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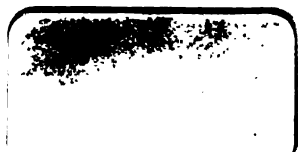
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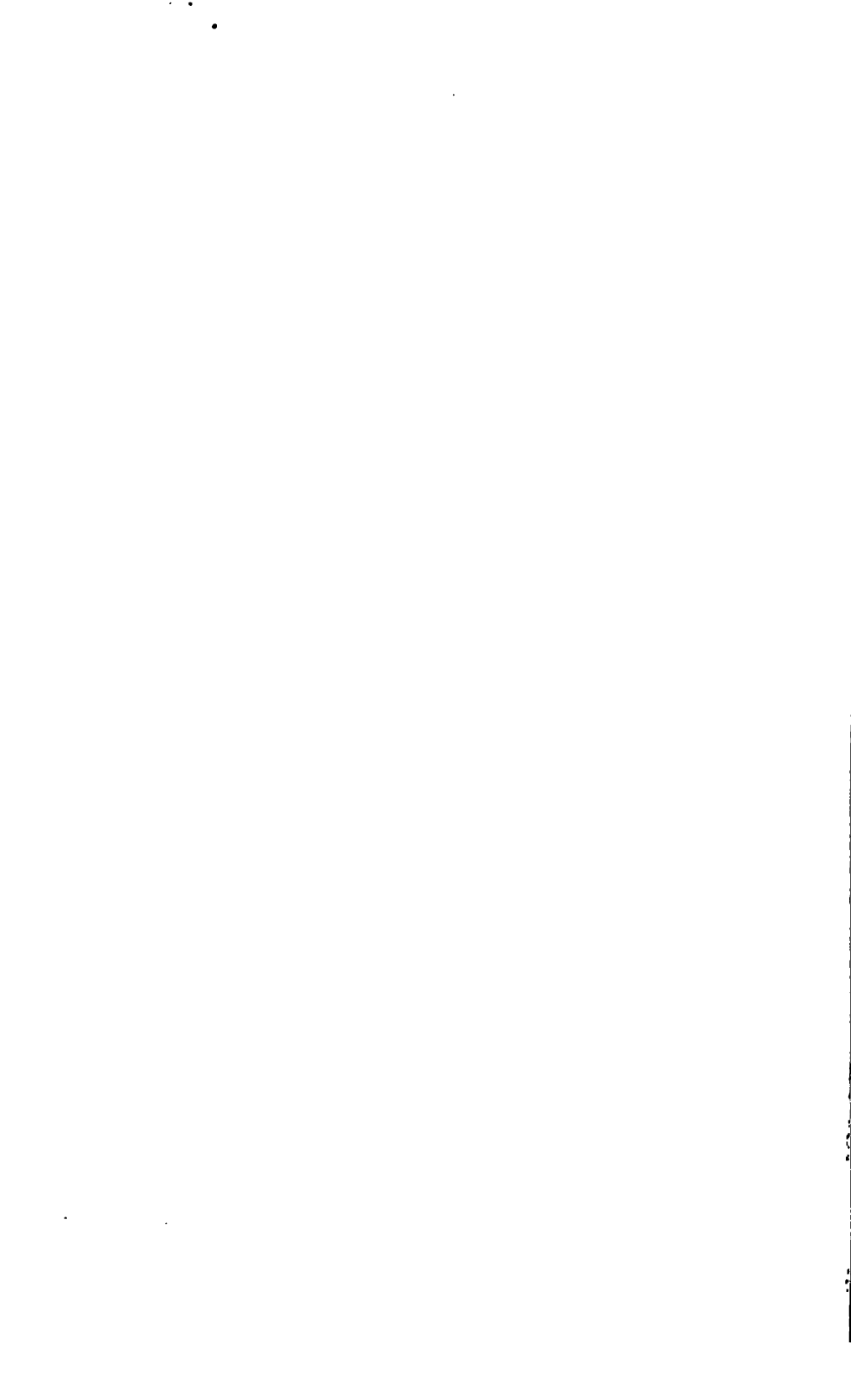




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1857





STATUTES
OF THE
PROVINCE OF CANADA

PASSED IN THE

TWENTIETH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

AND IN THE THIRD SESSION OF THE FIFTH PARLIAMENT
OF CANADA.

Begun and holden at Toronto on the Twenty-sixth of February, in the year
of Our Lord One Thousand Eight Hundred and Fifty-Seven.

1443



HIS EXCELLENCY
SIR EDMUND WALKER HEAD, BARONET,
GOVERNOR GENERAL.

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

Anno Domini, 1857.

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ANNO VICESIMO

VICTORIÆ REGINÆ.

CAP. I.

An Act to repeal the Act of one thousand eight hundred and fifty-six, intituled, *An Act to extend the provisions of the Insolvent Debtors' Act of Upper Canada, and for the relief of a certain class of persons therein mentioned.*

[Assented to 31st March, 1857.]

WHEREAS it has been found that the Act passed in the Session of one thousand eight hundred and fifty-six, chapter ninety-three, and intituled, *An Act to extend the provisions of the Insolvent Debtors' Act of Upper Canada, and for the relief of a certain class of persons therein mentioned*, has operated prejudicially to the Mercantile interests of the Province, it is therefore expedient to repeal the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.
19, 20 V. c. 93.

L The Act mentioned in the Preamble to this Act is hereby repealed; Provided always, that any Trader within the meaning of the Act hereby repealed, who shall have presented his Petition under the provisions thereof, but who shall not have obtained a final order thereon, by reason of the passing of this Act, shall be entitled to the possession of his estate, or such parts thereof, as may then be in the possession of the Official Assignee; and that the several Judges of the County Courts shall, on the application of such party, issue their order for the redelivery of such Petitioner's estate.

The said Act repealed.
Proviso: Trader applicants under it to be entitled to possession of their estate, if no final order has been made.

CAP. II.

An Act for the amendment of the Practice and Procedure in Suits instituted on behalf of the Crown in matters relating to the Revenue.

[Assented to 27th May, 1857.]

WHEREAS it is necessary to alter and amend the Practice and Procedure in Suits instituted on behalf of the Crown in

Preamble.

in matters relating to the Revenue : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Commissions, Extents, Writs, &c., may bear teste and be returnable either in term or vacation.

Proceedings may be had on return in vacation.

To be as effectual as if done in term.

Proviso : time for filing pleadings not altered.

Where claim is made to goods seized, proceedings to be as usual.

Recital.

Crown may recover costs in matters where the money or thing recovered goes to the Consolidated Revenue Fund, or is recoverable under a Provincial Act, &c.

I. Inasmuch as there is often inconvenient delay and great expense incurred in recovering debts due to the Crown, more particularly with respect to Extents, by reason of the intervals between the Terms—Be it enacted, That all or any Commissions, Extents, Writs, or other Process of whatever denomination, to be hereafter issued from either of the Superior Courts of Common Law for Upper Canada, in pursuance of this or any former or other Act or Acts, or according to the usage or practice of the said Courts or of the Court of Exchequer in England, may bear teste, and be made returnable and be returned on any day certain in Term or Vacation to be named in such Commission, Extent, Writ or other Process ; and thereupon, and at the return of any such Commission, Extent, Writ or other Process, the like rules may be given, and such other proceedings had, and any such subsequent Writs and Process issued, at any time in Vacation, as may be given, had or issued in Term, or at or before the seal day after Term ; and all such Commissions, Extents, Writs or other Process, rules and proceedings, shall be as valid and effectual as if the same had been tested and made returnable, or given or had or issued in Term, according to the Common Law and course of practice that prevailed in Upper Canada before the passing of this Act : Provided always, that nothing herein contained shall extend to alter the time for filing any pleadings ; and that where any person shall enter a claim to any goods seized under any Extent or returned as forfeited (which it shall be lawful to do in Vacation), the further proceedings shall be only according to the ordinary practice of the Court of Exchequer in England.

II. And whereas in divers proceedings instituted by or on behalf of the Crown against the Queen's subjects in respect of matters relating to the Revenue, no costs are recovered by the Crown except in certain cases, and no costs are paid by the Crown to the Subject ; And whereas it is expedient to assimilate the Law as to the recovery of costs in such proceedings, by or on behalf of the Crown, to that in force as to proceedings between Subject and Subject—Be it enacted, That in all informations, actions, suits and other legal proceedings to be hereafter instituted before any Court or Tribunal whatever in Upper Canada, by or on behalf of the Crown, against any Corporation or person or persons, in respect of any lands, tenements or hereditaments, or of any goods or chattels belonging to or accruing to the Crown, or standing or being in the name of Her Majesty, or in respect of any sum or sums of money due and owing to Her Majesty, by virtue of any vote of Parliament for the service of the Crown, or of any Act of Parliament relating to the public Revenue, or in any manner whatsoever,

whatsoever, Her Majesty's Attorney General for Upper Canada shall be entitled to recover costs, where judgment shall be given for the Crown, in the same manner and under the same rules, regulations and provisions as are or may be in force touching the payment or receipt of costs in proceedings between Subject and Subject: and if in any such information, action, suit or other proceeding, judgment shall be given against the Crown, the defendant or defendants shall be entitled to recover costs, in like manner and subject to the same rules and provisions as though such proceeding had been had between Subject and Subject; and it shall be lawful for the Receiver General, and he is hereby required to pay such costs out of any moneys which may be hereafter voted by Parliament for that purpose.

And the defendant in such cases shall recover costs if he be the successful party.

Payment of such costs.

III. And whereas the procedure and practice in informations, suits and other proceedings instituted by or on behalf of the Crown in Her Majesty's Courts of Common Law in Upper Canada is dilatory and requires amendment, and it is desirable that the same should be assimilated as nearly as may be to the course of practice and procedure now in force in actions and suits between Subject and Subject—Be it enacted, That it shall be lawful for the Judges of the Superior Courts of Common Law in Upper Canada, or any four of them, of whom the Chief Justices shall be two, to make all such general rules and orders for the regulation of the pleading and practice on such informations, suits and other proceedings, and to frame such writs and forms of proceedings, as to them may seem expedient for the purpose aforesaid; and all such rules, orders or regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making of the same, or, if Parliament be not then sitting, within five days after the next meeting thereof; and no such rule, order or regulation shall have effect until three months after the same shall have been so laid before both Houses of Parliament; and any rule, order or regulation so made, shall, from and after such time aforesaid, be binding and obligatory on the said Courts, and on all Courts of Error or Appeal into which any Judgment of the said Courts shall be carried, and be of the like force and effect as if the provisions contained therein had been expressly enacted by Parliament: Provided always, that it shall be lawful for the Governor in Council, by any Proclamation inserted in the *Canada Gazette*, or for either of the Houses of Parliament, by any Resolution passed at any time within three months next after such rules, orders and regulations shall have been laid before Parliament, to suspend the whole or any part of such rules, orders or regulations; and in such case the whole, or such part thereof as shall be so suspended, shall not be, binding and obligatory on the said Courts, or on any other Court of Common Law, or Court of Error or Appeal.

Recital.

Judges of Superior Court of Common Law to make rules of practice, as to proceedings, informations, &c., by the Crown.

To be laid before Parliament during three months before they take effect.

To be then of the same effect as if enacted.

Proviso: at any time during such three months, such rules may be suspended by Proclamation or Resolution of either house.

IV. This Act shall extend to Upper Canada only.

Extent of Act.

V. The Interpretation Act shall apply to this Act.

Interpretation.

C A P . I I I .

An Act to amend the Statutes of this Province respecting Mortgages and Sales of Personal Property in Upper Canada, and to consolidate the same.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS it is expedient to amend and consolidate the Law of Upper Canada concerning mortgages and sales of personal property, and to repeal the Statutes now in force on that subject : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

What shall be necessary to the validity of a mortgage of personals in Upper Canada not accompanied by delivery and change of possession.

I. Every Mortgage, or conveyance intended to operate as a Mortgage, of goods and chattels, made in Upper Canada, which shall not be accompanied by an immediate delivery, and an actual and continued change of possession of the things mortgaged, shall be absolutely null and void as against creditors of the Mortgager, and against subsequent purchasers or Mortgagees in good faith for valuable consideration, unless the Mortgage or conveyance, or a true copy thereof, together with an affidavit of a witness thereto, sworn as hereinafter provided, of the due execution of the said Mortgage or conveyance, or of the due execution of the Mortgage or conveyance of which the copy filed purports to be a copy, together with an affidavit of the Mortgagee or his agent properly authorized to take such Mortgage in writing, a copy of which authority shall be registered therewith (if such Agent be aware of all the circumstances connected therewith), that the Mortgager therein named is justly and truly indebted to the Mortgagee in the sum mentioned therein, that it was executed in good faith and for the express purpose of securing the payment of the money so justly due or accruing due and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the Mortgager, or preventing the creditors of such Mortgager from obtaining payment of any claim against him, shall be registered as hereinafter provided within five days from the execution thereof.

Affidavit to be made and filed by mortgagee or his agent.

Registration of mortgage.

What shall be necessary to a valid sale of such property, not accompanied by delivery and change of possession.

II. Every sale of goods and chattels, which shall not be accompanied by an immediate delivery and followed by an actual and continued change of possession of the goods and chattels sold, shall be in writing, and such writing shall be a conveyance under the provisions of this Act, and shall be accompanied by an affidavit of a witness thereto of the due execution thereof, and an affidavit of the bargainee, or his agent duly authorized in writing to take such conveyance, a copy of which authority shall be attached to such conveyance, that the sale is *bonâ fide* and for good consideration, as set forth in the said conveyance, and not for the purpose of holding or enabling the bargainee to hold the goods mentioned therein against the creditors

Affidavit of bargainee or his agent.

creditors of the bargainer, and shall be registered as hereinafter provided, within five days from the executing thereof, otherwise such sale shall be absolutely void as against the creditors of the bargainer and as against subsequent purchasers or Mortgagees in good faith.

Registration of sale.

III. Any Mortgage of goods and chattels executed in good faith after the passing of this Act, for the purpose of securing any future advances, to be made upon an agreement in writing, entered into between the parties for making such advances, and for the purpose of enabling the Mortgager to enter into and carry on any business with such advances, the time of re-payment of such advances not being longer than one year from the making of such agreement and Mortgage, or for securing the Mortgagee against any endorsement of any bills or promissory notes or any other liability entered into for the Mortgager, not extending for a longer period than one year from the date of such Mortgage, and in which Mortgage is fully set forth, by way of recital or otherwise, the terms, nature and effect of such agreement, and the amount of liability intended to be created, if accompanied by an affidavit of a witness thereto of the due execution thereof, and an affidavit of the Mortgagee (or if the agreement has been entered into and Mortgage taken by an agent duly authorized in writing to make such agreement and take such Mortgage, if aware of the circumstances connected therewith, then by an affidavit of such agent) that such Mortgage truly sets forth the agreement entered into between the parties thereto, and truly states the extent of the liability intended to be created by such agreement and covered by such Mortgage, and that such Mortgage is executed in good faith and for the express purpose of securing the Mortgagee against the payment of the amount of such his liability for the Mortgager, and not for the purpose of securing the goods and chattels mentioned therein against the creditors of the Mortgager, nor to prevent such creditors from recovering any claims which they may have against such Mortgager, and registered as hereinafter provided, shall be as valid and binding as Mortgages mentioned in the preceding section of this Act.

Mortgages of personals may be validly made as security against future liability, in certain cases.

Affidavit of mortgagee or his agent.

Registration of mortgage.

IV. All the Instruments mentioned in this Act, whether for the sale or Mortgage of goods and chattels, shall contain such efficient and full description thereof that the same may be thereby readily and easily known and distinguished.

Efficient description of the property required.

V. The Instruments mentioned in the preceding sections shall be registered in the office of the Clerk of the County Court of the County or Union of Counties where the Mortgager or bargainer therein, if a resident in Upper Canada, shall reside at the time of the execution thereof, and if he be not a resident, then in the office of the Clerk of the County Court of the County or Union of Counties where the property so mortgaged or sold shall be, at the time of the execution of such instrument; and such Clerks are hereby required to file all such instruments aforesaid

Where the Instrument creating the mortgage may be registered.

aforesaid presented to them respectively for that purpose, and to endorse thereon the time of receiving the same in their respective offices, to be kept there for the inspection of all persons interested therein, or intending or desiring to acquire any interest in the property or any portion thereof covered thereby.

Entry of Instruments filed, to be made by the Clerk.

VI. The said Clerks shall respectively number every such instrument or copy which shall be filed in their offices, and shall enter in books to be provided by them, in alphabetical order, the names of all the parties to such Instruments, with the numbers endorsed thereon opposite to each name, which entry shall be repeated alphabetically under the name of every party thereto.

Case of the removal of the mortgaged property to another County provided for.

VII. In the event of the permanent removal of goods and chattels mortgaged as aforesaid from the said County or Union of Counties in which they may be at the time of the execution of such mortgage, to another County or Union of Counties before the payment and discharge of such mortgage, a certified copy of such mortgage under the hand of the Clerk of the County Court in whose office it was first registered, and under the seal of the said Court, and of the affidavits and documents and instruments relating thereto and filed in such office, shall be filed with the Clerk of the County Court of the County or Union of Counties to which such goods and chattels are removed, within two months from such removal, otherwise the said goods and chattels shall be liable to seizure and sale under execution, and in such case, such mortgage shall be null and void as against subsequent purchasers and mortgagees for value consideration as if never executed.

Privilege to cease after a certain period unless certain requirements are complied with and statements filed.

VIII. Every Mortgage or copy thereof filed in pursuance of this Act shall cease to be valid as against the creditors of the persons making the same and against subsequent purchasers or mortgagees in good faith for valuable consideration, after the expiration of one year from the filing thereof, unless within thirty days next preceding the expiration of the said term of one year, a true copy of such mortgage, together with a statement exhibiting the interest of the mortgagee in the property thereby claimed by virtue thereof, and a full statement of the amount still due for principal and interest thereon and of all payments made on account thereof, shall be again filed in the office of the Clerk of the said County Court of the County or Union of Counties wherein such goods and chattels are then situate, with an affidavit of the mortgagee or his agent duly authorized in writing for that purpose, (which authority shall be filed therewith), stating that such statements are true and that the said mortgage has not been kept on foot for any fraudulent purpose.

Effect of Clerk's certificate of mortgage filed.

IX. A copy of such original instrument or of any copy thereof, so filed as aforesaid, including any statement made in pursuance of this Act, certified by the Clerk in whose office

the same shall be filed under the seal of the Court, shall be received in evidence in all Courts, but only of the fact that such instrument or copy and statement was received and filed according to the endorsement of the Clerk thereon, and of no other fact; and in all cases the original endorsement by the Clerk made in pursuance of this Act, upon such instrument or copy, shall be received in evidence only of the fact stated in such endorsement.

X. This Act shall not apply to mortgages of vessels registered under the provisions of the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to secure the right of property in British Plantation vessels navigating the inland waters of this Province, and not registered under the Act of the Imperial Parliament of the United Kingdom, passed in the third and fourth years of the Reign of His late Majesty King William the Fourth*, intituled, *An Act for the registering of British vessels, and to facilitate transfers of the same, and to prevent the fraudulent assignment of any property in such vessels.*

Act not to apply to mortgages of vessels under 8 V. c. 5.

XI. On any writ, precept or warrant of execution against goods and chattels, it shall be lawful for the Sheriff or other officer to whom such writ, warrant or precept may be directed, to seize and sell the interest or equity of redemption in any goods and chattels of the party or parties against whom such writ may issue; and such sale shall be held to convey whatever interest the mortgager had in such goods and chattels at the time of such seizure.

Interest or equity of redemption may be sold in execution.

XII. For services under this Act the Clerks aforesaid shall be entitled to receive the following fees:—For filing each instrument and affidavit, and for entering the same in a book as aforesaid, one shilling and three pence; for searching for each paper, six pence; and for copies of any document, with certificate prepared, filed under this Act, six pence for every hundred words.

Fees for services under this Act.

XIII. All affidavits and affirmations required by this Act shall be taken and administered by any Judge or Commissioner of the Courts of Queen's Bench or Common Pleas, or Justice of the Peace in Upper Canada, and the sum of one shilling shall be paid for each and every oath thus administered.

Fees on affidavits.

XIV. The Act passed in the twelfth year of Her Majesty's Reign, chapter seventy-four, intituled, *An Act requiring mortgages of personal property in Upper Canada to be filed*, and the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, chapter sixty-two, intituled, *An Act to alter and amend the Act requiring mortgages of personal property in Upper Canada to be filed*, shall be and the same are hereby repealed; but all mortgages and sales registered under the provisions of the said Acts, or either of them, shall be held and

Acts 12 V. c. 74, and 13, 14 V. c. 62, repealed.

Saving acquired rights.

and taken to be as valid and binding as if the said Acts had not been hereby repealed.

Commencement of Act. XV. This Act shall take effect from and after the first day of August next.

Extent of Act. XVI. This Act shall apply to Upper Canada only.

C A P . I V .

An Act to facilitate the Despatch of Business before Grand Juries.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS it would expedite and improve the administration of Criminal Justice, if persons attending to give evidence before Grand Juries were sworn in the presence of the Jurors who are to act upon such testimony : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Witnesses examined before Grand Juries to be sworn in the presence of the Jurors.

I. From and after the passing of this Act it shall be lawful for the Foreman of every Grand Jury empanelled in Upper Canada, and he is hereby authorized and required, to administer an oath to all persons whomsoever who shall appear before such Grand Jury to give evidence in support of any Bill of Indictment ; and all such persons attending before any Grand Jury to give evidence may be sworn and examined upon oath by such Grand Jury, touching the matters in question ; and every person taking any oath or affirmation in support of any Bill of Indictment who shall wilfully swear or affirm falsely shall be deemed guilty of Perjury ; and the name of every witness examined, or intended to be so examined, shall be endorsed on such Bill of Indictment ; and the Foreman of such Grand Jury shall write his initials against the name of each witness so sworn and examined touching such Bill of Indictment : Provided, however, that the name of every witness intended to be examined on any such Bill of Indictment shall be submitted to the Grand Jury by the Crown Counsel at the Assizes, and by the prosecuting Officer acting on behalf of the Crown at all other Courts, and that none others shall be examined by or before such Grand Jury, unless upon the written order of the presiding Judge : And Provided that nothing in this Act contained shall affect any Fees by law payable to any Officer of any Court for swearing witnesses, but such Fees shall remain payable as if this Act had not been passed.

False swearing to be perjury.

Names of witnesses to be put on the indictment.

Proviso.

Names of witnesses to be submitted.

Proviso : as to fees.

Not necessary for witnesses to be sworn in open Court.

II. From and after the passing of this Act it shall not be necessary for any person to take an oath in open Court in order to qualify such person to give evidence before any Grand Jury.

III. The word "Foreman" shall include any member of such Grand Jury who may, for the time being, act on behalf of such Foreman in the examination of witnesses in support of any Bill of Indictment, and the word "Oath" shall include affirmation, where, by law, such affirmation is required or allowed to be taken in lieu of an oath. Interpretation of terms.

IV. This Act shall apply to Upper Canada only.

Act to apply to U. C. only.

C A P . V .

An Act to amend the Laws in Upper Canada, respecting Appeals, and to alter the Constitution of the Court of Error and Appeal.

[Assented to 27th May, 1857.]

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

I. The thirty-ninth section of an Act of the Parliament of Canada, passed in the twelfth year of Her Majesty's Reign, intitled, *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*, is hereby repealed. Sect. 39 of 12 V. c. 63, repealed.

II. The Court of Error and Appeal shall be composed henceforth of the Judges of the several Courts of Queen's Bench, Chancery and Common Pleas in Upper Canada, who shall be *ex officio* members thereof, and of such other persons being Barristers of the Upper Canada Bar, and having held the office of Judge of some or one of the Superior Courts of Common Law or Equity in Upper Canada, as the Governor of this Province shall, by Commission under the Great Seal thereof, appoint to be a Judge of and in the said Court of Error and Appeal, and every person to be so appointed shall take such rank and precedence, aiter the Chief Justice of the Court of Queen's Bench, the Chancellor of Upper Canada, and the Chief Justice of the Court of Common Pleas, in that Court, as shall be designated in his Commission. How the Court of Error and Appeal shall hereafter be composed.

III. The Court of Error and Appeal so composed shall have, possess, exercise and enjoy the same powers and authorities as are contained and conferred in and by the above mentioned Act passed in the twelfth year of Her Majesty's Reign. Powers of the Court.

IV. The Court of Error and Appeal shall hold its sittings at the city of Toronto, on the second Thursday next after the several Terms of Hilary, Easter and Michaelmas, and shall have power to adjourn from time to time, and to meet again at the time Sittings of the Court.

time fixed by such adjournment, for the transaction of business ; and the Chief Justice of the Court of Queen's Bench, for the time being, and in his absence, the Judge of the said Court entitled to precedence over all the Judges actually present, shall preside therein, and seven members of the Court shall be necessary to constitute a quorum.

Who shall preside.

Quorum.

How the Act shall apply to pending cases.

V. All appeals which shall be depending in the said Court at the time this Act shall come into force, shall be carried on under the provisions of this Act, but where any such appeals shall be standing for Judgment, Judgment may be given as if this Act had not been passed.

Court may quash proceedings in certain cases.

VI. The Court of Error and Appeal shall have power to quash proceedings in all cases brought before it, in which Error or Appeal does not lie, or where such proceedings are taken against good faith, or in any case in which proceedings might heretofore have been quashed in the said Court, according to the law and practice in England.

May give the judgment the Court below ought to have given : and award restitution and costs.

VII. The Court of Error and Appeal shall in all cases have power to dismiss the Appeal, or to give such Judgment or Decree, and to award such process or other proceeding as the Court whose decision is appealed against ought to have given, without regard to the party alleging Error, and may also award restitution and payment of costs ; and the Judgment, Decree or Award shall be certified by the Clerk of the Court of Error and Appeal to the proper Officer of the Court below, who shall thereupon make all proper and necessary entries thereof, and all subsequent proceedings may be taken thereupon, as if the Judgment, Decree or Award had been originally given in and by the Court below.

Judgment to be executed as if given by the Court below.

Appellant may always discontinue proceedings.

Consequence of such discontinuance.

VIII. The appellant shall in all cases be at liberty to discontinue his proceedings by giving to the respondent a notice headed in the Court and cause, and signed by the appellant or his Attorney, stating that he discontinues such proceedings ; and thereupon the respondent shall be at once entitled to the costs of and occasioned by the proceedings in Appeal, and may either sign judgment for such costs, or obtain an Order for their payment in the Court below, and may take all further proceedings in the Court below as if no appeal had been brought.

Respondent may consent to reversal.

Judgment thereon.

IX. The respondent shall in all cases be at liberty to consent to the reversal of the Judgment, decree or proceeding appealed against, by giving to the appellant a notice headed in the Court and cause, and signed by the respondent or his Attorney, stating that he consents to the reversal of such Judgment, decree or other proceeding, and thereupon the Court shall pronounce Judgment of reversal as of course.

Appeal not to abate by death

X. The death of the appellant after the security required by law to be given by him shall have been perfected, and have

been,

been, or shall stand allowed, shall not cause the appeal to abate, but it may be continued as hereinafter mentioned.

of appellant
after security
given.

XI. The death of the respondent shall not cause the appeal to abate, but it may be continued as hereinafter mentioned.

Nor by death
of respondent.

XII. The marriage of a woman appellant or respondent, shall not abate the appeal, but the proceedings in error and appeal shall go on as if no such marriage had taken place, and the decision of the Court shall be certified as in other cases.

Nor by mar-
riage of female
party.

And as to appeals from the Court of Queen's Bench and Common Pleas; Be it enacted as follows:

Appeals from
Q. B. & C. P.

XIII. An appeal shall lie upon a Judgment upon a special case in the same manner as upon a Judgment upon a special verdict, unless the parties agree to the contrary; and the proceedings for bringing a special case before the Court of Error and Appeal shall, as nearly as possible, be the same as in the case of a special verdict, and the Court of Error and Appeal are required to draw any inferences of fact from the facts stated in such special case, which the Court where it was originally decided ought to have drawn.

Appeal to lie
from judgment
on special
case, unless,
&c.

Proceedings.

XIV. An appeal shall lie in all cases of rules to enter a verdict or non-suit upon a point reserved at the trial, if the rule to shew cause be refused, or if granted, be afterwards discharged or made absolute.

And on rules
to enter ver-
dict, &c., on
point reserved.

XV. In all cases of motion for a new trial upon the ground that the Judge has not ruled according to law, if the rule to shew cause be refused, or if granted, be afterwards discharged or made absolute, the party decided against may appeal, provided any one of the Judges dissent from the rule being refused, or when granted, being discharged or made absolute, as the case may be, or provided the Court in its discretion think fit that an appeal should be allowed; provided that where the application for a new trial is upon matter of discretion only, as on the ground that the verdict was against the weight of evidence or otherwise, no appeal shall be allowed.

And on rules
for new trial
on certain
grounds.

Provided one
Judge dissents
or Court al-
lows appeal.

Not to lie in
certain cases.

XVI. No appeal shall be allowed in either of the cases mentioned in the three next preceding sections, unless notice thereof be given in writing to the opposite party or his Attorney and to the Clerk of the Crown of the proper Court, within fourteen days after the decision complained of, or within such further time as may be allowed by the Court or a Judge.

Notice of ap-
peal to be
given, and to
whom and
where.

XVII. An appeal shall lie in ejectment in the same manner and to the same extent as in any other case.

Appeal in
ejectment.

Or from judgment quashing a Municipal By-Law.

XVIII. An appeal shall lie in all cases in which any By-law of a Municipal Corporation has been quashed by rule of Court after argument.

No other appeal except on judgment, &c., of record.

XIX. No other appeals from the decision of the said Courts of Queen's Bench or Common Pleas shall be allowed, unless the judgment, decision, or other matter appealed against, shall appear of record.

Writ of Error and Appeal abolished.

XX. A Writ of Error and Appeal shall not be necessary or used in any cause, and the proceeding to appeal against any Judgment shall be a step in the cause, and shall be taken in manner hereinafter mentioned; but nothing in this Act contained shall invalidate any proceedings already taken or to be taken by reason of any Writ of Error and Appeal issued before the commencement of this Act.

Pending cases saved.

Party alleging error may file memorandum in form of Schedule A, and serve copy and statement of grounds of error on the opposite party.

XXI. Either party alleging error in law, may deliver to the Clerk of the Crown of the Court wherein the suit was instituted, a Memorandum in writing, in the form contained in the Schedule A to this Act annexed (No. 1.) or to the like effect, entitled in the Court and cause, and signed by the party or his Attorney, alleging that there is error in law in the record and proceedings, whereupon the Clerk shall file such Memorandum, and deliver to the party lodging the same a note of the receipt thereof, and a copy of such note, together with a statement of the grounds of error, intended to be argued, may be served on the opposite party or his Attorney.

Proceedings in appeal to supersede execution, and from what time.

XXII. Proceedings in any appeal from decisions in the Courts of Common Law shall be deemed a supersedeas of execution from the time of the perfecting and allowance of the security required by the fortieth section of the above mentioned Act, passed in the twelfth year of Her Majesty's Reign; Provided always, that if the grounds of Error or Appeal shall appear to be frivolous, the Court whose judgment is appealed from, or a Judge upon summons, may order execution to issue.

Proviso, if appeal be declared frivolous.

Assignment and joinder in error unnecessary. Suggestion substituted.

XXIII. The assignment of and joinder in error in law shall not be necessary or used, and instead thereof a suggestion to the effect that error is alleged by the one party and denied by the other, may be entered on the Judgment-roll, in the form contained in Schedule A to this Act annexed (No. 2.) or to the like effect; Provided that in case the respondent intends to rely upon the proceeding in error being barred by lapse of time or by release of error or other like matter of fact, he may give four days' notice in writing to the appellant, to file and serve a copy of his grounds of error and appeal as heretofore, instead of entering the suggestion, and he shall within eight days plead thereto the bar by lapse of time, or release of error or other like matter of fact, and thereupon further proceedings may be had according to the law and practice in England.

Proviso, if respondent relies on proceedings in error being barred.

XXIV.

XXIV. The roll shall be made up, and the suggestion last aforesaid entered by the appellant, within ten days after the service of the note of the receipt of the Memorandum alleging error, or within such other time as the Court or a Judge may order, and in default thereof, or of assignment of error in cases when an assignment is required, the respondent, his executors or administrators, shall be at liberty to sign Judgment of *non pros*.

Roll to be made up, &c., within a certain time; or defendant may sign judgment of *non pros*.

XXV. In case of an Appeal on a Judgment given against several persons, and one or some only shall appeal, the Memorandum alleging error, and the note of the receipt of such Memorandum shall state the names of the persons who appeal, and in case the other persons against whom Judgment has been given decline to join in the appeal, the same may be continued and the suggestion last aforesaid entered, stating the persons who appeal without any summons and severance, or if such other parties elect to join, then the suggestion shall state them to be and they shall be deemed appellants although not mentioned as such in previous proceedings.

Provision in cases whereof several parties against whom judgment is given, one or some only appeal.

XXVI. Upon such suggestion of error alleged and denied being entered, and after the security required to be given by the appellant shall have been duly allowed, the cause may be set down for argument in the Court of Error and Appeal as heretofore, and the Clerk of the Court appealed from shall, on payment of his lawful fees, prepare a full transcript of the Judgment appealed from and certify the same under the seal of the Court, and shall forthwith transmit the same to the Clerk of the Court of Error and Appeal.

Upon entry of error alleged and denied, and security allowed, &c., transcript of judgment to be transmitted to Court of Error and Appeal.

XXVII. In cases of appeals upon motions or rules for new trials, or to enter a verdict or non-suit, or upon rules whereby any by-law is quashed, such appeal shall be upon a case to be stated by the parties (and in case of difference to be settled by the Court or a Judge of the Court appealed from) in which shall be set forth so much of the pleadings, evidence, affidavits, documents and the ruling or judgment objected to as may be necessary to raise the question for the decision of the Court of Error and Appeal; and the case so stated and settled shall be forthwith delivered by the appellant to the Clerk of the Court of Error and Appeal, and the cause may, after the security required to be given by the appellant shall have been duly allowed, be set down for argument.

In appeals upon certain motions or rules for new trials, &c., case to be stated; how settled if parties do not agree, on such Statement.

XXVIII. The appellant shall deliver to the said Clerk at least four clear days before the day appointed for hearing the argument, for the use of the Judges, a copy for each of the Judges, of the transcript of the Judgment or of the case mentioned in the last section, as the case may be, or in default thereof the appeal may be dismissed with costs.

Appellant to deliver copies of judgment or case, and when and to whom.

Case of death of one of several appellants, provided for.

XXIX. In case of the death of one of several appellants, a suggestion may be made of such death, which suggestion shall not be traversable but shall only be subject to be set aside if untrue, and the proceedings may be thereupon continued at the suit of and against the surviving appellant, as if he were the sole appellant.

Case of death of sole appellant or of all appellants, provided for.

XXX. In case of the death of the sole appellant, or of all the appellants, the legal representative of the sole appellant, or of the last surviving appellant may, by leave of the Court or a Judge, enter a suggestion of the death, and that he is such legal representative, which suggestion shall not be traversable but shall only be subject to be set aside if untrue, and the proceedings may thereupon be continued at the suit of and against such legal representative as the appellant, and if no such suggestion shall be made the respondent may proceed to an affirmance of the Judgment according to the practice of the Court, or take such other proceedings as he may be entitled to.

Case of death of one of several respondents, provided for.

XXXI. In case of the death of one of several respondents, a suggestion may be made of such death, which suggestion shall not be traversable but shall only be subject to be set aside if untrue, and the proceedings may be continued against the surviving respondent.

Case of death of sole respondent or of all respondents, provided for.

XXXII. In case of the death of a sole respondent or of all the respondents, the appellant may proceed upon giving one month's notice of the appeal, and of his intention to continue the same to the representative of the deceased respondents, or if no such notice can be given, then by leave of the Court or a Judge, upon giving such notice to the parties interested, as the Court or Judge may direct.

Case of marriage of female appellant or respondent, provided for.

XXXIII. If a woman being appellant or respondent shall marry pending the appeal, and Judgment shall be given for her, execution may thereupon be issued in the Court below, by the authority of the husband, without any suggestion or Writ of Revivor, and if Judgment be given against her, such Judgment may be executed in the Court below against the wife alone, or by suggestion or Writ of Revivor pursuant to the Common Law Procedure Act, 1856, Judgment may be obtained against the husband and wife, and execution may issue thereon.

Appeals from Chancery.

And as to appeals from the Court of Chancery; Be it enacted as follows :

Mode instituting the appeal from a decree or order.

XXXIV. Every party desirous of appealing from any Decree or Order in the said Court of Chancery, shall file a petition of appeal to be in the form contained in Schedule A to this Act annexed (No. 3.) with the Clerk of the Court of Error and Appeal, and a copy thereof, together with a notice of the hearing of the appeal, shall be served on the respondent, his Solicitor

Notice to opposite party.

Solicitor or agent, at least two months before the time named in such notice for the hearing of the appeal, and such petition shall not be answered, but at the time named in the notice the parties must attend to argue the appeal, and after the filing of the petition and service of a copy thereof, and of the notice aforesaid, proceedings shall go on as if the petition had been answered and the time named in the notice had been appointed by the Court for hearing the appeal.

Petition in appeal not to be answered ; but parties to attend and argue the case, at the time appointed.

XXXV. In appeals from any decree or order of the Court of Chancery, it shall be the duty of the appellant to bring the same to a hearing within the time following, that is to say : upon appeal from any decree or decretal order, within one year from the pronouncing of such decree or decretal order ; and upon appeal from any interlocutory order, not being a decretal order, within six calendar months from the pronouncing of the same, or within such further time as may be allowed for that purpose by the said Court of Error and Appeal, or by the Court of Chancery or a Judge thereof, upon special grounds shewn to the satisfaction of the Court or Judge granting the same : Provided always, that as to any decrees or orders which, under any general orders of the Court of Chancery, do not become absolute upon the same being pronounced, the time limited for appealing therefrom shall be computed from the time when the same shall have become absolute.

Within what time appeals must be brought to a hearing.

Proviso: delay to be reckoned from time when decree or order become absolute.

And with respect to the giving security in cases of appeal to Her Majesty, in Her Privy Council, and to costs in such cases of appeal ; Be it enacted as follows :

Appeals to Privy Council.

XXXVI. Every Judge of the Court of Error and Appeal shall have authority to approve of and allow the Bond or other security to be given by any party who intends to appeal to Her Majesty in Her Privy Council, whether the application for such allowance be made during any of the terms appointed for the sitting of the said Court, or at any other time : Provided always, that every Appeal to Her Majesty in Her Privy Council shall be made and entered there within six months from the date or time of the allowance of said Bond or other security, and presented to a hearing and conclusion there with all reasonable speed, in default whereof the Court in which the Judgment shall have been originally pronounced may, in its discretion, by rule of the same Court, order proceedings to be had and pursued upon the Judgment of the said Court of Error and Appeal as if such Judgment were and stood confirmed by Her Majesty in Her said Privy Council at the time of the making of such rule.

Any Judge of the Court of Appeal and Error may allow the Bond, &c.

Proviso ; appeal must be made within a reasonable time and duly presented to a decision.

XXXVII. Any costs awarded by any decree or order of Her Majesty, in Her Privy Council, upon an appeal from the said Court of Error and Appeal, shall be recoverable by the same process as costs awarded by the said Court of Error and Appeal.

Recovery of costs awarded in Privy Council.

Rules under
this Act.

And in order to enable the Judges to carry this Act thoroughly into effect by making rules and regulations, and to frame all necessary proceedings for that purpose ; Be it enacted as follows :

Judges in Er-
ror and Ap-
peal to make
rules for car-
rying this Act
into effect, and
tariff of fees
under it.

XXXVIII. It shall be lawful for the Judges of the said Court, or any five or more of them, of whom the Chief Justice of the Court of Queen's Bench and the Chancellor shall be two, from time to time to make all such general rules and orders for the effectual execution of this Act, and of the intention and object thereof, and for fixing the costs to be allowed for and in respect of proceedings in the said Court, and for regulating the different proceedings in appeal, as to them may seem expedient for any of the said purposes ; and also from time to time to alter and amend any of the existing rules, or any rules to be made under the authority of this Act, and to make other rules instead thereof : Provided always, that until such rules are made, the present rules and the existing practice and mode of proceeding of and in the said Court, except so far as changed, modified and superseded by the provisions of this Act, shall continue and remain in force.

Proviso : pre-
sent rules to
apply until
altered.

SCHEDULE A

Referred to in the foregoing Act.

No. 1.

In the (Q. B. or C. P.)

The day of , in the year of our Lord, 18 .

(The day of lodging note of Error.)

A. B. and C. D.

The plaintiff (or defendant) says that there is error in law in the record and proceedings in this action, and the defendant (or plaintiff) says that there is no error therein.

(Signed) A. B. Plaintiff.
(or C. D. Defendant)
(or E. F. Attorney for Plaintiff or Defendant.

No. 2.

The day of , in the year of our Lord, 18 .

(The day of making the entry on the Roll.)

The plaintiff (or defendant) says that there is error in the above record and proceedings, and the defendant (or plaintiff) says there is no error therein.

No. 3.

No. 3.

IN THE COURT OF ERROR AND APPEAL.

Between A. B. Appellant, and C. D., Respondent.

To the honorable the Judges of the said Court.

The petition of the said A. B. sheweth :

That a Decree (*or* Order) was on _____ pronounced by Her Majesty's Court of Chancery for Upper Canada, in a certain cause depending in the said Court, wherein your petitioner was plaintiff (*or* defendant) and the above named C. D. was defendant (*or* plaintiff), which said Decree (*or* Order) has been duly entered and enrolled.

That your petitioner hereby appeals from the said Decree (*or* Order) and prays that the same may be reversed or varied, or that such other Decree (*or* Order) in the premises may be made as to your honorable Court shall seem meet.

And your petitioner will ever pray, &c.

(Certificate of Counsel to be added.)

C A P . V I .

An Act to amend the Municipal and Assessment Acts of Upper Canada, in so far as they relate to the commutation of Statute Labour.

[Assented to 27th May, 1857.]

WHEREAS doubts exist as to the power of the Municipal Councils in Upper Canada to increase the commutation for Statute Labour to more than two shillings and six pence per day; And whereas it is expedient to remove such doubts and to confer such power on the several Municipal Councils: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. It shall be lawful for any Municipal Council in Upper Canada, by any by-law passed for that purpose, to fix the rate at which parties may commute their Statute Labour at any sum not exceeding five shillings, for each day's labour, and the sum so fixed shall apply to residents, to all persons subject to Statute Labour, and to non-residents in respect to their property, as provided in the Assessment Act of 1853.

Commutation may be fixed at any sum not exceeding five shillings.

Inconsistent
enactments
repealed.

II. Any thing in the Assessment or Municipal Acts of Upper Canada contrary to the provisions of this Act, shall be and is hereby repealed.

C A P . V I I .

An Act to amend the Laws regulating Ferries, so as to encourage the employment of Steamboats as Ferryboats in Upper Canada.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS it is necessary and expedient to afford greater inducements than now by Law exist for the purpose of establishing steam ferries in Upper Canada, and it is necessary to amend the Laws regulating ferries, in order that this desirable object may be attained: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

A license to have a steam ferry between two Municipalities may be granted to Municipalities in U. C. by the Governor.

I. In all cases where a ferry is required over any stream or other water within Upper Canada, and the two shores of such stream or other water shall be in different Municipalities, the said Municipalities not being in the same County, it shall and may be lawful for the Governor in Council to grant a license under the Great Seal of the Province, to either of such Municipalities exclusively, or to both conjointly, as may be most conducive to the public interest, such license to confer a right in such Municipality or Municipalities to establish a ferry from shore to shore on such stream or other water, and with such limit and extent as shall appear advisable to the Governor in Council, upon condition that the craft to be used for the purpose of such ferry shall be propelled by steam; and the craft shall be of such dimensions, and engine of such power as the Governor in Council shall direct; and also subject to such further and other conditions as to the Governor in Council may seem meet.

Period of license.

II. Such license may be granted for any period not exceeding fifty years.

Municipalities may sub-let such ferry.

III. Upon the receipt of the said license, it shall be lawful for the Municipality or Municipalities to whom such license shall have issued, to pass a By-law declaring their determination to sub-let the said ferry, which ferry the said Municipality or Municipalities is or are hereby authorized to sub-let, for such price, and upon such terms, and to such parties, and on such conditions as to the rates of such ferriage to be paid, as the said Municipality or Municipalities may deem best, provided that in so sub-letting, the said Municipality or Municipalities shall not in any way contravene the terms of the license from the Crown.

IV. In all cases where the one shore of such stream or other water is within the limits of a City, Town, or incorporated Village, and the other shore of such stream or other water in a Township or other rural Municipality, the license shall in all cases be issued to the City, Town, or incorporated Village as aforesaid: Provided always, that in all cases where the Rural Municipality opposite to any such City, Town, or incorporated Village, shall be an Island, then the license shall be granted to the Island Municipality.

Incorporated cities, towns and villages to have the preference as to such license.

V. And as in order to encourage the establishment of good Ferries, for the accommodation of commerce on the line of the Provincial Frontier, it is essential to place the control and management of the same in the Municipalities immediately interested, no license shall in future be granted to any person or body corporate beyond the limits of the Province, but such License in all cases shall be granted to the Municipality within the limits of which such Ferry exists, or in case of the establishment of any additional Ferry on the Provincial Frontier, then to the Municipality in which any such additional Ferry shall be established.

No license to be granted to parties not within the Province.

VI. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Inconsistent enactments repealed.

VII. This Act shall extend only to Upper Canada.

Act limited to U. C.

VIII. The Interpretation Act shall apply to this Act.

Interpretation.

C A P . V I I I .

An Act to discontinue the Lunatic Asylum Tax in Upper Canada, and to substitute certain other moneys as part of the Upper Canada Building Fund.

[Assented to 27th May, 1857.]

WHEREAS it is expedient to discontinue the Lunatic Asylum Tax now levied in Upper Canada, and to apply certain other Upper Canadian funds to the purposes for which such Tax was imposed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. The yearly Rate or Tax imposed in and by the second 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 provide Funds for defraying the cost of the erection of the Lunatic Asylum and other Public Buildings in Upper Canada*, shall not be levied for any year after the present, but, instead thereof, all moneys which by any Act or Law are directed to be

Tax imposed by sect. 2 of 13, 14 V. c. 68, repealed after 1857.

Other moneys appropriated

be

to U. C. Building Fund.

be applied or reserved for Upper Canadian purposes, but no otherwise specially appropriated by law, shall be paid into and form part of the Upper Canada Building Fund established under the authority of the third section of the said Act.

Investment of moneys belonging to the said Fund.

II. All moneys forming part of the said Upper Canada Building Fund, may be invested by the Receiver General, under instructions from the Governor in Council, in Public Provincial Securities, until required for the Public Service, and the interest on such securities shall form part of the said Fund; and such securities, or so many of them as may be necessary, may be disposed of by the Receiver General, from time to time, under instructions from the Governor in Council, and the proceeds thereof applied to meet any payments lawfully to be made out of the said Fund.

C A P . I X .

An Act for the establishment of a Weekly Postal Communication by Steamers, between this Province and the United Kingdom.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS it will tend greatly to advance the prosperity of this Province that a Weekly Line of Postal Communication be established between it and the United Kingdom: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

£50,000 yearly for six years appropriated for a Weekly Line of Steamers between Canada and England.

I. It shall be lawful for the Governor of this Province to cause to be paid and applied yearly, and during a period not exceeding six years after the passing of this Act, a sum not exceeding in any year Fifty Thousand Pounds, out of any unappropriated money forming part of the Consolidated Revenue Fund of this Province, to aid in the establishment of a regular Weekly Steam Communication between the river St. Lawrence and Liverpool in Summer, and between Portland and Liverpool during the Winter months, in order to render more complete the Postal arrangement between the United Kingdom and Canada: The said service to be performed and the said money expended for the purpose aforesaid, in such manner and under such regulations as the Governor in Council shall deem best adapted to advance the interests of this Province.

Accounting clause.

II. The due application of the money hereby appropriated shall be accounted for to Her Majesty and to the Legislature, in the manner by Law provided.

C A P . X .

An Act to authorize the payment of the proportionate share of this Province, of the cost of certain Light-houses in or near the Gulf of St. Lawrence.

[Assented to 27th May, 1857.]

WHEREAS it is expedient to provide for the payment by Preamble.
this Province of its fair share of the cost of and expense of maintaining such Light-houses as the Imperial Government may erect for the safety of Vessels navigating the River or Gulf of St. Lawrence: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The Governor in Council may agree with Her Majesty's Governor in Council may agree upon share of cost of Light-houses to be borne by Canada.
Imperial Government, as to the share which shall be paid by this Province of the expenses to be incurred in erecting and maintaining any Light-house on Cape Race, or at any other place where it may be agreed between the two Governments that a Light-house can be erected with advantage, for the safety of Vessels navigating the River or Gulf of St. Lawrence, or the vicinity thereof, provided such share do not exceed seven hundred and fifty pounds per annum.

II. The sums payable by this Province under any agreement to How such share may be paid.
be made under the authority of the preceding section, may be paid out of the Consolidated Revenue Fund, on the Warrant of the Governor, and shall be accounted for to Her Majesty and to the Legislature, in the manner by law provided.

