to see to the performance of the said trusts.

Doubts under the said Act removed.

II. And for the removing of certain doubts that have arisen as to the powers of the said Company to construct and build Vessels, Steam Engines and Machinery, Be it declared and enacted, That the said Company have had, and shall have, full power and authority to build, construct, possess, use, repair and refit, all and all manner of Vessels, Steamboats, Shipping, Boats, Steam Engines and other Machinery of every kind, and to sell or otherwise dispose of the same as to the said Company shall seem expedient.

C A P. C L I V.

An Act to incorporate "The Saint Lawrence School of Medicine of Montreal."

[30th August, 1851.]

Preamble.

WHEREAS Francis C. T. Arnoldi, Robert L. Macdonnell, Horace Nelson, Aaron H. David, George D. Gibb and George E. Fenwick, Licensed Practitioners of Medicine and Surgery for the Province, have united for the purpose of giving Public Lectures and Instruction on the various Branches of Science connected with the exercise of their profession, and have, for that purpose, established a Public Medical School, with suitable apparatus and convenience; and have by their petition represented, that if they and their successors were incorporated and invested with the powers hereinafter mentioned, they would be able still further to increase their means of affording adequate instruction to their pupils; And whereas it is expedient to grant the prayer of the said Petitioners: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Francis C. T. Arnoldi, Robert L. Macdonnell, Horace Nelson, Aaron H. David, George D. Gibb and George E. Fenwick, and their successors, and those who may hereafter become associated with them or their successors, in the manner hereinafter mentioned, shall be and are hereby constituted a Body Politic and Corporate by the name of "The Saint Lawrence School of Medicine of Montreal," and by that name shall have perpetual succession and a Common Seal, with power to break, alter or make anew the same, and may by that name sue and be sued, plead and be impleaded, in all Courts of Law or Equity in this Province; and may purchase, take and hold real and personal property, provided the real property so held by the said Corporation, does not at any time exceed the value of Five Thousand Pounds currency, and may alienate the same, and acquire other property instead thereof.

Certain persons and their successors incorporated.

Corporate name and powers.

Election of new members.

II. And be it enacted, That whenever any of the Members of the said Corporation shall die, or shall become permanently resident out of the City of Montreal, or shall resign, (and any Member shall be at liberty so to resign,) or it shall be deemed advisable to increase the number of Members thereof, (which the said Corporation may always do,) then the said Corporation shall elect the Candidate or Candidates by ballot.

Corporation to give yearly 120 Lectures as per sec. 12, of 10 and 11 V. c. 26.

III. And be it enacted, That the said Corporation shall yearly cause to be delivered at least one hundred and twenty Lectures each of at least one hour's duration, in accordance herewith, and on the subjects provided by the twelfth section of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate the Members of the Medical Profession in Lower Canada, and to regulate*

regulate the Study and Practice of Physic and Surgery therein, to be given by competent Lecturers between the first day of November and the last day of April.

IV. And be it enacted, That the Fee to be demanded of any Pupil on his entry or matriculation in the said School, shall not exceed Ten Shillings currency, to be applied by the Corporation in such manner as it may deem proper.

Fee on matriculation.

V. And be it enacted, That the said Corporation shall have power to make such By-Laws as may be necessary for the conduct of its affairs and business, the government of its Pupils, and for carrying into effect the provisions of this Act, as to the Members thereof shall, from time to time, appear expedient, and as shall not be in any wise repugnant to or inconsistent with this Act or to law.

Power to make By-laws.

VI. And be it enacted, That all the powers of the said Corporation may be validly exercised by any majority of the Members thereof for the time then being, and that any Deed or Instrument under the Seal of the Corporation, and signed by any such majority of the Members for the time being, or by such person as shall be appointed as their Attorney for that purpose, shall be held to be a Deed of the Corporation; and any service of Process or otherwise, made at the place at which the said Medical School shall be kept, (and if in such case personal service be required, but not otherwise, on one of the Members of the Corporation), shall be deemed a valid service upon the said Corporation.

How powers of the Corporation may be exercised.

Service of process, etc.

VII. And be it enacted, That the said Corporation shall be bound, when required by the Governor, or person administering the Government for the time being, to render true Statements of their Receipts and Expenditure, and of the Real and Personal Estate held and enjoyed by the said Corporation.

Statements to be rendered.

VIII. And be it enacted, That this Act shall be a Public Act, and taken and received as such in all Courts of Justice, and by all persons in this Province.

Public Act.

C A P. C L V.

An Act to incorporate *The Toronto School of Medicine.*

[30th August, 1851.]

WHEREAS John Rolph, Joseph Workman, William Thomas Aikins, James Langstaff, Gavin Russell, and Thomas David Morrison, all of the City of Toronto, Licensed Practitioners of Medicine, Surgery and Midwifery, have established and conducted a Public Medical School for the education of Candidates for the Medical Profession; And whereas, the usefulness of the said School will be promoted by the possession of Corporate Privileges and Powers: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said John Rolph, Joseph Workman, William Thomas Aikins, James Langstaff, Gavin Russell, and Thomas David Morrison, and their successors, in the manner hereinafter mentioned, shall be and are hereby constituted a Body Politic and Corporate by the name of the Toronto School of Medicine, and by that name shall have perpetual succession and a Common Seal, with power to break, alter or renew the same, and may by that name sue and be sued, plead and be impleaded in all Courts of Law and Equity in this Province, and may purchase, take and hold real and personal property, provided the real property, so held by the said Corporation, do not at any time exceed the value of Five Thousand Pounds currency, and may alienate the same and acquire other property instead thereof.

Preamble.

School of Medicine incorporated.

II. And be it enacted, That whenever any of the Members of the said Corporation shall die or shall resign, or it shall be deemed advisable by the Corporation to increase the number of Members thereof, then the said Corporation shall proceed according to their

Election of future Members

their By-laws, for that purpose made and enacted, to elect other Members in the place and stead of those so dying or resigning, or needed to be elected, as the case may be.

Corporation to make By-laws for certain purposes.

III. And be it enacted, That the said Corporation shall and may pass such By-laws as to them shall seem best calculated to regulate the teaching and instruction of the pupils of the said School in the Science and Profession of Medicine, by the delivery of Lectures in Anatomy and Physiology, Medicine and Pathology, Surgery and Surgical Anatomy, in Midwifery and Materia Medica, and in such other Collateral Sciences as to the said Corporation shall seem expedient.

Other By-laws.

IV. And be it enacted, That the said Corporation shall have power to make such By-laws as may be necessary for the conduct of its affairs and business, the government and education of its Pupils, and for carrying into effect the provisions of this Act, as to the Members thereof shall from time to time appear expedient, and shall not be in any wise repugnant to law or inconsistent with this Act.

Non-liability of members.

V. And be it enacted, That no individual Member of the said Corporation shall, in his private capacity, be liable for any debts or obligations of the Corporation.

Examination of Pupil of said School in Upper Canada.

VI. And be it enacted, That whenever any Pupil of the said Toronto School of Medicine shall, in his Medical Studies and in all other particulars, have complied with the requirements of the existing Law in Upper Canada, or with the requirements of any future Law regulating the qualifications of Medical Candidates, it shall and may be lawful for him to present himself before the Medical Board of Examiners in Upper Canada for examination; And it shall and may be lawful for the said Board, being satisfied with the competency of the said Candidate (after a public examination), to grant him a Certificate of Qualification or Diploma, or such other Credential as they now can or hereafter may be empowered to grant in such cases.

Diploma.

Pupil may be examined in Lower Canada.

VII. And be it enacted, That when the Lecturers, in the said Toronto Medical School, shall be in accordance with and on the subjects provided by the twelfth section of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate the Members of the Medical Profession in Lower Canada, and to regulate the Study and Practice of Physic and Surgery therein*, then it shall in such case be lawful for any Candidate from the said School to present himself before the Medical Board of Examiners in Lower Canada for Examination; and after undergoing a Public Examination, it shall and may be lawful for the said Board, being satisfied that the Candidate has complied with all the Rules and Regulations required in such case by the said Law, and by the College of Physicians and Surgeons in Lower Canada, to grant such Candidate a Certificate or such other Credential as the said College in Lower Canada now can or hereafter may be empowered to grant.

Diploma.

Quorum.

VIII. And be it enacted, That all the powers of the said Corporation may be validly exercised by a majority of the Members for the time then being, or such number as the By laws shall provide for the transaction of business; and that any Deed or Instrument under the Seal of the Corporation, and signed by any such majority of the Members for the time being, or by such person or persons as shall be appointed by such majority as their Attorney or Attorneys for that purpose, shall be held to be the Deed of the Corporation, and any service of Process or otherwise, made at the place at which the said Medical School shall be kept, and (if in such case personal service be required, but not otherwise) on one of the Members of the Corporation, shall be deemed a valid service upon the said Corporation.

Deeds.

Service of process.

Public Act.

IX. And be it enacted, That this Act shall be a Public Act, and shall be judicially noticed as such by all Judges and Justices of the Peace, and others whom it may concern, without being specially pleaded.

CAP. CLVI.

An Act to reduce the number of the Directors of the Quebec Bank.

[30th August, 1851.]

WHEREAS the President and Directors of the Quebec Bank have, by their petition to the Legislature on behalf of the said Corporation, prayed that the number of Directors of the said Institution may, at and after the next Annual Election, be reduced to seven, and it is expedient to grant their prayer : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That upon, from and after the first Monday in June, one thousand eight hundred and fifty-two, the number of Directors of the said Corporation of the Quebec Bank, shall be Seven instead of Thirteen ; and any four Directors shall be a Board or Quorum, for the transaction of business, and may call a General Meeting of the Stockholders in the like cases and the like manner in which they may now be called by seven Directors, and may exercise all the powers which may now be exercised by the Directors of the said Corporation.

Preamble.

Directors reduced to seven,

Quorum.

Four only need be elected.

Public Act.

II. And be it enacted, That at each Annual Election of Directors of the said Corporation, it shall not be necessary that any of the Directors in office for the preceding year be re-elected, but all of them shall be eligible for re-election.

III. And be it enacted, That this Act shall be a Public Act.

CAP. CLVII.

An Act to amend the Act incorporating the Port Burwell Harbor Company.

[30th August, 1851.]

WHEREAS it is expedient to amend an Act passed in the twelfth year of the Reign of Her Majesty Queen Victoria, intituled, *An Act to incorporate certain persons under the style and title of the President, Directors and Company of Port Burwell Harbor*, and to extend the powers of the said Company to impose and levy Tolls on certain articles of Lumber and Merchandize not mentioned or enumerated in the Schedule in the said Act contained : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the said President, Directors and Company, to impose, demand, receive, take, levy and collect, with the like powers as in the said Act is provided for the recovery of Rates or Tolls on the following articles passing out or from the said Harbor to a foreign port, not exceeding the Rate hereinafter mentioned, and from time to time, to reduce, alter or amend the same, viz. :

Preamble.

12 Vict. c. 160,

Company may take tolls on certain articles.

On every Standard Saw Log, One Half-Penny.

On every Spar or Mast, One Shilling.

On all Squared, Hewn, Sawed or Round Timber, One Penny per hundred feet running measure.

Boards, Planks and Deals, Six Pence per thousand feet Board Measure.

CAP. CLVIII.

An Act to incorporate the Directors of the Berthier Academy.

[30th August, 1851.]

Preamble.

WHEREAS a Petition has been presented to the Legislature of this Province by a certain number of the principal inhabitants of the Village of Berthier in the District of Montreal, praying that in order to the well working of a certain Educational Establishment commenced in the said Village, and for the greater advantage of Education in their locality, certain persons should be incorporated under the name of "The Directors of the Berthier Academy"; And whereas it is expedient to grant the prayer of the said Petition, inasmuch as an Act of Incorporation would in fact be advantageous to the welfare and progress of Education, as well as for the said locality in particular as for the Country in general: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That John McBean, Leopold Desrosiers, Laurent Ubald Turcotte, Louis Joseph Moll, Jean François Gilbert Coutu, Narcisse Gauthier, Eugène Urgel Piché, and Anselme Douaire Bondy, all of the said Village of Berthier, and such other persons as shall under the provisions of this Act succeed them in the offices, duties and obligations which they shall perform and hold under this Act, shall be and they are hereby constituted a Body Politic and Corporate, in deed and in name, by the name of "The Directors of the Berthier Academy;" and shall, by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess, exchange, sell, accept and receive for them and their successors, to and for the uses and purposes of the said Corporation, any lands, tenements and hereditaments situate in this Province, or any constituted rents in money also in this Province not exceeding the value of Six Hundred Pounds currency of net annual revenue or of annual rent; and to sell and alienate the same and acquire others by any title whatsoever for the same purposes; and they shall have full power and authority to make and establish such By-laws, Rules and Regulations as they shall think proper, for the government of the said Academy, which shall not be altered or repealed otherwise than in such manner and by such number of votes as they shall have decided, in making and establishing the same; and on ordinary questions, any majority whatsoever of the Members of the Corporation assembled at a meeting thereof, and assisted by a Secretary who shall be appointed at a Meeting of the Corporation, and who may be chosen from among the Members of the Corporation, or out of the Corporation, shall be entitled to pass Resolutions and give Decisions, adopt plans and measures, and put the same into execution, in order to promote and advance Education, for which purpose they are constituted a Corporation as aforesaid: Provided always, That nothing in the aforesaid By-laws, Rules and Regulations, Decisions, Plans and Measures shall be contrary to this Act, nor to the laws in force in this Province.

Certain persons incorporated.

Name, and powers.

By-laws how made.

Rents &c., appropriated.

Appointment of Attorneys, &c.

II. Provided always and be it enacted, That all the rents, revenues, issues and profits whatsoever of the said Corporation shall be appropriated and exclusively applied to the support of the Academy, the welfare of Education, and to the construction, repairing or renting of buildings necessary for the purposes of the Corporation, and in such manner as the Members of the Corporation shall judge best to attain the said purposes, which shall not be other than those of Education.

III. And be it enacted, That the Members of the said Corporation for the time being, or a majority of them, in such manner as shall be provided by their By-laws, shall have power to appoint such Attorneys or persons as Administrators of the property of the Corporation, and such persons as they shall think proper for the purposes of Education,

Education, and to grant them respectively such salary or remuneration as they shall think proper, and entrust such persons with the duty of teaching, on such charges and conditions and in such form and under such system as they shall deem preferable; and the Members of the Corporation may enter into an Agreement with the School Commissioners of their School Municipality, and the said Commissioners may under this Act also enter into an Agreement with the said Members of the Corporation, so as to unite their efforts and resources in order to place the Elementary Schools in connection or in relation with the Academy, and thus favor Elementary Education.

Corporation may form relation with School Commissioners, &c.

IV. And be it enacted, That the aforesaid Members of the Corporation created under this Act, shall act as such during two years to be computed from the day on which the first Meeting of the Members of the Corporation shall take place, which Meeting may be called at any time after the passing of this Act, by any two of the above named Members, and at such Meeting the Corporation shall choose a President, appoint a Secretary, and may pass By-laws as above mentioned; Provided nevertheless, that any Member may, even after performing his functions as such for two years, form part of the said Corporation so long as he may desire; and the said Corporation shall always be composed of eight Members, and no more; and the Members shall, on retiring from office, which they shall in no case do unless they shall have remained in office two years, or in case they shall have permanently left the Parish, or in case of their decease, be replaced by others to be elected in such manner as shall be provided for by the By-laws of the said Corporation.

Duration of membership.

Election of members in place of those retiring.

V. And be it enacted, That the said Corporation shall, when required by either of the three Branches of the Legislature, present a Return shewing the Amount of Real and other property, held by them under the provisions of this Act, and the income derived therefrom; together with a List of the Directors and Officers of the said Corporation, a Copy of the By-Laws, and a Statement of the course of Study pursued.

Returns, &c., to be made.

VI. And be it enacted, That this Act shall be a Public Act.

Public Act.

C A P . C L I X .

An Act to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance, in Canada West.

[30th August, 1851.]

WHEREAS certain persons have associated themselves in this Province under the names of the "Grand Division and Subordinate Divisions of the Sons of Temperance in Upper-Canada"; And whereas, in addition to the moral objects which that Association has in view, they are associated for the purpose of establishing a Fund for the Mutual Assistance and Benefit of the Members thereof, and of their Families, in case of sickness, disability, or death; And whereas, for the purpose of managing the pecuniary affairs of the said Association, it is desirable that the said Order of Sons of Temperance should be protected by an Act of Incorporation: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Honorable Malcolm Cameron, William Stewart Burnham, John M. Ross, William Rowland, Gavin Russell, Robert Bell, Aaron Pardee, William Harrison Ellerbeck, Christopher Leggo, William Clark, James Paterson Sutton, Thomas Nixon, John Lewis McDonald, and Edward Stacey, Members of the Grand Division of the Order of the Sons of Temperance of Canada West, and their successors, and such and so many other persons and parties as have become or shall become Members thereof, shall be and are hereby constituted a Body Politic and Corporate, by the name of "The Grand Division of the Order of the Sons

Preamble.

Incorporation.

Corporate name and powers.

Sons of Temperance of Canada West," and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law or Equity whatsoever; and shall have uninterrupted succession and a Common Seal, which may by them be changed or varied at their pleasure.

Further powers.
Proviso.

II. And be it enacted, That it shall be lawful for the said Corporation to acquire and hold land, and immoveable or Real and Personal Property: Provided that the Real Estate to be held by the said Grand Division shall at no time exceed in value the sum of Ten Thousand Pounds; and it shall be lawful for the said Corporation to sell, lease or otherwise dispose of, the said Property and Estate, as they may see fit.

Managers.

III. And be it enacted, That it shall and may be lawful for the said Corporation to appoint such Members thereof as they may think proper, in such manner as they may by their By-laws provide, for the purpose of managing the Funds and Property of the said Corporation, and to revoke such appointments and substitute others in their places as they may think expedient, and to demand and accept such security as they may from time to time deem proper, from such parties, or from any other Officers appointed by the said Corporation for the performance of their respective duties, and to make, ordain and put in execution, all such By-laws and Rules as they may think necessary for the purposes aforesaid, not inconsistent with the Laws of this Province.

Security.

By-laws.

Subordinate Divisions may become incorporated.

IV. And be it enacted, That each Subordinate Division of the Order of the Sons of Temperance now instituted, or which may hereafter become instituted within Upper Canada, may, in the manner hereinafter specified, be and become a Body Politic and Corporate by the name, number and place of location by which it is or may be designated in the said Order, and that each Subordinate Division, upon so becoming incorporated, shall have all the powers and privileges conferred upon the Grand Division of the Sons of Temperance by the first section of this Act, for the sole purpose of managing their Real and Personal Estate; Provided that the Real Estate to be held by such Subordinate Division shall in no case exceed the value of Five Thousand Pounds.

Proviso.

Mode in which a Subordinate Division may become incorporated.

V. And be it enacted, That each Subordinate Division which may be desirous of becoming incorporated, shall and may, by a vote of two thirds of its Members present at any Regular Meeting (of the intention to propose which vote two weeks' notice at least shall be given in Regular Meeting of such Subordinate Division by some Member thereof, in writing) decide to become so incorporated; and that upon a copy of the vote of such decision, specifying the name, number and place of location of such Division, and the names of not less than ten of the Members of such Subordinate Division, under the Seal of the said Subordinate Division, and its Recording Scribe and Presiding Officer, together with a Certificate of the Grand Division, under its Corporate Seal, and the Signature of its Presiding Officer and Scribe, that such Subordinate Division is in full standing in the Order,—being filed in the Office of the Register of the County in which such Division is situated,—the Members of such Subordinate Division, whose names may be included in such vote as aforesaid, and their Associates and Successors, Members of such Subordinate Division, shall be and become from the time of filing such Certificate as aforesaid, with such Register, a Body Politic and Corporate as aforesaid, by the style or name, number and place of location of such Subordinate Division.

Provision as to the investing of the Funds of any Subordinate Division, &c.

VI. And be it enacted, That it shall and may be lawful for the Treasurer of each Subordinate Division so incorporated, and he is hereby empowered, from time to time, by and with the consent of such Subordinate Division, to be testified in such manner as may be directed by their By-laws, to lay out and invest all such sum and sums of money as shall from time to time be collected and not required for the immediate exigencies of such Subordinate Division, in real estate or on mortgage, or in Public or other Stock or Funds, or in such other manner as such Subordinate Division may deem best, and from time to time, with the like consent, to alter, sell, and transfer such Securities, Real Estate or Funds respectively, and otherwise to re-invest or dispose of the same; and that the Certificate, Bill of Sale, Deed or other Instrument of Transfer, Sale, or Discharge, of such Estate, or Fund or Security, shall be

made

made under the Seal of such Subordinate Division, and signed by the Treasurer and Presiding Officer of such Subordinate Division ; and that all such Investments shall be made, and Securities taken, and Sales and Transfers made, in the Corporate Name and Capacity of such Subordinate Division.

VII. And be it enacted, That it shall and may be lawful for such Subordinate Division, when so incorporated, to receive from the Treasurer thereof, from time to time, in their Corporate Name, sufficient Security by Bond, with one or more Surety or Sureties or otherwise, as such Subordinate Division may deem expedient, for the faithful performance of his duty as such, and that he will well and truly account for and pay and invest from time to time, all such Sums of Money, Funds or other Property as may come to his Hands or under his Control, belonging to the said Subordinate Division, as directed by the said Subordinate Division.

Security to be given by the Treasurer.

VIII. And be it enacted, That no Member of any Subordinate Division so incorporated, shall have any power to assign or transfer to any person or persons whomsoever, any interest which he may have to or in the Funds or Property of such Subordinate Division, but the same shall at all times be and remain under the control of such Subordinate Division ; and that no Property or Stock of any kind belonging to such Incorporated Subordinate Division shall be subject to the payment of the private debts of any of its Members, nor to be liable to be taken in execution by any judgment creditor against any individual Members of such Subordinate Division.

Shares in property not transferable, &c.

IX. And be it enacted, That the property of each of the Subordinate Divisions, when incorporated, shall alone be held responsible for the Debts and Engagements of the Subordinate Division owning such property.

Liability of Subordinate Divisions.

X. And be it enacted, That upon the dissolution of any Subordinate Division so incorporated, the property held by it at the time of such dissolution, after the payment of the debts and engagements of such Subordinate Division, shall be disposed of, sold, or conveyed in such manner as the Members, present at any Regular Meeting when such dissolution shall have been determined upon, by a two-third vote, may direct ; and in case no disposition of the funds and property of such Subordinate Division shall be made, then all such funds and property such Subordinate Division may be possessed of at the time of such dissolution, shall be *ipso facto* vested in the Grand Division aforesaid, to be by such Grand Division applied, first to the debts or liabilities of such dissolved Subordinate Division, and the balance, if any, in such manner as the said Grand Division may deem best for the general interests of the Order in Upper Canada.

Disposal of property on the dissolution of any Subordinate Division.

XI. And be it enacted, That if at any time hereafter, any one or more of the Subordinate Divisions shall become so far involved as to be unable to meet its engagements, then and in such case it shall and may be lawful for the said Grand Division to enter into and upon, and take possession of the said property, both real and personal, of which the said Subordinate Division, so becoming bankrupt, shall be possessed, and the same and all debts owing to the said Subordinate Division, and all liens and securities therefor, and all the said rights of action of the said Corporation for any goods or estate, real or personal, shall thenceforth and thereafter be and become vested in the Members, Trustees or Officers appointed for the purpose of managing the real and personal estates and effects of the said Grand Division, and their successors and assigns ; and upon so entering and taking possession of the said estates and effects of the said Subordinate Division, the said Grand Division, so far as the said property shall extend, shall be and become liable for, and subject to, all debts and liabilities contracted by such Subordinate Division in its Corporate capacity, and shall and may thenceforth substitute the names or name of such Trustees or Officers as aforesaid, for the time being, and of their successors, in all actions then pending, and in their own names or name bring and prosecute all such actions or action, suits or suit as the said Subordinate Division might otherwise have done, and may give such releases and such discharges as might have been given by the said Subordinate Division, and may sell and convey all such property, both real and personal, as the

Provision in case any S. Division shall become insolvent, Grand Division to take possession of its property, &c.

said Subordinate Division was possessed of, or was entitled to, at the time of such bankruptcy, and may give all such Deeds as may be necessary for the proper conveyance of the same.

Returns to be made to the Legislature.

XII. And be it enacted, That the said Grand Division hereby incorporated shall, when required by either of the three Branches of the Legislature, present a Return shewing the amount of the Real or other property held by the said Grand Division, and by each of the Subordinate Divisions incorporated under the provisions of this Act, together with lists of the names of the Managers, Officers and Members of such Grand Division, and Subordinate Divisions respectively.

Duration of Act.

XIII. And be it enacted, That this Act shall continue in force for the period of ten years from the time of the passing thereof.

Public Act.

XIV. And be it enacted, That this Act shall be a Public Act.

C A P. C L X.

An Act to incorporate the "Temperance Reformation Society of the City of Toronto."

[30th August, 1851.]

Preamble.

WHEREAS a Society formed in the City of Toronto, in the Province of Canada, by divers persons resident in that City and neighbourhood thereof, under the name of "The Temperance Reformation Society of the City of Toronto," having for its object the suppression, by precept, example, and unity of effort, of the dangerous and injurious practice of drinking intoxicating liquors, having expended a considerable sum of money in the erection of a Building for the use and purposes of said Society, and for the accommodation of Public Meetings convened for moral and useful purposes; And whereas it would tend greatly to advance and extend the usefulness of the said Society, and would secure to the Members thereof the full and free use and enjoyment of all the property moveable or immoveable, belonging to or which shall hereafter belong to the same, that the said Temperance Reformation Society of the City of Toronto, should be incorporated: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That John Roaf, the elder, James Richardson, James Harris, Adam Lillie, Robert Burns, Doctor of Divinity, Clerks, Peter Freeland, James Scott Howard, Alexander Christie, Andrew Taylor McCord, John McNab, Robert Henry Brett, Robert Whitman, Joseph Powell, James Withrow, Isaac White, Thomas Winslow Anderson, Alexander McGlashan, Jonn Whitman, Ezekiel Francis Whittemore, John M. Ross, John McBean, Thomas Flemming, Samuel Alcorn, Thomas Elliott, and all such other persons as are now or may hereafter become associated for the purposes hereinbefore mentioned, and their successors for ever, shall be and are hereby constituted and declared to be a Body Politic and Corporate, by the name and style of "The Temperance Reformation Society of the City of Toronto," and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts of Law and places whatever within this Province; and may have a Common Seal, with power to change, alter, break, and renew the same at pleasure; and that they and their successors, by the said name, shall be capable in law to purchase, take, receive and hold any estate, real or personal, either by devise, deed of gift, or otherwise, to the use of them and their successors, and to lease, sell and convey, or otherwise dispose of the same, as to them shall appear most advantageous for promoting the purposes of their Society: **Provided**

Certain persons incorporated.

Corporate name and powers.

Suing and being sued.

Seal, Property.

Provided always, that the annual value of such real or personal estate shall not exceed the sum of One Thousand Pounds, current money of this Province.

II. And be it enacted, That the said Corporation shall consist of an indefinite number of Ordinary and Associate Members; the Ordinary Members being those, without distinction of sex, religious creed, political party, or condition of life, who shall sign and faithfully adhere to a pledge or promise to abstain entirely from using as a beverage or article of diet, any intoxicating liquor, and from manufacturing any such liquors, or selling them, or in any way whatsoever countenancing their use, except for Medical, Mechanical, or Scientific purposes: Provided always, that such pledge or promise aforesaid shall not be held to exclude the use of Wine in a religious Ordinance; the Associate Members being those who, being of the age of twenty-one years or more, do sign and faithfully adhere to the pledge or promise aforesaid, and contribute to the funds of the Corporation such annual sum or sums as may from time to time be enacted by the By-laws, Rules and Regulations of the said Corporation.

III. And be it enacted, That for the management of the affairs of the said Corporation, there shall be elected by the Associate Members, from their own number only, and by a majority of the votes of such Members as shall be present at the Special or Annual Meetings hereafter provided for, the following Officers, namely: a President, two Vice-Presidents, a Treasurer and two Secretaries, as also twelve other Members, who, with the Officers hereinbefore named, and such other Officers as the said Corporation or the Members thereof may think fit from time to time to appoint, shall constitute and form the General Board of Directors of the said Corporation, any five of whom shall be a competent quorum to proceed to business.

IV. And be it enacted, That when any Officer or Director of said Corporation shall die, or resign, become disqualified or incompetent, or neglect or refuse to act, it shall be lawful for the remaining Officers and Directors, to elect some other Associate Member duly qualified, in their stead, who shall hold their offices until the next Annual Election, and until others shall be chosen in their places.

V. And be it enacted, That until the first Election of Officers shall take place, as hereinafter provided, the present Officers and Members of Committees shall constitute and form the Officers and Directors of the Corporation hereby created, until the first Monday of the month of January now next ensuing.

VI. And be it enacted, That the Annual Meeting of the Associate Members of said Corporation shall be convened at the place at which the usual Meetings of the said Corporation are held, on the first Monday of the month of January in each and every year, which shall be notified by the Board of Directors for the time being, in one or more of the public newspapers published in the said City of Toronto, at least ten days before such Meeting shall be holden; and the Associate Members of the said Corporation who shall then meet, if not less than twenty in number, shall proceed to elect Officers and Directors as aforesaid for the year then next ensuing, and transact such other business as they shall agree to take into consideration; the said election shall be held by three Inspectors, to be appointed for that purpose by the Officers and Directors for the time being, and which Inspectors shall be the judges of such election, and certify the persons elected to the respective offices aforesaid: Provided always, that the Officers and Directors then elected, shall not enter upon nor act in the discharge of their respective offices until the expiration of eight days next ensuing after such election; and if from any cause whatever the said Annual Meeting shall not be held at the time appointed, the Officers and Directors for the time being shall order and appoint such election to be held as soon thereafter as to them shall appear proper, giving the like notice thereof as is herein required in the case of a Regular Annual Election.

VII. And be it enacted, That the said Corporation shall have power, from time to time, to make and establish, repeal, alter or amend such By-laws, Rules and Regulations, not being contrary to this Act or to law, as they shall judge proper, for the Election of their Officers,—for prescribing their respective functions and the mode

Who shall be Members of Corporation.
Ordinary Members.

Associate Members.

Officers of Corporation.

Quorum.

Mode of filling casual vacancies in the Offices or Board of Directors.

Present Officers of Society to remain in Office for a certain time.

Annual meetings for election of Officers and Directors.

Quorum.

Proviso: when the persons elected shall enter upon their Offices.

Provision for failure of any election.

Corporation may make By-laws, Rules and Regulations.

of discharging the same,—for the admission of Members,—for the government of the Officers and Members thereof,—for imposing and collecting admission fees, fines and contributions from the Members,—for regulating the times and places of Meeting,—for suspending or expelling such Members as shall refuse or neglect to comply with the said By-laws or Regulations, and generally for the management and direction of the affairs and concerns of the said Corporation: Provided always, that no such By-law, Rule or Regulation, or any repeal, alteration, or amendment thereof, shall have any effect, unless the same shall have been announced and read at a Meeting of the Board of Directors, at least fourteen days previous to its being submitted to the said Corporation for the adoption thereof, at a meeting at which at least fifteen Members shall be present, nor unless the same shall be adopted at such last mentioned meeting by at least three fourths of the Members then present.

Proviso ; conditions required before they shall have effect.

Corporation may be required to give statement of its receipts and expenditure, and shall give an account of property.

VIII. And be it enacted, That it shall and may be lawful for the Governor or Person administering the Government of the Province for the time being, or for any or either branch of the Provincial Parliament, from time to time to require from the said Corporation or from the General Committee thereof, true Statements under oath, (which oath any Justice of the Peace is hereby authorized to administer), of the receipts and expenditure of the said Corporation; and it shall be incumbent on the said Corporation to submit annually, to each of the three branches of the Legislature, during the first fifteen days of each Session thereof, a Statement of the real and personal estate held and enjoyed by the said Corporation.

Property, &c., of the existing Society transferred to Corporation.

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

Members not individually liable.

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

Reservation of rights of Her Majesty, &c.

XI. And be it enacted, That nothing in the present Act contained shall affect or be construed to affect, in any manner or way whatever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned.

Declared a Public Act.

XII. And be it enacted, That this Act shall be a Public Act, and shall be judicially noticed accordingly by all Judges, Justices of the Peace, and Officers of Justice, and by all other persons whomsoever, without being specially pleaded; and no misnomer of the said Corporation, in any Deed, Grant, Gift, Devise, Bequest, or any other Instrument, Contract or Conveyance, shall defeat or vitiate the same, if the Corporation be sufficiently described to show or ascertain the intention of the parties.

CAP. CLXI.

An Act to incorporate "The Quebec Music Hall Association."

[30th August, 1851.]

Preamble

WHEREAS Archibald Campbell, Esquire, the Honorable Louis Panet, and William Rhodes, Edward Gingras, François Réal Angers, Charles Alleyn, Simon Peters, Charles Baillargé, Edward Burroughs, Esquires, and others, by their humble Petition have represented that they have become subscribers to, and have associated themselves for the purpose of building and maintaining in the City of Quebec a public building for the purpose of encouraging the fine Arts, and such like purposes, to be called "The Quebec Music Hall;" and they, the said subscribers, are apprehensive that the said objects cannot at all, or but imperfectly be obtained, unless they are incorporated and subjected to such rules as the nature of the undertaking may require, and therefore have prayed that, for promoting the object of such association, they, the said

said subscribers and their assigns may be incorporated: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said several persons hereinabove named, suscribers to the said undertaking, their several and respective successors, heirs, executors, curators, administrators and assigns, shall be and are hereby ordained, constituted and declared to be one Body Corporate and Politic, by the name of "The Quebec Music Hall Association," and by that name, they and their successors shall and may have for ever hereafter perpetual succession, and shall and may by the same name be capable in law to sue, be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever, and of what nature and kind soever, 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 name of "The Quebec Music Hall Association," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said Corporation: Provided such real and personal estate, at any one time held by the said "Quebec Music Hall Association," shall not exceed the value of Eight Thousand Pounds currency.

Certain persons in-
corporated

Corporate name and
powers.

Proviso.

II. And be it enacted, That the sum of Eight Thousand Pounds currency, or such part thereof as shall be raised by the several persons herein before named, and such other person or persons as shall or may at any time become subscriber or subscribers to the said "Quebec Music Hall Association," shall be divided and distinguished into one thousand and six hundred equal parts or shares, at a price not exceeding Five Pounds currency per share, and that they shall be deemed personal estate, and shall be transferable as such; and that the said one thousand six hundred shares be and are hereby vested in the said several subscribers, and their several respective heirs, executors, curators, administrators and assigns, to their, and every of their several respective proper use and behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto; and all and every persons and their several and respective successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of Five Pounds currency or more, towards carrying on and completing the said "Quebec Music Hall," shall be Members of the said Association, and as such entitled to and receive, after the said building is completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every person or persons having such property of one or more shares in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking, in the manner by this Act directed and appointed.

Number of shares.

To be personal pro-
perty.

Shareholders to have
proportionate shares
of profits.

III. And be it enacted, That upon every or any subject, proposition or question which shall arise, be discussed or be put, relating to the affairs of the said Corporation, each Member holding five shares or under, shall have one voice or vote for and in respect of each share which he shall hold or possess in the said undertaking; each Member holding not less than six shares, nor more than eight shares, shall have six votes; each Member holding not less than nine shares, nor more than twelve, shall have eight votes; each Member holding not less than thirteen shares, nor more than nineteen, shall have ten votes, and each Member holding twenty shares or upwards, shall have twelve votes, which vote or votes may be given by any such Member or Members as aforesaid, either in person or by his, her, or their proxy or proxies, appointed by writing or writings, under his, her or their hand or hands, and such vote by such proxy, shall be as effectual to all intents and purposes, as if the principal or principals had voted in person; and whatsoever question, election of Officers or other matter or thing shall be proposed, discussed

Scale of votes.

Proxies.

Majority to decide.

- discussed or considered in any public meeting, to be held in pursuance of this Act, the same shall be finally determined by the majority of votes and proxies then present, and the Chairman at every such Meeting, in case of a division of equal numbers, shall have the casting vote, although he shall have voted before: Provided always, that no person shall vote as proxy, unless he be a proprietor, and that a part or parts of a share or shares shall not entitle any person to vote in person or by proxy.
- Casting vote.**
- Proviso.**
- Corporation may borrow \$4000 ;**
- and give hypothecs, &c.**
- Liability of Shareholders.**
- Subscription books.**
- Meetings of Stockholders.**
- Committee of Management.**
- Treasurer and Secretary.**
- Powers of Committee.**
- Accounts.**
- Dividends.**
- IV. And be it enacted, That the said Corporation may from time to time lawfully borrow, either in this Province or elsewhere, such sum or sums of money, not exceeding at any one time the sum of Four Thousand Pounds currency, as they may find expedient, and at such rate of interest, not exceeding six per cent. per annum, as they may think proper; and may give their Bonds, Obligations or other Securities for the sums so borrowed, and may hypothecate or pledge the lands, revenues and other property of the said Corporation for the due payment of the said sums, and the interest thereon.
- V. And be it enacted, That no Shareholder or Subscriber in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation, beyond the extent of his, her or their share in the Capital of the said Corporation not paid up.
- VI. And be it enacted, That this Act shall come into full force and effect immediately after the passing of the same, and that it shall be competent for the Subscribers above named, or three of them, to open a Book or Books of Subscription, and as soon as one hundred shares shall have been subscribed in such Books, to call a Public General Meeting of such Subscribers, at the time and at the place they shall deem fit, in the City of Quebec, by public notice, to be published at least eight days before such Meeting, in some newspapers in the City of Quebec, twice in an English newspaper, and twice in a French newspaper: and a like General Meeting, to be called by the Secretary of the said Corporation, after due notice as aforesaid, shall be held on the first Monday of May in every year afterwards, at the hour of one o'clock in the afternoon, or on any subsequent days following, which shall be duly indicated in such notice.
- VII. And be it enacted, That at the first General Meeting of the said proprietors hereinbefore directed to be held, the proprietors then assembled together, with such proxies as shall then be produced, or the major part of such proprietors or proxies, shall choose seven persons, for the time being proprietors of at least ten shares in such undertaking, of whom four shall form a quorum, which persons so chosen shall be a Committee to manage, direct and carry on the affairs and business of the said "Quebec Music Hall Association," for one year then next following, or until another Committee shall be appointed, and particularly such matters and things as are by this Act directed to be done by such Committee, and as shall, from time to time, be ordered by such General or Special Meetings as aforesaid; and at the said first Meeting, and at the General Meeting, to be annually held as aforesaid, the said proprietors and proxies, or the major part of them, shall, in like manner, choose and appoint a Treasurer and Secretary, who shall attend the several Meetings of the said Proprietors and Meetings of the said Committee, and make entries of the proceedings in proper Books to be kept by him for that purpose, and do whatsoever shall be ordered at such Meetings respectively for the purposes of this Act.
- VIII. And be it enacted, That the said Committee, for the time being, shall have and be invested with full power and authority to manage, order, oversee and transact all and singular the affairs and business of the said "Quebec Music Hall Association," and all matters and things whatsoever relating to or concerning the same: And the said Committee for the time being shall, on the first Monday of May in every year, at the Meeting of the Members of the said "Quebec Music Hall Association," produce and give a full, just and true account in writing of all their transactions, receipts and payments respectively, so that the true state of the said "Quebec Music Hall Association" and its affairs may manifestly appear; and shall also make and declare a dividend of the clear profit and income, all contingent costs and charges being first deducted, among all the proprietors aforesaid.

IX. And be it enacted, That the said Committee of Proprietors shall be afterwards chosen at the General Meetings of Proprietors to be holden annually as aforesaid; and shall meet as often and at such place in the City of Quebec to be by them appointed, as occasion may require: Provided always, that no Member of the Committee shall have more than one vote in the said Committee, except the Chairman, who shall be chosen by themselves, who, in case of division of equal numbers, shall have a casting vote, although he may have given one vote before: Provided also, that such Committee shall, from time to time, make reports of their proceedings to, and be subject to the examination and control of, the said General Meetings of the said Proprietors, and shall pay due obedience to all such orders and directions in and about the premises, as shall from time to time be made by the said Proprietors at any General Meeting, such orders and directions not being contrary to the express directions or provisions of this Act, or to the Laws of this Province.

Meetings of Committee.

Proviso.

Proviso.

X. And be it enacted, That Subscribers of Shares in the said undertaking shall be bound and obliged to pay the amount of the shares they have already or may hereafter subscribe for, upon calls to that effect being made by the Committee of Management to be appointed under the provisions of this Act, which calls shall be made by an advertisement to be three times inserted in a newspaper published in the City of Quebec in the English language, and three times in a newspaper likewise published in the said City of Quebec in the French language, which advertisement shall specify the time and place and the person to whom such calls respectively shall be paid; Provided that no call shall be made payable until fifteen days after the date upon which the first advertisement shall have been made and published; and provided further, that no call to be so made, shall at any time exceed twenty-five per cent. of the amount subscribed or twenty-five shillings currency, per each share, and that an interval of three months shall elapse between each such call to be so made as aforesaid; and provided also, that in default of payment of the amount of any call to be made under the provisions of this Act, defaulting shareholders and subscribers of stock in the said undertaking, shall forfeit and pay a sum of Five Shillings per share upon every such default, which forfeitures shall form part of the common fund of the undertaking, and such defaulters further shall be bound and obliged to pay legal interest upon the amount due from the day upon which such amount so became due.