C A P . X I .

An Act to dispense with Government Directors in the Grand Trunk Railway Company of Canada, and to facilitate the completion of the Company's works from Rivière du Loup to Sarnia.

[Assented to 27th May, 1857.]

WHEREAS it is expedient to dispense with Government Preamble.
Directors in the Grand Trunk Railway Company of Canada, and to grant further facilities to the Company in order to enable them to complete their Railways and works in the manner and to the extent contemplated by the Legislature as necessary to ensure to the Province the full benefit to be expected from the undertaking: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I.

Government
Directors to
withdraw
after next an-
nual meeting.

I. So much of the Act of 1852, chapter 37, relating to the said Company, or of the Act of 1854 amending it, or of any other Act, as authorizes the appointment of any Directors thereof by the Governor of this Province, is hereby repealed ; and the present Directors of the Company appointed by the Governor shall go out of office at the first General Meeting of the Shareholders for the election of Directors ; and all the powers vested in the Directors, shall thereafter be vested in the elected Directors.

Company to
render attested
accounts half
yearly to Gov-
ernment.

II. The Company shall render half yearly (and oftener if required by the Governor) to the Inspector-General, a full statement of their affairs with a balance-sheet, the correctness of which statement and balance-sheet shall be attested under oath by the Book-keeper, Accountant or other Officer of the Company having a knowledge of their accounts.

Such accounts
may be exam-
ined by
Board of Au-
dit, under
18 V. c. 78.

III. It shall be lawful for the Governor from time to time to empower " The Board of Audit," or any member or members thereof, to ask for the production of and to inspect the Books, Accounts and Vouchers of the Company, at the office or offices of the said Company during business hours, and to report to the Governor on the same : and the said Board of Audit shall have the same powers in relation to the said Company and their accounts as are now vested in them with respect to Institutions supported by Public Funds under and by virtue of the Act eighteenth Victoria, chapter seventy-eight, intituled : *An Act to secure the more efficient auditing of Public Accounts.*

Conditions and
extent of relief
to the com-
pany.

IV. On condition and provided that the said Company by means of the Preferential Bonds mentioned in the Act of 1856, chapter one hundred and eleven (for granting additional aid to the said Company,) or by means of any other loans effected or to be effected for such purposes, complete their Railway from Rivière du Loup to Stratford, and thence by St. Mary's direct to Sarnia, including the Victoria Bridge and the other works, undertakings and engagements mentioned in the said Act of 1856, and supply the said Railway with sufficient plant, rolling stock and appliances to work the same efficiently, within the limits of time named in the said Act of 1856, or within such extension thereof as is hereinafter stated, and so long as they maintain and work the same regularly, the Province foregoes all interest on its claim against the Company, until the earnings and profits of the Company, including those of the Atlantic and St. Lawrence Railroad Company, shall be sufficient to defray the following charges :—1. All expenses of managing, working and maintaining the works and plant of the Company ;—2. The rent of the Atlantic and St. Lawrence Railway, and all interest on the Bonds of the Company exclusive of those held by the Province ;—3. A dividend of six per cent on the paid up share capital of the Company, in each year in which the surplus earnings shall admit of the same ;—And then in each year in which there shall

Charges prior
to Provincial
claim.

shall be a surplus over the above named charges, such surplus shall be applied to the payment of the interest on the Province Loan accruing in such year: The bonds and share capital herein mentioned shall be held to include and consist of all loans and paid up capital which the Company have raised or may hereafter raise *bonâ fide* under the authority of any Act of the Provincial Legislature passed or to be passed, for any purpose authorized by any such Act.

What shall be deemed bonds and share capital.

V. The said Company are hereby authorized to receive from the Receiver General of the Province, and expend upon and for the several works and purposes mentioned in the Act last cited, the proceeds of the Preferential Bonds therein mentioned, as such proceeds are paid in, provided the sum so expended upon each work bears the same proportion to the total sum allotted to it, as the sums paid in bear to the whole amount authorized to be raised by the said Act, and that each of the several works mentioned in the said last cited Act, shall be proceeded with simultaneously and in the same proportion.

Company may receive proceeds of Preferential Bonds on certain conditions.

VI. The time allowed by the Act last cited for the completion of the said several works is hereby extended for one year from the periods fixed by the said Act for the completion of the same respectively.

Time for completing works extended.

VII. This Act shall be deemed a Public Act, and the Act last above cited and this Act shall be construed with reference to each other, and the third section of the said Act shall apply as if re-enacted herein.

Public Act, and how construed.

C A P . X I I .

An Act for the better Prevention of Accidents on Railways.

[Assented to 27th May, 1857.]

WHEREAS it is expedient to make further provision for the prevention of accidents on Railways: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Board of Railway Commissioners constituted by the Seventeenth section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, Chapter seventy-three, intituled, *An Act to make provision for the construction of a Main Trunk Line of Railway throughout the whole length of this Province*, shall, in addition to their present powers and duties, have and discharge the powers and duties in this Act prescribed, and may from time to time appoint some fit and qualified person to be Secretary of the said Board in the stead of the Secretary of the Commissioners of Public Works, who shall henceforth cease to be the Secretary of the said Board.

Board of Railway Commissioners under 14, 15 V. c. 73, to discharge duties prescribed by this Act.

Inspectors of Railways may be appointed by Governor in Council. Their general duties.

II. It shall be lawful for the Governor in Council to appoint and authorize any proper person or persons not exceeding three in number whose duty it shall be from time to time to inspect all Railways constructed or in course of construction; and it shall be lawful for every person so authorized, at all reasonable times, upon producing his authority if required, to enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines, cars and carriages belonging thereto: And it shall be the duty of every Railway Company and the Officers and Directors thereof to afford to such Inspector or Inspectors every information and full and true explanations so far as may be in their power or knowledge on all matters inquired into by any such Inspector or Inspectors, and to submit to such Inspector or Inspectors all plans, specifications, drawings and documents relating to the construction or reconstruction, repair or state of repair of such Railway or any portion thereof, whether a bridge, culvert or other part; And any such Inspector shall have the right to use the telegraph wires and machinery in the offices of or under the control of any such Railway Company, for the purpose thereby or therewith of communicating with any of the officers of the said Company, or transmitting any order of any such Inspector relating to such Railway, and the operators or officers employed in the telegraph offices of or under the control of the said Company, shall without unnecessary delay obey all orders of any such Inspector for effecting such communications and transmitting messages for the purpose aforesaid, and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of Ten Pounds; and the authority of any such Inspector shall be sufficiently evidenced by a paper in writing nominating him an Inspector of Railways or of any Railway in particular signed by the Chairman of the said Board of Railway Commissioners and countersigned by the Secretary thereof.

Inspectors may use Telegraphs of any Railway Company.

Penalties on Railway Officers refusing to transmit messages, &c.

Punishment of persons obstructing Inspectors in the execution of their duty.

III. Every person wilfully obstructing any person duly authorized as aforesaid in the execution of his duty shall, on conviction before a Justice of the Peace having jurisdiction in the place where the offence shall have been committed, forfeit and pay for every such offence any sum not exceeding ten pounds, and in default of payment of any penalty so adjudged immediately or within such time as the said Justice of the Peace shall appoint, the same Justice, or any other Justice having jurisdiction in the place where the offender shall be or reside, may commit the offender to prison for any period not exceeding three calendar months; such commitment to be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing Court of Quarter Sessions in the usual manner.

Railways not to be opened

IV. No Railway or portion of any Railway shall be opened for the public conveyance of passengers until one calendar month

month after notice in writing of the intention of opening the same shall have been given by the Company to whom such Railway shall belong to the Board of Railway Commissioners, and until ten days after notice in writing shall have been given by the said Company to the said Board of Railway Commissioners of the time when the said Railway or portion of Railway will be, in their opinion, sufficiently completed for the safe conveyance of passengers, and ready for inspection.

until after certain notice to Board of Railway Commissioners.

V. If any Railway or portion of any Railway, shall be opened without such notices as aforesaid, the Company to whom such Railway shall belong, shall forfeit to Her Majesty the sum of fifty pounds for every day during which the same shall continue open, until the said notices shall have been duly given and shall have expired.

Penalty for contravention.

VI. If the Inspector or Inspectors appointed as aforesaid, shall, after inspection of any Railway, report in writing to the said Board that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such Railway, together with the ground of such opinion, it shall be lawful for the said Board of Railway Commissioners, with the sanction of the Governor in Council, and so from time to time, as often as such Inspector or Inspectors shall after further inspection thereof so report, to order and direct the Company to whom such Railway shall belong to postpone such opening not exceeding one calendar month at any one time, until it shall appear to the said Board that such opening may take place without danger to the public; and if any such Railway, or any portion thereof, shall be opened contrary to any such order or direction of the Board of Railway Commissioners, the Company to whom such Railway shall belong shall forfeit to Her Majesty the sum of fifty pounds for every day during which the same shall continue open contrary to such order and direction; Provided always, that no such order as aforesaid shall be binding upon any Railway Company unless therewith shall be delivered to the said Company a copy of the report of the Inspector or Inspectors on which such order shall be founded.

Railway Commissioners upon report of Inspectors and approval of Governor in Council, may order postponement of opening of road.

Penalty for contravention of such order.

Proviso.

VII. It shall be lawful for the Governor in Council upon the Report of the said Board to authorize or require any Railway Company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or moveable bridges on the line of such Railway, within such time as the Governor in Council may direct; and for each and every day after the period so fixed during which the said Company shall use such swing, draw or moveable bridges the said Company shall forfeit and pay to Her Majesty the sum of fifty pounds; Provided it shall not be lawful for any Railway Company to substitute

Governor may order permanent bridges to be substituted for moveable bridges.

Proviso.

substitute

substitute any swing, draw or other moveable bridge in the place or stead of any fixed or permanent bridge already built and constructed without the consent of the Governor in Council previously had and obtained.

Any bridge, tunnel, locomotive or car condemned by Inspectors, must be made sufficient by the Company.

VIII. When and so often as any bridge, culvert, viaduct, tunnel, fence, road, crossing or cattle guard, or any other portion of any railway constructed or in course of construction or any locomotive, car or carriage used or for use on any Railway shall have been condemned on the report of an Inspector or Inspectors, by the said Board of Railway Commissioners, with the approval of the Governor in Council, or any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said Railway, shall be required by the said Board of Railway Commissioners, with the approval of the Governor in Council, the Company to which such Railway belongs, or using, running or controlling the same, shall, after notice thereof in writing signed by the Chairman of the said Board and countersigned by the Secretary thereof, proceed to make good or remedy the defects in the said portions of the Railway, or in the locomotive, car or carriage which shall have been so condemned, or to make such change, alteration or substitution hereinbefore referred to as may have been required in manner aforesaid by the said Board.

Inspector authorized to forbid the running of trains on Railway deemed dangerous until repairs made.

IX. If in the opinion of any such Railway Inspector, it shall be dangerous that trains or vehicles should pass over any particular railway, or any portion of a Railway, until alterations, substitutions or repairs shall have been made thereon, or that any particular car, carriage or locomotive should be run or used, it shall be lawful for the said Inspector forthwith to forbid the running of any train or vehicle over any such Railway or portion of Railway, or the running or using of any such car, carriage or locomotive by delivering or causing to be delivered to the President, Managing Director, or Secretary or Superintendent of the Company owning, running, or using such Railway, or to any Officer having the management or control of the running of trains on such Railway, a notice in writing to that effect with his reasons therefor, in which he shall distinctly point out the defects or nature of the danger to be apprehended; and forthwith the said Inspector shall report the same to the said Board of Railway Commissioners, who, with the sanction of the Governor in Council, may either confirm, modify or disallow such act or order of the Inspector; and such confirmation, modification or disallowance shall be duly notified to the Railway Company affected thereby; and the said Board of Railway Commissioners may, with the sanction of the Governor in Council, limit the number or times or rate of speed of running of trains or vehicles, upon such Railway or portion of railway, until such alterations or repairs as they may think sufficient shall have been made, or until such time as they may think prudent; and it shall be the duty of the
Company

Railway Commissioners, with approval of Governor in Council, may modify order of Inspectors.

Company owning, running or using such railway to comply forthwith with any such Order of the said Inspector or of the said Board, upon notice thereof as aforesaid; and for every act of non-compliance therewith every such Railway Company shall forfeit to Her Majesty the sum of five hundred pounds.

Penalty on Company for contravention.

X. From and after the passing of this Act, and at all times thereafter, every Railway Company which runs any trains for the conveyance of passengers upon any railway, shall provide and cause to be used in and upon such trains such known apparatus and arrangements as shall best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying the brakes to the truck-wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing such trains, by the power of the steam-engine or otherwise at the will of the engine-driver, or other person or persons appointed to such duty, and of disconnecting the locomotive, tender, and cars or carriages from each other by any such power or means, and as shall best and most securely place and fix the seats or chairs in such cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements from time to time as the said Board of Railway Commissioners, with the sanction of the Governor in Council, may order; and every Railway Company shall make such by-laws, rules and regulations, to be observed by the conductors, engine-drivers, and other officers and servants of such Company, and by all other Companies and persons using the Railway of such Company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in such trains on the Railway of such Company, as are requisite for ensuring the employment and proper use of such means of communication, application and disconnection, as aforesaid; and every Railway Company which fails to comply with the provisions hereinbefore contained as to ensuring means of communication between the conductors and engine-drivers of trains, or of applying the brakes or disconnecting the carriages composing trains or of placing and fixing the seats or chairs aforesaid, shall forfeit to Her Majesty a sum not exceeding Fifty Pounds, for every day during which such default shall continue.

Company to use the best apparatus for communication between conductors and engine-drivers, and for stopping or disconnecting cars, fixing seats in cars, &c.

And make proper rules for the conduct of their officers, &c.

Penalty for neglect.

XI. In any case where a Railway not already commenced may hereafter be constructed or authorized to be constructed, across any turnpike road, street, or other public highway, on the level, it shall be lawful for the Board of Railway Commissioners, if it appear to them necessary for the public safety, with the sanction of the Governor in Council, to authorize and require the Company to whom such Railway belongs, within such time as the said Board shall direct, to carry such road, street or highway either over or under the said Railway, by means of a bridge or arch, instead of crossing the same on the level, or

Certain powers vested in Railway Commissioners, with respect to crossing public highways, on a level.

to execute such other works as under the circumstances of the case appear to the said Board the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at any such time applicable to the taking of land by Railway Companies and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land being required for the construction of any works for effecting the alteration of such level crossing;

Proviso: sect. 6 of 16 V. c. 169 to apply to all Railways.

Provided that any thing contained in any Act of the Parliament of this Province which suspends the operation of the Act sixteenth Victoria, chapter one hundred and sixty-nine, section six, requiring "That in all cases where Railways pass any draw or swing bridge over any navigable river, canal or stream, which is subject to be opened for the purposes of navigation, the trains shall in all cases be stopped at least three minutes to ascertain from the bridge tender that such bridge is closed and in perfect order for passing," be and the same is hereby repealed; Provided also, that it shall be the duty of every Railway Company to station an officer at every point on their line crossed on a level by any other Railway, and no train shall proceed over such crossing until signal has been made to the Conductor thereof that the way is clear; Provided also, that hereafter every locomotive or Railway engine or train of cars, on any Railway, shall, before it crosses the track of any other Railway on a level, be stopped for at least the space of three minutes, and that no locomotive or Railway engine shall pass in or through any thickly peopled portion of any City, Town or Village at a speed greater than six miles per hour, unless the track is properly fenced, and that whenever any train of cars shall be moving reversely in any City, Town or Village, the locomotive being in the rear, the Company shall station on the last car in the train a person whose duty it shall be to warn parties, standing on or crossing the track of such Railway, of the approach of such train, under a penalty of twenty-five pounds for any contravention of these provisos.

Proviso: further precautions at level crossings.

Proviso: further precautions when one Railway crosses another on a level, or runs through a city, town, &c.

Foot passengers to use foot-bridge, if provided for that purpose at level crossings.

XII. If the Board of Railway Commissioners, in the exercise of the powers hereinbefore contained, order any Railway Company to erect at or near or in lieu of any such level crossing of a turnpike road, or other public highway as aforesaid, a foot-bridge or foot-bridges over their Railway for the purpose of enabling persons passing on foot along the said turnpike road or public highway to cross the said Railway by means of such bridge or bridges, then and in any such case, from and after the completion of such foot-bridge or foot-bridges as shall be so required to be erected, and while the said Company keep the same in good and sufficient repair, the said level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same shall be used for the passage of carriages, carts, horses or cattle along the said road.

XIII. Every Railway Company shall as soon as possible, and at least within forty-eight hours, after the occurrence upon the railway belonging to such Company of any accident attended with serious personal injury to the public using the same, or whereby any bridge, culvert, viaduct or tunnel on or of the said Railway shall be broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Board of Railway Commissioners; and if any Company shall wilfully omit to give such notice, such Company shall forfeit to Her Majesty the sum of Fifty pounds for every day during which the omission to give the same shall continue.

In case of any serious accident to or upon any Railway, notice to be given by the Company.

Penalty for neglect.

XIV. Every Railway Company shall within ten days after the first days of January and July, in each and every year, make to the said Board of Railway Commissioners, under the oath of the President, Secretary or Superintendent of the said Company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the Railway of the said Company during the half year next preceding each of the said periods respectively, setting forth the causes and natures of such accidents and casualties, the points at which they occur, whether by night or by day, and the full extent thereof, and all particulars of the same, and shall also at the same time return a true copy of the existing By-laws of the said Company and of their rules and regulations for the management of the said Company and of their Railway; and the Board of Railway Commissioners may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any railway Company to make up and deliver to them from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the said Board shall deem necessary, and require for their information with a view to the public safety; And if any such returns, verified as aforesaid, shall not be so delivered within the respective times herein prescribed or within fourteen days after the same shall have been so required as aforesaid by the said Board, every such Company shall forfeit to Her Majesty the sum of twenty-five pounds, for every day during which the said Company shall neglect to deliver the same; Provided always, that all such returns shall be privileged communications, and shall not be evidence in any Court whatsoever.

A return of any accidents to be given in annually by each Company;

And of their By-laws.

Form to be appointed by the Board.

Penalty for neglect.

Proviso.

XV. The provisions of the Act passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, chapter eleven, intituled, *An Act for the punishment of the Officers and Servants of Railway Companies contravening the By-laws of such Companies, to the danger of person and property*, shall apply to cases of the non-observance or contravention by any such officer or servant of any order or notice of the said Board of Railway

Act 19, 20 V. c. 11, to apply to contravention of orders of the Board.

Company to notify orders of Board to its officers, &c.

Railway Commissioners, of which he shall, before such non-observance or contravention, have had cognizance in any of the ways referred to in the second section of the said Act ; and it shall be the duty of every Railway Company, as soon as possible after the receipt of any such order or notice, to give cognizance thereof in one or more of such ways to each of its officers and servants ; and all orders of the said Board of Railway Commissioners shall be considered as made known to the said Railway Company by a notice thereof signed by the Chairman and countersigned by the Secretary of the said Board, and delivered to the President, Vice-President, Managing Director, Secretary or Superintendent of the said Company, or at the office of the said Company.

No horses or cattle to be allowed to be at large on any highway within half a mile of any Railway.

XVI. No horses, sheep or swine or other cattle, shall be permitted to be at large upon any highway within a half mile of the intersection of any highway with any Railway on grade unless the same respectively shall be in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection with any Railway, and all such cattle so found at large in contravention hereof, may be impounded by any person finding the same at large, in the nearest pound to the place where the same shall be so found, and the pound-keeper with whom the same shall be so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property, and no person, any of whose cattle so at large, shall be killed by any train at such point of intersection, shall have any action against any Railway Company in respect to the same being so killed.

Inspection not to relieve any Company from any liability for omission or wrongful acts, &c.

XVII. No inspection had under this Act nor any thing in this Act contained or done or ordered or omitted to be done or ordered under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any Railway Company, of or from any liability or responsibility resting upon it by law either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person for any thing done or omitted to be done by such Company or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such Company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such Company under the existing laws of the Province.

Crossings to be fenced.

XVIII. At every road and farm crossing on the grade of the Railways in this Province, the said crossing shall be sufficiently fenced on both sides of such points, as will allow the safe passage of the trains.

Railway Inspection Fund provided.

XIX. From and after the passing of this Act, every Railway now or hereafter to be constructed, so soon as any portion thereof

thereof is in use, shall pay to the Receiver General an annual rate to be fixed by the Governor in Council, and not exceeding two pounds ten shillings per mile of Railway constructed and in use; such rate to be paid half yearly on the First days of January and July in each year, and to form a special fund for the purposes of this Act to be called "The Railway Inspection Fund."

XX. All penalties incurred under this Act, except penalties under the third section thereof, may be recovered in the name of Her Majesty, by Her Majesty's Attorney General in any Court having competent jurisdiction thereover; and all penalties recovered under this Act, shall be paid to the Receiver General to the credit of the "The Railway Inspection Fund."

Penalties, how recovered and applied.

XXI. In the construction of this Act the expression Railway Company shall include any person being the owner or lessee of or contractor working any railway constructed, or carried on under the powers of an Act of Parliament.

Interpretation.

XXII. This Act may be cited for all purposes as "The Accidents on Railways Act, 1857."

Short Title of Act.

C A P . X I I I .

An Act to amend the Act to regulate the Inspection of Beef and Pork.

[Assented to 27th May, 1857.]

WHEREAS it is expedient to amend the Act of 1841, intituled, *An Act to regulate the inspection of Beef and Pork*, and more exactly to define what quality of pork it shall be lawful for Inspectors to class and brand as Mess Pork: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.
4, 5 V. c. 88.

I. Notwithstanding any thing in the twenty-second section or any other part of the said Act contained, it shall be lawful for the Inspector, when the pork under his inspection shall be from hogs exceeding two hundred pounds each in weight, to make "Mess Pork" of such rib and side or flank pieces thereof, cut in the manner and of the weight prescribed by the said section, as shall in his judgment be equal in quality on the average to Mess Pork, as defined by the said section hereby amended.

Certain pieces may be classed as "Mess Pork."

C A P . X I V .

An Act to amend the Act to provide for the formation of Incorporated Joint Stock Companies for Manufacturing, Mining, Mechanical or Chemical purposes, so as to render Foreign Stockholders eligible as Trustees.

[Assented to 27th May, 1857.]

Preamble.

13, 14 V. c. 28. **W**HEREAS in order to encourage the introduction of foreign capital into this Province, it is expedient to amend the Act intituled, *An Act to provide for the formation of Incorporated Joint Stock Companies for Manufacturing, Mining, Mechanical or Chemical purposes*, so as to render Stockholders in such companies, who are not British subjects by birth or naturalization, eligible as Trustees: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Aliens to be eligible as Trustees of such Companies.

I. Notwithstanding any thing contained in the Act cited in the Preamble of this Act, any Stockholder in any Company incorporated under the said Act, who is otherwise duly qualified to be chosen as a Trustee of such Company, shall not be prevented from being so chosen or be rendered ineligible for such office, by reason of his not being a subject of Her Majesty by birth or naturalization: Provided always, that a majority of the said Trustees, including the President, shall be actual residents in the Province.

Proviso.

C A P . X V .

An Act to encourage Mining Companies by empowering them to construct gravel or macadamized roads or tramways to connect with railways, highways and navigable waters.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS it is advisable to afford every encouragement to the development of the Mineral wealth of Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Power to proprietors of mines to construct a road or tramway in certain cases.

I. The proprietors of any Mine in Canada shall have power to construct a gravel or macadamized road or a tramway from their Mines to the nearest navigable waters or railway or highway, and shall be vested with power to take any land required for right of way and stations at a fair valuation, under the provisions of the eleventh section of the Railway Clauses Consolidation Act, in that behalf, headed "Lands and their Valuation," which

which shall apply to such proprietors, provided the said gravel or macadamized road or tramway shall not exceed twenty miles in length. Proviso.

II. The proprietors of any such Mine holding lands in fee simple having a frontage of one mile or upwards on any navigable lake, river or stream, shall have power to construct harbours, wharves, piers and other erections thereon, at the bank of such lake, stream or river, for the accommodation of all kinds of steamers, vessels and craft, and to make rules and regulations for the government and management of such wharves and harbours, and to impose and levy according to a tariff to be by them adopted for that purpose, and which may be from time to time altered and amended, reasonable wharfage and harbour dues and fines for the infraction of such rules and regulations; Provided always, that no such rules and regulations or such tariff shall be of any force or effect until sanctioned or approved of by His Excellency the Governor General, and that no fine thereby imposed shall exceed five pounds for any one offence, which fine shall be recoverable in a summary way before any two Justices of the Peace, as if imposed by Act of the Legislature. If they have a certain frontage on navigable water, they may build wharves, &c.

III. It shall and may be lawful for any Mining Company, or the proprietors of any Mine, to improve and render navigable for the transport of freight to and from such Mine, any water course or water courses, or to construct a channel of communication between navigable water courses, as may be found necessary and requisite for the full and proper development of such river or rivers for the more advantageous working of such Mine, and the conveyance of freight to and from the same: Provided always, that such Mining Companies or proprietors of mines shall be liable to indemnify all or any person or persons who may suffer injury to property or rights in consequence of their so doing, according to the laws of that part of the Province in which such water courses may be respectively. They may improve water courses, &c., for certain purposes.

IV. And for the purposes aforesaid such Mining Company or proprietors of any Mine are hereby authorized and empowered to enter into and upon the lands of the Queen's Most Excellent Majesty, or of any person or persons, body corporate or otherwise, for the purposes and subject to the conditions aforesaid, and to survey and take levels of the same or any part thereof, as shall be found necessary and proper for the construction of tramways or for making channels of water communication or improving the navigation of any water course or water courses, so as to facilitate the working of such Mine and the conveyance of freight to and from the same as aforesaid. Proviso.

V. Provided always, That no beach lot or land covered with water or other public property shall be taken under this Act without the consent of the Governor in Council, and then upon Proviso: consent of Governor in Council

oil required
before certain
works can be
done.

such terms and conditions as he shall think proper ; no Harbour or River improvement shall be made under this Act, or any property taken therefor, until the proposed plan and extent thereof, and of the works therewith connected, shall have been submitted to and approved by the Governor in Council ; but such plan may afterwards be altered and extended with such consent and approval.

C A P . X V I .

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

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is expedient further to continue the Acts and Ordinances hereinafter mentioned, which would otherwise expire at the end of the present Session : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Act of Canada,
4 & 5 V. c. 36.

I. 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 seventh year of Her Majesty's Reign, and intituled, *An Act to prevent obstructions in Rivers or Rivulets in Upper Canada*, as amended and explained by 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 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 or Rivulets in Upper Canada,'* and by the Act of the said Parliament, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to explain and amend the Acts for preventing obstructions in Rivers and Rivulets in Upper Canada*, and both the said last mentioned Acts ; 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 the progress of construction*, as amended and extended by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *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, and the said last mentioned Act ; the Act of the said Parliament, passed in the eighth year of Her Majesty's Reign, and intituled,

An

7 V. c. 36,
as amended
by—

10 & 11 V.
c. 20.

and by—

14 & 15 V.
c. 123.

8 V. c. 6.

as amended
and extended
by—

14 & 15 V.
c. 76.

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*, except the forty-fourth Section of the said Act; the Act of the said Parliament, passed in the ninth 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 Inspersion of Butter in Quebec and Montreal*; the Act of the said Parliament, passed in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act for the better Management of the Provincial Penitentiary*; the Act passed in the same Session, and intituled, *An Act to provide a more summary and less expensive process for Proprietors of Real Property in Lower Canada to acquire possession thereof, when illegally detained from them in certain cases*, as amended by the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to amend the Act fourteenth and fifteenth Victoria, chapter ninety-two, relating to the illegal detention of Real Property in Lower Canada*, and the said last mentioned Act; the Act of the said Parliament, passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act relating to the Fisheries on the Labrador and North Shore of the Gulf of St. Lawrence*; 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 Seigniory of the Baie Saint Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said Common, and for other purposes appertaining to the same*; the Act of the said Parliament, passed in the ninth year of the same Reign, and intituled, *An Act to provide for the more effectual extinction of secret incumbrances on lands than was heretofore in use in this Province*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to prevent fraudulent Debtors evading*

8 V. c. 27.

8 V. c. 48,
except sec. 44.

9 V. c. 38.

10 & 11 V.
c. 1.

11 V. c. 7.

14 & 15 V.
c. 2.14 & 15 V.
c. 92.as amended
by

16 V. c. 206.

16 V. c. 92.

Acts of Lower
Canada.

2 G. 4, c. 8.

2 G. 4, c. 10.
as amended
by—

4 G. 4, c. 26.

9 G. 4, c. 20.

9 G. 4, c. 27.

- 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 sixth year of the same Reign, and intituled, *An Act to provide for the Medical Treatment of sick Mariners*, as amended by the Act of the Parliament of Canada, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the relief of shipwrecked and destitute Mariners, in certain cases therein mentioned*, and by the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to exempt certain Vessels from the duty imposed by the Act to provide for the Medical Treatment of sick Mariners*, and both the said last mentioned Acts ; 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 exterminating those destructive animals*, shall be, and all and every of the said Acts and Ordinances are hereby continued to the first day of

January, one thousand eight hundred and fifty-eight, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

II. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to repeal an Ordinance of Lower Canada, intituled, 'An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects,' and to make provision for the same object throughout the Province of Canada,* and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to continue and amend the Bankrupt Laws now in force in this Province,* in so far only as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the continuance and completion of Proceedings in Bankruptcy now pending,* and the said last mentioned Act; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to afford relief to Bankrupts in certain cases,* shall respectively be and they are hereby continued, and shall remain in force until the said first day of January, one thousand eight hundred and fifty-eight, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Acts of Canada—

7 V. c. 10,

9 V. c. 30,

12 V. c. 18,

13 & 14 V. c. 20,

Continued for certain purposes to 1st January, 1858, &c.

III. The Act of the Parliament of the late Province of Lower Canada aforesaid, passed in the sixth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes, as Clerks or Bailiffs in certain cases,* shall be and is hereby continued to the said first day of January, one thousand eight hundred and fifty-eight, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer: Provided always, that in the several Judicial Districts of Lower Canada, so much of the said Act as relates to the Fees to be granted to persons acting as Clerks to Country Magistrates, shall cease to have any force in the said Districts respectively, if or so soon as a Tariff of Fees shall have been promulgated in such District, under the provisions of an Act, passed in the Session of the Legislature held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders.*

Act of Lower Canada—

6 W. 4, c. 19,

Continued,

Continued.

Proviso: to cease when Tariffs are made under—

14 & 15 V. c. 96.

IV. Provided always, That nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the Acts or Ordinances hereinbefore mentioned and continued, nor shall continue any provision or part of any of the Acts or Ordinances

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

Ordinances in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

Period limited by—
 12 V. c. 97,
 9 V. c. 12,
 and—
 10 & 11 V.
 c. 38,
 extended.

V. The period limited by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of Hastings*, as that within which it shall be lawful for the Registrar or Deputy Registrar of the County of Hastings to receive and index any memorial, under the authority of the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada*, or of the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to alter and amend an Act, intituled, 'An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada*, or to endorse any Deed, Conveyance, Will or Probate, to which such memorial relates, shall be and is hereby extended to the said first day of January, one thousand eight hundred and fifty-eight, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

C A P . X V I I .

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1857, and for certain other expenses connected with the public service, and also for raising a Loan on the credit of the Consolidated Revenue Fund.

[Assented to 10th June, 1857.]

MOST GRACIOUS SOVEREIGN :

Preamble.

WHEREAS by Messages from His Excellency Sir Edmund Walker Head, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, and the Estimates accompanying the same, laid before both Houses of the Provincial Parliament, it appears that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province and of the Public Service thereof, for the year one thousand eight hundred and fifty-seven : May it therefore please Your Majesty that it be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, that,—

I. From and out of the Consolidated Revenue Fund of this Province, there shall be and may be paid and applied a sum not exceeding in the whole the sum of Seven Hundred and Twenty-Nine Thousand and Seventy-Eight Pounds, Eleven Shillings and Eight Pence Currency, for defraying the several charges and expenses of the Civil Government and Public Service of this Province for the year one thousand eight hundred and fifty-seven, and other purposes set forth in the Schedule to this Act.

£729,078 11s. 8d., appropriated out of Consolidated Revenue Fund for purposes mentioned in Schedule.

II. From and out of the said Consolidated Revenue Fund, there shall and may be paid and applied a sum not exceeding in the whole Two Hundred and Twenty-five Thousand Pounds, for the purpose of providing the necessary buildings and accommodation for the Government and the Legislature, at such place as Her Majesty shall be graciously pleased, in the exercise of Her Royal Prerogative, to select as the permanent Seat of Government in Canada.

£225,000, appropriated out of the same, for buildings at the permanent Seat of Government.

III. 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 Three Hundred and Twenty-Five Thousand Pounds 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 this Act, for certain contingencies of the Public Service connected with the Public Works.

Loan of £325,000, authorized.

IV. 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 may be issued to the said amount.

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

Accounting clause.

VI. 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.

SCHEDULE.

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

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Adjutant General of Militia Department.</i>		
Salary of six Clerks, £350, £275 ; two at £250 ; two at £187 10s. ; one Messenger, at £39 15s.	1593 15 0	
“ of two Inspecting Field Officers of Volunteer Militia, for Upper and Lower Canada, for 1857, at £400 each.	800 0 0	
“ of the Provincial Aide-de-Camp, for do.	400 0 0	
“ of eight Store-keepers of Armouries, at £75 each, for do.	600 0 0	
“ of 18 Assistant Adjutants General, at £30 per annum, for do.	540 0 0	
Maintenance of 16 Troops of Cavalry, each 10 days Drill, for do.	4276 0 0	
“ of seven Field Batteries of Artillery each 20 days Drill, for do.	4984 0 0	
“ of five Companies of Foot Artillery for do. ...	730 0 0	
“ 40 Companies of Riflemen, 70 men each, for do.	7840 0 0	
“ ten do. do. 50 do. do.	1460 0 0	
Contingent Expenses for Postages, Stationery, Printing, Repairs of Accoutrements, Transport of Arms, Travelling Expenses of Inspecting Field Officers, and all other Incidental Expenses attending the Active Force, for the year ended 31st December, 1857.	2700 0 0	
Care of Arms and Ammunition, of the several Corps of the Active Force.	1200 0 0	
		27323 15 0
<i>Legislative Council.</i>		
Salary of the Speaker.	800 0 0	
“ of the Clerk.	500 0 0	
“ of the Clerk Assistant 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	
“ of three Messengers for the Session, at £45 each. ...	135 0 0	
Contingent Expenses.	9200 0 0	
Indemnity to the Members for their attendance, at 20s. per diem, including travelling at 6d. per Mile, for the distance between the place of residence of such Member, and the place at which the Session is held.	9800 0 0	
		21645 0 0

SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Legislative Assembly.</i>		
Salary of the Speaker.....	800 0 0	
“ of the Clerk.....	500 0 0	
“ of the Clerk Assistant.....	400 0 0	
“ of the Law Clerk and English Translator.....	500 0 0	
“ of the Clerk of the Crown in Chancery.....	150 0 0	
Contingencies of do. do.	100 0 0	
Salary of the Sergeant-at-Arms.....	100 0 0	
Contingent Expenses (exclusive of Indemnity to Members).....	62000 0 0	
		64550 0 0
<i>Governor General's Secretary's Office.</i>		
Additional Salary of one Messenger.....	19 0 0	
<i>Provincial Secretary's Office.</i>		
Additional Salaries of eleven Clerks, £200 15s ; £182 10s ; £168 15s ; £125 5s 8d ; £52 15s 8d ; three, at £50 each ; £27 15s 8d ; and two, at £25 each ; two Messengers, at £19, equal to.....	995 17 0	
<i>Registrar's Office.</i>		
Deputy Registrar, £166 12s ; four Clerks, £200, £182 10s, £55 11s 4d, and £27 15s 8d ; one Messenger, at £75.....	707 10 0	
<i>Receiver General's Office.</i>		
Deputy Receiver General, £200 ; seven Clerks, £325, £318, £270, £228 2s 6d, £100, £50, £40, and one Messen- ger, at £19.....	1550 2 6	
<i>Inspector General's Office.</i>		
Additional Salary—Acting Deputy Inspector General, £247 10s ; nine Clerks, 2 at £250 ; £200, £168 15s, £165, £142 10s, £132 10s, £100, and £50 ; Housekeeper and Messenger, £48 3s 4d, equal to.....	1754 8 4	
<i>Customs Branch.</i>		
Additional Salary—Commissioner, £40 ; six Clerks, three at £250 each ; and three, £300, £125, and £105, equal to.....	1320 0 0	
<i>Department of Public Works.</i>		
Additional Salary—Assistant Commissioner, £250 ; Chief Engineer, £810 ; Assistant Engineer, £600 ; Book- keeper, £402 10s ; five Clerks, £400, £363, £300, £275, and £150 ; and three Messengers, £118 15s, £104, and £93 15s, equal to.....	3867 0 0	

SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Bureau of Agriculture.</i>		
Secretary, £500; four Clerks, £342 10s, £310, £225, and £200; and two Messengers, at £75 each, equal to...	1727 10 0	
<i>Auditor Public Accounts.</i>		
Auditor, £122 16s 6d; six Clerks, £400, £300; three, at £250 each; and one, £228 2s 6d, equal to.....	1800 19 0	
<i>Executive Council.</i>		
Two Clerks, at £228 2s 6d.....	456 5 0	
To pay W. A. Himsworth, whilst acting as Confidential Clerk in the Executive Council Office, from the period of Mr. Joseph's death to that of his appointment, say from 1st July, 1851, to 26th November, 1853, at £100 per annum.....	240 4 4	
		14498 16 2
<i>Pensions to Officers and Servants of the late Legislative Bodies of Upper and Lower Canada.</i>		
William Ginger, as late Sergeant-at-Arms to the Legislative Council of Lower Canada.....	66 13 4	
Samuel Waller, as Clerk of Committees to do.....	100 0 0	
Wm. Coates, as Writing Clerk to do Upper Canada.....	133 6 8	
John Bright, as Messenger of Legislative Council of do.....	20 0 0	
Louis Noreau, as do of do Lower Canada.....	20 0 0	
François Rodrigue, do of Legislative Assembly do ..	18 0 0	
Louis Gagné, as do of do do ..	18 0 0	
		376 0 0
<i>Other Pensions.</i>		
Jacques Brien, for Wounds received in the Public Service..	20 0 0	
Pierre Bouchard do. do.	25 0 0	
Mrs. McDonell, allowance during her life, on her claim for Dower on a certain property taken by the late Welland Canal Commissioners.....	50 0 0	
Mrs. Widow Antrobus.....	200 0 0	
Colonel Richard Bullock.....	200 0 0	
Mrs. Catherine Smith, as widow of the late Mr. Justice Pyke	100 0 0	
Widow McCormick.....	100 0 0	
G. B. Faribault, Esquire, as the late Clerk Assistant of the Legislative Assembly.....	400 0 0	
		1095 0 0
<i>Hospitals and other Charities.</i>		
Aid to the Toronto Hospital.....	2000 0 0	
“ Indigent Sick at Quebec,		
“ do at Montreal,		
“ Corporation of General Hospital at Montreal; 3, at £1000.....	3000 0 0	
“ Emigrant and Marine Hospital, Quebec,		
“ Kingston General Hospital; 2, at £1500.....	3000 0 0	

SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.			Currency.		
	£	s.	d.	£	s.	d.
<i>Hospitals and other Charities—Continued.</i>						
Aid to the Hamilton Hospital	800	0	0			
“ Relief of Indigent Sick at Kingston	750	0	0			
“ Indigent Sick at Three Rivers, “ Toronto House of Industry ; 2, at £700	1400	0	0			
“ Les Sœurs de la Providence, at Montreal, “ Towards erection of Lying-in-Hospital, Toronto ; 2, “ at £350	700	0	0			
“ General Hospital des Sœurs de la Charité at Montreal, “ Kingston Hotel-Dieu Hospital, “ St. Patrick's Hospital, Montreal ; 3, at £250	750	0	0			
“ Protestant Orphans' Home and Female aid Society “ at Toronto, “ Roman Catholic Orphan Asylum at Toronto, “ Kingston Orphan Asylum, “ Hamilton Orphan Asylum, “ do Roman Catholic do. “ Protestant Hospital at Bytown, “ Roman Catholic Hospital at Bytown, “ Montreal St. Patrick's Roman Catholic Orphan Asy- “ lum ; 8, at £200	1600	0	0			
“ Montreal Protestant Orphan Asylum, “ Montreal House of Refuge, “ University Lying-in-Hospital at Montreal, “ do under the care of the Sœurs de la Miséricorde, “ Lying-in Hospital at Toronto, “ Asylum of the Good Shepherd, at Quebec, “ Hospice de la Maternité at Quebec, “ Deaf and Dumb Institution, Montreal ; 8, at £150	1200	0	0			
“ Ladies Benevolent Society Montreal, for Widows and “ Orphans, “ Roman Catholic Orphan Asylum, Quebec, “ Male Orphan Asylum Quebec, “ Charitable Association of the Ladies of the Roman “ Catholic Asylum at Montreal, “ Managers of the Protestant Female Orphan Asylum “ at Quebec, “ Eye and Ear Institution, Montreal, “ Montreal Dispensary, “ Montreal Home and School of Industry, “ Public Nursery for Children of the Poor, at Toronto ; “ 9, at £100	900	0	0			
“ Canada Military Asylum for Widows and Orphans “ at Quebec	50	0	0			
“ Towards the support of the Lunatic Asylum at Toronto. “ Towards the support of a temporary Lunatic Asylum “ at Beauport, near Quebec ; 2, at £14,000	28000	0	0			
				44150	0	0
<i>Various Public Institutions.</i>						
Aid to the Medical Faculty of McGill College, “ School of Medicine, Montreal, “ “ “ Kingston, “ Canadian Institute, at Toronto ; 4, at £250	1000	0	0			

SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.	Currency.
<i>Various Public Institutions—Continued.</i>		
Aid to the Canadian Institute, at City of Ottawa, “ Athenæum at Toronto.		
“ do at Ottawa; 3, at £100.....	300 0 0	
Aid to the following Institutions and Associations, at £50 each, viz:		
Literary and Historical Society, Quebec; Natural History Society, Montreal; Ste. Mary's Institute, County of Perth; Institute of St. Roch; Literary Institute, Laprairie; Do. Sherbrooke; Sherbrooke Library Association and Mechanics' Institute; Hamilton Mercantile Library Association; Mr. Juneau's Literary Institution; Montreal Mercantile Library Association; Huron Library Association, and Mechanics' Institute; Teachers' Association, at Quebec, for their Library; Library Association at Quebec; Canadian Institute, at Quebec; Aurora Mechanics' Institute and Library Association; Richmond (East) do. and do.; North Wellington Farmers' and Mechanics' Institute; Mechanics' Institute and Library Association, Industrie; Literary Institute of St. Michel de Bellechasse; St. John's Library Association; St. Andrew's Library Association and Mechanics' Institute; Institute and Literary Association of Varennes; Stanstead Library Association and Mechanics' Institute; Ramsay Library Association and Mechanics' Institute; Collingwood Mechanics' Institute and Library Association; Literary Institute, St. Jean Port Joli; Library Association, Napanee; Cabinet de Lecture Paroissiale de Montréal; Literary Association and Institutes de Livaudière, St. Charles and St. Marc; Reading Room of Union St. Joseph, Montreal; St. Patrick's Literary Institute, Quebec; Literary Association and Institute, St. Hyacinthe.		
—34 in number, at £50 each.....	1700 0 0	
Toronto Hospital; for County Patients.....	1500 0 0	
The following Mechanics' Institutes at £50 each, viz:		
Aylmer (County of Elgin), Ayr, Belleville, Brockville, Bytown, Berthier (Lower Canada), Brampton, Berlin, Brantford, Barrie, Bowmanville, Barnston, Bagotville, Bécancour, Cobourg, Chicoutimi, Chatham, Chambly, Chatham (L. C.), Dunville, Dundas, Drumontville, Drummondville (County of Drummond), Fonthill, Guelph, Goderich, Galt, Hamilton, Huntingdon, Hemmingford, Halton (County of), Iberville, Kingston, London (C W), Lachute, Lanoraye, L'Original, Merrickville, Montreal, Milton, Mitchell (County of Perth), Metcalfe, Maskinongé, Magog, Niagara, Newmarket, Napierville, Napanee, New Ireland, Owen Sound, Oakville, Perth, Picton, Port Sarnia, Port Hope, Peterborough, Prescott, Paris, Plessisville, Quebec, Renfrew, Rimouski, Richmond (C. W.), Rivière-du-Loup, St. Thomas, St. Catharines, Simcoe, Stratford, St. Léon, St. Vincent de Paul, St. Césaire, St. Hyacinthe, Sorel, Smith's Falls, Sher-		

SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Various Public Institutions—Continued.</i>		
brooke (County of), St. Eustache, St. Scholastique, St. Félix de Valois, St. Antoine de la Baie, St. Ours, St. George, Toronto, Three Rivers, Vienna, Notre Dame de la Victoire, Whitby, Woodstock, Watertown, West Flamboro', Windsor, Yamachiche, and Richmond, C. W., for 1856,—in all 92.....	4600 0 0	
Montmagny, Fraserville, Streetsville, North Wellington, L'Avenir, Danville, (County Richmond,) Ste. Rose, (County L'Avallé,) L'Assomption, (County L'Assomption,) St. Ambroise de Kildare, (County Joliette,) St. Michel de Lachine, (County Jacques Cartier,) Cayuga.—11, at £50.....	550 0 0	
Aid to the London Mercantile Library Association; St. Patrick's Literary Association, City of Ottawa; and Institut Canadien, Montreal.—3, at £50 each.....	150 0 0	
Aid to Corporation Montreal General Hospital; and St. Patrick's Hospital, Montreal.—2, at £250 each.....	500 0 0	
Aid to London Hospital.....	350 0 0	
		10650 0 0
<i>Contingent Expenses of the Administration of Justice.</i>		
In Upper and Lower Canada not otherwise provided for.....	40000 0 0	
For the support of the Provincial Penitentiary at Kingston..	11500 0 0	
Additional Salary to John Black, Clerk in Registrar's Office, Court of Chancery.....	75 0 0	
“ to William Stanley, do. Master's Office, do..	75 0 0	
Salary of a Clerk of Process, Court of Queen's Bench, and Common Pleas, U. C.....	300 0 0	
“ of an extra Clerk Attorney General's, West, Office.	100 0 0	
“ Clerk in the Office of the Clerk of the Crown and Pleas, U. C.....	150 0 0	
“ Clerk of Assize, Toronto.....	300 0 0	
Additional Salary to Clerk, Crown Law Office, East.....	140 0 0	
“ to Judge of Vice-Admiralty Court, Quebec..	277 15 8	
		52917 15 8
<i>Miscellaneous Items.</i>		
Aid to complete Survey of Ship Canal from Georgian Bay to Toronto.....	500 0 0	
Compensation to Charles O'Connor, Charles Taylor, and Wm. Falconbridge, for injuries sustained in discharge of their duties as Constables, in 1853, at £100 each... .	300 0 0	
Allowances to Keepers of Depots of Provisions on the River St. Lawrence, for Relief of Shipwrecked Persons.....	200 0 0	
For providing Provisions for such Depots.....	350 0 0	
Allowance to Pierre Brochu, for residing on Kempt Road to assist travellers thereon,		
“ Jonathan Noble, for the same purpose,		
“ to a Resident at the foot of the Metapedia, for do.		
“ to do at Assametquagan, for do; 4, at £25:	100 0 0	
For the Expense of Printing and Binding the Laws.....	6000 0 0	

SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Miscellaneous Items—Continued.</i>		
For other Printing, and Subscription to, and Advertising in the Official Gazette.....	2500 0 0	
For the Expense of distributing the Laws.....	850 0 0	
To meet unforeseen Expenses in the various branches of the Public Service.....	500 0 0	
Proportion of the Expenses of Keeping up Light Houses on the Isles of St. Paul and Scatterie in the Gulf.....	750 0 0	
To defray the Expenses of the Quebec Observatory.....	600 0 0	
To defray the Expenses of the Observatory at Toronto.....	1200 0 0	
Expenses of Commissioners appointed to enquire into matters connected with the Public Service under Act 9 Vic. cap. 38.....	1500 0 0	
New Indian Annuities.....	1100 0 0	
Expenses of Protecting the Fisheries in the Gulf.....	1600 0 0	
For the Temporary Maintenance of the Rideau and Ottawa Canals, from 1st April 1857 to 31st March, 1858.....	10821 0 0	
One year's rent of the Protestant Burying Ground in St John's Suburb, Quebec.....	23 5 0	
Aid to the Board of Agriculture of Upper Canada.....	1000 0 0	
do do Lower Canada.....	1000 0 0	
To make good various indispensable expenses of the Civil Government, incurred during the year 1856, as detailed in Statement A. of the Public Accounts laid before the Legislature.....	39316 8 8	
To make good those payments made under resolution of the Legislature, as per Statement B.....	15197 9 1	
Compensation for occupation of Music Hall, Quebec.....	300 0 0	
“ to DeLorimier, for surrender of License of Occupation.....	160 0 0	
Aid to Parliamentary Grant under Act 14 & 15 Vic. cap. 106, to Indians, Lower Canada.....	100 0 0	
Expenses for the services of 150 of the Embodied Pensioners on permanent duty in Upper Canada, for the year 1857.....	8000 0 0	
Compensation to Pensioners in lieu of Land.....	2433 6 8	
Salary of a Medical Superintendent for Criminal Lunatics at Penitentiary.....	300 0 0	
Contingent Expenses of the same, including the Salaries of the Keepers.....	500 0 0	
Aid towards Emigration Expenses for the present year.....	3000 0 0	
Amount required to meet the deficiency of Expenses of Water Police, Quebec, for the present year.....	750 0 0	
For the Expenses of River Police, Montreal, for the year 1857	3916 0 0	
For Expenses in Compiling, Preparing and Printing the Tables and Index to the Laws in Force, as per Resolution of the Legislative Assembly.....	6000 0 0	
To pay G. W. Wickstead, Law Clerk, Legislative Assembly, for Compiling a Table to the Provincial Statutes in force in Western Canada, with a continuation of the Index to the Statutes to the end of the Session of 1856	600 0 0	

SCHEDULE—Continued.