Committee may call in instalments.

Notice thereof.

Proviso.

Proviso.

XI. And be it enacted, That any subscriber of shares, or stockholder in the said undertaking, shall be held and bound, and they are hereby required to pay the sums of money subscribed for by them, as the same shall be called in under the provisions of the next preceding section; and in case any person or persons neglect or refuse to pay the same at the time and in the manner provided for by the said next preceding section, it shall and may be lawful for the said Corporation to sue for and recover the same, together with the forfeiture incurred by such default, neglect or refusal, and interest upon the amount due, and costs, in any Court of Law having competent jurisdiction.

Subscribers to pay instalments when called for.

XII. And be it enacted, That the said Committee or quorum of such Committee as aforesaid, being assembled at such places and times as shall be so fixed as aforesaid, shall have full power and authority to make, ordain and constitute such and so many By-laws, Rules and Orders, not repugnant to the Statutes, Customs or Laws of the Province, or the express regulations of this Act, as by the said Committee or such quorum as aforesaid, shall be judged expedient and necessary, as well for the direction, conduct and government of the said Corporation, as of the property, real and personal, moveable and immoveable by them held, and the same to revoke, alter and amend, as in their opinion will most effectually promote the purposes of this Act; and for enforcing the execution of the By-laws, Rules and Orders, the said Committee or such quorum thereof as aforesaid, are hereby further empowered to impose and lay any fine, not to exceed Five Pounds currency, for the breach of any By-laws or Orders, upon any person or persons, being Members of the said Corporation, who shall be guilty of any breach of any such By-laws, Rules and Orders as, by the said Committee or the majority of them

Committee to make By-laws;

May impose penalties

or

Proviso.

or of the quorum thereof, shall be judged fit and reasonable: Provided always, nevertheless, that no such By-laws, Rules or Orders, shall have any force or effect, until the same shall have been sanctioned and confirmed by some General Meeting of the said proprietors, held in the manner therein directed, and shall thereafter have been published in one English and one French Newspaper published in the said City of Quebec.

Shares may be assigned.

XIII. And be it enacted, That it shall and may be lawful for each and every of the Members, for the time being, of the said Corporation, his and her executors, administrators and assigns, to give, sell, alien, assign, devise or dispose of his, her or their respective share or shares and interest, to any person or persons, being subjects of Her Majesty; and the said person or persons and their respective assigns shall be Members of the said Corporation, and shall be entitled to all and every the same rights and privileges, and to the profits and advantages therefrom arising, and in the said Corporation, as the Members in this Act named are entitled to by virtue of this Act; Provided always, that a part of a share or shares shall not entitle the proprietor or owner thereof to any privilege whatsoever.

Proviso.

Transfers to be in duplicate, &c.

XIV. And be it enacted, That any purchaser or purchasers, shall for his, her or their security, as well as that of the said Corporation, have a duplicate or duplicates of the Deed or Act of Transfer made unto him, her or them, and executed by both parties, one whereof so executed shall be delivered to the said Committee or to the Secretary for the time being, to be filed and kept of record for the use of the said Corporation, and upon the filing thereof an entry thereof shall be forthwith made in the Book or Books to be kept by the Secretary for that purpose, for which no more than Two Shillings and Six Pence currency shall be paid; and until such duplicate of such Deed or Act of Transfer shall be so delivered unto the said Committee or Secretary of the said Corporation, and filed and entered as above directed, such purchaser or purchasers shall not be held to be a proprietor or proprietors of such share or shares, and shall have no part of the profit of the said undertaking, paid unto him, her or them, nor any vote as Members of the said Corporation.

Statements to Legislature.

XV. And be it enacted, That the said Corporation shall, when required so to do by either of the three Branches of the Legislature, make a full and particular Return of the real estate and other property held by the said Corporation, the amount of debt incurred by them, and the rate and amount of the last dividend, together with a list of the Shareholders in the said Corporation, and the names of the Committee of Management.

Public Act.

XVI. And be it enacted, That this Act shall be a Public Act.

C A P . C L X I I .

An Act to incorporate "The Western Assurance Company.

[30th August, 1851.]

Preamble.

WHEREAS Thomas Haworth, E. Bradburne, William Wakefield, James Browne, Thomas Baines, John O. Heward, Hugh Scobie, Duncan Macdonell, Alexander Wilson, Marcus Rossin and Brothers, J. W. Skelton, George B. Spencer, Nash Cayley and Company, John Cameron, Rice Lewis and George A. Phillpotts, have petitioned the Legislature that an Association, under the style and title of "The Western Assurance Company," may be incorporated, to enable parties owners of or interested in property to insure the same against loss by Fire, and also to carry on the business of Marine and Inland Navigation Assurance, and Life Assurance generally; And whereas it hath been considered that the establishment of such an association would be greatly beneficial to the interests of this Province, and tend to the retaining therein a large portion of the moneys annually sent away as premiums for such assurances: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled,

An

An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That all such persons as now are, or hereafter shall become, Stockholders of the said Association, shall be, and are hereby 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 Western Assurance Company," and by that name, 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 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 pleasure, and also that they and their successors, by and under the name, style and title of "The Western Assurance Company," shall be capable in law of purchasing, holding or conveying any Estate, Real or Personal, for the use of the said Corporation, subject to the Rules and Conditions hereinafter mentioned.

Company incorporat-
ed.Corporate name and
powers.

II. And be it enacted, That a Share in the Stock of the said Company shall be Ten Pounds, and the number of Shares shall not exceed Ten Thousand, and that Books of Subscription shall be opened in the principal Cities and Towns of the Province, at the same time, of which Public Notice shall be given, by such person or persons, and under such Regulations, as the majority of the Directors hereinafter appointed shall direct: Provided always, that it shall and may be lawful for the said Corporation to increase its Capital Stock to a sum not exceeding Two Hundred and Fifty Thousand Pounds, as a majority of the Stockholders, at a Meeting to be expressly convened for that purpose, shall agree upon.

Capital Stock, &c.

Proviso:
Stock may be in-
creased.

III. And be it enacted, That it shall be lawful for any person or persons, or body politic, to subscribe for such and so many Shares as he, she or they may think fit, not however exceeding, during the first month the Subscription Books are opened, One Hundred Shares; and One Pound per cent. shall be paid at the time of subscription, and Four Pounds per cent. shall be ready as a deposit, to be called for by the Directors as soon as they may deem expedient, and the remainder shall be payable in such instalments as a majority of the Directors may determine upon: Provided always, that no instalment shall exceed ten per cent. upon the Capital Stock in any period of four months, nor be called for nor become payable in less than sixty days after Public Notice shall have been given in one Newspaper published in the City of Toronto, and the *Canada Gazette*, and by circular addressed to each Stockholder at his, her or their last known residence: 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 so to do, such Stockholder or Stockholders as aforesaid, shall forfeit such Share or Shares as aforesaid, together with the amount previously paid thereon, and such forfeited Share or Shares may be sold at a Public Sale by the said Directors, after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always, that in case the money produced by any sale of Shares, be more than sufficient to pay all arrears and interest, together with the expense of such sale, the surplus of such money shall be paid on demand to the owner, and no more Shares shall be sold than shall be deemed necessary to pay such arrears, interest and expenses.

Subscriptions: amount
to be paid down.Proviso as to instal-
ments.Forfeiture for non-
payment.

Proviso.

IV. And be it enacted, That if payment of such Arrears of Calls, interest and expenses be made before any Share so forfeited and vested in the Company shall have been sold, such Share shall revert to the party to whom the same belonged before such forfeiture, as if such Calls had been duly paid; and that in all actions or suits for the recovery of such Arrears or Calls, it shall be sufficient for the said Company to declare in an action of debt in manner following:

Forfeiture taken off
in certain cases.Form of action for
instalments given.

" For that whereas the defendant heretofore, to wit, on the _____ day of _____
" 18 _____, was indebted to *The Western Assurance Company*, in the
" sum of _____, for divers calls and dues upon certain Stock and Shares of
" the said Company, held by the defendant before then due and unpaid upon the said
" Stock

The Form.

“ Stock and Shares, and being so indebted then became liable to pay the said amount
 “ to the said plaintiffs, whereby an action hath accrued to the said plaintiffs, to ask and
 “ demand the same from the defendant ; yet the defendant, although often requested,
 “ hath not paid the same or any part thereof, to the plaintiff’s damage of
 “ pounds. Wherefore they bring suit, &c.”

Proof

And on the trial, it shall only be necessary to prove that the defendant was owner of some shares in the Company, that such calls were in fact made, and that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of Directors who made such calls, nor any other matter whatsoever.

Provision if all stock
 be not taken up
 within a certain
 time.

Proviso.

V. Provided also, and be it enacted, that if the whole number of shares shall not be subscribed for, within one month after the said Books of Subscription shall be opened, then it shall be lawful for any former subscriber or subscribers to increase his, her or their subscription : And provided, further, that if the total amount of subscriptions, within the period aforesaid, shall exceed the Capital Stock, limited by this Act to One Hundred Thousand Pounds, 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 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 Corporation shall have commenced its operation.

Proviso.

Of what the business
 of the Company shall
 consist.

VI. And be it enacted, That the Corporation hereby erected shall have power and authority to make and effect contracts of assurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores, or other buildings whatsoever, and on any shipping or vessels whatsoever, wheresoever or whithersoever proceeding, against loss or damage by fire, water, or any other risk whatever, and in like manner on any goods, chattels, or personal estate whatsoever, whether on shore or afloat ; and to make and effect assurances on life or lives, or in any manner dependent on life or lives, and to grant annuities, to receive money for investment, and to purchase reversionary interests, under such modifications and restrictions as may be bargained or agreed upon or set forth, and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all other necessary matters and things connected with and proper to promote those objects.

Power to acquire and
 hold property.

Proviso.

VII. And be it enacted, That the said Corporation shall be in law capable of acquiring by purchase, lease, mortgage or otherwise, and of holding absolutely or conditionally, any lands, tenements, real or personal estate, and the same may sell, let, release, transfer and dispose of as to them shall seem expedient : Provided always, that nothing herein contained shall be considered as permission to hold any real estate beyond what may be necessary for the said Corporation to hold for its own 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 provided also, that it shall not be lawful for the said Corporation to deal, use, or employ any part of the stock funds or moneys thereof, in buying or selling any goods, wares or merchandize, or in any banking operations whatsoever ; but it shall, nevertheless, be lawful for the said Corporation to purchase and hold, for the purpose of investing therein any part of the said funds or money, any of the public securities of this Province, the Stocks of any of the Banks or other Chartered Companies, and the Bonds and Debentures of any of the Incorporated Cities, or Towns, or Municipal Districts, and also to sell and transfer the same, and again to renew such investment when and as often as a due regard to the interests of the said Company shall require, and also to make Loans of the Funds on Bond and Mortgage, at any legal rate or interest, and with

Proviso.

What stock and se-
 curities the Company
 may hold.

power

power to receive the same in advance, and the same investments to call in and re-loan as occasion may require.

VIII. And be it enacted, That the property, affairs and concerns of the said Company shall be managed and conducted by a Board of nine Directors, one of whom shall be chosen President, and one Vice-President, which Board, in the first instance, and until others shall be chosen and appointed as hereafter provided, shall consist of Martin Peter Hayes, George Herrick, Richard Kneeshaw, James Browne, Thomas Baines, Hugh Scobie, Thomas Haworth, Alexander Maglashan, and John Beverley Robinson, Junior, all of the City of Toronto, and which said Directors shall hold their offices until the election hereinafter provided for, shall take place.

Board of Directors.

IX. And be it enacted, That it shall and may be lawful as soon as two thousand out of the aforesaid ten thousand shares shall have been taken up, or Twenty Thousand Pounds out of the aforesaid Capital Stock of One Hundred Thousand Pounds, shall have been subscribed, for the Shareholders or Subscribers to proceed to the election by ballot, of nine Directors, at such time and place as the present Board shall appoint, giving fifteen days' notice thereof in the *Canada Gazette*, and in one newspaper at least, in the cities of Toronto, Hamilton, Kingston, Montreal and Quebec, which Directors shall be subjects of Her Majesty, and Stockholders at the time of their election, and during their continuance in office, to the amount of twenty shares, and shall have power to choose from among themselves a President and Vice-President; and the said Directors shall thereupon at their first meeting thereafter divide themselves by lot into three classes, of three each, who shall go out of office in rotation as hereafter provided for.

Election of Directors.

X. And be it enacted, 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 name, at least one month 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 all votes given at any meeting may be either personally or by proxy, the holders of such proxies being Stockholders authorized by writing, under the hands of the Stockholders nominating such proxy, and every proposition at any such meeting shall be determined by a majority of the votes of the parties present, including proxies: Provided always, that the authority to any such proxy shall bear date within one year of the time of meeting at which it is produced; and provided also, that no person, or co-partnership or body politic, shall be entitled to more than forty votes at any such meeting on any one proposition.

Votes.

Proxies.

Proviso.

XI. And be it enacted, That if any Director of the said Corporation shall die, resign or become disqualified, or incompetent to act as a Director, or shall cease to be a Director through any other cause than that of going out of office by rotation as aforesaid, the remaining Directors, if they think proper so to do, may elect in his place any Stockholder duly qualified to be a Director, and the Stockholder so elected to fill up any such vacancy shall continue in office until the first yearly meeting after such vacancy, and the Stockholders then present, shall elect a new Director, who shall hold office for the same period as the Director would have done, whose death, resignation or disqualification caused the vacancy.

Case of death of Director, &c.

XII. And be it enacted, That a General Meeting of the Shareholders of the said Company, shall be held in the city of Toronto on such day in each and every year, as a majority of the said Directors shall appoint, after giving thirty days' notice thereof; and at such meeting the three Directors whose names stand first on the list of Directors, shall be held to vacate their seats, and the Stockholders present at such meeting, either in person or by proxy, shall proceed to elect by ballot three Directors to serve as Directors for the ensuing year, who shall, upon election, be placed at the bottom of the Roll of Directors: Provided always, that nothing herein contained shall be held to render the retiring Director ineligible for re-election.

Annual meetings.

Proviso.

XIII. And be it enacted, That at the Annual General Meeting of the Company, and before the Shareholders then assembled, the Board of Directors shall exhibit a full and unreserved

Statements to be produced at annual meetings.

unreserved Statement of the affairs of the Company, of the Funds, Property and Securities, showing the amount in real estate, in Bonds and Mortgages and other Securities, or in Public Debt or other Stock, and the amount of Debt due to and from the said Company.

Case of failure to elect provided for.

XIV. And be it enacted, That if it shall happen at any time or for any cause, that an election of Directors shall not be made on any day when, pursuant to this Act or the Ordinances of the Company, it ought to have been made, the said Corporation shall not for that cause be dissolved ; but it shall 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 Company ; and the Directors in office shall so continue until a new election shall be made.

By-laws how to be made.

XV. And be it enacted, That any number of 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 Company, the Rates and Amount of Assurance and issuing of Policies, the management and disposition of its Stock, Property, Estate and Effects, and also to call in any instalment or instalments at such times and seasons as they shall think fit, giving due notice thereof as hereinafter provided ; and also to declare and cause to be paid or distributed to the respective Stockholders of the Company, any dividend or dividends of profit, at such times and seasons as they shall deem expedient ; and also to appoint a Managing Director, Secretary and Treasurer, or any of them, with such salary or allowances to each, as well as to other Officers or Agents of the Company as may be thought reasonable, and to take security for the due performance of their respective duties as they shall think advisable ; Provided always, that for the purposes in this section mentioned, except as hereinafter specially provided, a majority of the Directors shall be present and assisting, and it shall not be competent for a Board consisting of a less number of Directors than were present at the time, to alter, repeal or amend any matter or thing so done.

Provide.

Directors may declare Bonuses, &c.

XVI. And be it enacted, That it shall be lawful for a majority of the said Directors, if they shall deem it for the interest of the said Company, to return to the holders of Policies or other Instruments, such part or parts of the actual realized profits of the Company, in such parts, shares and proportions, and at such times and in such manner as the said Directors may deem advisable, and to enter into obligations so to do, either by Endorsements on the Policies or otherwise : Provided always, that such holders of Policies or other Instruments shall not be held to be in any wise answerable for the Debts or Losses of the said Company, beyond the Amount of the Premium or Premiums which may have been actually paid up by him, her or them.

Provide.

Weekly meetings of Directors.

XVII. And be it enacted, That there shall be a Weekly Meeting of the Board of Directors of the said Company, and any three or more of the said Directors shall be a Quorum for the purpose of transacting and managing the details of business and affairs of the said Company, and at all Meetings of the Board of Directors, all questions before them shall be decided by a majority of voices or votes, and in case of an equality of votes, the President, Vice-President, 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 making, altering or repealing any By-laws or Ordinances of the said Company, or calling in any Instalments on Stock, or declaring dividends of profits, or the appointment of Managing Director, Secretary or Treasurer, or the appointments of Salaries to or Securities from Officers or Agents of the said Company, by any less number of Directors, or in any other manner than is heretofore mentioned and provided.

Director.

Compensation of Directors.

XVIII. And be it enacted, That the Directors for the time being shall receive a reasonable compensation for their attendance at the Board, to be ascertained and determined by a By-law or Rule of the Board ; and the said Directors shall be indemnified and saved harmless by the Members of the said Corporation in proportion to the several interests in the same, in and for their giving out and signing Policies of Assurance,

Assurance,

Assurance, and all other lawful Acts, Deeds and Transactions, done and performed in pursuance of this Act, and neither shall the said Directors be answerable for or chargeable with the defaults, neglects or misdeeds of others of them.

XIX. And be it enacted, That all Policies, Checks, or other Instruments issued or entered into by the said Company, shall be signed by the President, Vice-President or Managing Director, and countersigned by the Secretary, or as otherwise directed by the Rules and Regulations of the Company in case of their absence ; and being so signed and countersigned, and under the Seal of the said Company, shall be deemed valid and binding upon them according to the tenor and meaning thereof.

Policies, &c., how executed.

XX. And be it enacted, That no transferred Share shall entitle the person to whom it is transferred, to a vote, until the expiration of thirty days after such transfer.

Votes on transferred shares.

XXI. And be it enacted, That no transfer of any Share of the said Corporation shall be valid until entered in the Books of the Corporation, according to such form as the Directors may from time to time determine, and that until the whole of the Capital Stock of the said Corporation is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made ; Provided always, that no Stockholder indebted to the said Corporation shall be permitted to make a transfer or receive a dividend until such debt is paid, or secured to be paid, to the satisfaction of the Directors.

Transfers to be entered, &c.

Proviso.

XXII. And be it enacted, That any person who, as Secretary, Clerk, or other Officer of the Company, shall be guilty of any designed falsehood or fraud in any matter or thing pertaining to his office or duty, shall be guilty of a misdemeanor ; and any person offering to vote in person at any election of Directors in the said Company, who shall falsely personate another, or who shall falsely sign or affix the name of any other person a Member of this Company to any appointment of a proxy, shall be guilty of a misdemeanor.

Penalty on officers guilty of fraud.

XXIII. And be it enacted, That if any Insurance on any house or building shall be and subsist in the said Company, and in any other office or form, and by any other person or persons at the same time, the assurance made in and by this said Company shall be deemed and become void, unless such double assurance subsist with the consent of the Directors, signified by Endorsement on the Policy, signed by the President, Secretary, or otherwise, as directed by the By-laws and Regulations of the Company.

Double insurance without consent, void.

XXIV. And be it enacted, That in all actions, suits and prosecutions, in which the said Company may be at any time engaged, any Officer or Stockholder in the said Company, shall be a competent witness, notwithstanding any interests he may have therein.

Officers may be witnesses.

XXV. And be it enacted, That during the hours of business, every Stockholder of the said Corporation shall have power to ask and receive from the President, Secretary or other Officer, the names of all the Stockholders of the said Corporation.

As to lists of Stockholders.

XXVI. And be it enacted, That the said Company shall, when required, so to do by either of the three Branches of the Legislature, present a Return, under Oath, of the Amount of Real Estate held by the said Corporation, the amount of Capital Stock subscribed and paid up, with a List of the Shareholders, and the Stock subscribed by each, and the names of the Directors, together with a Statement of the Amount of Risks paid during the past year, the Amount of Risks for which the Company is liable under each class, the amount paid the Stockholders in Dividends and Bonuses, and the amount of money in hand at the time of making the Return.

Return to be made to the Legislature.

XXVII. And be it enacted, That this Act be, and is hereby declared a Public Act, and that the same may be construed as such in Her Majesty's Courts in this Province.

Public Act.

XXVIII. And be it enacted, That the present Act shall in no wise be forfeited for non-user at any time before the First day of January, one thousand eight hundred and fifty-four.

Non-user.

CAP. CLXIII.

An Act to incorporate "The Canada West Farmers' Mutual and Stock Insurance Company."

[30th August, 1851.]

Preamble.

WHEREAS Samuel Ward Ryckman, William G. Kerr, William L. Distin, Henry J. Lawrey, and others, have petitioned the Legislature, praying that an Association under the style and title of "The Canada West Farmers' Mutual and Stock Insurance Company," may be incorporated, as well for the purpose of enabling parties, owners of, or interested in isolated buildings and property situated in country places, and comparatively safe from fire, mutually to insure each other, as also the better to enable such Institution to conduct and extend the business of Fire Insurance; And whereas it hath been considered that it would be highly advantageous if such Corporation was established: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Samuel Ward Ryckman, William L. Distin, William G. Kerr, Henry J. Lawrey, John Kerby, Arthur Smith, and J. B. Freeman, and all such other persons as shall hereafter become Members of the said Company, are hereby constituted a Body Corporate by the style and title of "The Canada West Farmers' Mutual and Stock Insurance Company," by that name they and their successors shall 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 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 pleasure; may mutually insure their respective properties under the restrictions, limitations and conditions hereinafter contained, and may also insure the houses and personal property of others for such time and at such Premiums as shall be agreed upon between the said Corporation and parties insuring; and also, that they and their successors, by and under the name of "The Canada West Farmers' Mutual and Stock Insurance Company," shall be capable, in Law, of purchasing, holding and conveying any estate, real or personal, for the use of the said Company, subject to the Rules and Conditions hereinafter mentioned.

Certain persons incorporated as the "Canada West Farmers' Mutual and Stock Insurance Company" with certain powers.

Stock of Company, divided into "Mutual" and "Proprietary."

II. And be it enacted, That the Stock and property of the said Company shall be held liable for the payment of all losses that may from time to time occur to the said Company, and for that purpose shall be divided into, and consist of two separate and distinct descriptions of Stock, namely, Mutual and Proprietary; the Mutual Stock being composed of Premium Notes, deposited for the purpose of Mutual Insurance, together with all payments and other property received or held thereon, or in consequence of such Mutual Insurance; and the Proprietary Stock, being composed of Stock in Shares, subscribed and paid for the purpose of Fire Insurance to others, which Proprietary Stock shall not exceed One Hundred Thousand Pounds, divided into Shares of Twenty Pounds each; and also, that the Members of, or persons composing the said Company, shall in like manner consist of and be divided into two classes, namely: those who deposit Premium Notes for the purpose of Mutual Insurance, denominated Mutual Members; and Proprietary Members, or those who hold Shares in the Proprietary Stock of the said Corporation: Provided always, that nothing herein contained shall prevent the same person from holding at the same time both descriptions of Stock.

Members divided into "Mutual and Proprietary" members.

Mutual members not to be held liable for any loss beyond amount of their respective shares, nor

III. And be it enacted, That persons being Members of the said Corporation, by reason of deposit of Premium Notes for the purpose of Mutual Insurance, shall not be held liable for any claims for losses or payments, beyond the amount of his, her or their

their Premium Notes respectively; and neither shall Proprietary Members be held liable for any claims for losses or payments, beyond the amount of such Share or Shares of the Proprietary Stock which each may respectively hold; and also, in all the transactions of the said Company, the profits and benefits arising from or on account of the Mutual Branch of the said Corporation shall be secured to the Members thereof; and in like manner the profits and benefits arising from or on account of the Proprietary Branch of the said Company shall be secured to the Proprietary Members; and further, all the expenses necessary and incurred for the conducting and management of the said Company shall be fairly assessed upon and divided between each Branch or Department of the said Company.

proprietary members beyond the amount of their respective proprietary stock.

As to Expenses.

IV. Provided always, and be it enacted, That no Dividend or Bonus shall be declared or paid out of the Capital Stock of the Company, whether Proprietary or Mutual.

No dividends to be declared out of capital stock.

V. And be it enacted, That the said Company, by their Corporate Name aforesaid, shall be capable of purchasing, having and holding, to them and their successors, such estate, real, personal or mixed, as may be requisite for its accommodation in relation to the convenient transaction of its business; and may take and hold any real estate *bonâ fide* mortgaged to the said Company, by way of security, for the payment of any debts which may be contracted with the said Company, and may proceed on the said mortgaged securities for the recovery of the moneys thereby secured, either in law or equity, in the same manner as any other mortgagee is or shall be authorized to do, and also to purchase on sales made by virtue of any proceedings at law or equity, or otherwise to receive and to take any real estate in payment, or towards the satisfaction of any debt previously contracted and due to the said Corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property; Provided always, that the lands, tenements and hereditaments which it shall be lawful for the said Company 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 *bonâ 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.

Company may purchase and hold real and personal estate for the purposes of the Corporation.

May take and hold real estate mortgaged to Company as security for payment of debts contracted with Company.

Proviso.

VI. And be it enacted, That it shall not be lawful for the said Company to deal in, use or employ any part of the funds or moneys thereof, buying or selling any goods, wares or merchandize, in the way of traffic, or in banking operations; but it shall, nevertheless, be lawful for the said Company to purchase or hold any Stock, Government Securities, or other Securities of Public Companies or funded debt for the purpose of investing therein any part of their funds or money, and also to sell and transfer the same, and again to renew such investment when and as often as a due regard to the interests of the said Company shall require; and also, to make loans of the funds on Bond and Mortgage, and the same to call in and re-loan, as occasion may render expedient.

Company not to deal in merchandize, nor engage in banking with its funds.

VII. And be it enacted, That the property, affairs and concerns of the said Company shall be managed and conducted by a Board of seven Directors, one of whom shall be chosen President, and one Vice-President, which Board, in the first instance, and until the first General Annual Meeting of the Company, and until others may be chosen and appointed as hereinafter provided, shall consist of Samuel Ward Ryckman, William L. Distin, William G. Kerr, Henry J. Lawrey, John Kerby, Arthur Smith, and S. B. Freeman, and of which Board two Directors shall go out of office by rotation each year, but who shall, nevertheless, be immediately eligible for re-election as Directors; and the election of two Directors, in place of those so retiring from office, shall be held and made at the General Annual Meeting of the Company by such of the Members thereof as shall attend for that purpose, either in their own proper persons or by proxy; and all elections of such Directors shall be by ballot, and the two persons who shall have the greatest number of votes at any election shall be Directors, and if it shall, at any such

Concerns of Company to be managed by a Board of Directors.

Manner of proceeding with election of Directors.

such election, happen that two or more persons have an equal number of votes, in such manner that a greater number of persons than two shall, by a plurality of votes, appear to be chosen Directors, then the said Members hereinbefore authorized 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 the said election, shall proceed to elect 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, or in the office of President or Vice-President, by death, resignation, removal from the Province, or ceasing to hold the interest in the Corporation hereinafter required, such vacancy or vacancies shall be filled up 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 elected to the office of Director who is not a Member of the Company holding an interest therein, either to the extent of Mutual Insurance to the amount of Five Hundred Pounds, or if mutually insured to a less amount than Five Hundred Pounds and more than Three Hundred and Fifty Pounds, together with five Shares of Proprietary Stock, or if so insured less than Three Hundred and Fifty Pounds and more than Two Hundred Pounds, to possess ten shares; and if not mutually insured, or so insured to a less amount than Two Hundred Pounds, then to hold not less than fifteen shares of Proprietary Stock.

Vacancies among
Directors, &c.

Proviso.
Qualification of Di-
rectors.

Board to appoint day
for general annual
meeting, and notice
to be given in news-
papers, &c.

VIII. And be it enacted, That the Board of Directors shall name and determine the day for the holding of the General Annual Meetings of the Company; and public notice of all General Meetings shall be given in at least three newspapers that may be published in the Province of Canada, at least one month previous to the time of holding the said General Meeting or Meetings; and at the first General Annual Meeting of the Company, to be held as above directed, the Members then present shall decide and determine, by a By-law of the Company, to be then passed, the mode and manner in which the two retiring Members shall be then and in future elected, and the notice of all subsequent General Annual Meetings for election of Directors shall contain the names of the two retiring Directors.

Members entitled to
votes in proportion to
their stock.

IX. And be it enacted, That each Member of the said Company shall be entitled to the number of votes proportioned to the amount of Stock by him, her or them insured, or held at least one month prior to the time of voting, according to the following rates, that is to say: Mutual Members, for any sum insured in the said Company amounting to Fifty Pounds, one vote; Two Hundred Pounds, two votes; Three Hundred and Fifty Pounds, three votes; and Five Hundred Pounds, four votes; Proprietary Members, 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 reason of
election of Directors
not taking place
when provided by this
Act.

X. And be it enacted, That if it shall happen at any time or for any cause that an election of Directors shall not be made on any day when, pursuant to this Act or the Ordinances of the Company, it ought to have been made, the said Corporation shall not for that cause be dissolved, but it shall be lawful on any other day to hold and make an election of Directors in such manner as shall be regulated by the By-laws and Ordinances of the Company, and the Directors in Office shall so continue until a new election shall be made.

Majority of Directors
to make By-laws, &c.

XI. And be it enacted, 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 Company, the Rates and Amount of Insurance and issuing of Policies, the management and disposition of its Stock, Property, Estate and Effects, and also to call in any Instalment or Instalments, or Assessment or Assessments, at such time and season and times and seasons as they shall think fit, giving due notice thereof as hereinafter provided, and also to declare and cause to be paid or distributed to the respective Stockholders of the Company, any dividend

dividend or dividends of profits at such times and seasons as they shall deem expedient, and also to appoint a Secretary and Treasurer, with such salary and allowance to each, as well as to other Officers or Agents of the Company, and take security from them for the due performance of their respective duties, as they shall think meet and advisable: Provided always, that for the purposes in this section mentioned, except as hereinafter specially provided, a majority of the Directors shall be present and assisting, and it shall not be competent for a Board consisting of a less number of Directors than were present at the time, to alter, repeal or amend any matter or things so done.

Proviso.

XII. And be it enacted, That there shall be a Weekly Meeting of the Board of Directors of the said Company, and any three or more of the said Directors shall be a quorum, for the purpose of transacting and managing the details of the business and affairs of the said Company, and at all Meetings of the Board of Directors, all questions before them shall be decided by a majority of voices or votes, and in case of an equality of votes, the President, Vice-President 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 making, prescribing, altering or repealing any By-laws or Ordinances of the said Company, or calling in any Instalments or Assessments on Stock, or declaring Dividends of Profits, or the appointment of Treasurer or Secretary, or the appointments of Salaries to, or Securities from, Officers or Agents of the said Company, by any less number of Directors, or in any other manner than is mentioned and provided in the next preceding section.

Directors to hold weekly meeting for dispatch of business, and three to form a quorum.

XIII. And be it enacted, That the said Directors, and such others as may be chosen by the said Company, shall receive a reasonable compensation for their attendance at the Board, to be ascertained and determined by a By-law or Rule of the Board, which compensation shall not exceed Fifteen Shillings to Members living in the County of Wentworth, nor Seven Shillings and Six Pence to those residing in the City of Hamilton; and the said Directors shall be indemnified and saved harmless by the Members of the said Corporation, in proportion to their several interests in the same, in and for their giving out and signing Policies of Insurance and all other lawful Acts, Deeds and Transactions done and performed in pursuance of this Act, and neither shall the said Directors be answerable for, or chargeable with the defaults, neglects or misdeeds of others of them.

Directors to receive a reasonable compensation for their attendance at the Board.

XIV. And be it enacted, That any person who, as Secretary, Deputy Secretary, Treasurer, Clerk or other Officer of the Company, shall be guilty of any wilful fraud in any matter or thing pertaining to his office or the duties thereof, shall be guilty of a misdemeanor; and any person offering to vote in person at any election of Directors in the said Company, who shall falsely personate another, or who shall falsely sign or affix the name of any other Person or Member of this Company to any appointment of a proxy, shall be guilty of a misdemeanor.

Penalty on officers of Company guilty of falsehood in matters pertaining to their office.

XV. And be it enacted, That the Corporation hereby created, shall have power and authority to make and effect Contracts of Insurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores or other buildings whatsoever; and, in like manner, on any goods, chattels or personal estate whatsoever, and for such premises or consideration, and under such restrictions as may be agreed upon by and between the Company and the persons agreeing with them for Insurance, and generally to do and perform all other necessary matters and things connected with and proper to promote those objects.

Power to Company to effect contracts against loss by fire.

XVI. Provided always, and be it enacted, That in all cases of Mutual Insurance, there shall not be insured more than two-thirds the value of any building, nor shall a sum be involved exceeding Five Hundred Pounds on any one risk; and no Mutual Insurance shall be effected on buildings or other property, situated in blocks or exposed parts of towns or villages; nor on any kinds of mills, carpenters' or other shops, which by reason of the trade or business followed, are rendered extra hazardous; machinery, breweries, distilleries, tanneries, or other property involved in similar or equal hazard.

Provided, that there be no insurance for more than two thirds of value of property insured and no insurance on property extra hazardous.

Policies to be signed by President, countersigned by Secretary.

XVII. And be it enacted, That all Policies or Contracts of Insurance, issued or entered into by the said Company, shall be signed by the President and countersigned by the Secretary, or as otherwise directed by the Rules and Regulations of the Company, in case of their absence; and being so signed and countersigned, and under the Seal of the said Company, shall be deemed valid and binding upon them according to the tenor and meaning thereof.

Assured to have title in fee to property insured, &c.

XVIII. And be it enacted, That in all cases of Mutual Insurance, the assured shall have title in fee, unincumbered, to the building or buildings insured, and the land covered by the same; or if the assured shall have a less title therein, or if the premises be incumbered, then the true title of the assured and the incumbrances on the premises shall be expressed therein and in the application therefor, otherwise the Policy of Insurance granted thereon shall be void.

Statement to be made by Directors at annual meetings.

XIX. And be it enacted, That at the Annual General Meeting of the Company, and before the Members then assembled, the Board of Directors shall exhibit a full and unreserved Statement of the affairs of the Company; of the Funds, Property and Securities, shewing the amount in real estate, in Bonds and Mortgages, in Notes and the Securities thereof, in public Debt or other Stock, and the amount of debt due to and from the said Company.

Mode of proceeding when losses by fire occur.

XX. And be it enacted, That in case of any loss or damage by fire, happening to any property insured with the said Company, immediate notice thereof shall be given by the assured to the Secretary of the Company, or to the Agent of the Company, if there should be one acting for it in the neighbourhood of the place where such fire occurred, and shall as soon after as may be, furnish to such Agent, or otherwise to the Secretary, a full Statement of all particulars of the said fire as far as can be ascertained, together with a detailed Account of all damage done, which Statement and Account shall be verified upon oath by the parties making the same, if required; 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 be submitted to three disinterested persons as Referees, one of whom shall be named by the suffering party, and one by the Board, and the two Referees so named shall choose a third, and the decision or award of a majority of them shall be binding; and if the award is not satisfactory, either party may sustain its case in an action at law, and if upon the trial of such action a greater sum shall be recovered than the amount determined upon by the Directors, the parties suffering shall have judgment therefor against the Company, with interest thereon from the time at which payment for such loss or damage should have been made by the terms of the Policy, had no such question or disagreement arisen, with costs of suit; but if no more shall be recovered than the amount so previously determined, or a less sum be awarded, then the Plaintiff or Plaintiffs in such suit shall not be entitled to costs against the Defendants, but the Defendants shall be entitled to costs, as in the case of a verdict for them.

Mutual members obliged to pay their portion of losses, &c. happening to Mutual Branch of Company.

XXI. And be it enacted, That every Mutual Member of the Company shall be, and is hereby bound and obliged to pay his or her portion of all losses and expenses happening or accruing in or to the Mutual Branch of the Company, during the continuance of his or her Policy of Insurance, and all the right, title, interest and estate at the time of the Insurance of the assured, of, in, or to the building insured by and with the said Company, and to the lands on which the same shall stand, and to all other lands thereto adjacent, which shall be mentioned and declared liable to the Policy of Assurance, shall stand pledged to the said Company, and the said Company shall have full power to sell, demise and mortgage the same or any part thereof, to meet the liabilities of the insured for his, her or their proportion of any losses or expenses happening or accruing to the said Company, during the continuance of his, her or their Policy; which sale, demise or mortgage shall be made in such manner as shall be specified in the Policy of the assured.

XXII.

XXII. And be it enacted, That the Directors shall, after receiving notice of any loss or damage by fire sustained by any Mutual Member with account and proof thereof, and ascertaining the same, or after the recovery of any judgment as aforesaid against the Company for such loss or damage, settle and determine the sums to be paid by the several Mutual Members thereof as their respective proportions of such loss, and publish the same in such manner and form as they shall see fit or as by the By-laws shall have been prescribed; and the sum to be paid by each Mutual Member shall always be in proportion to the original amount of his, or her Deposit Note or Notes, and shall be paid to the Treasurer within thirty days next after the publication of such 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, or his, her or their proportion of any loss or damage 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 with the Treasurer of the Company, subject to the payment of such loss or expense as shall or may 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: Provided always, that no payment, assessment or instalment shall be called in on the said Premium or Deposit Notes until all savings, profits or funds arising from or on account of payments made or moneys received on account of the Mutual Branch of Insurance of the said Company shall have been first applied to and expended upon the payment of losses or damage previously occurring therein.

Directors to make assessment of sums to be paid by mutual members where a mutual member shall have incurred a loss, &c. by fire.

Proviso.

XXIII. And be it enacted, That if it shall ever 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 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 been incurred, shall be discharged from the said Company.

Provision, in case deposit notes are insufficient to cover losses.

XXIV. And be it enacted, That whenever any assessment is made on any Premium Note given to the said Company for any hazard taken by the said Company, or as consideration for any Policy of Insurance issued, or to be issued by the said Company, and an action is brought to recover such assessment, the Certificate of the Secretary of the Company, specifying such assessment and the amount due to the Company on such Note by means thereof, shall be taken and received as *prima facie* evidence thereof in all Courts and places whatsoever.

Certificate of Secretary specifying any assessment on a premium note to be *prima facie* evidence thereof.

XXV. And be it enacted, That when any house or other building shall be alienated by sale or otherwise, the Policy of Mutual Insurance shall be void, and be surrendered to the Directors of the 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, her or their proportion of all losses and expenses that have occurred 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 conferred 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 satisfaction 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.

Policy to be void on sale, &c., of building insured.

Proviso.

XXVI. And be it enacted, That in case any building or buildings, situated upon leased lands, and mutually insured by the Company, be destroyed by fire, in such cases the Company may retain the amount of the Premium Note given for the insurance thereof,

Provision with respect to destruction of buildings situate upon leased lands.

Proviso.

or of the quorum thereof, shall be judged fit and reasonable: Provided always, nevertheless, that no such By-laws, Rules or Orders, shall have any force or effect, until the same shall have been sanctioned and confirmed by some General Meeting of the said proprietors, held in the manner therein directed, and shall thereafter have been published in one English and one French Newspaper published in the said City of Quebec.

Shares may be assigned.

XIII. And be it enacted, That it shall and may be lawful for each and every of the Members, for the time being, of the said Corporation, his and her executors, administrators and assigns, to give, sell, alien, assign, devise or dispose of his, her or their respective share or shares and interest, to any person or persons, being subjects of Her Majesty; and the said person or persons and their respective assigns shall be Members of the said Corporation, and shall be entitled to all and every the same rights and privileges, and to the profits and advantages therefrom arising, and in the said Corporation, as the Members in this Act named are entitled to by virtue of this Act; Provided always, that a part of a share or shares shall not entitle the proprietor or owner thereof to any privilege whatsoever.

Proviso.

Transfers to be in duplicate, &c.

XIV. And be it enacted, That any purchaser or purchasers, shall for his, her or their security, as well as that of the said Corporation, have a duplicate or duplicates of the Deed or Act of Transfer made unto him, her or them, and executed by both parties, one whereof so executed shall be delivered to the said Committee or to the Secretary for the time being, to be filed and kept of record for the use of the said Corporation, and upon the filing thereof an entry thereof shall be forthwith made in the Book or Books to be kept by the Secretary for that purpose, for which no more than Two Shillings and Six Pence currency shall be paid; and until such duplicate of such Deed or Act of Transfer shall be so delivered unto the said Committee or Secretary of the said Corporation, and filed and entered as above directed, such purchaser or purchasers shall not be held to be a proprietor or proprietors of such share or shares, and shall have no part of the profit of the said undertaking, paid unto him, her or them, nor any vote as Members of the said Corporation.

Statements to Legislature.

XV. And be it enacted, That the said Corporation shall, when required so to do by either of the three Branches of the Legislature, make a full and particular Return of the real estate and other property held by the said Corporation, the amount of debt incurred by them, and the rate and amount of the last dividend, together with a list of the Shareholders in the said Corporation, and the names of the Committee of Management.

Public Act.

XVI. And be it enacted, That this Act shall be a Public Act.

CAP. CLXII.

An Act to incorporate "The Western Assurance Company.

[30th August, 1851.]

Preamble.

WHEREAS Thomas Haworth, E. Bradburne, William Wakefield, James Browne, Thomas Baines, John O. Heward, Hugh Scobie, Duncan Macdonell, Alexander Wilson, Marcus Rossin and Brothers, J. W. Skelton, George B. Spencer, Nash Cayley and Company, John Cameron, Rice Lewis and George A. Phillpotts, have petitioned the Legislature that an Association, under the style and title of "The Western Assurance Company," may be incorporated, to enable parties owners of or interested in property to insure the same against loss by Fire, and also to carry on the business of Marine and Inland Navigation Assurance, and Life Assurance generally; And whereas it hath been considered that the establishment of such an association would be greatly beneficial to the interests of this Province, and tend to the retaining therein a large portion of the moneys annually sent away as premiums for such assurances: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled,

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XXXIII. And be it enacted, That the said Company shall, when required by either of the three Branches of the Legislature, make a full and unreserved Statement of the affairs of the Company, of the Funds, Property and Securities, shewing the amount in Real Estate, in Bonds and Mortgages, in Notes, and the Securities thereof, in Public Debt or other Stock, and the amount of Debt due to and from the said Company, and also a list of the Stockholders and of the Directors of the Company.

Statement to Legislature.

XXXIV. And be it enacted, That this Act shall be deemed a Public Act, and shall extend to all Courts of Law or Equity in this Province, and be judicially taken notice of as such by all Judges, Justices, and other persons whatsoever, without the same being specially shewn or pleaded.

Public Act.

XXXV. And be it enacted, That it shall at all times hereafter be lawful for the Legislature of this Province to repeal, alter or amend this Act.

It may be repealed, &c.

CAP. CLXIV.

An Act to incorporate the Marine Mutual Insurance Company of Montreal.

[30th August, 1851.]

WHEREAS the formation and establishment of Marine and Inland Insurance Companies in this Province is of great public utility; And whereas the several persons hereinafter named are willing and desirous to establish and maintain such a Company with mutual division of profits between the Shareholders and the Insured, but the same cannot be effected with advantage without the aid and authority of the Legislature: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Honorable George Moffatt, John Gordon Mackenzie, John Young, James B. Greenshields, Hugh Allan, L. H. Holton, Henry Starnes, John Glennon, Haviland L. Routh, William Muir, Henry M'Kay, J. O. Moffatt, James Law, Maurice Cuveillier, Wm. Edmonstone, James Burns, A. Gilmour, Edward Maitland, and every other person who shall hereafter become a Shareholder of the said Company, shall be and are hereby united into a Company for effecting and making Inland Navigation and Marine Insurance, according to the Rules, Orders and Directions hereinafter mentioned, and for that purpose shall be one Body Corporate until the first day of January, one thousand nine hundred and fifty, under the name of "The Marine Mutual Insurance Company of Montreal."

Preamble.

Incorporation of Company.

II. That the said Company shall have power and authority to make with any person, all and every Insurance connected with Marine Risks and Risks of Navigation and Transportation by Water, against loss or damage of or to any Vessel, Steamer, Boat or other Craft, either sea-going or navigating upon the lakes, rivers or navigable waters of this Province or elsewhere, and of and to any Cargo, Goods, Wares and Merchandize, Specie, Bullion, Jewels, Bank Notes, Bills of Exchange and other evidences of debt conveyed therein, and of and to any Timber or other property of every description borne or carried by water, and of and to any Freight, Profit, Commission, Bottomry or Respondentia Interest, and to cause themselves to be re-insured, when deemed expedient, against any loss or risk upon which they have made or may make Insurance, and generally to do and perform all other necessary matters and things relating to such objects.

Powers and authority to insure vessels, cargoes, &c.

III. That the said Company shall have power and authority to purchase, have and hold to them and their successors, any real or immoveable estate, lands and tenements, which shall not at any time exceed the value of Five Thousand Pounds, and which shall be necessary for their immediate accommodation in relation to the convenient transaction

Power to hold real estate limited, and to take same as security.

of

of their business, and the same to sell and dispose of and others to acquire; and to take and hold any real estate *bonâ fide* mortgaged and hypothecated to the said Company by way of Security, or conveyed to them in satisfaction or payment of any debt previously contracted in the course of their dealings, or purchased at any sale under any Judgment, Order or Decree of any competent Court, which may have been obtained for such debt or by virtue of any proceeding at law, and to hold the said real estate for a period not exceeding two years, during which time the said Company shall be bound to sell or dispose of and convert the same into money or personal property.

Company may invest funds in real estate, bonds, &c.

IV. That it shall be lawful for the said Company to invest their Funds or any part thereof in Loans on real estate, or Bond and Mortgage, or Mortgage Hypothèque on real estate worth fifty per cent. more than the sum loaned thereon, and the same to call in and re-loan, as occasion may render expedient, and in the purchase of any of the public Securities of this Province, the Stocks of any Chartered Bank or other Chartered Company, the Bonds and Debentures of the Government of Canada, or of either of the heretofore Provinces of Upper Canada or Lower Canada, or of any Incorporate City or Town, or Municipality in the said Province, and to sell and transfer the same: Provided always, that the Company shall not deal in any goods, wares or merchandizes, in the way of traffic, but nothing herein contained shall prevent the said Company from selling any goods, wares or merchandizes or other effects, of what nature or kind soever of which they may become possessed or which may be abandoned to them by the Insured in virtue of any Policy of Insurance on such goods, wares or merchandizes or other effects: And provided further, that the said Company shall not invest any part of their said Funds in any Bottomry or Respondentia Bonds, excepting upon vessels which shall be insured by the said Company at the time of taking such Bonds, to an amount equal to the sum secured to be paid by the condition of such Bond; nor shall any such bond be made payable at a time subsequent to the time at which the Policy of such Insurance shall expire.

Proviso.

Proviso.

Capital Stock divided into Shares.

V. That the Capital Stock of the said Company shall be formed of the sum of Twenty-Five Thousand Pounds, divided into Shares of Twenty-Five Pounds each, which shall be paid in cash, or secured by the hypothecation of the Stocks or Public Securities mentioned in the previous Section, and being worth, at least ten per cent. more than the amount for which they shall be hypothecated; and the said Capital Stock, with the property of the Company and the Premiums reserved, shall be held liable for the payment of all engagements, loss or damage, that may from time to time occur and be justly claimed from or charged upon the said Company; and the said Capital Stock may be increased to a sum not exceeding One Hundred Thousand Pounds, as a majority of the Shareholders, at a meeting expressly convened for the purpose, shall agree; which said increase shall be divided into Shares of similar amount, and be paid, invested and secured, and be liable for the debts of the Company in the same manner as the Original Stock; and the Shares of the Increased Stock shall entitle to vote at any election, and be assignable and transferable, and be subject to the same Rules and Regulations from time to time established and made by the Directors, in the same manner as the said Original Stock.

Management by a Board of Directors.

VI. That the Corporate powers, property and business of the Company shall be conducted and managed by a Board of five Directors, which Board, in the first instance and until the first General Annual Meeting of the Company as hereinafter provided, and until others may be chosen and appointed thereafter as herein provided, shall consist of the said Honorable George Moffatt, John Gordon Mackenzie, Hugh Allan, John Young, and L. H. Holton, named in the first section of this Act, but who shall nevertheless be eligible for re-election at the said first or any other Annual Meeting, and thereafter the Directors shall be elected annually at the said General Annual Meeting, and be eligible for re-election as aforesaid; and all elections of Directors shall be by ballot, and shall be held at a General Meeting of the Company by the Members thereof, present in person or by proxy, and in case of a failure to elect from an equality in the number of votes for more than five Directors, a new election shall

to be by ballot.

be

be held to fill the undetermined places; And in case of any vacancy occurring in the number of Directors, such vacancy shall be filled up for the remainder of the year in which it may happen, by a Member, to be nominated by a majority of the Directors: Provided that no Member shall be elected or nominated to the office of Director, who shall not be a Shareholder in the Company to the extent of twenty Shares, at the time of his election, and during his continuance in office: Provided always, that the authority to any such proxy to vote at such Meeting shall be produced thereat. And further provided, that one person only shall be allowed to vote at the same election on the same Share or Certificate.

Proviso.

Proviso.

VII. That each holder of Shares, held by him in his own name or the name of a firm of which he is a partner, and each person having in his possession a Certificate representing actual profits at the time of the election, to the amount of not less than Fifty Pounds, undiminished by payments, or subsequent losses, shall severally be entitled to one vote in the election of Directors, for each Share so held by him, or for each such amount of actual profits.

Qualification of electors.

VIII. That the Corporation shall not be deemed to be dissolved by a failure to elect Directors at the time when such election should be made pursuant to this Act, but such election may be made on any other day, in such manner as may be directed and required by the By-laws of the Company, and the Directors in office shall continue until such new election shall be made.

Failure to elect not a dissolution of the Company.

IX. That the Annual General Meetings of the Company shall be held on the first Tuesday of the month of April in each year, of which the first shall be held on the said day in the year one thousand eight hundred and fifty-two; and Public Notice of all such Meetings shall be given in the *Canada Gazette*, and in one Newspaper published in the Cities of Montreal and Quebec respectively, at least ten days previous to the time of holding such General Meeting: Provided that any ten or more Shareholders representing one third of the Stock of the Company, may require the Directors to call a Special General Meeting of the Shareholders, in the manner provided for the Annual Meetings; and on their refusal or neglect so to do, may, themselves, call such Meeting in the same manner.

Time of General Annual Meetings.

Proviso to call Special Meetings.

X. That any number of the Directors aforesaid being a majority of them, shall have full power and authority to make, prescribe, alter, amend or repeal such By-laws, Rules, Regulations and Ordinances, as shall appear to them proper and needful, touching the well ordering of the Company, the management and disposition of its Stock, Property, Estate and Effects, the rates and amount of Insurance, and the issuing of Policies; and also to call in any instalment at such time and season as they shall think fit, giving due notice thereof as hereinafter provided, and also to issue Certificates to the respective Stockholders of the Company and persons insured therein, of any dividend of profits which shall be declared, and to appoint a Manager and such other Officers as to them may appear necessary for the carrying on the business of the Company, and to take Security from them for the due performance of their respective duties, with such salary and allowances to each as they shall think meet and advisable: Provided always, That for the purposes in this section mentioned, except as hereinafter specially provided, a majority of the Directors shall be present and assisting, and no less a number than were present at the time shall have power to alter, repeal or amend any matter or thing so done: And provided further, that no such By-laws, Rules, Regulations and Ordinances made as aforesaid, shall be valid or have effect unless approved and confirmed by the majority of Shareholders voting at an Annual or other Special General Meeting convened as aforesaid.

Directors may make By-laws, &c.

Proviso.

Proviso: By-laws to be approved at General Meeting.

XI. That there shall be a Weekly Meeting of the Board of Directors, at such time and place as shall be designated in the By-laws, and any three or more of the Directors shall be a *quorum* for transacting and managing the details of the business and affairs of the Company; and at all meetings of the said Board, all questions before them shall be decided by a majority of votes, and in case of an equality of votes, the Presiding Director shall give the casting vote, over and above his proper vote as a Director: Provided

Weekly Meetings of the Board.

unreserved Statement of the affairs of the Company, of the Funds, Property and Securities, shewing the amount in real estate, in Bonds and Mortgages and other Securities, or in Public Debt or other Stock, and the amount of Debt due to and from the said Company.

Case of failure to elect provided for.

XIV. And be it enacted, That if it shall happen at any time or for any cause, that an election of Directors shall not be made on any day when, pursuant to this Act or the Ordinances of the Company, it ought to have been made, the said Corporation shall not for that cause be dissolved; but it shall 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 Company; and the Directors in office shall so continue until a new election shall be made.

By-laws how to be made.

XV. And be it enacted, That any number of 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 Company, the Rates and Amount of Assurance and issuing of Policies, the management and disposition of its Stock, Property, Estate and Effects, and also to call in any instalment or instalments at such times and seasons as they shall think fit, giving due notice thereof as hereinafter provided; and also to declare and cause to be paid or distributed to the respective Stockholders of the Company, any dividend or dividends of profit, at such times and seasons as they shall deem expedient; and also to appoint a Managing Director, Secretary and Treasurer, or any of them, with such salary or allowances to each, as well as to other Officers or Agents of the Company as may be thought reasonable, and to take security for the due performance of their respective duties as they shall think advisable; Provided always, that for the purposes in this section mentioned, except as hereinafter specially provided, a majority of the Directors shall be present and assisting, and it shall not be competent for a Board consisting of a less number of Directors than were present at the time, to alter, repeal or amend any matter or thing so done.

Provide.

Directors may declare Bonuses, &c.

XVI. And be it enacted, That it shall be lawful for a majority of the said Directors, if they shall deem it for the interest of the said Company, to return to the holders of Policies or other Instruments, such part or parts of the actual realized profits of the Company, in such parts, shares and proportions, and at such times and in such manner as the said Directors may deem advisable, and to enter into obligations so to do, either by Endorsements on the Policies or otherwise: Provided always, that such holders of Policies or other Instruments shall not be held to be in any wise answerable for the Debts or Losses of the said Company, beyond the Amount of the Premium or Premiums which may have been actually paid up by him, her or them.

Provide.

Weekly meetings of Directors.

XVII. And be it enacted, That there shall be a Weekly Meeting of the Board of Directors of the said Company, and any three or more of the said Directors shall be a Quorum for the purpose of transacting and managing the details of business and affairs of the said Company, and at all Meetings of the Board of Directors, all questions before them shall be decided by a majority of voices or votes, and in case of an equality of votes, the President, Vice-President, 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 making, altering or repealing any By-laws or Ordinances of the said Company, or calling in any Instalments on Stock, or declaring dividends of profits, or the appointment of Managing Director, Secretary or Treasurer, or the appointments of Salaries to or Securities from Officers or Agents of the said Company, by any less number of Directors, or in any other manner than is hereinbefore mentioned and provided.

Provide.

Compensation of Directors.

XVIII. And be it enacted, That the Directors for the time being shall receive a reasonable compensation for their attendance at the Board, to be ascertained and determined by a By-law or Rule of the Board; and the said Directors shall be indemnified and saved harmless by the Members of the said Corporation in proportion to the several interests in the same, in and for their giving out and signing Policies of Assurance,

Assurance, and all other lawful Acts, Deeds and Transactions, done and performed in pursuance of this Act, and neither shall the said Directors be answerable for or chargeable with the defaults, neglects or misdeeds of others of them.

XIX. And be it enacted, That all Policies, Checks, or other Instruments issued or entered into by the said Company, shall be signed by the President, Vice-President or Managing Director, and countersigned by the Secretary, or as otherwise directed by the Rules and Regulations of the Company in case of their absence; and being so signed and countersigned, and under the Seal of the said Company, shall be deemed valid and binding upon them according to the tenor and meaning thereof.

Policies, &c., how executed.

XX. And be it enacted, That no transferred Share shall entitle the person to whom it is transferred, to a vote, until the expiration of thirty days after such transfer.

Votes on transferred shares.

XXI. And be it enacted, That no transfer of any Share of the said Corporation shall be valid until entered in the Books of the Corporation, according to such form as the Directors may from time to time determine, and that until the whole of the Capital Stock of the said Corporation is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made; Provided always, that no Stockholder indebted to the said Corporation shall be permitted to make a transfer or receive a dividend until such debt is paid, or secured to be paid, to the satisfaction of the Directors.

Transfers to be entered, &c.

Proviso.

XXII. And be it enacted, That any person who, as Secretary, Clerk, or other Officer of the Company, shall be guilty of any designed falsehood or fraud in any matter or thing pertaining to his office or duty, shall be guilty of a misdemeanor; and any person offering to vote in person at any election of Directors in the said Company, who shall falsely personate another, or who shall falsely sign or affix the name of any other person a Member of this Company to any appointment of a proxy, shall be guilty of a misdemeanor.

Penalty on officers guilty of fraud.

XXIII. And be it enacted, That if any Insurance on any house or building shall be and subsist in the said Company, and in any other office or form, and by any other person or persons at the same time, the assurance made in and by this said Company shall be deemed and become void, unless such double assurance subsist with the consent of the Directors, signified by Endorsement on the Policy, signed by the President, Secretary, or otherwise, as directed by the By-laws and Regulations of the Company.

Double insurance without consent, void.

XXIV. And be it enacted, That in all actions, suits and prosecutions, in which the said Company may be at any time engaged, any Officer or Stockholder in the said Company, shall be a competent witness, notwithstanding any interests he may have therein.

Officers may be witnesses.

XXV. And be it enacted, That during the hours of business, every Stockholder of the said Corporation shall have power to ask and receive from the President, Secretary or other Officer, the names of all the Stockholders of the said Corporation.

As to lists of Stockholders.

XXVI. And be it enacted, That the said Company shall, when required, so to do by either of the three Branches of the Legislature, present a Return, under Oath, of the Amount of Real Estate held by the said Corporation, the amount of Capital Stock subscribed and paid up, with a List of the Shareholders, and the Stock subscribed by each, and the names of the Directors, together with a Statement of the Amount of Risks paid during the past year, the Amount of Risks for which the Company is liable under each class, the amount paid the Stockholders in Dividends and Bonuses, and the amount of money in hand at the time of making the Return.

Return to be made to the Legislature.

XXVII. And be it enacted, That this Act be, and is hereby declared a Public Act, and that the same may be construed as such in Her Majesty's Courts in this Province.

Public Act.

XXVIII. And be it enacted, That the present Act shall in no wise be forfeited for non-user at any time before the First day of January, one thousand eight hundred and fifty-four.

Non-user.

CAP. CLXIII.

An Act to incorporate "The Canada West Farmers' Mutual and Stock Insurance Company."

[30th August, 1851.]

Preamble.

WHEREAS Samuel Ward Ryckman, William G. Kerr, William L. Distin, Henry J. Lawrey, and others, have petitioned the Legislature, praying that an Association under the style and title of "The Canada West Farmers' Mutual and Stock Insurance Company," may be incorporated, as well for the purpose of enabling parties, owners of, or interested in isolated buildings and property situated in country places, and comparatively safe from fire, mutually to insure each other, as also the better to enable such Institution to conduct and extend the business of Fire Insurance; And whereas it hath been considered that it would be highly advantageous if such Corporation was established: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Samuel Ward Ryckman, William L. Distin, William G. Kerr, Henry J. Lawrey, John Kerby, Arthur Smith, and J. B. Freeman, and all such other persons as shall hereafter become Members of the said Company, are hereby constituted a Body Corporate by the style and title of "The Canada West Farmers' Mutual and Stock Insurance Company," by that name they and their successors shall have continued succession, and shall be capable in Law of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended 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 pleasure; may mutually insure their respective properties under the restrictions, limitations and conditions hereinafter contained, and may also insure the houses and personal property of others for such time and at such Premiums as shall be agreed upon between the said Corporation and parties insuring; and also, that they and their successors, by and under the name of "The Canada West Farmers' Mutual and Stock Insurance Company," shall be capable, in Law, of purchasing, holding and conveying any estate, real or personal, for the use of the said Company, subject to the Rules and Conditions hereinafter mentioned.

Certain persons incorporated as the "Canada West Farmers' Mutual and Stock Insurance Company" with certain powers.

Stock of Company, divided into "Mutual" and "Proprietary."

II. And be it enacted, That the Stock and property of the said Company shall be held liable for the payment of all losses that may from time to time occur to the said Company, and for that purpose shall be divided into, and consist of two separate and distinct descriptions of Stock, namely, Mutual and Proprietary; the Mutual Stock being composed of Premium Notes, deposited for the purpose of Mutual Insurance, together with all payments and other property received or held thereon, or in consequence of such Mutual Insurance; and the Proprietary Stock, being composed of Stock in Shares, subscribed and paid for the purpose of Fire Insurance to others, which Proprietary Stock shall not exceed One Hundred Thousand Pounds, divided into Shares of Twenty Pounds each; and also, that the Members of, or persons composing the said Company, shall in like manner consist of and be divided into two classes, namely: those who deposit Premium Notes for the purpose of Mutual Insurance, denominated Mutual Members; and Proprietary Members, or those who hold Shares in the Proprietary Stock of the said Corporation: Provided always, that nothing herein contained shall prevent the same person from holding at the same time both descriptions of Stock.

Members divided into "Mutual and Proprietary" members.

Mutual members not liable beyond amount of their respective premium notes, nor

III. And be it enacted, That persons being Members of the said Corporation, by reason of deposit of Premium Notes for the purpose of Mutual Insurance, shall not be held liable for any claims for losses or payments, beyond the amount of his, her or
their

such election, happen that two or more persons have an equal number of votes, in such manner that a greater number of persons than two shall, by a plurality of votes, appear to be chosen Directors, then the said Members hereinbefore authorized 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 the said election, shall proceed to elect 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, or in the office of President or Vice-President, by death, resignation, removal from the Province, or ceasing to hold the interest in the Corporation hereinafter required, such vacancy or vacancies shall be filled up 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 elected to the office of Director who is not a Member of the Company holding an interest therein, either to the extent of Mutual Insurance to the amount of Five Hundred Pounds, or if mutually insured to a less amount than Five Hundred Pounds and more than Three Hundred and Fifty Pounds, together with five Shares of Proprietary Stock, or if so insured less than Three Hundred and Fifty Pounds and more than Two Hundred Pounds, to possess ten shares; and if not mutually insured, or so insured to a less amount than Two Hundred Pounds, then to hold not less than fifteen shares of Proprietary Stock.

Vacancies among
Directors, &c.

Proviso.
Qualification of Di-
rectors.

Board to appoint day
for general annual
meeting, and notice
to be given in news-
papers, &c.

VIII. And be it enacted, That the Board of Directors shall name and determine the day for the holding of the General Annual Meetings of the Company; and public notice of all General Meetings shall be given in at least three newspapers that may be published in the Province of Canada, at least one month previous to the time of holding the said General Meeting or Meetings; and at the first General Annual Meeting of the Company, to be held as above directed, the Members then present shall decide and determine, by a By-law of the Company, to be then passed, the mode and manner in which the two retiring Members shall be then and in future elected, and the notice of all subsequent General Annual Meetings for election of Directors shall contain the names of the two retiring Directors.

Members entitled to
votes in proportion to
their stock.

IX. And be enacted, That each Member of the said Company shall be entitled to the number of votes proportioned to the amount of Stock by him, her or them insured, or held at least one month prior to the time of voting, according to the following rates, that is to say: Mutual Members, for any sum insured in the said Company amounting to Fifty Pounds, one vote; Two Hundred Pounds, two votes; Three Hundred and Fifty Pounds, three votes; and Five Hundred Pounds, four votes; Proprietary Members, 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 reason of
election of Directors
not taking place
when provided by this
Act.

X. And be it enacted, That if it shall happen at any time or for any cause that an election of Directors shall not be made on any day when, pursuant to this Act or the Ordinances of the Company, it ought to have been made, the said Corporation shall not for that cause be dissolved, but it shall be lawful on any other day to hold and make an election of Directors in such manner as shall be regulated by the By-laws and Ordinances of the Company, and the Directors in Office shall so continue until a new election shall be made.

Majority of Directors
to make By-laws, &c.

XI. And be it enacted, 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 Company, the Rates and Amount of Insurance and issuing of Policies, the management and disposition of its Stock, Property, Estate and Effects, and also to call in any Instalment or Instalments, or Assessment or Assessments, at such time and season and times and seasons as they shall think fit, giving due notice thereof as hereinafter provided, and also to declare and cause to be paid or distributed to the respective Stockholders of the Company, any
dividend

dividend or dividends of profits at such times and seasons as they shall deem expedient, and also to appoint a Secretary and Treasurer, with such salary and allowance to each, as well as to other Officers or Agents of the Company, and take security from them for the due performance of their respective duties, as they shall think meet and advisable: Provided always, that for the purposes in this section mentioned, except as hereinafter specially provided, a majority of the Directors shall be present and assisting, and it shall not be competent for a Board consisting of a less number of Directors than were present at the time, to alter, repeal or amend any matter or things so done.

Proviso.

XII. And be it enacted, That there shall be a Weekly Meeting of the Board of Directors of the said Company, and any three or more of the said Directors shall be a quorum, for the purpose of transacting and managing the details of the business and affairs of the said Company, and at all Meetings of the Board of Directors, all questions before them shall be decided by a majority of voices or votes, and in case of an equality of votes, the President, Vice-President 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 making, prescribing, altering or repealing any By-laws or Ordinances of the said Company, or calling in any Instalments or Assessments on Stock, or declaring Dividends of Profits, or the appointment of Treasurer or Secretary, or the appointments of Salaries to, or Securities from, Officers or Agents of the said Company, by any less number of Directors, or in any other manner than is mentioned and provided in the next preceding section.

Directors to hold weekly meeting for dispatch of business, and three to form a quorum.

XIII. And be it enacted, That the said Directors, and such others as may be chosen by the said Company, shall receive a reasonable compensation for their attendance at the Board, to be ascertained and determined by a By-law or Rule of the Board, which compensation shall not exceed Fifteen Shillings to Members living in the County of Wentworth, nor Seven Shillings and Six Pence to those residing in the City of Hamilton; and the said Directors shall be indemnified and saved harmless by the Members of the said Corporation, in proportion to their several interests in the same, in and for their giving out and signing Policies of Insurance and all other lawful Acts, Deeds and Transactions done and performed in pursuance of this Act, and neither shall the said Directors be answerable for, or chargeable with the defaults, neglects or misdeeds of others of them.

Directors to receive a reasonable compensation for their attendance at the Board.

XIV. And be it enacted, That any person who, as Secretary, Deputy Secretary, Treasurer, Clerk or other Officer of the Company, shall be guilty of any wilful fraud in any matter or thing pertaining to his office or the duties thereof, shall be guilty of a misdemeanor; and any person offering to vote in person at any election of Directors in the said Company, who shall falsely personate another, or who shall falsely sign or affix the name of any other Person or Member of this Company to any appointment of a proxy, shall be guilty of a misdemeanor.

Penalty on officers of Company guilty of falsehood in matters pertaining to their office.

XV. And be it enacted, That the Corporation hereby created, shall have power and authority to make and effect Contracts of Insurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores or other buildings whatsoever; and, in like manner, on any goods, chattels or personal estate whatsoever, and for such premises or consideration, and under such restrictions as may be agreed upon by and between the Company and the persons agreeing with them for Insurance, and generally to do and perform all other necessary matters and things connected with and proper to promote those objects.

Power to Company to effect contracts against loss by fire.

XVI. Provided always, and be it enacted, That in all cases of Mutual Insurance, there shall not be insured more than two-thirds the value of any building, nor shall a sum be involved exceeding Five Hundred Pounds on any one risk; and no Mutual Insurance shall be effected on buildings or other property, situated in blocks or exposed parts of towns or villages; nor on any kinds of mills, carpenters' or other shops, which by reason of the trade or business followed, are rendered extra hazardous; machinery, breweries, distilleries, tanneries, or other property involved in similar or equal hazard.

Provided, that there be no insurance for more than two thirds of value of property insured and no insurance on property extra hazardous.

Policies to be signed by President, countersigned by Secretary.

XVII. And be it enacted, That all Policies or Contracts of Insurance, issued or entered into by the said Company, shall be signed by the President and countersigned by the Secretary, or as otherwise directed by the Rules and Regulations of the Company, in case of their absence; and being so signed and countersigned, and under the Seal of the said Company, shall be deemed valid and binding upon them according to the tenor and meaning thereof.

Assured to have title in fee to property insured, &c.

XVIII. And be it enacted, That in all cases of Mutual Insurance, the assured shall have title in fee, unincumbered, to the building or buildings insured, and the land covered by the same; or if the assured shall have a less title therein, or if the premises be incumbered, then the true title of the assured and the incumbrances on the premises shall be expressed therein and in the application therefor, otherwise the Policy of Insurance granted thereon shall be void.

Statement to be made by Directors at annual meetings.

XIX. And be it enacted, That at the Annual General Meeting of the Company, and before the Members then assembled, the Board of Directors shall exhibit a full and unreserved Statement of the affairs of the Company; of the Funds, Property and Securities, shewing the amount in real estate, in Bonds and Mortgages, in Notes and the Securities thereof, in public Debt or other Stock, and the amount of debt due to and from the said Company.

Mode of proceeding when losses by fire occur.

XX. And be it enacted, That in case of any loss or damage by fire, happening to any property insured with the said Company, immediate notice thereof shall be given by the assured to the Secretary of the Company, or to the Agent of the Company, if there should be one acting for it in the neighbourhood of the place where such fire occurred, and shall as soon after as may be, furnish to such Agent, or otherwise to the Secretary, a full Statement of all particulars of the said fire as far as can be ascertained, together with a detailed Account of all damage done, which Statement and Account shall be verified upon oath by the parties making the same, if required; 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 be submitted to three disinterested persons as Referees, one of whom shall be named by the suffering party, and one by the Board, and the two Referees so named shall choose a third, and the decision or award of a majority of them shall be binding; and if the award is not satisfactory, either party may sustain its case in an action at law, and if upon the trial of such action a greater sum shall be recovered than the amount determined upon by the Directors, the parties suffering shall have judgment therefor against the Company, with interest thereon from the time at which payment for such loss or damage should have been made by the terms of the Policy, had no such question or disagreement arisen, with costs of suit; but if no more shall be recovered than the amount so previously determined, or a less sum be awarded, then the Plaintiff or Plaintiffs in such suit shall not be entitled to costs against the Defendants, but the Defendants shall be entitled to costs, as in the case of a verdict for them.

Mutual members obliged to pay their portion of losses, &c. happening to Mutual Branch of Company.

XXI. And be it enacted, That every Mutual Member of the Company shall be, and is hereby bound and obliged to pay his or her portion of all losses and expenses happening or accruing in or to the Mutual Branch of the Company, during the continuance of his or her Policy of Insurance, and all the right, title, interest and estate at the time of the Insurance of the assured, of, in, or to the building insured by and with the said Company, and to the lands on which the same shall stand, and to all other lands thereto adjacent, which shall be mentioned and declared liable to the Policy of Assurance, shall stand pledged to the said Company, and the said Company shall have full power to sell, demise and mortgage the same or any part thereof, to meet the liabilities of the insured for his, her or their proportion of any losses or expenses happening or accruing to the said Company, during the continuance of his, her or their Policy; which sale, demise or mortgage shall be made in such manner as shall be specified in the Policy of the assured.

XXII. And be it enacted, That the Directors shall, after receiving notice of any loss or damage by fire sustained by any Mutual Member with account and proof thereof, and ascertaining the same, or after the recovery of any judgment as aforesaid against the Company for such loss or damage, settle and determine the sums to be paid by the several Mutual Members thereof as their respective proportions of such loss, and publish the same in such manner and form as they shall see fit or as by the By-laws shall have been prescribed; and the sum to be paid by each Mutual Member shall always be in proportion to the original amount of his, or her Deposit Note or Notes, and shall be paid to the Treasurer within thirty days next after the publication of such 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, or his, her or their proportion of any loss or damage 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 with the Treasurer of the Company, subject to the payment of such loss or expense as shall or may 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: Provided always, that no payment, assessment or instalment shall be called in on the said Premium or Deposit Notes until all savings, profits or funds arising from or on account of payments made or moneys received on account of the Mutual Branch of Insurance of the said Company shall have been first applied to and expended upon the payment of losses or damage previously occurring therein.

Directors to make assessment of sums to be paid by mutual members where a mutual member shall have incurred a loss, &c. by fire.

Proviso.

XXIII. And be it enacted, That if it shall ever 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 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 been incurred, shall be discharged from the said Company.

Provision, in case deposit notes are insufficient to cover losses.

XXIV. And be it enacted, That whenever any assessment is made on any Premium Note given to the said Company for any hazard taken by the said Company, or as consideration for any Policy of Insurance issued, or to be issued by the said Company, and an action is brought to recover such assessment, the Certificate of the Secretary of the Company, specifying such assessment and the amount due to the Company on such Note by means thereof, shall be taken and received as *prima facie* evidence thereof in all Courts and places whatsoever.

Certificate of Secretary specifying any assessment on a premium note to be *prima facie* evidence thereof.

XXV. And be it enacted, That when any house or other building shall be alienated by sale or otherwise, the Policy of Mutual Insurance shall be void, and be surrendered to the Directors of the 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, her or their proportion of all losses and expenses that have occurred 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 conferred 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 satisfaction 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.

Policy to be void on sale, &c., of building insured.

Proviso.

XXVI. And be it enacted, That in case any building or buildings, situated upon leased lands, and mutually insured by the Company, be destroyed by fire, in such cases the Company may retain the amount of the Premium Note given for the insurance thereof,

Provision with respect to destruction of buildings situate upon leased lands.

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 the said retained sum or sums as has not been expended in losses or assessments.

Five per cent to be paid on each share of proprietary stock, on subscribing thereto.

XXVII. And be it enacted, That five per cent. on each share of the Proprietary Stock shall be ready as a deposit at the time of subscribing thereto, to be called for by the Directors in such manner and as soon as they may deem expedient, and the remainder shall be paid in such instalments as the Directors for the time being shall appoint; Provided that no instalment shall exceed ten per cent. upon the Capital Stock, or be called for, or become payable in less than thirty days after public notice shall have been given, in one or more of the several newspapers published in every county, where Stock may be held, to that effect; and if any Shareholder or Shareholders 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 when required by law so to do, such Shareholder or Shareholders as aforesaid, shall forfeit such shares as aforesaid, together with the amount paid them; 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 moneys of the Proprietary Branch of this Corporation.

Directors may sue for amount of instalments instead of forfeiting stock, if they think proper.

XXVIII. And be it enacted, That in case the said Directors shall think it more expedient in any case to enforce the payment of any instalment or instalments of Proprietary 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 as aforesaid, which shall be so called in, and which shall be unpaid at the time or times when the same shall be due or payable, which said instalments shall be sued for and recovered, with interest thereon, in any action or actions of debt in any Court having jurisdiction in civil cases to the amount; and in any such action, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more shares (stating the number) in the Stock, and is indebted to the Company in the sum to which the calls in arrear may amount; and in any such action, it shall be sufficient to maintain the same, that the signature of the defendant to some Book or Paper by which it shall appear that such defendant subscribed for a share or a certain number of shares of the Stock of the said Company, be proved by one witness, whether in the employment of or interested in the Company or not, and that the number of calls in arrear have been made.

Proprietary stock transferable, according to rules, &c., of the Board.

XXIX. And be it enacted, That the Proprietary Stock of the said Company shall be assignable and transferable, according to such Rules as the Board of Directors shall make and establish; and no Stockholder indebted to the Company shall be permitted to make or transfer, or receive a dividend, until such debt be paid, or security for its being paid be given, to the satisfaction of the Directors.

No transferred share or stock to enable transferee to vote until 30 days expire.

XXX. And be it enacted, That no Transferred Share or Stock shall enable the Transferee to vote, until the expiration of thirty days from such transfer.

Double insurances void, unless with consent of Directors.

XXXI. And be it enacted, That if any Insurance on any house or building shall be and subsist in the said Company, and in any other office, or from or by any other person or persons at the same time, the Insurance made in and by this Company shall be deemed and become void, unless such double insurance subsist with the consent of the Directors, signified by indorsement on the Policy, signed by the President, and countersigned by the Secretary, or otherwise, as directed by the By-laws and Regulations of the Company.

Officers of Company competent witnesses in actions of Company.

XXXII. And be it enacted, That in all actions, suits and prosecutions, in which the said Company may be engaged at any time, the Secretary or other Officer of the said Company shall be a competent witness, notwithstanding any interest he may have therein.

XXXIII. And be it enacted, That the said Company shall, when required by either of the three Branches of the Legislature, make a full and unreserved Statement of the affairs of the Company, of the Funds, Property and Securities, shewing the amount in Real Estate, in Bonds and Mortgages, in Notes, and the Securities thereof, in Public Debt or other Stock, and the amount of Debt due to and from the said Company, and also a list of the Stockholders and of the Directors of the Company.

Statement to Legislature.

XXXIV. And be it enacted, That this Act shall be deemed a Public Act, and shall extend to all Courts of Law or Equity in this Province, and be judicially taken notice of as such by all Judges, Justices, and other persons whatsoever, without the same being specially shewn or pleaded.

Public Act.

XXXV. And be it enacted, That it shall at all times hereafter be lawful for the Legislature of this Province to repeal, alter or amend this Act.

It may be repealed, &c.

C A P. C L X I V.

An Act to incorporate the Marine Mutual Insurance Company of Montreal.

[30th August, 1851.]

WHEREAS the formation and establishment of Marine and Inland Insurance Companies in this Province is of great public utility; And whereas the several persons hereinafter named are willing and desirous to establish and maintain such a Company with mutual division of profits between the Shareholders and the Insured, but the same cannot be effected with advantage without the aid and authority of the Legislature: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Honorable George Moffatt, John Gordon Mackenzie, John Young, James B. Greenshields, Hugh Allan, L. H. Holton, Henry Starnes, John Glennon, Haviland L. Routh, William Muir, Henry M'Kay, J. O. Moffatt, James Law, Maurice Cuvillier, Wm. Edmonstone, James Burns, A. Gilmour, Edward Maitland, and every other person who shall hereafter become a Shareholder of the said Company, shall be and are hereby united into a Company for effecting and making Inland Navigation and Marine Insurance, according to the Rules, Orders and Directions hereinafter mentioned, and for that purpose shall be one Body Corporate until the first day of January, one thousand nine hundred and fifty, under the name of "The Marine Mutual Insurance Company of Montreal."

Preamble.

Incorporation of Company.

II. That the said Company shall have power and authority to make with any person, all and every Insurance connected with Marine Risks and Risks of Navigation and Transportation by Water, against loss or damage of or to any Vessel, Steamer, Boat or other Craft, either sea-going or navigating upon the lakes, rivers or navigable waters of this Province or elsewhere, and of and to any Cargo, Goods, Wares and Merchandize, Specie, Bullion, Jewels, Bank Notes, Bills of Exchange and other evidences of debt conveyed therein, and of and to any Timber or other property of every description borne or carried by water, and of and to any Freight, Profit, Commission, Bottomry or Respondentia Interest, and to cause themselves to be re-insured, when deemed expedient, against any loss or risk upon which they have made or may make Insurance, and generally to do and perform all other necessary matters and things relating to such objects.

Powers and authority to insure vessels, cargoes, &c.

III. That the said Company shall have power and authority to purchase, have and hold to them and their successors, any real or immoveable estate, lands and tenements, which shall not at any time exceed the value of Five Thousand Pounds, and which shall be necessary for their immediate accommodation in relation to the convenient transaction

Power to hold real estate limited, and to take same as security.

of

of their business, and the same to sell and dispose of and others to acquire; and to take and hold any real estate *bonâ fide* mortgaged and hypothecated to the said Company by way of Security, or conveyed to them in satisfaction or payment of any debt previously contracted in the course of their dealings, or purchased at any sale under any Judgment, Order or Decree of any competent Court, which may have been obtained for such debt or by virtue of any proceeding at law, and to hold the said real estate for a period not exceeding two years, during which time the said Company shall be bound to sell or dispose of and convert the same into money or personal property.

Company may invest funds in real estate, bonds, &c.

IV. That it shall be lawful for the said Company to invest their Funds or any part thereof in Loans on real estate, or Bond and Mortgage, or Mortgage Hypothèque on real estate worth fifty per cent. more than the sum loaned thereon, and the same to call in and re-loan, as occasion may render expedient, and in the purchase of any of the public Securities of this Province, the Stocks of any Chartered Bank or other Chartered Company, the Bonds and Debentures of the Government of Canada, or of either of the heretofore Provinces of Upper Canada or Lower Canada, or of any Incorporate City or Town, or Municipality in the said Province, and to sell and transfer the same: Provided always, that the Company shall not deal in any goods, wares or merchandizes, in the way of traffic, but nothing herein contained shall prevent the said Company from selling any goods, wares or merchandizes or other effects, of what nature or kind soever of which they may become possessed or which may be abandoned to them by the Insured in virtue of any Policy of Insurance on such goods, wares or merchandizes or other effects: And provided further, that the said Company shall not invest any part of their said Funds in any Bottomry or Respondentia Bonds, excepting upon vessels which shall be insured by the said Company at the time of taking such Bonds, to an amount equal to the sum secured to be paid by the condition of such Bond; nor shall any such bond be made payable at a time subsequent to the time at which the Policy of such Insurance shall expire.

Proviso.

Proviso.

Capital Stock divided into Shares.