SERVICE.	A sum not exceeding— Currency.	Currency.
<i>Miscellaneous Items—Continued.</i>		
	£ s. d.	£ s. d.
To enable the Honorable W. H. Draper to proceed to England on Public Business.....	500 0 0	
“ A. R. Roche to assist the Honorable W. H. Draper on said Mission.....	100 0 0	
Grant to Sir W. E. Logan, by Address, 30th June, 1856.....	500 0 0	
“ for Parliamentary Library do.....	1000 0 0	
Undrawn Balance of Superior Education Estimate of Upper Canada, for 1856.....	388 17 2	
Aid to the Natural History Society, Montreal, towards the Expenses of a Scientific Convention.....	500 0 0	
		114456 6 7
<i>Education.</i>		
Aid towards Superior Education Income Fund, Lower Canada	5000 0 0	
Do. do. Upper Canada.....	5000 0 0	
Distributed as follows :		
Aid to Upper Canada College.....	£1111 2 2	
“ Victoria College.....	750 0 0	
“ Queen’s College.....	750 0 0	
“ Regiopolis College, Kingston.....	750 0 0	
“ Grammar School Fund, Upper Canada.....	788 17 10	
“ St. Michael’s College, Toronto.....	500 0 0	
“ Bytown College.....	350 0 0	
	£5000 0 0	
Additional sum for Common Schools in Upper and Lower Canada.....	40000 0 0	
[£1000 of which, out of the Lower Canada share, to be appropriated for Normal Schools in Lower Canada.]		
<i>Miscellaneous Items.</i>		
For Ocean Steam Service.....	50000 0 0	
For Tag Service between Montreal and Kingston.....	6750 0 0	
For do below Quebec.....	11300 0 0	
For purchase of Arms, Accoutrements, and Ammunition for Militia, Canada.....	3500 0 0	
Aid to Colonization Fund, Canada East and West.....	25000 0 0	
Aid for the purchase and carriage of Canadian products, manufactures, and works of art, intended for the exhibition at the Crystal Palace, and for the liquidation of unsettled Accounts connected with the Great Paris Exhibition, and the fitting up of the space allotted to Canada, at the Crystal Palace.....	1000 0 0	

SCHEDULE—*Continued.*

SERVICE.	A sum not exceeding— Currency.	Currency.
	£ s. d.	£ s. d.
<i>Miscellaneous.</i>		
Sundry works for opening the River from Lake St. John to Chicoutimi	3500 0 0	
Towards Quebec Post Office.....	5000 0 0	
Purchase of land at the Gatineau for lumbering purposes ...	500 0 0	
To pay Seigniorial dues on the Spencer Wood Property.....	1872 0 0	
Aid towards opening a communication with Red River.....	5000 0 0	
		229450 18 3
Total Currency.....		729078 11 8

C A P . X V I I I .

An Act to require accounts rendered to the Provincial Government to be so rendered in dollars and cents.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it will greatly facilitate the keeping and audit of the public accounts of the Province, that the same be kept in dollars and cents: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Accounts to the Government to be rendered in dollars and cents.

Column for £. s. d. may be added.

I. All accounts to be rendered to the Provincial Government or to any Public Officer or Department in this Province, by any Officer or Functionary, or by any party receiving aid from the Province, or otherwise accountable to the Government or Legislature thereof, shall be so rendered in dollars and cents; but any such accounts may have a second column containing sums in pounds, shillings and pence, equivalent to the sums so stated in dollars and cents, if the accountant shall prefer to render his account in that form.

Commencement of Act.

II. The preceding enactment shall take effect upon, from and after the Thirty-first day of December, one thousand eight hundred and fifty-seven, and not before.

C A P . X I X .

An Act for the Imposing and Collection of Tolls on the Public Works.

[Assented to 10th June, 1857.]

WHEREAS it hath become necessary to provide by one Preamble.
 General Law for the imposing and collection of Tolls and Dues on the Public Works in this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. It shall be lawful for the Governor of this Province in Council, by Orders in Council to be issued for such purpose and published as hereinafter provided, to impose and authorize the collection of Tolls and Dues upon any Canal, Harbor, Road, Bridge, Ferry, Slide, or other Public Work, in this Province, now vested or hereafter to be vested in Her Majesty, or in the Commissioners of Public Works, or in any Public Officer, person or persons, or body or bodies corporate, for the public uses of this Province, or hereafter to be acquired therefor, and from time to time, in like manner, to vary, alter and change such Tolls or Dues, and to declare the exemptions therefrom; and all such Tolls and Dues shall be payable in advance and before the right to the use of the Public Work in respect of which they are incurred shall accrue, if so demanded by the Collector thereof.

Governor in Council may impose tolls for the use of any Public Work, and make regulations for their collection.

Such tolls may be altered in like manner.

II. Provided always, That no such Tolls or Dues shall exceed the maximum rates in the Schedule to the Act passed in the twelfth year of Her Majesty's Reign, chapter four, with reference to the Works in the said Schedule mentioned or referred to.

Proviso: as to maximum of such tolls.
12 V. c. 4.

III. And for the due use and proper maintenance of all such Public Works as aforesaid, and to advance the public good, the Governor in Council shall have power, by Orders in Council, to enact from time to time such Rules and Regulations as he may deem necessary for the management, conduct, proper use and protection of all or any of the said Public Works, or for the ascertaining and collection of the Tolls, Dues and Rates thereon.

Governor in Council may make regulations for the proper use, &c., of any such work.

IV. It shall be lawful for the Governor in Council, by such Orders and Regulations, to impose such fines, not exceeding in any one case one hundred pounds currency, for any contravention or infraction of any such Order or Regulation, as he may deem necessary for ensuring the due observance of the same and the due payment of the Tolls and dues to be imposed as aforesaid, and to provide for the non-passing or detention, at the risk of the owner or owners, of any steamboat, vessel or other craft, carriage,

Fines may be imposed by such regulations.

Vessels, &c., may be de-

tained until
tolls or fines
incurred are
paid.

carriage, animal or goods, on which Tolls or Dues shall have accrued and shall not have been paid, or in respect of which any such Orders or Regulations shall have been contravened or infringed, or any injury done to such Public Works and not paid for, or any fine which may have been incurred and remain unpaid, and for the sale thereof, if such Tolls, dues, damages or fine be not paid by the time to be fixed for the purpose, and the payment of such Tolls, Dues, Damages or Fine out of the proceeds of such sale returning the surplus, if any, to the owner or his agent; but no such provision shall impair the right of the Crown to sue for and recover such Tolls, Dues, Fines or Damages in the ordinary course of law, if so advised; and any such Tolls, Dues or Fines may always be recovered under the twentieth section of the Act passed in the ninth year of Her Majesty's Reign, chapter thirty-seven, the provisions of which section shall apply to all Tolls, Dues or Fines imposed by any Order in Council to be made under this Act.

Act not to
affect other
provisions for
their reco-
very.

1
1
1c

Goods, &c., in
Vessels or
carriages, lia-
ble for tolls
or fines.

V. The goods on board of any such steamboat, vessel or other craft, or the animal or animals attached to any carriage or vehicle, and the goods contained therein, to whomsoever the same may belong, shall be liable for any Tolls, Dues or Fine so to be imposed and levied, and they, or any of them, may be seized, detained and sold in the same manner as the steamboat, vessel or other craft, carriage or vehicle in which they may be or to which they may be attached, and as if they belonged to the person or persons contravening any such Orders or Regulations,—saving the recourse of the real owners thereof against such person or persons, who shall be deemed the owner or owners thereof for the purposes of this Act and the Acts herein referred to only.

Proof of Or-
ders in Coun-
cil under this
Act.

VI. All Orders in Council made under this Act shall be published in the Official Gazette, and a copy of such Gazette purporting to be printed by the Queen's Printer, and containing any such Orders and Regulations, shall be legal evidence of the tenor and effect thereof.

C A P . X X .

An Act to amend the Consolidated Municipal Loan Fund Act.

[Assented to 10th June, 1857.]

Preamble.
16 V. c. 22.

WHEREAS by the seventh section of the Consolidated Municipal Loan Fund Act (sixteenth Victoria, chapter twenty-two), it is provided that if any sum of money which ought under the said Act to be paid by the Treasurer of any Municipality to the Receiver General, shall remain unpaid during three months or upwards after it ought to have been so paid, then, upon the certificate

certificate of the Receiver General that such sum is so due and unpaid, it shall be lawful for the Governor to issue his warrant to the Sheriff of the County, reciting the facts, and commanding him forthwith to levy such sum by rate, &c., which said provision was extended to Lower Canada (with the other parts of the said Act) by the Act eighteenth Victoria, chapter thirteen, and made to apply in like manner to the Sheriffs of Judicial Districts therein ; And whereas it may not at all times be expedient to direct a levy at one and the same time of the whole sum for which any such Municipality may be in default as aforesaid : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. So much of the seventh section of the Act above recited as renders it necessary in all cases that the warrant of the Governor shall issue for the whole amount due by the Municipality, is hereby repealed ; and it shall be lawful for the Governor, if he shall see fit, to issue his warrant to the Sheriff, directing the rate which he shall levy : Provided nevertheless, that such rate shall not be less than two shillings and six pence in the pound on the yearly value of the assessable property in the Municipality, or a proportionate rate on the actual value of such property, reckoning the yearly value at six per cent. on its actual value—except in cases in which the proceeds of such rate would, in the opinion of the Governor, exceed the amount for which such Municipality is in default and the costs of the levy, when it shall be lawful for the Governor to direct such rate to be so levied as will, in his opinion, produce an amount fully sufficient to pay that for which the Municipality is in default and the costs of the levy, the surplus (if any) being returned to the Municipality according to law ; Provided further, that it shall be the duty of the Treasurer of any Municipality in arrear for any sum of money under the said recited Act, within one month after the time when such sum of money is payable, to certify to the Secretary of the Province, the total value of the assessable property, and the rate in the pound in such municipality, for the year next preceding such default.

Governor may fix a rate instead of causing the whole amount in default levied at once.
 Proviso: rate limited, &c.

Treasurer of Municipality in arrear to certify assessed value and last rate to Provincial Secretary.

II. It shall be lawful for the Governor, in all cases in which a Municipality shall be certified to him by the Receiver General to be in default as aforesaid, to issue his warrant to the Sheriff, directing him to seize all goods and chattels, and other property or things liable to be seized in execution, lands and tenements, belonging to such Municipality, and to sell the same, or so much thereof as may be necessary to produce the amount for which such Municipality is in default and costs, as he would under execution against such Municipality, and to pay the proceeds unto the Receiver General in liquidation of such amount ; Provided always, that no School House or Houses, Alms House, Fire Engine or Fire hoses or Engine House, Court-house or Gaol,

Governor may direct the property of the Municipality to be seized.

Exceptions.

Proviso:

Certain property not to be seized.

Gaol, or property required for the administration of Justice, shall be seized or sold under such warrant.

Provision as to the liability under the said Act, of Counties united when the loan was contracted but separated before it is paid.

III. Provided always, That whenever a loan shall have been effected on the credit of the said Consolidated Municipal Loan Fund by any Union of two or more Counties then united for municipal purposes, but which have been or shall be afterwards separated before such loan shall have been paid, and such Counties shall upon such separation have agreed or shall hereafter agree in the manner provided by law, as to the part which each or any of them shall have in the liability arising out of such loan, then such agreement shall be the rule by which the Receiver General shall be guided in ascertaining the liability of each of such Counties, and the amount to be paid by or levied upon each of them in respect of such loan, in case of any default to pay any sum which ought under the said Act to be paid to the Receiver General in respect of the same ; and any County having paid its share of such liability so ascertained shall not be liable in respect of the share thereof of the other County or Counties united with it when the loan was effected.

Municipality's Share of Clergy Reserve Fund may be taken in payment.

IV. It shall be lawful for the Governor to direct the Receiver General to withhold the share of the Clergy Municipalities Fund accruing and which may hereafter accrue to any Municipality certified by the Receiver General to be in default, or from the several Municipalities in any County while such County is so certified to be in default, and to carry such share or shares to the credit of such Municipality or County on account of such default.

C A P. XXI.

The Fishery Act.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is expedient to make better provision for the preservation and regulation of the fisheries of this Province : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts, as follows :

Acts and parts of Acts repealed.

- 1.—1. The Act Ninth George the Fourth, Chapter Fifty-one,—
2. The Act Fourth and Fifth Victoria, Chapter Thirty-six,—
3. The Act Seventh Victoria, Chapter Thirteen,—
4. The Act Sixteenth Victoria, Chapter Ninety-two,—

5. The Seventh paragraph of the Nineteenth Section of the Act Eighteenth Victoria, Chapter One hundred,—

6. The Act Eighteenth Victoria, Chapter One hundred and Fourteen,—

7. The Act of Sixth William the Fourth, Chapter Fifty-Seven,—

8. The Act Eighth Victoria, Chapter Forty-seven,—

9. The Eighteenth sub-section of the Sixtieth Section of the Act Twelfth Victoria, Chapter eighty-one,—

Are hereby repealed.

II. No provision of law repealed by any Act cited in the next preceding Section shall revive by the repeal of the said Laws. Acts repealed by the said Acts not to revive.

III. Notwithstanding the repeal of the Acts enumerated in Section one, every act done, and every right acquired by virtue of the said Acts shall remain valid ; every penalty incurred shall remain recoverable ; and every legal proceeding commenced may be continued as if the said Acts were not repealed. Repeal not to affect penalties incurred, &c.

IV. The Governor may, as occasion shall require, appoint two Superintendents of Fisheries, one for Upper and one for Lower Canada, whose powers and duties shall be defined by this Act and the regulations to be made under it. Two Superintendents of Fisheries to be appointed.

V. All subjects of Her Majesty, but none other, may— Rights of Fishermen.

1. Take bait and fish in any of the harbours, roadsteads, bays, creeks or rivers of the Province, except the Rivers lying within the limits of the territory known as the King's Posts ; Taking bait and fishing.

2. Land any where on public property for the purpose of salting, curing and drying fish ; Landing and curing fish.

3. Cut wood there for the purpose of repairing stages, drying places, flakes, hurdles, cook-rooms and other purposes necessary or useful for preparing or dealing with fish ; Cutting wood.

4. Take possession of any unoccupied portion of the beach which may be necessary for curing fish, and hold the same so long as the same shall not have been abandoned during twelve consecutive months ; Occupying beach.

Recovering value of stages, &c.

5. Any such subject having so occupied any such portion of the beach may, during the year next after he shall have been twelve months without occupying it, demand personally or by his Attorney, the value of his flakes and stages, of which a new occupant shall have taken possession ; and

Carrying away improvements, &c.

6. Carry away his buildings and improvements, after the close of the fishing season, after having so demanded the value thereof, if he shall not have received the same from the new occupant.

Sect. 5 not to affect private property, &c.

VI. But nothing contained in the fifth section, shall affect private property or prevent the Crown from disposing or taking possession of any public land or beach so occupied for fishing purposes.

King's Posts.

VII. The Governor in Council may grant permission to fish in the Rivers within the King's Posts.

Throwing ballast, &c., prohibited in certain cases.

VIII. Whoever shall throw overboard ballast in any River, Harbour or Roadstead where sea fishing is carried on, or the remains of offal of fish in the said river or within three miles of the coast of the mainland or of any Island, or on any fishing bank, shall incur a fine not exceeding Twenty Pounds.

Impeding fishing.

IX. No one shall anchor near the shore in such manner as to impede the throwing and hauling of seines or the setting of standing nets.

The same.

X. No one shall set standing nets in such manner as to impede the throwing and hauling of seines.

Impeding navigation.

XI. No one shall set nets or seines in such manner as to impede the navigation or anchorage in any Harbour, Roadstead, Bay or other place required for navigation.

Penalty for contravening sects. 9, 10, 11.

XII. Any person contravening any provision of the three preceding sections, shall for each offence, incur a fine not exceeding Five Pounds, and shall nevertheless remain liable for any damages which any party injured by such contravention may recover against him at Law.

Removal of fishing stakes.

XIII. Every person who shall, for fishing purposes, have placed in any River, or in the sea, near the shore, any stake or other timber whatever, shall, on pain of a fine not exceeding Five Pounds, remove the same within eight days from that on which he shall have last used the same.

Exemption of fishing tackle from seizure.

XIV. No one shall between the First of May and the First of November in any year, seize or attach any boat, tackle, net, seine, rigging or other fishing utensils, or any provisions, belonging

belonging to any Fisherman and necessary for his subsistence or his fishing operations, except for the recovery of penalties or fines imposed under this Act. Exception.

XV. Any person who, having been engaged by any written agreement to fish on any conditions or assist in any fishery, shall abandon his Employer's service during the term of his engagement, shall thereby incur a fine not exceeding Ten Pounds, or imprisonment for not more than one month in the nearest Gaol within the Province. Penalty for deserting fishing service.

XVI. Whoever shall engage or endeavour to engage any person then engaged as aforesaid in any way to fish or assist in any fishery, shall thereby incur a fine not exceeding Ten Pounds or imprisonment for not more than one month. Or seducing away persons engaged.

XVII. Any person engaged to fish or assist in any fishery, shall, for securing his wages, salary or share, have a first lien preferable to that of any other Creditor, on the produce of his Employer's fishery, and may recover the sum or share due to him, before the nearest competent tribunal. Lien in favor of fishermen.

XVIII. Whoever shall obstruct the main channel or course of any river, either by placing therein nets or fishing apparatus of any kind, or any obstacle of any kind whatever, for the purpose of taking salmon or any other species of fish, shall thereby incur for each offence, a fine not exceeding Five Pounds, and the forfeiture of his fishing apparatus; and in no case shall the said channel or course so left open be less than one third of the whole breadth of such river. Main channel of rivers not to be obstructed.

XIX. Every penalty or forfeiture imposed by this Act or the regulations to be made under it, may be recovered on complaint before the Superintendent of fisheries, or any Stipendiary or other Magistrate, in a summary manner, and the costs to be recovered shall be the same as is provided by law in either Section of the Province in other cases where summary jurisdiction is given to Magistrates. Recovery of penalties.

XX. Any offender who shall not forthwith pay the fine and costs he may have been condemned to pay, shall be committed to Gaol for any term not exceeding one month. Committal for non-payment.

XXI. Complaints under this Act may be in the form A;— Summonses in the form B;—Suppcnas in the form C;—Convictions in the form D,—and Warrants in the form E, of the Schedule hereunto annexed; in other respects the Acts relative to summary convictions by Justices of the Peace shall apply to cases under this Act, and the Superintendent of Fisheries shall, as regards such cases, be deemed a Justice of the Peace for that section of the Province for which he is appointed, whether otherwise qualified or not; and in any proceeding Forms under this Act. Summary convictions Acts to apply otherwise.

Offences against regulations. proceeding under this Act, an offence against any regulation made under this Act may be stated as an offence against this Act.

Application of fines. XXII. One moiety of the pecuniary fines and of the forfeitures under this Act or the regulations to be made by virtue thereof, shall belong to Her Majesty, and the other moiety to the complainant.

Delay between service and return. XXIII. There shall not be less than three days between the service and the return of the summons, to any Defendant, for the first five leagues, and one day more for each additional five leagues, of the instance between the place at which the Summons is dated, and the place where it is served.

Summons returnable immediately in certain cases. XXIV. When the Defendant shall not be resident in this Province, and it shall be expedient to proceed against him without delay, the Superintendent of Fisheries, or any Stipendiary or other Magistrate, may, upon complaint, issue a Summons, returnable before him immediately after the service thereof, or within a reasonable time mentioned in the Summons.

Limitation of suits. XXV. All penalties incurred under this Act must be sued for within twelve months from the commission of the offence.

Fish-ways to be attached to dams. XXVI. From the first of June to the twentieth of October in each year, the owner of any dam or slide on any river which salmon may ascend, shall, for the purpose of affording a passage to the fish, attach to each dam or slide a fish-way of such form and dimensions as shall be determined by the Governor in Council, under a penalty of One Pound for each day on which he shall fail so to do.

Penalty for default.

Close season for salmon. XXVII. It shall not be lawful to catch salmon in any way whatever except with a rod and line or line, between the first of August and the first of March in Lower Canada, and the first of September and the tenth of March in Upper Canada.

Salmon not to be killed by torch light, &c., in L. C. XXVIII. It shall not be lawful to kill Salmon at any time by aid of torch light or other artificial light in Lower Canada.

Nor salmon, or other fish in like manner in U. C. XXIX. It shall not be lawful to kill Salmon, Maskinongé, Speckled Trout, nor Bass at any time by the aid of spears, torch-light or other artificial light in Upper Canada.

Close season for trout, &c., in U. C. XXX. It shall not be lawful to catch in any way whatever, maskinongé, speckled trout, or black bass, between the first of October and the first of April in Upper Canada.

And in L. C. XXXI. It shall not be lawful to catch speckled trout in any way whatever, between the first of October and the fourteenth of February in any year in Lower Canada.

XXXII.

XXXII. It shall not be lawful for any person to buy or sell salmon, maskinongé, speckled trout, or black bass, taken in contravention of the preceding sections; and any fish so taken in contravention of the Law, may be declared forfeited to the complainant by any Magistrate whomsoever.

Fish not to be bought or sold in the close season.

XXXIII. In every case of contravention of this Act or of the regulations to be made under it, for which no other penalty is provided, the offenders shall incur a fine of not less than Two Pounds nor more than Five Pounds.

Penalty when no other is provided.

XXXIV. It shall not be lawful to construct any fish pound in any river or brook.

Fish pounds.

XXXV. Every subject of Her Majesty who shall be in peaceable possession of any fishing Station for Salmon or Seals, at the time of the passing of this Act, shall be deemed the owner thereof for the purposes of this Act; he shall be deemed so to be when he shall not have abandoned it during twelve consecutive months, and it shall not be lawful for any other person to set therein any apparatus for catching Salmon or Seals, so as to injure his fishery.

Right of possession in fishing stations.

XXXVI. The powers heretofore vested in the Municipalities by the Seventh sub-section of the Nineteenth Section of the Act Eighteenth Victoria, Chapter One hundred, and by the Eighteenth sub-section of the Sixtieth section of the Act Twelfth Victoria, Chapter Eighty-one, as the said sub-section is extended by the Sixty-seventh and One hundred and Sixth Sections of the said Act, are hereby transferred to and vested in the Governor in Council.

Powers to make regulations about fishing transferred to Governor in Council.

XXXVII. For the purpose of encouraging and affording information with respect to the production of salmon and other fish, an apparatus for the artificial propagation of fish shall be kept in the department of the Commissioner of Crown Lands.

Apparatus for artificial propagation of fish to be procured.

XXXVIII. The production of a copy purporting to be printed in the *Canada Gazette* or otherwise by the Queen's Printer, of any Regulation to be made by the Governor in Council under this Act, shall be *prima facie* evidence of such Regulation, and that it is in force as Law.

Proof of regulations under this Act.

SCHEDULE A.

Form of Complaint.

Upper (or Lower) Canada, }
 County (or District) of . }
 This day of 18 .

To J. S. Superintendent of Fisheries,
 (or a Justice of the Peace for the said County or District.)

A.

A. B. of _____ complains that C. D. of _____ hath (*state the offence briefly in any intelligible terms, with the time and place at which it was committed,*) in contravention of the Fishery Act; wherefore the complainant prays that judgment may be given against the said C. D. as by the said Act provided.

(Signature) A. B.

SCHEDULE B.

Summons to Defendant.

Upper (or Lower) Canada, }
County (or District) of . }

To C. D. of _____, &c.

Whereas complaint hath (*this day*) been made before me that you (*state the offence in the words of the complaint, or to like effect*) in contravention of the Fisheries Act; Therefore you are hereby commanded to come before me, at _____ at _____ o'clock in the _____, to answer the said complaint and be dealt with according to Law.

Witness my hand and seal, this _____ day of _____ 185 .

J. S., Superintendent of
Fisheries for Lower Canada, (or
Justice of the Peace for _____)
as the case may be.

[L. S.]

SCHEDULE C.

Subpœna to a Witness.

Upper (or Lower) Canada, }
County (or District) of . }

To E. F. of _____, &c.

Whereas complaint has been made before me that C. D. did (*state the offence as in the Summons*), and I am informed that you can give material evidence in the case; Therefore you are commanded to appear before me, at _____ o'clock in the _____ to testify what you know concerning the matter of the said complaint.

Witness my hand and seal, this _____ day of _____ 185 .

J. S., Superintendent, &c.,
(*as in Summons*).

[L. S.]
SCHEDULE

SCHEDULE D.

Form of Conviction.

Upper (or Lower) Canada, }
District (or County) of . }

Be it remembered, that on this day of
18 at in the said County (or District), C. D.
of , is convicted before me, for that he did, &c.
(*stating the offence briefly, and the time and place where committed,*) in contravention of the Fisheries Act; And I adjudge
the said C. D. to forfeit (and pay) the sum of (*or*
mention the thing forfeited under this Act,) to be applied accord-
ing to law, and also to pay to A. B. (*the complainant*) the sum
of for costs :

If the penalty be not forthwith paid, add,—and the said C. D.
having failed to pay the said penalty and costs forthwith after
the said conviction, I adjudge him to be committed to and im-
prisoned in the Common Gaol of the County (or District) of
for the period of

Witness my hand and seal, this day of
185 .

J. S.
(*as in Summons.*)

[L. S.]

SCHEDULE E.

Form of Warrant of Commitment for non-payment of penalty or forfeiture, and costs.

Upper (or Lower) Canada, }
District (or County) of . }

To the Constables and Peace Officers of the District (or
County) of , and the Keeper of the Common
Gaol of the said District (or County), at

Whereas C. D. of was on the day of
18 , convicted before me, for that he, &c.
(*as in Conviction,*) and I did thereupon adjudge the said C. D.
to forfeit and pay to A. B. &c. (*as in Conviction*); And whereas
the said C. D. hath not paid the said penalty or forfeiture, and
costs. Therefore, I command you the said Constables and Peace
Officers, or any of you, to convey the said C. D. to the Common
Gaol for the of at and
deliver him to the keeper thereof with this warrant; And I
command you the said keeper of this said Gaol, to receive the
said

said C. D. into your custody, and keep him safely imprisoned in the said Gaol for the space of _____, and for so doing this shall be your sufficient warrant.

Witness my hand and seal, this _____ day of _____ 18 _____.

J. S.,
(*as in Summons.*)

[L. S.]

C A P . X X I I .

An Act further to secure the Independence of Parliament.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is expedient to repeal the Acts hereinafter mentioned, and to amend their provisions so as to secure the Independence of the Legislative Council and Assembly of this Province, and to consolidate them as so amended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Acts 7 V. c. 65 and 18 V. c. 86, repealed.

I. The Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act for better securing the Independence of the Legislative Assembly of this Province*, and the Act passed in the eighteenth year of Her Majesty's Reign, and intituled, *An Act to amend the Act for better securing the Independence of the Legislative Assembly of this Province*, are hereby repealed, except that any other Act or Acts repealed by them shall remain repealed.

Certain Functionaries and Officers disqualified to vote at elections of Members of the Legislative Council or Assembly.

II. The Chancellor and Vice Chancellors of Upper Canada, the Chief Justice and Judges of the Court of Queen's Bench for Lower Canada, the Chief Justice and Judges of the Courts of Queen's Bench and Common Pleas in Upper Canada and of the Superior Court in Lower Canada, the Judge of the Court of Vice Admiralty in Lower Canada, the Judge of any Court of Escheats, all County and Circuit Judges, all Commissioners of Bankrupts, the Official Principal of the Court of Probate in Upper Canada, and the Surrogates of the several Courts of Probate in the same, all Recorders of Cities, all Officers of the Customs, all Clerks of the Peace, Registrars, Sheriffs, Deputy Sheriffs, Deputy Clerks of the Crown and Agents for the sale of Crown Lands, and all Officers employed in the collection of any duties payable to Her Majesty in the nature of duties of excise,—shall be disqualified and incompetent to vote at any election of a Member of the Legislative Council or of the Legislative Assembly, either in the present Parliament or in any Parliament hereafter to be holden; and if any public officer or person mentioned in this section, shall vote at any such election, he shall forfeit thereby the sum of five hundred pounds currency, to be recovered by such person as shall sue for the same, by action

Penalty for so voting in contravention of this Act.

action of debt, bill, plaint or information, in and before any Court of competent civil jurisdiction in this Province, and his vote at such election shall be null and void to all intents and purposes.

III. Except as hereinafter specially provided, no person accepting or holding any office, commission or employment, permanent or temporary, at the nomination of the Crown in this Province, to which an annual salary, or any fee, allowance or emolument or profit of any kind or amount whatever from the Crown is attached, shall be eligible as a Member of the Legislative Council or of the Legislative Assembly, nor shall he sit or vote in the Legislative Assembly, or in the Legislative Council as an elected Member thereof, during the time he holds such office, occupation or employment.

No person holding any office or employment of profit at the nomination of the Crown to be a Member of either House.

Provided, first, that nothing in this section shall render ineligible, as aforesaid, any person who shall be a Member of the Executive Council of this Province, or who shall hold any of the following offices, that is to say: of Receiver General, Inspector General, Secretary of the Province, Commissioner of Crown Lands, Attorney General, Solicitor General, Commissioner of Public Works, President of Committees of the Executive Council, Minister of Agriculture or Postmaster General, or disqualify him to sit or vote in either House, provided he be elected while holding such office, and not otherwise disqualified :

Exceptions: Members of the Executive Council, and certain other High Officers.

Proviso.

Provided, secondly, that nothing in this section shall render ineligible, as aforesaid, or disqualify to sit or vote in either House, any Officer in Her Majesty's Army or Navy, or any Officer in the Militia or Militiaman (except Officers on the Staff of the Militia receiving permanent salaries) unless he be otherwise disqualified :

Officers of the Army or Navy or Militia.

Provided, thirdly, that nothing herein contained shall disqualify any Commissioner for temporary purposes, appointed before the passing of this Act and not otherwise disqualified, or any Counsel retained by the Crown in any case or matter now pending in the Courts of Law and not otherwise disqualified, from sitting or voting in either House during the present Parliament.

Commissioners for temporary purposes appointed before this Act, may sit during this Parliament.

IV. Provided always, that no person whosoever then holding or enjoying, undertaking or executing, directly or indirectly, alone or with any other, by himself or by the interposition of any trustee or third party, any contract or agreement with Her Majesty, or with any Public Officer or Department, with respect to the Public Service of the Province, or under which any public money of the Province is to be paid for any service, work, matter or thing, shall be eligible as a Member of the Legislative Council or of the Legislative Assembly, nor shall he sit

Contractors with Government or for any purpose for which Provincial money is paid, disqualified as Members of either House.

or vote in the Legislative Assembly, or in the Legislative Council as an elected Member thereof.

Election of disqualified persons to be void.

V. If any person hereby disqualified or declared incapable of being elected a member of the Legislative Council or of the Legislative Assembly, shall nevertheless be elected and returned as a member of either House, either in the present or any future Parliament, his election and return shall be null and void : And if any person hereby disqualified or declared incapable of sitting or voting in the Legislative Council or in the Legislative Assembly shall presume to sit or vote therein, either during the present or any future Parliament, he shall thereby forfeit the sum of five hundred pounds currency, for each and every day on which he shall have so sat or voted ; and such sum may be recovered from him by any person who shall sue for the same, by action of debt, bill, plaint or information in any Court of competent civil jurisdiction in this Province.

Penalty on such persons if they sit or vote in either House : and how recoverable.

Seat of Member becoming disqualified to be vacated, and a new Writ to issue.

VI. If any Member of the Legislative Assembly or any elected Member of the Legislative Council, shall, by accepting any office or becoming a party to any contract or agreement, be disqualified under the foregoing provisions to continue to sit or vote in the said Legislative Assembly or Council, his election shall thereby become void, and the seat of such Member shall be vacated, and a Writ shall forthwith issue for a new election as if he were naturally dead ; but he may be re-elected as a Member of either House if he be eligible under the first proviso to section three of this Act.

He may be re-elected, if eligible under section 3.

Exchange of certain offices not to vacate the seats of the persons making such exchange.

VII. Provided always, that whenever any person holding the office of Receiver General, Inspector General, Secretary of the Province, Commissioner of Crown Lands, Attorney General, Solicitor General, Commissioner of Public Works, Speaker of the Legislative Council, President of Committees of the Executive Council, Minister of Agriculture or Post Master General, and being at the same time a Member of the Legislative Assembly or an elected Member of the Legislative Council, shall resign his office, and within one month after his resignation accept any other of the said offices, he shall not thereby vacate his seat in the said Assembly or Council.

New office must be accepted within one month.

Members may resign.

VIII. Any Member of the Legislative Assembly or elected Member of the Legislative Council, may voluntarily resign and vacate his seat in the manner hereinafter provided.

Notice of resignation may be given in the House.

IX. Any such Member wishing to resign his seat, may do so by giving in his place in the Legislative Assembly or Legislative Council notice of his intention to resign it, in which case and immediately after such notice shall have been entered by the Clerk on the Journals of the House, the Speaker may address his Warrant under his hand and seal, to the Clerk of the Crown in Chancery, for the issue of a Writ for the election of a

Warrant for new election.

new member in the place of the member resigning; or such member may address and cause to be delivered to the Speaker a declaration of his intention to resign his seat, made in writing under his hand and seal before two witnesses, which declaration may be so made and delivered either during a Session of Parliament or in the interval between two Sessions, and the Speaker may upon receiving such declaration forthwith address his Warrant under his hand and seal to the Clerk of the Crown in Chancery, for the issue of a Writ for the Election of a new member in the place of the member so resigning, and a Writ shall issue accordingly, and an entry of the declaration so delivered to the Speaker shall be thereafter made in the Journals of the House, and the Member so tendering his resignation, shall be held to have vacated his seat and cease to be a member of such House.

Or by notice in writing.

Warrant for new election.

Entry in journals:
Member resigning not to sit.

X. Provided always, that no Member shall so tender his resignation while his election is lawfully contested, nor until after the expiration of the time during which it may by law be contested on other grounds than corruption or bribery.

Not to resign while election is or may be contested.

XI. If any Member of the Legislative Assembly or any elected Member of the Legislative Council, shall wish to resign his seat in the interval between two Sessions of Parliament, and there be then no Speaker of the House to which such Member belongs, or if such Member be himself the Speaker, he may address and cause to be delivered to any two Members of the said House, the declaration before mentioned of his intention to resign; and such two Members upon receiving such declaration shall forthwith address their warrant under their hands and seals to the Clerk of the Crown in Chancery, for the issue of a new writ for the election of a Member in the place of the Member so notifying his intention to resign, and such writ shall issue accordingly. And the member so tendering his resignation shall be held to have vacated his seat and cease to be a member of such House.

Case of resignation between two Sessions provided for.

Member resigning to cease to sit.

XII. If any vacancy shall happen in the Legislative Council or in the Legislative Assembly by the death of any Member or by his accepting any office, the Speaker of the House to which such Member belonged, on being informed of such vacancy by any Member of such House in his place, or by notice in writing under the hands and seals of any two Members of such House, shall forthwith address his warrant to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a Member to fill such vacancy, and a new writ shall issue accordingly; and if when such vacancy shall happen or at any time thereafter before the Speaker's warrant for a new writ shall have issued, there be no Speaker of the House, or the Speaker be absent from the Province, or if the Member whose seat is vacated be himself the Speaker, then any two Members of the House may address their warrant under their hands and seals to the

Proceedings for filling vacancies occasioned by death or acceptance of office.

And in case of absence of the Speaker, no Speaker, &c.

the Clerk of the Crown in Chancery for the issue of a new writ for the election of a Member to fill such vacancy, and such writ shall issue accordingly.

Warrants to the Clerk of the Crown under this Act to be notice under the Union Act, s. 24.

XIII. The notice of any vacancy in the Legislative Council or Legislative Assembly, which shall be given to the Clerk of the Crown in Chancery, in and by any warrant of the Speaker or of two Members of the proper House, in the manner hereinbefore provided, shall be held to be the notice of such vacancy mentioned in the twenty-fourth section of the Act of Imperial Parliament passed in the Session held in the third and fourth years of Her Majesty's Reign, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada.*

New Writs may issue in certain cases before first meeting of Parliament after a general election.

Proviso: this shall not affect the rights of any person entitled to contest the first election.

XIV. A warrant may issue to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a Member of the Legislative Assembly to fill up any vacancy arising subsequently to a general election and before the first meeting of Parliament thereafter, by reason of the death or acceptance of office of any Member, and such writ may issue at any time after such death or acceptance of office: Provided always, that the election to be held under such writ, shall not in any manner affect the rights of any person who may be entitled to contest the previous election; and the report of any Election Committee appointed to try such previous election, shall determine whether the Member who shall so have died or accepted office, or any other person, was duly returned or elected thereat, which determination, if adverse to the return of such Member and in favor of any other Candidate, shall avoid the election held under this section, and the Candidate declared duly elected at the previous election shall be entitled to take his seat as if no such subsequent election had been held.

Act not to interfere with section 24 of 19, 20 V. c. 140.

Proviso: appointment as Speaker of L. C not to vacate seat.

XV. Provided always, that the foregoing enactments shall be subject to the provision in the twenty-fourth section of the Act of 1856 for changing the constitution of the Legislative Council; and an accidental vacancy of the seat in the said Council for any electoral division, happening within the three months next before the regular periodical vacancy of such seat, shall not be filled until the time appointed for filling such periodical vacancy; And provided also, that nothing herein contained shall repeal or affect the provisions of the twenty-second section of the said Act, and the acceptance of the Office of Speaker of the Legislative Council by an elected Member thereof, shall not vacate his seat.

C A P . X X I I I .

An Act to improve the mode of obtaining Evidence in cases of controverted Elections.

[Assented to 10th June, 1857.]

WHEREAS it is desirable more speedily to obtain evidence in cases of controverted elections: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. From and after the passing of this Act, whenever any person or persons shall intend to contest the election of any person proclaimed or returned as being elected a member of the Legislative Assembly, upon any other grounds than matters appearing upon the face of the Return, or of the Poll Books or other documents of which the original or certified Copies are by law to be transmitted to the Clerk of the Crown in Chancery or kept by the Returning Officer, he shall, within fourteen days after the result of such election shall have been determined by the Returning Officer, give notice in writing in the manner hereinafter mentioned, to the person whose election he intends to contest, of his intention to contest the same, and in such notice he shall specify particularly the facts and circumstances upon which he intends to contest the election; and no Election Petition alleging other facts or circumstances than those stated in such notice shall be received by the Legislative Assembly except as hereinafter excepted, nor shall such Petition be received unless a copy of such notice, and affidavit of the due service thereof, by the person who made such service, be annexed to the said Petition, nor shall any Select Committee take into consideration any facts or circumstances touching which such notice is hereby required to be given, unless they are stated in such notice.

II. The member upon whom the notice mentioned in the first section of this Act shall be served, shall, within fourteen days after the service thereof, answer such notice, admitting or denying the facts and circumstances alleged therein respectively, and may in such answer set forth any other facts and circumstances not appearing upon the face of the Return or of the Poll Books or such documents as aforesaid, upon which he rests the validity of his election, and shall serve a copy of his answer upon the contesting party in the manner hereinafter mentioned; and such member shall not be permitted to give evidence of any facts or circumstances other than those he shall have alleged in his said answer; and the service of such answer shall be proved to the Judge before whom the evidence is to be taken, by producing a copy thereof with the affidavit of service in the manner hereinafter mentioned; and if he serve no answer within the time hereinbefore mentioned, he shall not be permitted

Preamble.

Whoever intends to contest the Election of a Member on grounds not appearing on the face of the Return, &c., must give notice to such Member within 14 days, after election closed.

No election petition alleging other facts than those stated in notice, to be received.

Member to answer such notice specially within 14 days, and what such answer shall contain, &c.

Service of answer.

Failing to answer, he shall

adduce evidence in rebuttal only.

permitted to prove any facts or circumstances on his behalf, other than by way of rebutting the case made against his election.

Service, how made: notice by more than one contestant must contain election of one domicile at which all may be served with answer, &c.

III. The service of such notice and answer thereto shall be made by delivering a copy of the said notice or answer to the party to be served, in person, or by leaving the same at his residence with some grown up person of his family, and may be made by any literate person, and shall be proved by affidavit sworn to before some Justice of the Peace or Commissioner for taking affidavits, in which shall be stated the time, place and manner of such service; And if there be more than one contesting party joining in the notice to the member proclaimed or returned, then such notice shall state some place at which the answer of the member elect may be served on all the contesting parties by leaving one copy only of such answer at such place for all of them; and if such notice contain no such statement, it shall be void, and deemed not to have been given.

Application to a County or Superior Court or Circuit Judge to take evidence on facts alleged in notice and answer.

IV. When any of the parties shall be desirous of taking the evidence respecting the facts and circumstances alleged in such notice or answer, it shall be lawful for him to make application in writing to the Judge of the County Court in Upper Canada, or Superior or Circuit Judge in Lower Canada, residing or having jurisdiction within the Electoral Division or in the District in which such controverted election was held, requiring him to take the evidence upon all matters of fact mentioned in the notice of the said contesting party, and in the answer (if any) made by the party who has been declared elected; and the said Judge shall forthwith appoint a time and place for proceeding therein, of which due notice shall be given, at least six days before proceeding therein, to the opposite party; but such application on behalf of the contesting party shall not be received by any such Judge as aforesaid, unless it be made within six days from the time when the answer of the returned member shall have been served on such contesting party, or within six days from the expiration of the time allowed for serving such answer if none be served within the said time, nor unless at the time of such application such contesting party shall produce and file with such Judge a copy of his intended Petition against such election, and a copy of the said notice sworn to by the person who served the same, and a copy of the answer, if any, and if no answer, then with an affidavit denying that any answer has been served, together with a recognizance and the affidavit or affidavits of sufficiency on the part of the sureties, required by the Election Petitions Act of 1851, of persons presenting Election Petitions; Provided always, that the application shall be held void if the contesting party shall wilfully omit to file the notice in answer (if any) of the member elected or returned: And such application shall not be received on the part of the member who has been declared elected, by any such Judge, unless made within six days after the service of the answer to

Judge to appoint time for proceeding: when the application must be made.

Copy of intended election petition to accompany application with copy of notice and answer, and recognizance and affidavits, &c.

Proviso:

Application not receivable if not made

the contesting party's notice, nor unless at the time of making such application the said member shall produce to such Judge a copy of the notice served on him, and his answer thereto, together with an affidavit of the service of such answer, and a recognizance and affidavits of the sufficiency of the sureties required by the Election Petitions Act of 1851, from the sitting member.

within a certain time.

V. The said recognizance on behalf of the contesting party shall be held to refer to the Petition to be presented to the Legislative Assembly of which the copy shall have been filed with the Judge as aforesaid, and to no other; and no other or different Petition shall be received by the Legislative Assembly in the case; and unless such copy of the intended Petition be so filed, the application shall not be deemed to be validly made, and shall be void: and in the condition of such recognizance as aforesaid, the word "Commissioner" shall be understood to include and apply to the Judge to whom such application as aforesaid is made, as well as to any Commissioner appointed under the said Election Petitions Act; and such recognizance shall avail and be estreated or enforced accordingly, in default of payment by the contesting party of any costs incurred by reason of such application as aforesaid, whether such contesting party shall petition against the return of the member so elected or otherwise; and such recognizance and copy of Petition as aforesaid shall, by the Judge to whom such application shall be made, be forthwith transmitted by mail to the Chief Clerk of the Legislative Assembly, to be by him kept among the records of his office; and for the purposes of this Act and of the said Election Petitions Act, the recognizance shall be annexed to the Petition when presented, and shall avail accordingly.

Recognizance to be held to refer to the petition filed; and no other petition to be received by Legislative Assembly.

Effect of recognizance, and how dealt with.

Recognizance to be annexed to petition.

VI. So soon as the said application shall have been validly made as aforesaid, the Judge so applied to shall be deemed, to all intents and purposes, a Commissioner for inquiring into, examining and taking evidence upon all the matters of fact and circumstances mentioned in the notice of the said contesting party, and the answer (if any) of the returned member, and shall take and cause to be taken by those whom he shall employ as Clerks or Bailiffs, the oath of office in the Schedule to the said Election Petitions Act contained, varying the words thereof so as to meet the circumstances of the case: And it shall be the duty of the said Judges, respectively, to take upon them the duties imposed by this Act, and they shall then have all the powers and rights (including remuneration for their services and the right of appointing Deputies to act for them as such Judges while engaged in consequence of such application) and shall perform all the duties and be subject to all the liabilities assigned by the said Election Petitions Act to persons appointed Commissioners to take evidence relative to any controverted election, saving only that their powers shall be limited to the questions of fact set forth in the notice of the contesting party, and the answer (if

Judge to whom the application is made to have the like powers and duties as if appointed Commissioner of a Select Election Committee.

Control of Select Committee over the Judge.

(if any) of the returned member, and the questions concerning the validity of the recognizance, if it be objected to: and the Select Committee may deal with any such Judge as if he had been appointed Commissioner by them, and in case of his death or incapacity, from sickness or other unavoidable cause, to act at any time, may proceed as if he had been so appointed by them to take evidence as to the facts aforesaid.

Evidence to be transmitted to the Clerk of the Legislative Assembly: its effect.

VII. The evidence taken by any such Judge shall be transmitted by him in the manner prescribed by the said Election Petitions Act, to the Clerk of the Legislative Assembly, to be by him laid before the Select Committee for trying the election in question, when such Committee shall be appointed, with whom it shall avail for the like purpose as if such Judge had been appointed by such Committee Commissioner for taking such evidence.

Proceedings until the evidence is received.

VIII. If at the time the Select Committee shall be appointed, the said evidence and proceedings shall not have been received by the Clerk, the Committee may proceed with any other matters incident to the contest and not inconsistent with this Act, or if there be no such matter, shall adjourn until the said evidence and proceedings shall be received, and shall then be directed to re-assemble in the manner provided by the said Election Petitions Act in like cases.

Act not to apply to petitions alleging bribery and presented solely under sect. 7 of Election Petitions Act.

IX. Nothing in this Act shall prevent the presentation or reception of an Election Petition containing allegations of bribery or corruption, under the special provisions of the seventh section of the said Election Petitions Act, after the time limited for presenting Election Petitions in other cases shall have expired, or shall apply to any such Petition presented by virtue only of the said section, or shall prevent the application of the one hundred and sixtieth section of the said Election Petitions Act, in any case not provided for in this Act.

How this Act shall be construed.

X. This Act shall be construed as part of the Election Petitions Act of 1851, and the said Act shall be construed as if the provisions of this Act were contained therein.

C A P . X X I V .

An Act for improving the organization and increasing the efficiency of the Civil Service of Canada.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is expedient to make legislative provision for the better organization and greater efficiency of certain branches of the Public Service: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. No appointment shall be made, except as hereinafter provided, in any of the Offices or Departments in Schedule A hereunto appended. Appointments.

II. No appointment to any Office or Situation in any of the Departments, included in the said Schedule, shall be made except with the approval of the Governor of this Province. Appointments.

III. The persons composing the Staff of each of the Departments, included in said Schedule, shall, immediately after the passing of this Act, be divided into two classes, namely, "Officers and Clerks;" and for the purposes of this Act, the term "Officers" shall be held to mean the persons included in Schedule B, exclusive of landing waiters and railway mail Clerks. Division into Officers and Clerks.

IV. The Clerks shall be divided into four classes, namely : Classes of Clerks.

First class Clerks, second class Clerks, third class Clerks, and fourth class or probationary Clerks.

V. To the Offices included in Schedule B to this Act, shall be attached the fixed salaries therein mentioned, subject to the provision in the next section. Salaries.

VI. No salary of any Officer, Clerk, Messenger or other person, fixed before the time of the passing of this Act, shall be lowered by its provisions. Present salaries saved.

VII. In each of the said Departments, there shall be one Officer who shall be the Deputy of the Head of the Department and who shall have the oversight of the other Officers, Clerks and Messengers or Servants, and the general control of the business of the Department, and whose directions shall be obeyed in like manner as the directions of the Head of the Department would be ; and the authority of such Deputy shall be deemed to be that of the Head of the Department, without prejudice however to the control of the latter in all matters whatever : Provided that this Section shall not apply to the Audit and Customs Branches of the Inspector General's Department. Each Head of a Department to have a Deputy.