V. That the Capital Stock of the said Company shall be formed of the sum of Twenty-Five Thousand Pounds, divided into Shares of Twenty-Five Pounds each, which shall be paid in cash, or secured by the hypothecation of the Stocks or Public Securities mentioned in the previous Section, and being worth, at least ten per cent. more than the amount for which they shall be hypothecated; and the said Capital Stock, with the property of the Company and the Premiums reserved, shall be held liable for the payment of all engagements, loss or damage, that may from time to time occur and be justly claimed from or charged upon the said Company; and the said Capital Stock may be increased to a sum not exceeding One Hundred Thousand Pounds, as a majority of the Shareholders, at a meeting expressly convened for the purpose, shall agree; which said increase shall be divided into Shares of similar amount, and be paid, invested and secured, and be liable for the debts of the Company in the same manner as the Original Stock; and the Shares of the Increased Stock shall entitle to vote at any election, and be assignable and transferable, and be subject to the same Rules and Regulations from time to time established and made by the Directors, in the same manner as the said Original Stock.

Management by a Board of Directors.

VI. That the Corporate powers, property and business of the Company shall be conducted and managed by a Board of five Directors, which Board, in the first instance and until the first General Annual Meeting of the Company as hereinafter provided, and until others may be chosen and appointed thereafter as herein provided, shall consist of the said Honorable George Moffatt, John Gordon Mackenzie, Hugh Allan, John Young, and L. H. Holton, named in the first section of this Act, but who shall nevertheless be eligible for re-election at the said first or any other Annual Meeting, and thereafter the Directors shall be elected annually at the said General Annual Meeting, and be eligible for re-election as aforesaid; and all elections of Directors shall be by ballot, and shall be held at a General Meeting of the Company by the Members thereof, present in person or by proxy, and in case of a failure to elect from an equality in the number of votes for more than five Directors, a new election shall

Election by ballot.

be

be held to fill the undetermined places; And in case of any vacancy occurring in the number of Directors, such vacancy shall be filled up for the remainder of the year in which it may happen, by a Member, to be nominated by a majority of the Directors: Provided that no Member shall be elected or nominated to the office of Director, who shall not be a Shareholder in the Company to the extent of twenty Shares, at the time of his election, and during his continuance in office: Provided always, that the authority to any such proxy to vote at such Meeting shall be produced thereat. And further provided, that one person only shall be allowed to vote at the same election on the same Share or Certificate.

Proviso.

Proviso.

VII. That each holder of Shares, held by him in his own name or the name of a firm of which he is a partner, and each person having in his possession a Certificate representing actual profits at the time of the election, to the amount of not less than Fifty Pounds, undiminished by payments, or subsequent losses, shall severally be entitled to one vote in the election of Directors, for each Share so held by him, or for each such amount of actual profits.

Qualification of electors.

VIII. That the Corporation shall not be deemed to be dissolved by a failure to elect Directors at the time when such election should be made pursuant to this Act, but such election may be made on any other day, in such manner as may be directed and required by the By-laws of the Company, and the Directors in office shall continue until such new election shall be made.

Failure to elect not a dissolution of the Company.

IX. That the Annual General Meetings of the Company shall be held on the first Tuesday of the month of April in each year, of which the first shall be held on the said day in the year one thousand eight hundred and fifty-two; and Public Notice of all such Meetings shall be given in the *Canada Gazette*, and in one Newspaper published in the Cities of Montreal and Quebec respectively, at least ten days previous to the time of holding such General Meeting: Provided that any ten or more Shareholders representing one third of the Stock of the Company, may require the Directors to call a Special General Meeting of the Shareholders, in the manner provided for the Annual Meetings; and on their refusal or neglect so to do, may, themselves, call such Meeting in the same manner.

Time of General Annual Meetings.

Proviso to call Special Meetings.

X. That any number of the Directors aforesaid being a majority of them, shall have full power and authority to make, prescribe, alter, amend or repeal such By-laws, Rules, Regulations and Ordinances, as shall appear to them proper and needful, touching the well ordering of the Company, the management and disposition of its Stock, Property, Estate and Effects, the rates and amount of Insurance, and the issuing of Policies; and also to call in any instalment at such time and season as they shall think fit, giving due notice thereof as hereinafter provided, and also to issue Certificates to the respective Stockholders of the Company and persons insured therein, of any dividend of profits which shall be declared, and to appoint a Manager and such other Officers as to them may appear necessary for the carrying on the business of the Company, and to take Security from them for the due performance of their respective duties, with such salary and allowances to each as they shall think meet and advisable: Provided always, That for the purposes in this section mentioned, except as hereinafter specially provided, a majority of the Directors shall be present and assisting, and no less a number than were present at the time shall have power to alter, repeal or amend any matter or thing so done: And provided further, that no such By-laws, Rules, Regulations and Ordinances made as aforesaid, shall be valid or have effect unless approved and confirmed by the majority of Shareholders voting at an Annual or other Special General Meeting convened as aforesaid.

Directors may make By-laws, &c.

Proviso.

Proviso: By-laws to be approved at General Meeting.

XI. That there shall be a Weekly Meeting of the Board of Directors, at such time and place as shall be designated in the By-laws, and any three or more of the Directors shall be a *quorum* for transacting and managing the details of the business and affairs of the Company; and at all meetings of the said Board, all questions before them shall be decided by a majority of votes, and in case of an equality of votes, the Presiding Director shall give the casting vote, over and above his proper vote as a Director: Provided

Weekly Meetings of the Board.

Proviso.

Provided always, that the said Directors shall be indemnified and saved harmless by the Members of the Company, in proportion to their several interests in the same, in and for their giving out and signing Policies of Insurance, and all other lawful acts, deeds and transactions done and performed in pursuance of this Act ; and they shall not be answerable for or chargeable with the defaults, neglects or misdeeds of others of them, or of any Officer or Clerk of the said Company.

Punishment of Officers for fraud.

XII. That any Manager or other Officer of the Company, who shall be guilty of any wilful falsehood or fraud, in any matter or thing pertaining to his office or-duty, shall be guilty of a misdemeanor ; and any person falsely personating a Member entitled to vote, and offering to vote as such Member at any election of Directors, or who shall falsely sign or affix the name of any Member of the Company to any appointment of a proxy, shall be guilty of a misdemeanor.

Directors to open Books of Subscription.

XIII. That it shall be the duty of the said Board of Directors, or of a majority of them, to cause Books of Subscription for Shares in the Company to be opened at the City of Montreal, or, at their option, in any of the other principal Cities and Towns of this Province, of which public notice shall be first given by them, and under such Regulations as they shall direct ; and as soon as the aforesaid Capital Stock of Twenty-five Thousand Pounds shall have been subscribed, paid in or secured as aforesaid, and not before, the said Board of Directors shall thereafter organize the said Company, and proceed with the business and purposes thereof.

Amount of Subscription.

XIV. That any person may subscribe for such and so many Shares as he may think fit, and five per centum on each Share shall be paid at the time of subscribing therefor, and the remainder at such times as the Directors for the time being shall appoint ; and if any Shareholders refuse or neglect to pay the said Instalment at the time required so to do, he shall forfeit his Share, together with the amount paid thereon, and the said Share shall be sold, and the sum arising from such sale, together with the amount so previously paid, shall be accounted for and divided in like manner as the other moneys of the Company, unless the sum produced from such sale shall be more than sufficient to pay all arrears and interest on such Instalment, together with the expense of such sale, and in such case the surplus of such money shall be paid on demand to the owner ; and no more Shares shall be sold than what shall be deemed necessary to pay such arrears, interest and expense.

Proceeding to enforce payment.

XV. That in case the said Directors shall deem it more expedient in any case to enforce the payment of any unpaid Instalment than to forfeit the said Share therefor, it shall and may be lawful for the Company to sue for and recover the same from such Shareholder, with interest thereon, in any action for debt, in any Court having civil jurisdiction to the amount claimed ; and in any such action, it shall be sufficient to allege that the Defendant is the holder of one or more Shares, (stating the number of shares), and is indebted to the Company in the sum to which the calls in arrear may amount ; and to maintain such action it shall be sufficient that the Signature of the Defendant to some Book or Paper by which his subscription for such Share shall appear, be proved by one witness, whether in the employment of or interested in the Company, or in any way allied or related to any of the said Directors, or Shareholders, or other persons interested in the said Company or not, and that the number of calls in arrear have been made.

Shares and Certificates assignable.

XVI. That the Shares of the said Company, and the Certificates of Profits to be issued by the said Company as hereinafter provided, shall be assignable and transferable according to such Rules as the Board of Directors shall appoint and establish, and be recognized and acknowledged by the Company, only after the transfer thereof shall have been entered in the Books of the Company ; and no Shareholder or Member indebted to the Company, shall be permitted to make a transfer or receive a dividend until his debt is paid, or Security to the satisfaction of the Directors, be given to them that it will be paid.

Assigned Share not to vote until after 30 days.

XVII. That no Transferred Share or Certificate of Profits shall entitle the person to whom it is transferred to a vote until the expiration of thirty days after such transfer.

XVIII.

XVIII. That all Policies of Insurance issued or entered into by the Company, shall be signed by any two of the Directors, and countersigned by the Manager and by him sealed with the Seal of the Company, and being so signed, countersigned and sealed, shall be deemed valid and binding upon them according to the tenor and meaning thereof.

Policies signed by
two Directors, &c.

XIX. That for the better security of parties dealing with the Company, Notes for Premiums in advance may be received by the Company from persons intending to receive Policies, and may be negotiated for the purpose of paying claims or otherwise in the course of the business of the Company; and on such portions of said Notes as may exceed the amount of Premiums paid by the respective makers thereof at the successive annual periods of the last day of February in each year, and on new Notes taken in advance thereafter, a compensation to the makers, at a rate to be determined by the Directors, but not exceeding six per cent. per annum, shall and may be allowed and paid from time to time.

Advanced notes may
be paid in.

XX. That there shall also be allowed to the Shareholders respectively who shall have paid their Shares in Cash, an Annual Interest not exceeding six per cent. upon the amount of the Shares held by each, which shall be reserved and taken from the profits of the Company, and shall be made up annually to the said last day of February, and paid from time to time, and to the said Shareholders who shall have secured the payment of their Shares by Stocks as aforesaid, the interest thereon as it shall accrue and have been received by the Company.

Interest allowed to
Shareholder.

XXI. That no separate Statement shall be required for the part of the year following the day on which the Company shall have issued their first Policy, but after that period an Annual Dividend Statement shall be made, which shall exhibit a full and unreserved Statement of the Affairs of the Company, of their Funds, Property and Securities, the amount in Real Estate, Bonds and Mortgages, Notes and other Securities therefor, Public Debt or other Stock, and the amount of Debt due to and from the Company, together with a fair estimate of the Net Profits of the Company not before divided, up to and including the last day of February in each year, and allowing for any previous or probable deficiencies, which said Annual Statement shall be completed in the month of March succeeding the period to which it relates, and shall be submitted to the Annual General Meeting aforesaid.

Annual statements,
dividends, &c.

XXII. That at each Annual General Meeting, after the submission of the said Statement and approval thereof by the Shareholders, the Board of Directors shall declare a Dividend of the Net Profits of the preceding period, Certificates whereof shall be issued by the Company of a certain amount per centum, to be computed on the said Capital, and the amount of Premiums to the persons in whose names the Policies of Insurance not marked off were originally made, or their heirs, executors, representatives or assigns; and to the Shareholders or their heirs, executors and representatives, who shall be entitled to receive the same per cent. of Dividends out of the Profits of the Company, as may be declared and may be made payable to the Insured; and the amount named in such Certificates shall be conclusive on the parties entitled to receive them at such periods, and shall not be changed by subsequent events, showing the actual payment to be more or less favorable than the estimate; and the Certificates aforesaid shall be subject to any future losses and expenses of the Company, until the same are redeemed, as hereinafter provided for, and shall be subject to be reduced by the Board of Directors, in case of losses and expenses in any subsequent year exceeding the estimated profits of such year; and the original Certificates may be called in and new ones issued in their stead, less the proper reduction.

Declaration of
dividend.

XXIII. That the Shareholders shall not be held liable for any claim, engagement, loss, or payment whatsoever, for or by reason of the said Company, beyond the amount of the Share or Shares which each may respectively hold; and the persons insuring and entitled to or holding Certificates as aforesaid, shall not be held liable for any such claim, engagement, loss or payment, or for any matter or thing in this Act contained,
beyond

Limitation of liability.

beyond the amount of their Premiums, Certificates or Notes, given in advance for Premiums.

Shares to be personal property.

XXIV. That all Shares, Certificates and Interest in the Company shall be deemed personal property.

Fractions not allowed in accounts.

XXV. That no original Certificate shall be issued for a less sum than Two Pounds Ten Shillings, nor for the fractional sums between even sums of Two Pounds Ten Shillings, but all such shall be passed to the Contingent Accounts of the Company.

No dividends out of capital.

XXVI. That no Dividends shall be declared or paid out of the Capital Stock of the Company, nor shall any Dividend out of the said Net Profits be declared or paid, unless the said Capital shall be unimpaired, and six per cent. annual interest upon the amount paid in from the time of payment, allowed and reserved to the Shareholders who shall have paid their Shares in Cash as aforesaid, together with such Dividends and Interests as shall have been collected upon the Stocks hypothecated to the Company for Security as aforesaid.

Divisions of accumulations of profits beyond capital.

XXVII. Whenever the accumulations of the Profits of the Company, and for which Certificates shall have been issued, shall exceed a sum equal to the Capital of the Company for the time being, the excess shall be applied from year to year, or semi-annually, as shall be provided by a By-law to that effect, towards the redemption of each year's Certificates, in whole or in part, as may be determined on by the said Board, but the Certificates of a subsequent year shall not be redeemed until those of the preceding year are provided for.

Suits by Members against Company.

XXVIII. Suits at Law or in Equity may be prosecuted and maintained by any Member against the said Company; and no Member of the Company, not being in his individual capacity a party to such suit, shall be incompetent as a witness in suits and legal proceedings by or against the Company.

Business to be carried on in Montreal.

XXIX. The operations and business of the Company shall be carried on at such place in the City of Montreal as the Directors shall direct, but Agencies may be elsewhere established, as the Directors shall deem expedient.

Public Act, &c.

XXX. That this Act shall be a Public Act, and shall be subject to the provisions contained in the Interpretation Act of this Province, Twelve Victoria, Chapter Ten, which shall be held to form part hereof, so far as the same shall apply.

C A P . C L X V .

An Act to vest a certain Road Allowance in the Township of Hope, in the County of Durham, in James Madison Andrews, and others.

[30th August, 1851.]

Preamble.

Case recited.

WHEREAS the Allowance for Road between lots numbers four and five, in the Second Concession of the Township of Hope, crosses a mill-dam and pond, and passes over high hills beyond, rendering that portion of the Allowance for Road wholly impracticable as a public highway; And whereas two other roads, the one leading along the easterly side of the pond, across the said lot number four, and the other in a north-westerly direction, across the said lot number five, have been opened, and are used as substitutes for the said Allowance, and Statute Labor expended thereon, and the latter is bridged where it crosses the stream below the aforesaid mill-dam, the former needing no bridge; And whereas James Madison Andrews, Henry Howard Meredith, Nathan Choat, David Choat, William Choat, Zacheus Burnham and Mark Burnham, own the land on each side of the said Allowance for Road, from the point aforesaid to the rear of the said Concession; And whereas it is expedient that part of the said Road Allowance should be granted to the said James Madison Andrews, Henry Howard Meredith, Nathan Choat, David Choat, William Choat, Zacheus Burnham and Mark Burnham, in lieu of the said Roads so granted through the said lots: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament

Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Roads so laid out through the said lots, and now travelled as Public Highways, shall be and remain Public Highways, and that the following parts of the said original Allowance be, and the same are hereby vested in the said James Madison Andrews, Henry Howard Meredith, Nathan Choat, David Choat, William Choat, Zacheus Burnham and Mark Burnham, their heirs and assigns for ever, in lieu of the Roads so given, in the proportions hereinafter mentioned, that is to say: so much of the said Allowance for Road as lies between the northerly side of the Road leading along the east side of the pond and high water mark, on the northerly side of the mill-pond, to the said James Madison Andrews and Henry Howard Meredith; their heirs and assigns; so much of the said Allowance for Road as lies between the lands of the said David Choat and William Choat, to them, their heirs and assigns; so much of the said Allowance for Road as lies between the lands of the said Nathan Choat, to him, his heirs and assigns; and so much of the said Allowance for Road as lies between the lands of Zacheus Burnham on the west, and Mark Burnham on the east, to the said Zacheus Burnham and Mark Burnham, their respective heirs and assigns, in equal proportions, share and share alike, conterminously with their respective lands adjoining the said Allowance for Roads.

Present Roads made Public Highways, and Road allowance vested in certain parties.

C A P. C L X V I.

An Act to incorporate the Burlington Ladies' Academy.

[30th August, 1851,]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Mayor of the City of Hamilton, for the time being, George Sylvester Tiffany, John W. Hunter, Edward Jackson, John Fisher, Daniel Cummings VanNorman, Peter Carroll, Robert R. Smiley, Charles Newby Sims, Samuel Black Freeman, Michael Ackman, Alexander Hopkins, and Caleb Hopkins VanNorman, and their successors, shall be, and they are hereby constituted a Body Corporate, by the name of "Burlington Ladies' Academy," to be located at the City of Hamilton, for the purpose of establishing, maintaining and conducting a Seminary of Learning, for the Education of Females, and the persons above named shall be the Trustees of the said Corporation.

Preamble.

II. And be it enacted, That the said Corporation shall have power to purchase, take and hold, real and personal Estate, to the annual value of Fifteen Hundred Pounds, Halifax Currency, and to lease, sell or otherwise dispose of the same, for the use of the said Institution.

Real Estate.

III. And be it enacted, That the Trustees shall have power to elect the Faculty of the Institution, form Regulations and By-laws, prescribe the course of study, attend examinations, and regulate the Government and Instruction of the Students, and to fill all vacancies that shall occur in their Board.

By-laws.

IV. And be it enacted, That there shall always be Thirteen Trustees of the said Corporation, excepting when a vacancy or vacancies shall occur, which vacancy or vacancies shall be supplied as aforesaid, within one month after they may happen; and that five of said Trustees shall constitute a quorum for the transaction of business.

Trustees.

V. And be it enacted, That upon the death, resignation or removal from this Province of any Trustee, his vacancy shall be filled as hereinbefore provided.

Vacancies.

VI. And be it enacted, That it shall be the duty of the said Corporation, at all times when they may be called upon so to do by the Governor of this Province, to render an account

To render Account, &c., if called upon by the Governor.

account in writing of their property and affairs, in which shall be set forth in particular the income by them derived from property held under this Act, and the means by which the same has been acquired, also the number of Members of the said Corporation, the number of Teachers employed in the various branches of Instruction, the number of Scholars under Instruction, and the course of Instruction pursued.

CAP. CLXVII.

An Act to authorize the Trustees of the Toronto General Burying Ground, to acquire an additional lot of land.

[30th August, 1851.]

Preamble.

WHEREAS the Trustees of The Toronto General Burying Ground, have by their petition prayed that the powers hereinafter mentioned may be granted to them, and it is expedient to grant their prayer: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend an Act therein mentioned, and to vest the Toronto General Burying Ground in certain Trustees, and their successors*, or in the Act of the Parliament of Upper Canada thereby amended, or in any other Act or Law, it shall be lawful for the Trustees of the Toronto General Burying Ground, and their Successors in Office, to purchase and hold an additional piece or pieces of ground in the Township of York, not exceeding in the whole Twenty-five Acres in extent, and to pay for the same out of any Funds at their disposal as such Trustees, and also if they shall deem it advisable for the purpose of aiding the said Funds in defraying the expenses aforesaid, to lease out in lots, for such term or terms not exceeding ninety-nine years from the passing hereof in any case, the whole or any portion of the front of the land forming the said Toronto General Burying Ground; and any land purchased by the said Trustees under the authority of this Act shall form part of the said Toronto General Burying Ground; and when the said Trustees shall have acquired an indefeasible Title in Fee to the Premises free and clear of all Incumbrances, and shall have filed a Map in the Office of the Register of the County shewing the Survey and Division thereof, the said Trustees may sell, convey or otherwise dispose of the said lots to any person or persons on such terms and conditions, and at such prices as shall be agreed on, to be used and appropriated exclusively to the burial of the dead.

Notwithstanding any thing in 12 Vict., c. 104, the Trustees may purchase an additional piece of ground.

Certain Regulations to be made by the Trustees.

II. And be it enacted, That the said Trustees shall make Regulations for ensuring that all Burials within the said Burying-Ground are conducted in a decent and solemn manner.

Certain interments prohibited.

III. And be it enacted, That no body shall be buried in any Vault under any Chapel or other Buildings in the said Burying Ground, or within fifteen feet of the outer wall of any such Chapel or Building.

The Burying ground to be enclosed.

IV. And be it enacted, That every part of the said Burying Ground shall be enclosed by Walls or other sufficient Fences or Railings, of the height of eight feet at least.

The Burying ground and buildings, &c., to be kept in repair, &c.

V. And be it enacted, That the said Trustees shall keep the said Burying Ground and the Buildings and Fences thereof in complete repair and in good order and condition, out of the moneys to be received by them in virtue of the said Acts and of this Act.

Sewers and drains to be made in and about the Burying ground.

VI. And be it enacted, That the said Trustees shall make all proper and necessary Sewers and Drains in and about the said Burying Ground for draining it and keeping it dry, and they may, from time to time, as occasion requires, cause any such Sewer or Drain to open into any existing Sewer, with the consent, in writing, of the persons having

having the management of the Street or Road, and of the Owners and Occupiers of the Lands through which such opening is made, doing as little damage as possible to the Road or Ground wherein such Sewer or Drain may be made, and restoring it to the same or as good condition as it was in before being disturbed.

VII. And be it enacted, That if the said Trustees at any time cause or suffer to be brought or to flow into any River, Spring, Well, Stream, Canal, Reservoir, Aqueduct, Pond or Watering Place, any offensive matter from the said Burying Ground whereby the water therein shall be fouled, they shall forfeit, for every such offence, the sum of Twelve Pounds Ten Shillings currency.

Penalty on Trustees for suffering water in Rivers, &c., to be fouled.

VIII. And be it enacted, That the said penalty, with full costs of suit, may be recovered by any person having a right to use the water fouled by such offensive matter, by a Civil Action against the said Trustees for the time being, or any one or more of them, in any Court of Competent Jurisdiction; Provided always, that the said penalty shall not be recoverable unless the same be sued for during the continuance of the offence, or within six months after it has ceased.

The said penalty how and by whom to be recovered.

Proviso.

IX. And be it enacted, That in addition to the said penalty of Twelve Pounds Ten Shillings, (and whether the same be recovered or not,) any person having the right to use the water fouled by such offensive matter, may sue the said Trustees for the time being, or any one or more of them, in a Civil Action in any Court of Competent Jurisdiction, for any damage specially sustained by him by reason of the water being so fouled; or, if no special damages be alleged, for the sum of Two Pounds Ten Shillings, for each day during which such offensive matter is brought or flows as aforesaid, after the expiration of twenty-four hours from the time when notice of the offence is served on the said Trustees, or any one or more of them, by such person.

The party aggrieved may sue for damages (in addition to the penalty above mentioned);

And claim a certain sum per day, if no special damages be alleged.

C A P . C L X V I I I .

An Act to afford Relief to the Estate of the late Alexander Wood.

[30th August, 1851.]

WHEREAS the Honorable George Crookshank, as Attorney for Isabella Farrell, of Woodburnden, in the County of Kincardine, in that part of the United Kingdom of Great Britain and Ireland called Scotland, Widow, has, by petition, set forth, that Alexander Wood, formerly of Woodburnden aforesaid, Esquire, and who resided in the City of Toronto, Upper Canada, for many years previous to the year of Our Lord one thousand eight hundred and forty-two, died at Woodcot, near Stonehaven, in Scotland aforesaid, on or about the Eleventh day of September, in the Year of Our Lord one thousand eight hundred and forty-four, intestate, and that the said Isabella Farrell claims to be the Heir-at-Law of the said Alexander Wood, and as such entitled to the Real Estate left by the said Alexander Wood in Scotland and in Upper Canada, and that all the witnesses to prove such Heirship reside in Scotland aforesaid, and that for realizing said Estate in Upper Canada, it is necessary that a number of Suits at Law and in Equity shall be brought, in which proof of the Heirship of the said Isabella Farrell to the said Alexander Wood will be required; And whereas by Law it is necessary that a Commission for the proof of such Heirship shall be issued in every such Action or Suit, which will occasion serious expense and delay which it is desirable to prevent: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any Commission or Commissions which may have issued, or may hereafter issue, in any cause now depending or hereafter to be brought in Her Majesty's Court of Queen's Bench or Common Pleas, or Her Majesty's High Court of Chancery in and for that part

Preamble.

Commissions issued by Courts of Q. B. or C. P. or Court of Chancery for proof of heirship to be

of

valid in other Suits in all Courts of Law or Equity in Upper Canada.

of Canada heretofore Upper Canada, for the examination of Witnesses for the proof of the Heirship of the said Isabella Farrell to the said Alexander Wood, deceased, and her consequent right to inherit the Real Estate of which said Alexander Wood died possessed in Upper Canada, and which shall have been or shall be hereafter returned to the said Courts of Queen's Bench, or Common Pleas, or High Court of Chancery, in any such Cause in which it or they shall have been so issued, and shall have been considered by any of the said Courts to afford good, proper and sufficient evidence of the Heirship of said Isabella Farrell, and right and title to the said Real Estate in Upper Canada, which said Alexander Wood died possessed of, according to the Laws in that behalf, shall be deemed and taken to be, in any Court of Law or Equity or any Judicial Proceeding in Upper Canada a Commission or Commissions issued in and for any Cause, Suit or Proceeding whatever, which may be hereafter had or commenced in any such Court of Law or Equity, or in any Judicial Proceeding, and in which proof of the Heirship of said Isabella Farrell, or her right or title to inherit the Real Property of which said Alexander Wood died possessed in Upper Canada, shall be required in the same manner and with the same effect as if the same had been issued, returned and opened in the particular Cause, Suit or Proceeding in which it or they may be so required or used as aforesaid.

Defendant may obtain the issue of a new Commission, &c.

II. And be it enacted, That it shall and may be lawful for any defendant or defendants in any Action or Actions in any Court of Law or Equity, or any Judicial Proceeding in Upper Canada, in which it may be necessary to give evidence of the Heirship of the said Isabella Farrell to the said Alexander Wood, deceased, to apply to the said Court in which any such Action may be brought upon Affidavit shewing good cause for the same of any matter tending to invalidate the Claim of the said Isabella Farrell to inherit any of said Real Estate, for a Commission or Commissions to examine Witnesses in reference thereto; and upon such Commission or Commissions being granted to the said defendant or defendants, no proceedings shall be had under the first section of this Act upon any Commission or Commissions taken and returned as therein mentioned, but such Action or Actions shall proceed as if this Act had never been in force: Provided always, that such defendant or defendants shall proceed upon the Order granting any such Commission or Commissions within one month after such Order shall be made.

Proviso.

CAP. CLXIX.

An Act to enable Caira Robbins Wilkes, the wife of George Samuel Wilkes, of Brantford, Esquire, to convey by herself certain Real Estate devised to her by her late father.

[30th August, 1851.]

Preamble.

WHEREAS George Samuel Wilkes, of the Town of Brantford, in the County of Wentworth, and Caira Robbins, his wife, have presented their Petition to the Legislature, setting forth that she, before her marriage, held an Undivided Estate in Fee, as tenant in common with her two sisters and one brother, in certain lands, and an Undivided Interest in Moneys secured upon Real Estate, and of certain Personal Property in the Province of Canada, as Devisee of her father Richard Wilkins, and that before their marriage, which took place in the year one thousand eight hundred and forty-three, she, by way of Marriage Settlement, conveyed her Estate and Interest in the said property, both real and personal, to Maria Wilkins and John Mittleberger as Trustees, to the use of herself for life, and afterwards, to the use of the issue of their marriage, and in the event of their being no such issue, then to herself in Fee Simple; and that partition of the said property has recently been made between the tenants in common thereof, whereby a number of Town Lots, and about Eighty-eight Acres of other Land, in the Town of Brantford, besides some other Real Estate and Personal Property of comparatively small value, fell to her; that the Petitioners have not had any issue, but that the property would be of comparatively little value to them, without power to such Trustees of disposing of the same, and praying that an Act might be passed for such purpose:

Be

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Judge of the County Court for the United Counties of Wentworth and Halton, and he is hereby required, upon the Petition of the said Cairra Robbins Wilkes, to appoint a Trustee in addition to the number provided by the said Marriage Settlement, in whom and the said other Trustees and their Successors, to be appointed as provided by the said Settlement, the said property, both real and personal, shall be vested upon the trusts mentioned in the said Settlement and those hereinafter mentioned; and as often as any Trustee, so to be appointed by the said Judge, may die, refuse to act, or become incapable of acting, such vacancy shall be supplied by the said Judge in the manner aforesaid.

Caira R. Wilkes empowered to dispose of the said estate, &c.

II. And be it further enacted, That it shall and may be lawful for the said Trustees, or any two of them, during the life of the said Cairra Robbins Wilkes, and they are hereby required at her request in writing, to exchange or sell and convey any part of the said Real Property: Provided that the property taken in exchange shall be held by them upon the said trusts, and the purchase money or consideration of such sales, as well as the said other personal property or the principal moneys to be obtained therefrom, shall be invested by the said Trustees, or any two of them, in buildings or improvements on some of the remainder of the said Real Estate, or upon the Land so taken in exchange, or in Government or Municipal Debentures, or Stocks of Incorporated Companies, or in Securities upon Real Estate as required by the said Cairra Robbins Wilkes, the rents and use of the said buildings and improvements to belong, and the interest upon such investments to be held, by the said Trustees upon the trusts mentioned in the said Settlement.

Trustees may sell, &c., property, in a certain case.

Proviso.

III. Provided further, and be it enacted, That all actions to be brought upon any Security for Money so set apart as aforesaid, not in their nature negotiable, shall be brought in the name of the legal personal representatives of the said Richard Wilkins, but that the receipts and acquittances for the said moneys, by the said Trustees or any two of them, shall be legal discharges to the debtor: And Provided also, that the liabilities of the said Trustees shall not be greater than that mentioned in the said Settlement.

Certain actions how brought.

Receipts.

Proviso.

C A P . C L X X .

An Act to reverse the Attainder of Aaron Stevens, and avoid the Forfeiture of certain of his Estates, and for other purposes therein mentioned.

[30th August, 1851.]

(Signed,)

ELGIN AND KINCARDINE.

WHEREAS Aaron Stevens, in his lifetime of the Township of Niagara, in the County of Lincoln, in Upper Canada, yeoman, having been lawfully convicted and attainted of High Treason by him committed, did, in the year of Our Lord, one thousand eight hundred and fourteen, suffer capital punishment for his said crime; And whereas by the said Attainder, and the corruption of blood wrought thereby, the Estates and Property, real and personal, of the said Aaron Stevens, became forfeited, and were in part taken upon inquisition found in that behalf, and seized into the Hands of the Crown accordingly; And whereas a portion of the Estates of the said Aaron Stevens was not found, upon such inquisition, or declared forfeited by reason of his said Attainder and conviction as aforesaid, or seized into the Hands of the Crown as aforesaid; and the Queen's Most Excellent Majesty having been graciously pleased, through His

Preamble.

Excellency

Excellency the Right Honorable James, Earl of Elgin and Kincardine, Her Majesty's Governor General of this Province, to signify to both Houses of Parliament Her Majesty's Royal pleasure, that the said Attainder of the said Aaron Stevens may be reversed, all corruption of blood consequent thereon taken away, and no further forfeiture enforced against such of his Estates as have not already been forfeited and disposed of under the authority of a certain Act of the Parliament of Upper Canada, passed in the fifty-ninth year of the Reign of Her Majesty's Royal Grandfather, King George the Third, intituled, *An Act for vesting in Commissioners the Estates of certain Traitors, and also the Estates of persons declared Aliens by an Act passed in the fifty-fourth year of His Majesty's Reign, intituled, 'An Act to declare certain persons therein described Aliens, and to vest their Estates in His Majesty, and for applying the proceeds thereof towards compensating the losses which His Majesty's subjects have sustained in consequence of the late war, and for ascertaining and satisfying the lawful debts and claims thereupon ;'* To the end therefore that such Her Majesty's benevolent intentions towards the family of the said Aaron Stevens, may be carried into effect in the most ample and beneficial manner for the behoof of such family : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Attainder of the said Aaron Stevens shall be and the same is hereby reversed, and the corruption of blood and forfeiture wrought by the said Attainder shall be and are hereby avoided and taken away, so far as the same shall or may in any wise affect such portions of the Estate of him the said Aaron Stevens, as have not already been declared forfeited, and been sold under authority of law ; And such portions of the Estate of the said Aaron Stevens not already forfeited and sold as aforesaid, are hereby vested in the same person, persons or parties, whether claiming by will or otherwise, in the same manner and with the same and no other effect or consequence as to the rights of third parties, in, upon or with regard to such Estates, as if the said Aaron Stevens had died without being so attainted as aforesaid : Provided always, nevertheless, that nothing herein contained shall extend or be construed to extend to or affect any goods or chattels, lands or tenements actually sold or conveyed by the said Commissioners of Forfeited Estates, under the said Act or otherwise, or by any Public Officer or Minister of Justice acting on behalf of the Crown in that behalf, but all such goods and chattels, lands and tenements shall belong to the same parties, and be dealt with in all respects as if this Act had not been passed.

Act of U. C. 59 Geo.
III. c. 13, cited.

Attainder reversed
and consequent for-
feiture avoided.

Proviso:
Except as to property
sold under 59 Geo.
III. c. 13, &c.

Recital.

Heirs &c. of Aaron
Stevens may be com-
pelled to obtain per-
mission of the Crown
to proceed for the
recovery of his real
estate.

II. And whereas it may be that certain parties have entered, either wrongfully or otherwise, into the possession of certain of the Estates of the said Aaron Stevens not so forfeited and disposed of, but whose cases as between the Crown and such parties could not be dealt with on strict legal or equitable grounds alone, and it is therefore Her Majesty's Royal pleasure that power be reserved to Her Majesty's Governor General of this Province, for the time being, to deal with such cases in such manner as may appear reasonable and just in the exercise of a sound and liberal discretion : Be it therefore enacted, That in the event of the Heirs, Devisees or Assigns of the said Aaron Stevens being compelled to seek the recovery of any such last mentioned lands or tenements by proceedings in any Court of Law or Equity, it shall and may be lawful for the party against whom he, she or they shall be so proceeding, to apply to the Court in which such proceedings shall be pending, to stay all such proceedings till Her Majesty's pleasure shall be taken, whether the Heirs, Devisees or Assigns of the said Aaron Stevens, shall be at liberty to proceed for the recovery of such lands or tenements, or any part hereof ; and such Court, upon such party establishing by affidavit or otherwise, to their satisfaction, that he is entitled to the benefit of this provision, shall order such proceedings to be staid, till by an Order of the Governor General of this Province for the time being, it shall be declared that the said Heirs, Devisees or Assigns of the said Aaron Stevens

may

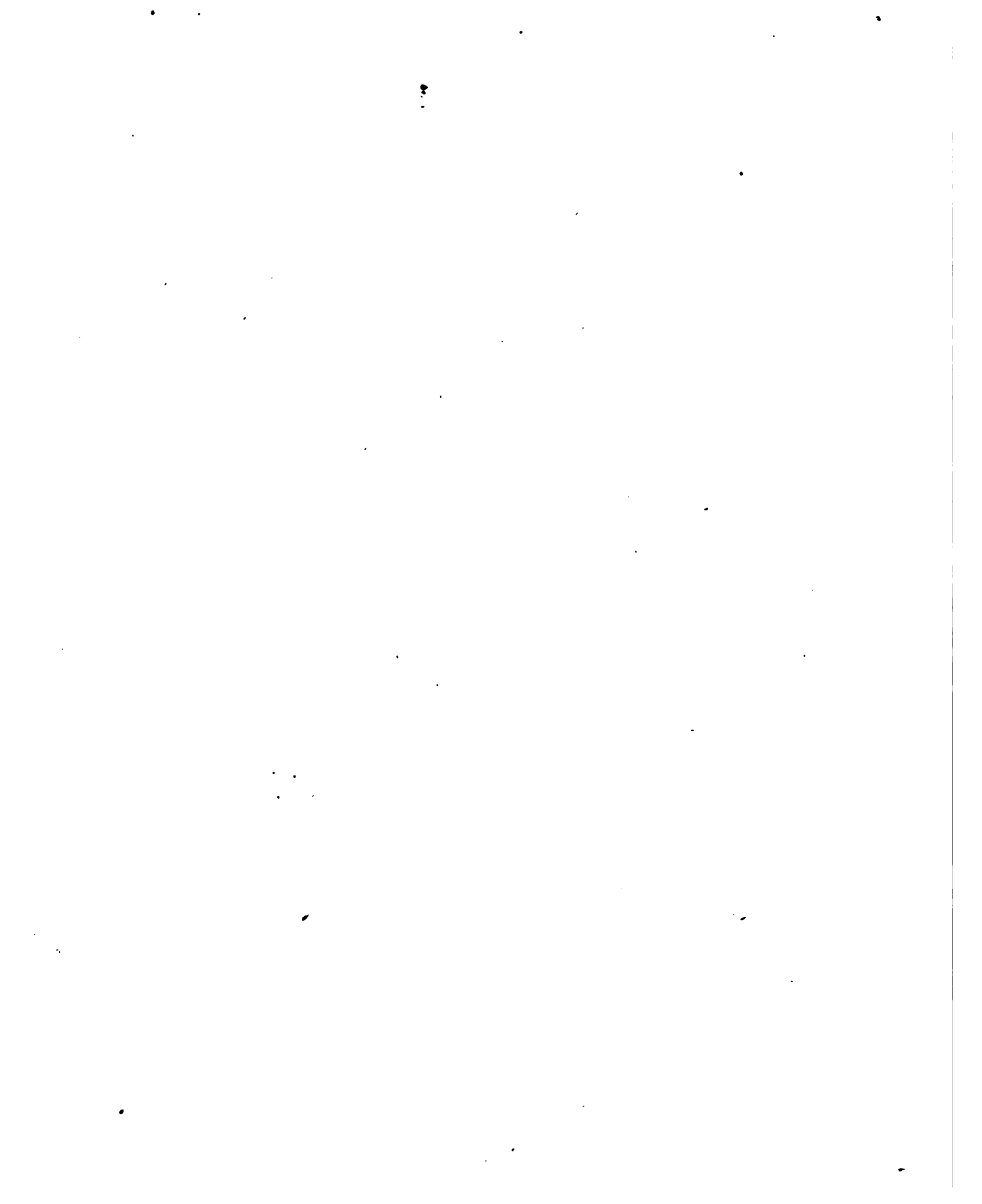
may be at liberty to proceed for the recovery of such property ; whereupon such proceedings shall be staid accordingly until His Excellency the Governor General shall, through the Provincial Secretary, declare it to be Her Majesty's pleasure that the Heirs, Devisees or Assigns of the said Aaron Stevens be permitted to proceed for the recovery of such property ; whereupon every such Court shall order such proceedings to be continued as if the Order to stay the same had not been made : Provided always, nevertheless, firstly, that it shall and may be lawful for the Governor General, in the Instrument granting permission to the Heirs, Devisees or Assigns of the said Aaron Stevens to proceed for the recovery of such property, to impose any and such Conditions upon the Heirs, Devisees or Assigns of the said Aaron Stevens, as in his discretion he may think fit ; and the Court in which such proceedings shall be pending, shall enforce the performance of such Condition, before allowing such proceedings to be continued : And provided also, secondly, that nothing in this Section contained shall extend or be construed to extend to any proceedings that the Heirs, Devisees or Assigns of the said Aaron Stevens shall or may be driven to adopt after having once obtained, by due process of Law or otherwise, the quiet and peaceable possession of any of such Lands or Tenements.

Proviso : Governor General may attach certain condition to such permission.

Proviso : this section not to apply to proceedings by heirs &c. in possession.

III. And be it enacted, That this Act and the reversal of the Attainder of the said Aaron Stevens, herein referred to, shall be construed and taken in the most large and beneficial sense and manner in favour of the Heirs, Devisees and Assigns of the said Aaron Stevens.

Act, &c. to be construed beneficially.



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ANALYTICAL INDEX

TO THE

LOCAL, PERSONAL, AND PRIVATE ACTS

OF THE

SESSIONS OF 1849 AND 1850,

Which, under the Act 12 Vict. Cap. 16, were not printed among the Public Acts of those years, and were generally distributed only in the localities affected by their provisions.

NOTE.—The object of the Legislative Assembly in passing the Resolution under which this Index is compiled (see Journals of 1851, 30th July), was, evidently, to give those to whom the Acts in question were not distributed, such information respecting them as might be requisite for understanding their scope and effect, and the general nature of their provisions. This information, it is believed, will be found in the following pages, condensed into as small a space as was consistent with the object aimed at, and yet given as fully as a reasonable regard to economy permitted. A mere Index would have been useless to those who have not the Acts referred to. In the very few instances in which any Act or Enactment is not now in force, the fact is noted, but the Summary relative to it is given so as to make the account of the Acts of the said Session complete.