VIII. The following Officers shall be by virtue of their office the Deputy Heads of Departments for the purposes of the last preceding section : What Officers shall be such Deputies.

1. Executive Council :

The Clerk.

2. In the Provincial Secretary's Office :

Lower Canada Branch--The Assistant Provincial Secretary for Lower Canada ;

Upper

Upper Canada Branch—The Assistant Provincial Secretary for Upper Canada.

3. In the Inspector General's Department :
The Deputy Inspector General.
4. In the Receiver General's Department :
The Deputy Receiver General.
5. In the Postmaster General's Department :
The Deputy Postmaster General.
6. In the Crown Lands Department :
The Assistant Commissioner of Crown Lands.
7. In the Department of Public Works :
The Secretary.
8. In the Bureau of Agriculture :
The Secretary.

Allowance to Deputies. IX. Each Officer while so acting as Deputy shall receive in addition to his stated salary a further sum at the rate of fifty pounds per annum.

Temporary Deputies. X. During the illness or absence of the Deputy, the Head of the Department may appoint another officer temporarily to discharge the duties of such Deputy, and notice of such temporary appointment shall be communicated in writing to every officer and clerk in such Department.

Allowance to them. XI. Such Officer so appointed and while discharging the duties of the Deputy, shall be entitled to receive the additional salary allowed to such Deputy.

Heads of Departments to classify their Clerks, and when. XII. Within thirty days from the time of the passing of this Act, it shall be the duty of the Head of each Department included in Schedule A, to cause to be transmitted to the office of the Executive Council a return of the persons composing the Staff of such Department, dividing the Clerks into classes as hereinbefore provided, having respect to their relative ability and length of service.

BOARD OF EXAMINERS.

Board of Examiners. XIII. There shall be a Board, to be called the Board of Examiners for the civil service.

How constituted. XIV. Such Board shall consist of the persons who for the time being shall fill the offices following, viz :

1. Clerk of the Executive Council.
2. Assistant Provincial Secretary East.
3. Assistant Provincial Secretary West.
4. Deputy Inspector-General.
5. Commissioner of Customs.
6. Auditor of Public Accounts.
7. Deputy Receiver-General.
8. Deputy Postmaster General.
9. Assistant Commissioner of Crown Lands.
10. Secretary of Public Works Department.
11. Secretary Bureau of Agriculture.
12. Deputy Provincial Registrar.

XV. Five of the Members of the said Board shall be a *quorum* Quorum. thereof, and may exercise all the functions of the Board.

XVI. It shall be the duty of each of the members of the said board, (in the order in which his office is named in section XIV,) to act for one month as Chairman of the board, and to preside at all meetings thereof held during such month; but in his absence any member of the board then present may be selected by the others to preside as Chairman. Each Member to act as Chairman in turn. Proviso.

XVII. Minutes of the proceedings of the Board shall be kept Minutes. by the Chairman; and he shall certify the same.

DUTIES OF THE BOARD.

XVIII. To frame and publish regulations to be observed by Making regulations. Candidates for employment in the civil service of Canada, such regulations being first approved by the Governor in Council.

XIX. To examine all Candidates who may present themselves in accordance with the regulations of the Board and such other regulations or restrictions as may be provided under this Act. Examining Candidates.

XX. To keep a record of the Candidates for examination— Register of Candidates. such record to show the name, age, place of birth, and residence of each candidate and the result of his examination, mentioning the particular branch of the Civil service (if any) for which any candidate passing the examination shall, in the opinion of the examiners, have shown any special aptitude.

XXI. To grant certificates of qualification to candidates Certificates of qualification. whose examination as to fitness and whose testimonials as to moral character shall have been found satisfactory.

XXII.

- Copies of Minutes for Executive Council.** XXII. To cause to be transmitted to the Clerk of the Executive Council with all convenient speed, copies of the minutes of the proceedings of Board at each sitting thereof—such copies to be certified by the Chairman.
- Conditions of examination.** XXIII. No person shall be admitted to examination except on application in his own hand writing; such application to set forth his age, his place of birth, his place of residence, and to be otherwise in accordance with any orders or regulations framed and published by the Board of Examiners for the Civil Service.
- Age of Candidates.** XXIV. No person shall be competent for examination who shall be under sixteen years of age.
- Notice of Meetings.** XXV. Notice of the Monthly Meetings for examination of Candidates and of the regulations to be observed by such Candidates, shall be published in such manner as may be determined by the Board.
- Times of Meeting.** XXVI. The first meeting of the Board of Examiners for the Civil Service shall take place at noon on the Fourth Monday after the passing of this Act, and thereafter on the Fourth Monday of each month, commencing their proceedings at the hour of ten in the forenoon.
- Place of Meeting.** XXVII. All meetings of the Board of Examiners shall be held at the Office of the Provincial Secretary.
- Register of Candidates found qualified.** XXVIII. It shall be the duty of the Clerk of the Executive Council to file the minutes of proceedings of the Board of Examiners for the Civil Service, and to keep a Registry of the name and residence of each Candidate to whom a Certificate of qualification has been granted, with the date of such Certificate.

APPOINTMENTS TO OFFICE AND SALARIES OF CLERKS.

- Filling vacancies among Clerks.** XXIX. Whenever a vacancy through death, resignation, removal or promotion, shall occur in any of the classes of Clerks of the Departments included in Schedule A, it shall be the duty of the Head of the Department in which the vacancy occurs, to select for promotion to such vacancy the most suitable person from such of the Clerks in the said Department as shall fill situations of lower rank or emolument than that attached to such vacant Clerkship; and in the event of such Head of Department being unable under this provision to fill such vacancy, or whenever the increased business of such Department shall require augmentation of the Staff, application in writing shall be made by the Head of such Department to the Executive Council, and the Clerk of the Executive Council shall bring the said application under the notice of the Committee of Council at the next Meeting thereof.

XXX. No appointment to any Office or Clerkship in any of the Departments included in Schedule A shall be made except from among those Candidates who having passed their examination shall be registered by the Board of Examiners as proper persons to be employed in the Civil Service of Canada, except under the next section.

Only certified Candidates to be appointed.

XXXI. Nothing in this Act shall prevent the promotion in his own Department, or the appointment to any other Office or Situation in the Public Service, of any Officer, Clerk or other person employed in any of the Departments in Schedule A, at the time of the passing of this Act.

Act not to prevent promotion of any Officer, &c.

XXXII. Persons selected from among those registered by the Board of Examiners as proper persons to be employed in the Civil Service of Canada, and appointed under the provisions of this Act, shall enter the said Service as fourth class or probationary Clerks.

Candidates to enter as fourth class Clerks.

XXXIII. Fourth Class Clerks shall receive from the date of their appointment a salary at the rate of One Hundred and Twenty-five Pounds per annum.

Salary.

XXXIV. Fourth Class Clerks after two years' service, if deemed qualified, may be promoted to the third class.

Promotion.

XXXV. Third Class Clerks shall commence at a salary of One Hundred and Fifty Pounds per annum, with an annual increase of Ten Pounds till the maximum in that class of Two Hundred Pounds per annum be attained.

Third class Clerks. Salary.

XXXVI. Third Class Clerks after six years' service as such, if deemed qualified, may be promoted to the Second Class.

Promotion.

XXXVII. Second Class Clerks shall commence at a salary of Two Hundred and Twenty-five Pounds per annum, with an annual increase of Ten Pounds till the maximum of Two Hundred and Seventy-five Pounds in that class be attained.

Second class Clerks. Salary.

XXXVIII. Second Class Clerks after six years' service as such, if deemed qualified, may be promoted to the rank of First Class Clerks.

Promotion.

XXXIX. First Class Clerks shall commence at a Salary of Three Hundred Pounds per annum, with an annual increase of Ten Pounds per annum till the maximum of Three Hundred and Fifty Pounds be attained.

First class Clerks. Salary.

XL. Whenever any one of the Offices included in schedule B, exclusive of landing waiters and Railway mail Clerks, shall be vacant, it shall be the duty of the Head of the Department first to give due consideration to the claims of all the officers

Filling vacancies among Officers.

officers and of the clerks of the First, Second and Third Classes in such Department, with a view to selecting the most suitable person to fill such vacancy; and in the event of the Head of any Department included in Schedule A, being unable to select under the foregoing provisions a person completely fitted to fill any vacancy which may occur in such Department, then it shall be the duty of such Head of Department to report such vacancy to the Governor in Council, in order that such vacancy may, if possible, be filled from amongst the Officers, and First, Second and Third Class Clerks of the other Departments included in Schedule A.

Act not to prevent dismissal, &c.

XL1. Nothing herein contained shall be held to limit the power of the Governor to direct the dismissal, suspension or reduction in rank or class of any Officer, Clerk or other person employed in any of the Departments in Schedule A.

Employment of extra Clerks limited.

XLII. No extra Clerk shall be employed in any Department included in Schedule A, except under Order in Council, unless for a period not exceeding one month, or to fill a temporary vacancy caused by the illness or necessary absence of an Officer or Clerk.

Certain provisions of the Act not to affect certain offices.

XLIII. Provided always, that such of the foregoing provisions as make it necessary that any vacancy in the Offices in Schedule B be filled from among the Officers and Clerks in the same or any other Department, shall not apply to the Survey Branch of the Crown Lands Department, or to the Engineer or any Assistant Engineer, Architect or Draughtsman in the Public Works Department, or to the Office of Book-keeper; but any vacancy in the said Offices may be filled as heretofore, if the Head of the Department shall not think any Officer or Clerk properly qualified to fill the same.

SCHEDULE A

Referred to in Section 1.

- 1.—Executive Council Office ;
- 2.—Provincial Secretary's Office ;
- 3.—Inspector General's Department, including the Customs and all other Offices connected therewith ;
- 4.—Receiver General's Department ;
- 5.—Postmaster General's Department ; and all Offices connected therewith to which fixed annual Salaries are attached ;
- 6.—Crown Lands Department ;
- 7.—Public Works Department ;
- 8.—Bureau of Agriculture and Statistics.

SCHEDULE B

Referred to in Section 5.

EXECUTIVE COUNCIL OFFICE.

Clerk of Executive Council.....	£600
Confidential Clerk.....	£450

PROVINCIAL SECRETARY'S OFFICE.

Assistant Provincial Secretary, Lower Canada branch. £600
 Assistant Provincial Secretary, Upper Canada branch. £600

Registrar's Branch.

Deputy Provincial Registrar.....£400
 Assistant Registrar.....£300

INSPECTOR GENERAL'S DEPARTMENT.

Deputy Inspector General.....£600
 Chief Clerk.....£450
 Book-Keeper.....£400

Customs Branch.

Commissioner of Customs.....£600
 Inspector of Western Ports.....£400
 Inspector of Eastern Ports.....£400

	Sea Ports—(Quebec and Montreal.)		Ports where Revenue collected exceeds £250,000.		Ports where Revenue collected is under £250,000 and not under £100,000.		Ports where Revenue collected is under £100,000 and not under £35,000.		Ports where Revenue collected is under £35,000 and not under £15,000.		Ports where Revenue collected is under £15,000 and not under £10,000.		Ports where Revenue collected is under £10,000 and not under £5,000.		Ports where Revenue collected is under £5,000 and not under £1,500.		Ports where Revenue collected is under £1,500 and not under £500.		Ports where Revenue collected is under £500 and not under £100.		Ports where Revenue collected is under £100.		
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	
Collector.....	750	750	650	500	400	350	300	250	200	175	175	250	175	150	150	125	100	100	100	100	100	100	100
Surveyor.....	450	450	350	300	250	225	200																
Chief Clerk.....	400	400	300	250	200	175	175																
Appraiser.....	350	350	250	200	175																		
Chief Landing Waiters.....	300	300	200																				
Landing Waiters.....	150	125	100	100	90	75	75	75	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
	to 250	to 225	to 150	to 150	to 140	to 125	to 125	to 125	to 100	to 100	to 100	to 100	to 100	to 100	to 100	to 100	to 100	to 100	to 100	to 100	to 100	to 100	to 100

Audit Branch.

Auditor of Public Accounts.....£600
 Book-Keeper.....£400

RECEIVER GENERAL'S DEPARTMENT.

Deputy Receiver General.....£600
 Book-Keeper.....£400

POSTMASTER GENERAL'S DEPARTMENT.

Deputy Postmaster General.....£600
 Accountant.....£500
 Secretary.....£450
 Cashier.....£400

Money Order Branch.

Superintendent.....£550

Postal Divisions.

Inspector.....£500

City Post Offices.

	Where Revenue exceeds £6,000 per annum.	Where Revenue exceeds £3,000 and is under £6,000 per annum.
Postmaster.....	£500	£400
Assistant Postmaster.....	£350	£250

Railway Mail Service.

(Foreign.)

	On Appointment.	After five years' service in any capacity in Post Office Department.	After ten years' service in any capacity in Post Office Department.
Mail Clerk.....	£225	£250	£300

Railway Mail Service.

(Home.)

	On Appointment.		After two years' service in any class of Railway Clerks.		After five years' service in any class of Railway Clerks.		After ten years' service in any Class of Railway Clerks.	
	Day Service.	Night Service.	Day Service.	Night Service.	Day Service.	Night Service.	Day Service.	Night Service.
Mail Clerks.....	£ 180	£ 220	£ 200	£ 250	£ 220	£ 275	£ 240	£ 300
{ 1st Class.....								
{ 2nd Class.....	150	180	160	200	180	220	200	250
{ 3rd Class.....	120	150	130	160	140	175	160	200

CROWN LANDS DEPARTMENT.

- Assistant Commissioner.....£600
- Deputy Surveyor General.....£600
- Accountant.....£400
- Surveyors and Draftsmen, Salaries from.....£150 to £300

Land Sales Branch.

- Superintendent.....£350

Woods and Forest Branch.

- Superintendent.....£350

PUBLIC WORKS DEPARTMENT.

- Secretary.....£600
- Chief Engineer.....£750
- Architect.....£750
- Assistant Engineer and Draftsman.....£450
- Book-keeper.....£400

BUREAU OF AGRICULTURE AND STATISTICS.

- Secretary.....£400

C A P . X X V .

An Act to amend the Post-Office Laws of this Province.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is expedient to amend the Post-Office Laws, in the manner hereafter provided : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sects. 1 and 5
of 18 V. c. 79,
repealed.

I. Sections one and five of the Post-Office Act passed in the eighteenth year of Her Majesty's Reign, and chaptered seventy-nine, are hereby repealed.

Newspapers
printed in the
Province,
when to pass
free.

II. Newspapers printed and published within this Province and addressed from the Office of Publication, shall be transmitted from the Post-Office where mailed to any other Post-Office in Canada, or to the United Kingdom, or to any British Colony or Possession, or to France, free of Canadian postage.

And when
printed in H.
M's dominions
or in France.

III. Newspapers printed and published in the United Kingdom, or in any British Colony or Possession, or in France, when received in mails addressed to this Province and directed to any place in Canada, shall pass through the Post and be delivered at the Post-Office addressed, free of Canadian postage.

What shall be
deemed News-
papers.

IV. For the purposes of this Act, the word "newspapers" shall be held to mean periodicals published not less frequently than once in each week, and containing notices of passing events, or any such newspaper published fortnightly or monthly at the time of the passing of this Act.

Certain other
periodicals to
pass free.

V. Periodicals printed and published in this Province other than newspapers, when specially devoted to Religious and to General Education, to Agriculture or Temperance, or to any branch of Science, and addressed directly from the Office of Publication, shall be transmitted from the Post-Office where mailed to any other Post-Office in this Province free of postage.

Letters to and
from Mem-
bers, Clerks
and Officers of
the Legisla-
ture to pass
free in certain
cases.

VI. Letters and other mailable matter addressed to or sent by the Speaker or Chief Clerk of the Legislative Council or of the Legislative Assembly, or to or by any Member of the Legislature at the Seat of Government, during any Session of the Legislature, or addressed to any of the Members or Officers in this section mentioned, at the Seat of Government as aforesaid, during the ten days next before the meeting of Parliament, shall be free of postage.

Post Master
General's re-

VII. So much of the twelfth section of the Post-Office Act, passed in the session held in the fourteenth and fifteenth years
of

of Her Majesty's Reign and chaptered seventy-one, as requires the Postmaster General to make to the Governor General of this Province, annually, certain Reports for the purpose of being laid before the Provincial Parliament at each Session thereof, for the year ending the fifth day of April previous to such Session, is hereby repealed; and it shall, hereafter, be the duty of the Postmaster General to furnish such Reports annually so that they may be laid before the Provincial Parliament within ten days after the assembling thereof, and such Annual Reports shall be made up to the thirtieth day of September previous to each Session.

ports when to be made and up to what time.

VIII. Nothing in the twenty-first section of the Act last above cited, shall be construed to prevent the Postmaster General from requiring any Postmaster or other person authorized to receive the postage of letters and packets, to render his accounts and pay over to the Postmaster General the balance by him due, at shorter intervals than three months, but it shall be lawful for the Postmaster General to instruct and require any such Postmaster or person, or any class or number of such Postmasters or persons, to render his or their accounts and pay over the balance due by him or them, respectively, at the end of every month, or such other period as the said Postmaster General may from time to time see fit to appoint; and if any such Postmaster or person shall fail to render his accounts and pay over the balance due by him, at the time so appointed, it shall be the duty of the Postmaster General to cause a suit to be commenced against him, and to such suit and to such default on the part of the Postmaster or other person as aforesaid, all the provisions of the said Act do and shall apply as fully as to cases where the accounts are required to be rendered and the balance to be paid at the end of every three months.

Postmasters, &c., may be called upon to account and pay over, at such intervals as the Postmaster General shall see fit.

In default, suit to be brought against him.

IX. In addition to the information required by the Act recited in the preceding section, it shall be the duty of the Postmaster General to include in his Annual Report, Returns of the transactions of the Money-Order Branch of the Post-Office Department, shewing:

Certain particulars as to the Money Order Branch to be included in P. M. G's. annual report.

First—The Money-Order Offices in operation at any time within the year for which the Return is made, designating in each case the County wherein the Office is situated, the number and amount of Orders issued and paid, and the amount of Commission arising thereupon at each Office respectively—distinguishing, with respect to the Commission, the proportion allowed as compensation to the Postmaster, and the proportion accruing to the Revenue in each case;

List of Money Order offices.

Commission paid.

Secondly—The annual cost of the Money-Order system, specifying in detail the disbursements for salaries, advertising, account

Annual cost.

account books, printing, stationery, and every other item of expenditure ;

New offices. Thirdly—The names of the additional Money-Order Offices opened, and of such Money-Order Offices as may have been closed within the year ;

Losses. Fourthly—The losses, if any, sustained in conducting the system, and how incurred.

Commencement of this Act. X This Act shall take effect on and from the first day of August next.

C A P . X X V I .

An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws respecting Indians.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is desirable to encourage the progress of Civilization among the Indian Tribes in this Province, and the gradual removal of all legal distinctions between them and Her Majesty's other Canadian Subjects, and to facilitate the acquisition of property and of the rights accompanying it, by such Individual Members of the said Tribes as shall be found to desire such encouragement and to have deserved it: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

To what persons only section 3 of 13, 14 V. c. 74, shall apply.

I. The third section of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered seventy-four and intituled, *An Act for the protection of the Indians in Upper Canada from imposition and the property occupied or enjoyed by them, from trespass and injury*, shall apply only to Indians or persons of Indian blood or intermarried with Indians, who shall be acknowledged as members of Indian Tribes or Bands residing upon lands which have never been surrendered to the Crown (or which having been so surrendered have been set apart or shall then be reserved for the use of any Tribe or Band of Indians in common) and who shall themselves reside upon such lands, and shall not have been exempted from the operation of the said section, under the provisions of this Act ; and such persons and such persons only shall be deemed Indians within the meaning of any provision of the said Act or of any other Act or Law in force in any part of this Province by which any legal distinction is made between the rights and liabilities of Indians and those of Her Majesty's other Canadian Subjects.

Such persons only to be deemed Indians for certain purposes.

II. The term "Indian" in the following enactments shall mean any person to whom under the foregoing provisions, the third section of the Act therein cited shall continue to apply; and the term "enfranchised Indian" shall mean any person to whom the said section would have been applicable, but for the operation of the provisions hereinafter made in that behalf: and the term "Tribe," shall include any Band or other recognized community of Indians.

Interpretation of certain terms in this Act.

III. The Visiting Superintendent of each Tribe of Indians, for the time being, the Missionary to such Tribe for the time being, and such other person as the Governor shall appoint from time to time for that purpose, shall be Commissioners for examining Indians, being members of such Tribe, who may desire to avail themselves of this Act, and for making due inquiries concerning them: and such Commissioners shall meet for the said purposes at such places and times as the Superintendent General of Indian affairs shall from time to time direct, and shall have full power to make such examination and inquiry: and if such Commissioners shall report in writing to the Governor that any such Indian of the male sex, and not under twenty-one years of age, is able to speak, read and write either the English or the French language readily and well, and is sufficiently advanced in the elementary branches of education and is of good moral character and free from debt, then it shall be competent to the Governor to cause notice to be given in the Official Gazette of this Province, that such Indian is enfranchised under this Act; and the provisions of the third section of the Act aforesaid, and all other enactments making any distinction between the legal rights and abilities of Indians and those of Her Majesty's other subjects, shall cease to apply to any Indian so declared to be enfranchised, who shall no longer be deemed an Indian within the meaning thereof.

Certain Functionaries to be Commissioners for examining Indians for the purposes of this Act.

Names of Indians favorably reported to be published, and the said third section of 13, 14 V. c. 74, not to apply to them.

IV. The said Commissioners may also examine and inquire concerning any male Indian over twenty-one and not over forty years of age, desirous of availing himself of this Act, although he be not able to read and write or instructed in the usual branches of school education; and if they shall find him able to speak readily either the English or the French language, of sober and industrious habits, free from debt and sufficiently intelligent to be capable of managing his own affairs, they shall report accordingly in writing to the Governor; and if such report be approved by the Governor as to any Indian, he shall by virtue of such approval be in a state of probation during three years from the date of the report, and if at the end of that term the Commissioners shall again report in writing to the Governor that such Indian has during such term conducted himself to their satisfaction, then it shall be competent to the Governor to cause notice to be given in the Official Gazette that such Indian is enfranchised under this Act, and he shall thereupon be so enfranchised.

Indians may be reported in a state of probation.

And after probation may be declared not within the said third section.

Enfranchised Indian to take a name and surname.

V. Every Indian examined by the Commissioners under this Act, shall at the time of such examination declare to them the name and surname by which he wishes to be enfranchised and thereafter known, such name being his baptismal name if he have one, and such surname any one he may choose to adopt which shall be approved by the Commissioners, and the Commissioners shall enter the same in their Report; and if such Indian be thereafter enfranchised under this Act the name and surname so reported shall be those by which he shall thereafter be legally designated and known.

Lists of Indians enfranchised under this Act.

VI. Lists of Indians enfranchised under this Act and of any lands allotted to them under the authority thereof, shall from time to time be transmitted by the Indian Department to the Clerk of the township or other local municipality in which they reside at the time of such enfranchisement; and any Indian falsely representing himself as enfranchised under this Act when he is not so, shall be liable, on conviction before any one Justice of the Peace, to imprisonment for any period not exceeding six months.

Penalty on Indian falsely representing himself as enfranchised.

Land, &c., may be allotted to enfranchised Indians; and to what extent.

VII. Every Indian enfranchised under this Act shall be entitled to have allotted to him by the Superintendent General of Indian affairs, a piece of land not exceeding fifty acres out of the lands reserved or set apart for the use of his Tribe, and also a sum of money equal to the principal of his share of the annuities and other yearly revenues receivable by or for the use of such tribe; such sum to be ascertained and paid to him by the said Superintendent, and due consideration being had in the allotment of such land to the quantity of land reserved for the use of the Tribe and to their means and resources; and such sum of money shall become the absolute property of such Indian, and such land shall become his property, subject to the provisions hereinafter made, but he shall by accepting the same forego all claim to any further share in the lands or moneys then belonging to or reserved for the use of his Tribe, and shall cease to have a voice in the proceedings thereof: Provided always, that if such Tribe shall thereafter surrender to the crown other lands either to be sold for their benefit, or in consideration of an annuity, such enfranchised Indian, or his personal representatives, (if any) shall be entitled to his share of the proceeds of such lands or of the annuity for which they were surrendered, such share to be ascertained and paid by the Superintendent General of Indian Affairs for the time being, and to be the absolute property of such enfranchised Indian or his said representatives.

Condition of allotment.

proviso: if the Tribe surrender other lands to the Crown.

Wife and children of enfranchised Indian to be enfranchised.

VIII. The wife, widow, and lineal descendants of an Indian enfranchised under this Act, shall be also enfranchised by the operation thereof, and shall not be deemed members of his former tribe, unless such widow or any such lineal descendant being a female, shall marry an Indian not enfranchised and

a member of such tribe, in which case she shall again belong to it and shall no longer be held to be enfranchised under this Act. Exception.

IX. The wife and children of any Indian enfranchised under this Act shall be entitled to their respective shares of all annuities or annual sums payable to the tribe ; subject to the provisions hereinafter made as to such shares. Their rights.

X. An Indian enfranchised under this Act, to whom any of the lands reserved for the use of his Tribe shall be allotted as aforesaid, shall have a life estate only therein, but he shall have power to dispose of the same by will to any of his children or lineal descendants, and if he dies intestate as to any such lands, the same shall descend to his children or lineal descendants according to the laws of that portion of the Province in which such lands are situate, and the said children or lineal descendants to whom such land shall be so devised or shall descend, shall have the fee simple thereof ; but if such Indian die without leaving any child or lineal descendant but leaving a widow, she shall, instead of Dow'r to which she shall not be entitled, have the said land for life or until her re-marriage, but upon her death or re-marriage it shall escheat to the Crown : and if any child or lineal descendant of such Indian shall take such land or any part thereof and die leaving no lineal descendant and without having disposed of such land or part thereof by will or otherwise, it shall escheat to the Crown. Estate and rights of Indian in land allotted to him under this Act. Land to escheat in certain cases.

XI. If any Indian enfranchised under this Act shall die leaving any child under the age of twenty-one years, the Superintendent General of Indians shall become *ipso facto* the tutor of such child as to property and rights in Lower Canada, and the guardian of such child as to property and rights in Upper Canada, until it shall attain the age of twenty-one years ; and the widow of such Indian, being also the mother of any such child, shall receive its share of the proceeds of the estate of such Indian during the minority of the child, and shall be entitled to reside on the land left by such Indian, so long as in the opinion of the Superintendent General she shall live respectably. Superintendent General to be guardian or tutor of infant children of enfranchised Indians.

XII. The capital of the annual share of the wife of any Indian enfranchised under this Act in any annuity or annual sum payable to her Tribe, shall be held in trust by the Superintendent General of Indian affairs for the purposes of this section, and the interest thereof shall be paid to her yearly while she shall be the wife or widow of such Indian, and upon her death or re-marriage one half of such capital sum shall be divided equally among her children, and the other half shall revert to the Tribe to which she belonged ; but if she have no children, the whole shall revert to the said Tribe. As to the share of the wife of any enfranchised Indian in any annuity to her Tribe.

XIII. The capital of the share of each child of an Indian enfranchised under this Act, in any annuity or annual sum payable As to the shares of the

children of
enfranchised
Indians in
such annuity.

Proviso.

payable to his Tribe, shall be held in trust by the Superintendent General of Indian Affairs for such child, and the interest thereon shall, except in the case hereinafter mentioned, be left to accumulate until such child shall obtain the age of twenty-one; Provided always that if such child shall be put apprentice to any trade, the money so held in trust for him may be wholly or in part applied to the payment of his apprentice fee or other expenses attending such apprenticeship; and if any such child shall die before attaining the age of twenty-one, one half the money then held in trust for him shall revert to his Tribe, and the other half shall go to the other child or children of such Indian, and in equal shares if there be more than one, and if there be no other child, then the whole shall revert to the Tribe.

Lands allotted
to enfranchised
Indians to
be liable for
taxes, &c.

XIV. Lands allotted under this Act to an Indian enfranchised under it shall be liable to taxes and all other obligations and duties under the Municipal and School Laws of the section of this Province in which such land is situate, as he shall also be in respect of them and of his other property; and his estate therein shall be liable for his *bonâ fide* debts, but he shall not otherwise alienate or charge such land or his estate therein; and if such land be legally conveyed to any person, such person or his assigns may reside thereon, whether he be or be not of Indian blood or intermarried with any Indian; any thing in the Act first cited to the contrary notwithstanding.

Indian Re-
serves or any
part of them
may be at-
tached to
School Sec-
tions or Dis-
tricts.

XV. It shall be lawful for the Council of any Municipality in Upper Canada, or the School Commissioners of any School Municipality in Lower Canada, on application of the Superintendent General of Indian affairs, to attach the whole or any portion of any Indian Reserves in such Municipality to a neighboring School Section or District, or to neighboring School Sections or Districts, and such land shall thereupon become a portion of the School Section or District to which it may be attached, to all intents and purposes.

C A P. XXVII.

An Act for diminishing expense and delay in the administration of Criminal Justice in certain cases.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it would tend to diminish expense and delay in the administration of Justice in certain cases of Larceny, if the Recorders and certain other Administrators of Criminal Justice in Cities were authorized to hear and determine such cases summarily: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. Where any person is charged before the Recorder of any City with having committed simple larceny, and the value of the whole of the property alleged to have been stolen does not, in the judgment of such Recorder, exceed five shillings, or with having attempted to commit larceny from the person, or simple larceny, it shall be lawful for such Recorder to hear and determine the charge in a summary way; and if the person charged shall confess the same, or if such Recorder, after hearing the whole case for the prosecution and for the defence, shall find the charge to be proved, then it shall be lawful for such Recorder to convict the person charged and commit him to the Common Gaol or House of Correction, there to be imprisoned, with or without hard labour, for any period not exceeding three months; and if he find the offence not proved he shall dismiss the charge, and make out and deliver to the person charged a certificate under his hand stating the fact of such dismissal: and every such conviction and certificate respectively may be in the forms A and B, in the Schedule to this Act, or to the like effect: Provided always, that if the person charged do not consent to have the case heard and determined by such Recorder, or if it appear to such Recorder that the offence is one which, owing to a previous conviction of the person charged, is by law a felony, or if such Recorder be of opinion that the charge is, from any other circumstances, fit to be made the subject of prosecution by indictment, rather than to be disposed of summarily, such Recorder shall, instead of summarily adjudicating thereon, deal with the case in all respects as if this Act had not been passed: Provided also, that if upon the hearing of the charge such Recorder shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, he shall have power to dismiss the person charged without proceeding to a conviction.

Power to Recorders to try persons guilty of Larceny to an amount not exceeding five shillings, and an attempt to commit Larceny summarily.

And to sentence such persons if found guilty, by confession or otherwise.

Forms.

Proviso: for trial in usual form in certain cases.

Proviso: case may be dismissed under certain circumstances.

II. Where the Recorder before whom any person is charged as aforesaid proposes to dispose of the case summarily under the foregoing provisions, such Recorder, after the examinations of all the witnesses for the prosecution have been completed, and before calling upon the person charged for any statement which he may wish to make, shall state to such person the substance of the charge against him, and shall then say to him these words, or words to the like effect: "Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent for trial by a jury at the (*naming the Court at which it could soonest be tried*);" and if the person charged shall consent to the charge being summarily tried and determined as aforesaid, then the Recorder shall reduce the charge into writing, and read the same to such person, and shall then ask him whether he is guilty or not of such charge; and if such person shall say that he is guilty, the Recorder shall then proceed to pass such sentence upon him as may by law be passed, subject to the provisions of this Act, in respect to such offence;

Accused to be asked whether he consents to the charge being tried summarily.

If he consents.

And if not.

offence; but if the person charged shall say that he is not guilty, the Recorder shall then inquire of such person whether he has any defence to make to such charge, and if he shall state that he has a defence, the Recorder shall hear such defence, and then proceed to dispose of the case summarily.

Accused person may plead guilty and be sentenced forthwith in certain cases of larceny over five shillings.

III. Where any person is charged before any Recorder with simple larceny (the property alleged to have been stolen exceeding in value five shillings) or stealing from the person, or larceny as a clerk or servant, and the evidence, when the case on the part of the prosecution has been completed, is in the opinion of such Recorder sufficient to put the person charged on his trial for the offence with which he is charged, such Recorder, if the case appear to him to be one which may properly be disposed of in a summary way, and may be adequately punished by virtue of the powers of this Act, shall reduce the charge into writing, and shall read it to the said person, and shall then ask him whether he is guilty or not of the charge; and if such person shall say that he is guilty, such Recorder shall thereupon cause a plea of guilty to be entered upon the proceedings, and shall convict him of such offence, and commit him to the common Gaol or House of Correction, there to be imprisoned, with or without hard labour, for any term not exceeding six Calendar Months; and every such conviction may be in the form C in the Schedule to this Act, or to the like effect; Provided always that such Recorder, before he asks such person whether he is guilty or not, shall explain to him that he is not obliged to plead or answer before him at all, and that if he do not plead or answer before him he will be committed for trial in the usual course.

Proviso.

Accused person allowed to make full answer and defence, &c.

IV. In every case of summary proceedings under this Act, the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined, by Counsel or Attorney.

Power to Justices of the Peace to remand persons charged with offences mentioned in this Act, for further examination before Recorder, &c.

V. Where any person is charged before any Justice or Justices of the Peace, with any offence mentioned in this Act, and in the opinion of such Justice or Justices, the case may be proper to be disposed of by a Recorder, or by an Inspector and Superintendent of the Police or a Police Magistrate, as hereinafter provided, under this Act, the Justice or Justices before whom such person is so charged may, if he or they see fit, remand such person for further examination before the Recorder or before the Inspector and Superintendent of the Police of the nearest City, or before the nearest Police Magistrate, in like manner in all respects as a Justice or Justices are authorized to remand a party accused under the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's reign, chapter ninety-six, section thirteen, or under the Act passed in the sixteenth year of Her Majesty's reign, chapter one hundred and seventy-nine, section thirteen; Provided always, that it shall

Proviso.

shall not be lawful for any Justice or Justices of the Peace in Upper Canada, so to remand any person for further examination before any Recorder, Inspector and Superintendent of Police, or Police Magistrate in Lower Canada, nor for any Justice or Justices of the Peace in Lower Canada so to remand any person for further examination before any Recorder or Police Magistrate in Upper Canada; And provided also, that any person so remanded for further examination before the Recorder of any City, may be examined and dealt with by the Inspector and Superintendent of the Police or Police Magistrate of the same City, and any person so remanded for further examination before the Inspector and Superintendent of the Police or the Police Magistrate of any City, may be examined and dealt with by the Recorder of the same City. Proviso.

VI. If any person suffered to go at large upon entering into such recognizance as the Justice or Justices are authorized under the last mentioned Acts to take, on the remand of a party accused conditioned for his appearance before a Recorder under the next preceding section of this Act, do not afterwards appear pursuant to such recognizance, then the Recorder before whom he ought to have appeared shall certify (under his hand) on the back of the recognizance, to the Clerk of the Peace of the District, in Lower Canada, or County or Union of Counties in Upper Canada, the fact of such non-appearance, and such recognizance shall be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of such non-appearance. Proceedings if party remanded fail to appear pursuant to recognizance.

VII. The Recorder adjudicating under this Act, shall transmit the conviction, or a duplicate of a certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, to the next Court of Quarter Sessions for the District in Lower Canada, or the County or Union of Counties in Upper Canada, there to be kept by the proper Officer among the Records of the Court; and a copy of such conviction, or of such certificate of dismissal, certified by the proper Officer of the Court, or proved to be a true copy, shall be sufficient evidence to prove a conviction or dismissal for the offence mentioned therein, in any legal proceeding whatever. Convictions and other proceedings under this Act, to be returned to the Court of Quarter Sessions.

VIII. It shall be lawful for the Recorder, by whom any person is convicted under this Act, to order restitution of the property stolen, taken or obtained by false pretences, in those cases in which the Court, before whom the person convicted would have been tried but for this Act, may be by law authorized to order restitution. Restitution of the property stolen may be ordered.

IX. Every Recorder's Court, for the purposes of this Act, shall be an open public Court, and a written or printed notice of the day and hour for holding such Court, shall be posted or affixed Recorder's Court to be an open Public Court.

affixed by the Clerk of the said Court upon the outside of some conspicuous part of the building or place where the same is held.

Provisions of 14, 15 V. c. 95, or of 16 V. c. 178, not to apply to proceedings under this Act.

X. The provisions of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, chapter ninety-five, or of the Act passed in the sixteenth year of Her Majesty's Reign, chapter one hundred and seventy-eight, shall not be construed as applying to any proceeding under this Act.

Effect of conviction under this Act.

XI. Every conviction by a Recorder under this Act shall have the same effect as a conviction upon indictment for the same offence would have had, save that no conviction under this Act shall be attended with forfeiture.

Proceedings under this Act a bar to further proceedings.

XII. Every person who obtains a certificate of dismissal or is convicted under this Act, shall be released from all further or other criminal proceedings for the same cause.

No conviction under this Act to be quashed for want of form.

XIII. No conviction, sentence or proceeding under this Act shall be quashed for want of form ; and no warrant of commitment upon a conviction shall be held void by reason of any defect therein, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same.

Powers given by this Act to Recorders may be exercised by certain other Functionaries.

XIV. The Inspector and Superintendent of Police for the City of Quebec, the Inspector and Superintendent of Police for the City of Montreal, and the Police Magistrate for any City in Upper Canada, sitting in open Court, may respectively in the case of persons charged before them, do all acts by this Act authorized to be done by Recorders, and all the provisions of this Act referring to Recorders and Recorders' Courts and the Clerks of the Recorders' Courts, shall be read and construed also as referring to such Inspectors and Superintendents of the Police and Police Magistrates and the Courts and the Clerks of the Courts held by them respectively.

Nothing in this Act to affect provisions of 20 V. c. 29.

XV. Nothing in this Act shall affect the provisions of any Act of this Session, *For the more speedy Trial and Punishment of Juvenile offenders* ; and this Act shall not extend to persons punishable under the said Act, so far as regards offences for which such persons may be punished thereunder.

Interpretation clause.

XVI. In the interpretation of this Act "property" shall be construed to include every thing included under the words "chattel, money, or valuable security," as used in the Act of the Parliament of this Province passed in the Session thereof holden in the fourth and fifth years of the Reign of Her present Majesty, chapter twenty-five ; and in case of any "valuable security," the value of the share, interest or deposit

deposit to which the security may relate, or of the money due thereon, or secured thereby, and remaining unsatisfied, or of the goods or other valuable thing mentioned in the warrant or order, shall be deemed to be the value of such security.

SCHEDULES.

FORM (A.)

CONVICTION.

To wit : }
}

Be it remembered that on the _____ day of _____ in the year of Our Lord _____ at _____, A. B., being charged before me the undersigned _____, of the said City, and consenting to my deciding upon the charge summarily, is convicted before me, 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 be imprisoned in the _____ (and there kept to hard labour) for the space of _____

Given under my hand and seal, the day and year first above mentioned, at _____ aforesaid.

J. S. [L. S.]

FORM (B.)

CERTIFICATE OF DISMISSAL.

To wit : }
}

I, the undersigned _____, of the City of _____, certify that on the _____ day of _____ in the year of Our Lord _____, at _____ aforesaid, A. B., being charged before me and consenting to my deciding upon the charge summarily, for that he the said A. B., &c., (*stating the offence charged, and the time and place when and where alleged to have been committed*.) I did, having summarily adjudicated thereon, dismiss the said charge.

Given under my hand and seal, this _____ day of _____, at _____ aforesaid.

J. S. [L. S.]

FORM (C.)

CONVICTION UPON A PLEA OF GUILTY.

To wit : ' }
}

Be it remembered that on the _____ day of _____
in the year of Our Lord _____, at _____ A. B.,
being charged before me the undersigned _____, of the said
City, for that he the said A. B., &c., (*stating the offence, and
the time and place when and where committed*), and pleading
guilty to such charge, he is thereupon convicted before me of
the said offence; and I adjudge him the said A. B., for his said
offence, to be imprisoned in the _____ (and there kept to
hard labour) for the space of _____

Given under my hand and seal, the day and year first above
mentioned, at _____ aforesaid.

J. S. [L. S.]

CAP. XXVIII.

An Act for establishing Prisons for Young Offenders—
for the better government of Public Asylums, Hos-
pitals and Prisons, and for the better construction of
Common Gaols.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it may be of great public advantage that
Prisons be provided, in which young offenders may be
detained and corrected, and receive such instruction and
be subject to such discipline, as shall appear most conducive to
their reformation and the repression of crime: Therefore, Her
Majesty, by and with the advice and consent of the Legislative
Council and Assembly of Canada, enacts as follows:

A Reforma-
tory Prison to
be erected in
each section of
the Province.

I. It shall be lawful for the Governor to cause to be erected
or provided two Buildings, one to be situated in Lower Canada,
and one in Upper Canada, to be used as Prisons for the con-
finement and reformation of such offenders as are hereinafter
specified; and so soon as the said buildings are completed and
fitted for that purpose, to cause the same to be declared by
Proclamation to be Reformatory Prisons for the confinement of
such offenders.

Officers to be
appointed by
the Governor.

II. It shall be lawful for the Governor to appoint for each of
the said Prisons, a Warden, a Protestant Chaplain, a Roman
Catholic Chaplain, a Surgeon and a Clerk, to hold office during
pleasure.

III.

III. It shall be lawful for the Warden of each of the said Prisons, by and with the consent of the Inspectors to be appointed under this Act, to appoint such other Officers, Assistants and Servants as may be necessary for the service and discipline of the Prison, and at pleasure to remove the same and to appoint others in their room.

Other Officers by the Warden, &c.

IV. The Inspectors to be appointed under this Act shall have and perform the same powers and duties, with respect to each of the said Reformatory Prisons, as are vested in or to be performed by the Inspectors of the Provincial Penitentiary with respect to the same, under an Act of the Provincial Parliament, passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act for the better management of the Provincial Penitentiary*, except in so far as the said powers and duties may be altered by this Act; and any one of the Inspectors appointed under this Act shall have and perform the same powers and duties, with respect to such Reformatory Prisons (except as aforesaid) as are vested in one Inspector by the said Act relating to the Provincial Penitentiary.

Powers of Inspectors to be appointed under this Act.

14, 15 V. c. 2.

Power of one Inspector.

V. So soon as the said buildings shall be declared by Proclamation to be Reformatory Prisons as aforesaid, it shall be lawful for any Court of Criminal Jurisdiction in this Province, in its discretion, to sentence any person, male or female, whose age at the time of trial shall not in the opinion of such Court exceed the age of twenty-one years, and who shall have been convicted before such Court of any offence now punishable or which may be made punishable by imprisonment in the Provincial Penitentiary, to be imprisoned in one of the said Reformatory Prisons instead thereof; Provided always, that in no case shall the sentence be less than six calendar months or more than five years confinement in any such Reformatory Prison, and in every case when the length of imprisonment is fixed by law to be more than five years, then such imprisonment shall be in the Penitentiary; And provided always, that persons so convicted in Lower Canada shall be sentenced to imprisonment in the Reformatory Prison for Lower Canada, and those convicted in Upper Canada, to imprisonment in the Reformatory Prison for Upper Canada.

Certain offenders under 21 years, may be sent to the said Prisons, instead of the Penitentiary.

Proviso.

Proviso.

VI. Whenever, after the said Buildings shall be declared by Proclamation to be Reformatory Prisons as aforesaid, any person under the age of sixteen years shall be convicted of any offence punishable by law on summary conviction, and shall be thereupon sentenced and committed to prison in any Common Gaol, then and in every such case which may occur in Lower Canada, it shall be lawful for any Judge of the Superior Courts of Lower Canada, and in every such case occurring in Upper Canada, it shall be lawful for any Judge of any of the Superior Courts of Upper Canada, and for any Judge of any County Court (in any case occurring within his County,) to examine and enquire into

And certain others instead of being sent to the Common Gaol: and by what authority.

into the circumstances of such case and conviction, and to direct such offender to be sent, either forthwith, or at the expiration of his sentence, to the Reformatory Prison for that section of the Province within which such conviction was had, to be there detained for a period of not less than six months and not exceeding two years. And such offender shall be liable to be detained pursuant to such direction ; Provided always that no offender shall be directed to be so sent and detained as aforesaid, unless the sentence of imprisonment to the Common Gaol as aforesaid, shall be for fourteen days at the least ; Provided also that the Governor may at any time order any such offender to be discharged from such Reformatory Prison.

Proviso.

Proviso.

Juvenile offenders may be removed from Penitentiary to Reformatory Prisons.

VII. It shall be lawful for the Governor, at any time in his discretion, to cause any convict in the Provincial Penitentiary whose age may appear to the Inspectors not to exceed the age of twenty-one years, to be transferred to the Reformatory Prison for that section of the Province within which such convict had been tried and convicted, for the remainder of the term of imprisonment for which such convict had been sentenced.

Transfer of offenders from one Prison to the other.

VIII. It shall be lawful for the Governor, in his discretion, at any time to transfer any offender from one of the said Reformatory Prisons to the other, and at pleasure to re-transfer such offender.

Incorrigible offenders to be removed to the Penitentiary.

IX. It shall be lawful for the Governor at any time, on report of the Inspectors, in his discretion, to order any offender sentenced under the fifth section of this Act, to be removed from either of the said Reformatory Prisons, as incorrigible ; and in every such case, the offender shall be liable to be confined in the Provincial Penitentiary for the remainder of the term of imprisonment for which such convict had been originally sentenced in such Reformatory Prison.

Powers and duties of Wardens.

X. The Warden of a Reformatory Prison established under this Act, shall have and perform the same powers and duties, with respect to such Prison, as are vested in the Warden of the Provincial Penitentiary by law, except in so far as they may be altered by this Act or by the rules made under the next succeeding section.

Inspectors to make rules for such Prisons.

XI. The Inspectors shall be empowered, from time to time, to frame rules for the government and regulation of the said Reformatory Prisons respectively, and for the discipline of the offenders imprisoned therein, and to submit such rules to the Governor, and upon such rules being approved by him, they shall thereupon be enforced in such Prisons respectively ; and all such rules shall be laid before Parliament within six weeks after the then next meeting of Parliament.

To be laid before Parliament.

Farm may be attached to

XII. It shall be lawful for the Governor to cause to be procured and provided, surrounding or adjacent to each of the Reformatory

Reformatory Prisons, a tract of land fit for agricultural purposes not exceeding two hundred acres for each Prison, and to cause the same to be securely inclosed, and each Prison shall be held to include all the land contained within such inclosure.

such Prison, and considered as part thereof.

XIII. It shall be lawful for the Governor at any time hereafter should he deem it expedient, to cause to be procured and fitted up, at or below the City of Montreal, a Hulk or Receiving Ship, in every respect fit for Ocean Service, and to appoint a Captain and other Officers thereto, and from time to time to cause to be transferred by Warrant, from either of the Reformatory Prisons, such offenders as may desire to embrace a seafaring life, and as the Governor may think fit so to transfer; and such Hulk shall be held to be a Reformatory Prison and to be subject to the provisions of this Act relating to Reformatory Prisons, so far as they can be made applicable thereto; and the Captain so to be appointed shall be the Warden of the same, and have and perform all the powers and duties incident to that Office.

Hulk may be fitted up and used as a Reformatory Prison.

Captain to be as Warden.

XIV. And whereas it is expedient to establish a uniform system for the government and inspection of Public Asylums, Hospitals and Prisons, and to provide for the better construction of the Common Gaols of this Province: Therefore, it is further enacted as follows:

Recital.

It shall be lawful for the Governor to appoint five fit persons to be Inspectors of all Public Asylums, Hospitals, Common Gaols and other Prisons in this Province, and to appoint one of such persons to be their Chairman, and the said Inspectors shall hold office during pleasure.

Appointment of Board of Inspectors.

XV. The said Inspectors shall hold their meetings as a Board, at such place as may from time to time be appointed by the Governor—the Chairman shall preside at such Board—the Chairman and any two Inspectors shall constitute a *Quorum* at their meetings and for all purposes whatsoever—the Chairman at such Board shall have a right to vote as an Inspector, and in case of an equality of votes shall also have a casting vote—and he shall keep a regular minute of the proceedings of each meeting and sign the same. Provided always, that in case of the absence of the Chairman, any one of the Inspectors may be appointed by the Governor to act in his stead during such absence.

Meetings—who shall preside.

Quorum, &c.

Proviso.

XVI. The said Inspectors shall have and perform all the powers and duties which are vested in or to be performed by the Inspectors of the Provincial Penitentiary under the Act of the Provincial Parliament relating to the Provincial Penitentiary hereinbefore mentioned; and any one of the Inspectors appointed under this Act, shall have and perform the same powers and duties which are vested in one Inspector under the said recited Act; and the said Inspectors shall also have and perform all the powers and duties which are vested in or to be performed

Powers of the Inspectors, as to the Penitentiary.

And as to the Lunatic Asylum.

performed by the Commissioners of the Provincial Lunatic Asylum, at Toronto, under an Act of the Provincial Parliament, passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act for the better management of the Provincial Lunatic Asylum at Toronto*, and all the provisions of the said recited Acts in relation to the Inspectors of the Provincial Penitentiary, and the Commissioners of the Provincial Lunatic Asylum at Toronto, shall be applicable to the Inspectors to be appointed under this Act.

Acts 16 V. c. 188 and 14, 15 V. c. 2, to apply to them.

Inspectors substituted for those under the said Acta.

Reports to be made to them.

XVII. From and immediately after the first appointment of Inspectors under this Act, the powers and duties of the Inspectors under the said Act relating to the Provincial Penitentiary, and of the Commissioners appointed under the above mentioned Act relating to the Provincial Lunatic Asylum at Toronto, shall cease and determine. And the Medical Superintendent and Bursar of the said Asylum shall thereafter make to the said Inspectors the Annual Report now required to be made by them respectively to the Governor and Legislature under the said Act; and such Reports shall be transmitted by the said Inspectors to the Governor, together with the Annual Report of such Inspectors.

Inspectors to visit the Beauport Asylum, while it is a Provincial Institution.

XVIII. The Inspectors shall so long as any appropriation of money shall be made by the Legislature in aid of the Lunatic Asylum at Beauport near Quebec, visit such Asylum as often as may be determined upon by them or ordered by the Governor, and at least twice in the year, and shall in their Annual Report hereinafter provided for, fully report on the State and Management of such Asylum and on the condition of its inmates.

Inspectors to visit all Gaols, &c.

May examine all Officers, &c.

Report by single Inspector to the Board.

XIX. The Inspectors shall visit and inspect, either singly or together as may be determined upon by them, or as may be ordered by the Governor, every Gaol, House of Correction and Prison or place kept or used for the confinement of persons, in any part of this Province, other than the said Provincial Penitentiary and Reformatory Prisons, as often as may be determined upon by them or ordered by the Governor, and at least twice in the year; and the said Inspectors or Inspector shall have authority to examine any person holding any office or receiving any salary or emolument in any such place of confinement as aforesaid, and to call for and inspect all books and papers relating to such place of confinement, and to enquire into all matters concerning the said place of confinement; and every Inspector singly making an inspection as aforesaid shall make a separate and distinct report, in writing, of the state of every place of confinement so visited by him to the Board of Inspectors.

Inspectors, with approval of Governor,

XX. From and after the time when this Act shall come into force, every Gaol that shall be erected in this Province shall be made

made and built according to a plan which shall be approved of by the Inspectors and sanctioned by the Governor; and no Gaol that shall be built in any District in Lower Canada or County in Upper Canada, otherwise than according to a plan approved and sanctioned as aforesaid, or that shall not after its completion receive the approval of the said Inspectors, shall be deemed to be in law the Gaol of such District or County.

to determine the plan of all future Gaols : none to be built except on such plan.

XXI. Every District Gaol in Lower Canada and County Gaol in Upper Canada now erected, or which may be in course of erection when this Act shall come into force, shall be inspected as speedily as may be convenient by the said Inspectors for the purpose of ascertaining whether such Gaol satisfies the requirements of the next succeeding section of this Act, and they shall report thereon to the Governor, and in Upper Canada transmit a copy of such Report to the Warden of every County in which such Gaol is situate, or in the course of erection as aforesaid.

Inspectors to report on improvements required in Gaols.

XXII. The Inspectors, before deciding in any case upon the plan of a Gaol most proper to be adopted, or upon any alterations or additions they may propose in their Report to be made according to the next preceding section of this Act, shall take into consideration the nature and extent of the ground on which such Gaol has been or is to be built, its relative situation to any streets and buildings and to any river or other water; its comparative elevation and capability of being drained; the materials of which it has been or is to be composed; the necessity of guarding against cold and damps, and of providing properly for ventilation; the proper classification of persons, having respect to their age, sex, and the cause of their confinement; the best means of ensuring their safe custody without the necessity of resorting to severe treatment; the due accommodation of the keeper of the Gaol so that he may have ready access to the prisoners and may conveniently oversee them; the exclusion of any intercourse with persons without the walls of the building; the prevention of nuisances from whatever cause; the combining provision as well for the reformation of convicts so far as may be practicable, as for their employment, in order that the Common Gaols may really serve for places of correction; the admission of prisoners to air and exercise without the walls of the building; and the enclosure of the yard and premises with a secure wall.

Matters to be taken into consideration by the Inspectors in determining the plan of any Gaol.

XXIII. Within seven months after this Act shall come into force, it shall be the duty of the Warden of each County in Upper Canada, to call a special meeting of the County Council; and such County Council shall thereupon appoint a special Committee to confer with the Inspectors and to arrange with them any alterations and additions that may be deemed necessary to make their County Gaol satisfy the requirements of the twenty-first section of this Act, and to report the same to the said County Council; and in case the Inspectors and such

Provision for securing the requisite improvements in the County Gaols in Upper Canada.

Committee do not agree upon the alterations or additions, the matter then shall be referred to the Governor in Council to decide between them, and thereupon the decision shall be reported to the County Council; and it shall be the duty of the said County Council in either case, by By-law, to order and provide for the making of the said alterations and additions, and for the appropriation of any money that may be required for that purpose.

County Councils to raise money to make the required improvements; and how.

XXIV. It shall be the duty of each County Council in Upper Canada, and they are hereby required and empowered to levy and raise such a sum by direct taxation as shall be sufficient to make the said alterations and additions, or at their option to borrow the money so required, under a By-law to be passed for that purpose, for such number of years as they may deem expedient; in such By-law there shall be imposed and settled a special rate over and above and in addition to all rates whatsoever, to be levied in each year for the payment of the said loan, and sufficient, according to the last assessment returns before the passing of such By-law, to pay the whole amount of the said loan and interest within the period fixed by the said By-law for the payment thereof.

Certain points to be considered in deciding the alterations.

XXV. The Inspectors and the said Special Committee of the County Council shall, in arranging the necessary alterations and additions as aforesaid, have due regard to the plan of the Gaol as they shall find it, and to the ability of the County to meet the expense thereof, and shall make as few and as inexpensive alterations and additions as in their opinion the requirements of this Act will allow.

Aid to the Counties out of the U. C. Building Fund.

XXVI. In order to aid the said County Councils in Upper Canada in making the said alterations and additions in the Gaols of their respective Counties, it shall be lawful for the Governor to pay from and out of the "Upper Canada Building Fund" to the Treasurer of each County, a sum not exceeding one half of the expense of the same, and not exceeding the sum of one thousand five hundred pounds for any one County.

Inspectors to make rules for the government of Common Gaols.

XXVII. The said Inspectors shall, as soon as may be convenient, frame a set of rules and regulations for the government of the Common Gaols of this Province, extending to the maintenance of the prisoners in regard to diet, clothing, bedding and other necessaries; their employment; medical attendance; religious instruction; the conduct of the prisoners and the restraint and punishment to which they may be subjected; and also to the treatment and custody of the prisoners generally, and to the whole internal economy and management of the Gaol, and all such matters connected therewith as shall be thought by them expedient; which rules and regulations shall be submitted to the Governor for his approval and confirmation: Provided always, that nothing herein contained shall be held to prevent

Proviso: County Councils may make

prevent the County Councils in Upper Canada from making such special regulations as the peculiar circumstances of their respective Gaols and localities may in their opinion require,— such special regulations not being inconsistent with the provisions of this Act, or with the general rules and regulations so to be made by the Inspectors and approved by the Governor, as aforesaid.

special regulations.

XXVIII. An Asylum shall be erected or provided in the vicinity of the Provincial Penitentiary and within the limits of the City or Township of Kingston, for the reception of Lunatic Convicts, to be called the Criminal Lunatic Asylum; and it shall be lawful for the Governor to appoint thereon a Medical Superintendent and other officers with the same powers and duties as those possessed and to be performed by similar officers of the Provincial Lunatic Asylum at Toronto, according to the provisions of the above recited Act relating to such Asylum at Toronto; and the Inspectors to be appointed under this Act shall have and perform the same powers and duties with respect to the said Criminal Lunatic Asylum as are vested in them by virtue of this Act with respect to the said Asylum at Toronto.

Asylum for Criminal Lunatics to be provided at Kingston.

How to be governed.

XXIX. Whenever it shall be certified by the Surgeon of the Provincial Penitentiary and the Medical Superintendent of the said Criminal Lunatic Asylum, to the Warden of the Penitentiary, 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 Warden to cause such convict to be conveyed to the said Criminal Lunatic Asylum; and such convict shall be received into the said Asylum and there safely kept until he shall be removed to the said Penitentiary; and if at any time before the expiration of his term of imprisonment, it shall be certified by the Medical Superintendent of the said Asylum that such convict has recovered his reason and is in a fit state to be remanded to the Penitentiary, then it shall be the duty of the Warden to cause such convict to be re-conveyed to the said Penitentiary and kept therein; and the authorities of the said Asylum and the person appointed to convey any convict to the said Asylum, or to reconvey him 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 retaking 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 said 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.

In what cases convicts shall be removed to such Asylum from the Penitentiary.

Reconveyance to the Penitentiary in certain cases.

Powers for the conveyance of such convicts, &c.

If convict's term expire while he is still insane.

Bodies of convicts not claimed to be given for dissection, notwithstanding 14, 15 V. c. 2, s. 9.

XXX. Notwithstanding any thing contained in the thirtieth section of the said Act relating to the Provincial Penitentiary, the body of any Convict who may die whilst confined in the said Penitentiary, and which shall not be claimed by the friends or relations of the deceased, may be delivered to an Inspector of Anatomy, duly appointed under the Act of the Provincial Parliament, passed in the seventh year of Her Majesty's Reign, chaptered five.

The Asylum to be used for confinement of Lunatics under 14, 15 V. c. 83.

XXXI. The said Criminal Lunatic Asylum shall, unless otherwise specially ordered by the Governor, be made and used as the Lunatic Asylum or place for the safekeeping of persons liable to be confined or kept in custody under the first, second and fourth sections of the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled: *An Act to authorize the confinement of Lunatics in cases where their being at large may be dangerous to the public.*

Inspectors to visit private Lunatic Asylum under 14, 15 V. c. 84.

XXXII. It shall be the duty of the Inspectors either singly or together whenever required to do so by the Governor, and at least once in the year, to visit, examine and report to him upon the state and management of every Private Lunatic Asylum established under the provisions of the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled: *An Act for the regulation of Private Lunatic Asylums*, and upon the condition of its inmates; and it shall be lawful for the Governor after receipt of any Report of the Inspectors, by an Instrument under his hand and seal, to suspend or revoke the license granted under the said Act.

Inspection of other Asylums; and appointment of proper Officers.

XXXIII. In case any other Lunatic Asylum or Asylums, or any Asylum for Idiots or for the Deaf, Dumb or Blind, shall hereafter be erected at the public expense, it shall be lawful for the Governor to appoint to each of them a Medical Superintendent and other Officers, with the same powers and duties as those possessed and to be performed by similar Officers of the Provincial Lunatic Asylum at Toronto; and the Inspectors appointed under this Act shall have and perform the same powers and duties with respect to the said Asylums in this section mentioned respectively as are vested in them by virtue of this Act with respect to the said Lunatic Asylum at Toronto.

Inspectors to visit all Hospitals supported wholly by public money.

XXXIV. It shall be the duty of the Inspectors either singly or together, as often as may be determined upon by them, or ordered by the Governor, and at least twice in the year, to visit, examine and report to him upon the state and management of every Hospital or other Benevolent Institution supported wholly by grant of public Money, or by Money levied under authority of Law.

And also those partly so supported.

XXXV. It shall be the duty of the Inspectors either singly or together, whenever required by the Governor so to do,

to visit, examine and report to him upon the state, management and condition of every Hospital or other Benevolent Institution, supported in part by grant of public money, and in case of refusal of admission into the same for the purpose of inspection, to report forthwith such refusal and the circumstances attending the same to the Governor.

XXXVI. The said Inspectors shall make an Annual Report to the Governor on or before the tenth day of February in each year, which Report shall, with respect to the Provincial Penitentiary and the Reformatory Prisons, comprise all the particulars and documents required by the tenth sub-section of the twelfth section of the said Act relating to the Provincial Penitentiary, and shall also contain a full and accurate report on the state, condition and management of the several Asylums, Hospitals, Gaols and Institutions under their inspection, and inspected by them, or any of them, during the preceding year, together with such suggestions for the improvement of the same as they may deem necessary or expedient.

Inspectors to report yearly to the Governor, when and in what manner.

XXXVII. All actions, suits and prosecutions to be commenced against any person or persons for any thing done in pursuance of this Act, shall be laid and tried in the County where the fact was committed, and shall be commenced within six months after the fact committed, and not otherwise or afterwards.

Limitation of suits for things done under this Act.

XXXVIII. In the construction of this Act, the word "County" shall be held to mean "County or Union of Counties."

Interpretation.

XXXIX. In citing, pleading or otherwise referring to this Act, it shall in all cases whatsoever be sufficient to use the expression "The Prison Inspection Act, 1857," or words of similar import.

Short title of this Act.

XL. This Act shall come into force from and after the first day of July next.

Commencement of Act.

C A P . X X I X .

An Act for the more speedy trial and punishment of juvenile offenders.

[Assented to 10th June, 1857.]

WHEREAS in order in certain cases to ensure the more speedy trial of juvenile offenders, and to avoid the evils of their long imprisonment previously to trial, it is expedient to allow of such offenders being proceeded against in a more summary manner than is now by law provided, and to give further power to bail them: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Persons of not more than sixteen years of age committing certain offences, may be summarily convicted by two Justices.

Punishment by imprisonment or fine.

Proviso : Justices may dismiss the accused if they deem it expedient not to inflict any punishment.

Proviso : case may be sent for trial in the usual manner if the Justices think fit.

Justices to give person charged the option of a trial by jury.

Power to Justices to hear and determine.

I. Every person who shall, subsequently to the passing of this Act, be charged with having committed or having attempted to commit, or with having been an aider, abettor, counsellor or procurer in the commission of, any offence which now is or hereafter shall or may be by law deemed or declared to be simple larceny, or punishable as simple larceny, and whose age at the period of the commission or attempted commission of such offence shall not, in the opinion of the Justices before whom he or she shall be brought or appear as hereinafter mentioned, exceed the age of sixteen years, shall, upon conviction thereof, upon his own confession or upon proof before two or more Justices of the Peace for any District in Lower Canada, or City, County, or Union of Counties in Upper Canada, in open Court, be committed to the Common Gaol or House of Correction within the jurisdiction of such Justices, there to be imprisoned with or without hard labor, for any term not exceeding three calendar months, or, in the discretion of such Justices shall forfeit and pay such sum, not exceeding five pounds, as the said Justices shall adjudge : Provided always, that if such Justices, upon the hearing of any such case, shall deem the offence not to be proved, or that it is not expedient to inflict any punishment, they shall dismiss the party charged on finding surety or sureties for his future good behaviour, or without such sureties, and then make out and deliver to the party charged, a certificate under the hands of such Justices stating the fact of such dismissal ; and such certificate shall and may be in the form or to the effect set forth in the Schedule hereunto annexed in that behalf : Provided also, that if such Justices shall be of opinion, before the person charged shall have made his or her defence, that the charge is from any circumstance a fit subject for prosecution by indictment, or if the person charged shall, upon being called upon to answer the charge, object to the case being summarily disposed of under the provisions of this Act, such Justices shall, instead of summarily adjudicating thereupon, deal with the case in all respects as if this Act had not been passed.

II. The Justices before whom any person shall be charged and proceeded against under this Act, before such person shall be asked whether he or she has any cause to shew why he or she should not be convicted, shall say to the person so charged these words, or words to the like effect :

“ We shall have to hear what you wish to say in answer to the charge against you ; but if you wish to be tried by a Jury, you must object now to our deciding upon it at once.”

And if such person, or a parent or guardian of such person, shall then object, such person shall be dealt with as if this Act had not been passed.

III. Any two or more Justices of the Peace, for any District in Lower Canada, or for any City, County or Union of Counties in

in Upper Canada, sitting in open Court, before whom any such person, as aforesaid, charged with any offence made punishable under this Act, shall be brought or appear, is hereby authorized to hear and determine the case under the provisions of this Act; Provided always, that the Recorder or Inspector and Superintendent of Police, of either of the Cities of Quebec or Montreal, the Sheriff of any District in Lower Canada, other than the Districts of Quebec and Montreal, any Deputy Sheriff in the District of Gaspé, any Judge of a County Court in Upper Canada, being a Justice of the Peace, any Recorder of a City in Upper Canada, being a Justice of the Peace, any Police Magistrate in Upper Canada, sitting in open Court, and any Stipendiary Magistrate in Upper Canada, sitting in open Court, and having by law the power to do acts usually required to be done by two or more Justices of the Peace, shall and may, within their respective jurisdictions, hear and determine every charge under this Act, and exercise all the powers herein contained, in like manner and as fully and effectually as two or more Justices of the Peace can or may do by virtue of the provisions in this Act contained.

Proviso: same power to Recorders, Superintendent of Police, and certain other Functionaries.

IV. The Sheriffs of such Districts as aforesaid respectively, and any Deputy Sheriff in the District of Gaspé, when sitting or acting under the provisions of this Act, shall be assisted, attended and obeyed by the Clerks of the Peace, Bailiffs, Constables and other Officers of such Districts respectively, in the same manner as Justices of the Peace in and for the said Districts respectively would be assisted, attended and obeyed by them respectively, under the same or similar circumstances; and the Clerk of the Peace of each such District, shall be and act as the Clerk of the Court of the Sheriff of such District, under the provisions of this Act.

Sheriffs in L. C., when sitting under this Act, to be attended by Clerks of the Peace.

V. Every person who shall have obtained such certificate of dismissal as aforesaid, and every person who shall have been convicted under the authority of this Act, shall be released from all further or other proceedings for the same cause.

Proceedings under this Act a bar to further proceedings.

VI. Where any person whose age is alleged not to exceed sixteen years shall be charged with any such offence, on the oath of a credible witness before any Justice of the Peace, such Justice may issue his summons or warrant to summon or to apprehend the person so charged to appear before any two Justices of the Peace, at a time and place to be named in such summons or warrant.

Mode of compelling appearance of person punishable on summary conviction.

VII. Any Justice or Justices of the Peace, if he or they shall think fit, may remand for further examination or for trial, or suffer to go at large upon his or her finding sufficient surety or sureties, any such person as aforesaid charged before him or them with any such offence as aforesaid; and every such surety shall be bound by recognizance, to be conditioned for the appearance of

Power to one Justice to remand or take bail.

Recognizance
may be en-
larged.

of such person before the same or some other Justice or Justices of the Peace for further examination, or for trial before two or more Justices of the Peace as aforesaid, or for trial at some Superior Criminal Court, as the case may be; and every such recognizance may be enlarged from time to time by any such Justice or Justices to such further time as he or they shall appoint; and every such recognizance which shall not be enlarged shall be discharged without fee or reward when the party shall have appeared according to the condition thereof.

Application of
fines imposed
under this Act.

VIII. Every fine imposed under the authority of this Act shall be paid to the Justices who shall have imposed the same, or to the Clerk of the Recorder's Court, the Clerk of the County Court or the Clerk of the Peace, as the case may be, and shall be by him or them paid over to the County Treasurer for County purposes, if the same have been imposed in Upper Canada, and if it have been imposed in any New District in Lower Canada constituted by any Act of this Session, to the Sheriff of such District as Treasurer of the Building and Jury Fund for such District, to form part of the said Fund, and if it have been imposed in any other District in Lower Canada, then to the Prothonotary of such District, to be by him applied, under the direction of the Governor in Council, towards the keeping in repair of the Court House in such District, or to be by him added to the moneys or fees collected by him, for the erection of a Court House or Gaol in such District, so long as such fees shall be collected to defray the cost of such erection.

As to the sum-
moning and
attendance of
witnesses.

IX. It shall be lawful for any Justice of the Peace by Summons to require the attendance of any person as a witness upon the hearing of any case before two Justices under the authority of this Act, at a time and place to be named in such summons; and such Justice may require and bind by recognizance all persons whom he may consider necessary to be examined touching the matter of such charge to attend at the time and place to be appointed by him, and then and there to give evidence upon the hearing of such charge; and in case any person so summoned or required or bound as aforesaid shall neglect or refuse to attend in pursuance of such summons or recognizance, then upon proof being first given of such person's having been duly summoned as hereinafter mentioned, or bound by recognizance as aforesaid, it shall be lawful for either of the Justices before whom any such person ought to have attended to issue a warrant to compel his appearance as a witness.

Warrant in
case of refusal.

Service of
summons.

X. Every summons issued under the authority of this Act may be served by delivering a copy of the summons to the party, or by delivering a copy of the summons to some inmate at such party's usual place of abode, and every person so required by any writing under the hand or hands of any Justice or Justices to attend and give evidence as aforesaid, shall be deemed to have been duly summoned.

XI. The Justices before whom any person shall be summarily convicted of any such offence as hereinbefore mentioned, may cause the conviction to be drawn up in the form of words set forth in the schedule to this Act annexed, or in any other form of words to the same effect, which conviction shall be good and effectual to all intents and purposes.

Form of conviction.

XII. No such conviction shall be quashed for want of form, or be removed, by *certiorari* or otherwise, into any of Her Majesty's Superior Courts of Record; and no Warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

No *certiorari*, &c.

Commitment not void for defect, &c.

XIII. The Justices of the Peace before whom any person shall be convicted under the provisions of this Act shall forthwith thereafter transmit the conviction and recognizances to the Clerk of the Peace for the District in Lower Canada, or for the City, County or Union of Counties in Upper Canada, wherein the offence shall have been committed, there to be kept by the proper officer among the records of the Court of General Quarter Sessions of the Peace; and the said Clerk of the Peace shall transmit to the Provincial Secretary a quarterly return of the names, offences and punishments mentioned in the convictions, with such other particulars as may from time to time be required.

Convictions to be returned to the Quarter Sessions.

Return to Provincial Secretary.

XIV. No conviction under the authority of this Act shall be attended with any forfeiture, but whenever any person shall be deemed guilty under the provisions of this Act it shall be lawful for the presiding Justices to order restitution of the property in respect of which such offence shall have been committed, to the owner thereof or his representatives; and if such property shall not then be forthcoming, the same Justices, whether they award punishment or dismiss the complaint, may inquire into and ascertain the value thereof in money, and if they think proper, order payment of such sum of money to the true owner, by the person or persons convicted, either at one time or by instalments, at such periods as the Court may deem reasonable; and the party or parties so ordered to pay shall be liable to be sued for the same as a debt in any Court in which debts of the like amount may be by law recovered, with costs of suit, according to the practice of such Court.

No forfeiture on conviction under this Act, but Justices may order restitution of property.

Re-payment by instalments in certain cases.

XV. Whenever any Justices of the Peace shall adjudge any offender to forfeit and pay a pecuniary penalty under the authority of this Act, and such penalty shall not be forthwith paid, it shall be lawful for such Justices, if they shall deem it expedient, to appoint some future day for the payment of such penalty, and to order the offender to be detained in safe custody until the day so to be appointed, unless such offender shall give security to the satisfaction of such Justices for his or her appearance on such day; and such Justices are hereby empowered to

Recovery of penalties under this Act.

Detention of offender for non-payment.

Security may be taken.

Committal for non-payment.

to take such security by way of recognizance or otherwise at their discretion ; and if at the time so appointed such penalty shall not be paid, it shall be lawful for the same or any other Justices of the Peace, by Warrant under their hands and seals to commit the offender to the Common Gaol or House of Correction within their jurisdiction, there to remain for any time not exceeding three months, reckoned from the day of such adjudication ; such imprisonment to cease on payment of the said penalty.

Expenses of prosecution—how to be paid.

Prosecutors and witnesses.

Constables, &c.

If there be no conviction.

Proviso.

Orders for payment—how to be made and upon whom.

XVI. The Justices of the Peace before whom any person shall be prosecuted or tried for any offence cognizable under this Act, are hereby authorized and empowered, at their discretion, at the request of the prosecutor or of any other person who shall appear on recognizance or summons to prosecute or give evidence against any person accused of any such offence, to order payment to the prosecutor and witnesses for the prosecution of such sums of money, as to them shall seem reasonable and sufficient to reimburse such prosecutor and witnesses for the expenses they shall have severally incurred in attending before them, and in otherwise carrying on such prosecution, and also to compensate them for their trouble and loss of time therein, and to order payment to the Constables and other Peace Officers for the apprehension and detention of any person or persons so charged ; and although no conviction shall actually take place, it shall be lawful for the said Justices to order all or any of the payments aforesaid, when they shall be of opinion that the parties or any of them have acted *bond fide* ; and the amount of expenses of attending before the examining Justices and the compensation for trouble and loss of time therein, and the allowances to the Constables and other Peace Officers for the apprehension and detention of the offender, and the allowances to be paid to the prosecutor, witnesses and constables for attending at the trial or examination of the offender, shall be ascertained by and certified under the hands of such Justices : Provided always that the amount of the costs, charges and expenses attending any such prosecution, to be allowed and paid as aforesaid, shall not in any one case exceed the sum of forty shillings.

XVII. Every such order of payment to any prosecutor or other person, after the amount thereof shall have been certified by the proper Justices of the Peace as aforesaid, shall be forthwith made out and delivered by the said Justices or one of them, or by the Clerk of the Recorder's Court, Clerk of the County Court or Clerk of the Peace, as the case may be, unto such prosecutor or other person, upon such Clerk being paid for the same the sum of one shilling and no more, and shall be made upon the Officer to whom fines imposed under the authority of this Act are hereby required to be paid over in the District, City, County or Union of Counties in which the offence shall have

have been committed, or shall be supposed to have been committed, who is hereby authorized and required, upon sight of every such order, forthwith to pay to the person named therein, or to any other person duly authorized to receive the same on his or her behalf, the money in such order mentioned, and shall be allowed the same in his accounts.

To be paid at sight.

XVIII. For the protection of persons acting in the execution of this Act, all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be laid and tried in the District or Circuit in Lower Canada, or in the County or Union of Counties in Upper Canada where the fact was committed, and shall be commenced within three months after the fact committed, and not otherwise ; and notice in writing of such action or prosecution and of the cause thereof, shall be given to the Defendant, one month at least before the commencement of the action or prosecution ; and in any such action or prosecution, the Defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon ; and no Plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the Defendant ; and if a verdict shall pass for the Defendant, or the Plaintiff shall become non-suit, or discontinue any such action or prosecution after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the Plaintiff, the Defendant shall recover his full costs and have the like remedy for the same as any Defendant hath by law in other cases.

Protection of persons acting under this Act.

Notice of action.

Tender of amends.

If the defendant be successful.

SCHEDULE OF FORMS

To which this Act refers.

FORM OF CERTIFICATE OF DISMISSAL

To wit : } We, _____, of Her Majesty's Justices
 } of the Peace for the _____, of _____
 (or I, a _____, of the _____ of _____, as the
case may be) do hereby certify, that on the _____ day of _____
 in the year of Our Lord _____, at _____,
 in the said _____ of _____, M. N. was brought
 before us the said Justices (or me the said _____) charged
 with the following offence, that is to say : (*here state briefly the
 particulars of the charge*) ; and that we the said Justices (or I,
 the said _____) thereupon dismissed the said charge.

Given under our hands (or my hand) this _____ day of _____

FORM OF CONVICTION.

To wit : , } Be it remembered that on the day
 } of , in the year of Our Lord one
 thousand eight hundred and , at , in
 the District of , (County or United Counties, &c.
as the case may be) A. O. is convicted before us J. P. and J. R.
 two of Her Majesty's Justices of the Peace for the said District
 (or city, &c.) (or me S. J. , of the of
 , *as the case may be*) for that he the said A. O. did
 (*specify the offence and the time and place when and where the
 same was committed, as the case may be, but without setting forth
 the evidence*), and we the said J. P. and J. R. (or I the said S.
 J.) adjudge the said A. O. for his said offence to be imprisoned
 in the (or to be imprisoned in the
) and there kept at hard labour for the space of)
 (or we (or I) adjudge the said A. O. for his said offence to forfeit and pay
) (*here state the penalty actually imposed*), and in default of immediate payment of the said sum, to
 be imprisoned in the (or to be imprisoned in
 the , and there kept to hard labour) for the space
 of , unless the said sum shall be sooner paid.

Given under our hands and seals (or my hand and seal) the
 day and year first above mentioned.

C A P. X X X .

An Act to amend the Criminal Law, as regards the
 uttering of certain spurious Foreign Coin.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is expedient to prevent the making, import-
 ing and uttering of spurious foreign gold or silver coin
 in this Province: Therefore, Her Majesty, by and with the
 advice and consent of the Legislative Council and Assembly
 of Canada, enacts as follows:

Counterfeit-
 ing, uttering,
 &c., spurious
 gold or silver
 foreign coin,
 to be punish-
 able, tho' such
 coin be not
 current in this
 Province.

I. Any person who shall color or case over with gold or silver,
 or with any wash or materials producing the color of gold or silver,
 any coin of coarse gold or silver or of base metal, resembling any
 coin made, coined, or struck by or under the authority of any
 foreign prince or state, and then actually current in the dominions
 or country of such prince or state, although not current by law in
 this Province, or who shall make, or cause to be made, or buy,
 sell or procure, or knowingly bring or import into this Province
 any forged, false or counterfeit coin resembling any such foreign
 gold or silver coin as aforesaid, or any coin of coarse gold or silver
 or base metal colored or cased over with gold or silver or with
 any wash or materials producing the color of gold or silver,
 and

and resembling any such foreign gold or silver coin as aforesaid, or who shall offer, utter, tender, or put off as being any such foreign gold or silver coin as aforesaid, any forged, false, or counterfeit piece or coin counterfeited to, and resembling any such foreign gold or silver coin as aforesaid, knowing the same to be forged, false or counterfeit, shall for the first offence be deemed guilty of a misdemeanor, and for the second or any subsequent offence, shall be deemed guilty of felony.

Legal character of the offence.

II. Any person who shall form, cast, make, cut, sink, stamp or engrave, repair or mend any die, press, mould, matrix, tool, instrument or machine, metal, or material of any kind, used, constructed, devised, adapted or designed for the purpose of counterfeiting or imitating any foreign gold or silver coin described in this Act, shall, for the first offence, be deemed guilty of a misdemeanor, and for the second or any subsequent offence shall be deemed guilty of felony.

Making tools, &c., for making such spurious coin prohibited.

III. Any person who shall knowingly, and except for some known and lawful purpose, have in his possession or custody, any forged, false, or counterfeited piece or coin, counterfeited to resemble any foreign gold or silver coin described in this Act, or any die, press, mould, matrix, tool or instrument or machine, metal or material of any kind used, constructed, devised, adapted or designed for the purpose of imitating any foreign gold or silver coin described in this Act, shall for the first offence be deemed guilty of a misdemeanor, and for the second or any subsequent offence, shall be deemed guilty of felony.

Or having such tool, &c., in possession, except for a lawful purpose.

IV. Any person who shall be convicted of having committed any misdemeanor under this Act, shall, at the discretion of the Court before which the conviction shall be had, be imprisoned in any Common Gaol, with or without hard labour, for any term under two years, or shall be imprisoned and kept at hard labour in the Provincial Penitentiary for any term not less than two or more than seven years; And upon conviction for a second or any subsequent offence under this Act as aforesaid, such person shall be deemed guilty of felony, and shall be imprisoned and kept at hard labour in the Provincial Penitentiary for any term not less than two nor more than fourteen years, in the discretion of the Court before which the conviction shall be had.

Punishment for first offences against this Act.

And for subsequent offences.

C A P. X X X I.

An Act to prevent the cruel and improper treatment of Cattle and other Animals, and to amend the Law relating to impounding the same.

[Assented to 10th June, 1857.]

WHEREAS accidents have arisen from improperly driving Cattle, and many cruelties are practised by improperly driving

Preamble.

driving and conveying cattle to, at and from public markets and otherwise, and by severely beating and binding them, as well as by keeping and detaining them without food and nourishment for a considerable time, to the great and needless increase of the sufferings of dumb animals, and to the demoralization of the people, and whereby the lives and property of Her Majesty's subjects are endangered and injured ; And whereas it is expedient to prevent as far as possible the cruel and improper treatment of Cattle and other animals, and to make divers provisions in regard thereto : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Penalty on persons guilty of cruelty to animals.

Damages for injury caused by such cruelty.

Penalty and damages how enforced.

Proviso : as to binding animals carried to market.

Recital.

Cattle, &c., impounded to be supplied with food, water and shelter.

I. If any person shall, from and after the passing of this Act, wantonly, cruelly, or unnecessarily beat, bind, illtreat, abuse or torture any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Pig or other Cattle, or any Poultry, or any Dog, or domestic Animal or Bird, or if any person who shall drive any Cattle or other animal shall, by negligence or ill-usage in the driving thereof, be the means whereby any mischief, damage or injury shall be done by any such cattle or other animal, every such offender being convicted of any or either of the said offences before any one Justice of the Peace for the City, Town, District or County in which any such offence shall have been committed, shall, for every such offence, forfeit and pay (over and above the amount of the damage or injury, if any, done thereby, which damage or injury shall and may be ascertained and determined by such Justice,) such a sum of money not exceeding two pounds ten shillings, nor less than five shillings, with costs, as to such Justice shall seem meet ; or the offender shall in default of payment be committed to the Common Gaol or House of Correction, for the City, Town, District or County in which such offence shall have been committed, there to be imprisoned for any time not exceeding fourteen days ; provided that nothing in this Act contained shall prevent or abridge any remedy by action against the employer of any such offender where the amount of the damage is not sought to be recovered by virtue of this Act ; Provided that nothing in this section contained shall make it unlawful for any person to bind any sheep, lambs, calves or pigs for the purpose of conveying and delivering them to or at any market, at a distance not exceeding fifteen miles from the owner's house or premises ; but such animals shall not remain so bound for a longer space than half an hour after their arrival at such market.

II. And whereas cruelties are sometimes practised by reason of keeping and detaining Horses, horned Cattle, Pigs and other cattle and animals, impounded and confined without food, water and shelter, for a length of time ; For remedy thereof, be it enacted, that from and after the passing of this Act, every Poundkeeper and every person who shall impound or confine,

or cause to be impounded or confined, any Horse, horned Cattle, Sheep, Pigs, or other cattle or any poultry, in any common Pound, open Pound, or close Pound, or in any inclosed place, (and it shall and may be lawful for any person to confine any Cattle, Poultry or other animals in any inclosed place when found trespassing, where the common Pound of the City, Town, Township or place wherein the distraining occurs is not secure) shall, and he is hereby required to find, provide and supply such horse or other cattle, animal or poultry so impounded or confined, daily, with good and sufficient food, water, shelter and nourishment, for so long a time as such horse or other cattle, animal or poultry shall remain and continue so impounded or confined as aforesaid; and every such person who shall so find, provide and supply any such horse or other cattle, animal or poultry with such daily food, water, shelter and nourishment as aforesaid, shall and may, and he and they are hereby authorized and empowered to recover of and from the owner or owners of such cattle, animal or poultry, the value of the food and nourishment so supplied to such cattle, animal or poultry as aforesaid, together with a reasonable allowance for his time, trouble and attendance in and about impounding and taking care of such cattle, animal or poultry, by proceeding before any one Justice of the Peace within whose jurisdiction such cattle, animal or poultry shall have been so impounded and supplied with food as aforesaid, in like manner as any penalty or forfeiture, or any damage or injury may be recovered under and by virtue of any of the powers or authorities in this Act contained, and which value of the food and nourishment, loss of time, trouble and attendance, so to be supplied as aforesaid, such Justice is hereby fully authorized and empowered to ascertain, determine and enforce as aforesaid; and every person who shall have so supplied such food, shelter and nourishment, time and trouble as aforesaid, shall be at liberty, if he shall so think fit, instead of proceeding for the value thereof as last aforesaid, after the expiration of not less than four clear days from the time of impounding the same, to sell any such Pig or Poultry, and after the expiration of not less than eight clear days from the time of impounding the same, to sell any such Horse or other cattle or animal, openly in or near the place wherein the same shall be so impounded or confined as aforesaid, or openly at any public market, street or other public place, (after having given three days public written or printed notice thereof, by affixing such notice upon the door of the neares' School House, or of the nearest Church, Chapel or other public place in the City, Town, Village, Township or place wherein the distress was made,) for the most money that can be then got for the same, and to apply the produce in discharge of the value of such food and nourishment, loss of time, trouble and attendance so supplied as aforesaid, and the expenses of driving or conveying and impounding or confining such horse or other cattle, animal or poultry, and of such sale and attending the same, or

Who shall provide the same.

Cost thereof how recoverable by suit.

Or by sale of the animal, &c.

Distribution of proceeds of sale.

incidental thereto, as well as the damage done by such horse or other cattle, animal or poultry, to the property of the person at whose suit the same was distrained, (such damage not to exceed five pounds in any case, and which the Justice is hereby fully authorized and empowered to ascertain, determine and enforce as aforesaid,) rendering the overplus, if any, to the owner of such horse, cattle or animal; Provided always, that no such sale shall be lawful unless the party claiming to sell any such horse or other cattle, animal or poultry, by virtue of the power herein contained, shall have first made oath or affidavit, in writing, before the said Justice, that the notice or notices of sale, as above mentioned, were duly affixed and published in the manner prescribed by this Act, and shall satisfy the said Justice that such was the case.

Proviso: certain affidavit to be made before sale.

Penalty for not providing such food, &c.

III. In case any such person or Poundkeeper who shall so impound or confine, or cause to be impounded or confined, or keep impounded or confined any such horse or other cattle or animal as aforesaid, shall refuse or neglect to find, provide, and supply such daily good and sufficient food, water, shelter and nourishment to such cattle, animal or poultry so impounded and confined as aforesaid, he and they shall for every day during which he or they shall so refuse or neglect to find, provide and supply the same as aforesaid, forfeit and pay a sum not less than five shillings nor more than twenty shillings, which last sum and sums of money shall and may be recoverable by proceeding before any one Justice of the Peace, in like manner as hereinbefore provided for the recovery of any penalty, forfeiture, damage or injury, as hereinbefore mentioned.

How recoverable.

Apprehension of offenders facilitated.

Warrant not required by those who see the offence committed.

Examination of witnesses.

IV. And for the more easy and effectual apprehension of all offenders against this Act, Be it enacted, That when and so often as any of the said offences shall happen, it shall and may be lawful to or for any constable or other peace officer, or for the owner of any such horse, cattle, animal or poultry, upon view thereof, or upon the information of any other person (who shall declare his or their name or names and place or places of abode, to the said constable or other peace officer), to seize and secure by the authority of this Act, and forthwith and without any other authority or warrant, to convey any such offender before any one Justice of the Peace within whose jurisdiction the offence shall have been committed, to be dealt with according to law; and such Justice shall forthwith proceed to examine upon oath any witness or witnesses who shall appear or be produced to give information touching any such offence, which oath the said Justice is hereby authorized and empowered to administer.

Committal of persons apprehended and

V. If any person who shall be apprehended for having committed any offence against this Act shall refuse to discover his name and place of abode to the Justice before whom he shall be

be brought, such person refusing shall immediately be delivered over to a constable or other peace officer, and shall by him be conveyed to the Common Gaol or House of Correction for the City, Town, District or County within which the offence shall have been committed, or in which the offender shall have been apprehended, there to remain for a space not exceeding one calendar month, or until he shall make known his name and place of abode to the said Justice.

refusing to give their names, &c.

VI. The prosecution of every offence punishable under this Act shall be commenced within three calendar months next after the commission of the offence, and not otherwise; and the evidence of the party complaining shall be admitted in proof of the offence, and shall be sufficient in the absence of any other evidence.

Limitation of suits.

Evidence.

VII. In every case of a conviction under this Act where the sum which shall be awarded for the amount of the damage or injury done, or which shall be imposed as a penalty by any such Justice as aforesaid, for any offence contrary to this Act, shall not be paid either immediately, upon or after the conviction, or within such period as such Justice shall at the time of the conviction appoint, it shall be lawful for such Justice (unless where otherwise specially directed) to commit the offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Justice, for any term not exceeding fourteen days, where the amount of the sum awarded or the penalty imposed, or both (as the case may be) together with the costs, shall not exceed five pounds, and for any term not exceeding two calendar months where the amount with costs shall exceed five pounds; the commitment to be determinable in each of the cases aforesaid upon payment of the sum or sums awarded and costs.

Committal of offender for non-payment of penalty or damages.

Hard labour.

Discharge on payment.

VIII. It shall be lawful for any one such Justice as aforesaid, in all cases in which no other mode of proceeding is specially provided or directed by this Act, or in any case where any person shall not be conveyed before any Justice by the authority of this Act, upon information or complaint made by any person of any offence against the provisions of this Act, within fourteen days next after the commission of any such offence, to summon the party accused to appear before such Justice, or before any other Justice of the Peace, at a time and place to be by him named, and either on the appearance of the party accused or in default thereof, it shall be lawful for such Justice or any other Justice, at the time and place to be appointed for such appearance, to proceed to examine into the matter, and upon due proof made thereof by voluntary confession of the party, or by oath of one or more credible witness or witnesses, to award, order, give judgment, or convict for the damage or injury, penalty or forfeiture, as the case may be.

Summons to offender in certain cases.

Proceedings on day appointed for his appearance.

Form of conviction provided.

IX. In every case where there shall be a conviction for any offence contrary to this Act, the same shall be drawn or made out according to the form following, or to the effect thereof, or as near thereto as may be :

The Form.

County, (or as the } Be it remembered, that on the
case may be) of } day of , in the year of Our Lord,
 at } in the County (or as the case may be)
 of , A. B. is convicted before me, J. P., one of
 Her Majesty's Justices of the Peace for the said County, (or as
the case may be), for that he the said A. B. on the
 day of , in the year , at in
 the said , did (*here specify the offence*), and I, the
 said J. P., do adjudge the said A. B. for his said offence, to
 forfeit and pay the sum of (*here state the penalty actually im-*
posed, or the penalty and also the amount of damages for the
injury done, or as the case may be), and also to pay the
 sum of
 for costs, and in default of immediate payment of the said
 sums, to be imprisoned in the (*and as the case*
may be), to be there kept to hard labour for the space of
 , unless the said sums shall be sooner paid :
 and I direct that the said sum of (*the penalty*) shall be paid as
 follows, that is to say : one moiety thereof to the
 of the said , of , to be by applied
 according to ; and the other moiety thereof,
 to C. D., of , the prosecutor, (or as the case may be) ; and
 that the said sum of (*the sum for the amount of*
injury done, if any sum is awarded) shall be paid to E. F. (or
 the said C. D. as the case may be) ; and I order that the said
 sum of for costs shall be paid to the said C. D.

Given under my hand and seal, the day and year first above mentioned.

J. P. [L. S.]

Service of summons.

X. Any summons issued by any such Justice, requiring the appearance of any offender against any of the provisions of this Act, shall be deemed and taken to be well and sufficiently served, in case either the summons or copy thereof be served personally on such person as aforesaid, or be left at his usual or last known place of abode, in whatever county or place the same may be served or left.

Penalty on Peace Officers refusing to serve any summons or execute any warrant.

XI. If any constable or other Peace Officer shall refuse or neglect to serve or execute any such summons or warrant granted or issued by any such Justice of the Peace, pursuant to any of the provisions of this Act, every such Constable or Peace Officer so offending, and being convicted thereof upon the information of any person before any Justice of the Peace, shall forfeit any sum, not exceeding five pounds, as shall be awarded by such Justice, and in default of payment thereof shall

shall be committed by such Justice to the County Gaol or House of Correction of the City, Town, District or County in which such Justice has jurisdiction, there to be kept for the space of time not exceeding one calendar month, unless such penalty shall be sooner paid.

Committal for non-payment.

XII. All pecuniary penalties which shall be recovered before any Justice of the Peace under the provisions of this Act, shall respectively be divided, paid, and distributed in the following manner, that is to say: one moiety thereof to the Treasurer of the City, Town, Village, Township or Parish in which any of the offences aforesaid shall have been committed, to be by such Treasurer applied in repairing streets or roads therein, and the other moiety thereof, with full costs, to the person who shall inform and prosecute for the same, or to such other person as to such Justice shall seem fit and proper; and that all and every sum or sums of money which shall or may be ascertained, determined, adjudged, and ordered by any Justice of the Peace under the authority of this Act, to be paid as the amount of any damage or injury occasioned by the commission of any of the offences hereinbefore mentioned, shall be paid to the person who shall or may have sustained such damage or injury.

Application of penalties.

And of sums awarded for damages.

XIII. Upon the hearing of any information or complaint exhibited or made under any of the provisions of this Act, any person giving or making such information or complaint, or other person, shall be deemed and is hereby declared to be a competent witness, notwithstanding he may be entitled to any part of the pecuniary penalty, on the conviction of any offender, upon any such information or complaint as aforesaid.

Complainant, &c., to be a competent witness.

XIV. All actions and prosecutions which may be brought or commenced against any person for any thing done in pursuance or under the authority of this Act, shall be commenced within one calendar month next after the fact committed, and not afterwards, and shall be brought and tried in the County or place where the cause of action shall arise, and not elsewhere; and notice in writing of any such action and specifying the cause thereof shall be given to the defendant fourteen clear days at least before the commencement of any such action; and the defendant in such action may plead the general issue, and give this Act and any other matter or thing in evidence at any trial to be had thereupon; and if the cause of action shall appear to arise from or in respect of any matter or thing done in pursuance and by the authority of this Act, or if any such action shall be brought after the expiration of one calendar month, or shall be brought in any other County or place than as aforesaid, or if notice of such action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such action commenced, or if a sufficient sum of money shall have been paid into Court after such action commenced,

As to suits brought for things done under this Act.

Notice.

Pleading this Act.

Tender of amends.

by

As to costs in such suits.

by or on behalf of the defendant, the jury shall find a verdict (or if the case be not tried by Jury, judgment shall be given) for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become non-suit, or shall discontinue any such action, or if on demurrer or otherwise judgment shall be given against him, the defendant shall recover his full costs of suit as between attorney and client, and shall have the like remedy for the same as every defendant may have for costs of suit in other cases at law; and although a verdict be given (or judgment be rendered) for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge or Judges before whom the trial shall be had shall certify his or their approbation of the action and of the verdict (if any) obtained thereupon.

Appeal from convictions, &c., under this Act.

XV. In case any person shall consider himself aggrieved by adjudication or conviction made by any Justice of the Peace under the authority of this Act, such party shall and may appeal against such adjudication or conviction, on giving fourteen days' notice of such appeal, and of the cause and matter thereof to such Justice to the next Quarter Sessions, to be held next after the expiration of the said fourteen days, in or for the town, city, riding, district, county or division within which such adjudication or conviction shall have been made, and such Court of Quarter Sessions shall hear and determine the said appeal in the same manner and form as appeals are usually conducted in the General Quarter Sessions in that part of the Province in which the appeal shall be brought, and shall award to the party appealing against or supporting such adjudication or conviction, such costs as to them the said Justices shall seem reasonable.

Costs.

Interpretation clause.

XVI. In order to avoid the repetition, and to prevent any misconstruction of the terms and expressions used in this Act, Be it enacted, That wherever in this Act, with reference to any person, cattle, animal, matter or thing, any word or words, is or are used, importing the singular number or the masculine or feminine gender only, yet such word or words shall be understood to include several persons or animals, as well as one person or animal, and females as well as males, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction, and that where the word "cattle" is used alone in this Act, the same shall be understood and taken for any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep or lamb, or any other cattle or domestic animal.

Act not to affect municipal By-laws for the same purpose.

XVII. Nothing in this Act contained shall be held to repeal any By-laws made which may be construed to have reference to any of the provisions, matters and things contained in this Act, by any Municipal Council under and by virtue of the provisions

provisions of the Municipal laws of this Province, excepting in so far as the same may be at variance with the provisions of this Act; but such By-laws, so made, shall remain and continue in full force and effect, any thing in this Act contained to the contrary notwithstanding.

XVIII. The second and third sections of this Act shall extend to Upper Canada only. Sects. 2 & 3
limited to U.C.

XIX. This shall be a Public Act. Public Act.

C A P . X X X I I .

An Act to repeal a certain Act therein mentioned, and make better provision for the encouragement of Agriculture, and also to provide for the promotion of Mechanical Science.

[Assented to 10th June, 1857.]

WHEREAS by the Parliamentary Representation Act of 1853, Upper Canada has been divided into new Electoral Divisions, it is therefore desirable to extend to such new Divisions, the provisions of the Act passed in the sixteenth year of Her Majesty's Reign, chapter eleven, *to provide for the establishment of a Bureau of Agriculture, and to amend and consolidate the Laws relating to Agriculture*, and to make further amendments in the said Act, and it is convenient that such amendments and so much of the said Act as shall not be affected thereby shall be read as one Act; And whereas it is also desirable to promote the development of Mechanical talent among the people of this Province, by disseminating instruction in mechanics and the kindred sciences, and by affording increased facilities for the study of Models and Apparatus; And whereas for the attainment of this object, by these means it is expedient to provide for the establishment of Central Boards of Administration in Upper and Lower Canada respectively, connected and co-operating with the Mechanics' Institutes of the several Cities, Towns and Villages in the pursuit thereof; And whereas it is also desirable to extend encouragement to Arts and Manufactures, and stimulate the ingenuity of Mechanics and Artizans by means of prizes and distinctions, distributed and awarded on the same principle as has been already so successfully applied to the encouragement of Agriculture in this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. From and after the passing of this Act, the Act cited in the preamble to this Act shall be, and the same is hereby repealed; but all Acts thereby repealed shall remain repealed, and

Act 16 V. c.
11, repealed

But Societies under it to continue.

and the Bureau of Agriculture and all Agricultural Societies, Associations and Boards of Agriculture incorporated or otherwise created, continued or recognized by, or which have been lawfully organized or established under the said Act, shall continue as if the said Act were still in force, except in so far as the said Bureau or such Societies, Associations or Boards may be altered or affected by this Act.