A

ARCHAMBAULT, A. and others, Bridge over River l'Assomp- *Page.*
tion.—Cap. 188..... 1051

An Act to authorize Amable Archambault and others to erect a Toll Bridge over the River l'Assomption, and for other purposes therein mentioned.—(*Passed 30th May, 1849.*)

This Act authorizes Amable Archambault, and others, to erect a Bridge at some convenient point in the Village of l'Assomption, County of Leinster, District of Montreal, and nearly opposite to the Parish Church. The maximum Tolls are fixed by the Act, and the usual exemption is made in favor of the Mail and persons travelling on Her Majesty's service. The Bridge is vested in the above mentioned persons for Fifty Years, but may be assumed at any time by Her Majesty, on certain conditions. The Bridge must be completed within two years from the passing of the Act. The rights of the Crown, and others not specially mentioned, are saved. Provision is made for the non-interruption of the Navigation of the River.

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BANK OF MONTREAL, period for increase of Stock extended.— *Page.*
Cap. 184..... 1029

An Act to extend the time limited for an increase of the Capital Stock of the Bank of Montreal.—(*Passed 25th April, 1849.*)

The periods of 18 Months and Three Years limited in the proviso to the 1st Section of the Act 10 & 11 Vict. c. 115, for subscribing for and paying up the additional Stock authorized by that Act, are respectively extended to 18 Months and Three Years from the passing of this Act.

BATHURST DISTRICT, Division Court No. 6.—Cap. 93..... 609

An Act to provide for the alteration of the times and places for holding the Division Courts, in Division Number Six, in the District of Bathurst.—(*Passed 30th May, 1849.*)

This Act enables the Court of Quarter Sessions, for the District of Bathurst, to sub-divide Division No. 6 into 2 or 3 Sections, in each of which the Court is to be held three times in the Year, at periods to be fixed by the

District Judge. It also provides, that the unsurveyed *Page.*
lands taken from the Midland District, and annexed to
the Bathurst District by Cap. 94, shall form part of
the said Division.

BATHURST DISTRICT, part of Midland District annexed to.— *Page.*
Cap. 94..... 611

An Act to detach a certain tract of land from the Midland District, and to annex it to the District of Bathurst.—(*Passed 30th May, 1849.*)

This Act detaches the tract of land lying North-west of the Townships of Clarendon and Palmerston, from the Midland District, and attaches it to the Bathurst District; pending suits and proceedings to continue as if the Act had not been passed.

BATHURST DISTRICT, boundary between it and that of Johns- *Page.*
town defined.—Cap. 95..... 613

An Act to define the Boundary between the Districts of Bathurst and Johnstown.—(*Passed 25th April, 1849.*)

This Act is declaratory, and its sole object is to declare what has been, and shall be, the Boundary between the two Districts mentioned in the Title.

BÉLANGER, Joseph Clovis, Esquire, and others—Bridge over *Page.*
River Etchemin.—Cap. 189..... 1057

An Act to authorize Joseph Clovis Bélanger, Esquire, and others, to erect a Toll-Bridge over the River Etchemin, in the Parish of St. Anselme, near the Church of the said Parish, in the County of Dorchester, and to incorporate the said Joseph Clovis Bélanger, and others, under the name of the "Saint Anselme Bridge Company," and for other purposes therein mentioned.—(*Passed 30th May, 1849.*)

The Bridge authorized under this Act, is to be built by a Company which is incorporated with the usual powers, and the liability of the Members is limited to the amount of their Stock. The Capital is to be £600, in Shares of £6 5, each. Provision is made for the assumption of the Bridge by the Crown or by the inhabitants of the locality interested, on the usual conditions. It is to be built over the River Etchemin, about eight arpents below the Church of the Parish of St. Anselme. The maximum Tolls are fixed by the Act. The Bridge is to be completed in Four Years, on pain of forfeiture of the privileges given by the Act. The usual provisions are made for the Election of

<p>Directors and the management of the affairs of the Company. The rights of the Crown, and of others not specially mentioned, are expressly saved. Provision is made for the passage of Rafts, &c., under the Bridge.</p> <p>BERTHIER, Municipality of, divided, &c.—Cap. 123..... 741</p> <p>An Act to divide the County of Berthier into two Municipalities, and for other purposes relative to the said County.—(<i>Passed 25th April, 1849.</i>)</p> <p>The County of Berthier is divided, from and after 1st July, 1849, into two Municipalities, the limits of which are defined. The present Councillors are to represent the same localities in the new Councils, except those who without this Act would have retired from office; and provision is made as to existing Debts, Liabilities and By-laws. Difficulties having arisen from the provision requiring the Municipal Council to fix the limits of Villages in the said County, under the Act 10 & 11 V. c. 7, the Governor in Council is empowered to fix them upon Petition, without the intervention of the Municipal Council.</p> <p>BOLTON AND HATLEY, new Township.—Cap. 133..... 763</p> <p>An Act to erect a new Township, to be formed out of part of the Township of Hatley and part of the Township of Bolton, in the County of Stanstead.—(<i>Passed 25th April, 1849.</i>)</p> <p>The object of the Act is expressed in its title; the new Township is to commence its existence on the Second Monday in July, 1849. Provision is made for the Election of Councillors, and as to the debts, liabilities and property of the two Townships, and for the continuance of pending suits, &c.</p> <p>BRADLEY, W. road allowance.—Cap. 171..... 929</p> <p>An Act to enable William Bradley to hold a certain Road allowance in Caledonia, in the Ottawa District.—(<i>Passed 25th April, 1849.</i>)</p> <p>The original Road allowance being in an inconvenient place, W. Bradley gave a Road through his land, and the Act gives him the old Road allowance in place of the land so given by him.</p> <p>BYTOWN, COLLEGE of, incorporated.—Cap. 107..... 649</p> <p>An Act to incorporate "The College of Bytown."—(<i>Passed 30th May, 1849.</i>)</p> <p>This Act incorporates the Institution now existing at Bytown under the same name with the usual powers. The members of the Corporation are, the R. C. Bishop of Bytown, the Superior of the College, the Curé of the Parish of Bytown, the Director of the College, the Professors of Philosophy and <i>Belles Lettres</i> therein, the Bursar, and all necessary Officers thereof, and their Successors respectively. The yearly value of the Real Property the Corporation may hold, is £2000. The issues and profits of all property, real and personal, to be applied solely to the purposes of the College; the repairs of the requisite buildings and the Education of Youth. The property of the Institution now existing at Bytown under the same name is vested in the Corporation, which is to lay yearly before each Branch of the Legislature, a detailed statement of its property and affairs. The rights of the Crown, and of parties not specially mentioned, are saved.</p> <p>BYTOWN, community of the <i>Sœurs de la Charité</i>, incorporated.—Cap. 108..... 653</p> <p>An Act to incorporate <i>La Communauté des Révérendes Sœurs de la Charité</i>, at Bytown.—(<i>Passed 30th May, 1849.</i>)</p> <p>This Act incorporates the Institution now existing at Bytown under the same name, and the object of which is the maintenance of a Hospital for indigent and infirm sick persons and orphans of both sexes. The present members of the Corporation are named and incorporated, with such others as may hereafter become members under the rules of the Corporation. The yearly value of the real property the Corporation may hold, is limited to £2000; the issues and profits of all real and personal property being applicable solely to the purposes of the Institution as above mentioned. The present property of the Institution is vested in the</p>	<p>Corporation, which is to lay yearly before each Branch of the Legislature, a detailed statement of its property; the rights of the Crown, and of other parties not specially mentioned, are saved.</p> <p style="text-align: center;">C</p> <p>CALEDONIA—See Bradley.</p> <p>CALVINISTIC BAPTIST CONGREGATION at Perth.—Cap. 106... 647</p> <p>An Act to confirm the Title of the Calvinistic Baptist Congregation of Perth to a certain piece of Land in that Town.—(<i>Passed 30th May, 1849.</i>)</p> <p>This Act recites the Act 10 & 11 V. c. 106 (which see), and that the said Act was passed under the belief that the only defect in the deed therein recited was remedied by that Act, but that it now appears that the said deed did not meet the requirements of the Act of Upper Canada, requiring that the mode in which the successors in office of the grantees should be appointed, should be mentioned in the deed. This defect is also remedied, the manner in which such successors shall be appointed is prescribed, and the deed by the Trustees to Murdock McDonell is made valid.</p> <p>CANADA LIFE ASSURANCE COMPANY, incorporated.—c. 168. . 915</p> <p>An Act to incorporate "The Canada Life Assurance Company."—(<i>Passed 25th April, 1849.</i>)</p> <p>This Act recites that an Association has existed in the City of Hamilton, under a deed of settlement made on the 21st August, 1847, for the purpose of carrying on the business of Life Assurance; that their capital under the said Deed is £50,000, in shares of £100 each; that they have issued many policies and paid up the sum of two pounds on each share. The said Association is then incorporated for the purpose of carrying on the said business with the usual corporate powers. The Real Estate to be held by the Company, is limited to such as may be necessary for carrying on their business, or as may be mortgaged to them as security or purchased at sales upon judgment obtained by them; they are not to employ their capital in trading or banking, or otherwise than in the legitimate objects of the business for which they are incorporated, and for investments. The capital is to be £50,000, in shares of £100 each, but with power to increase it to a sum not exceeding £250,000, in such manner as the majority of the Stockholders may agree upon. The Company may grant or purchase annuities, and enter into other contracts dependent upon life or lives. The number of Directors is to be twenty, the first Directors being named in the Act, and five to go out of office and be replaced yearly. Three to form a <i>quorum</i>. A yearly statement of the affairs of the Company to be submitted by the Directors to the Stockholders. The usual provisions are made with regard to Elections of Directors, enforcing payment of instalments, and other matters relative to the management of the affairs of the Company. The Act is to supersede the deed of settlement.</p> <p>CAPE CHAT and ST. ANNE DES MONTS made a separate Municipality.—Cap. 126..... 747</p> <p>An Act detaching the Settlements of Ste. Anne des Monts and Cap Chat from the Municipality of Gaspé, and to erect the same into a separate Municipality.—(<i>Passed 30th May, 1849.</i>)</p> <p>The settlements of Ste. Anne des Monts and Cape Chat, are, from the passing of this Act, detached from the rest of the Municipality of Gaspé, and formed into a Municipality by themselves. The New Municipality may, if necessary, be bounded more precisely by any Order in Council, and provision is made for its division into Districts for electoral purposes, and for the election of Municipal Councillors, and their period of service.</p> <p>CAYUGA, Township of, divided.—Cap. 98..... 629</p> <p>An Act to divide the Township of Cayuga, in the District of Niagara, into Two Townships.—(<i>Passed 25th April, 1849.</i>)</p>
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<p>The sole object of this Act is to divide the Township of Cayuga into the Two Townships of North Cayuga and South Cayuga after the 31st December, 1849.</p>	<p>Funds to be raised at each place respectively, by a tax on moneys paid into Court or levied under execution, and on process and proceedings before the Court, at such place; which tax the Governor is empowered to impose by Order in Council. Provision is made for the levying and accounting for all moneys to be raised under this Act, and for their application to the purposes thereof. The Buildings are to be erected under the Commissioners of Public Works, upon plans and estimates to be approved by the Governor in Council, and are to be deemed Provincial Public Works.</p>
<p>CHATEAUGUAY RIVER, Bridge over, &c.—(See Primeau.)</p>	<p>Page.</p>
<p>CITY BANK, Act of Incorporation amended.—Cap. 185.</p>	<p>1031</p>
<p>An Act to amend the Act incorporating the City Bank, and to provide for a reduction of its Capital Stock.—(Passed 30th May, 1849.)</p> <p>This Act recites the Petition of the President and Directors, and that losses have been sustained by the Bank, which have reduced the value of its stock, and enacts that the shares shall hereafter be held to represent £18 15s. each, instead of £25; and that the whole capital of the Bank shall be deemed to be £375,000, and not £500,000 as theretofore. The periods for subscribing for and paying up the New Stock authorized by 10 & 11 V. c. 116 (which see) are respectively extended to 18 months and three years from the passing of this Act. All the Directors are to retire at the next election, and the number of Directors to be reduced from eleven to five, and <i>quorum</i> to three.</p>	<p>Page.</p>
<p>CLERCS DE ST. VIATEUR incorporated.—Cap. 144.</p>	<p>793</p>
<p>An Act to incorporate <i>Les Clercs Paroissiaux ou Catéchistes de Saint Viateur</i>, in the Village of Industry, in the County of Berthier.—(Passed 25th April, 1849.)</p> <p>This Act incorporates certain persons under the name mentioned in the title. The yearly value of the property to be held by the Corporation is £5,000, and must be expended for the purposes of the Institution in Lower-Canada, and not elsewhere. The object of the Corporation is to be "The instruction of young persons in the sciences and in the elements thereof." The Preamble states that the Association has existed for several years in the Village of Industry.</p>	<p>Page.</p>
<p>COMMERCIAL BANK, Midland District.—Cap. 170</p>	<p>927</p>
<p>An Act further to extend the time for paying up the New Stock of the Commercial Bank of the Midland District.—(Passed 25th April, 1849.)</p> <p>The time limited for paying up the New Stock authorized by the Act 9 V. c. 87, (which see,) is extended to 1st January, 1852, or such later period as the Governor in Council may permit. The name of the Bank is to be in future, "The Commercial Bank of the Midland District," instead of the "The President, Directors and Company of the Commercial Bank of the Midland District."</p>	<p>Page.</p>
<p>COMMON SCHOOLS in Quebec and Montreal.—Cap. 113.</p>	<p>673</p>
<p>An Act to repeal certain parts of an Act therein mentioned, and to make better provision for the support of Common Schools in the Cities of Quebec and Montreal.—(Passed 30th May, 1849.)</p> <p>This Act provides that the moneys appropriated for the support of Common Schools in the Cities of Quebec and Montreal, shall be paid directly to the School Commissioners of the said Cities, instead of being paid to the Corporations of the Cities as heretofore, out of the moneys coming to the said Corporations from the Tavern License Fund under 8 V. c. 72 (which see), and that such payment may be made either directly by the District Inspector, or by the intervention of the Receiver-General, or other Officer.</p>	<p>Page.</p>
<p>COURT HOUSES AND GAOLS at certain places in Lower Canada.—Cap. 112.</p>	<p>669</p>
<p>An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada.—(Passed 30th May, 1849.)</p> <p>The places at which Court Houses or Gaols are to be built or repaired under this Act, are Montreal, Kamouraska, Aylmer, Chicoutimi, Gaspé and Bonaventure. The Governor in Council is authorized to raise by loan a sum not exceeding £40,000 for a New Court House at Montreal, and a sum not exceeding £5,000 for a New Gaol and Court House at Kamouraska, Aylmer and Chicoutimi, and in each of the Counties of Bonaventure and Gaspé in the District of Gaspé, respectively. The Debentures to be issued under this Act, are not to be secured on or paid out of the Public Moneys of the Province, but out of Special</p>	<p>Page.</p>
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DELISSÉ, A. M. and others—Bridge over River Jésus.—Cap. 187. 1045

An Act to authorize Alexandre Maurice Delisse, Benjamin Henri Lemoine and Jean Baptiste Debien, the younger, to build a Toll-bridge over the River Jésus, and for other purposes therein mentioned.—(Passed 30th May, 1849.)

This Act authorizes the construction of a Bridge, at or near the lands of J. B. Debien, in the Parish of Ste. Rose. The maximum Tolls are fixed by the Act, and the usual exemption is made in favor of the mail and persons travelling on Her Majesty's Service. At the end of Fifty Years, the Government may assume the Bridge, paying the price it shall be worth. The bridge must be completed within Four Years from the passing of the Act. The rights of the Crown, and of others not specially mentioned, are saved. Provision is made for the non-interruption of the navigation of the River.

DORCHESTER BRIDGE.—Cap. 115 697

An Act to authorize and enable the Trustees of the Quebec Turnpike Roads to acquire and assume the possession and property of the Bridge called Dorchester Bridge, and for other purposes.—(Passed 30th May, 1849.)

This Act recites the Acts of Lower Canada, 48 G. 3. c. 10, and 59 G. 3, c. 28, under which the Crown was empowered to assume the property of Dorchester Bridge over the River St. Charles, near Quebec, at any time after the expiration of Fifty Years from 22nd April, 1789, on paying the value the same should then bear and be worth, and then empowers the Trustees of the Quebec Turnpike Roads to borrow a further sum not exceeding £25,000, chargeable, both principal and interest, on the Tolls receivable by the Trustees and not upon the funds of the Province, but for which the lenders shall have the first claim upon the said Tolls. It then empowers the said Trustees to exercise the right of purchasing the said Bridge on behalf of the Crown, providing for the case of any share therein being vested in minors, &c., after the payment of the compensation; the Bridge is to be under the control of and the Tolls to be receivable by the said Trustees. Certain portions of Roads near Quebec are also placed under the control of the said Trustees, who are empowered to assume and improve them in the order in which they are enumerated, but with power to change such order with the consent of the Governor. Sect. 4 of 8 V. c. 55, is repealed, and provision made for the removal of a gate near the said Bridge, and for limiting the Tolls to be taken at the said gate, after the said Bridge shall have been purchased by the Commissioners: Provision is also made as to the disposal of

- land forming part of any Road which, in consequence of changes made by the Commissioners, shall cease to be used. Page.
- DRUMMOND, Municipality of, divided.**—Cap. 122..... 739
 An Act to divide the Municipality of Drummond into two Municipalities.—(*Passed 25th April, 1849.*)
 The County of Drummond is to be divided, from and after the First Saturday in July, 1849, into two Municipalities, the limits of each of which are defined, and provision is made for the retirement of the present Councillors and the election of new ones, and as to the debts and liabilities of the present Municipality, the By-laws whereof are to continue in force until repealed or altered.
- E**
- ELGIN, Township of, formed out of Hinchinbrook.**—Cap. 135. 767
 An Act to constitute a new Township, to be called the Township of Elgin, out of part of the Township of Hinchinbrook.—(*Passed 30th May, 1849.*)
 This Act provides that a new Township shall be formed out of a portion of that of Hinchinbrook described in the Act. All the Councillors for the present Township are to go out of Office on the 2d Monday of July, 1849, and Councillors are to be elected for each of the new Townships.
- ETCHEMIN Bridge**—*See* Bélanger.
- G**
- GORE BANK, Charter amended, &c.**—Cap. 169..... 925
 An Act to amend the Act to incorporate the Gore Bank, and to increase the Capital Stock of the said Bank.—(*Passed 25th April, 1849.*)
 The Act amended is that of Upper Canada, 5 W. 4, c. 46, (which see). After reciting that considerable losses have been sustained by the Bank, this Act provides, that for the future, each share shall be held to represent £10 of Capital, instead of £12 10, and the whole Stock shall be held to be £80,000, instead of £100,000. The Capital may be increased from £80,000 to any sum not exceeding £200,000 by a By-law to be passed for that purpose, but not less than 1000 shares are to be offered at one time, the periods within which the additional shares must be subscribed for and paid, are limited, but may be enlarged to a certain extent by Order in Council.
- GRACE, OLIVER, attainer of, reversed.**—Cap. 175..... 937
 An Act for the reversal of the attainder of Oliver Grace, and for other purposes therein mentioned.—(*Passed 30th May, 1849.*)
 After reciting the case, this Act reverses the attainder of Oliver Grace, and restores to him all his estates and property, except such as may have been sold or conveyed by the Commissioners, under the Act of U. C. 59 G. 3, c. 12, requiring nevertheless, the permission of the Governor to enable him to recover the same in certain cases where they may have passed into the possession of third parties, the Governor having power to annex conditions to such permission. The Act is to be construed in the most large and beneficial sense.
- GRAND RIVER NAVIGATION COMPANY, Stock increased.**—Cap. 159 855
 An Act to increase the Stock of "The Grand River Navigation Company."—(*Passed 30th May, 1849.*)
 The Company mentioned in the Title is empowered to increase its Capital Stock by a sum of £20,000, to be divided into shares of £6 5, each, in addition to the amount of Stock authorized by the Act of U. C. 2 W. 4, c. 13, (which see), incorporating the Company. Books of Subscription are to be opened by the Directors, and the new Stock is to be subject to the same provisions as the old.
- GREAT WESTERN RAIL-ROAD COMPANY, Charter amended.**—Cap. 156 837
 An Act to alter and amend the Charter of "The Great Western Rail-Road Company."—(*Passed 30th May, 1849.*)
- After reciting that by the amended Act 9 V. c. 81, (which see,) certain extraordinary powers, rights and privileges were granted to the Stockholders resident in England, and a corresponding Committee established in England, and that the Company, with the consent of the English Stockholders, have prayed for the repeal of so much of the said Act as relates to the establishment of the said corresponding Committee,—this Act repeals part of Section 1, and the whole of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 (all which see) of the said amended Act, and all other provisions thereof inconsistent with this Act; it then declares that all Shareholders, whether resident in Canada or elsewhere, and whether British subjects or aliens, shall have equal rights and be alike eligible to office in the Company. That all Shareholders may vote by proxy; that each Share shall give a vote, and that the number of Directors shall be 11 instead of 7. Page.
- H**
- HALLOWELL AND SOPHIASBURG, lines between altered.**—Cap. 100 633
 An Act to alter the boundary line between the Townships of Hallowell and Sophiasburgh, in the District of Prince Edward.—(*Passed 25th April, 1849.*)
 The object of this Act is to alter the boundary between the two Townships mentioned in the Title: the Act is to take effect on and after 1st January, 1850.
- HAMILTON MERCANTILE LIBRARY ASSOCIATION, incorporated.**—Cap. 109 657
 An Act to incorporate "The Hamilton Mercantile Library Association."—(*Passed 30th May, 1849.*)
 This Act incorporates the Association already existing in the City of Hamilton under the same name. Certain persons named in the Act, and all others now being or hereafter to become members of the Association, are incorporated with the usual corporate powers. The real property of the Corporation is limited to the yearly value of £1000, and the personal property to a like value. Provision is made for service of Process on the Corporation, the election of Officers and the other usual matters; and power is given to make By-laws, provided they be not repugnant to the Act or to the laws of the Province.
- HAMILTON AND GORE MECHANICS' INSTITUTE, incorporated.**—Cap. 110 661
 An Act to incorporate "The Hamilton and Gore Mechanics' Institute."—(*Passed 30th May, 1849.*)
 This Act incorporates the Association already existing in the City of Hamilton, under the same name. Certain persons named in the Act, and all others now being or hereafter to become members of the Association, are incorporated with the usual corporate powers. The real property of the Corporation is limited to the yearly value of £1000, and its personal property to a like value. Provision is made for service of Process on the Corporation, the election of officers and the other usual matters; and power is given to make By-laws provided they are not repugnant to the Act or to the laws of the Province. The Governor, or either House of the Provincial Parliament, may at any time require a statement of the property and affairs of the Corporation. The property and liabilities of the Association are transferred to the Corporation. The rights of the Crown, and of parties not specially mentioned, are saved.
- HARBOUR OF MONTREAL**—*See* Montreal.
- HASTINGS, County, defects in registration of Titles in, remedied.**—Cap. 97 627
 An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of Hastings.—(*Passed 25th April, 1849.*)
 The Acts amended are 9 V. c. 12, and 10 & 11 V. c. 33, and the object of this Act is to extend the time during which the registration of Deeds may be perfected under the said Acts, to the 1st of January, 1852, and

- thence until the end of the then next Session of the Legislature. The Registrar is to give notice of the said extension. *Page.*
- HATLEY AND BOLTON**—See Bolton.
- HATLEY**, claims against Township of.—Cap. 134..... 765
An Act to enable the Sureties of the late Municipal Council of the Township of Hatley to enforce their claims against the said Township.—(*Passed 30th May, 1849.*)
The Act recites the case of the Sureties who were condemned to pay a certain sum as such, and that in consequence of the abolition of Township Municipalities (by 10 & 11 V. c. 7.) they have no recourse; the Municipal authorities of Stanstead (in which the Township of Hatley lies) are required to levy on the Township a sum sufficient to indemnify the said Sureties, and a penalty is imposed on the Councillors who shall neglect the duty so assigned to them. The Sureties are to be paid out of the sum so raised.
- HEALTH**—See Montreal and Quebec.
- HINCHINBROOK**—See Elgin.
- HORTICULTURAL SOCIETY** of Montreal, incorporated.—Cap. 153..... 821
An Act to incorporate "The Horticultural Society of Montreal."—(*Passed 30th May, 1849.*)
The Society already existing at Montreal under the name of the Canadian Horticultural Society, for the encouragement and advancement of Horticulture and the Arts and Sciences therewith connected, is incorporated with the usual corporate powers. The real property to be held by the Corporation is not to exceed the value of £2000. The property and liabilities of the Society are transferred to the Corporation, and provision is made for the appointment of officers and government of the Corporation, which is to report its doings annually to the Government and two Houses of the Legislature.
- HURON DISTRICT**, divided off into three Counties, &c.—Cap. 96..... 615
An Act to divide the District of Huron, in the Province of Canada, and for other purposes therein mentioned.—(*Passed 30th May, 1849.*)
After reciting the great extent and increasing population of the District of Huron, this Act divides it into three Counties, to be called Perth, Bruce and Huron, defining the boundaries of each, the said Counties remaining nevertheless united until the Union be dissolved in the manner provided in 12 V. c. 78, (which see). In consideration of the great population of Perth (exceeding 12,000) that County is to be dealt with as if a Proclamation had issued under Sect. 10 of 12 V. c. 78, naming Stratford as the County Town, and electing the Townreeves of the County into a Provisional Municipal Council. A Registry Office is to be kept in the County of Perth when disunited from the other Counties. The Act to commence on the 1st January, 1850.
- HURON MINING COMPANY**, incorporated.—Cap. 164..... 893
An Act to incorporate "The Huron Mining Company."—(*Passed 30th May, 1849.*)
The Capital of the Company is to be £15,000, divided into shares of £1 5, each, but if this sum be insufficient it may be increased to £25,000. Their real property purchased from private individuals is not to exceed £25,000 in value. The Company may borrow money to the amount of £10,000, whenever one half of their Capital Stock shall be paid up; they may issue Debentures and grant Mortgages for the sum borrowed, but no single Debenture or Bond is to be for a less sum than £100. They may open Offices in London and Liverpool, New York, Boston, Philadelphia and Detroit. The number of Directors is to be not less than three nor more than five, and three are to be a quorum. Two of the Directors are to retire annually, and others to be elected in their stead. The Company are not to commence operations until ten per cent of their Capital is paid up. The rights of the Crown, and of others not specially mentioned, are expressly saved. The Schedules are forms of Proxy and Transfer.
- HURON COPPER BAY COMPANY**, incorporated.—Cap. 165..... 891
An Act to incorporate certain persons under the style of "The Huron Copper Bay Company."—(*Passed 30th May, 1849.*)
The Capital of the Company is to be £22,500, divided into shares of £1 10, each; but if this sum be found insufficient, it may be increased to £100,000. Their real property is not to exceed the value of £50,000. The Company may borrow money to the amount of £25,000 whenever one half of their Capital shall be paid up; they may issue Debentures and grant Mortgages for the money borrowed, but no single Debenture or Bond is to be for a less sum than £100. The Company may open offices in London, Liverpool and Bristol, and New York, Boston, Philadelphia and Detroit. The number of Directors is to be not less than six, and the Quorum three; two Directors are to retire annually, and others to be elected. The Company are not to commence operations until ten per cent of their Capital is paid up. The rights of the Crown, and of others not specially mentioned, are expressly saved. The Schedules are forms of Proxy and Transfer.
- J**
- JESSUP H.** and **J. R. THOMPSON**, for the relief of—See Thompson.
- JOHNSTOWN DISTRICT**, boundary between it and that of Bathurst defined.—(see BATHURST.)
- K**
- KINGSTON HOSPITAL**, Trustees incorporated.—Cap. 103.... 639
An Act to incorporate The Trustees of the Kingston Hospital.—(*Passed 30th May, 1849.*)
The Mayor of the City of Kingston, the Judge of the Midland District Court, the Warden of the Midland District, the Sheriff of the same, and such three Aldermen of Kingston as shall from time to time be elected yearly for that purpose, by the City Council, are constituted "Trustees of the Kingston Hospital," and incorporated by that name with the usual corporate powers. Their By-laws may be disallowed by the Governor in Council, and must be submitted to him. The Trustees are to manage the Hospital Funds, and to account for the same from time to time when thereunto required by the Governor in Council, and an annual statement is to be laid by them before the Legislature. Medical Students in Kingston are to be allowed to visit the Hospital.
- KINGSTON CITY WATER WORKS COMPANY**, incorporated.—Cap. 158..... 847
An Act to incorporate "The City of Kingston Water Works Company."—(*Passed 30th May, 1849.*)
The Company is incorporated for the purpose of supplying the City of Kingston with water, and the usual powers are conferred on it; the yearly value of the Real Property to be held by it being limited to £500 over and above the value of the works and buildings to be erected. The capital of the Company is to be £10,000, divided into shares of £12 10s. each, and is to be exclusively devoted to the purposes of this Act. The usual powers to break up streets, &c., for the purpose of laying down pipes, &c. are given, accompanied by the usual restriction and provisions against their abuse, and the usual provisions are inserted for protecting the property and rights of the Company and for preventing injury to their works, &c. Subscriptions, whether made before or after the passing of the Act, are made binding on the subscribers, and means are given for enforcing the payment of calls on shares, which calls are limited as to the amount of each and the interval between calls. If the City of Kingston be enlarged by any Act of the present or any future Session, the privileges of the Company are to extend over the new limits. The Act is not to be construed to prevent any person or body corporate from erecting works for supplying their own premises with water, or to prevent the Legislature from altering, modifying or repealing the privileges granted to the Company.

The rights of Her Majesty, and of others not expressly mentioned, are saved. The Water Works are to be in operation within three years from the passing of the Act, on pain of forfeiture of the privileges conferred. The Act to be in force for fifty years.

L

LANDSDOWN—See Leeds.

L'ASSOMPTION, Bridge—See Archambault.

LEEDS and LANSDOWN, Division of Townships of.—Cap. 99..

631

An Act to divide the Townships of Leeds and Lansdown in the District of Johnstown.—(Passed 30th May, 1849.)

After reciting that Leeds and Lansdown are divided crosswise by certain waters, and that the inhabitants of the fronts of each Township have been in the practice of acting as if they formed one Township, and that the inhabitants of the rear of each Township have done the same, this Act legalizes the proceedings so had for the past, and enacts that the "Front of Leeds and Lansdown" shall hereafter be one Township, and the "Rear of Leeds and Lansdown" shall be another.

LIBRARY ASSOCIATION of the Teachers of the District of Quebec.—Cap. 145.....

797

An Act to incorporate "The Library Association of the Teachers of the District of Quebec."—(Passed 30th May, 1849.)

This Act recites the existence, during several years in the District of Quebec, of a Teachers' Association, for the purpose of union, mutual instruction and general progress, and the establishment of a Library and Reading Room, and the petition of the said Association to the Legislature for an Act of incorporation. The Members and Officers of the Association and their Successors are incorporated with the usual corporate powers, the amount of real property to be holden being limited to the yearly value of £100.

L'ISLET, Municipality of.—Cap. 125.....

745

An Act to detach the Parish of Saint Antoine de L'Isle aux Grues from the Municipality of L'Islet, and to erect the same into a separate Municipality.—(Passed 25th April, 1849.)

The Parish of St. Antoine de L'Isle aux Grues is, from and after the 1st July, 1849, to be separated from the County of L'Islet, and to form a separate Municipality under the provisions of the Act 10 & 11 V. c. 7. Provision is made as to the election of Councillors for the New Municipality, more especially with regard to the qualification of the Electors and Councillors, the position of the said Parish being peculiar; the Council for the former Municipality is not to be affected, except that the Councillors for the said Parish are to cease to be Members of it. By-laws are to remain in force until repealed, and provision is made as to the debts and property of the Old Municipality.

L'ISLET, removal of Registry Office.—Cap. 130.....

757

An Act to provide for the removal of the Registry Office of the County of L'Islet, from the place where it is now kept, to the Parish of L'Islet.

After the passing of the Act, it is made lawful for the Governor in Council to order the removal of the Registry Office of L'Islet from the place where it is now kept, to the Parish of L'Islet.

LITERARY AND HISTORICAL SOCIETY OF QUEBEC, Charter amended.—Cap. 152.....

819

An Act to amend the Charter of "The Literary and Historical Society of Quebec."—(Passed 25th April, 1849.)

The sole amendment made, is that the *Quorum* at Meetings of the Society is hereafter to consist of the President or one of the Vice-Presidents, and at least two (instead of eight) other Members. The Charter is that of King William the Fourth, dated 5th October, 1831.

LOTBINIERE, Division of County of, into Two Municipalities.—Cap. 124.....

743

An Act to divide the County of Lotbinière into two Municipalities.—(Passed 25th April, 1849.)

From and after the first Saturday in July, 1849, the County of Lotbinière is to be divided into two Municipalities, the limits of each of which are defined. All the Councillors for the present Municipality are then to go out of office, and Councillors are to be elected for each of the new Municipalities. The present By-laws are continued in force until repealed, and provision is made as to the debts and property of the present Municipality.

M

MARKHAM and Elgin Mills Plank Road Company.—Cap. 157.

839

An Act to incorporate "The Markham and Elgin Mills Plank Road Company."—(Passed 30th May, 1849.)

This Act incorporates certain persons and their successors with the usual corporate powers for the purpose of constructing a planked, macadamized or gravelled Road on the side-line between lots Nos. 25 and 26 in the Township of Markham, in the County of York, commencing at Yonge Street, near the Elgin Mills, and terminating at the eastern extremity of Markham, and one or more of the concession lines running northerly from the said side-line, commencing at the said side-line and terminating on the line between Markham and Whitechurch. The Capital of the Company is to be £4,000 divided into shares of £5, each, with power to extend it to double that amount, if found necessary. Tolls may be taken when two and a-half miles of Road are completed, but not before. The President and Directors are empowered to establish the rates of Toll, but certain exemptions are made in the Act as to manure, cattle going and returning from pasture, and such like cases,—and Her Majesty's Mail, Officers and Soldiers in uniform and on service, and all horses and vehicles employed in the conveyance thereof, and all recruits marching by route, funerals, and persons attending divine service, are also exempted. If the Company and any party cannot agree as to the compensation to be made for any land taken or damage done, the amount is to be settled by arbitration, the power of the Court of Q. B. to set aside the award for cause being saved. The Executive Government may at any time assume the property of the Company on paying the amount actually expended, and ten per centum in addition. The usual provisions are made as to the management of the affairs of the Company, election of Directors, enforcement of the payment of calls, punishment of persons injuring the Road or evading Tolls, &c. The Act is to continue in force for Fifty Years, and thence, until the end of the then next Session of the Provincial Parliament.

McCULLOM, JOHN S. Road Allowance.—Cap. 172.....

931

An Act to vest a certain Road Allowance in the Township of Nelson, in John S. McCullom.—(Passed 25th April, 1849.)

The original Road Allowance being in an inconvenient place, J. S. McCullom gave a Road through his land, and the Act gives him the old Road Allowance in place of the land so given by him.

MEGANTIC, Registration of Deeds.—Cap. 129.....

755

An Act to divide the County of Megantic into two Districts for the Registration of Deeds.—(Passed 30th May, 1849.)

The County of Megantic is divided into two Districts, for the Registration of Deeds, after 1st July, 1849. In one, a new Registrar is to be appointed, the present Registrar remaining in the other, without a new appointment.

MERCHANTS' EXCHANGE and Reading Room of Montreal.—

Cap. 194.....

1089

An Act to incorporate "The Merchants' Exchange and Reading Room of Montreal."—(Passed 30th May, 1849.)

The Association named in the Title, which, as the Preamble states, has existed for sometime in the

- City of Montreal, is incorporated with the usual corporate powers. The real property of the Institution is limited to the annual value of £750, and the usual provisions are made for the annual election of Officers and the management of its affairs. *Page.*
- MIDLAND DISTRICT**—*See* Bathurst District.
- MONTAGUE AND NORTH ELMESLEY**, Repeal of Act defining boundary line between the fourth Concessions of these Townships.—Cap. 102..... 637
- An Act to repeal the Act defining the boundary line between the fourth Concessions of the Townships of Montague and North Elmsley.—(*Passed 30th May, 1849.*)
- The Act repealed is the 10 & 11 V. c. 53. There is a clause indemnifying persons who may have acted under the provisions of the said Act.
- MONTREAL AND LACHINE RAIL-ROAD**.—Cap. 177..... 945
- An Act further to amend the Act incorporating "The Montreal and Lachine Rail-road Company," and for other purposes.—(*Passed 30th May, 1849.*)
- This Act authorizes the Company to raise a sum (in addition to their Capital,) of £40,000 currency, and makes provision for the mode in which that sum may be raised, and the security to be given for the same. They may also raise by loan £50,000. Provision is made as to the form of Debentures, the registration and discharge thereof, and for enabling Corporations, Ecclesiastical or Civil, to subscribe for Stock or to loan money to the Company. The Company may allow interest exceeding the legal rate. Power is given by the Act to the Company, if they cannot otherwise meet their obligations, at a General Meeting of the Stockholders, to determine to sell the Road with all their property and rights, such sale to be thereafter effected by the Directors, and its effect being to transfer the whole property and rights of the Company (with the exception of such property as may be reserved in the Deed of Sale,) to the purchasers, in the proportions to be mentioned in the Deed. Provision is made for carrying into effect the regulations of such Deed. The Company are to keep watchmen only where their Rail-road crosses the main Road to Lachine—at other crossings they are to put up Sign Boards. The Act also contains a clause respecting the carriage of Her Majesty's Mail, Soldiers, &c. The Schedules are the forms referred to in the Act.
- MONTREAL AND PROVINCE LINE JUNCTION RAIL-WAY COMPANY**.—Cap. 197..... 977
- An Act to amend and extend the Act to incorporate "The Montreal and Province Line Junction Rail-way Company."—(*Passed 25th April, 1849.*)
- The Act amended is the 10 & 11 V. c. 121. The period limited in the said Act for the deposit of the said Map or Plan and Book of Reference is extended to 31st December, 1850, and the Company are empowered to increase their Capital to £75,000 if necessary: such increase not to affect their power of borrowing money under the said Act. Both this Act and 10 & 11 V. c. 121 are repealed by 13 & 14 V. c. 114.
- MONTREAL AND TROY TELEGRAPH COMPANY**.—Cap. 181..... 1003
- An Act to incorporate "The Montreal and Troy Telegraph Company."—(*Passed 30th May, 1849.*)
- This Act incorporates a Company already in existence, for the purpose of constructing an Electro-magnetic Telegraph from the City of Montreal to the Province Line, there to connect with an American Telegraph to Troy. The Corporation is substituted for the association, and the usual corporate powers are conferred, and powers for erecting and maintaining the Telegraph similar to those which have been granted to other Companies. Provision is made for the election of Directors, and the management of the affairs of the Company, and for the protection of their rights and property. Their Capital is £5000, divided into shares of £12 10, each, with power to increase it to such sum as may be necessary. The Directors are to fix the charges for communications. The Company are required to establish a station in any Town or Village through which the line shall pass, on being guaranteed a return of at least ten per cent on the extra expense incurred. Power is given to the Governor of the Province, or any person by him thereunto appointed, to take exclusive possession of the Telegraph and Works, should the exigencies of the public service make it expedient. The Company may be dissolved on a vote of four fifths of the Shareholders in number and value.
- MONTREAL AND VERMONT JUNCTION RAIL-WAY COMPANY**.—Cap. 178..... 955
- An Act to incorporate The Montreal and Vermont Junction Rail-way Company.—(*Passed 30th May, 1849.*)
- The Company are incorporated with the usual corporate powers, to construct a Rail-way from a point nearly opposite the City of Montreal, to a point on the Province Line near Highgate in the State of Vermont, crossing the River Richelieu near St. John's at the foot of the navigation. Provision is made for indemnifying the Honble. Robert Jones, in case his bridge is interfered with. The Company may form a junction with the St. Lawrence and Champlain Rail-way Company, provided the latter make a branch from their Rail-way to a point opposite Montreal. The compensation to be given for lands and damages is to be settled by arbitration if not agreed upon; the arbitration clauses are copied from the more recent Acts. The capital is to be £100,000, divided into shares of £25 each, with power to raise a further sum of £40,000 if the first mentioned sum be insufficient. They may borrow money to the amount of £50,000, and hypothecate their property as security. The affairs of the Company are to be managed by nine Directors, three of whom are to retire annually. None but a British subject is to be President or Treasurer. The usual provisions are made as to elections, payment of calls, &c. as in former Acts. The Company are to establish the tolls by By-law, except those on small parcels, which the Directors may fix, such By-laws and all others affecting others than Members or Officers of the Company are to be subject to the approval of the Governor in Council. Provision is made for the performance of services required by the Government and the placing of all the resources of the Company at its disposal, and power is reserved to make any further provision on the subject. Her Majesty may assume the Rail-road, on paying the sum expended and 20 per cent in addition, with interest from the time of paying of such capital until the opening of the Rail-road. The Map or Plan and Book of Reference are to be deposited within one year, and the Rail-road to be completed within six years from the passing of the Act on pain of forfeiture of the charter. Whenever in any year the profits of the Company exceed ten per cent, one half the surplus is to be paid over to the Government as a duty, provided the average profits per annum from the time of paying up the capital have amounted to ten per cent. per annum. The Company is to lay a detailed account of receipts and expenditure and other matters annually before the Legislature, such account being attested on oath and power being reserved to make further provision with respect to it. The Company is to be subject to the operation of any general Rail-way Act.
- MONTREAL, COMMISSIONERS OF THE HARBOUR OF, COMMUTATION OF HARBOUR DUES**.—Cap. 119..... 727
- An Act to authorize the Montreal Harbour Commissioners to commute for certain Harbour Dues, with the Corporations therein mentioned, and for other purposes.—(*Passed 30th May, 1849.*)
- The sole object of this Act is to enable the Commissioners of the Montreal Harbour, with the consent of the Governor in Council, to commute with the Champlain and St. Lawrence Rail-road Company, and with the Atlantic and St. Lawrence Rail-road Company, for a gross sum to be received instead of the Dues accruing on their Steamers and the goods landed or shipped from or in them, in the Harbour of Montreal. (This Act is repealed by 14 & 15 V. c. 117.)