BUREAU OF AGRICULTURE.

Minister of Agriculture; and Bureau thereof.

II. The Bureau of Agriculture shall continue to be attached to one of the Public Departments, and the Head of such Department shall be charged with the direction of the said Bureau, and shall in respect thereof be known as the Minister of Agriculture.

Minister to be member of all Boards of Agriculture in this Province; Boards to elect Presidents, &c.

III. The said Minister shall be *ex officio* Member of all Boards of Agriculture which now are or hereafter may be established in this Province. It shall and may be lawful for the Members of the Board of Agriculture to elect from among themselves a President and Vice-President at their first meeting and every annual meeting thereafter.

Minister to receive applications for Patents for Inventions, &c.

IV. The said Minister shall also receive all applications, drawings, descriptions, specifications and models for or relating to Patents for Inventions in this Province, and shall keep the records thereof; and all Acts now in force relating to Patents for Inventions and which direct any thing to be done by or through the Provincial Secretary, shall be held to have directed the same to be done by or through the said Minister.

To be a Member of Board of Registration, &c.

V. The said Minister shall also be a Member of the Board of Registration and Statistics, in the place of the Inspector General and shall be the Chairman thereof, and shall under the general direction of the said Board, have charge of the Census and other Statistical Returns.

To collect facts relating to Agriculture, &c., and disseminate the same.

VI. It shall be the duty of the said Minister to institute inquiries and collect useful facts and statistics relating to the Agricultural, Mechanical and Manufacturing interests of the Province, and to adopt measures for disseminating or publishing the same in such manner and form as he may find best adapted to promote improvement within the Province, and to encourage immigration from other Countries; and he shall submit to Parliament within ten days after the opening of each Session thereof a detailed and succinct Report of his proceedings.

His annual report.

Boards of Agriculture, &c., to answer his communications.

VII. All Boards of Agriculture, Agricultural Associations, Agricultural Societies, Municipal Councils, Boards of Arts and Manufactures, Mechanics' Institutes, Public Institutions, and Public Officers in this Province, shall promptly answer official communications

communications from the said Bureau of Agriculture, and shall make diligent efforts to supply correct information on all questions submitted to them respectively ; and any Officer of any such Board, Association, Society, Council, Institute, or other Public Institution who shall refuse, or wilfully neglect to answer any question, or to furnish any information relating to the Agricultural, Mechanical or Manufacturing interests, or the Statistics of this Province, whenever required so to do, either by the said Minister, or by any person duly authorized by such Minister in that behalf, shall for every such offence incur a penalty of ten pounds currency, which penalty shall be recoverable by any person suing for the same before any Court of competent jurisdiction, and shall be paid to Her Majesty.

Penalty for refusal.

VIII. The Minister of Agriculture may at any time, and from time to time, appoint any person or persons to inspect the books and accounts of any Society in the Province receiving Government aid, and which may be in any way in connexion with the said Bureau of Agriculture ; and all officers of every such Society whenever required so to do, shall submit such books and accounts to such inspection, and truly to the best of their knowledge answer all questions that may be put to them in relation thereto, or to the funds of such Society.

He may appoint persons to inspect accounts of Agricultural Societies, &c.

BOARDS OF AGRICULTURE.

IX. The Presidents, for the time being, of the Agricultural Associations hereinafter mentioned, and all Professors of Agriculture in Chartered Colleges, Universities and other public educational institutions, and the Chief Superintendents of Education in Upper and in Lower Canada, shall respectively be Members *ex officio* of the Board of Agriculture for that section of the Province in which they reside.

Who shall be Members of Boards of Agriculture.

X. Four Members of each Board shall annually retire and cease to be Members thereof, unless re-elected, each seat being vacated every alternate year, but retiring Members may continue to exercise all their functions until their successors have been duly elected as hereinafter provided ; and the names of the retiring Members shall forthwith be published in the Agricultural Journals of the section of the Province in which they reside.

Retirement of Members.

XI. The County Agricultural Societies in Upper and Lower Canada respectively, shall, at their annual Meetings in January, nominate four fit and proper persons to be Members of the said Boards of Agriculture respectively, and shall forthwith transmit the names of the persons so nominated to the Bureau of Agriculture ; and the four persons who shall have been nominated by the greatest number of Societies shall be Members of the said Boards respectively, in the place of the Members vacating their seats

County Societies to appoint Members of said Boards.

Casual vacancies. seats as aforesaid. Vacancies which may at any time happen through death, resignation or otherwise, may be filled up by the Governor in Council.

Case of equality of votes provided for. XII. In case of an equality of votes for one or more of the persons so nominated, the Minister of Agriculture shall decide which shall be the Member, and he shall cause the persons so nominated, and the Boards to which they are nominated respectively, to be immediately notified of the result.

Members to act gratuitously. Secretaries may be paid. XIII. It shall not be lawful for either of the said Boards to pay or allow any sum to a Member thereof, for acting as such Member, except the amount of his actual necessary expenses in attending the regular meetings of the Board; but each of the said Boards may appoint a Secretary from among themselves or otherwise, and may pay him a reasonable salary for his services.

Regular meetings of the Boards. Chairman *pro tempore*. XIV. The regular Meetings of the said Boards shall be held pursuant to adjournment, or be called by the Secretary at the instance of the President or Vice-President, or upon the written request of any three Members, and at least five days' notice of such Meeting shall be given to each Member, and it shall be lawful for the Board, in the absence of the President and Vice-President, to appoint a Chairman *pro tempore*, and five Members shall be a *quorum*.

Duties of Boards of Agriculture. Experimental farm. Museum and Library, &c. XV. It shall be the duty of the said Boards to receive the Reports of Agricultural Societies, and before granting the certificates hereinafter mentioned, to see that they have complied with the law; to take measures, with the approbation of the Minister of Agriculture, to procure and set in operation a model, illustrative or experimental farm or farms in their respective sections of the province, and in connection with any public school, college or university, or otherwise, and to manage and conduct the same, to collect and establish, at Toronto and Montreal respectively, an Agricultural Museum and an Agricultural and Horticultural Library, to take measures to obtain from other countries animals of new or improved breeds, new varieties of grain, seeds, vegetables or other agricultural productions, new or improved implements of husbandry or new machines which may appear adapted to facilitate agricultural operations, and to test the quality, value and usefulness of such animals, grain, seeds, vegetables or other productions, implements or machines, and generally to adopt every means in their power to promote improvement in the agriculture of this Province; and the said Boards shall keep a Record of their respective transactions, and shall from time to time publish, in such manner and form as to secure the widest circulation among the Agricultural Societies and farmers generally, all such Reports, Essays, Lectures and other useful information as the said Boards respectively may procure and adjudge suitable

Records of their transactions. Publishing reports, essays, &c.

suitable for publication ; and if the said Boards or either of them shall publish a monthly Journal, or adopt as their channel of communication with Agricultural Societies the Agricultural Journals now published in Upper and Lower Canada respectively, it shall be the duty of all Agricultural Societies receiving any share of the Public Grant to give at least one month's notice of the time and place of holding their Exhibitions in the Journals so published or adopted by the said Boards respectively.

Journals of
Agriculture.

XVI. The said Boards shall transmit to the Bureau of Agriculture a copy of their resolutions, By-laws or other formal proceedings, immediately after the adoption thereof ; and every resolution, By-Law, or other proceeding of the said Boards respectively which may involve an expenditure of money to an amount exceeding ten pounds, shall not be passed except with the assent of a majority of the members thereof.

Copies of By-
laws, &c., to
be sent to the
Bureau.

XVII. Each of the said Boards shall continue to be a Body Corporate, and shall have power to acquire and hold land and personal property for the purposes of its incorporation, and to sell, lease or otherwise dispose of the same.

Each Board to
be a Corpora-
tion ; powers
as such.

BOARDS OF ARTS AND MANUFACTURES.

XVIII. There shall be, and there is hereby created and established, in and for Upper Canada, one Corporation or Body Corporate, to be composed as hereinafter provided, and to be and be called "The Board of Arts and Manufactures for Upper Canada."

Boards consti-
tuted for Up-
per Canada.

XIX. There shall be, and there is hereby created and established, in and for Lower Canada, one Corporation or Body Corporate, to be composed as hereinafter provided, and to be and be called "The Board of Arts and Manufactures for Lower Canada."

Board for
Lower Ca-
nada.

XX. The said Corporations shall consist and be composed respectively of the Minister of Agriculture, for the time being, (who shall be *ex officio* a member of each), of the Professors of and Lecturers on the various branches of physical science in all the Chartered Universities and Colleges in Upper and Lower Canada respectively, and the Chief Superintendents in Upper and in Lower Canada respectively, for the time being, *ex officio*, the Presidents for the time being of and one Delegate from each of the Boards of Trade, and the Presidents of and Delegates from each of the incorporated Mechanics' Institutes, or of any incorporated Arts Associations qualified as hereinafter mentioned, in Upper and Lower Canada respectively, such Delegates to be chosen annually as hereinafter is provided.

Of whom they
shall respect-
ively consist.

XXI. The said Corporations shall have power to acquire and hold real or immoveable property, for the purposes of the Corporation,

Corporate
powers.

Corporation, and may sell, exchange, lease or otherwise dispose of or depart with the same, from time to time.

Board of Trade in U. C. to send Members.

XXII. The Board of Trade in each City and Town in Upper Canada, shall, at its first meeting after the first day of July next, and thereafter at its first meeting in the month of January in each and every year, elect and accredit to the Board of Arts and Manufactures for Upper Canada, one of its body as a member thereof.

And so in Lower Canada.

XXIII. The Board of Trade in each City and Town in Lower Canada, shall, at its first meeting after the first day of July next, and thereafter at its first meeting in the month of January, in each and every year, elect and accredit to the Board of Arts and Manufactures for Lower Canada, one of its body as a member thereof.

Mechanics' Institutes to send Members.

XXIV. Each incorporated Mechanics' Institute in Upper and Lower Canada respectively, shall, at its first meeting after the first day of July next, and thereafter at its first meeting, in the month of January, in each and every year, elect and accredit to the Board of Arts and Manufactures in Upper or Lower Canada respectively, (according as its place of meeting is in Upper or Lower Canada,) one delegate for every twenty members on its roll, being actual working mechanics or manufacturers, and having paid a subscription of at least five shillings each, to its funds for the year then last past; Provided always, that no such Mechanics' Institute shall be entitled to elect and accredit any such delegate to the Board of Arts and Manufactures, unless it shall have paid and contributed to the funds of such Board, at least one tenth of the amount of Government aid granted to such Institute during the year then last past.

Proviso.

Auditor to transmit a certain statement yearly to each Board.

XXV. The Auditor shall transmit to the Boards of Arts and Manufactures for Upper and Lower Canada respectively, in the month of March, in each and every year, statements of the number of Members on the Books, and the revenue, exclusive of Provincial aid, of each Mechanics' Institute, in Upper or Lower Canada respectively.

Names of Delegates to be transmitted to Secretary of proper Board.

Proviso: certain other statements to accompany it.

XXVI. The names of the Delegates so elected shall be forthwith transmitted by the Secretary of the Board or Institute electing them, to the Secretary of the Board to which they are elected, who shall thereupon inscribe their names upon the Roll of the Members of the said Board, for the year then about to commence; Provided always, that together with such names when transmitted by the Secretary of a Mechanics' Institute, there be transmitted a statement verified by the oath of the Secretary transmitting the same, to be taken before a Justice of the Peace, of the names of all the members on the roll of such Mechanics' Institute, being actual working mechanics or manufacturers, and having paid

paid subscriptions of at least five shillings each to its funds, for the year then last past ; and if it shall appear, either by the said statement or by that transmitted by the Auditor, that any such Mechanics' Institute has elected too many Delegates, then the Secretary of the Board shall abstain from recording any of the names of the Delegates of such Mechanics' Institute, and shall submit the matter to the Board at its first meeting ; and it shall be lawful for the said Board, if they see fit, to adjudge that such Mechanics' Institute shall not be entitled to any Delegate for the year then next, or otherwise to decide by vote or ballot which Delegate or Delegates thereof shall be rejected ; and in this latter case the names of the remaining Delegate or Delegates shall be forthwith inscribed by the Secretary of the said Board on the Roll of the Members thereof, for the year then about to commence.

Proceedings if any Mechanics' Institute elects too many Delegates.

XXVII. It shall be the duty of the said Boards of Arts and Manufactures to take measures, with the approbation of the Minister of Agriculture, to collect and establish at Toronto and Montreal respectively, for the instruction of practical mechanics and artizans, museums of minerals and other material substances and chemical compositions, susceptible of being used in Mechanical Arts and Manufactures, with model rooms appropriately stocked and supplied with models of works of art, and of implements and machines other than implements of husbandry and machines adapted to facilitate agricultural operations, and free libraries of reference, containing books, plans and drawings, selected with a view to the imparting of useful information in connection with Mechanical Arts and Manufactures, to take measures to obtain from other countries new or improved implements and machines, not being implements of husbandry or machines specially adapted to facilitate agricultural operations, to test the quality, value and usefulness of such implements and machines, and generally to adopt every means in their power to promote improvement in the Mechanical Arts and in Manufactures in this Province ; and the Minister of Agriculture may cause duplicates or copies of models, plans, specimens, drawings and specifications deposited in the Patent Office, and upon which Patents of Invention have issued, to be made, from time to time, and placed in the Model Rooms, Museums or Libraries of the said Boards of Arts and Manufactures respectively ; and it shall be lawful for the said Boards respectively, with the consent and approbation of the Minister of Agriculture, to establish in connection with their respective Museums, Model Rooms or Libraries, Schools of Design for Women, on the most approved plan, and furnished and supplied in the most complete and appropriate manner, that the funds at their disposal may admit of, regard being had to the claims thereon of the other objects for which they are hereby established ; and also to found Schools or Colleges for Mechanics, and to employ competent persons to deliver lectures on subjects connected with the Mechanical Arts and Sciences

Duties of the Boards of Arts and Manufactures.

Museums, Model rooms, and Libraries.

Obtaining new Implements and Machines, &c.

Minister of Agriculture may cause duplicates of specifications, &c., to be placed in such Museums.

Boards to establish Schools of design, &c.

Also to found Schools for Mechanics : to keep records

of their trans-
actions, &c.

Sciences or with Manufactures; and the said Boards shall keep Records of their respective transactions, and shall from time to time publish, in such manner and form as to secure the widest circulation among the Mechanics' Institutes and among Mechanics, Artizans and Manufacturers generally, all such Reports, Essays, Lectures and other Literary compositions conveying useful information as the said Boards respectively may be able to procure, and judge to be suitable for publication.

Boards to
make By-laws,
and for what
purposes.

XXVIII. The said Boards of Arts and Manufactures shall respectively have power and authority to make and ordain such By-laws, Rules, Orders and Regulations, not being contrary to this Act, or to the laws of this Province, as may be deemed necessary, touching the disposition and management of their funds, property and affairs, and the execution of the duties and powers intrusted to them by this Act, and the same from time to time to repeal or alter and make others in their stead; and copies of all such By-laws, Rules, Orders and Regulations, and of the minutes of all the proceedings of the said Boards, shall be transmitted forthwith after they are made to the Bureau of Agriculture.

Copies to be
sent to the
Bureau.

Regular meet-
ings of the
said Boards.

XXIX. The said Boards of Arts and Manufactures shall meet at the Cities of Toronto and Montreal respectively, four times in every year, that is to say, on the first Tuesday in each of the months of January, April, July and October, provided such Tuesday be not a holiday, in which case the meeting shall take place the next day thereafter, not being a holiday; and it shall be the duty of the President of either of the said Boards, and in his absence from the Province, or in the case of a vacancy in the office of President, then of the Vice-President, whenever he may deem it necessary or be required, by any ten members thereof so to do, to call a special meeting of the same, in the interval between any two quarterly meetings; Provided always, that such special meeting shall not take place until seven clear days after a written or printed notice signed by the Secretary of the Board, and specifying the day, hour and place of meeting, and the object or objects for which the same is called, shall have been mailed to the address of each member of the Board.

Who shall
preside.

Special meet-
ings.

Proviso: as to
special meet-
ings.

Each Board to
elect a Presi-
dent, Vice-
President, and
&c., and a sub-
committee.

XXX. Each of the said Boards shall, at its quarterly meetings in January, in each and every year, elect from among its members a President, Vice-President and a Secretary and Treasurer, to hold office for the ensuing year, or until the election of their successors, and shall and may appoint a Sub-committee of not less than five nor more than nine of their number for the management during the year of such affairs of the Board as may by any By-law be entrusted to them; and the President and Vice-President shall be *ex officio* members of such Sub-committee, and a majority of the members of such

Quorum.

Sub-committee

Sub-committee shall be a quorum for the transaction of business ; and in case of a vacancy occurring in any of the said offices in the course of the year, either by death or resignation, such vacancy may be filled up by election as aforesaid, at any quarterly meeting, or at a meeting specially called for that purpose : Provided that each such Board may be organized during the present year at any time and place to be named by the Minister of Agriculture, of which public notice shall have been previously given by the said Minister, in such manner and for such time as he may approve, and the officers appointed at such time and place so to be named by the said Minister, shall hold office until the election of their successors in January next.

Vacancies.

Proviso : organization for the present year.

AGRICULTURAL ASSOCIATIONS.

XXXI. The Members of the Boards of Agriculture and of the Boards of Arts and Manufactures, the Presidents and Vice-Presidents of all lawfully organized County Agricultural Societies, and of all Horticultural Societies, and all subscribers of Five Shillings annually, to the funds of any such Society, shall in their respective sections of the Province, be and constitute an Agricultural Association for that section.

Who shall be Members in each Section of the Province.

XXXII. The Members of the Board of Agriculture and of the Board of Arts and Manufactures, and the Presidents and Vice-Presidents of County Societies, and of all Horticultural Societies, (or any two members whom a County or Horticultural Society may have appointed Directors instead of its President and Vice-President,) shall be the Directors of such Agricultural Association ; and it shall be lawful for the Agricultural Association to elect a Treasurer.

Who shall be Directors.

Treasurer.

XXXIII. The said Associations shall each hold an Annual Fair or Exhibition, which shall be opened to competitors from any part of the Province, and the said Directors shall hold an annual meeting during the Week of the annual Exhibition, and may at such meeting elect a President and Vice-Presidents, and appoint the place for holding the next meeting and Exhibition of the Association, and may make rules and regulations for the management of such Exhibition, and may appoint a local Committee at the place where such exhibition is appointed to be held, and prescribe the powers and duties of the said Committee.

Annual exhibitions and meetings of Directors

Election of President, &c.

Local committee.

XXXIV. The Board of Agriculture, with whom shall for this purpose be associated the President and Vice-President of the Board of Arts and Manufactures, or any two persons from time to time named by the said Board in place of such President and Vice-President, shall be the Council of the Association, with full power to act for and on behalf of the Association between the annual meetings thereof ; and all grants of money, subscriptions, or other funds made or appropriated to or for the use of

Council of the Association : and its powers.

of the Association, (except money collected by or granted to any local Committee for the local expenses of an Exhibition) shall be received by and expended under the direction of the said Board as such Council, and the Secretary of the Board, together with the Secretary of the Board of Arts and Manufactures, shall be *ex officio* joint Secretaries of the Association.

Secretaries.

Contracts with the Association.

XXXV. All contracts and all legal proceedings by, with, or concerning the Association, shall be made and had with the Board of Agriculture, so constituted as such Council, in its Corporate capacity, and no other contracts, agreements, actions or proceedings shall bind or affect the Association.

Municipalities may grant money or land in aid of purposes of this Act.

XXXVI. It shall be lawful for the Municipality of any City, Town, Village, County or Township in this Province, to grant money or land in aid of the Agricultural Association for that part of the Province to which the Municipality belongs, or of any Agricultural or Horticultural Society whatever duly organized under this Act, or of any incorporated Mechanics' Institute, within the limits of such Municipality.

AGRICULTURAL SOCIETIES, UPPER CANADA.

COUNTY OR ELECTORAL DIVISION SOCIETIES.

Society may be organized in each Electoral Division, &c.

XXXVII. An Agricultural Society may be organized in each of the Electoral Divisions of Upper Canada in which there is not one embracing the limits of such electoral division already organized at the date of the passing of this Act, whenever fifty persons shall become Members thereof by signing a Declaration in the form of the Schedule A to this Act annexed, and paying each not less than five shillings annually to the Funds of the said Society; and a true copy of the said Declaration shall (within one month after the money has been so paid) be transmitted to the Board of Agriculture.

Objects of such Societies.

XXXVIII. The object of the said Societies, and of the Township or Branch Societies in connection therewith, shall be to encourage improvement in Agriculture or Horticulture, or both, 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 Enquiry relating to Agriculture or Horticulture, Manufactures and Works of Art, and by awarding Premiums for excellence in the raising or introduction of Stock, the invention or improvement of Agricultural or Horticultural Implements and Machines, the production of grain and of all kinds of vegetables, plants, flowers and fruits, and generally for excellence in any Agricultural or Horticultural Production or Operation, Article of Manufacture or Work of Art; and it shall not be lawful to expend the

Information. Seeds, &c.

Premiums.

the Funds of the Societies, derived from subscriptions of Members, or the Public Grant, for any object inconsistent with those above mentioned; and the Directors of every such County Society at any meeting which shall be called by written notice as hereinafter mentioned, and in which notice the object of the meeting shall have been specified, shall have full power to make, alter and repeal By-laws and Rules for the regulation of such Society and the carrying out of its objects.

Funds not to be expended for other purposes.

By-laws.

XXXIX. The said Societies shall hold their annual Meetings in the third week in the month of January, in each year, and shall at such Meeting, elect a President, two Vice-Presidents, a Secretary and Treasurer, and not more than seven Directors.

Annual meetings.

Election of Officers.

XL. The Presidents of the several Township Agricultural Societies, and also the Presidents of Mechanics' Institutes receiving Government aid, and of Boards of Trade, (or any other person appointed by such Society, Institute or Board, in the place of such President,) within the County, shall, in addition to those before named, be *ex officio* Directors of the County Society: Provided, that each such Township Society and Mechanics' Institute shall have contributed two pounds ten shillings annually to the funds of the County Society; and the said Officers and Directors shall and may for the year next following the annual Meeting, and until the election of their successors, exercise all the powers vested in the County Society by this Act.

Ex officio Directors.

Proviso.

XLI. The Meetings of the Officers and Directors shall be held pursuant to adjournment, or called by written notice to and given by authority of the President, or in his absence the Senior Vice-President, at least one week before the day appointed; and at any Meeting five shall be a quorum.

Adjournment and calling of meetings.

Quorum.

XLII. 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 their 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 and suggestions upon the Agriculture and Horticulture of the County, and Arts and Manufactures 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

Annual report of proceedings.

And what it must contain.

Annual accounts.

Copy to Board of Agriculture.

be sent to the Board of Agriculture, on or before the first day of April following.

County Societies to receive report from Townships, &c.

XLIII. The County Society shall receive the Reports of the Township or Branch Societies, and shall transmit them to 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 to give information to Board or Minister of Agriculture.

XLIV. It shall be the duty of the said Officers and Directors to answer such queries and give such information as the Board of Agriculture, or Minister 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.

Where Township Societies may be organized, and how.

XLV. A Township or Branch Agricultural Society may be organized in each Township in Upper Canada in which there is not one already organized at the date of the passing of this Act, or in any two or more such Townships together, whenever a sufficient number of persons, not less than twenty-five, shall become Members, by signing a declaration in the form of the Schedule A to this Act annexed, and subscribing a sum not less than ten pounds annually to the funds thereof; and a true copy of the said Declaration certified by the President or Vice-President of such Society, shall be forthwith transmitted to the County Society.

Annual meetings.

Election of Officers.

XLVI. The said Societies shall hold their Annual Meeting in the second week of the month of January in each year, and shall elect a President, Vice-President, Secretary and Treasurer, and not fewer than three or more than nine Directors.

Annual report.

Copy to County Society.

XLVII. 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.

HORTICULTURAL SOCIETIES.

How and where to be formed.

XLVIII. Any number of persons, not less than twenty-five, may organize and form themselves into a Horticultural Society for any City, Town, Village, Township or Parish, or union of two or more thereof together, either in Upper or Lower Canada, by signing a declaration in the form of Schedule A to this Act annexed,

annexed, but with the necessary alteration as to the name of the Society, and subscribing a sum of not less than ten pounds annually to the funds thereof.

XLIX. Such declaration shall be in duplicate and one part thereof shall be written and signed on the first page or pages of a book to be kept by the said Society for recording the minutes of its proceedings during the first year of its existence, and the other part thereof shall be written and signed on a sheet of paper or parchment and shall forthwith be sent by Post to the Minister of Agriculture, who shall as soon as may be after the receipt thereof, cause a notice of the formation of such Society to be inserted in the *Canada Gazette*.

Declaration of Members.

Copy to Minister of Agriculture, &c.

L. Upon, from and after the insertion in the *Canada Gazette* of the notice of the formation of any such Society as aforesaid, the same shall become and be a body corporate and politic for the objects and purposes hereinafter mentioned, by the name applied to it in such notice, which shall be the same as that in the declaration transmitted by such Society, and shall have power to acquire and hold, lease, mortgage and alienate property real and personal for the purposes of such Society.

Society to be a Corporation.

LI. Every Horticultural Society incorporated under this Act shall have power to make By-laws, not being contrary to the laws of this Province or to this Act, for prescribing the mode of admission of new Members and election of Officers, and otherwise regulating the administration of its affairs and property.

Power to make By-laws.

LII. Every such Society shall hold a meeting in the first week of the month of February, in each year, besides meetings at such other times as may be prescribed or provided for by its By-laws; and at such annual meeting a President, a Vice-President, a Secretary and Treasurer, and not fewer than three nor more than nine Directors, shall be elected.

Meetings of the Society.

Election of Officers.

LIII. 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 Agricultural Societies, and containing information under the same heads, save and except those which relate to Agriculture, the objects and purposes of such Societies being the same as those of Agricultural Societies, as hereinbefore mentioned, but with reference to Horticulture only.

Annual report.

GENERAL PROVISIONS.

LIV. The Exhibition of the County Society shall be held wherever the majority of the Directors or of a quorum thereof shall think fit, giving due and public notice thereof; and it shall be lawful for two or more County and Township Societies, by agreement

Exhibitions of County Societies, where to be held, &c.

Two or more
may unite for
the purpose.

agreement between the Directors thereof or a majority of Directors in each such Society, to unite their Funds, or any portion thereof, for the erection of suitable buildings in which to exhibit Articles of Produce or Manufacture, or Works of Art, or for Annual or Extra Shows, or for Ploughing Matches, or for any other purpose likely to promote the welfare of any one or more Counties or Townships, in Agriculture, Horticulture, Arts or Manufactures, and to acquire by purchase or lease and hold sufficient land for this purpose from time to time, and the same to exchange and sell.

Provincial
allowance to
County So-
cieties, and
conditions
thereof.

LV. Whenever the President and Secretary of the Board of Agriculture shall certify to the Minister of Agriculture 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 of this Province 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 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 also, that the whole amount granted to any such Electoral Division Society shall not exceed two hundred pounds in any year—save and except that each of the Counties of Lennox and Addington, Huron and Bruce, separately, shall be entitled to receive a sum not to exceed two hundred pounds, on the conditions specified in this Act, and that the Counties of Prince Edward, Welland, Haldimand, Grey, Holton, Kent, Carleton, Essex, Lambton, Lincoln, Norfolk, Peel and Perth, shall each and every of them be entitled to receive as heretofore a sum not exceeding two hundred and fifty pounds in any year, and on the conditions aforesaid.

Proviso.

Proviso.

Allowance to
certain special
Electoral Di-
visions.

LVI. The Electoral Divisions designated in the said Representation Act, sixteenth Victoria chapter one hundred and fifty-two, as numbers twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven and twenty-eight, shall each be entitled to receive a sum not exceeding one hundred pounds for the encouragement of Horticulture, Agriculture, Manufactures and works of Art within their respective limits: Provided always, that a full equivalent for the sum to be so paid by the Government, be subscribed and paid to the Treasurer of a Society to be formed within such Electoral Division, in the same manner as County Agricultural Societies under section

Proviso.

thirty-six of this Act, to be called "The Society for the Upper Canada Electoral Division, No. 21," or as the case may be.

LVII. Every Township or Branch Society, organized according to the Act hereby repealed or 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, as compared with the amounts so deposited by the other Township and Branch Societies of the County; 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 three-fifths and no more of the sum so received by any County Society shall be subject to division among Township or Branch Societies; And provided that the declaration mentioned in section forty-five shall be deemed a sufficient report for the first year in which any Township or Branch Society may have been organized and that no Township or Branch Society shall thus receive more than three times the amount so deposited by it as aforesaid; And provided, that nothing in this Act contained shall be construed as admitting any Member of a Township Society, in virtue of his subscription thereto, and without further subscription to the County Society, to any of the privileges of a Member of such County Society.

Township Societies entitled to a share of the grant on certain conditions.

Provido.

Provido.

Provido.

LVIII. The Board of Agriculture shall receive from Government, and pay over to the County Societies, the Public Grants to which they are respectively entitled; and it shall be lawful for the said Board to retain, for the use of the Agricultural Association, one tenth part of all such grants.

Board of Agriculture to receive and pay grants, retaining one tenth.

LIX. Any Treasurer or other Officer of any County, Township or Branch Society, who shall make affidavit 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 return any such subscription, shall forfeit and pay to Her Majesty the sum of Ten Pounds for every such offence, and shall be guilty of perjury and be held liable to all the penalties with which the law may visit that crime.

Penalty on Treasurer certifying falsely as to subscriptions.

LX. The several County Societies organized according to the provisions of this Act, or of the said Act or of any Act thereby repealed, shall be and continue Bodies Corporate, with power to acquire and hold land as a site for Fairs and Exhibitions, or for a School Farm, and to sell, lease, or otherwise dispose of the same; and any Township or Branch Society lawfully organized as aforesaid, may at any regular meeting

Certain corporate powers of County Societies.

Township Societies may

become incorporated.

Meeting adopt a Resolution that the said Society is desirous of being incorporated, and upon filing the said resolution with the Secretary of the Board of Agriculture, such Society shall thenceforth be and become a Body Corporate, and shall have like powers with County Societies.

School-farms may be established by County or Township Societies, or Municipalities.

LXI. It shall and may be lawful for any County or Township Society, or the Municipal Council of any County or Township of Upper Canada, to purchase and hold land for the purpose of establishing a School-Farm to instruct pupils in the science and practice of Agriculture, and any Society and any Municipal Council may purchase and hold such School-Farm conjointly or otherwise, and may conjointly or otherwise make all necessary rules and regulations for the management thereof, provided that not more than one hundred acres of land shall be so held by any Society or Council, whether conjointly or otherwise.

Interpretation clause.

LXII. Wherever the word "County" shall occur in this Act, it shall be held to mean "Electoral Division," except where such construction is inconsistent with the express enactment in which such word is used, and the words "Electoral Division" whenever used herein shall mean a Division for purposes of representation in the Legislative Assembly.

As to property of County Societies when the County has been divided.

LXIII. In case there should be any property real or personal, in any one or more of the Electoral Divisions, which property originally belonged to the County Society of the County of which the said Electoral Division formed a part, the said property or the value thereof shall be equitably apportioned or divided by Arbitrators or a majority of them, one to be appointed by the Directors of the Society in each such Electoral Division, and another Arbitrator to be chosen by the Arbitrators so appointed.

Act to apply to Counties, &c., to be hereafter formed.

LXIV. The provisions of this Act with regard to Grants and Electoral Divisions, conditions of Grant, &c., &c., shall extend to any new Counties or new Electoral Divisions which may hereafter be formed in Upper Canada; Provided always, that no new Electoral Division shall be entitled to more than two hundred pounds.

First meetings for forming Electoral Division Societies.

LXV. The first Meeting for the formation of Electoral Division Societies under this Act, shall be called by the Warden of the County or Union of Counties in the third week of the month of January in each year, at which Meeting the Election of the various Officers shall take place, and the Society so organized shall be esteemed the Electoral Division or County Society, and shall be entitled to receive the Government Grant hereinbefore provided; and all subsequent Annual Meetings after the first Meeting shall be called and held as provided in the thirty-ninth section of this Act.

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 Society, (any member being at liberty to retire therefrom upon giving notice in writing to the Secretary, at any time before the annual meeting, 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.

Sworn to before me }
this _____ day of _____ }
A. D. 185 .

A. B.

C. D.
Justice of the Peace for the
County of _____

CAP. XXXIII.

An Act to extend Patents for Inventions granted for one section of the Province to both sections thereof, on certain conditions.

[Assented to 10th June, 1857.]

Preamble.

13 V. c. 24.

14, 15 V. c. 79.

WHEREAS by the Act passed in 1849, in the twelfth year of Her Majesty's Reign, and intituled, *An Act to consolidate and amend the Laws of Patents for Inventions in this Province*, it is provided that Patents thereafter granted should extend to the whole Province, and by the Act passed in the Session held in 1851, in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *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*, provision is made for such extension of Patents issued for either Upper or Lower Canada before the Union thereof, to both sections of this Province; but though it was equally expedient that provision should be made for the like extension of Patents issued after the Union but before the passing of the said Act of 1849, and it appears to have been the intention of the Legislature to make such provision, yet from the wording of the said Act, it is at least doubtful whether such provision is thereby made: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Patents issued between the Union of the Provinces and the Act of 1849, extended to the whole Province.

Proviso: in favor of persons who have used the Invention before the passing of this Act.

I. Every Patent for an Invention issued after the Union of Upper and Lower Canada, but before the passing of the said Act of 1849, shall from and after the passing of this Act, and by virtue thereof, extend and apply to and throughout the whole Province of Canada, and shall be subject to all the provisos, conditions, reservations and restrictions mentioned and contained in the said Act of 1849, and the provisions thereof and of the said Act of 1851, applicable to Patents generally, shall apply to such Patents, and all matters incident thereto; and any such Patent shall, as regards that section of the Province for which it was not originally granted, convey to the holder of such Patent all the privileges conferred by the said Act of 1849, for and during the remainder of the term for which such Patent was originally granted, and shall be renewable for the whole Province for the period and under the conditions prescribed in the eleventh section of the said Act of 1849: Provided always, that every person or corporation in that section of the Province to which such Patent shall extend solely by virtue of this Act, who has or shall have purchased, constructed or used within such section of the Province, prior to the passing of this Act, any machine, manufacture or composition of matter included in such Patent, shall be held to possess the right to use and vend to others

others to be used, the specific machine, manufacture or composition of matter so actually purchased, constructed or used by him before the passing of this Act, without liability to the Patentee or other person interested in the invention for which such Patent was granted, as regards such section of the Province.

C A P . X X X I V .

An Act to amend a certain Act therein mentioned, so as better to provide for the security of the lives of Passengers on board of Steam Vessels.

[Assented to 10th June, 1857.]

WHEREAS it is expedient to make better provision for Preamble.

the security of the lives of Passengers on board of Vessels propelled in whole or in part by Steam, and for that purpose to amend certain portions of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, chapter one hundred and twenty-six, intituled, *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'*: 14, 15 V. c. 126.
Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. It shall be the duty of the Inspectors appointed under the said Act or this Act, to examine and see that suitable and safe provisions are made throughout such vessels, to guard against loss or danger from fire ; and no certificate or other papers shall be granted, on any application, if the provisions of this Act for preventing fires are not complied with, or if any combustible material liable to take fire from heated iron, or any other heat generated on board of such vessels in and about the boilers, pipes or machinery, shall be placed at less than eighteen inches distant from such heated metal or other substance likely to cause ignition, unless a column of air or water intervenes between such heated surface and any wood or other combustible material so exposed, sufficient at all times and under all circumstances to prevent ignition ; and further, when wood is so exposed to ignition, as an additional preventive, it shall be shielded by some incombustible material, in such manner as to leave the air to circulate freely between such material and the wood ; Inspectors to see that proper provision is made against danger by fire.
Provided, however, that when the structure of such vessels is such, or the arrangement of the boilers or machinery is such, that the requirements aforesaid cannot without serious inconvenience or sacrifice, be complied with, Inspectors may vary therefrom, if in their judgment it can be done with safety. Proviso.

Steamers carrying passengers to have forcing pumps for extinguishing fire.

Proviso : as to Vessels under certain tonnage.

Inspectors may examine boilers of every Steamer whenever they see fit, and must do so once a year at least.

Hydrostatic test to be applied, once a year.

Rules to be observed in testing boilers.

Standard of strength.

Provision for special cases.

II. Every Steam Vessel carrying Passengers, shall have not less than three double-acting forcing pumps, with chamber, at least four inches in diameter, two to be worked by hand and one by steam, if steam can be employed, otherwise all three by hand, one whereof shall be placed near the stern, one near the stem, and one amidship, each having a suitable well-fitted hose, of at least two thirds' the length of the vessel, kept at all times in perfect order and ready for immediate use ; each of which pumps shall also be supplied with water by a pipe connected therewith, and passing through the side of the vessel, so low as to be at all times in the water when the vessel is afloat; Provided, that in vessels not exceeding two hundred tons measurement, engine-room included, two of said pumps, one of which may be the steam-pump, may be dispensed with, and in vessels of over two hundred tons, and not exceeding five hundred tons measurement, engine-room included, one of said hand-pumps may be dispensed with, but in these cases the hose shall be of such length as to reach easily to every part of the vessel.

III. Inspectors may, whenever they deem it necessary so to do, and shall at least once in every year, subject the boiler or boilers of every Steam Vessel inspected by them respectively, to a test by hydrostatic pressure, the limit of which shall in no case exceed one hundred and fifty pounds to the square inch, and may and shall satisfy themselves by examination and experimental trials, that such boiler or boilers is or are well made of good and suitable material ; and the owner of the vessel shall provide the necessary pump and apparatus for such test, to be worked by the crew of the vessel ; and no such Inspector shall make or deliver to the owner or master of any Steam Vessel any such certificate as is mentioned in the sixth section of the said Act, without having first subjected the boiler or boilers of such vessel to such test by hydrostatic pressure, unless in and by the certificate of the then last half yearly inspection of the same, it shall appear that the same had been subjected to such test at such last half yearly inspection.

IV. In subjecting boilers to the hydrostatic test aforesaid, the Inspectors shall assume one hundred pounds to the square inch as the maximum pressure allowable as a working power for a new boiler forty-two inches in diameter, made of the best refined iron, and at least one quarter of an inch thick, in the best manner and of the quality herein required ; and shall rate the working power of all boilers, whether of greater or less diameter, according to this standard ; and in all cases the test applied shall exceed the working power allowed in the ratio of one hundred and fifty pounds to one hundred, using the water in such tests at a temperature not exceeding sixty degrees Fahrenheit ; but should any such Inspector be of opinion that any boiler, by reason of its construction or material, will not safely allow so high a working pressure, he may, for

for reasons to be stated specifically in his certificate, fix the working pressure of such boiler at less than two thirds of said test pressure ; and no boiler made after the passing of this Act, shall be rated in its working pressure above the aforesaid standard ; and the same rules shall be observed in regard to boilers heretofore made, unless the proportion between such boilers and the cylinders, or some other cause, renders it manifest that its application would be unjust, in which case the Inspectors may depart from these rules, if it can be done with safety ; but in no case shall the working pressure allowed exceed the proportion hereinbefore mentioned, as compared with the hydrostatic test ; and no valve under any circumstances shall at any time be so loaded or so managed in any way as to subject a boiler to a greater pressure than the amount allowed by the Inspector at the then last inspection thereof, nor shall any boiler or pipe be approved which is made in whole or in part of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use or any other cause.

No boiler hereafter made to be rated above the standard.

Provision as to boilers hereafter to be made.

No safety valve to be loaded beyond the pressure allowed by certificate.

V. The foregoing Sections shall not come into operation until the First day of April, one thousand eight hundred and fifty-eight.

When the preceding sections shall come into force.

VI. Every Inspector appointed to act at any particular place or places, may at any time visit at any such place, any Steam Vessel touching there, and inspect and examine the same, and if he consider such Vessel unsafe or unfit to carry Passengers, he shall report thereon, to the Governor in Council, who may by Order in Council, direct that such Vessel shall not be used or run until permitted so to do by the Inspector who shall have made such report, or by Order of the Governor in Council, and any such Vessel run or used in contravention of any such Order in Council, shall be liable to forfeiture and to seizure by the Collector of Customs at any Port, and to Sale, in the same way as goods liable to forfeiture for non-payment of duties.

Inspector may examine any Steamer at the place for which he is appointed ; and report it unsafe if he finds it so, &c.

VII. It shall be lawful for any Inspector, at all times when inspecting, visiting or examining the hull or the boiler or boilers and machinery of any Steam Vessel as aforesaid, to ask of any or all of the owners, officers or engineers of such vessel, or other person on board thereof and in charge, or appearing to be in charge of the same, or of the boiler or boilers or machinery thereof, such pertinent questions concerning the same, or concerning any accident that may have happened thereto, as he may think fit, and all such persons shall, fully and truly, answer any such questions put to them respectively, by any such Inspector, to the best of their knowledge and ability ; and any person refusing to answer, or falsely answering any such question, or preventing any such inspection or obstructing any Inspector in the same, shall, in so acting, be subject to a penalty of Ten Pounds, which may be recovered before any Justice of the Peace.

Inspectors may ask all pertinent questions of the Steamer's crew, &c.

Penalty for refusing to answer them.

Inspector to see that safety valves are sufficient.

May lock up one of sufficient size if he thinks fit.

Steam gauges to be constructed and placed as Inspector shall see fit.

Master, &c., to report accidents to boilers, &c.

Penalty for neglect.

Appeal from Inspector's acts.

Interpretation clause.

Duty and fee payable to Collector of Customs on every Steamer, instead of fees to Inspector.

VIII. It shall be the duty of each and every such Inspector, when inspecting, visiting or examining the boiler or boilers and machinery of any Steam Vessel, to satisfy himself that the safety valves attached thereto are of suitable dimensions, sufficient in number, well managed and in good working order, and loaded only so as to open at or below the certified working pressure, one of which, of sufficient dimensions to discharge all the steam the boiler can generate, and of such construction as he shall approve, he may, if he think necessary, order and cause to be locked up and taken wholly away from the control of all persons engaged in navigating such vessel, and placed under his own sole control.

IX. The Steam gauges required by the said Act, to be open to the view of all passengers and others on board such vessels, shall be put in such places and positions, and be of such construction, as the Inspector or Inspectors inspecting, visiting or examining such vessels respectively, from time to time, may direct.

X. It shall be the duty of the Master or Owner of every Steam Vessel, or of the person in charge thereof, within forty-eight hours after the occurrence of any event whereby the same, or the boiler or boilers or machinery thereof, or any part of the same, may be in any material degree injured, strained or weakened, to report such occurrence to one of the said Inspectors; and in case of omission to give such notice, the Owner of the Vessel shall forfeit to Her Majesty, the sum of fifty pounds for every day during which such omission shall continue.

XI. Any person who may feel himself aggrieved by the order or act of any Inspector, may, within two weeks thereafter, appeal therefrom to the Governor in Council, who may confirm, modify or disallow such act or order.

XII. The word, "Steam Vessel," shall mean any Vessel propelled in whole or in part by Steam, and the word "Owner" shall include the Lessee or Charterer of any such vessel.

XIII. So much of the said Act as provides, that Inspectors shall be paid and allowed any remuneration for their services by Masters and Owners of Steam Vessels, or persons applying for the inspection thereof, is hereby repealed, and in lieu thereof, from and after the first day of July next, there shall be paid by the Owner or Master of every Steam Vessel in this Province, yearly and every year, a rate or duty to be fixed by the Governor in Council and not exceeding six pence currency for every ton which such Steam Vessel may measure, and an inspection fee of one pound five shillings for every Propeller, Freight or Tug Steamer, and every Ferry Steamer not exceeding one hundred tons burden, and of two pounds for every ferry or passenger Steamer over one hundred tons burden for each inspection,

inspection, and the amount of such rate or duty and inspection fee or fees, shall in each case be paid to and received by the Collector of Her Majesty's Customs at some one of the Ports in this Province, who shall account for and pay over the same to the Receiver General, at such times and in such manner as the Governor in Council may from time to time direct; and such sums so from time to time collected and paid over shall form a special fund for the purposes of this Act, to be called "The Steamboat Inspection Fund."

Sums so paid to form the Inspection Fund.

XIV. All Collectors of Her Majesty's Customs, are hereby authorized and required from time to time to demand of the Owners or Masters of any Steam Vessels which they may have reason to think have not been inspected for more than six months, or in respect of which they may have reason to think the rate or duty aforesaid, may be due and unpaid, the exhibition of the receipts and certificates in that behalf, appertaining to such Steam Vessel; and if receipts and certificates as aforesaid, to their satisfaction, be not produced within a reasonable time, then to seize and detain such Steam Vessels until the same are procured and exhibited, and any fines or penalties incurred and lawfully imposed in respect of such Vessels under the provisions of this Act, have been paid in full; and in default of payment to sell such Steam Vessels, for the payment of such rate or duty, fines or penalties in the usual manner.

Collectors to see that the said duty and fees are paid.

Forfeiture of Vessel for non-payment.

XV. No Inspector shall make or deliver a certificate respecting any Steam Vessel under the said Act or this Act, unless the receipt of a Collector of Her Majesty's Customs for the rate or duty payable in respect of such Vessel for the then current year have been produced and shewn to him; nor unless he be satisfied that all the conditions and requirements of the said Act and of the Act passed in the sixteenth year of Her Majesty's Reign, chapter one hundred and sixty-seven, amending the said Act, and of this Act, have been fulfilled and complied with by and in respect of such Steam Vessel, and it shall be the duty of every Inspector to report to some one of the Collectors of Her Majesty's Customs, any case of omission to pay such rate or duty or of omission to apply for such inspection as aforesaid, for more than six months from the date of the then last inspection, or refusal to submit to inspection at any time which may at any time or in any way come to his knowledge, and any Inspector shall be carried free of expense on every Vessel which he shall desire to inspect while under way, and during such period as may be necessary for such inspection, and for his return to the Port at which he may have embarked on such Vessel for such purpose or for his disembarkation at any Port at which such Vessel may touch on her voyage.

No certificate of inspection until the said duty and fees are paid: and the requirements of the law have been complied with.

Inspectors to report to Collector any omission to pay the same; or any refusal to submit to inspection.

Inspector to be carried free while inspecting Steamers.

XVI. All penalties incurred under the said Act or this Act, may be recovered in the name of Her Majesty, by Her Majesty's Attorney General in any Court having jurisdiction to the amount

Recovery and application of penalties.

amount thereof, and all penalties recovered under the said Act or this Act, shall be paid to the Receiver General, and shall be by him placed to the credit and form part of "The Steamboat Inspection Fund."

C A P . X X X V .

An Act to amend the Railway Clauses Consolidation Act.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is expedient to amend the Railway Clauses Consolidation Act, and to explain the import and meaning of the words "openings, gates or bars," used in the thirteenth section of the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Section 13 of 14, 15 V. c. 51, explained.

Proviso: Where there has been a special agreement.

Proviso: this Act only to apply to Railways hereafter to be constructed.

I. The said words "openings, gates or bars," shall be held to mean and shall in all cases imply sliding gates commonly called hurdle gates, with proper fastenings: Provided always, that nothing in this Act shall be interpreted to the profit of those proprietors and tenants of lands and lots of land crossed by Railways in this Province, who have already received compensation from the Railway Companies, for having omitted the erection of the said gates. And provided further, that nothing in this Act contained shall in any way affect or apply to any Railway at present constructed or in part constructed, but the same shall be taken and held to apply only to such Railways as may be constructed or commenced after the passing of this Act.

Public Act.

II. This Act shall be a Public Act.

C A P . X X X V I .

An Act to authorize investigations in cases of accident by Fire, and to repeal the Act authorizing such investigations in the Cities of Quebec and Montreal.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is expedient that the cause of every fire by which any house or other building in any City or incorporated Town or Village in this Province, may be wholly or partly consumed, should be ascertained, in order to the adoption of such measures as may be requisite for diminishing the frequency of such fires; and for that purpose to repeal the Act hereinafter mentioned, and make other and more general provision instead thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The Act passed in the eighteenth year of Her Majesty's Reign, and intituled, *An Act to authorize investigations in cases of accident by fire in Quebec and Montreal*, is hereby repealed; Provided nevertheless, that all investigations pending under the said Act when this Act shall come into force, shall be continued and completed as if this Act had not been passed.

18 V. c. 157, repealed.

Pending cases saved.

II. It shall be the duty of the Coroner within whose jurisdiction any City, or incorporated Town, or incorporated Village, in this Province, shall lie, whenever any fire shall occur, whereby any house or other building in such City, Town, or Village shall be wholly or in part consumed, to institute an inquiry into the cause or origin of such fire, and whether it was kindled by design, or was the result of negligence or accident, and to act according to the result of such inquiry; and for the purpose aforesaid such Coroner shall summon and bring before him all persons whom he may deem capable of giving information or evidence touching or concerning such fire, and shall examine such persons on oath, (administering such oath to them,) and shall reduce their examinations to writing, and return the same to the Clerk of the Peace for the District or County within which they shall have been taken: Provided always, that it shall not be the duty of any Coroner to institute an inquiry into the cause or origin of any fire or fires by which any house or other building is wholly or partly consumed, nor shall such inquiry be had, until it has first been made to appear to such Coroner that there is reason to believe that such fire was the result of culpable or negligent conduct or design, or occurred under such circumstances as in the interests of justice and for the due protection of property to require an investigation.

Coroner to inquire into the origin of fires in Cities, Towns and Villages.

Evidence to be taken on oath.

Proviso:

Such inquiry not to take place except under certain circumstances.

III. Such Coroners shall further be empowered in their discretion, or in conformity with the written requisition of any Agent of an Insurance Company, or of any three householders in the vicinity of such fire, to impanel a jury chosen from among householders resident in the vicinity of such fire, to hear the evidence that may be adduced touching or concerning such fire, and to render a verdict under oath thereupon in accordance with the facts.

Jury may be impanelled in certain cases.

IV. If any person summoned to appear before any Coroner under this Act, shall neglect or refuse to appear at the time and place specified in the summons, or if any such person appearing in obedience to any such summons shall refuse to be examined or to answer any questions that may be put to him in the course of his examination, it shall be lawful for such Coroner to enforce the attendance of such person, or to compel such person to answer, as the case may require, by the same means as such Coroner might use in like cases at ordinary inquests before him.

Coroner may enforce attendance of witnesses.

Punishment
of Jurors not
attending and
acting.

Fines, and
how levied.

Proviso : cer-
tain powers of
Coroner not to
be affected.

Inspectors of
Police to have
powers under
this Act at
Quebec and
Montreal.

Allowance to
Coroners hold-
ing inquiries,
and how paid.

V. If any person having been duly summoned as a juror upon any such inquiry, shall not, after being openly called three times, appear and serve as such juror, the Coroner shall be empowered to impose upon any such person so making default such fine as he shall think fit, not exceeding twenty shillings ; and such Coroner shall make out and sign a certificate containing the name, residence, trade or calling of such person so making default, together with the amount of the fine imposed, and the cause of such fine, and shall transmit such certificate to the Clerk of the Peace in the District or County in which such defaulter shall reside, on or before the first day of the Quarter Sessions of the Peace then next ensuing for such District or County, and shall cause a copy of such certificate to be served upon the person so fined, by leaving it at his residence, within a reasonable time after such inquest ; and all fines and forfeitures so certified by such Coroner, shall be estreated, levied and applied in like manner, and subject to like powers, provisions and penalties in all respects, as if they had been parts of the fines imposed at such Quarter Sessions : Provided always, that nothing herein contained shall be construed to affect any power now by law vested in any Coroner, for compelling any person to attend and act as a Juror or to appear and give evidence before him on any inquest or other proceeding, or for punishing any person for contempt of Court in not so attending and acting, or appearing and giving evidence, or otherwise, but all such powers shall extend to and be exercised in respect of inquiries under this Act.

VI. For and notwithstanding any thing in this Act contained, the Inspector and Superintendents of Police or Recorders for the Cities of Quebec and Montreal, shall have with regard to fires occurring within the said Cities respectively, all the powers, authorities and duties conferred on Coroners by this Act, and within the said Cities all such inquests or inquiries shall be held respectively by such Inspectors and Superintendents of Police or the Recorders thereof.

VII. When any such inquiry shall have been held by the Coroner, and not by any other Officer as aforesaid, in conformity with this Act, the Coroner holding the same shall be entitled therefor to the sum of two pounds ten shillings, and should the said inquiry extend beyond one day, then to two pounds ten per diem for each of two days thereafter, and no more ; And the official order of such Coroner for the same, upon the Treasurer of the City, Town or Village in which such inquiries shall be holden, shall be paid by the said Treasurer out of any funds he may then have in the Treasury, as he is hereby commanded to do, upon the presentation of such order.

C A P . X X X V I I .

An Act further to amend the Acts relative to Land Surveyors.

[Assented to 10th June, 1857.]

WHEREAS it is desirable to amend the Acts relative to Land Surveyors, as hereinafter is set forth : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. Any person who, after having first passed the preliminary examination required by law for admission, to Apprenticeship with a Land Surveyor, shall have followed a regular course of study in all the branches of education required by law for final admission as a Land Surveyor, through the regular sessions for at least two years, in any University in this Province wherein there may be organized a complete course of instruction, practical as well as theoretical, in Civil Engineering, Natural Philosophy, Geology, and the other branches of education required by law for such admission as a Land Surveyor, and who shall thereupon have received from such University, after due examination, a Degree or Diploma of Qualification as a Civil Engineer and Land Surveyor, may be received as an Apprentice by any Land Surveyor in Upper or Lower Canada, and shall thereupon be only holden to serve as such Apprentice during twelve months of actual service, or, if he shall have passed through such University course of study in less time than two full years, then for such time of actual service as with the period spent by him in such University course of study shall suffice to make up the full time of three years; and after such actual service, such person shall have the same right to present himself for, and to undergo the examination required by law, and, if found qualified, then to be admitted to practise as a Land Surveyor in Upper or Lower Canada, as the case may be, as if he had served the full three years' Apprenticeship otherwise required by law : Provided always that nothing herein contained shall be construed to exempt any such person from any condition or requirement of the said Acts or either of them, save and except that of three years' Apprenticeship with a Land Surveyor as aforesaid.

Preamble

Period of apprenticeship, limited to one year in favor of the holder of a Diploma as Civil Engineer from certain Canadian Universities, and having gone through a two years' course therein.

And if he shall have gone a shorter course than two years.

Proviso : examination, &c., to be requisite.

C A P . X X X V I I I .

An Act to amend the Act relating to the Commissioners' Courts for the summary trial of small causes in Lower Canada.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS it is expedient to amend the Act relating to the Commissioners' Courts for the summary trial of small causes in Lower Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Suit may be brought where debt was contracted, subject to certain conditions.

Proviso: as to costs.

I. Whoever shall have contracted a debt in any parish or township in which a Commissioners' Court is established, may be sued in such Court and the judgment may be carried into execution, provided that the debtor do not reside in a Parish or Township being at a greater distance than five leagues from such parish or township in which the debt has been contracted, any law to the contrary notwithstanding ; but the debtor so sued shall not be obliged to pay any greater amount of costs for services performed by Bailiffs or Sergeants of Militia than he would be obliged to pay if he were sued in the parish or township in which he resides, and the difference in the amount of such costs in such case shall be paid by the creditor bringing the action.

Extent of Act.

II. This Act shall apply to Lower Canada only.

C A P . X X X I X .

An Act to amend the Act 16 Victoria chapter 171, in so far as it relates to the time fixed for the hunting of Muskrats.

[Assented to 27th May, 1857.]

Preamble.

16 V. c. 171.

WHEREAS the Act 16 Victoria chapter 171, intituled : *An Act to amend the Act prohibiting the hunting and killing of Deer and other Game within this Province at certain seasons of the year*, does not accomplish the purpose for which it was passed, in so far as concerns the period fixed for the hunting of the Muskrat : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Priod for killing Muskrats in L. C. limited.

I. The third section of the said Act is hereby repealed, and from and after the passing of this Act, it shall not be lawful for any person or persons, in Lower Canada, to kill, shoot, destroy,

destroy, sell, or offer for sale, purchase or receive, any Muskrat, between the tenth day of May of any year and the first day of March of the following year; and any person who shall, in Lower Canada, kill, shoot, or destroy, or sell, or offer for sale, buy or receive, any Muskrat between the tenth day of May of any year and the first day of March of the following year, shall, upon being convicted of such offence, be subject to the fines and penalties imposed 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 the Province at certain seasons of the year.* Penalty. 7 V. c. 12.

C A P . X L .

An Act to amend the several Acts to remedy abuses
prejudicial to Agriculture.

[Assented to 10th June, 1857.]

WHEREAS it is expedient to consolidate into one general Act, the several Acts to remedy abuses prejudicial to Agriculture: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

I. The following Acts are hereby repealed:

1. *An Act to repeal two certain Acts therein mentioned relating to agriculture, and to provide for the remedy of abuses prejudicial to agriculture:* Passed in the thirteenth and fourteenth years of Her Majesty's reign, chapter forty; Acts repealed, 13, 14 V. c. 40.

2. *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:* Passed in the fourteenth and fifteenth years of Her Majesty's reign, and chaptered one hundred and two; 14, 15 V. c. 102.

3. *An Act to amend the Act intituled, An Act to repeal two certain Acts therein mentioned relating to agriculture, and to provide for the remedy of abuses prejudicial to agriculture:* Passed in the sixteenth year of Her Majesty's reign, and chaptered two hundred and ten; 16 V. c. 210.

4. And all other laws, acts and ordinances, contrary to this Act; this Act, however, shall in no respect affect the powers and duties of the Municipal Councils, whether local or County. Other inconsistent Acts, &c.

CHAPTER I.

Damages caused by individuals to the property of others.

Penalties for trespassing on another's lands.

II. 1. No person shall enter upon or pass over the land of another without permission of the owner or his representative, upon pain of incurring a fine of not less than five, nor more than thirty shillings, excepting, however, any person in the discharge of any of the duties imposed by law ;

Navigable streams and their banks to be open to all.

2. It shall be lawful, nevertheless, to make use of any navigable river or water-course, and the banks thereof, for the conveyance of all kinds of lumber, and for the passage of all boats, ferries and canoes, subject to the charge of repairing, as soon as possible, all damages resulting from the enjoyment of such right, and all fences, drains or ditches which may have been so damaged ;

Damages to be repaired.

Summary arrest of trespassers.

3. It shall be lawful for the proprietor, or his representative or servant, to arrest without warrant any person in the act of contravening the first section, and to bring him forthwith before a Justice of the Peace ;

Penalty on persons damaging property, &c.

III. 1. Any person who shall during the day, upon the property of any other person, leave any gate open, take down, cut, break, remove or damage any fence, cut or destroy any hedge, cut, shatter, break down, remove or damage any tree, shrub, or plant, remove any canoe, landing-place, ferry or boat from the bank of any river or other place, or shall burn or remove from such bank, any wood, shall incur a penalty of not less than five, nor more than thirty shillings ; if such offence be committed during the night, the penalty shall be doubled, and in either case he may be condemned to the payment of damages ;

If the offence be in the night.

The offender may be arrested in certain cases.

2. Any person who shall have pulled down or removed any part of a fence, or who shall be found upon any land, highway or road, having in his possession any part of the materials of any fence, may be arrested without any warrant, either by the owner or one of his servants, or by any person cognizant of the offence, and brought before any Justice of the Peace, who may imprison him with a view to further examination, for any period not exceeding twenty-four hours, or admit him to bail if he can furnish it to the satisfaction of the Justice of the Peace ;

Arrangement with party injured.

3. The person so arrested may, however, arrange with the proprietor or complainant, and may be discharged upon payment of all costs, damages and penalties theretofore incurred.

In case such person be a stranger, or without property.

IV. If the person contravening the provisions of this Act be a stranger, or possess no real property in the Parish or Township, and have no means of paying the fine, damages, and costs of conviction, it shall be lawful for the Justice of the Peace to order

order that the defen dant should be confined in a place of security until the return of the writ of seizure shall have been made, or until he shall produce sufficient security, as provided by section nineteen of the Act fourteenth and fifteenth Victoria, chapter ninety-five.

CHAPTER II.

Damages caused by Animals.

V. No person shall be allowed to permit his horses, mules, horned cattle, sheep, goats, pigs, fowls, or other animals to stray upon the property of another, without the permission of the owner or tenant, nor on the bank of any stream, nor on the public roads or places, subject to the penalties following :

Animals not to be allowed to stray.

For each	Stallion not under two years of age, not less than £1 5s. nor more than	£2 10 0	Penalties
" "	Bull, boar, or ram not less than 5s. nor more than.....	1 0 0	
" "	Gelding, mare, ox, cow, or hog..	0 1 3	
" "	Colt, filly, calf, or goat	0 1 0	
" "	Sheep.....	0 0 6	
" "	Goose, duck, turkey, or other poultry.....	0 0 3	

And such penalties shall be doubled for the second offence, whether or not any arrangement shall have been come to between the parties, or judgment shall have been rendered.

Doubled for subsequent offence.

VI. Any person who shall allow a pig to stray, without having ringed it, shall pay a fine of not less than five, nor more than ten shillings.

Pigs to be ringed.

VII. 1. The owner or tenant of any land shall be responsible for damages caused by any animal he may receive to pasture, as though it were his own property;

Animals at pasture.

2. If the animal cause damage, the complainant may give verbal notice of his complaint by speaking to any reasonable person in the house built upon the land on which the animal is at pasture, or at the domicile of the person who has received the animal to pasture, by speaking to him personally or to any reasonable member of his family.

Complain how to be made, of damage by animals at pasture.

VIII. 1. Any person who shall have suffered damages caused by any horses, mules, cattle, poultry or other domestic animals, may make complaint thereof, before any Justice of the Peace, either for the damages only or for the penalty and the damages together, and if the Justice of the Peace shall be convinced that no damage has been caused (if the action is only brought for damages) he shall dismiss the complaint and condemn the complainant to the payment of costs ;

Proceedings in case of damage by animals.

Complaint dismissed.

Complaint maintained.

Costs.

2. But if the action is brought for both penalty and damages, he shall condemn the offender to costs; provided that any part of such complaint be well founded; if, however, the complaint is unfounded, except in so far as it relates to the penalty, and costs have been incurred to ascertain the damages, he shall only condemn the offender to the costs of the complaint and the penalty, and the complainant to the costs incurred to ascertain the damages;

Experts in certain cases.

Proceedings by experts.

3. If the Justice shall have reason to believe that damages have been done, he shall forthwith order the parties contesting, unless they shall forthwith arrange the matter in dispute between them in his presence, each to name an *expert*, and the Justice himself shall appoint a third, and the two others also, if the parties refuse to name them; The *experts*, if so named, shall proceed as soon as possible to ascertain the damages in the presence of the parties, or in their absence after having given them special notice, and they shall report in writing to the Justice of the Peace the conclusion arrived at by them in the matter;

Justice to make final award according to report.

4. The Justice of the Peace after notifying the parties, and having heard them, if present, either in favor of or against the report, shall award to the complainant, the amount of damages set forth in the report, together with the costs of inspection, return and prosecution, to be taxed by such Justice, and may cause the amount to be raised in the manner hereinafter prescribed;

Amicable reference to experts.

Third expert.

5. If, however, before making complaint to a Justice of the Peace, the party who has suffered the damages and the party against whom complaint is laid shall voluntarily consent to abide by the decision of *experts* to be named by themselves, the decision of such *experts* shall be binding upon both parties; But if the two *experts* in case of contrary opinion are unable to agree as to the selection of a third, any Justice of the Peace upon the application of one of the parties may appoint a third *expert*;

Proceeding in case of failure to pay award.

6. If the party condemned shall neglect or refuse to pay the sum fixed by the *experts*, such party may be sued by the person to whom such sum is payable or by his representative before any Justice of the Peace.

Animals straying may be impounded.

IX. 1. Any owner or occupier of land, or his servants or representatives, and any inspector may seize and impound where public pounds exist, or take and retain at his own place of abode any animal he may find wandering upon his property or in the public roads or places, or on the banks of any stream, until the owner of such animal shall have paid the fines, damages and costs imposed by this Act, as the case may be.

2. The person who shall have confined such animal shall be bound to provide it with proper food, in sufficient quantity, and to give it water and take proper care of it under a penalty of two shillings for each day during which he shall neglect to do so, besides the damages occasioned by such neglect. This penalty, and these damages, if any, shall belong to the owner of such animal, and may be recovered by him before a Justice of the Peace if the person who shall have confined the animal refuse or neglect to pay them after having been required so to do ;

Party impounding an animal must feed it, &c.

Penalty for not doing so.

3. If the owner of such animal be unknown to the person who has taken it in possession, such person shall give public notice on two consecutive Sundays at the door of the Church, in the Parish or Township, and if there are more Churches than one, then at the door of the Church which is nearest to the locality in which such seizure has been effected, that the animal so taken by such party will be sold at such a time, hour and place, unless the owner shall, before that time, claim back his property ;

Proceedings in case owner be unknown.

4. If the owner does not reclaim his property before the Monday following the day on which the last notice shall have been given, and pay the fine, costs and damages, the animal shall be sold on the said Monday by one of the inspectors, who shall have been notified to that effect by the party seizing ;

Time before which the animal must be reclaimed or sold.

5. If, however, the owner reclaims his animal at any time soever between the date of the seizure and the Monday after the day on which the last notice shall have been given, he shall, in such case be bound to pay the costs and damages as well as the fine ;

Costs to be paid by owner reclaiming.

6. The inspector shall receive the proceeds of the sale and thereout shall pay the fine, the costs of all kinds as estimated by a Justice of the Peace, and the damages, and shall remit the balance to the Secretary-Treasurer of the Parish or Village Municipality in which such contravention shall have been committed, as the case may be ; The Municipality shall be bound to pay over such balance to the owner, if such owner shall come to the knowledge of such Municipality within the period of one year, but if not, shall retain the amount for the improvement of bridges, roads and works under its control ;

Proceeds of sale, how to be dealt with and applied.

7. The inspector shall render an account to the Secretary of the Village or Township Municipality in which such contravention shall have taken place, of the due application of the moneys arising out of the sale of the said animal, within thirty days after such sale, upon payment of the fine imposed by this Act ;

Inspector to render an account.

8. But if the person know the owner of the animal seized by him, he shall give him notice thereof, as speedily as possible, and

If owner be known.

and if such owner do not reclaim his animal and pay the fine, damages and costs, as the case may be, within twenty-four hours, the difficulty shall be arranged as provided by the second, third, fourth and fifth paragraphs of this section ; but if the sale of such animal do not realize sufficient to pay the penalty, damages and costs, as the case may be, the offender shall nevertheless be bound to pay any balance remaining due ;

To be liable for any deficiency.

In case of damage by poultry.

9. In any case it shall not be obligatory to seize and confine fowls or other species of domestic poultry, to be entitled to claim damage, but only to prove by one credible witness, other than the complainant, that they have really caused the damage complained of ; nevertheless whoever chooses to seize them shall be entitled to do so.

Inspectors may refuse bids.

X. 1. The inspector shall be entitled to refuse the offers or bids at the sale of any animal, of any person who is unknown or insolvent, or a stranger to the parish or township in which the sale is held, unless he give security to the satisfaction of the inspector, of his ability to pay ;

If the purchaser does not pay.

2. If after the sale of any animal the purchaser does not immediately pay the price, the inspector may forthwith re-sell the animal, and so continue to do until the price be paid, and shall only give up possession after such payment ;

Owner may reclaim after sale, on certain conditions.

3. Within one month from the day of sale the owner of any animal sold may reclaim it from the purchaser, provided he pay him at once ten per cent. upon the purchase money, over and above all his disbursements, for purchase, keep, and other charges ;

But not if he reside in the parish.

4. Provided, however, that to entitle the owner to avail himself of the preceding paragraph, he must be a stranger to the parish in which the animal is sold ;

If there be no bidders at sale.

5. If there be no bidders present upon the day fixed for the sale, the inspector shall adjourn it to another day, and shall give public notice thereof.

Owner may demand release from pound, on payment of fine and costs.

XI. 1. The owner, or his representative, of any animal confined by the keeper of any public pound, or by any person whomsoever, may demand the release thereof between five o'clock in the morning and nine o'clock in the evening, upon payment or legal tender to the keeper, of the fine, damages and costs ; the said keeper, upon refusal to release such animal shall be subject to a penalty of not more than ten shillings currency, for every day he shall afterwards unjustly detain such animal, in addition to the damages incurred ;

Persons unlawfully taking

2. Any person who shall take and convey away any animal so impounded or detained for damages it may have caused, or respecting

respecting which a complaint shall have been made, shall incur away animals and pay a fine equal to the whole amount of the damages and impounded. penalty for which the proprietor of the animal was liable, and be further liable to a fine of ten shillings currency, or be imprisoned for eight days, or both.

CHAPTER III.

Dogs.

XII. 1. Any Justice of the Peace, upon a complaint made Vicious or dan- to him that a dog is vicious or supposed to be attacked by hydro- gerous dogs, phobia, that it is in the habit of attacking individuals, or must be ordered animals at large, or in harness, without the limits of its confined or master's property, after hearing the parties in a summary killed. manner, may, if he is convinced that the complaint is well founded, condemn the proprietor or possessor of such dog to confine it or cause it to be confined for a period of forty days, or may order that such dog be killed, with costs against such owner or possessor ;

2. If the owner or possessor of such dog permits it to go at Penalty for large, or fails to kill it, in contravention of the judgment or disobedience. order of the Justice, such owner or possessor shall incur a penalty of not more than five shillings *per diem* ;

3. But if it be proved that the said dog have bitten any indi- In case the vidual outside the limits of its master's property, and that the dog has bitten dog is vicious, the Justice of the Peace shall condemn the any one. owner or possessor to kill it ;

4. It shall be lawful nevertheless to kill any dog who shall, Dogs pursuing without the limits of its master's property pursue or be known and killing to pursue and strangle sheep, or to make a complaint to a sheep. Justice of the Peace, who shall condemn the owner to kill such dog and to pay the costs, upon the testimony of one credible person, without prejudice to the right of claiming any damage caused by the loss of the sheep.

CHAPTER IV.

Obstructions upon Lands.

XIII. 1. If any description of timber or wood of any kind be Timber carried carried in any manner whatsoever upon the land or upon the on to lands or banks of any lakes or navigable streams, and shall remain there beaches, to be until the first day of June, the owner or occupier of such land hauled up after or beach may then cause such timber to be hauled up and 1st June. deposited in a place of safety ;

2. Such owner or occupier shall then give public notice, that Subsequent such timber (describing the same and any marks thereon) has proceedings. been

been found upon his land or beach, that it is in such a place, and that if the expenses incurred for the publication of the notice and in hauling the timber to such place, and the damages, if any, be not paid before such a day and before the sale, such timber will be publicly sold by an Inspector to the highest bidder;

Sale in certain cases.

Application of proceeds.

3. The proceeds of the sale shall be applied to the payment of all expenses and damages occasioned by such timber, and if there be any surplus, it shall be handed over to the Secretary of the parish, township, or village municipality in which the timber shall have been found, and if there be no such municipalities, then to the Secretary of the County municipality, to form part of the funds in his hands, if, within the period of one year from the sale of such timber, the surplus arising from such sale be not claimed by the proprietor of the timber or his representative.

CHAPTER V.

Filth.

Penalty for throwing filth into streams, &c.

How recoverable.

XIV. 1. Any person who shall deposit or cause to be deposited any filth or dead animal in any rivers, streams or water-courses, or upon any public highway, or upon the property of another, shall incur a penalty of twenty shillings, without prejudice to any other damages, upon the oath of the prosecutor and one credible witness, and such person shall be bound to remove such filth or dead animal, under a penalty of five shillings for every day he shall neglect to do so, without prejudice to the further damage caused by any neglect so to do;

In case offenders be unknown.

2. If such person be unknown or cannot be discovered, the Inspector shall, in such case, cause the animal to be buried, and cause all filth to be removed from the rivers, streams or water-courses, public road or private property, within twenty-four hours after he shall have been notified, and such burial or removal shall be effected at the cost of the Local Municipality, if any exist, if not, at the cost of the County Municipality;

Dead animals, &c., to be buried.

3. Any person may compel any one retaining on his own property any dead animal or filth to bury the same, under a penalty of five shillings fine for each day.

CHAPTER VI.

Noxious Weeds.

Noxious weeds, &c., to be destroyed.

XV. 1. Any person may, by special notice require any owner, occupier or holder of lands or common not actually under seed, or any person bound to keep in order any public or private road or by-road to cut and destroy between the twentieth of June and the

the first of August, the daisies, thistles, wild endive, chicory, celadine and all other noxious weeds or plants considered as such, growing on the said lands or commons or public or private road or by-road ; On roads also.

2. In case of refusal or neglect, within eight days after notice shall have been given, any Justice of the Peace may condemn the delinquent upon complaint supported by the oath of one credible witness, other than the complainant, or upon the confession of the party prosecuted, to a penalty of two shillings for every day he shall so refuse or neglect, over and above the costs and charges incurred in obtaining such judgment, and such judgment shall be rendered in a summary manner ; Penalty in case of refusal.

3. Any person who shall scatter, or cause to be scattered, the seeds of weeds, to the prejudice of another person, shall incur a penalty of not less than five nor more than forty shillings ; Penalty for scattering seed of weed .

4. Any person may, after special notice, compel his neighbour to pull up wild mustard, even in a sown field, so soon as it flowers, under the penalty imposed by the preceding section. Wild mustard

CHAPTER VII.

Découverts.

XVI. 1. Any owner or occupant of any cultivated land may, by the intervention of an Inspector, compel his neighbour, whether he be owner, possessor or occupant, to grant him *découvert* ; Découvert may be demanded.

2. Such *découvert* shall be forty-five feet in breadth adjacent to the line of separation, and of the length of the cultivated land ; Breadth thereof.

3. The Inspector, before ordering the making of such *découvert* shall visit the localities, after having given special notice of his visit to the parties interested, and upon his order the *découvert* shall be made within any period not exceeding one month ; When and how to be ordered, and made.

4. Whoever shall neglect or refuse to obey the orders of the Inspector shall pay for each arpent in length of such *découvert* a fine of two shillings for the first year, and double that amount for the second year ; Penalty for disobedience

5. The *découvert* shall not extend to fruit trees, nor to hard and soft maple trees nor to trees retained for the embellishment of the property, but to all other trees and shrubs whatsoever ; Certain trees excepted.

6. Any person availing himself of the two foregoing paragraphs shall, nevertheless, be bound to pay the damages as ascertained by experts. Damages to be ascertained by experts.

Third expert. by *experts* to be chosen, one by each neighbour, and the third, if required, by any Justice of the Peace, unless the two *experts* already appointed shall themselves agree in the choice of a third ;

Experts how named in default of parties. 7. If one of the neighbours refuse to name his *expert*, any Justice of the Peace may name him on the requisition of any person interested in the carrying out of such *expertise* ;

Applicant must prove notice. XVII. 1. It shall not be lawful for the Inspector to order that the *découvert* be made unless the complainant prove that he has given special notice to the person from whom he demands such *découvert*, or to his representatives, before the first day of December preceding his complaint ;

In case the defendant be non-resident. 2. If the complaint is brought against a person who does not reside in the district or who has no known agent, the complainant shall be bound to prove that the notice has been posted up at the door of the Church in the place in which the property is situated, and upon the property itself, for four consecutive Sundays, at any time whatsoever within the year preceding the first day of December then last ;

The complainant alone may sue. 3. After the order shall have been given by the Inspector, the complainant alone shall be entitled to bring an action, if required, to enforce the execution of the works, and this in conformity with the provisions of this Act.

CHAPTER VIII.

Water-Courses.

Water-courses to be opened and cleansed. XVIII. On or before the fifteenth day of July in each year, all water-courses shall be thoroughly opened, cleansed and rendered fit for the passage of all water that may flow into the same, and any person failing to do the said work shall incur a penalty of two shillings for each and every day after he shall have been notified by one or more of the parties interested to do the said work.

Inspector to be called upon to visit them. XIX. 1. Any proprietor or occupant of land, may call upon the Inspector to visit and examine all water-courses common to several lands, the labour relating to which shall have been regulated by a *procès-verbal*, or by an agreement made by the parties interested, or by Municipal authority to order that the said water-courses be made, repaired and kept in order in the manner stated in the *procès-verbal* or agreement, or by Municipal authority, and in all cases relating to repairing and keeping water-courses in order, it shall, for that purpose, be lawful to choose an Inspector from the said Parish or Township, whether he be an interested party or not, the provisions of the twentieth and twenty-first sections of this Act to the contrary notwithstanding ;

What inspector may act.

2. Any person who shall refuse to obey the decision of the Inspector shall incur a penalty of two shillings currency for each and every day the work shall remain undone after the delay fixed by the Inspector ;

Penalty for refusing to obey.

3. The Inspector upon the expiration of the specified delay, shall if required so to do, authorize the complainant to do the works which he shall have ordered to be done, or cause them to be performed, and the complainant shall be entitled to recover the cost of the said labour and all his just expenses if the person condemned to do the work shall refuse or neglect to pay the amount ;

Complainant may do the work in certain cases, and recover the value.

4. The lands for which the said expenses are incurred, may be sold in the manner hereinafter prescribed in the thirty-third section of the present Act.

Lands may be sold for expenses.

XX. 1. If it be necessary to open, deepen, enlarge or divide a water-course common to several lands, the works connected with which shall not have been apportioned and regulated by any *procès-verbal* or agreement, or by municipal authority, the matter in dispute shall be adjusted on the requisition of one of the parties interested, by two disinterested Inspectors in the Parish or Township in which such work is to be done ;

How the work shall be divided.

2. If there be no disinterested Inspector in the said Parish or Township, then by two disinterested Inspectors in the neighboring Parish or Township, and so whenever their services shall be required according to the provisions of this Act.

What inspectors may act.

XXI. 1. It shall be lawful for any person interested in the opening of a water-course or the widening thereof or its division into several branches, when it crosses two or more Townships or Parishes, to call in a disinterested Inspector from each of the said Townships or Parishes to regulate and determine as to the making of the said water-course or the widening thereof ;

Proceedings for the opening or improving a water-course, in more than one parish, &c.

2. If the Inspectors be equally divided upon the matter in dispute, they may call in another disinterested Inspector, and if they shall be unable to agree as to the choice of such other disinterested Inspector, any Justice of the Peace shall appoint him upon the requisition of an interested party or of an Inspector, and the decision of the majority shall be final ;

In case of difference among Inspectors.

3. The proceedings shall be carried on in the manner and form prescribed for the establishment of a water-course in which but one Parish or Township is interested ; and this shall apply to the homologation of the *procès-verbal* ;

Form of proceedings.

XXII. 1. It shall be the duty of the Inspectors, upon the day and hour fixed upon, to repair to the premises, accompanied by the parties interested if they think proper to be there, and having ascertained

Duties of Inspectors.

ascertained the most suitable place to establish the water-course, to give their decision and prepare a *procès-verbal* of their proceedings, setting forth the works to be done, in what manner and by whom they are to be erected and maintained, with any other details they may deem it advisable to insert in the said *procès-verbal* ;

Expenses.

2. The Inspectors shall enter in the *procès-verbal* a statement of the expenses incurred in the examination of the premises, the advertisements, and the drawing out of the *procès-verbal* ;

How *procès-verbaux* shall be prepared.

3. The said *procès-verbal* shall be prepared by an authentic notarial deed or before two witnesses if the Inspectors are unable to sign their names ; it may, however, be prepared either by a notarial deed, or by the Inspectors themselves, if they are able to sign their names ;

Copies of *procès-verbal* to be deposited with

4. An authentic copy of the said *procès-verbal*, when it shall have been executed before notaries, or a duplicate thereof, when it shall have been executed under the hands of the Inspectors, shall be deposited, on the day following that of the first notice, in the following places :

the Secretary of the Parish ;

5. With the Secretary of the Parish or Township Municipality in which the said *procès-verbal* is to be presented for homologation ;

or School Secretary ;

6. If there be no Parish or Township Municipality, then with the School Secretary of the said Parish or the said Township, and in either the one or the other place, it shall be lawful for the parties interested to have access gratuitously to the said *procès-verbal* ;

Secretary to register it, and keep an index ;

7. It shall be the duty of the Secretary in whose office the said *procès-verbal* shall be deposited, to register the same together with the apportionment of all the works relative to the water-courses in the Parish or Township in which he resides, and to keep an index of these registers for the facilitating of searches ;

If there be no Secretary or School Municipality.

8. If there shall be neither a local nor a School Municipality in any Parish or Township, then the deposit of *procès-verbaux* or apportionments shall be made with the Secretary of the County Council.

Notice of presentation for homologation.

XXIII. 1. It shall be the duty of the Inspectors after having prepared their *procès-verbal*, to give public notice to the parties interested, of the name of the Justice of the Peace before whom the said *procès-verbal* is to be presented for homologation, so that they may be enabled to be present at the place and hour and upon the day fixed in the notice, to urge their objections thereto (if any) before the said Justice of the Peace ;

2. It shall be lawful for the Inspectors to have the said *procès-verbal* from the person with whom it is deposited in order to be homologated, provided they return it immediately afterwards ; Access to *procès-verbal*.
3. In any case the *procès-verbal* shall not be homologated until the tenth day following the day upon which the first notice shall have been given ; Delay previous to homologation.
4. As soon as the said *procès-verbal* shall have been homologated, a certified copy thereof shall be given by the person charged with the registration according to the provisions of this Act, to the senior of the Inspectors who shall have prepared it, that he may cause the works therein mentioned to be performed ; Copy to be given to Inspectors.
5. If, however, the *procès-verbal* relates to several Parishes or Townships, a copy thereof shall be given to the Inspector of each Parish or Township, because in that case the works will be conducted by each Inspector in his own Parish ; If it relates to several parishes.
6. It shall be the duty of each of the Inspectors to cause his copy of the *procès-verbal* to be registered by the Clerk of the Parish or Township in which he resides, as well as the apportionment of the works on the water-course in question, and this at the cost of the parties interested in the said water-course ; Clerk of parish, &c., to register Inspector's copy.
7. The said Inspector shall be bound to grant communication of the said *procès-verbal* to all persons interested therein, *gratis*, whensoever they shall require it ; Communication to be granted gratis.
8. Inspectors retiring from office shall hand over to their successors the *procès-verbaux*, apportionments, and all other documents they may have in their possession ; Inspectors retiring.
9. It shall be lawful for any Justice of the Peace, with the unanimous consent of the parties present in Court, at the time of the homologation of the *procès-verbal*, to make amendments thereto, and the said amendments shall be entered in the Act of homologation. *Procès-verbal* may be amended.
- XXIV. 1. If any one or more of the parties interested in the said *procès-verbal* shall deem themselves injured or aggrieved thereby, it shall be lawful for him or them to bring a complaint before the Justice of the Peace to whom the said *procès-verbal* is to be presented for homologation ; Parties aggrieved how to proceed.
2. The said complaint shall be brought within eight days after the first day upon which the notice of homologation shall have been given ; Complaint when to be made.
3. It shall be the duty of the Justice of the Peace before whom the said complaint shall have been laid, prior to the expiration of the ten days mentioned in paragraph three of the preceding section, Notice of complaint to be given to Inspector.

section, to give communication to any person desiring the same, of the complaint in question ;

- Appearance by Inspectors ; Two Justices required.** 4. The Justice of the Peace shall not decide the question in dispute, without the assistance of another Justice of the Peace, and they shall both hear the witnesses and the parties ;
- In case the Justices do not agree ; Third Justice.** 5. If, upon the said day, the Justices of the Peace do not agree, or it be necessary to have additional witnesses and the presence of a third Justice of the Peace, they may adjourn to some subsequent day for that purpose ;
- Appearance of parties interested.** 6. The parties interested and their witnesses shall appear upon the said day before the Justices of the Peace ;
- Judgment.** 7. The Justices of the Peace after having maturely considered the allegations on both sides, shall deliver their judgment in presence of the parties, if they be present in Court ;
- In what cases the *procès-verbal* may be homologated.** 8. If they see that the formalities have been observed, that there has been neither partiality, injustice or negligence, in the conduct of the Inspector, it shall be lawful for them to homologate the *procès-verbal*, and it shall be put into execution according to its form and tenor ;
- When it shall be submitted to *experts*.** 9. If, on the contrary, it appears to them that there has been partiality, want of exactitude or negligence in the examination of the premises, or that the labor has not been equitably apportioned, they shall submit the question to three *experts*, to be appointed as follows : one by the Justices of the Peace, one by the plaintiff and one by the defendant ;
- In case of refusal to appoint *experts*.** 10. If one or both parties refuse to appoint their *experts*, the Justices of the Peace may appoint them ;
- Duties of *experts*.** 11. It shall be the duty of the *experts*, after having been sworn by a Justice of the Peace authorized for that purpose by this Act, and after having given public notice thereof to the Inspector and the parties interested, at least eight days previously, to visit in their presence, if they think proper to be present, those places only of which the *procès-verbal* makes mention, and to hear the allegations on both sides ;
- To hear both sides.**
- To report their decision.** 12. After such visit the *experts* shall report their decision to one of the Justices of the Peace who has already heard the case ; the said decision shall be final and conclusive to all intents and purposes whatsoever ;
- In case of affirmation.** 13. If by their decision, the majority of the *experts* affirm that of the Inspectors, the *procès-verbal* of the latter shall be homologated by the Justices of the Peace and put into execution ;

14. If, on the contrary, the majority of the *experts* reverse the decision of the Inspectors, it shall be lawful for them to prepare a new *procès-verbal* ; Provided, however, that the said new *procès-verbal* shall not affect any other property than that affected by the *procès-verbal* of the Inspectors ;

In contrary case a new *procès verbal* to be prepared.

15. If, however, the *experts* cannot prepare a new *procès-verbal* because they might deem it to be their duty to change the direction of the water-course, apportion differently the works to be done, or make any other change which might affect property which was not affected by the *procès-verbal* of the Inspectors, it shall be their duty purely and simply to annul the said *procès-verbal*, and matters shall be in the same position as they were before the completion of the *procès-verbal* ;

Procès-verbal may be annulled purely and simply.

16. In all cases, however, in which there shall be an appeal from a *procès-verbal*, the Inspectors who shall have prepared the said *procès-verbal* shall have a right to compel the parties at whose request they have prepared the said *procès-verbal*, to appear and defend the same, and to pay the costs and expenses thereof if, through any fault of theirs, it be found defective ;

In case of appeal against *procès verbal*, parties must defend it.

17. If, however, it is on account of any negligence or partiality on the part of the Inspectors that the *procès-verbal* is defective, then the Inspectors shall defray the costs and expenses thereof.

In what cases Inspectors liable for costs.

XXV. The Inspector shall determine where the bridges required upon the public roads to pass over the water-courses shall be made—the sites upon which they are to be built, and point out the lands of the proprietors which shall be subject to completing and keeping them in repair.

Inspector to determine position of bridges.

XXVI. 1. The owner of any land higher than that of his neighbour shall not be bound or required in any case, by an Inspector, to make or assist in making a water-course through his land of any greater depth than may be necessary for draining his own land ;

Owners of higher lands not bound to assist in draining the lower.

2. It shall be lawful for the possessor or proprietor of any low or swampy land to make a water-course through the high land of his neighbour to drain his own, and it shall also be lawful for him to make use of that already made, deepen the same if it be not deep enough, and repair and keep the same in order at his own expense.

But must allow drains through their lands.

XXVII. 1. Any person or persons who shall obstruct any water-course or allow it to be obstructed, shall incur a penalty not exceeding five shillings for every day such obstruction shall remain after the expiration of two days from the time upon which he shall have received notice to remove the same ;

Penalty for obstruction of a water-course.

Duty of Inspector in such case.

2. Any person interested in the water-course in which the obstruction shall be found, shall give notice to the person in default, and may recover the penalty with costs against such person.

Public meeting in certain cases.

XXVIII. 1. It shall be lawful for any person interested in a water-course to require the Inspector to call a public meeting of the parties interested in the said water-course, to decide whether the said work shall be performed by statute labour (*corvées*), by separate shares or by contract ;

How called.

2. The Inspector shall call the said meeting by giving public notice thereof, to the parties interested ;

Majority of parties interested to decide.

3. The majority of the interested parties present shall decide what is to be done with respect to the apportionment of the works on the said water-course, or part of the said water-course, as the case may be, and may order the Inspector to make or cause to be made an apportionment, in which shall be shewn the portion which each of the parties interested will have to pay in money or perform in work ;

Apportionment homologated.

4. The said apportionment, before it shall go into operation, shall be ratified before a Justice of the Peace and amended if there be occasion therefor, and the formalities for the homologation of the said apportionment shall be the same as those required for the homologation of the *procès-verbal* for a water-course ;

Inspector to give notice of the day fixed for performing the work.

XXIX. 1. The Inspector shall give public notice of the day which he shall appoint for each person interested to perform his share of the works according to the tenor of the *procès-verbal*, whether the works are to be done in common or according to the apportionment made for that purpose ;

Penalty for refusal to attend.

2. Whosoever shall refuse or neglect to repair to the spot on the day appointed, and to perform his share of the work, shall incur a penalty of two shillings currency, for each and every day he shall refuse or neglect to execute the orders of the Inspector ;

Work of parties not attending to be done at their costs.

3. It shall be lawful for the Inspector, after the expiration of eight days from the time appointed for beginning the work, to cause the work of any of the persons who shall have neglected to have done it, to be done, and to recover the expenses with costs from the party or parties in default ;

Trustees may be appointed in certain cases.

4. Upon the requisition of one or more of the parties interested in a water-course, the Local Municipality, whenever required so to do, shall appoint a Trustee from among the parties interested in such water-course ordered by any *procès-verbal* or Act of Agreement or by Municipal authority to see to the execution of

of the works relating to such water-course ; such Trustee shall have all the powers and fulfil all the duties of the Inspector, with respect to the water-course in which he is interested ; and such Trustee shall be subject to the penalties imposed by this Act with respect to neglect in the performance of his duties, he shall not be bound to serve more than two years, and shall act gratuitously ; the Trustee shall have precedence over the Inspector, and when he shall be compelled to prosecute, and in that case only, shall be entitled to six pence per hour.

His power, duties, compensation, &c.

Line Ditches.

XXX. 1. The Inspector, upon the application of any owner or occupant of any land through which it is proposed to make a line ditch (*fossé de ligne*), shall visit the place, command the performance of the necessary works, and determine how and by whom they shall be executed ;

Inspector to order the necessary work.

2. It shall be the duty of the Inspector, when required so to do by the proprietor or occupant of any land, to inspect the ditch which separates the land of the party complaining from that of any other person, and determine whether the said ditch is sufficient for his use ;

Duty of Inspector with respect to his ditches

3. It shall be lawful for the Inspector, if he declare the said ditch to be insufficient, to order the person of whom complaint is made, to deepen, cleanse and repair the same within a delay which shall not exceed the time strictly necessary to perform the said works ;

Inspector may order ditch to be enlarged.

4. If the Inspector finds that the line ditch of the party complaining is equally insufficient, and if he is required so to do by the person of whom complaint is made, he shall immediately condemn the party complaining to deepen, cleanse or repair his line ditch within a delay which shall not exceed the time strictly necessary ;

Complainant must have his own ditch in good order.

5. For every day upon which the said person shall fail to comply with the order of the Inspector, he shall incur a penalty of two shillings for each and every arpent in length of such ditch, (any fraction being reckoned as a whole arpent) ;

Penalty for disobedience.

6. It shall be lawful for the Inspector, after the expiration of the delay, to authorize, if required so to do, the complainant mentioned in the preceding sections to perform or cause the work to be performed, the execution of which he shall have ordered, and such complainant alone shall be entitled to recover the costs of such works and all his fair expenses, if the person condemned to do such work shall neglect or refuse to pay the amount ;

Inspector may authorize complainant to do the work and recover the cost.

Certain lands in townships subject to same provisions.

7. In the Townships in which lands have been set aside by Government for public roads, the said lands shall be subject to the same provisions as lands belonging to private individuals ;

In case of inundation from insufficiency of ditches.

8. If a proprietor or occupant of cultivated land suffers from the over-flowing or flooding of such land, occasioned by the insufficiency of the ditches which his neighbour may have upon any land in standing timber or brushwood, it shall be lawful for him to require the Inspector to visit the premises in question ;

After inspection the Inspector may order certain work to be done.

9. After his visit the Inspector may order, if it be necessary for the purpose of putting a stop to the said inundation or over-flowing of water, that the necessary work be done either within the lines or in any other part of the land in standing timber or brushwood ;

Effect of two previous sections limited.

10. The power conferred by the two preceding paragraphs upon the Inspector shall only be exercised in so far as regards land in standing timber or brushwood, and not otherwise ;

As to new front roads.

11. The establishment of a front road between two ranges or concessions shall in no respect alter the obligations between neighbors, when such road shall be entirely within one of the ranges or concessions ;

Obstructions, to line ditches.

12. Whoever shall obstruct or allow to be obstructed in any manner whatsoever, any line ditch, shall be liable to a penalty not exceeding five shillings for each day such ditch shall be so obstructed.

CHAPTER IX.

Line Fences.

General duties of Inspectors with respect to line fences.

XXXI. 1. It shall be the duty of the Inspector, upon the requisition of any proprietor or occupant of land, to proceed to inspect the line which divides his land from that of his neighbor, and on which it is proposed to erect a new *mitoyen* fence, and to determine in what manner the said *mitoyen* works shall be done or apportioned, and to prescribe the shortest possible delay for the execution thereof ;

To visit fences when required.

2. Upon a similar requisition, it shall further be his duty to visit any fence separating the land of the complainant from that of his neighbor, and to determine whether the said fence be sufficient ;

If he finds them insufficient.

3. If he declare the same to be insufficient, it shall be lawful for him to order the person complained of to repair it within a delay which shall not exceed the time strictly necessary to do the said work ;

4. If the Inspector finds that the line fence of the complainant is equally insufficient, and if he is required so to do by the person complained of, he shall immediately condemn the complainant to repair it within a delay which shall not exceed the time strictly necessary ;

If complainant's fence be equally insufficient.

5. For every day during which the said party shall fail to conform to the order of the Inspector, such person shall incur a penalty of two shillings for each and every arpent in length of such fence (any fraction being reckoned as a whole arpent) ;

Penalty for not obeying his orders.

6. It shall be lawful for the Inspector, after the expiration of the delay, to authorize, if required so to do, the complainant to perform or cause the work to be performed, the execution of which he shall have ordered, and such complainant alone shall be entitled to recover the costs of such works and all his fair expenses, if the person condemned to do such work shall neglect or refuse to pay the amount ;

And the complainant may make the fence at the expense of the party neglecting.

7. In the Townships in which lands have been set aside by Government for public roads, the said lands shall be subject to the same provisions as lands belonging to private individuals ;

As to certain township lands.

8. The establishment of any front road between two ranges or concessions shall in no respect alter the obligations of one neighbor to another when such road shall be entirely within one of the ranges or concessions.

As to new front roads.

XXXII. 1. When the matter in question shall relate to the making of a new fence or the repairing of one which is in such a state that the cost of repairing it would be equal to that of a new one, the Inspector shall not condemn the party against whom complaint shall have been made, unless the party complaining shall prove that he had given the party complained against or the party usually acting in his behalf, special notice thereof before the first day of December preceding such complaint ;

Previous notice must have been given in certain cases.

2. If the party complained against does not reside within the Parish or Township, or has no known agent, or tenant, or party acting in his behalf, the complainant must prove that a notice has been posted up at the door of some church in the parish or township in which the property is situated for four consecutive Sundays, during any time of the year preceding the first day of December then last past.

If the party be unknown.

CHAPTER X.

Fees and recovery of Costs.

XXXIII. 1. Every Inspector, whenever required to act in virtue of this Act, shall be entitled to six pence for every hour he shall be necessarily employed in the execution of his duty ;

Fees to Inspectors.

In case of
joint labor.

2. In cases of joint labor (*travaux mitoyens* or *en commun*), the costs shall be paid by the party in default whether it be the party at whose instance he acted or the adverse party ; or they shall be paid in equal portions by the parties interested in the matter in dispute, if the Inspector have condemned them respectively to perform their joint labour or cause it to be performed ;

In cases of
water courses.

3. When the Inspector shall have been called upon to visit a water-course, he shall also be entitled to six pence per hour and to the expenses incurred for the advertisements, homologation and registry of the *procès-verbaux*, apportionments and the copies thereof, necessary for the Inspector charged with the superintendence of the works ;

Fees for su-
perintending.

4. The Inspector shall also be entitled to six pence per hour for superintending the construction of a water-course ;

By whom pay-
able.

5. All these costs shall be recovered by him and apportioned in equal parts among all the parties interested, without regard to the value or extent of their respective lands ;

Fees for in-
spection only ;

6. If, however, he shall have made but one visit to the premises and decided that it is not advisable to make or change a *procès-verbal*, he shall still be entitled to six pence per hour and his expenses, if any be incurred, to be paid by the person who shall have employed him ;

And expenses.

Further fees in
certain cases.

7. The Inspector shall be entitled to six pence for every hour necessarily employed, when he shall be obliged to sue any person for the recovery of the costs incurred for the establishing of a water-course, of which the *procès-verbal* shall have been homologated ;

Justice to give
judgment with
costs.

8. It shall be lawful for any Justice of the Peace, if he find the complaint brought before him to be proven, to give judgment in favor of the Inspector for the amount which he claims for neglect or refusal to pay the costs of the *procès verbal* and other expenses, together with the amount to which the Inspector is himself entitled ;

Fee to Secre-
tary-Treas-
urer.