- MONTREAL, Health of the City of.**—Cap. 118..... Page.
725
An Act to continue a certain Act therein mentioned relative to the Public Health of the City of Montreal.—(Passed 30th May, 1849.)
The sole object of this Act is to continue the Act 10 & 11 V. c. 1, to the First day of January, 1850, and thence to the end of the then next Session.
- MONTREAL REGISTRY OFFICE.**—See Registry Office.
- MOUNT HERMON CEMETERY.**—Cap. 191..... 1069
An Act to incorporate "The Mount Hermon Cemetery."—(Passed 30th May, 1849.)
A Company is incorporated by the name mentioned in the Title, for the purpose of establishing a Public Protestant Cemetery in the neighbourhood of Quebec, and the usual corporate powers are granted them for that purpose. The land to form the Cemetery is described, but they have power to add to its extent. The Capital is to be £5000, in shares of £5 each, with power to increase it if necessary to £10,000; the profits to be divided are limited to eight per cent. per annum, any surplus is to be appropriated by the Directors to some charitable institution. The affairs of the Company are to be managed by nine Directors, three of whom are to retire annually, and three to form a Quorum. The usual provisions are made for elections, calling in instalments, &c. The shares are to be transferable with the approval of the Directors. The Directors are to have the ground surveyed and embellished, and a Chapel built, and to divide it into lots, the exclusive right of burial in which they may dispose of, as also the right of putting up monuments in the Chapel, &c. The right of burial is to be deemed personal property, and may be assigned or bequeathed, but is not to be liable in execution. The Cemetery is to be properly enclosed and to be kept constantly in good order and repair, and proper drains and sewers are to be constructed, and proper precautions are to be taken to avoid fouling any stream or well, and penalties and damages may be recovered from the Company for any contravention. The Company are to cause burials to be celebrated in a decent manner. Penalties are also provided against persons infringing the rights of the Company or damaging or behaving improperly in the Cemetery. Forms of a grant of right of burial and of an assignment of the same are appended to the Act as Schedules.
- N**
- NEW CITY GAS COMPANY of Montreal.**—Cap. 183..... 1021
An Act to amend the Act incorporating the New City Gas Company of Montreal, and to extend the powers of the said Company.—(Passed 30th May, 1849.)
The Act amended is the 10 & 11 V. c. 79. The Company are empowered to increase their Capital by a sum not exceeding £25,000, in shares of £10 each; such additional amount being deemed part of the original Stock and dealt with accordingly. The Company may borrow money to an amount not exceeding £20,000 at any rate of interest, even exceeding six per cent, and hypothecate their property as security: but no Debenture is to be for a less sum than £100. The non-liability of Stockholders beyond the amount of their shares is declared. The Company are enabled to become parties to notes and instruments not under seal. Divers provisions are made to facilitate the management of the affairs of the Company, the calling in of instalments on shares, &c. and also for protecting the Company from fraud and from damage to their property, and for facilitating proceedings by or against them.
- NEEPIGON MINING COMPANY incorporated.**—Cap. 163..... 875
An Act to incorporate certain persons under the name and style of "The Neepigon Mining Company."—(Passed 30th May, 1849.)
The capital of the Company is to be £15,000, divided into shares of £1 5s. each; but if this sum be found insufficient, it may be increased to £25,000. Their real property purchased from private individuals, is not to exceed £25,000 in value. The Company may borrow money to the amount of £10,000, whenever one half of their capital is paid up; they may issue debentures, and grant mortgages for the sum borrowed, but no single debenture or bond is to be for a less sum than £100. The Company may open offices in New York, Boston, Philadelphia and Detroit. The number of Directors is to be not less than three nor more than five, and three are to be a *quorum*. Two Directors are to retire yearly and others to be elected in their stead. The Company are not to commence operations until ten per cent. of their capital is paid up. The rights of the Crown, and of others not specially mentioned, are saved. The Schedules are forms of Proxy and Transfer.
- NIAGARA FALLS Suspension Bridge Company, Act incorporating, amended.**—Cap. 161..... 865
An Act to amend the Act incorporating "The Niagara Falls Suspension Bridge Company."—(Passed 30th May, 1849.)
The Act amended is the 9 V. c. 115, section 2 of which is repealed, and the capital of the Company is reduced to £25,000 in shares of £25 each. An exclusive privilege is granted to the Company for 15 years as far as the head of the rapids above the Falls, on condition that they complete their present Bridge in the manner prescribed by the Act, and that within 5 years from the passing of this Act, they erect a bridge for foot passengers at least one mile above their present Bridge, for doing which they may again increase their capital to £37,500. The amount of tolls taken by the Company is never to be more than sufficient to pay 25 per cent. per annum profit to the Stockholders, and the Legislature may provide in any manner for enforcing this condition. The Justices of the Peace for the Niagara District are to fix the compensation to be paid yearly to Her Majesty for the diminished value of the Ferry by reason of the Company's Bridge.
- NORTH ELMSLEY.**—See Montague.
- NUNS.**—General Hospital of Quebec.—Cap. 140..... 783
An Act to authorize the Community of the Nuns of the General Hospital of Quebec, to acquire and hold additional Real and Personal property to a certain amount.—(Passed 25th April, 1849.)
The sole object of this Act is to enable the Community mentioned in the Title, to hold property, real and personal, to the amount of £2,000 of yearly value over and above the property they now hold, and to alienate the same and acquire other property instead thereof, not exceeding the yearly value aforesaid. The real property must be in Lower-Canada.
- O**
- ONTARIO Marine and Fire Insurance Company.**—Cap. 166.. 899
An Act to incorporate "The Ontario Marine and Fire Insurance Company."—(Passed 30th May, 1849.)
This Act incorporates the Company under the name expressed in the title, with the usual corporate powers, for carrying on the business of Fire, Inland, Navigation and Marine Insurance. The real property to be permanently held by the Company is limited to such as may be actually necessary for carrying on its business; they may take other property *bond fide* mortgaged or conveyed, as security for or in satisfaction of debts due to them, but must alienate it within seven years from the time it is acquired. The capital is to be divided into shares of £12 10s. each, and the number is not in the first instance to exceed eight thousand, but by a vote of a majority of the Stockholders, the capital may be increased to a sum not exceeding £250,000. No Directors are to be elected until at least two thousand shares are subscribed for; one per centum is to be paid on subscribing, and four per centum more must be ready to be paid whenever called for by the Directors; the remainder by instalments not exceeding five per cent.

tum in any six months. The capital is to be employed exclusively in the legitimate business of the Corporation, and they are in no case to act as Bankers. The usual provisions are made for the election of twelve Directors to manage the affairs of the Company, four of whom are to go out annually, and also for enforcing the payment of instalments on shares, voting at Meetings, &c. The Corporation is to continue only until 1st January, 1900, but if on that day, or whenever the Corporation is dissolved, there be debts due by it, the Shareholders are only to be liable to the extent of their shares. The Company are to make annual returns to Parliament, with a full detail of their affairs. The Act is not to be forfeited for non-user before 1st March, 1852. Page.

OTTAWA DISTRICT, Grammar School House, sale of, authorized.—Cap. 111. 667
 An Act to enable the Trustees of the Ottawa District Grammar School to sell the present School House, and apply the funds arising from the Sale thereof towards purchasing a new site, and erecting a new School House in the Town of L'Original.—(Passed 30th May, 1849.)

This Act recites the Act of U. C. 8 G. 4, c. 22, under which a certain lot of land and building was conveyed to the said Trustees, and that the same is now in a dilapidated condition and too far from the Town of L'Original, and then empowers them to sell the same and apply the proceeds for the purpose mentioned in the Title, expending the surplus (if any) in erecting the new School House.

P

PERES OBLATS, incorporation of.—Cap. 143. 789
 An Act to incorporate *Les Révérends Pères Oblats de l'Immaculée Conception de Marie*, in the Province of Canada.—(Passed 30th May, 1849.)

This Act recites that the Association hath existed for several years in the Province of Canada, for the purpose of establishing missions, procuring instruction and education, erecting and conducting Hospitals, for indigent and sick persons. It is specially provided that the members of the Corporation shall be subjects of Her Majesty. The usual corporate powers are given; the yearly value of the property to be held being limited to £2000. The Act provides for the distribution of the property of the Corporation in case of its dissolution; property given or bequeathed, or such as it may have been exchanged for, is to return to the donors, and other property is to be at the disposal of the Provincial Parliament. Deeds of Sale to the Corporation are to specify the funds out of which the property is paid for. The Corporation is to account in detail to the Governor when ever called upon so to do.

PERTH—See Calvinistic Baptist Congregation.

PORT BURWELL HARBOUR, President, Directors and Company of.—Cap. 160. 857

An Act to incorporate certain persons under the style and title of "The President, Directors and Company of Port Burwell Harbour."—(Passed 30th May, 1849.)

The Company is incorporated with the usual powers for the purpose of constructing a safe and commodious Harbour at Port Burwell, on Lake Erie, in the County of Middlesex, with proper moles, piers, wharves and other buildings. The Capital Stock is not to exceed £20,000, in shares of £6 5, each, but the Company may borrow money and give bonds, &c. mortgaging their property as security. The usual provisions are made for the election of Directors for managing the affairs of the Company, the payment of instalments and forfeiture for non-payment. The *maximum* Tolls to be taken are fixed by the Act, and power is given to detain vessels and goods on which Tolls may be due until they are paid. The compensation to be paid to parties for lands or damages is to be fixed by arbitration in the usual manner, the award being subject to be set aside for cause by the Court of Queen's Bench. At

the end of 50 years from the completion of the Harbour, the Crown may assume the same, on paying the full amount of the shares and 25 per cent. more, but not unless the Stockholders shall have received an annual average profit of 12½ per cent. on their Capital. The Harbour is to be commenced within two years, and completed within seven years from the passing of the Act, on pain of forfeiture of the privileges conferred by it. Page.

PRIMEAU, Marc Antoine, and Antoine A. Trottier—Bridge over River Chateauguay.—Cap. 186. 1033

An Act to authorize Marc Antoine Primeau and Antoine A. Trottier, to erect a Toll-Bridge over the River Chateauguay in the Parish of Ste. Martine, and to make a Plank Road from the River St. Lawrence to the River Chateauguay in the said Parish, and to fix the Tolls to be taken upon the said Bridge and Road, and to make further provisions in that behalf.—(Passed 30th May, 1849.)

This Act authorizes the parties interested to construct a Bridge at some convenient place between Primeauville and the Village of Sainte Martine, and a Road from a point on the River St. Lawrence at or near the Village of St. Clément de Beauharnois, to a point between Primeauville and Ste. Martine; but the Queen's highway is not to be used except for the purpose of crossing it. The *maximum* Tolls to be taken either on the Bridge or on the Road are fixed by the Act: and the usual exemption is made in favor of Her Majesty's Troops and others travelling on Her Majesty's Service. Provision is made for the assumption by the Government of either the Road or Bridge, on making compensation to the proprietors, and the profits on the Road over ten per cent. are made a sinking fund for that purpose. The Bridge must be completed within two years, and the Road within four years from the passing of this Act. The rights of the Crown, and of others not specially mentioned, are saved; and the Legislature reserves the right of so amending the Act as to protect the rights of the public and other parties if need shall be.

PROVINCIAL MUTUAL AND GENERAL INSURANCE COMPANY.—Cap. 167. 905

An Act to incorporate "The Provincial Mutual and General Insurance Company."—(Passed 30th May, 1849.)

Under this Act, the Company is empowered to effect insurances both upon the ordinary principle and upon those adopted with regard to Mutual Insurance Companies. For this purpose, the Members are divided into Proprietary Members and Mutual Members. The first class being those interested in the operations of the Company in the ordinary mode of insurance, and being liable to the amount of their shares, and no further, and the second class being those who are mutually insured and who are liable to the amount of their deposit notes, and no further. The same person may be a Member of both kinds. Both classes are to vote at the election of the Directors who are to manage the affairs of the Company, but a Director must be a Proprietary Member, though his qualification as such must be greater or less according as he is mutually insured to a greater or less extent. The number of Directors is to be eleven, three of them to retire annually. The Company may hold such real property as may be necessary for the purposes of their business, and such other as may be *bond fide* mortgaged as security or purchased at sales made under judgments in their favor. They are to confine themselves strictly to the legitimate operations of insuring against losses by fire, insurances on vessels or on lives, and the granting of annuities. The amount of mutual insurance on any property is not to exceed two thirds of its value, nor to be effected on certain hazardous kinds of property described in the Act. The amount of Proprietary Stock is limited to £100,000 in shares of £20 each, five per centum on which is to be paid at the time of subscribing, and the remainder by instalments to be called in by the Directors. Provision is made for the settlement of the amount of losses by fire and for

arbitration in case of difference between the Com- Page.
pany and the assured, and the usual provisions are
made for enforcing payments of instalments called in,
sums assessed on deposit notes, elections of Directors,
and other ordinary matters. The accounts of each
branch (mutual or proprietary) are to be kept separate,
each bearing its own losses and sharing its own gains,
and the general expenses of the Company are to be
divided proportionately between the two Branches.
Full statements of the affairs of the Company are to
be prepared by the Directors and laid before the Com-
pany at the Annual General Meetings. The Legis-
lature reserves the right of repealing, altering or
amending the Act.

Q

QUEBEC FORWARDING COMPANY.—Cap. 193..... 1085

An Act to incorporate certain persons under the name
of "The Quebec Forwarding Company."—(Passed
30th May, 1849.)

The association which has for some time existed and
carried on business under the name mentioned in the
Title, is incorporated, and the usual corporate powers
are conferred, it being nevertheless provided that the
Members shall be individually liable for all its debts
and obligations. Their real property is not to exceed
the value of £5000. The usual provisions are made
for the election of Directors and the management of
the affairs of the Company. The first Directors are
named in the Act.

QUEBEC FRIENDLY SOCIETY, Act incorporating, continued.—
Cap. 151..... 817

An Act to continue for a limited time the Act of the
Legislature of Lower Canada incorporating "The
Quebec Friendly Society."—(Passed 25th April, 1849.)

The sole object of this Act is to continue the Act of
Lower Canada 10 & 11 G. 4 c. 49, until the 1st June,
1871, and thence until the end of the then next Ses-
sion of the Provincial Parliament.

QUEBEC GAS COMPANY.—Cap. 182..... 1009

An Act to incorporate "The Quebec Gas Company."—
(Passed 30th May, 1849.)
The Act 9 V. c. 74 (for lighting the City of Quebec with
Gas) is recited, and the power therein given to the
Mayor and Councillors to establish Gas Works, or if
they should deem it advisable, to assign their powers
to other parties; it is also recited that an Association
having been formed for lighting the City with Gas,
the Mayor and Councillors did assign their said powers
to the said Association, and that they and the said
Association have petitioned the Legislature for the
passing of this Act and have agreed to the provisions
thereof. The said Association is then incorporated,
with the usual corporate powers, and with similar
powers to those mentioned in the said Act 9 V. c. 74,
and such as have been granted to other Gas Com-
panies. The capital of the Company is to be £20,000
in shares of £50 each, with power to increase it by a
further sum not exceeding £20,000, if the sum first
mentioned should be insufficient. They are also em-
powered to borrow a sum of money not exceeding
£10,000, and to hypothecate their property as security.
The number of Directors is to be seven, three to go
out annually. The present Directors being continued
in office until the next General Meeting. The usual
provisions are made for elections and the management
of the affairs of the Company, the protection of their
rights and property, and for the protection of the pub-
lic. Their powers are to extend over any future
limits hereafter to be assigned to the City of Quebec.
The rights of the Crown, and of others not specially
mentioned, are expressly saved. The company are to
lay yearly before the Corporation of the City, detailed
accounts of their receipts and expenditure, containing
all the particulars required by the Fifteenth Section
of the said Act 9 V. c. 74. The Company are to per-
form all their agreements with the Corporation of the
City, according to the deed of assignment aforesaid,

except in so far as it may be modified by consent of Page.
both parties. The Act is to remain in force for fifty
years, and no longer.

QUEBEC, Health of the City of.—Cap. 116..... 703

An Act to provide for the Health of the City of Quebec.—
(Passed 30th May, 1849.)

The object of this Act is to give additional powers to the
Corporation of the City of Quebec for the preservation
of the health of the said City. The powers of any
Board of Health established by the City Council are
extended for certain purposes to places in the imme-
diate neighbourhood of the City, but beyond its actual
limits; and power is given to the said Board to enter
forcibly, if necessary, and between certain hours, into
any house, vessel or other place, and to remove filth
and impurities if there found, at the expense of the
parties who ought to have removed the same. The
Board may cause putrid meat, fish, &c., to be des-
troyed, and when cholera, typhus or other such disease
exists, they may limit the number of inhabitants
to be allowed to reside in any house. The City Coun-
cil may also make rules with regard to infected cloth-
ing. Prisoners attacked in Gaol with contagious
diseases, may be sent to any hospital or other place the
Board of Health may appoint. Medical Practitioners
are to report to the Board of Health. The City Council
may make a table of fees. Provision is made for the
summary recovery of penalties under the Act, and no
Certiorari is allowed; a penalty is imposed by the Act
itself on persons infringing any By-law made for the
preservation of the health of the City. The Act is to
be suspended whenever any regulations are made by
any Central Board of Health, under cap. 8 of this Ses-
sion—(which see.)

QUEBEC TURNPIKES—See Dorchester Bridge.

QUEBEC WAREHOUSING COMPANY.—Cap. 192..... 1079

An Act to incorporate "The Quebec Warehousing Com-
pany."—(Passed 30th May, 1849.)

The Association now existing at Quebec for carrying on
the business of Warehousing is incorporated by the
name mentioned in the title, with the usual corporate
powers. The Capital is to be £25,000, with power to
increase it to £50,000. The real property they may
hold is limited to such as may be necessary for carrying
on the said business, and the sum vested in such real
property purchased from private individuals must not
exceed £50,000. The Members of the Corporation are
not to be individually liable for its debts, but the Direc-
tors are to be personally responsible for all debts and
obligations contracted while they are in office, and
provision is made for giving effect to this liability and
for enabling the public to ascertain who are or were
the Directors at any time. The Directors are to be
five in number, two to retire annually and three to
form a Quorum; and the usual provisions are made for
their election, the calling in of the Stock, and the
management of the affairs of the Company. The first
Directors are named in the Act. The Company are
not to commence operations unless ten per cent. on their
Capital of £25,000 be paid up on or before the 20th
June, 1849. The rights of the Crown, and of others
not specially mentioned, are expressly saved. The
Act is to be in force until 1st May, 1900, and no longer.

QUEENSTON Suspension Bridge Company.—Cap. 199..... 1135

An Act to incorporate the Queenston Suspension Bridge
Company.—(Presented for Her Majesty's Assent, and
Reserved for the signification of Her Majesty's pleasure
thereon, 30th May, 1849.—Assented to by Her Majesty
in Privy Council, 6th October, 1849.—The Royal
Assent signified by the Proclamation of His Excellency
the Earl of Elgin and Kincardine, Governor General,
23d November, 1849.)

Certain persons are incorporated to construct a Suspension
Bridge across the Niagara River, at or near Queen-
ston. The value of their real estate, exclusive of the
Bridge, is not to exceed £1,000, and their Capital
Stock is limited to £10,000. Commissioners are ap-
pointed for opening Books of Subscription. Compen-

sation is to be paid to the Province for the decreased value of the Ferry, in consequence of the construction of the Bridge, which must be used within three years from the passing of the Act. Page.

R

REGISTRY OFFICE, of Montreal, to remedy defects in Registration of Deeds in.—Cap. 121..... 733

An Act to remedy certain defects in the Registration of Deeds and Instruments relating to Real property in the Registry Office at Montreal.—(Passed 30th May, 1849.)

It is recited that during the time the late Edward Dowling held the office of Registrar, first of the Registration District and subsequently of the County of Montreal, many Deeds and Documents were presented to him for Registration and kept by him, which nevertheless were not registered, transcribed or entered as the Law required, and that divers errors, irregularities and omissions were committed by the said Edward Dowling and his Deputy, which might, without the intervention of the Legislature, affect the titles and rights of parties who have complied with the law so far as on them depended; and it is to remedy this evil so far as it can be done without injustice to other parties, that the provisions of the Act are framed. It is first enacted, that during twelve months from the passing of the Act, (which period extends twelve months more by 13 & 14 Vict. c. 93, and twelve months more by 14 & 15 c. 68 sec. 5, both of which see,) the Registration of any Instrument shall be held to have been completed, if it be proved that it was presented to and received by the said Ed. Dowling or his Deputy at or before some certain time from which such Registration shall (at least during the said 12 months) be held to have been completed; and the Act then declares what shall be deemed proof of such presentation, and what shall be the presumption if presentation be proved, but the time at which it was made shall not appear, such proof and presumption to be for the purposes of the Act and subject to the provisions thereof. Three Commissioners are to be appointed under the Act, to take possession of the Instruments, Books, Papers and Documents of the Office, filed or kept while the said Ed. Dowling was Registrar; to examine, take evidence with regard to and arrange and complete the same as they ought to have been completed by the said Ed. Dowling, keeping a record of the evidence given before them and of their proceedings, and reporting to the Governor; after the end of the period above mentioned, the Registration of any Document completed by the said Commissioners is to be as effectual as if it had been completed by the said Ed. Dowling; certain objections as to errors in the transcription of Documents are removed in any case, and the Certificate of the Commissioners, as to any fact touching the Registration of any Document, is to be *prima facie* evidence of such fact, but nothing in the Act is to weaken the effect of any Certificate or Evidence which without the Act would be proof of Registration: nor is the liability of Ed. Dowling or his Deputy, or of their Sureties, to be diminished. Full power is given to the Commissioners to summon and compel the attendance of witnesses, administer oaths, &c. Two of the Commissioners are to be Quorum, and the third need not act except when the two first named in the Commission differ in opinion. They are to receive compensation for their services. An Interpretation clause is added.

RIMOUSKI, Registration of Deeds.—Cap. 128..... 753

An Act to divide the County of Rimouski into two Districts for the Registration of Deeds.—(Passed 30th May, 1849.)

The County of Rimouski is divided into two Districts for the purposes of Registration of Deeds, after 1st July, 1849. In one, a new Registrar is to be appointed, the

present Registrar remaining in the other, without a new appointment. Page.

RIMOUSKI, Seat of Municipality No. 1, of the County of, removed.—Cap. 127..... 751

An Act to remove the Seat of the Municipality Number One of the County of Rimouski, from St. Patrice de la Rivière-du-Loup to St. Jean Baptiste de l'Isle Verte.—(Passed 25th April, 1849.)

After the 15th June, 1849, the Seat or place of Meeting of the Council of the Municipality No. 1 of the County of Rimouski, is to be removed from St. Patrice to St. Jean Baptiste, and the said Municipality is declared to be the Municipality No. 1 of the said County, any thing in any Proclamation, or in the Lower-Canada Municipal Act (10 & 11 V. c. 7), notwithstanding.

RIVER DU CHENE, County of Two Mountains.—Cap. 155..... 831

An Act to provide for the improvement of the River du Chêne, in the County of the Two Mountains.—(Passed 30th May, 1849.)

This Act recites the Petition of the inhabitants of certain Parishes in the said County, complaining of the damages done to their crops yearly by the overflowing of the said River, the channel of which is insufficient to carry off the water, and praying that as the evil can only be remedied by their combined efforts, Legislative provision may be made for enabling them to effect the improvement of the said River. The Act provides for the calling of a Meeting of the inhabitants of the Parishes interested in the improvement, at which twelve Commissioners may be elected for carrying on the improvement aforesaid. The Commissioners are to cause a survey, plan and estimate to be made for the work, which is to be given out by contract, but with power to the Commissioners to require the inhabitants interested to furnish assistance in labour. An estimate of all the expenses to be incurred, is to be made and the parties interested are to be assessed according to the benefit which each may derive from the work, the decision of the Commissioners, after hearing any objecting parties, to be final in this behalf, unless set aside by an appeal brought within a certain time before a Circuit Judge. Provision is made for enforcing payment of the sums assessed. When the work is completed, the powers of the Commissioners are to cease, and the River and works are then to be under the control of the local authorities but subject to Rules and Regulations to be made by the Commissioners before they go out of office. The Commissioners are to account to a Committee to be chosen by the inhabitants interested, and their plans, accounts, papers, &c., are to be finally deposited in the office of the Municipal Council of the County. The work must be completed within six years after the passing of the Act.

RIVER JÉSUS BRIDGE—See Delisle A. M. ROMAN CATHOLIC ARCHBISHOP AND BISHOPS, &c.—Cap. 136. 769

An Act to incorporate the Roman Catholic Archbishop and Bishops in each Diocese in Lower-Canada.—(Passed 30th May, 1849.)

The Roman Catholic Archbishop of Quebec, and R. C. Bishops of Montreal and Bytown, and their respective successors, are respectively created Corporations sole, with power to hold lands for the general uses, eleemosynary, ecclesiastical or educational of the R. C. Church, and the other ordinary corporate powers, the title of acquisition to be registered within six months on pain of its avoidance. Persons now holding lands in trust for the benefit of the R. C. Church, may convey the same to any of the said Corporations. Lands held by the said Corporation are not to be aliened by them without the consent in writing of their Chapter or Council, or if there be none, then of the Co-adjutor and Senior Vicar-General, or if there be none, then of two Clergymen to be named for the purpose. The real estate to be held by any one of the said Corporations is limited to £5,000 of yearly value. The Act is not to confer any spiritual or ecclesiastical jurisdiction or rights. If any new R. C. Archbishopric or

Bishopric be created, the Archbishop or Bishop is to have the same privilege as are conferred on those herein mentioned. The Act is not to affect the incorporation of the Archbishop of Quebec and his Successors by H. M. Letters Patent of 29th January, 1845, nor that of the Bishop of Montreal by those of 17th August, 1839, which incorporations are to be distinct from those under this Act. This Act is to extend only to Lower-Canada. The rights of the Crown, and those of others not specially mentioned, are saved.

S

SAGUENAY, Registration of Deeds.—Cap. 131. 759
 An Act to divide the County of Saguenay into two Divisions for the Registration of Deeds.—(Passed 30th May, 1849.)

After the 10th June, 1849, the County of Saguenay is to be divided into two Registration Divisions. In one, a Registrar is to be appointed; the present Registrar remaining in the other, without a new appointment.

SAINT ANDREW'S CHURCH, Montreal.—Cap. 154. 825
 An Act to incorporate "The Minister and Trustees of St. Andrew's Church Montreal."—(Passed 30th May, 1849.)

After reciting the case of the Congregation of the said Church, and the inconvenience they have suffered from the want of a corporate capacity in the Trustees in whom their property is vested, this Act incorporates the present Trustees (the Minister being one) and their successors, vesting in them certain property of the Congregation, described in the Act, and giving them further power to acquire and hold additional real property to the yearly value of five hundred pounds, with power to alienate a certain described lot, and also to alienate other portions of the property, with the consent of three fourths of the freeholders of the said Church; they are also empowered to raise by mortgage of the Trust property, such sum as may be required to complete a new Church now building for the Congregation. The mode of supplying vacancies among the Trustees is prescribed. Deeds of gift or other conveyances to the Corporation are required to be registered in the twelve months, on pain of nullity. The rights of the Crown, and of others not specially affected, are saved.

SAINT ANSELME BRIDGE COMPANY—See Bélanger.

SAINT JEAN BAPTISTE, Association at Montreal.—Cap. 149. 809
 An Act to incorporate *L'Association Saint Jean Baptiste de Montréal*, in the City, Parish and District of Montreal.—(Passed 30th May, 1849.)

The Association which has existed for several years in the City of Montreal under the name mentioned in the title, is incorporated for the purpose of affording assistance to such persons of French extraction, or married to persons of French extraction, as may stand in need of assistance, and to foster education and promote their moral and social progress, and the usual corporate powers are conferred. The Corporation may hold personal property to any amount, and real property to the yearly value of £1,500. The property and liabilities of the Association are transferred to the Corporation. Provision is made for the election of Officers of the Corporation and of a Committee of Management, and the usual machinery for conducting the business of the Corporation.

SAINT JEAN BAPTISTE Society, Quebec.—Cap. 148. 805
 An Act to incorporate *La Société St. Jean Baptiste de la Cité de Québec*.—(Passed 30th May, 1849.)

The Association which has existed for several years in Quebec, under the name mentioned in the Title, is incorporated for the purpose of promoting the national, industrial and social interests of the mass of the population of Canada in general and of Quebec in particular, with the usual corporate powers. The Corporation may hold personal property to any amount, and real property to the value of ten thousand pounds. The property and liabilities of the Association are

transferred to the Corporation. The usual provision is made for the election of the Officers of the Corporation and a Committee of Management. The said Committee is to publish an annual return of the affairs, &c of the Corporation.

SAULT ST. MARIE Mining Company.—Cap. 162. 867
 An Act to incorporate "The Sault Ste. Marie Mining Company."—(Passed 30th May, 1849.)

This Act incorporates certain persons under the name expressed in the Title. The Stock of the Corporation is to be £30,000, divided into shares of £2 each, but if this Capital be found insufficient, it may be increased to any sum not exceeding £60,000. Their real property is not to exceed £30,000 in value. The Company may borrow money to the amount of £30,000, whenever £15,000 of the Stock shall be paid up; they may issue Debentures and grant Mortgages for the sum borrowed, but no single Debenture or Bond is to be for a less sum than £100. The Company may open Offices in London, Liverpool, Glasgow, New York, Detroit and Cleveland. The number of Directors is to be six and the Quorum three: two Directors are to retire yearly, and two to be elected in their stead. The Company are not to commence operations until ten per cent. of their capital is paid up. The rights of the Crown, and others not specially mentioned, are expressly saved. The Schedules are forms of Proxy and Transfer.

SŒURS de la Charité—See Bytown.

SŒURS DE MISERICORDE, &c.—Cap. 138. 177
 An Act to incorporate *Les Sœurs de Miséricorde pour la régie de l'Hospice de la Maternité de Montréal*.—(Passed 30th May, 1849.)

Certain Religious Ladies and their Successors are incorporated under the name expressed in the Title. The real property to be held by the Corporation is limited to the yearly value of £2,000, and must be situate in Lower-Canada, and all its funds must be applied to the establishment and maintenance of a Lying-in Hospital at Montreal. Returns are to be made yearly to the Legislature of the state of the funds and property, the number of members, and generally of the affairs of the Corporation. The Rights of the Crown, and of others not specially mentioned, are saved.

SŒURS DE STE. CROIX, Community.—Cap. 137. 773
 An Act to incorporate *La Communauté des Sœurs de Ste. Croix*, in the Parish of St. Laurent, in the District of Montreal, for the purposes of Education.—(Passed 30th May, 1849.)

Certain Religious Ladies and their Successors are incorporated under the name expressed in the Title. The real property to be held by the Corporation, is limited to the yearly value of £2,000, and must be situate in Lower-Canada. All its funds must be applied to purposes of Education and objects therewith connected. Returns are to be made yearly to the Legislature, of the state of the funds and property, the number of members and pupils, and generally of the affairs of the Corporation. The rights of the Crown, and of others not specially mentioned, are saved.

SŒURS HOSPITALIERES de St. Joseph de l'Hôtel-Dieu de Montréal.—Cap. 139. 781

An act to authorize the Religious Community of the *Sœurs Hospitalières de St. Joseph de l'Hôtel-Dieu de Montréal*, to acquire and hold real and personal property to a certain amount over and above that now held by them, as well for themselves as for the Poor of the *Hôtel-Dieu*, on whose behalf they administer certain Property, and for other purposes therein mentioned.—(Passed 30th May, 1849.)

This Act empowers the Community mentioned in the Title, to hold property real and personal to the amount of £3,000 of yearly value, for the use and purposes of the Community, and to the amount of £5,000, as Trustees for the Poor of the *Hôtel-Dieu*, in both cases, over and above the property they now hold for the said purposes, which property is specified in the Act: they are also empowered to alienate their property whether acquired

before or after the passing of the Act, and to acquire other property instead thereof: they are empowered to sue and be sued either in the name of the said Community, or as Trustees for the said Poor, but no other corporate rights are conferred by the Act. They are to give detailed accounts of their property and income acquired under this Act, when required by the Governor.

ST. ANNE DES MONTS—See Cape Chat.

SOPHIASBURGH—See Hallowell.

ST. GEORGE'S SOCIETY, of Quebec.—Cap. 150. 813
 An Act to incorporate "The St. George's Society of Quebec."—(Passed 30th May, 1849.)
 The Association, which has existed for many years in Quebec under the name mentioned in the Title, is incorporated with the usual corporate powers, for the purpose of affording pecuniary, medical and other relief to natives of England or Wales, and their descendants who may need the same. The provisions of the Act are similar in all important matters, to those of 12 Vic. Cap. 147, incorporating the St. Patrick's Society of Quebec. The Corporation may hold personal property to any amount, and real property to the yearly value of two thousand pounds. A statement of the property and affairs of the Corporation is to be published yearly.

ST. JAMES CHURCH—See Toronto Rector.

ST. LAURENT ACADEMIE, Industrielle de, &c.—Cap 146. 799
 An Act to incorporate *L'Académie Industrielle de St. Laurent*, in the district of Montreal.—(Passed 30th May, 1849.)
 The Association mentioned in the Title is incorporated with the usual corporate powers, for the purpose of affording primary instruction to young persons and establishing Schools of Agriculture, Horticulture, Arts and Trades; the number of the members of the Corporation is not to exceed ten: and the yearly value of the real property to be held by it, is limited to £4000, and must be in Lower-Canada. The revenues are to be appropriated solely to the purposes aforesaid, and the Corporation is to make yearly returns of its property and affairs, generally, to the Legislature.

ST. LAWRENCE and Atlantic Rail-road Company.—Cap. 176. 939
 An Act to amend the Act incorporating the Saint Lawrence and Atlantic Rail-road Company.—(Passed 30th May, 1849.)
 This Act makes divers amendments in their former Acts, relating chiefly to the financial affairs of the Company, and their powers of borrowing or raising money. They are empowered to raise or lower their Tolls from time to time, provided they do not exceed the maximum fixed by law. They are declared to have power to become parties to bills and notes, not under seal; subject to certain conditions and provisions, a clause is inserted requiring them to perform certain services to the Government, and to place their whole resources at its disposal; and power is reserved to make further enactments on the subject. The shares are to be £25 each instead of £50, and may be distinguished into "Old Stock" and "New and Preferential Stock," the holders of which last are to have a preference over the other Shareholders in so far as they are to be secured a return of six per cent, per annum, before the holders of the Old Stock get any dividend. Forms are provided for Debentures to be granted by the Company, and for the registration and discharge thereof, no such Debentures being for less than £100. The order of the charges upon the revenue and property of the Company is fixed. The Company are allowed to agree to pay interest at any rate not exceeding 7 per cent. per annum. The Corporation of the City of Montreal and of the Seminary of St. Sulpice, and other bodies corporate, generally, are empowered to subscribe for Stock in the undertaking, and to exercise their rights as Shareholders. The Schedules are the forms referred to in the Act.

ST. LAWRENCE and Champlain Canal Company.—Cap. 180. 981
 An Act to incorporate a Company for the construction

of a Ship Canal to connect the waters of Lake Champlain and the River Saint Lawrence.—(Passed 30th May, 1849.)

The Company are incorporated with the usual corporate powers, to construct a Canal from some point on the River St. Lawrence, between any part of Lake St. Francis and the Village of Longueuil, to some point on Lake Champlain or the River Richelieu. Before the Company shall break ground, the plan, position and mode of constructing the Canal must be approved by the Governor in Council, and the Canal, Locks and Works must not be of less size, depth or capacity than those adopted for the Beauhar- nois Canal on the River St. Lawrence. With the per- mission of the Governor in Council, and subject to such conditions as he shall think proper, the Company may enlarge and use the Chambly Canal from any point where their Canal may strike it, to its upper end at St. John's. They may also use the branches of the Rivers or Lakes aforesaid, doing no damage to the navigation. The usual provisions are made for protecting the convenience of the public where the Canal shall be carried across any highway. The Company are empowered to lease any water power which they may create. The compensation to be paid for land or damages is to be settled by arbitration if not agreed upon; the Rail-way arbitration clauses being adopted. The capital of the Company is to be £500,000, divided into shares of £25 each, with power to increase it by an additional sum of £500,000 if required for completing the work; they may borrow money to an amount not exceeding at any time one fourth of the capital then paid up, and hypothecate their property for the due payment thereof, no bond being given for a less sum than £100. The Directors are to be nine, five of whom are to retire annually, and five being a *quorum*. The usual provisions are made for Elections, the calling in of instalments, &c. The Company are to fix the Tolls to be taken, but such Tolls are to be the same to all persons on the same kinds of goods and vessels, and no By-law fixing or altering the rates of Toll or affecting others than the Members or Officers of the Company is to have any effect until sanctioned by the Governor in Council. It is specially provided that no provision which the Legislature may think it right to make, as the exclusive use of the Canal by the Government at any time, or any services to be rendered by the Com- pany to the Government, shall be deemed an infringe- ment of the rights of the Company; and Her Majesty may, at any time after the end of fifteen years from the completion of the Canal, assume the same, on paying the whole current amount of the capital stock according to its value at the time, and 15 per cent. in addition. The Map and Book of Reference must be made and deposited within eighteen months from the passing of the Act, the stock subscribed for and at least ten per centum paid up within three years, and the Canal completed within five years, on pain of forfeiture of the privileges conferred by the Act. The Company are annually to lay detailed statements of their affairs and business before the Legislature, at- tested on oath, and power is reserved to make further provision as to such accounts. The rights of the Crown, and of others not specially mentioned, are ex- pressly saved. The Company is not to break ground until £200,000 are subscribed for and ten per cent. thereon paid up, and Directors elected. They are not to be exempted from the operation of any General Canal Act.

ST. MICHEL ROAD—See Turnpike Roads Montreal.

ST. PATRICK'S SOCIETY, Quebec.—Cap. 147. 801
 An Act to incorporate "The St. Patrick's Society of Que- bec."—(Passed 30th May, 1849.)
 The Association mentioned in the Title, and already in existence, is incorporated, with the usual powers, for the purpose of affording relief and advice to natives of Ireland and their descendants; the amount of real pro-

- erty they may hold, is limited to £1000 of yearly value, but they may hold personal property to any amount; their income is to be applied solely to the purposes for which the Society is instituted, their permanent or invested property not being touched, but remaining to produce income. Provision is made for the management of their affairs by a Committee to be elected yearly; this Committee are to publish yearly accounts of the affairs of the Corporation. The Society may be dissolved with the consent of nine tenths of the members, and not otherwise.
- STARR, Richard Noble, Will of the late.**—Cap. 174..... 935
An Act to enable George Carruthers and others to carry into effect the Will of the late Doctor Richard Noble Starr.—(*Passed 30th May, 1849.*)
Dr. Starr having bequeathed certain property to his Executors in trust for the purpose of forming a Public Library in each of the Townships of Ekfrid and Caradoc, in the London District, to be placed under Committees in the said Townships respectively, this Act enables the Executors to carry out the said bequest by empowering the inhabitants of the said Townships to elect Committees for the purposes of the Will, with the requisite powers.
- STUART, Charles James, Esquire, enabled to practise Law.**—Cap. 195..... 1098
An Act to enable Charles James Stuart, Esquire, to practise the Law in Lower Canada.—(*Passed 25th April, 1849.*)
The case of C. J. Stuart, a Master of Arts of University College, Oxford, and a Member of the Honorable Society of the Inner Temple, is recited, and it is provided that he may be commissioned to practise the Law in Lower-Canada after he shall have undergone examination, and shall have been approved and been certified as duly qualified by one of the Justices of the Court of Queen's Bench at Quebec.
- T**
- THOMPSON, Joseph Richard and Henry Jessup, Relief of.**—Cap. 173..... 933
An Act for the relief of Joseph Richard Thompson, and Henry Jessup.—(*Passed 25th April, 1849.*)
The petition and case of Messrs. Thompson and Jessup, who are both duly admitted Attorneys of the Courts of Queen's Bench and Common Pleas in England, and Solicitors in the High Court of Chancery, and the latter of whom is admitted as a Solicitor in Chancery in Upper-Canada, are recited, and the Court of Q. B. in U. C. is empowered in its discretion to admit them as Attorneys, and the Court of Chancery to admit Mr. Thompson as a Solicitor.
- TORONTO General Burying Ground, to vest it in certain Trustees, &c.**—Cap. 104..... 643
An Act to amend an Act therein mentioned, and to vest the Toronto General Burying Ground in certain Trustees and their Successors.—(*Passed 30th May, 1849.*)
The Act amended is that of Upper Canada, 7 G. 4, c. 21. Certain persons named in the Act and their successors are declared to be the Trustees under the said Act; and provision is made for continuing the succession by filling up the places of the Trustees who may die or resign.
- TORONTO, Rector, &c. of Episcopal Church of St. James, enabled to lease certain Land.**—Cap. 105..... 645
An Act to enable the Rector and Church Wardens of the Protestant Episcopal Church of St. James, Toronto, to lease part of the Land heretofore occupied by them as the site of a Church and Burying Ground.—(*Passed 30th May, 1849.*)
The object of this Act is fully described in its Title.
- TORONTO, Simcoe, and Lake Huron Union Rail-road Company.**—Cap. 196..... 1099
An Act to incorporate "The Toronto, Simcoe and Lake Huron Union Rail-Road Company." (Presented for Her Majesty's Assent, and reserved for the signification of Her Majesty's pleasure thereon, 30th May, 1849.
- Assented to by Her Majesty in Privy Council, 30th July, 1849. The Royal Assent signified by the Proclamation of His Excellency the Earl of Elgin and Kincardine, Governor General, 29th August, 1849.)
This Act incorporates certain persons therein mentioned under the name expressed in the Title, for the purpose of constructing a Rail-road from some place in the City of Toronto to some place on the southerly shore of Lake Huron, and touching at the Town of Barrie or at some point or place on the shore of Lake Simcoe, &c. The Gauge to be determined by the Governor in Council. The Directors are to appoint one of their number to be a Manager, under their control. The Capital Stock is £500,000, in shares of £5 each, which the Directors are authorized to sell or dispose of in tickets not exceeding in number 100,000 to be distributed and allotted in one or more drawings by chance or otherwise at and for such price or sum of money, for each ticket, as they shall think fit. The Act goes on describing the method of distributing the allotment; the issuing of the tickets and the manner of drawing them. In the event of the Company disagreeing, &c., with the owners of any lands through which the Rail-Road is to be carried, the amount they may be willing to give for the same, may be deposited by them in the Court of Chancery. The matter is then to be decided by the Chairman of the Quarter Sessions and two Justices of the Peace, one of whom is to be nominated by the owner of the lands, and the other by the Company. The Tolls to be established by the Company must be approved by the Governor, and the usual provision is made for the carriage of Her Majesty's Mail, &c. The Survey, Map and Book of Reference must be deposited within Three Years, and the Rail-Road completed within Ten Years from the passing of the Act.
- TRINITY HOUSE, Montreal.**—Cap. 117..... 707
An Act to repeal a certain Act and Ordinance therein mentioned, relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof.—(*Passed 30th May, 1849.*)
This Act repeals the Ordinance of L. C. 2 V. (3d Session) c. 19, and the Act of Canada 4 & 5 V. c. 59, with so much of any other Act or Law as may be inconsistent with this Act, the usual saving as to things done under them, suits pending, &c., being made. The corporation established under the repealed Laws is continued, the name being however shortened to "The Trinity House of Montreal." The number of Wardens is never to exceed seven. The limits of the Port of Montreal are defined as including all the River St. Lawrence from the upper limits of the Port of Quebec to the line dividing Upper and Lower-Canada, with the Rivers falling into the St. Lawrence within the said limits. The limits of the Harbour are also defined, as comprehending "that part of the said River St. Lawrence extending from the Point commonly called St. Charles, to the south-west end of the Military Hospital, below the "Quebec Barracks," and the Master, &c., are to have land-marks erected to indicate the said boundaries. The rates of Pilotage are fixed in the Act. The Pilots' Fund is continued as heretofore. Annual statements are to be published in the Gazette, published in Montreal by Authority. The duties imposed are, for every Vessel entering the Port of Montreal from, or leaving the said Port for any place beyond the Eastern limits of the Province, 1½d. per Ton measurement, and for Vessels navigating only within the limits of the Province, a duty of from ¼d. to 1½d. per Ton, for each voyage or trip according to the distance to which the same shall extend. All moneys collected under the Act are to be applied to the purposes thereof. The salaries of the Officers of the Corporation, &c., are not fixed or limited by the Act, nor is the appointment of any Superintendent of Pilots specially provided for. The Governor is to determine what Officers shall be employed, and at what salaries. The rights of the Crown are saved,

but this provision is unnecessary, as a general provision to that effect is made by the interpretation Act 12 V. c. 10. Page.

TRINITY HOUSE, Quebec.—Cap. 114..... 675

An Act to consolidate the Laws relative to the Powers and Duties of the Trinity House of Quebec, and for other purposes.—(Passed 30th May, 1849.)

The object of this Act is, as stated in the preamble, “to repeal the Acts now in force which have become “obscure by repeated amendments, and are insufficient “for the purposes for which they were framed, and “to amend and consolidate the provisions therein “contained, and to enact other provisions,” for more effectually attaining the purposes for which the said Acts were passed. The Acts and parts of Acts and Ordinances repealed are, those of Lower Canada, 45 G. 3. c. 12, 47 G. 3. c. 10, 51 G. 3. c. 12, 52 G. 3. c. 12, Sect. 3. of 59 G. 3. c. 9, 2 G. 4. c. 7, 4. Wm. 4. c. 25, 4. V. c. 5, 4. V. c. 6, those of Canada 4 & 5 V. c. 15, and so much of 8 V. c. 60 as may be inconsistent with this Act. The more important and leading provisions of this Act are the following: the Corporation is continued, but under the simpler name of The Trinity House of Quebec, with provision for the continuance of suits and proceedings, rights and liabilities, &c. The present Officers are to remain, except that the Office of Clerk and that of Treasurer are hereafter to be held by separate persons. The Corporation is to consist of a Master, a Deputy Master and Seven Wardens for the present, but whenever the office of Deputy Master shall become vacant, it is not to be filled, but there are then to be a Master and Eight Wardens. There are to be two Superintendents of Pilots, one of whom is to be a Warden, and both are to be Branch Pilots. There is to be a Harbour-Master, and for the present an Assistant Harbour-Master, but the latter office is to be abolished whenever the present incumbent ceases to hold it. The Members and Officers of the Corporation are to hold office at the pleasure of the Governor. All the Officers are to have fixed salaries in place of fees, and the latter are to go towards the expenses of the Corporation. The salaries are as follows:

The Master, not exceeding.....	£250 0 0
The Harbour Master.....	500 0 0
But to be reduced to £400 whenever the present incumbent shall cease to hold the office.	
The Assistant Harbour-Master.....	111 2 2
Each Superintendent of Pilots.....	175 0 0
The Treasurer.....	350 0 0
The Clerk.....	300 0 0
But to be reduced to £250 whenever the present incumbent shall cease to hold the office.	
The Bailiff.....	100 0 0

The Corporation is to have power to make By-laws for its own government, the facility of the navigation and the regulation of the Port and Harbour of Quebec; the regulation and government of Pilots and their Apprentices for and below the Harbour of Quebec; the By-laws must be sanctioned by the Governor in Council and duly published, and no penalty imposed for contravening them is to exceed £10. The Port and Harbour of Quebec and the River St. Lawrence, as intended by the Act, are defined, as follows: the former shall comprise “all that part of the River St. Lawrence between the Basin of Portneuf, inclusively, and the Gulf St. Lawrence, that part of the Gulf St. Lawrence which is comprised within the limits of this Province, or which borders upon its coasts, and that part of all rivers, waters, creeks, bays and coves within the said limits where the tide ebbs and flows.” And the latter: “that part of the River St. Lawrence between St. Patrick’s Hole, inclusively, to the Cap-Rouge River inclusively, and that part of the Rivers Montmorency, Saint Charles, Etchemin, Chaudière, Cap-Rouge and others, where the tide

ebbs and flows. Divers provisions are made Page. with regard to the qualifications of Pilots, their examination and their punishment for mal-practices, negligence or ignorance. The Trinity House is to provide Pilots’ Apprentices with the means of becoming acquainted with the North Channel. Penalties are imposed for refusing to take a Pilot or for employing other than a Branch Pilot. The rates of pilotage are fixed in detail in a Schedule. The Pilot Fund established by the former Acts is continued, the Superintendents are to contribute the per centage on their salaries, and to share in the advantage of the Fund. Pilots over 60 years of age delivering up their Branches, may be allowed a pension out of the Fund. The Trinity House has full power to decide differences between Pilots and their Apprentices, and also cases between Pilots and Owners or Masters of Vessels, complaints against Pilots as such, and all complaints for contravention of this Act or of any By-law of the Trinity House, touching which no different provision is made, and the mode of bringing and conducting suits before the Trinity House is provided for, as is also the execution of the judgment, and appeal is given to a Pilot in cases where the penalty imposed on him exceeds £5, or he is suspended or deprived of his Branch, and to other parties where the amount of judgment exceeds £10. But see 14 & 15 Vict. c. 101. The appeal being to the Court of Queen’s Bench in Superior Term. The duties imposed are for every Vessel leaving Quebec for a place beyond the Eastern limits of the Province, without having gone to Montreal, 5d. per ton measurement, and for Vessels so leaving, after having left the Port of Montreal, 2d. per ton measurement, and provision is made for enforcing payment. Coasting Vessels are to pay 4d. per ton for a license which shall be valid for the season. Provision is made for enabling the Trinity House to acquire land, &c., for the purposes of the Act, and for settling the amount of compensation to be paid, &c. No purchase of land to be made without the consent of the Governor in Council, and with such consent the Corporation may purchase or build a Steam Vessel for their use. They may borrow money to the amount of £10,000, including any sum they are already empowered to borrow. All moneys collected or borrowed under the Act, and not otherwise appropriated, are to be employed by the Corporation in the improving the navigation of the St. Lawrence, and for other purposes not inconsistent with this Act. An account of the Pilot Fund is to be published yearly in English and French, in two Newspapers at Quebec; and a detailed account of all moneys received and expended by the Corporation is to be laid before the Legislative Assembly at each Session, and the Governor may require accounts at any time. The Treasurer is to give security. An Interpretation Clause is added, and a Schedule containing the rates of Pilotage under the Act.

TURNPIKE ROADS, Montreal, purchase of St. Michel Road by Trustees of.—Cap. 120..... 729

An Act to authorize the Trustees of the Montreal Turnpike Roads to purchase the St. Michel Road, and to open a Road to the Village of Sault-au-Récollet.—(Passed 30th May, 1849.)

This Act enables the Trustees of the Montreal Turnpike Roads to purchase the property and rights of the St. Michel Road Company, incorporated under 4 V. c. 22, and to issue Debentures in favor of the said Company to an amount not exceeding £2000 as compensation. The powers of the Trustees are extended to the St. Michel Road and the Road to Sault-au-Récollet, and they are empowered to raise by loan and the issue of Debentures a sum of £3,000 in addition to the sums they are already empowered to raise, and to the £2,000 to be paid to the St. Michel Road Company. All loans under this Act being secured on the Tolls to be received by the said Trustees, and not to be chargeable on the Funds of the Province.

U	
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Upton, Township of.—Cap. 132.....	761
An Act to annex a certain part of the Township of Upton to the County of St. Hyacinthe, for Judicial and Municipal purposes.—(<i>Passed 30th May, 1849.</i>)	
The sole object of this Act appears from its Title. Provision is made for the continuance of pending suits, &c.	
URSULINES of Quebec.—Cap. 141.....	785
An Act to authorize the Ursulines of Quebec to acquire and hold additional Real and Personal Property to a certain amount.—(<i>Passed 25th April, 1849.</i>)	
The object of this Act is to enable the Community mentioned in the Title, to hold property, real and personal, to the amount of £2,000 of yearly value over and above the property they now hold, and to alienate the same and acquire other property instead thereof, not exceeding the yearly value aforesaid. The real property must be in Lower-Canada.	

W	
WALPOLE AND WOODHOUSE, Commissioners to define boundary line between Townships of.—Cap. 101.....	635
An Act to appoint Commissioners to define the boundary line between the Township of Walpole, in the Niagara District, and the Township of Woodhouse, in the Talbot District.—(<i>Passed 30th May, 1849.</i>)	
After reciting the difficulties respecting the line between the said Townships of Woodhouse and Walpole, and the Petitions of the inhabitants in that behalf, the Act appoints the Commissioner of Crown Lands and two other Gentlemen (Provincial Surveyors) to be Commissioners for settling the said Boundary, with full	

power to examine the same, and to take evidence on oath, and to make their Report, which shall be final, unless the Court of Queen's Bench be moved to set it aside within six months (extended by 13 & 14 Vict. c. 89 to 1st July, 1851,) after it shall have been filed with the Registrars of the Counties of Norfolk and Haldimand, the Crown Lands Office and the said Court of Q. B. The Governor may appoint a Commissioner in case any one of those appointed in the Act should die or decline to act. The expenses of the Commission are to be paid by the Districts concerned.

Y	
YULE, John, the Younger, and others, Mill Dam over River Richelieu.—Cap. 190.....	1067
An Act to authorize John Yule the younger, Esquire, and others, to erect a Mill Dam upon the River Richelieu, in the District of Montreal.—(<i>Passed 30th May, 1849.</i>)	
After reciting the Petition of John Yule, and others, and the advantages which would arise to the inhabitants of the Province from the establishment of Manufactures by means of the water power of the River Richelieu, the Act empowers the said John Yule, and others, being the Seigniors of the Seigniories on both sides of the River at the place in question, to construct a Dam not exceeding six feet in height and having an opening of at least eighty feet in the deepest part of the River Richelieu, at the Rapids of <i>La Chute à Baré</i> , between the Town of St. John's and Chambly, and gives them the requisite powers for maintaining their rights in such Dam.	

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ADVOCATES' LIBRARY, Montreal.—Cap. 122.....	1633
An Act to amend the Ordinance incorporating "The Advocates' Library of Montreal."—(<i>Passed 24th July, 1850.</i>)	
The Ordinance amended is 3 & 4 V. c. 48, and the only amendment consist in reducing the <i>Quorum</i> at Meetings of the Corporation to <i>ten</i> Members.	
AMELIASBURGH, survey of.—Cap. 88.....	1447
An Act to confirm a certain survey of the Township of Ameliasburgh in Upper Canada.—(<i>Passed 10th August, 1850.</i>)	
This Act confirms a certain Survey of the Township of Ameliasburgh in the County of Prince Edward, made in 1818, by Samuel Street Wilmot, under the authority of an Order in Council, and directs that the said Survey shall be held to be the true and correct Survey of the said Township, and that all persons shall be bound thereby, notwithstanding any difference between the said Survey and the description of any lot or lots in the Letters Patent granting the same.	
B	
BANK of Upper Canada.—Cap. 137.....	1697
An Act further to extend the time for paying up the increased Capital Stock of the Bank of Upper Canada.—(<i>Passed 24th July, 1850.</i>)	
The sole object of this Act is to extend the period allowed by the Act 9 V. c. 86, for paying up the additional capital stock allowed to the Bank of Upper Canada by 6 V. c. 27, to the period of five years from the passing of this Act.	
BERTHIER, County of, Municipalities in.—Cap. 110.....	1517

An Act to remedy an error in the Act dividing the County of Berthier into two Municipalities.—(<i>Passed 24th July, 1850.</i>)	Page.
In the Act 12 V. c. 123, the Parish of St. Félix de Valois had been erroneously called St. Félix de Ramsay, and this error is corrected by the present Act. It has no other effect.	
BYTOWN, disallowance of Act incorporating.—Cap. 82.....	1433
An Act to remove doubts as to the effect of the disallowance of the Act incorporating the Town of Bytown.—(<i>Passed 10th August, 1850.</i>)	
The Act 10 & 11 Vict. c. 43, had been in force from its passing until 12th October, 1849, when Her Majesty's disallowance thereof was proclaimed by the Governor; this Act (after citing 12 V. c. 81, and c. 80, and shewing that the Legislature in passing them did not contemplate such disallowance,) declares and enacts that the rights, powers, duties, obligations and liabilities of the Municipal Corporation of Bytown under 12 V. c. 81, and of the Mayor and Officers thereof, and of others with respect to them, shall be the same, as if the said Act, with the exception of the 44th section, had remained in force from the passing thereof until the 1st January, 1850, on which day it would have been repealed by the said Act, 12 V. c. 80.	

C	
CATARAQUI Cemetery Company.—Cap. 140.....	1707
An Act to incorporate the Cataraqui Cemetery Company.—(<i>Passed 10th August, 1850.</i>)	
This Act incorporates a Company for the construction of a Public Cemetery, near the City of Kingston, upon the general plan upon which companies have	

<p>been established for constructing Public Ceme- teries at Montreal and Quebec, and upon which such Companies are authorized to be established in Upper Canada by Cap. 76 of the Public General Acts of the present Session. The usual corporate powers are given. The Capital of the Company is to be £2000 in shares of £25 each; and they are empowered to purchase and hold a lot of land in the Township of Kingston not exceeding two hundred acres, and to use the same as a Public Cemetery, and to sell or otherwise dispose of small lots therein. The Cemetery and the individual lots are exempt from taxation and from execution. The Company are to divide no profits, but half their receipts are to be applied to the payment of the pur- chase money of their land, and the other half (the whole when the purchase money is paid off) to the embellishment of the Cemetery, and other incidental expenses. The Company may accept and hold prop- erty to the amount of £5000 on trust to apply it, or the proceeds thereof, to the improvement of the Cemetery, &c. The provisions of chapter 76 for the protection of the Public, preventing the contamination of Rivers and Waters, &c. are inserted. After the Original Stock- holders are re-imbursed, all the proprietors of lots in the Cemetery will become Members of the Corporation, and have a voice in the appointment of five Trustees by whom the affairs of the Corporation will thereafter be managed.</p> <p>CHATHAM—error in Patents of two lots.—Cap. 87. 1445 An Act to remedy an Error in certain Letters Patent for two lots in the Town of Chatham.—(Passed 10th August, 1850.) In a lithographed plan used at a Government Sale of lots in the town of Chatham, the numbers of two lots were by accident interchanged; the purchasers respectively took possession of each of the lots he bought according to the said plan, but the Letters Patent described them by their correct numbers, so that each man had a Patent for his neighbour's lot. This Act corrects the Error, and gives each purchaser the lot he really bought.</p> <p>COBOURG Harbour vested in Municipality.—Cap. 83. 1435 An Act to vest the Harbour at Cobourg in the Municipality of that Town.—(Passed 10th August, 1850.) After reciting that the Company established for improving the Harbour at Cobourg by the Act of U. C. 2. W. 4. c. 22, have forfeited their privileges by the non- completion of the said Harbour in the manner therein prescribed, and that their Works and the said Harbour have been assigned to the Board of Works as security for £10,500 expended thereon by the Government; that the Town Council of Cobourg has bought up a great portion of the Stock from the Stockholders and agreed for the purchase of the Government right afore- said, and is desirous of improving and completing the said Harbour,—this Act dissolves the Corporation created by the said Act 10 G. 4. c. 11, declares that the said Act shall cease to have effect, and confirms the assignment of the right and title of the Government in the Harbour, &c. to the said Corporation, leaving the said £10,500 as a debt to the Government by the Cor- poration of the Town, in whom the Harbour and Works are vested, with full power to improve, enlarge and complete the same, and to acquire the real property necessary for that purpose, to levy Tolls by By-laws subject to the approval of the Governor in Council, and to enforce payment of such Tolls. The Corporation are also empowered to borrow money for improving the said Harbour, and to issue Debentures for the same, bearing interest at a rate not exceeding 8 per cent. per annum. All Stockholders who have not sold their Stock to the Corporation are to have their Shares of the profits of the Harbour, after deducting the current expenses and interest of money expended; they are also to have all the arrears of Tolls, &c. now due to the Com- pany; and the Corporation are bound to purchase any such Stock which shall be offered to them, at the rate of £68 13 4 currency, for each hundred pounds paid up</p>	<p>thereon. Yearly statements are to be published of the receipts and expenditure of the Corporation about the said Harbour, for the information of all concerned.</p> <p>COMTE, Louis, amount due him by Parish of St. Edouard.— Cap. 128. 1647 An Act to enable Louis Comte to recover a certain amount due to him by the Parish of St. Edouard, in the Dis- trict of Montreal.—(Passed 10th August, 1850.) After reciting that the said Louis Comte recovered judg- ment for a certain sum and interest, against the surviving Trustees for erecting the Church and Sacristy of St. Edouard; that the said Trustees had delivered over the said buildings and their accounts to the Church Wardens of the said Parish and were discharged from further accountability, and that the said buildings have ever since been used for parochial purposes—this Act empowers the Church Wardens and their Successors to raise by assessment (<i>répartition</i>) the sum requisite to pay off the said judgment and all costs, and requiring them to pay the same accordingly, and provides that if they fail so to do, the said Louis Comte may maintain an action for the amount due to him, against the <i>Fabrique</i> of the said Parish, and may cause the build- ings aforesaid to be seized and sold, if he be not other- wise satisfied for the amount of the judgment to be obtained by him in such action.</p> <p>CORNWALL, Township of—Survey in.—Cap. 84. 1439 An Act to establish a Survey in front of the Ninth Con- cession of Cornwall (from lot number twenty-two, westerly, to the limit of the Township) as the gov- erning line of the said Concession of Cornwall.— (Passed 24th July 1850.) The line run by John S. Bruce, Deputy Provincial Sur- veyor, in front of the Ninth Concession, is declared to be the true boundary of the said Concession west of lot No. 22, in conformity to the petition of the in- habitants interested.</p> <p>COUNTER, JOHN, Patent for Stoves.—Cap. 145. 1725 An Act to enable John Counter to obtain a Patent for making Stoves of a new pattern.—(Passed 10th Au- gust, 1850.) After reciting that John Counter, of Kingston, has invest- ed a large sum in the manufacture of Stoves of a pattern, and upon a principle invented by his foreman Charles Tripp, a native of the United States of Amer- ica, who has assigned all his interest therein to the said John Counter, and is willing that he should obtain a patent therefor, this Act enables the Governor, if he shall see fit, to issue Letters Patent for the same to the said John Counter, as if he had been the inven- tor thereof, notwithstanding any thing to the contrary in the Act relative to patents for inventions (12 V. c. 24).</p> <p style="text-align: center;">D</p> <p>DORCHESTER BRIDGE, see Quebec Road Trustees.</p> <p style="text-align: center;">E</p> <p>EDWARDSBURGH, side lines in.—Cap. 85. 1441 An Act to determine the mode in which the side lines in certain Concessions of the Township of Edwards- burgh shall be run.—(Passed 24th July, 1850.) This Act recites the petition of the inhabitants of the Township of Edwardsburgh in the County of Gren- ville, and establishes the manner in which the side lines in certain Concessions in that Township shall be run, in accordance with the said petition and with the report of John Booth and William Campbell, Sur- veyors and Commissioners for ascertaining the proper mode of running the said side lines.</p> <p>ELGIN ASSOCIATION for improvement of Colored population.— Cap. 144. 1721 An Act to incorporate the Elgin Association for the set- tlement and moral improvement of the colored popu- lation of Canada.—(Passed 10th August, 1850.) After reciting that an Association hath been formed in Upper Canada by divers persons resident therein, under the name of <i>The Elgin Association</i>, for the set-</p>
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tlement and moral improvement of the coloured population of Canada, for the purpose of purchasing Crown or Clergy Reserve Lands in the Township of Raleigh in the County of Kent, and settling the same with coloured families resident in Canada, of good moral character, this Act incorporates the persons now forming the said Association or who may hereafter become members thereof, for the purposes aforesaid, with the usual corporate powers and more especially the power of acquiring and holding Crown and Clergy Reserve Lands in the Township of Raleigh, in the County of Kent, for the purpose of letting, conveying or otherwise disposing of the same to colored persons in Canada, and for such purpose only. Then follow the usual provisions for the election of Officers and the management of the business of the Company. The capital of the Company is to be £5,000, of which it is stated that £4,000 is already subscribed. Provisions of the usual kind are introduced for compelling the payment of calls on the said stock. The Directors are empowered to make By-laws respecting the business of the Company. The prices to be charged by the Company for the lands to be sold by them are not to be above the government prices by any greater amount than will be sufficient to repay the Company the sums expended by them with interest, and if at the winding up of the affairs of the Company there be any surplus, it is to be expended in the improvement of the settlement; and the affairs of the Company are to be wound up whenever all their land is sold and paid for. A statement of the affairs of the Company attested on oath, may be required by the Governor from time to time, and a statement of their real and personal property is to be laid yearly before the Legislature. The rights of the Crown, and others not mentioned, are expressly saved.

F

- FIRE, Life and Inland Navigation Assurance Company of Montreal.—Cap. 121..... 1631**
 An Act to grant further powers to The Montreal Fire, Life and Inland Navigation Assurance Company, and to change the name of the said Corporation.—(Passed 10th August, 1850.)
 The name of the Company incorporated by the Ordinance of Lower Canada 3 & 4 Vict. c. 37, and to which further powers were granted by 6 Vict. c. 22, is changed to "The Montreal Assurance Company," and the Company are empowered to effect insurances of Vessels whether navigating the Inland Waters or proceeding to Sea, and wheresoever or from what place soever bound. Their yearly reports to the Legislature are to include this new business. And this Act, like that it amends, is to be in force until 1st May 1880, and no longer.
- FIRE and Marine Insurance Company of Kingston.—Cap. 139. 1701**
 An Act to incorporate the Kingston Fire and Marine Insurance Company.—(Passed 10th August, 1850.)
 This Act incorporates a Company for the purpose of effecting Insurance against loss by Fire, and against loss or damage to Vessels or their cargoes, timber or other floated articles, by the risks of Navigation, whether such Vessels be sea going or employed in navigating the Inland waters of the Province,—with the usual powers and subject to the usual provisions in like cases. The Corporation is to continue until the 1st January, 1951. The Capital of the Company is limited to £50,000, but may be increased by a vote of the majority of the Stockholders to a sum not exceeding £100,000. They may acquire real property *bonâ fide* mortgaged to them previously in the ordinary course of their business, but are bound to part with all such property not required for the conduct of their business within seven years after acquiring it. They are to make annual returns of the state of their affairs to the Provincial Legislature. At the time of the dissolution of the Corporation in 1951, the Shareholders are not to be liable for its debts beyond the amount of their res-

pective shares. The Act is not to be forfeited by non-user before the 1st March, 1853. Page.

G

- GRIMSBY, Breakwater, Pier and Harbour Company.—Cap. 135..... 1683**
 An Act to prolong the time for the completion of the Grimsby Breakwater Pier, and Harbour.—(Passed 10th August, 1850.)

The sole object of this Act is to continue the powers of Company incorporated under the Act of Upper Canada 5 Will. 4. c. 16, for the construction of the said Harbour and Works, and to allow the said Company ten years from the passing of this Act to construct the same.

H

- HAMILTON Gas Light Company.—Cap. 136..... 1685**
 An Act to incorporate The Hamilton Gas Light Company.—(Passed 24th July, 1850.)

This Act incorporates a Company for the purpose of lighting the City of Hamilton with Gas, with the usual powers for that purpose. The usual corporate powers and rights are conferred upon the Company; with the special power necessary for their peculiar purposes, such as the power to open streets for laying pipes, &c. The Capital of the Company is to be £12,500 in Shares of £10 each; but with power to increase it by another sum not exceeding £12,500 if that first mentioned should be found insufficient; and again with power, if the growth of the City and other circumstances should require it, to increase the said capital by another sum of £12,500. They may borrow a sum not exceeding £10,000, at a rate of interest not exceeding 6 per cent. per annum, and may issue Debentures for the amount so borrowed in sums not less than £50 each, and pledge their income and future calls for securing payment. The business of the Company is to be managed by seven Directors, of whom three are to make a Quorum. The usual provisions are made for voting, calling in instalments, dividends, assignment of shares, &c. In the construction of their works, the Company are to be bound by the By-laws of the City made for the purpose of preserving the health thereof. The Act is not to prevent any party from making Gas for his own use, or to prevent the Legislature from incorporating any other Company for like purposes in the said City; and the rights of the Crown, and of others not mentioned, are expressly saved. The Corporation of the City of Hamilton may at any time, within fifteen years, assume the whole stock, property and rights of the Company, on paying back the sums actually expended with interest, and binding themselves not to charge higher rates to the consumers than will be necessary to produce a net profit of eight per cent. per annum. The Act is to remain in force fifty years, and no longer.

M

- MECHANICS' Institute, Toronto.—Cap. 142..... 1717**
 An Act to amend the Act to incorporate the Mechanics' Institute of the City of Toronto.—(Passed 10th August, 1850.)

The Act amended is the 10 & 11 V. c. 102; Sections 4, 5 and 7 of the said Act are repealed, and other provision is made as to the time and mode of holding the annual elections of Officers. The Members of the Corporation are classified into Ordinary, Life, Corresponding and Honorary Members; The number of Members is indefinite, but the qualification and attributes of the several classes are defined.

- MONTREAL Harbour and Navigation of River St. Lawrence.—Cap. 97. (Erroneously marked CXVII, in printed Statutes.)—Cap. 97..... 1465**
 An Act to amend the Acts for the improvement of the Harbour of Montreal, and to provide for the improvement of the navigation of the River St. Lawrence, within the Port of Montreal.—(Passed 10th August, 1850.)

The Acts amended are 8 V. c. 76, and 10 & 11 V. c. Page.

56. The limits of the harbour are enlarged downwards. The rate of interest which may be allowed on moneys to be borrowed under Sect. 3 of 10 & 11 V. c. 56, is raised from 5 to 6 per cent. ; and the Commissioners are empowered to borrow a further sum of £2,500 to continue the improvement of the harbour. A new Tariff of Rates of Wharfage is established, to the collection of which the provisions of the former Acts in like cases are extended ; and provision is made for facilitating the collection of the dues on articles imported *via* St. John's from the United States ; it is provided that such duties shall in certain cases be payable to the Collector at St. John's and by him paid over to the Commissioners. The Act 12 V. c. 119, is repealed, but power is given to the Commissioners to make deductions from the tariff rates, in favor of Steamers plying between Montreal and places on the south shore of the St. Lawrence. Power is then given to the Commissioners to raise by loan a sum not exceeding £30,000, at the lowest rate of interest for which the same can be obtained, but not exceeding 8 per cent. ; but neither the principal nor the interest of such loan is to be paid out of Provincial Funds, but solely out of the moneys arising from the Tonnage Duty hereafter mentioned, and other surplus moneys in the hands of the Commissioners. The said loan is to be applied solely to the deepening of the Ship Channel in Lake St. Peter and at Isle Platte, in such manner as the Commissioners may think best, so as to give at least 16 feet of water at all times. The Boats and machinery constructed or acquired for a like purpose by the Board of Works, being placed at the disposal of the Commissioners. The Governor in Council may, at any time after the passing of this Act, and on the application of the Commissioners, impose a duty not exceeding one shilling per ton, on all vessels drawing ten feet of water or upwards, and passing either way through Lake St. Peter ; and such duty may be increased if the rate aforesaid be not found sufficient to meet the charges on the fund arising from it. The said fund is to be applied : 1st. To pay the reasonable expenses of collection. 2d. To pay the reasonable expenses of managing the works and keeping them in repair. 3d. To pay the interest and principal of the sum to be borrowed as aforesaid ; and 4thly. To pay not less than two per centum per annum as a sinking fund towards paying off the said principal. An accounting clause and an interpretation clause are added. The Schedule is a detailed tariff of rates and dues of wharfage, to be levied under the Act.

MONTREAL, Transportation of Gunpowder in.—Cap. 92..... 1455

An Act to repeal an Act therein mentioned, and to make provision for regulating the carting and transporting of Gunpowder within the City of Montreal.—(Passed 10th August, 1850.)

The Act repealed is that of Lower Canada 33 G. 3. c. 1, and the Common Council of Montreal are empowered to regulate, by By-law, the carting and transporting of Gunpowder within the said City.

O

OSGOODE, Township of, side lines in.—Cap. 86..... 1443

An Act to amend and explain the Act relative to the Side Lines in the Township of Osgoode.—(Passed 24th July, 1850.)

The Act amended is the 10 & 11 Vict. c. 54, which is recited to have been erroneously made to apply to the first, second and third Concessions of the Township of Osgoode, in the County of Carleton, and is not to apply to the said Concessions hereafter. The side lines of the first Concession are to be the side lines of the broken front prolonged.

P

PILOTS for and above Quebec.—Cap. 123..... 1635

An Act to incorporate the Pilots for and above the

Harbour of Quebec.—(Passed 10th August, 1850.) Page.

The licensed Pilots for and above the Harbour of Quebec, are incorporated with the ordinary corporate powers. The real estate of the Corporation is not to exceed £5,000, nor its personal property £10,000. Its affairs are to be managed by a Council of nine Members, who are to be elected yearly, and are to choose a President and Vice-President. The Council is to make By-laws for the Government of the Members of the Corporation and the management of its affairs, with power to impose Penalties not exceeding £5. The said By-laws are not to have force until confirmed by the Trinity House of Montreal, who may refuse to confirm the same, and assign their reasons.

Q

QUEBEC Turnpike Road Trustees, acquiring Dorchester Bridge, &c.—Cap. 102..... 1485

An Act to amend the Act authorizing the Quebec Turnpike Road Trustees to acquire Dorchester Bridge, and to make certain Roads.—(Passed 10th August, 1850.)

The Trustees are by this Act empowered out of the £25,000 they were authorized to borrow by 12 Vict. c. 115, to expend the sum of £15,000 on the Roads mentioned in the said Act, and the remaining £10,000, in purchasing or improving Dorchester Bridge ; or, if they cannot agree with the proprietors of that Bridge, then in constructing one or more Bridges over the River St. Charles, for all which purposes the necessary powers are vested in them.

QUEBEC, supply water to.—Cap. 100..... 1479

An Act to amend an Act for supplying the City of Quebec and parts adjacent thereto with water.—(Passed 10th August, 1850.)

The Act amended is 9 (erroneously called 10) Vict. c. 113 ; section 12 of that Act provided that the Corporation should have no power to impose a general water rate or to compel any person to take the water. This Act removes that restriction, and enables the Corporation, so soon as they are ready to supply the City or any part thereof, to impose a water rate (not to exceed one shilling and three pence in the pound) on all the proprietors or occupiers of houses, &c., in the City, or in that part which they are ready to supply with water, as the case may be. The Corporation are empowered to borrow a sum not exceeding £125,000, and to issue Debentures for the same, bearing interest at a rate not exceeding 7 per cent. per annum, and to apply the said sum to the construction of the Water Works. They are empowered to appoint a Superintendent specially for the business of the Water Works, and Engineers, Workmen, &c, and to take or use the requisite land outside of the City on payment of the proper compensation, to be ascertained by appraisers if the parties cannot agree.

QUEBEC, relief to sufferers by fire at.—Cap. 101..... 1483

An Act further to amend the Act for granting relief to the sufferers by the Fires at Quebec.—(Passed 10th August, 1850.)

The Commissioners for advancing the money appropriated for the relief of the sufferers by the Fires at Quebec, under 9 Vict. c. 62, were empowered to effect Insurances on property on which sums advanced by them should be secured, and to recover the premiums paid for such Insurance from the party to whom the advance was made. The powers of the Commissioners having expired, and sums having been paid for like premiums by the Receiver-General, this Act enables Her Majesty to recover the sums paid by him in like manner as if they had been paid by the said Commissioners.

QUEBEC Workmen's Benevolent Society.—Cap. 127..... 1645

An Act to incorporate the Quebec Workmen's Benevolent Society.—(Passed 24th July, 1850.)

The present Members of the Society at Quebec known as the Quebec Workmen's Benevolent Society, and their successors, are incorporated by the same name, with the usual corporate powers, and for the usual pur-

poses and objects of a Benefit Society. The real property of the Corporation is not to exceed £2,000 in value, nor its personal property the sum of £500, within which limits it may acquire and hold property by purchase, donation or otherwise. The By-laws of the Society are to regulate the admission of new Members, and other matters relative to the business of the Society. The present By-laws are continued in force, and the present Managers in office until it shall be otherwise provided; with the proviso, that after the expiration of three months from the passing of this Act, no By-law passed or to be passed shall be or remain in force unless approved by the Superior Court at Quebec, as consistent with this Act and the purposes of the Corporation, and the laws of Lower Canada.

R

RAIL-ROAD, Montreal and Lachine, and Lake St. Louis and Province Line Companies, Union of.—Cap. 112. 1521

An Act to authorize the Union of the Montreal and Lachine Rail-road Company, and the Lake St. Louis and Province Line Rail-way Company, and for other purposes connected with the said Companies.—(Passed 10th August, 1850.)

After reciting the Petitions of the two Companies mentioned in the Title, this Act provides that their Directors may meet and agree upon the terms on which the union may be effected, and if they so agree may call meetings of the Stockholders of their respective Companies, and if they also agree, then the union is to take effect according to such agreement. Either the Lake St. Louis and Province Line Rail-way Company, or the New Company to be formed by its union with the other Company, may borrow the sum authorized by Sect. 27 of 10 & 11 V. c. 120; and the time for making the Rail-way from Caughnawaga to the Province Line is extended to five years from the passing of this Act. A clause is added in the usual form, placing the said Rail-way and all the resources of the Company at the disposal of the Government whenever need shall be.

RAIL-ROAD, Montreal and Lachine and Ottawa Grand Junction.—Cap. 113. 1525

An Act to continue and extend the Montreal and Lachine Rail-road, and to incorporate The St. Lawrence and Ottawa Grand Junction Rail-road Company.—(Passed 10th August, 1850.)

This Act empowers the Montreal and Lachine Rail-road Company to extend their Rail-road from Lachine to Prescott in Upper Canada, and this either in the direction of St. Anne's, Vaudreuil, Rigaud and towards Hawkesbury, and thence to Prescott, or in the direction of Saint Eustache, St. Andrews and Grenville, and thence to Prescott, as the said Company may find the one or the other route most favorable; with power to construct the necessary works and to hold one or more Steamboats or Vessels to ply on the Ottawa and the St. Lawrence, or either. The Act contains the usual provisions as to the making of the survey, the precautions to be taken when roads are crossed, the extent of land to be taken, the taking of beach lots or lands covered by the waters of either of the said Rivers, the conveyance of lands to the Company, the mode of settling by arbitration any difference which may arise between the Company and any party as to the compensation to be paid, and the mode of securing the Company in case of supposed incumbrances or defective title. The Company are empowered to raise among themselves, or by the admission of new subscribers, a further sum not exceeding £750,000 currency, in shares of £12 10s. currency each, with the usual provisions as to the opening of Subscription Books, (if the money be raised by the admission of new subscribers,) and for enabling the Directors to make calls for and recover instalments on shares, and to forfeit those on which instalments shall not be paid within a certain time. The Company may, if they think proper, divide

the road into sections, and allow any persons to subscribe specially towards any one or more sections, in which case the money so subscribed shall not be used for any other section without the consent of the subscribers, who are not in that case to vote as Shareholders until that section of the road is completed, after which they are to have all the rights of Stockholders, and to participate in the general profits of the Company. The Company are empowered to borrow money to the amount of £750,000 currency, at any rate of interest not exceeding 8 per cent. per annum, and to hypothecate or pledge their lands, property and profits for the payment of the principal and interest; a form of the debentures to be issued is given, and the mode of registering the same provided. No debenture is to be for a less sum than £100. Power is given to the Company to make By-laws for the usual purposes. The provisions of Sections 21, 22, 39, 40, 43, 45, 47, 49, 52, 53, 54 and 58 of 9 V. c. 82, and of Sect. 23 and 38 of that Act, as amended by 10 & 11 V. c. 63, are extended to the Road to be made under this Act, and the matters therewith connected, (in so far as may not be inconsistent with this Act,) as if repeated in this Act. The provisions so extended include those obliging the Company to place their whole resources at the disposal of Government when so required, and the obligation to submit all By-laws imposing tolls, to the Governor in Council for approval before they are to be in force. All Corporations, ecclesiastical or civil, may subscribe for stock or loan money to the Company. The road must be commenced within three years, and completed within ten years from the passing of the Act. Whenever twenty-five miles of it are ready for use, the Company may, by a resolution of the Directors, take the name of The St. Lawrence and Ottawa Grand Junction Rail-road Company, but such change of name is not to affect the rights of the Company or of others with regard to it. If the said Company are unable to commence the road within three years from the passing of this Act, a new Company may be formed for the purpose, and certain persons, and others who shall become subscribers, are to be incorporated accordingly, by the name last mentioned, and with the usual corporate powers, and to such Company the powers which would otherwise vest under the Act in the Montreal and Lachine Rail-road Company, will be in such case transferred. The new Company may enter into arrangements with the Montreal and Lachine Rail-road Company, or any other Company now or hereafter to be chartered for making a Rail-road in any part of the country between Montreal and Prescott, for a union with them, or the purchase of their Rail-road and rights. Such new Company as aforesaid must commence their road within three years after the expiration of the right of the Montreal and Lachine Rail-road Company, and complete the same within ten years of the same time, or forfeit their rights. The rights of the Crown are expressly reserved, as is also the right of the Legislature to amend this Act.

RAIL-ROAD, Champlain and St. Lawrence, extension of.—Cap. 114. 1541

An Act to authorize the Company of proprietors of the Champlain and St. Lawrence Rail-road, to extend the said road, and for other purposes.—(Passed 24th July, 1850.)

The Company authorized by this Act to extend their Rail-road, is that incorporated by the Act of Lower Canada, 2 W. 4. c. 58. The preamble to this Act recites the petition of the Montreal and Province Line Junction Rail-way Company, incorporated by 10 & 11 V. c. 121, praying that the rights conferred on them by that Act, may be transferred to the Company first mentioned, and the said last mentioned Act, and 12 V. c. 179 amending it, are accordingly repealed. The first named Company are then empowered to make a branch from some point on their present Rail-road to

some point on the St. Lawrence opposite or nearly opposite to the City of Montreal, and a continuation of their said Rail-road from St. John's to the Province Line at Rouse's Point, with the usual powers for that purpose. The Company are empowered to raise among themselves, or by the admission of new subscribers, a sum not exceeding £185,000, and to borrow a further sum of £75,000, if that first mentioned be not sufficient. The amount of the sums actually expended by the Company is to be deemed their capital in calculating the amount of their profits or dividends in whatever way such sum may be raised, provided the whole capital do not exceed the amount limited as aforesaid. The usual powers and provisions are then given and made for enabling the Company to make said branch and continuation, for enabling them to acquire lands, and for determining by arbitration the compensation to be paid for lands or damages in case the Company and any party cannot agree upon the same. The Company are empowered, with the consent of the Governor in Council, to use the beaches and lands covered by the waters of the River, St. Lawrence or Richelieu, and also to establish a ferry from the terminus of the said branch opposite Montreal to the said City, and to demand rates of passage and transport at such ferry, not exceeding the rates mentioned in detail in the Act. The provisions of the Act incorporating the Company (2 W. 4. c. 58) and of the Act of Lower Canada 6 W. 4. c. 6, and the Ordinance 4. V. c. 18, amending the said 2. W. 4. c. 58, are extended to the branch and continuation hereby authorized in so far as may not be inconsistent with this Act. When they are completed, the whole Rail-road is to bear the name of the Champlain and St. Lawrence Rail-road. The rates of toll to be charged by the Company are on no account to exceed the rates per mile limited by their said Act of Incorporation. A special clause is inserted obliging the Company to place their Rail-road and all their resources at the disposal of the Government, when thereunto required, and power is given to the Crown to assume the possession and property of the Rail-road and other property of the Company, at any time, on giving three months' notice and paying the whole sum then expended, and 20 per cent. in addition. The branch and continuation are to be completed within six years after the passing of the Act, on pain of forfeiture of the charter as to that one which shall not then be so completed. By-laws regulating tolls or affecting others than Members or Officers of the Company, are not to be in force until approved by the Governor; and the Rail-road is not to be exempt from the provisions of any general Act respecting Rail-roads.

RAIL-ROAD, Industry and Rawdon.—Cap. 115. 1555

An Act to incorporate a Company for making a Rail-road from the Village of Industry to the Township of Rawdon, in Lower Canada.—(Passed 10th August, 1850.)

The Rail-road to be made under this Act is a continuation of that made from the St. Lawrence to Industry Village, under the Act 10 & 11 Vict. c. 64, and the provisions of this Act are as nearly as possible a transcript of those of the said Act. The Road to be made is a short one from some place at or near Industry Village to some place in the Village or Township of Rawdon; and for this purpose, the usual powers are given. The Capital of the Company is limited to £9,000 divided into shares of £5 each; and one tenth of the Capital is to be raised and deposited in one of the Chartered Banks before the work is commenced. If the said sum be found insufficient, the Company may raise among themselves, or by the admission of new subscribers, a further sum not exceeding £4,000; and they are empowered to borrow a sum not exceeding £8,000 at a rate of interest not exceeding 6 per cent. per annum, and to secure the same by hypothec on their property and income. Power is given to make By-laws for the usual pur-

poses, but all By-laws are to be subject to the approval of the Governor before they can be in force: the Tolls must be imposed equally on all parties so as to prevent monopoly: and a clause is inserted binding the Company to place their whole resources at the disposal of the Government when thereunto required. When the profits of the Company exceed £1 per share (or 20 per cent.) one half the net profits over that rate is to be paid to the Government. The Crown is empowered to assume the Rail-road and all the property and rights of the Company at any time on giving three months' notice, and repaying the amount expended by the Company, with interest from the time it is expended until the opening of the Rail-road. The Road must be completed within four years from the passing of the Act, on pain of forfeiture of the Charter. Her Majesty's rights are expressly saved, and the right to amend the Act, and to subject the Company to any general Rail-road Act is reserved to the Legislature.

RAIL-ROAD, Quebec and Richmond.—Cap. 116. 1575

An Act to incorporate Peter Paterson, Esquire, and others, under the name of "The Quebec and Richmond Railway Company."—(Passed 24th July, 1850.)

This Act incorporates a Company by the name mentioned in the Title, for the purpose of making a Rail-road from some point on the River St. Lawrence as nearly opposite the City of Quebec as may be found desirable, to River St. Francis in or near the Village of Richmond in the Township of Shipton, there to connect with The St. Lawrence and Atlantic Rail-road; the Company are also empowered to hold Steam-boats to ply on the St. Lawrence, from the Terminus of their Rail-road on the south shore of the St. Lawrence, to the City of Quebec, or they may ply from the said Terminus to some other point on the north shore, and make a Rail-road from such point to the said City. This Act contains the usual enactments for enabling the Company to make and work the said Rail-road, but the form of the Act incorporating the St. Lawrence and Atlantic Rail-road Company (8 V. c. 25) as amended by later Acts, has been followed rather than that of the Industry Village Rail-road Act (10 & 11 V. c. 64): the special provisions however of the last mentioned Act relative to the conveyance of the Mail, Troops, Police, &c. are inserted in this Act. The By-laws imposing Tolls are made subject to the approval of the Governor in Council, and the Tolls are to be so imposed as to prevent monopoly; the Company are bound to place their whole resources at the disposal of the Government when thereunto required, and they are to be liable to the provisions of any General Rail-way Act which may be passed. The usual powers are given for taking lands, &c., but in case of non-agreement with the proprietors, &c. the compensation is to be settled by a Jury, and not by arbitration. The Capital of the Company is limited to £650,000, in shares of £12 10 each: and they may borrow money to the amount of £150,000, on Debentures bearing interest at a rate not exceeding 6 per cent. per annum, and secured by hypothec on the Company's property and income. They may also, if they deem it expedient at any time, declare shares subscribed for after that time to have a preference over others as to dividends, to the extent of 6 per cent. per annum, if there be not enough to pay such dividend on all shares. The Corporation of the City of Quebec and other Corporations, Ecclesiastical or Civil, are empowered to take Stock or to loan money to the Company; and if the Corporation of Quebec take Stock or loan money as aforesaid, the Mayor is to be a Director *ex officio*. Whenever the dividends exceed £1 10, per share (or 12 per cent.) one moiety of the surplus is to be paid to the Crown, as a tax, provided the whole dividends on the paid up Stock shall then have amounted to 10 per cent. per annum thereon from the time it was so paid up. The Rail-road is to be completed within ten years from the passing of the Act, on pain of forfeiture of the Charter. The rights

- of the Crown are specially saved. The other provisions are similar to those in former Rail-road Acts now in force. The Acts relating to the St. Lawrence and Atlantic Rail-road being those generally followed, as above mentioned.
- RAIL-ROAD, Quebec and St. Andrew's.—Cap. 117. 1595**
 An Act to incorporate the Quebec and St. Andrew's Rail-road Company.—(*Passed 10th August, 1850.*)
 This Act incorporates a Company by the name mentioned in the Title, for the purpose of making a Rail-road from some point on the River St. Lawrence, in the County of Dorchester, to some point on the Line between Canada and New Brunswick, there to connect with the Rail-road from St. Andrew's, in New Brunswick: and to hold Steam-boats to ply from their Terminus on the St. Lawrence to the City of Quebec. The Act contains the usual enactments for enabling the Company to make the said Rail-road. The enactments of the Act are taken generally from that incorporating the St. Lawrence and Atlantic Rail-road Company, or that incorporating the St. Lawrence and Industry Village Rail-road Company: the special provisions of the last mentioned Act, as to the conveyance of the Mail, Troops, Police, &c., being inserted. The By-laws imposing Tolls are subject to the approval of the Governor in Council, and the Tolls are to be so imposed as to prevent monopoly; the Company are bound to place their whole resources at the disposal of the Government when thereunto required, and they are to be liable to the provisions of any General Rail-way Act which may be passed. The usual powers are given for taking lands, &c., and in case of non-agreement with the proprietors, the compensation is to be settled by arbitration, under arbitration clauses similar to those of the Industry Village Rail-road Act. The Capital of the Company is limited to £750,000 currency, in shares of £25 each, on which ten per cent. is to be paid at the time of subscribing. The Directors may pay interest at the rate of 4 per cent. per annum on the sums actually paid in, until the Rail-road shall be completed and opened. The Rail-road is not to be commenced until five thousand shares are subscribed for, and the 10 per cent. paid thereon. Whatever be the rate of dividends or profits of the Company, the Crown may at any time after the end of twenty-one years, acquire the Rail-road and property of the Company on payment of twenty-five years purchase of the profits of the Company for the then last seven years; but if the rate of profits shall have been less than 15 per cent. then the Company may require that the sum to be paid be fixed by arbitration, if they think 25 years purchase insufficient, nor is the right of purchase to be exercised if a Scale of Tolls and charges revised by the Governor in Council be then in force. The Company are empowered to form a junction with any other Rail-road within their limits. The Rail-road is to be completed within fifteen years from the passing of the Act, on pain of forfeiture of the Charter. The other provisions are similar to those in former Rail-road Acts now in force. Those of the two Acts first referred to being generally followed, as above mentioned.
- RAIL-ROAD, St. Lawrence and Atlantic.—Cap. 118. 1611**
 An Act further to amend the Act to incorporate the St. Lawrence and Atlantic Rail-road Company, and other Acts relative to the said Company, and to extend the powers of the said Company.—(*Passed 24th July, 1850.*)
 The main Act amended by this Act is 8 V. c. 25, which has already been amended by 9 V. c. 79,—10 & 11 V. c. 65,—and 12 V. c. 176. The amendments made relate to matters of detail. The Mayor of Montreal is made a Director and eligible as President of the Company so long as the Corporation of that City shall hold £25,000 Stock in the Company. The Quorum of Directors is reduced to five. The Directors are empowered to sell on such terms as they may think proper, any forfeited or unsubscribed for shares, or to pledge the same for moneys borrowed by the Company:
- the Certificate of the Treasurer is made evidence of the non-payment of calls. The Vice-President is empowered to act in the absence of the President, and the cases in which the latter shall be deemed absent are defined. The Company are empowered to detain and sell goods on which their dues are not paid; and are exempted from any obligation to carry Gunpowder, Lucifer Matches, and other dangerous articles. The mode of proving the acquisition of Shares by descent and otherwise than by formal transfer is established; and the proceedings in cases where shares or profits may be seized in the Company's hands are regulated. The Company are empowered to enter into all agreements requisite for enabling them to obtain the guarantee of the Provincial Government under 12 V. c. 29, and they are exempted from the obligation to keep guards at crossings of Roads, provided they erect at such places the Sign-board required of other Rail-Road Companies.
- RAIL-ROAD, Great Western.—Cap. 129. 1649**
 An Act to empower Municipal Corporations to subscribe for Stock of the Great Western Rail-road Company, or otherwise to aid in completing that undertaking.—(*Passed 24th July, 1850.*)
 This Act empowers the Municipal Corporation of the City of Hamilton, or any other Municipal Corporation in the Province, to subscribe for Stock of the said Company or to loan money to the Company, or to guarantee or become security for any loan to the Company, or to indorse or guarantee its Debentures, provided the consent of a majority of the qualified Electors of the Municipality be first obtained at a Meeting specially called for that purpose. The Municipal authorities are invested with full power to levy upon the Inhabitants all sums requisite to enable them to discharge any obligation contracted by them under this Act: and the Mayor or other Head of any Municipality holding Shares in the Stock of the said Company to the amount of £25,000 is to be *ex officio* a Director of the Company with the same powers as other Directors.
- RAIL-ROAD, Great Western.—Cap. 130. 1651**
 An Act to empower the Great Western Rail-road Company to make a Branch Road to the Town of Galt.—(*Passed 10th August, 1850.*)
 The said Company are by this Act empowered to construct a Branch from such point on their Rail-road as may be found most suitable to the Town of Galt, in the County of Halton; and a clause is added declaring that nothing in the Act incorporating the Company, or in any Act amending it, shall be construed to prevent the Rail-road from being carried across any navigable River, provided no unnecessary obstruction be caused to the navigation thereof.
- RAIL-ROAD, Toronto, Simcoe and Lake Huron.—Cap. 131. 1653**
 An Act to amend the Act intitled, "An Act to incorporate the Toronto, Simcoe and Lake Huron Union Rail-road Company."—(*Passed 10th August, 1850.*)
 By this Act the name of the Company is altered to "The Ontario, Simcoe and Huron Union Rail-road Company," and they are empowered to construct their Rail-road from any point on Lake Ontario, west of the Township of Darlington, in the County of York (which limits will include the City of Toronto) to any point on the southerly shore of Lake Huron, touching at the Town of Barrie, or at some point on Lake Simcoe. Five Directors are made a Quorum.
- See also—Toronto, City of.*
- RAIL-ROAD, Bytown and Prescott.—Cap. 132. 1655**
 An Act for the incorporation of a Company to construct a Rail-road between Bytown and Prescott.—(*Passed 10th August, 1850.*)
 This Act incorporates a Company to construct a Rail-road from some place or places on the River Ottawa, at or near Bytown, to some place or places on the River St. Lawrence at or near Prescott, with power to hold Steam-boats and Vessels to ply on the waters of either River to any place not more than twelve miles distant from either Terminus. The form of the Industry Village

- Rail-road Act is followed very closely, and the clauses for the conveyance of the Mail, Troops, Police, &c. are inserted. By-laws imposing Tolls or affecting others than the Company and their Officers, are made subject to the approval of the Governor, and the Tolls are to be so imposed as to prevent monopoly; the Company are bound to place their Rail-road and all their resources at the disposal of the Government when thereunto required, and they are not to be exempt from the operation of any general Rail-road Act. The usual powers are given for making the said Rail-road and Works, and in case of dispute the amount of compensation for land taken or damages done, is to be settled by arbitration under the usual provisions. The Company may use the Beaches of the said Rivers, doing no damage to the navigation. The Capital of the Company is limited to £150,000, divided into shares of £10 each, with power however to increase it by a further sum not exceeding £100,000, in case the sum first named should be insufficient. But the Company may borrow such sums as they may deem expedient at any rate of interest not exceeding eight per cent. and pledge their property and income as security; they may issue Debentures for any money so borrowed, for sums not less than £25 each, and may sell the same at any price or discount they may think proper. The Municipal Corporation of any place thro' or in the immediate vicinity of which the Rail-road is to pass, may subscribe for Stock, provided a majority of the assessed inhabitants shall have previously given their consent at a Meeting to be called for that purpose. The rights of the Crown are expressly saved. The Rail-road must be completed within ten years from the passing of the Act, on pain of forfeiture of the Charter.
- ROAD, Guelph and Dundas Company.—Cap. 133..... 1673**
 An Act to amend the Act intituled, "An Act to incorporate certain persons as "The Guelph and Dundas Road Company."—(Passed 10th August, 1850.)
 After reciting that the Municipal Councils of the United Counties of Wentworth and Halton, and of the County of Waterloo, have become the sole shareholders of the stock of the Guelph and Dundas Road, and that the capital allowed by the Act 10 & 11 V. c. 88, is insufficient, this Act increases the capital stock to £22,900, in shares of £5 each, and substitutes for the Board of Directors mentioned in the said Act, a Board of eight Commissioners, four to be appointed by each of the said Municipal Councils, but of whom the Warden of the Municipality shall be one; the said Wardens being alternately, each for one year, Chairmen of the Board. The Commissioners are to hold their office for such term as the Municipal Council shall by By-law appoint, but may be removed by such Councils. Five are to make a quorum. The Commissioners are to have the powers vested in the Directors by the said Act.
- ROAD, Vaughan, Company.—Cap. 134..... 1675**
 An Act to incorporate certain persons under the name of "The Vaughan Road Company."—(Passed 10th August, 1850.)
 After reciting that by the Act 9 V. c. 88, certain persons were incorporated as The Albion Road Company, with power to make a road known as the Albion Road, with power to make a Branch Road known as the Vaughan Road, for making which stock might be expressly subscribed, which has been done, and the said Vaughan Road exceeds in length and importance the main road to Albion; and that both the Albion Road Company and the subscribers for the Vaughan Road have petitioned that the latter may be constituted a distinct Company and Corporation by the name of The Vaughan Road Company, with like powers as are by the said Act conferred upon the Albion Road Company; this Act provides accordingly for the incorporation of such separate Company, with such powers as aforesaid. The capital of the Vaughan Road Company is to be £10,000, in shares of £5 each, with power to increase it by a further sum of £5,000 if they shall within five years think proper to extend their Road to Lloyd Town or Bolton Mills. When the whole profits of the Company exceed ten per cent. per annum, the remainder is to form a sinking fund to purchase the road for the public, and accounts are to be rendered to the Legislature by the Company. The Government may assume the road by paying the sum expended and fifteen per cent. in addition, less any sum paid off by the sinking fund aforesaid; and at the end of fifty years (if not before) the road is to vest in the Crown, unless it be otherwise provided by the Legislature.
- REGISTRY ACT, Montreal.—Cap. 93..... 1457**
 An Act to extend the period limited for certain purposes in the Montreal Registry Act.—(Passed 24th July, 1850.)
 The period limited by the Act 12 V. c. 121, as that within which the registration of certain instruments may be efficiently made, and during which no advantage shall be taken of errors committed by the former Registrar (Edward Dowling) or his Deputy, is extended to the end of twelve months from the passing of the Act. This period is further extended twelve months by 14 and 15 Vict. c. 68, sect. 5.
- REGISTRATION, County of Huntingdon, divided for.—Cap. 106..... 1513**
 An Act to divide the County of Huntingdon into two Districts for the registration of Deeds.—(Passed 24th July, 1850.)
 The two Districts are described by their boundaries. The present Registrar is to be, by virtue of the Act, the Registrar of one of the Districts, and a new Registrar is to be appointed for the other.
- REGISTRATION, County of Rimouski, divided for.—Cap. 109. 1515**
 An Act to explain and amend the Act dividing the County of Rimouski into two Districts for the Registration of Deeds.—(Passed 10th August, 1850.)
 The Act amended is 12 V. c. 128, and the amendment consists in defining more strictly the boundaries of the first District, and declaring that the second includes all that part of the County which is not included in the first. These provisions are to have effect as if contained in the original Act.
- RIVER DUCHESNE, improvement of.—Cap. 111..... 1519**
 An Act to extend the period for the election of Commissioners under the Act for the improvement of the River Duchesne.—(Passed 24th July, 1850.)
 The sole effect of this Act is to prolong the period during which Commissioners may be elected under 12 V. c. 155, for eighteen months from the passing of this Act. See, however, 14 and 15 Vict. c. 29.
- S**
- SAGUENAY, Second Municipality in.—Cap. 107..... 1511**
 An Act to authorize the Inhabitant Householders holding land in the new Settlements on the borders of the Saguenay, forming the second Municipal division of that County, to establish a Municipal Council therein, and for other purposes.—(Passed 24th July, 1850.)
 The Inhabitant Householders of the Tract mentioned in the Title being *bona fide* settlers on their lands, but not having obtained Titles to the said lands from the Government, the effect of this Act is to confer on them the enjoyment of their Municipal and Political rights as if such Titles had actually issued, and for this purpose they are empowered to vote at Municipal and School elections, and at elections of Members of the Legislative Assembly, without having the freehold property qualification required in other electors; and they are also relieved from the property qualification required in Justices of the Peace, and in the Partitioners for the establishment of a Court for the summary Trial of Small Causes. The rights of the Crown are specially saved.
- SAVINGS Bank, Montreal and Provident.—Cap. 98..... 1475**
 An Act to provide for the appointment of Commissioners to inquire into the affairs and management of the

- Montreal Provident and Savings Bank.**—(*Passed 10th August, 1850.*)
 This Act provides that full inquiry shall be made into the causes which led to the failure of the Institution mentioned in the Title, and to its inability to meet the just claims of those who have deposited money in it: for this purpose three Commissioners are to be appointed by the Governor for the purpose of making the said inquiry and reporting to him, with full power to call before them and examine on oath all persons being or having been Officers of the Institution, and others, and of compelling their attendance and the production of books and papers in their custody; except that no person is bound to answer any question which might make him liable to a criminal prosecution. Two Commissioners may act.
- SILVERTHORN, Dam across River Thames.**—Cap. 90 1451
 An Act to authorize Aaron Silverthorn and Newman Silverthorn, their heirs or assigns, to erect a Dam across the River Thames —(*Passed 10th August, 1850.*)
 The parties mentioned in the Title are empowered to build a Dam across the River Thames, at Kerby's Point, in the Gore of Camden, in the United Counties of Essex and Kent, observing the precautions and method of construction provided in the Act, so as not to obstruct the passage of rafts or the ascent of fish. The Act may be repealed if the public interest should require it.
- St. HYACINTHE, Incorporation of.**—Cap. 105 1495
 An Act to provide more fully for the incorporation of Village of St. Hyacinthe.—(*Passed 10th August, 1850.*)
 This Act provides more elaborately for the incorporation of the Village of St. Hyacinthe than the general Municipal Act for Lower Canada, (10 & 11 V. c. 7) under which only it was previously incorporated. The order and general purport of the enactments are as follows: The Corporation is established with the usual corporate powers. The limits of the Town are defined; and it is divided into four wards, the limits of each of which are also defined; for three of the said wards, two Councillors are to be elected, and one for the fourth, so that the whole number will be seven; they are to retire alternately from office, so that no Councillor will remain in office more than two years. They are to be elected by the male freeholders of the place having real property therein to the amount of twenty shillings, yearly value, and the male householders paying a rent of not less than five pounds yearly. The usual provisions are made for holding the first and other elections, polling the votes, &c. The Councillors elect the Mayor from among themselves. Neither the Mayor nor the Councillors are to have any Salary or Emolument. Persons elected Councillors and refusing to serve, are subject to a fine of £5. The rates which the Council may impose in any one year are limited to a penny in the pound on the assessed value of all taxable property in the Town, which value they are to cause to be assessed as soon as possible after the passing of this Act, and once in every three years afterwards. The property subject to taxation is,—all real property not specially exempted, horses, cows and horned cattle, and carriages, on each kind of which a fixed value is placed by the Act: and the Stock in trade of Merchants and Shopkeepers to the extent of one farthing in the pound on the assessed value thereof; and the Seigniors are to be liable to a tax of one fortieth of their receipts; and untaxed males over 21 to an annual rate of from 2s. 6d. to 5s. The property of Her Majesty and other public property is exempted from taxation. Special enactments are made as to the appointment (by the Council) of the assessors and the mode in which their duties are to be performed. Power is given to the Council to make By-laws for the usual purposes: including the power to impose special rates not exceeding a penny in the pound yearly, on persons exercising certain callings, and of fixing the price and weight of bread. No By-law is to impose a penalty exceeding five pounds, and provision is made for recovering such penalty, and also the amount of any taxes in arrears, for which real property may be sold when such arrears amount to six years. The Council is to have the power of deciding contested election cases, and may expel or fine members for misbehaviour. The Council may borrow money, but to an amount not exceeding five hundred pounds, for the purpose of erecting, Markets, &c. Power is given to acquire property for that and like purposes. The Act L. C. 10 & 11 G. 4, c. 42, establishing a Market at St. Hyacinthe, is repealed. The Council are to have the sole power of granting Certificates for Licenses to keep Houses of Public Entertainment within the Town.
- St. JEAN Baptiste Society, Quebec.**—Cap. 126 1643
 An Act to amend an Act intituled, "An Act to incorporate La Société St. Jean Baptiste de la Cité de Québec.—(*Passed 24th July, 1850.*)
 The Act amended is 12 V. c. 148. The 3d and 7th sections of the said Act are repealed; and the Officers of the Society are hereafter to be, a President, Assistant President, Six Vice-Presidents, a Treasurer, an Assistant Treasurer and three Sub-Treasurers, a Recording Secretary, an Assistant Secretary, a Marshal, an Assistant Marshal and six under Secretaries, and such other Officers as the Corporation may think it necessary to appoint; and the affairs of the Corporation are to be managed by a Committee of Management consisting of the said Officers and fifteen associate Members, to be elected annually, at a general meeting to be called in a certain manner. The actual Officers are confirmed in office until others are elected in their stead.
- St. JOHN'S Academy.**—Cap. 124 1639
 An Act to incorporate the St. John's Academy.—(*Passed 10th August, 1850.*)
 This Act is in the usual form adopted in many instances for the incorporation of like institutions in Lower Canada. Five Gentlemen resident in the Parish of St. John, and the Rector (Curé) of the same are incorporated with the usual powers by the name of The St. John's Academy; the real property they may hold is limited to the value of £600 a year, the income from which is to be devoted strictly to educational purposes, including the construction and maintenance of proper buildings. The members named in the Act are to serve for five years certain, and longer if they please; but when vacancies occur they are to be filled by members to be elected by the remaining members according to the By-laws of the Corporation.
- St. PATRICK'S Church, Quebec.**—Cap. 125 1641
 An Act to facilitate the recovery of sums due for rent of Pews in St. Patrick's Church, Quebec.—(*Passed 10th August, 1850.*)
 The sole object of this Act is to enable the Committee of Management of the said Church, to sue for and recover in the name of the Church, sums due for the rent of pews therein; and to facilitate the proceedings in any suits to be brought by them by providing that it shall not be necessary to allege or prove certain special matters relative to the appointment of the Members of the Committee, &c.
- T**
- TAVERN Licenses in Montreal.**—Cap. 94 1459
 An Act to appropriate the moneys arising from duties on Tavern Licenses in the County and City of Montreal, towards defraying the cost of the New Court House to be erected in the City of Montreal.—(*Passed 10th August, 1850.*)
 After reciting the necessity of providing more ample funds for defraying the cost of the Court House to be erected in Montreal, under 12 V. c. 112, this Act appropriates for that purpose all moneys arising from the duties on Tavern Licenses arising in the City and County of Montreal, and directs the manner in which they shall be paid and accounted for.
- TELEGRAPH, British N. A. Electric.**—Cap. 119 1615
 An Act to extend the period for completing the Tele-

graph of the British North American Electric Telegraph Association, and for other purposes relative to the said Association.—(*Passed 10th August, 1850.*)

The period limited by 10 & 11 V. c. 82, for the completion of the Telegraph therein mentioned is extended to three years from the passing of this Act; and the association are empowered to sell or lease their Telegraph to any person or to any Corporation to be formed for the purpose of acquiring it.

TELEGRAPH, Bytown and Montreal.—Cap. 120..... 1617

An Act to incorporate the Bytown and Montreal Telegraph Company.—(*Passed 10th August, 1850.*)

This Act incorporates a Company with the power of maintaining an Electro Magnetic Telegraph between Bytown and Montreal. The Company was formed and the Telegraph constructed and in operation before the Act passed. The usual powers are given to the Company, the provisions of the Act 10 & 11 V. c. 82 (incorporating the British N. A. Telegraph Company) being those generally adopted. The Capital of the Company is limited to £8,000 currency, in shares of £8 5s. each, with power to borrow £2,000 if the sum first mentioned should prove insufficient for their purposes. The Company are empowered to make a tariff of charges for communications, and to recover such charges. They may lease their Telegraph or confirm any lease they may have already made. They are bound to place their Telegraph, operators and apparatus at the disposal of the Government when thereunto required.

THREE-RIVERS, Common of, transferred to Municipality.—Cap. 104..... 1489

An Act to transfer to the Municipal Council of the Municipality of the Town of Three-Rivers, the administration of the Common of the said Town, and for other purposes.—(*Passed 24th July, 1850.*)

This Act transfers to the Municipal Council of the Town of Three-Rivers the powers vested in the Chairman and Trustees of the Common of the said Town, under the Acts of L. C. 41 G. 3, c. 11,—57 G. 3, c. 3, and 6 Geo. 4, c. 24, and makes provision for the due and effective exercise of such powers. Sect. 2, 3, 4, 5, 9, 11, 12 and 13, of 41 Geo. 3, c. 11, are repealed, and the remainder of the said Acts declared to be in force, notwithstanding any default to elect Trustees. The Council are empowered to make concessions of lots without calling a Special Meeting of the inhabitants. The former Trustees are to render their accounts to the Council, and the moneys arising from the Common are to be laid out in improving it. The Council are not to alienate except *à cens et rentes*, and special provision is made for facilitating the recovery of *cens et rentes*, &c. remaining unpaid, and the possession of lots abandoned by the *censitaires* leaving arrears due on them. The repealed sections of 41 Geo 3, c. 11, are to revive, if at any time the Municipality should cease to exist.

TORONTO Necropolis, incorporated.—Cap. 141..... 1713

An Act to incorporate the Toronto Necropolis.—(*Passed 10th August, 1850.*)

This Act incorporates a Company for constructing a Public Cemetery in or near the City of Toronto. Its general provisions, and those more especially designated for the protection of the public, are similar to those of Cap. 76, of the present Session (printed among the Public General Acts); but there is no provision that the Company shall not make a profit by the sale of lots, &c. The Capital of the Company is not limited, but the Tract of land to be acquired by them is not to exceed fifty acres. Both the Cemetery and the Lots in it are exempt from taxation, and from seizure in execution. The Company may receive bequests or donations of property in trust for the embellishment of the Cemetery and like purposes, and the amount of value of such property is not limited.

TORONTO Harbour.—Cap. 80..... 1427

An Act to provide for the future management of the Toronto Harbour.—(*Passed 10th August, 1850.*)

The operation of the Acts of Upper Canada, 3 W. 4, c. 31, and 7 W. 4, c. 64, (providing for the improvement of the said Harbour) is to cease after the passing of this Act, and the improvements made or to be made therein are to be under the management of five Commissioners, two to be appointed by the Corporation of Toronto, two by the Toronto Board of Trade, and the fifth by the Governor; such Commissioners to hold office during the pleasure of the authority appointing them. They are to be a body corporate, and the works and property constructed and purchased for the improvement of the Harbour are to be vested in them; and they are to have power to make By-laws for regulating the use thereof, and to impose Tolls on parties using them, and are invested with the requisite powers for recovering such Tolls, if not duly paid. They may borrow a sum not exceeding £50,000 currency, at any rate of interest not exceeding 8 per cent. and issue Debentures for the same. The Tolls and Revenues to be received by them are to be applied to pay the interest and the principal of such Debentures, after defraying the expenses of collection and management: and a yearly sum is to be appropriated as a sinking fund towards paying off the principal, such fund to be invested and managed under the direction of the Governor in Council. The usual accounting clause and an interpretation clause are added.

TORONTO, City of, may assist in construction of Northern Rail-road.—Cap. 81..... 1491

An Act to enable the Municipal Corporation of the City of Toronto to assist in the construction of the Toronto, Simcoe and Lake Huron Rail-road.—(*Passed 10th August, 1850.*)

After reciting the vote of the Corporation of Toronto in favor of granting assistance towards making the said Rail-road, if enabled by the Legislature so to do, and their Petition to be so enabled; this Act empowers the Corporation of the City of Toronto, to issue Debentures to any amount not exceeding £100,000 and for sums of not less than £5 each, and to apply the same towards assisting in the construction of the Rail-road authorized by 12 V. c. 196,—and further empowers the said Corporation or any Municipal Corporation through whose limits the said Rail-road shall pass, to assist in the construction thereof in such manner as they may deem advisable; and such other Municipal Corporations may, each, for such purpose, issue Debentures to the amount of £50,000. The Corporations so assisting are empowered to appoint one Director for each £50,000 they may respectively advance, as aforesaid.

TRINITY HOUSE, Montreal.—Cap. 95..... 1461

An Act to amend the Act relating to the Trinity House at Montreal.—(*Passed 10th August, 1850.*)

The Act amended is 12 Vict. c. 117; the provisions of the 21st section of which are not hereafter to extend to Vessels being merely River Craft, for which any person may hereafter act as Pilot without being subject to any penalty under the said Act.

TRINITY HOUSE, Quebec, Buoys in North Channel.—Cap. 99..... 1477

An Act to oblige the Trinity House of Quebec to lay down Buoys to mark the Shoals in the North Channel of the River St. Lawrence, and to facilitate the Traverse from Cape Tourmente to Isle-aux-Reaux.—(*Passed 24th July, 1850.*)

By this Act the Trinity House of Quebec is obliged to lay down Buoys, to mark the Shoals mentioned in the Title, and such Buoys as may be requisite to facilitate the Traverse also mentioned in the title.

TRINITY HOUSE, Quebec, Act amended.—Cap. 96..... 1463

An Act to repeal certain provisions of an Act passed in the last Session of the Provincial Parliament, and intituled, "An Act to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes"; and to exempt Masters of Vessels belonging to Lower Canada from taking Pilots in certain cases.—(*Passed 10th August, 1850.*)

The Act amended is 12 V.-c. 114, and the amendment consists in exempting Vessels belonging to Lower Canada, and under 120* tons, from the obligation to take a Pilot when bound to or returning from any place beyond the limits of the Province; but if any person not belonging to the crew of such Vessel be employed to pilot her, such person must be no other than a Branch Pilot. * (See however 14 & 15 V. c. 101, correcting a clerical error in the English version of this Act.)

TRUST and Loan Company of U. C.—Cap. 138..... 1699
 An Act to alter and amend two several Acts passed respectively in the seventh year and in the eighth year of Her present Majesty's Reign, relating to the Trust and Loan Company of Upper Canada.—(Passed 10th August, 1850.)

The Acts amended by this Act are 7 Vict. c. 63, and 8 Vict. c. 96; and the amendments are as follows: The Shareholders may, at a General Meeting, agree to alter the present Scale of Voting, in which case every Shareholder shall thereafter be entitled to one vote for every five Shares he holds, provided he has paid up all calls. The Company may negotiate with persons resident in England or elsewhere, for loans to persons resident in Canada, and employ their Capital and Credit in guaranteeing such loans, and receive a remuneration for so doing. The Company may, in any transaction, take or pay any rate of interest that may be agreed upon not exceeding 8 per cent. per annum.

TURNPIKE Road, Longueuil and Chambly.—Cap. 106..... 1509
 An Act to place the Longueuil and Chambly Turnpike Road under the control of the Commissioners of Public Works.—(Passed 10th August, 1850.)

The sole object of this Act is expressed in its Title. The powers of the Road Trustees under 4 Vict. c. 16, and 8 Vict. c. 56, are to cease as to them, and to become vested in the Commissioners of Public Works, and the property heretofore vested in the Trustees is vested in Her Majesty.

TURNPIKE Road, Debentures, exchange of.—Cap. 103..... 1487
 An Act to authorize the exchange of certain Turnpike Road Debentures for others of the same total value, but being respectively for smaller sums.—(Passed 10th August, 1850.)

The Trustees of the Montreal Turnpike Roads, and of the Quebec Turnpike Roads, and of the Longueuil and Chambly Turnpike Road, are respectively empowered, on demand of the holders, to exchange their outstanding Debentures for others of like total value, but being respectively for any sums not less than £5 each, which the said holders may prefer.

V

VESSELS belonging to Lower Canada—see Trinity House, Page. Quebec.

VICTORIA College, removal to Toronto.—Cap. 143..... 1719
 An Act to authorize the removal of the site of Victoria College from Cobourg to Toronto.—(Passed 10th August, 1850.)

The sole object of this Act is expressed in its Title. The Board of Trustees and Visitors of Victoria College incorporated by the Act 4 & 5 Vict. c. 37, are empowered at any time when they may deem it expedient, to remove the site of the said College to Toronto or its vicinity.

W

WALPOLE and Woodhouse, boundary line.—Cap. 89..... 1449
 An Act to enable the Commissioners for defining the Boundary Line between the Townships of Walpole and Woodhouse, to perform the duty assigned to them by the Act in that behalf provided.—(Passed 10th August, 1850.)

The period limited by the Act 12 V. c. 101, for the performance of the duties assigned to the Commissioners appointed under it, is stated to have expired before the said Act was printed and distributed, and this Act enables them to perform the said duties at any time before 1st July, 1851, as effectively as they could have done during the period limited by the said Act.

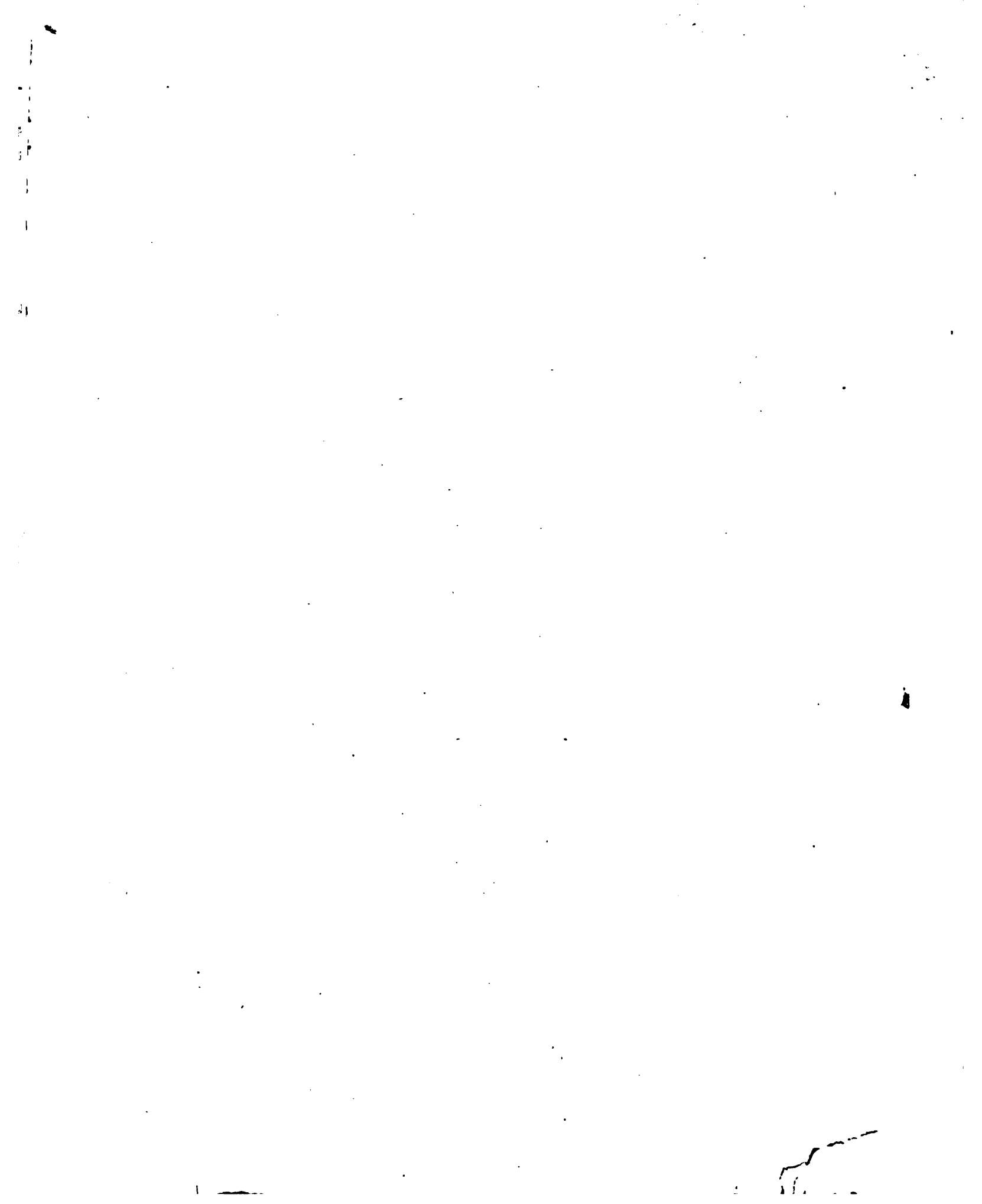
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YORK County, grant for three additional Grammar Schools in.—Cap. 91..... 1453
 An Act to provide for the payment of the sum of money therein mentioned for the use and support of three additional Grammar Schools in the County of York for the year one thousand eight hundred and forty-nine.—(Passed 10th August, 1850.)

The sole object of this Act is to authorize the payment of a sum of £225 out of moneys arising from the sale of School Lands, to the Board of Trustees for Grammar Schools in the County of York. By the Act 4 & 5 V. c. 19, as amended by 9. V. c. 19, provision had been made for an allowance for additional Schools, in any County, on certain conditions, all which had been complied with as regards three such additional Schools in the County of York, except that the number of Scholars thereat had not been quite so great as required by the said Acts, so that special authority became necessary to legalize the allowance of £75 for each.

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