9. Every Secretary-Treasurer shall be entitled to three pence per one hundred words, for the registration of *procès-verbaux* and apportionments, and also for certified copies of all documents delivered by him in virtue of this Act. The copies thus certified shall be received in evidence in all Courts of competent jurisdiction or before any Justice of the Peace.

His certified
copies to be
authentic.

How the party
who has per-
formed the
work in cer-

XXXIV. It shall be lawful for any person who shall have made or caused to be made any water-course, ditch, bridge, fence or *découvert*, in conformity with the provisions of this Act, to recover the amount of the expense incurred in performing such

such work from the person bound to perform such work or from the owner of the land on which it has been performed before any Court of competent jurisdiction or before any Justice of the Peace if the person bound to perform such work shall neglect or refuse to pay such amount ; and such amount may also be recovered in the manner prescribed by the laws and statutes in force, or which shall be in force, in Lower Canada.

tain cases, may recover the value.

CHAPTER XI.

Alteration of a Procès-Verbal.

XXXV. 1. It shall be lawful for any party interested in a *procès-verbal* of a water-course duly homologated or regulated by Act of Agreement or by Municipal authority, to demand a change in or amendment to the said *procès-verbal*, Act of Agreement or Municipal By-law ; Provided his said demand be supported by the affidavits of two of the parties interested in the water-course regulated by a *procès-verbal*, Act of Agreement or Municipal By-law sought to be amended, or by one affidavit only, if such *procès-verbal*, Act of Agreement or Municipal By-law only concerns two interested parties ;

Procès-verbal may be amended in certain cases.

Affidavit required.

2. It shall be sufficient to state in the said affidavits that useful or necessary changes may be made, without specifying or enumerating the said changes, to entitle any of the parties interested to require a visit from the Inspector to see and decide upon the said changes ;

What shall be stated in affidavit.

3. These affidavits shall be annexed to the *procès-verbal* drawn up on the occasion, and copies of these affidavits, certified by the person charged with the enregistrement of the *procès-verbal* shall be sufficient proof before any Court of competent jurisdiction or before any Justice of the Peace ;

Certified copies to be proof, &c.

4. Any change in any *procès-verbal* shall be made by a second *procès-verbal*, but not, however, until all the formalities required for the making of a new *procès-verbal* shall have been fulfilled ;

How amendments shall be effected.

5. By virtue of a new *procès-verbal* as aforesaid, any water-course may be divided if the water is too abundant for a single water-course, either by directing the water into a water-course already verbalised, or by causing it to flow in any other direction.

If there is too much water in water-course.

CHAPTER XII.

Complaints.

XXXVI. 1. Any person who shall make a complaint in virtue of this Act before a Justice of the Peace, shall make his declaration under oath, unless it be otherwise provided for

How complaints shall be made.

for by this Act, and it shall be lawful for the Justice of the Peace to issue his warrant or summons to appear against the person whom the complaint affects, ordering him to appear before him or any other Justice of the Peace, and to render judgment in a summary manner upon the oath of one credible witness o'her than the party bringing the said complaint; Provided however, that if the person reside within the same Parish or Township as the complainant, he shall only issue a summons;

Proviso.

Justice may issue execution.

2. It shall and may be lawful for a Justice of the Peace to issue a warrant eight days after judgment, ordering the sale of the goods and chattels of the person condemned;

Costs if case be dismissed.

3. When the Justice of the Peace shall acquit the defendant, he shall dismiss the complaint with costs against the complainant;

Justices must be disinterested, &c.

4. It shall not be lawful for any Justice of the Peace to hear any complaint or give any decision, if he is related within the third degree to the parties in the said suit, or in any wise interested therein;

Inspectors may be disinterested, &c.

5. With the exception of the cases for which it is otherwise provided by this Act, no Inspector shall act as such in any matter in which he shall be interested or in which any one of his relations within the third degree shall be interested, if it be impossible to find in the parish or township in which the services of an Inspector are required, any disinterested Inspector not related as aforesaid, an Inspector shall be chosen from one of the neighbouring parishes or townships.

CHAPTER XIII.

Suits.—Penalties.

How suits under this Act shall be brought, where, before whom, and when.

XXXVII. 1. All actions and proceedings brought or taken in virtue of this Act shall be brought or taken before one or more Justices of the Peace, as the case may require; such Justices of the Peace shall only have jurisdiction when they reside in the County in which the offence shall have been committed, and when it relates to the homologation of *procès-verbaux* and apportionments, in the County or Counties in which the properties affected are situated;

All suits for penalties or damages shall be commenced within three months after the commission of the offence on which they are founded.

How penalties &c. may be recovered.

XXXVIII. 1. All the penalties, damages and taxes imposed by virtue of this Act may be sued for and recovered summarily by one and the same action against the same person (if it be not provided for otherwise) upon the oath of one credible person, other

other than the party complaining, or upon the confession of the person sued, and the amount may be levied together with the costs, by a warrant under the hand and seal of the said Justice of the Peace, and by seizure and sale of the moveable effects of the offending party ;

2. One half of the penalty shall belong to the party informing, and the other to the Municipality within the limits of which the offence has been committed unless it is otherwise provided : If, however, the party informing or suing be an Inspector, the penalty shall, in that case go to the local Municipality in which the offence shall have been committed ;

Application of the penalty.

3. Any Inspector may in his quality of Inspector sue for all infringements or contraventions of the provisions of this Act, unless otherwise provided for, and he shall have the same rights and privileges as any informer or party complaining for the recovery of his costs, expenses, or other claims ;

Privileges of Inspectors as to such suits.

4. Whoever shall refuse or neglect, when required, to fulfil the duties imposed upon him by this Act, shall incur a penalty of five shillings for each time he shall so refuse or neglect to act.

General penalty for non obedience to this Act.

XXXIX. 1. Any penalty for contravening the provisions of this Act, for which provision is not made by this Act, shall be not less than five nor more than forty shillings, and may be sued for, recovered and made payable in the same manner as the penalties for which the present Act provides ;

Recovery of penalties where no other provision is made.

2. Any person condemned to pay a penalty or damages and costs, as the case may be, and who shall not pay the same within eight days after judgment, shall be punishable by imprisonment for a period not exceeding thirty days, if the party have no goods, moveables or effects, and the fact be proved to the satisfaction of the Justice of the Peace by the return of the person charged with the warrant of *saïste execution*.

Party failing to pay may be imprisoned if he have no goods.

CHAPTER XIV.

General Provisions.

XL. Any person who shall knowingly take a false oath, in whatever case it may be, shall be liable to the pains and penalties provided by law for wilful and corrupt perjury.

False oath to be perjury.

Appeals.

XLI. 1. It shall be lawful for any person who shall deem himself aggrieved by any judgment rendered in virtue of the provisions of this Act, to appeal to the Circuit Court for the Circuit

Appeal to Circuit Court.

Circuit within the limits of which the judgment shall have been rendered ;

Appellant to give notice and security : and for what ;

2. The Appellant shall give notice in writing of his intention to appeal to the Justice of the Peace who shall have rendered judgment, or to his Clerk, within twenty-four hours after such judgment shall have been so rendered, and within the three days succeeding such judgment, he shall give sufficient security under bond, with two sufficient sureties, to the satisfaction of the Justice or Justices of the Peace who shall have rendered the said judgment, to prosecute the said appeal, and to pay the penalties, fines, damages and costs which shall be adjudged, together with the costs of such appeal in case the said judgment shall be confirmed ; and after the said notice and security shall have been given, the execution of the judgment shall be suspended until the appeal shall have been decided. If, however, the Appellant fails to give the said notice, or if, after having given the said notice, he fails to give security as aforesaid, the judgment given shall be put into execution ;

Or the Judgment may be executed.

Mode of bringing appeal.

3. This appeal shall be brought in the Circuit Court by petition setting forth the grounds of appeal, a copy of which shall be served on the opposite party within eight days from the rendering of the judgment, together with a notice of the day upon which the said petition will be presented to the Circuit Court, and the said petition shall be presented to the Circuit Court on the first juridical day of the said Court next following the expiration of ten days from the rendering of the judgment ;

Copy of bond, &c., to be filed.

4. The Appellant shall file with his petition a certified copy of the bond or security by him given, and also of the notice of appeal, together with the return of a Bailiff proving the service of such notice, and upon this the said appeal shall be heard and decided in a summary manner ;

Justice to transmit the record.

5. After the Appellant shall have given security to the satisfaction of the Justice of the Peace who shall have rendered judgment, it shall be the duty of the said Justice of the Peace to transmit the record to the Clerk of the Circuit Court, certifying, under his hand and seal, that the documents by him transmitted are all the papers, documents and evidence belonging to the said suit ;

No new evidence allowed.

6. In such appeal it shall not be lawful to produce fresh evidence, and no judgment shall be set aside on account of any trifling variance or *objection à la forme*, but only when a real act of injustice shall have been committed ; and when objections shall have been raised which shall not affect the ground of action, the Circuit Court may, if it be necessary, order its Clerk to make any amendment whatever to the proceedings, which, as so amended, shall be executed as if it had been regular in the first place ;

Case to go only on the merits.

Amendments.

7. The Circuit Court shall have the power to adjudge the costs upon such appeal, and to order that the Record be transmitted to the Justice or Justices of the Peace who shall have rendered judgment, and such transmission shall be made by the Clerk of the Circuit Court, who shall annex to the said record a copy of the judgment of the said Court, as also a certificate of the amount of costs allowed upon such appeal ; and the said costs shall be levied by the same means and in the same manner as the judgment of the Justices of the Peace is put into execution according to law ;

Court may award costs.

Sending back the record.

8. The execution of the judgment against the party condemned shall not deprive the party who shall have succeeded, of his recourse against the securities for all or any part of the costs of appeal, remaining unpaid—to the payment of which the said securities shall be jointly and severally liable under pain of a writ of execution, in the same manner, and to the same degree as the principal ;

Recourse of successful party, under the bond.

9. No judgment rendered in virtue of this Act shall be declared null by any other means than the appeal hereinabove prescribed, and no such judgment shall be removed by or quashed upon writ of *certiorari*.

Judgment to be annulled only by appeal.

MANNER OF GIVING PUBLIC OR SPECIAL NOTICE WHEN NOT OTHERWISE PROVIDED FOR BY THIS ACT.

Public Notice.

XLII. 1. Whoever shall have to give public notice, shall, after having signed or attested it in the presence of two witnesses, cause it to be read and posted for two consecutive Sundays at the principal door of the Parish Church or Chapel or other place of public worship in the parish or township, at the issue of Divine Service in the morning ;

Public notice how to be given.

2. Such notice shall also be posted up in some frequented place in the parish or township ;

Where notice to be posted.

3. If the notice relates to works to be executed in two or more parishes or townships, the notice shall be given in those parishes or townships in the manner provided by the two preceding paragraphs.

In case it concerns two or more parishes, &c.

Special Notice.

1. Every special notice required by this Act shall be given eight days in advance, either in writing or *viva voce* before two witnesses, whose evidence shall be the proof of such notice ;

Special notice how given.

2. If the notice is given in writing, it shall not be necessary to adopt any particular form ; it shall suffice that the purport of

If it be in writing.

of the notice be set forth in an intelligible manner, that it be in all cases dated, and that it be attested before two witnesses or a notary; if the person giving it be unable to sign it, and that it mention the official capacity, if any, of the signer.

Copies of this Act to be given to Inspectors.

XLIII.. Each Inspector shall receive a copy of this Act, and upon going out of office shall transfer it to his successor, under a penalty of from not less than five nor more than ten shillings.

Short Title of this Act.

XLIV. This Act shall be called the "Agricultural Act," and shall apply to Lower Canada only.

Interpretation.

Land.

XLV. The word "land" (*terrain*) shall also mean land generally (*terre*);

Water-courses.

2. The word "water-courses" shall also signify "ditches," "drains" or "streams" in which one or more persons are interested;

Singular to import plural.

3. Words importing the singular number or the masculine gender, shall comprehend more than one person, part or thing of the same description, men as well as women, males as well as females, and *vice versa*;

Person.

4. The word "person" shall mean equally and include any body corporate or politic, and the heirs, executors, administrators or other legal representatives of such person;

Inspector.

5. The word "Inspector," shall be taken to mean either "Road Inspector" or "Inspector of Fences and Ditches;"

Disinterested.

6. By the word "disinterested," shall be understood "who has no personal interest or is under no obligation with respect to the works to be done, and is not related to or connected with any of the parties interested, within the third degree."

C A P . X L I .

The Lower Canada Municipal and Road Amendment Act of 1857.

[Assented to 10th June, 1857.]

Preamble.

18 V. c. 100.

WHEREAS it is desirable that further changes should be made in the Lower Canada Municipal and Road Act of 1855, as amended by the Act of 1856, with a view of rendering its working less expensive, and for other purposes of less importance: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

INTERPRETATION.

I. For the purposes of this Act the expressions following, wherever they may occur, shall signify respectively as follows, that is to say:

1. The words "Act of 1855," shall be deemed to apply to the *Lower Canada Municipal and Road Act of 1855*, the words "Act of 1856," shall be deemed to apply to the *Lower Canada Municipal and Road Amendment Act of 1856*, the words "the said Acts," shall be deemed to apply to the two Acts cited in this section, and the words "said Act," shall be deemed to apply to the Act which shall have been last referred to in any section in which the words "said Act" shall occur;

Interpretation of certain expressions.
18 V. c. 100.
19, 20 V. c. 101.

2. This Act and the said Acts shall be deemed to form but one and the same Act, except in so far as certain parts of the Act of 1855, have been repealed by the Act of 1856, and by this Act and certain parts of the Act of 1856, have been repealed by this Act;

The said Acts and this to form one Act.
Exception.

3. The Act of 1856, shall be cited as *The Municipal and Road Amendment Act of 1856*, and this Act shall be cited and known as *The Municipal and Road Amendment Act of 1857*.

Short Title of Act of 1856, and this Act.

ANNEXATION OF PARTS OF PARISHES AND TOWNSHIPS, AND EXTRA-PAROCHIAL PLACES.

II. 1. Notwithstanding the provisions of the tenth paragraph of the thirty-third section of the Act of 1855, the Municipalities to which it relates, shall each continue to form a distinct Municipality, unless its limits shall have been or shall hereafter be changed in virtue of any other provision of the said Act;

Certain places to continue to form distinct Municipalities.

2. Notwithstanding the provisions of the said Acts, the following places shall each constitute a distinct and separate Municipality from and after the first January, one thousand eight hundred and fifty-eight, that is to say :

Certain places to constitute distinct Municipalities.

The Parish of St. Germain, in the County of Drummond, including the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth ranges of the Township of Grantham, under the name of the Municipality of the Parish of Saint Germain; the remainder of the Township of Grantham with the Townships of Wendover and Simpson under the name of the Municipality of Grantham, Wendover and Simpson; the north part of the Township of Winslow, in the County of Compton, under the name of the Municipality of North Winslow, the south part of the said Township under the name of the Municipality of South Winslow; and the limits of the two Municipalities last mentioned shall be fixed and determined by a By-law of the County Council; and the extent of ground designated in a Proclamation inserted in the number of the *Canada Gazette* published by authority under date of the seventh day of February, one thousand eight hundred and fifty-seven as being intended to form a separate Municipality after the first day of January next, under the name of the Corporation of the Village of St. Césaire, shall be detached from the Municipality of the Parish of St. Césaire, and shall form a distinct and separate Municipality under the name aforesaid from the passing of this Act, and the elections for the choice of Municipal Councillors

Parish of St. Germain.

Grantham, Wendover, &c.
North & South Winslow.

Village of St. Césaire.

Councillors of the said Corporation of the Village of St. Césaire may take place in the manner provided by law, on the first Monday of the month of July next ;

How parishes shall be designated in certain cases.

3. Notwithstanding the provisions of the fifth paragraph of the thirty-third section of the Act of one thousand eight hundred and fifty-five, any parish of which an incorporated town or village shall form part, shall be designated by the name of the Municipality of the parish of *(insert the name of the Parish)*, provided that the population of the said parish, not included within the limits of such town or village shall exceed three hundred persons.

POWERS COMMON TO ALL COUNCILS.

Certain additional powers to Councils.

III. In addition to the powers conferred upon them by the said Acts, every Council shall have power from time to time to make, amend or repeal one or more By-laws for all or any of the purposes following :

Number of general Sessions.

1. For limiting the number of its general Sessions to not less than one in each year for County Councils, and to not less than four in each year for Local Councils ;

Maps and documents in the possession of individuals relating to public property.

2. For obliging any persons who may have in their possession any maps, plans, titles, writings or other documents relative to any road, street, lane, public place or other property in the Municipality, to give communication thereof to the said Council, or to any of its officers, and to permit such officer or other person appointed for that purpose by the principal officer of the Municipality, to take a copy thereof ;

Special tax on parties interested in any Public Work.

3. Every Council shall be empowered by resolution to impose and levy upon the parties interested in any work undertaken for the benefit of the Municipality, or for any part of the inhabitants of the Municipality, a special tax to provide for the payment for such work, although the performance thereof may not have been preceded or followed by the formalities required by law.

PERSONS NOT COMPETENT TO ACCEPT OR EXEMPTED FROM ACCEPTING OFFICE AS MEMBERS OR OFFICERS OF MUNICIPAL COUNCILS.

Retirement of Members of Council.

IV. 1. Every Council shall be empowered to authorize any one of its members to retire from office and to replace him in the manner provided by the Act of 1855 ;

Certain Councillors enabled to retire.

2. Any person, who not being obliged to accept the office of Municipal Councillor, has or shall have nevertheless accepted it, shall be empowered to retire at any time from the said office, upon giving public notice in writing to the Secretary-Treasurer of the local Council of which he was a Member, and he shall be replaced in the manner prescribed by the said Act in cases of decease ;

3. When the person who shall thus have retired from office is at the same time the Warden of the County, the Secretary-Treasurer of the Local Council shall, within eight days after the receipt of the said notice, transmit a copy thereof to the Secretary-Treasurer of the County Council, and so soon as a Mayor shall have been elected to replace the person retiring from office, the County Council shall proceed to the election of a new Warden in the manner prescribed by the said Act.

When the Councillor retiring is the Warden of the County.

POWERS COMMON TO ALL LOCAL COUNCILS.

V. 1. In addition to the powers conferred upon them by the Acts aforesaid, every Local Council shall be empowered to accept from the School Commissioners of any School Municipality situated within the limits of the Local Municipality, the Collection Roll for school rates, or a certified copy thereof, and may by resolution declare that the collection of the rates shall be made at the same time and in the same manner as that of the Municipal assessments; and any Secretary-Treasurer charged with the collection of such rates, shall hand over the entire amount so soon as he shall have collected them, to the Secretary-Treasurer for schools entitled to receive the same.

School rates may be collected at the same time as the municipal assessments.

2. Every Local Council shall have power from time to time to make, alter or repeal By-laws for the granting of licenses to pedlars and other travelling traders and artists and for preventing them from carrying on their traffic or practising their art without being licensed thereto;

Licenses to Pedlars, &c.

3. The fourth paragraph of the forty-second section of the Act of 1855 is hereby repealed, and hereafter the ferries over any river, stream or water, the two banks of which are not situated in the same County (excepting the ferry between the City of Quebec and the Parish of Notre-Dame de la Pointe-Lévi, and the ferries between the City of Montreal and the Parish of Longueuil,) shall be under the control of the Local Municipalities situated upon such river, stream or water; and each Council upon each shore, shall, with respect to the regulation of any such ferry as far as the middle of such river, stream or water, have the same power as is conferred upon it by the fifth paragraph of the fifteenth section of the said Act, with respect to all other ferries under its control;

Ferries between County and County;
Except at Quebec and Montreal.

4. All the provisions of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to regulate ferries beyond the Local limits of the Municipalities in Lower Canada*, inconsistent with the provisions of the preceding paragraph of this Act, are hereby repealed;

Inconsistent provisions of 16 V. c. 212, repealed.

5. Every Local Council shall have power to order by resolution, that there be kept a Register of all the *Procès-Verbaux* and By-Laws relating to roads and bridges in the Municipality; And whenever any such Resolution shall have been adopted, the Secretary-Treasurer shall, with all diligence, collect all the *Procès-Verbaux* and By-Laws in force in the Municipality; shall copy them into a Register to be kept by him for that purpose; shall

Register of *Procès-Verbaux*.

Duty of Secretary-Treasurer.

shall certify the correctness of the Register, shall deposit it in his office amongst the Records of the Council, and shall give Public Notice of the deposit of the said Register as soon as it shall be made ;

**Inserions of
New Procès-
Verbaux.**

6. All new *Procès-Verbaux* and By-Laws relating to roads or bridges, made after the deposit of the Register shall also be inserted therein ;

**To be open to
Rate-payers.**

7. Any rate-payer in the Municipality shall be entitled to have access to the said Register and to examine the same during office hours ;

**Register to be
sufficient
notice.**

8. And after the expiration of one month from the deposit of any such Register, the publicity thereby given to the said *Procès-Verbaux* and By-Laws shall be held to be sufficient notice to the persons bound to perform any work or to pay any money by virtue of such *Procès-Verbaux* and By-Laws ; and it shall not be necessary to give any further notice to such persons in order to compel them to fulfil their said duties ;

**Effect of Re-
gister as evi-
dence.**

9. Every such Register certified by the Secretary-Treasurer shall be authentic ; any certified copy or extract from any such Register shall also be authentic ; and the tenor of any such *Procès-Verbal* or By-Law so registered, may be proved by production of the Register by the Secretary-Treasurer, or a copy or extract therefrom duly certified by him ;

**Chief Officer
may vote on
questions re-
quiring a two
third vote.**

10. Be it declared, that the Chief Officer of every Council has and always had a right to vote upon all disputed questions incapable of being decided without the votes of two thirds of the Members of such Council.

LOCAL COUNCILS.

SPECIAL POWERS OF TOWN AND VILLAGE COUNCILS.

**Additional
powers to
town and vil-
lage Councils.**

VI. 1. Every Town or Village Council, in addition to the powers conferred upon such Councils by the Acts aforesaid, shall have power and authority from time to time to make, amend and repeal By-laws for the purposes following, that is to say :

**Construction
of water works
provided for :
Power to take
property and
impose taxes.**

For the establishment, construction and maintenance of Water Works, for the purpose of providing wholesome water for the inhabitants of the municipality ; for taking possession of any lands that may be necessary for the purposes of such water works, or for the passage of the canals through which the water is to flow, whether such land be situated within or without the limits of the Municipality, and whether or not the proprietors consent to such taking possession ; and for imposing and raising by tax whatever amount they may deem requisite to ensure the construction and maintenance of such water-works, provided that the amount of any indemnification for expropriation and for any damages caused by the construction or maintenance of any such water-works, shall be determined in the manner provided for similar cases by the Act of 1855.

Proviso.

CLAUSES OF QUEBEC AND MONTREAL POLICE ORDINANCES, RELATING TO DISORDERLY PERSONS EXTENDED TO TOWN AND VILLAGE MUNICIPALITIES.

VII. Be it declared,—That the clauses of the Ordinance relating to Police, specified in the twenty-fifth section of the Act of 1855, form and have always formed part of the said Act. Police powers.

COUNTY SUPERINTENDENT, NEW PROCES-VERBAUX, POWERS AND DUTIES OF ROAD OFFICERS.

VIII. 1. Notwithstanding any of the provisions contained in the said Acts, no County Council hereafter shall have the right to appoint a County Superintendent, which Officer is hereby abolished; Office of County Superintendent abolished.

2. Hereafter all the powers and privileges conferred upon the County Superintendent by the Acts aforesaid, shall be exercised in the manner following: Powers of County Superintendent, how exercised hereafter.

In respect of any County works, by the County Council ;

In respect of any Local works, by the Local Council ;

In respect of any work in which several Counties are interested, by the Warden of the Counties in which the work was originally proposed, and the said Warden shall summon a meeting of delegates, shall preside thereat, and shall have the casting vote heretofore conferred upon the Superintendent ;

3. Every Council shall be empowered, by resolution to appoint a suitable person to prepare any *procès-verbal*, or fulfil any other duty heretofore devolved upon the Superintendent ; any person so appointed for all or any of the purposes of such resolution, shall be deemed to be one of the Municipal officers, and shall be bound to fulfil all the formalities heretofore required from the Superintendent in similar cases, and shall be subject to the same penalties in cases of neglect ; Persons to be appointed by Councils to fulfil certain duties.

4. Every Council shall be empowered to reject and also to homologate and amend any *procès-verbal* so executed and when any *Procès-verbal* or report shall have been rejected, it shall be lawful for the Council to order that the costs incurred be paid by the persons who shall have applied for such *procès-verbal* or report and to determine the amount of such costs ; Powers of Council in respect of Procès-Verbaux.

5. Every Petition which, in accordance with the provisions of the said Act of 1855, should have been presented to the Superintendent, shall hereafter be addressed to the County Council, if it have reference to a work in which one or more Counties are interested, or to the Local Council, if it relates to To whom petitions shall be addressed.

any Local work, and shall be handed in to the Secretary-Treasurer, whose duty it shall be to present it forthwith to the Council, if it be then sitting, or at the next ensuing meeting, if it be not then sitting ;

Certain duties to be performed by Secretary-Treasurer.

6. The Secretary-Treasurer of every Council shall perform the duties heretofore devolving upon the Superintendent, in virtue of the sixth and seventh paragraphs of the twenty-first section of the said Act of 1855, in so far as they concern the business of the Municipality within the limits of which he exercises his powers ;

Inconsistent enactments repealed.

7. All the provisions of the Acts aforesaid, which are inconsistent with those contained in this section are hereby repealed.

BY WHOM ROADS ARE TO BE MAINTAINED IN THE ABSENCE OF ANY BY-LAW OR PROCES-VERBAL REGULATING THE MAKING AND MAINTENANCE THEREOF.

How roads shall be maintained, &c.

IX. Notwithstanding the provisions of the forty-fifth section of the Act of 1855, every Road Inspector in his division, may in the absence of any *procès-verbal*, By-law or valid Order to the contrary, cause the necessary works to be performed for the maintenance of the by-roads, and the front roads, to be made as by-roads by the manual labor of the parties bound to keep them in repair, in the proportions indicated in the said section.

ESTIMATION AND VALUATION.

Duties of Valuers with respect to property of which the owners are unknown.

X. 1. Notwithstanding the provisions contained in the third paragraph of the sixty-fifth section of the Act of 1855, the Valuers shall designate, in the Valuation Roll, the real property, the proprietors of which are unknown, by the number and concession, or by the limits and boundaries, in case such real property shall have no number generally known, and instead of the name of the proprietor shall insert the word "unknown ;"

Duties of Railway Companies with respect to the statement furnished by them.

2. The statement which every Railway Company is bound to furnish in virtue of the provisions contained in the sixth paragraph of the section last referred to, shall be transmitted to the Secretary-Treasurer of the Municipality during the month of March in each year, and in default thereof the Valuers shall make the valuation of the properties belonging to the Company in the manner prescribed by the said paragraph.

STATUTE LABOUR.

71st section of Act of 1855 amended.

XI. The first paragraph of the seventy-first section of the said Act of 1855, shall be construed as though the words "the proprietor or" had been inserted between the words "to which" and "the occupant" in the second line of the said paragraph.

COLLECTION OF ASSESSMENTS, DUTIES OF SECRETARIES AND OTHER OFFICERS IN RESPECT THERETO.

XII. 1. Notwithstanding the provisions of the third paragraph of the seventy-fourth section of the said Act of 1855, any Local Council shall be empowered by resolution, to order the Secretary-Treasurer to make the General Collection Roll at any convenient period other than that mentioned in the said paragraph ;

Powers of Local Council with respect to the General Collection Roll.

2. Notwithstanding the provisions contained in the eleventh paragraph of the seventy-fourth section of the said Act of 1855, every sale of lots or parcels of land, made under the authority of the said Act, shall hereafter be advertised to be held and shall be held in the place at which the sittings of the County Council shall then be held ; and it shall be lawful for the Secretary-Treasurer to give notice of and cause to be sold the right of cutting timber for one or more years, on any lot of land whatever, instead of the land itself ;

As to sales of lands.

Right of cutting timber may be sold.

3. The provisions of the third paragraph of the twenty-fifth section of the Act of 1856, shall not apply to persons residing without the limits of the Municipality, and the said persons shall be bound to pay their assessments within thirty days after the public notice mentioned in the second paragraph of the same section, without it being necessary that any demand should be made upon them either personally or at their domicile ;

Par. 3 of sec. 25 of Act of 1856 not to apply to certain persons.

4. The Secretary-Treasurer shall insert in the statement annually prepared by him, in virtue of the provisions of the tenth paragraph of the seventy-fourth section of the Act of 1855, all the other assessments, taxes and debts claimed either by the School Commissioners, or by the Inspectors of water-courses, fences and ditches, or by any other person who might have expended moneys for the payment of any such assessment, taxes or debts, or who might have caused work to be performed for others on any lot described in the said statement.

School rates, &c., may be inserted in Secretary-Treasurer's Statement and collected as taxes.

SALES OF PROPERTY.

XIII. It shall not be lawful for the purchaser of any lot of land in virtue of the seventy-fifth section of the Act of 1855, to carry away any timber, during the first year he is in possession, from upon any lot of land so purchased, and it shall be the duty of the former proprietor, before he can recover possession of his lot of land so sold, in addition to what he is bound to pay by virtue of the fifth paragraph of the said section, to pay to the said purchaser all the taxes and the value of all public or vicinal work which he shall have paid or performed during the time the said land was in his possession ;

Powers of purchaser restrained during the year for redemption.

Case where lands have been sold and the locality in which they lie, is detached from the County before deed.

2. Every Deed of Sale to a lot or parcel of land sold under the provisions of the said Acts or of the Municipal laws in force prior to one thousand eight hundred and fifty-five, which, during the interval between the sale thereof and the execution of such Deed, has been, or shall hereafter be, detached from one County and attached to another, shall be executed by the Secretary-Treasurer of the Council of the County in which such lot or parcel of land shall be at the time when the purchaser shall be entitled to receive such Deed, and shall exhibit to such Secretary-Treasurer the Certificate specifying the particulars of his purchase.

RECOVERY OF PENALTIES.

Par. 2 of sec. 27 of the Act of 1856 construed.

XIV. 1. The second paragraph of the twenty-seventh section of the Act of 1856, shall hereafter be construed as though the words "sitting in the Municipality" had been inserted after the words "any Justice of the Peace," in the fifth and sixth lines of the said paragraph ;

Appeal allowed and *certiorari* taken away in cases under Municipal Acts.

2. No Court of Justice shall hereafter be authorized to issue any writ of *certiorari* for the revision of any Judgment or proceeding whatsoever, rendered or adopted by any Justice of the Peace, or by any Commissioners' Court for the summary decision of small causes, in virtue of the provisions of the said Acts, or of this Act, but an appeal may be had from any such judgment, by *requête libellée* to the Circuit Court for the Circuit in which such judgment shall have been rendered ;

Justice of the Peace may appoint his own Clerk.

3. Notwithstanding the provisions of the third paragraph of the seventy-seventh section of the Act of 1855, any Justice of the Peace may appoint his own Clerk in all suits brought in virtue of the said Acts, but every Clerk so appointed shall, within three days after the date of the judgment rendered in any such suit, transmit to the Secretary-Treasurer of the Local Municipality, a duly certified copy of the proceedings therein ; and every such Clerk shall be deemed to be a Municipal Officer in so far as relates to the duties imposed upon him by this Act ;

Recital.

4. And in order to remove all doubts with regard to what persons may sue and be sued in virtue of the said Acts, Be it declared and enacted as follows :

Who may prosecute under the said Acts.

5. Every person of the age of twenty-one years, has and shall have a right to prosecute any Municipal Officer or other person, in virtue of the provisions of the said Acts and of this Act ;

Right of party doing any public work to recover the cost.

6. Any person who, on the requisition or with the sanction of any Municipal authority, Road Officer or Court of Justice, has or shall have performed or caused to be performed or paid for the performance of any work performed for the advantage of a Municipality,

Municipality, or a portion of the inhabitants of the same, shall have a right, to sue the parties interested or the Municipality, before any Court having competent jurisdiction, for the recovery of his claim, even though the said work may not have been preceded or followed by the formalities required by law ;

7. Any Municipality may sue for the recovery of any debt to them due before the Circuit Court of the Circuit in which the said Municipality is situate. Municipality may sue in Circuit Court.

C A P . X L I I .

An Act to explain and amend the Municipal Loan Fund Acts.

[Assented to 10th June, 1857.]

WHEREAS doubts may arise as to the interpretation of the word "Municipality," as applicable to some of the Municipalities of Lower Canada, in connexion with the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to establish a consolidated Municipal Loan Fund for Upper Canada*, and the Act passed in the eighteenth year of Her Majesty's Reign, extending the same to Lower Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

16 V. c. 22.

I. The said word "Municipality" in relation to all the provisions of the said Acts, shall be interpreted as extending, applying to, and comprising, and as having always applied, extended to, and comprised, all Local Municipalities created or to be created by, or existing or hereafter to exist, under the authority of the Lower Canada Municipal and Road Act of 1855, or of any Act amending the same ; And the provisions of the said Acts shall be interpreted as applying and having always applied to all Local Municipalities in Lower Canada, in the same manner and to the same extent as to Township Municipalities in Upper Canada.

How the word "Municipality" shall be understood as regards the said Acts, &c.

II. The Corporation of any Municipality whatever in Lower Canada, in addition to the powers already conferred upon them by the Act of 1852, chaptered twenty-two, and the Act of 1854, chaptered thirteen, may, by conforming with the provisions thereof, in so far as they are consistent with this Act, raise upon the credit of the share of the said fund set apart for Lower Canada, any sum of money which they may deem necessary for the opening, establishment, construction, repair or improvement, either within or without the limits of the Municipality, of any road, street or bridge, the construction and maintenance of which would be advantageous to such Municipality.

Municipal Corporations in Lower Canada may raise money on the said Fund for certain purposes.

III. Appropriations out of the said fund, which have already been made by Municipal Corporations in Lower Canada, for the purposes aforesaid, are hereby approved and confirmed.

Existing appropriations confirmed.

C A P . X L I I I .

An Act to provide for the Codification of the Laws of Lower Canada relative to Civil matters and Procedure.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the Laws of Lower Canada in Civil Matters, are mainly those which at the time of the cession of the country to the British Crown, were in force in that part of France then governed by the Custom of Paris, modified by Provincial Statutes, or by the introduction of portions of the Law of England in peculiar cases ; and it therefore happens, that the great body of the Laws in that division of the Province, exist only in a language which is not the mother tongue of the inhabitants thereof of British origin, while other portions are not to be found in the mother tongue of those of French origin ; And whereas the Laws and Customs in force in France at the period above mentioned, have there been altered and reduced to one general Code, so that the old laws still in force in Lower Canada are no longer re-printed or commented upon in France, and it is becoming more and more difficult to obtain copies of them, or of the commentaries upon them ; And whereas the reasons aforesaid, and the great advantages which have resulted from Codification, as well in France as in the State of Louisiana, and other places, render it manifestly expedient to provide for the Codification of the Civil Laws of Lower Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Governor to appoint three Commissioners—

And two Secretaries.

I. The Governor is hereby authorized to appoint three fit and proper persons, Barristers of Lower Canada, to be Commissioners for Codifying the Laws of that division of the Province in Civil Matters, and two fit and proper persons, being also such Barristers, to be Secretaries to the Commission, one of whom shall be a person whose mother tongue is English but who is well versed in the French language, and the other a person whose mother tongue is French but who is well versed in the English language.

Judges may act as Commissioners

Appointment of Assistant Judges in such case.

II. Any Judge or Judges of the Court of Queen's Bench or of the Superior Court for Lower Canada may be appointed a Commissioner or Commissioners under this Act ; and if any such Judge be so appointed, it shall be lawful for the Governor to appoint any Circuit Judge or Barrister of at least ten years standing at the Bar of Lower Canada, to be and act as an Assistant Judge of either of the said Courts,—or any Judge of the Superior Court to be and act as an Assistant Judge of the Court of Queen's Bench, and a Circuit Judge or Barrister as aforesaid to supply his place as Judge of the Superior Court, as an Assistant Judge thereof,—for and during the time that the Judge appointed a Commissioner under this Act shall

continue

continue to be such Commissioner ; and every Assistant Judge so appointed shall, during the said time, have and exercise all the powers and authority and perform all the duties by law vested in or assigned to a Judge of the Court of which he shall have been appointed an Assistant Judge, as if he had been appointed a Judge of such Court, and shall reside at the place to be named for that purpose from time to time by the Governor ; and in case of the vacancy of the office of any such Assistant Judge, another may be appointed in his stead in like manner and with like effect.

Powers of
Assistant
Judges.

Vacancies.

III. The said Commissioners and Secretaries shall hold their offices during pleasure, and in case of vacancy, the Governor may appoint another or others to fill the same, and so on until the work is completed.

To hold office
during pleas-
ure.

IV. The said Commissioners shall reduce into one Code to be called the *Civil Code of Lower Canada*, those provisions of the Laws of Lower Canada which relate to Civil Matters and are of a general and permanent character, whether they relate to Commercial Cases or to those of any other nature ; but they shall not include in the said Code, any of the Laws relating to the Seignorial or Feudal Tenure.

Civil Code to
be framed.

V. The said Commissioners shall reduce into another Code, to be called the *Code of Civil Procedure of Lower Canada*, those provisions of the Laws of Lower Canada which relate to Procedure in Civil Matters and Cases, and are of a general and permanent character.

And a Code of
Civil Proce-
dure.

VI. In framing the said Codes, the said Commissioners shall embody therein such provisions only as they shall hold to be then actually in force, and they shall give the authorities on which they believe them to be so ; they may suggest such amendments as they shall think desirable, but shall state such amendments separately and distinctly, with the reasons on which they are founded.

Codes must
contain the
actual Law.

As to amend-
ments.

VII. The said Codes shall be framed upon the same general plan, and shall contain, as nearly as may be found convenient, the like amount of detail upon each subject, as the French Codes known as the *Code Civil*, the *Code de Commerce*, and the *Code de Procédure Civile*.

Form and
extent of the
Codes.

VIII. The Commissioners shall from time to time, report to the Governor their proceedings and the progress of the work entrusted to them, and shall in all matters not expressly provided for by this Act, be guided by the instructions they shall receive from the Governor ; and whenever they shall think any section or division of the work sufficiently advanced for the purpose, they shall cause the same to be printed, and transmit a sufficient number of printed copies thereof with their Report to the Governor ;

Commission-
ers to report
to the Go-
vernor, and to
act under his
instructions.

Copies of the work may be submitted to the Judges.

Governor ; and if the Governor in Council shall think it advisable, he shall cause one or more of such copies to be transmitted to each of the Judges of the Court of Queen's Bench and Superior Court for Lower Canada, with a request that he will return the same, with his remarks thereon, by a day to be named in the letter containing such request.

Judges to examine the work when submitted, and to report thereon.

IX. It shall be the duty of each of the said Judges to examine the portion of the Commissioners' work so submitted to him, and to return the same by the day named as aforesaid, with his remarks, and more especially to examine carefully that part of the work purporting to state the Law then in force, and to report distinctly his opinion, whether the Law as it then stands is correctly stated therein, and in what paragraph or paragraphs (if any) it is incorrectly stated, with his reasons and authorities, and a draft of the amendments which ought in his opinion to be made in such paragraph or paragraphs, in order that the Law may be correctly stated therein.

Judges may suggest amendments.

X. The Judges or any of them may, in their Report on any portion of the said work referred to them, make suggestions for the amendment of the Law contained in such portion, with the reasons on which such suggestions are founded.

Judges may confer with the Commissioners before reporting.

XI. At any time when any portion of the said work is before the Judges for their report, they or any of them may confer with the Commissioners or any of them, touching the same : and the Commissioners shall in any such conference give all such information and explanation as it may be in their power to afford and as the Judges may require, relative to any statement of the Law as it then stands, or any suggestion for its amendment, which the Commissioners may have made in such portion of their work as aforesaid.

Judges' reports to be communicated to Commissioners.

XII. The reports of the Judges shall be communicated to the Commissioners, who shall make such corrections in their work as they may find advisable after having taken into consideration the reports and suggestions of the Judges ; but if any of the Judges shall not send in their reports by the day named for that purpose, this shall not prevent the Codes from being completed and submitted to the Legislature as hereinafter provided.

Commissioners to incorporate amendments adopted by Governor in Council.

XIII. The Commissioners shall from time to time incorporate with the proper portions of the said Codes, such amendments of the actual Law, as the Governor in Council shall think it right to recommend for adoption by the Legislature, after considering the Reports of the Commissioners, and those of the Judges, if any, but such amendments shall be carefully distinguished from the actual Law.

Code completed to be laid

XIV. When the said Codes or either of them, shall be completed, with such amendments as last mentioned, printed copies thereof

thereof and of the Reports of the Commissioners, and of the Judges if any, shall be laid before the Legislature, in order that such Code or Codes may be made Law by enactment ; and if it be found advisable that either of the said Codes be completed and submitted to the Legislature before the other, the *Civil Code of Lower Canada* shall be the first so completed and submitted : Either House may propose any amendments to either Code, but such amendments shall be proposed by resolutions which may be passed by one House and sent to the other for its concurrence, and shall be subject to amendment by the other, and to be otherwise dealt with as a Bill might be, until finally agreed to by both Houses, and shall then be communicated to the Commissioners, who shall with all possible despatch incorporate the substance of the amendments so agreed to, with the proper Code, which may then be passed as a Bill, at the same or any future session.

before the Legislature: proceedings thereon.

Amendments how made.

XV. The said Codes and the Reports of the Commissioners, shall be framed and made in the French and English languages, and the two texts, when printed, shall stand side by side.

Form of printing, &c.

XVI. Any two of the Commissioners may make any report or do any other thing which the Commissioners are hereby empowered to do ; saving the right of the third Commissioner, if so advised, to make a separate report or enter his dissent and the reasons thereof in the minutes of the proceedings of the Commission.

Two Commissioners may report, &c.

XVII. The Commissioners shall be remunerated for their services at such rate as the Governor in Council shall determine, not exceeding four pounds per diem to each Commissioner while employed in the performance of his duties, nor twelve hundred and fifty pounds per annum to any Commissioner ; and the said Secretaries shall be remunerated for their services at such rate not exceeding eight hundred and fifty pounds per annum, as the Governor in Council shall determine, but the said Secretaries shall give their whole time to the duties of their office.

Remuneration of Commissioners ;

And of Secretaries.

XVIII. If any Judge of the Court of Queen's Bench or Superior Court for Lower Canada be appointed such Commissioner as aforesaid, he shall, while acting as such, receive no remuneration as Commissioner except the excess (if any) of the remuneration of a Commissioner over his salary as Judge ; and any Assistant Judge to be appointed to supply the place of any such Judge while acting as Commissioner, shall receive a salary to be fixed by the Governor in Council, but not to exceed the highest salary of a Puisné Judge of the Court to which he shall be appointed, so that the charge upon the Province shall not be increased by the appointment of a Judge or Judges as Commissioners.

Provision if a Judge be appointed to act as Commissioner.

Place of meeting, &c.

XIX. The Commissioners shall hold their meetings at such place as shall be appointed by the Governor, and the Secretaries shall keep minutes of the proceedings at such meetings.

Payment of remuneration, &c.

XX. The remuneration to the Commissioners and Secretaries, with such expenses as may be incurred by them for travelling expenses, printing, stationery and other things necessary to the due performance of their duties under this Act, shall be paid by warrant of the Governor, out of the Consolidated Revenue Fund, as shall also the rent of their place of meeting, if such place be not in any Public Building.

Accounting clause.

XXI. All moneys expended under this Act shall be accounted for to Her Majesty and to the Legislature, in the manner provided by Law.

C A P . X L I V .

An Act to amend the Judicature Acts of Lower Canada.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the increasing wealth and population of Lower Canada, the recent subdivision thereof into Counties for the purposes of Representation in Parliament, and the establishment of a complete and efficient Municipal System therein, render it expedient to provide more generally for the Local Administration of Justice in every class of cases, and afford means for making such provision; And whereas it is expedient at the same time to make certain improvements in the procedure in the Courts of Justice in the said portion of the Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

RE-DIVISION OF LOWER CANADA INTO DISTRICTS.

Lower Canada divided into 19 Districts as in Schedule A.

I. Lower Canada shall be divided into nineteen Districts, in the manner set forth in Schedule A to this Act, the first column whereof contains the name of each District; the second column, the places which shall be comprised within the District; and the third column, the name of the place at or near which the sittings of the Superior Court shall be held and at or near which the District Court House and Gaol shall be: Provided that, if the name of the place which is the *chef-lieu* of any District be changed, such place shall nevertheless continue to be the *chef-lieu* under its new name.

Proviso.

II. A Court House and Gaol shall be forthwith built in the manner hereinafter provided, in each of the New Districts mentioned in the said Schedule.

Court Houses and Gaols in New Districts

III. The immediate re-division of Lower Canada into Districts, in order that proper buildings may be erected and other provision made for carrying this Act fully into effect, shall operate no change in the local jurisdiction of the Superior Court or Circuit Court, in and for any of the present Districts or Circuits, until the day which shall be named as that on which this Act shall take full effect in civil matters, in the first Proclamations to be issued under this Act appointing the times at which Terms of the Superior Court and of the Circuit Court at the *chef-lieu* are to be held in and for the new Districts, and by which Proclamations the Governor shall declare the said new District to be established for all purposes of the administration of justice in civil matters.

Re-division not to affect local jurisdiction of Civil Courts until the Act is fully in force in civil matters.

IV. And, in like manner, the said re-division shall operate no change in the local jurisdiction of the Court of Queen's Bench in and for any of the present Districts, in the exercise of its original criminal jurisdiction, or in the local jurisdiction of any Court of Quarter Sessions, or other Court of criminal jurisdiction, or of any Justice of the Peace or other functionary or Officer having any jurisdiction or duty in criminal matters, or the local jurisdiction or authority of any Justice of the Peace in civil matters or otherwise, until the day which shall be named as that on which this Act shall take full effect in Criminal matters, in the first Proclamation to be issued under this Act appointing the times at which the Terms of the Courts of Queen's Bench are to be held in the new Districts, and by which Proclamation the Governor shall declare the said new Districts to be established for all purposes of the administration of justice in criminal matters.

Nor of Criminal Courts, Justices, &c., until it is fully in force as to criminal matters.

V. Notwithstanding any change in the limits of any of the present Districts, by the coming into force of the whole or any part of this Act, they shall not be deemed New Districts, nor shall such change affect the appointment of any Judge, Justice of the Peace or Officer, or his powers or duties except in so far as they may depend on the local limits of the District, or may be affected by other provisions of this Act.

Effect of alteration in limits of present districts limited.

COURTS AND JUDGES.

VI. So much of the second section of the Judicature Act of 1849, chapter 37, as limits the number of Puisné Judges of the Court of Queen's Bench for Lower Canada to three, is hereby repealed, with the fourth section of the same Act; and in addition to the Chief Justice and three Puisné Judges mentioned in the said section, there shall be a fourth Puisné Judge of the said

A fourth Puisné Judge, of the Queen's Bench may be appointed.

said

said Court, to be appointed and qualified in like manner as the other Puisné Judges, and with the like powers, duties and salary.

Where the Judges shall reside.

VII. The Judges of the said Court shall respectively reside at or near Quebec or Montreal, and at least two of them shall reside at each of the said places.

Quorum of the Court.

Three Judges required to affirm or reverse a judgment.

VIII. The tenth section of the said Act is hereby repealed; and any four of the Judges of the said Court shall form a Quorum thereof in Appeal and Error, and may hold the Court and exercise all the powers and authority thereof; and any Judgment or Order in Appeal or Error concurred in by any three Judges of the Court at any sitting thereof, shall have the same force and effect as if concurred in by all the Judges so present; and no judgment appealed from shall be reversed, altered or confirmed, unless by the concurrence of three Judges of the said Court.

Number of Judges of Superior Court increased.

IX. So much of the third section of the Judicature Act of 1849, chapter 38, as limits the number of Judges of the Superior Court to ten, or as appoints the places at which they shall reside, is hereby repealed; and the said Superior Court shall consist of eighteen Judges, that is to say, of a Chief Justice and seventeen Puisné Judges; and such Judges, including the Chief Justice, shall ordinarily exercise their judicial functions in the District or Districts or Counties which shall from time to time be prescribed and assigned to them by the Governor.

Present Judges to remain; How new Judges shall be appointed and qualified.

X. The Chief Justice and Judges of the said Court in office when the next preceding section shall take effect, shall remain such by virtue of the commission they then hold; the new Judges of the Court and all future Judges thereof, shall be appointed from among the then Circuit Judges, and the Advocates of at least ten years' standing at the Bar of Lower Canada, in the manner provided by the Act last cited, all the provisions whereof and of the law shall apply to all the Judges of the said Court.

Where the Judges shall respectively reside.

XI. Four of the Judges of the said Court shall reside at the City of Montreal—three at the City of Quebec—one at the Town of Three-Rivers—one at the Town of Sherbrooke—one at the Village of Aylmer—or in the immediate neighbourhood of the said places respectively,—two in the District of Gaspé and one in the District of Saguenay, at such places as shall be appointed by the Governor; and the others at such places as the Governor shall appoint in the District or Districts in which they shall by him be directed from time to time ordinarily to exercise their judicial functions.

Salaries of the Judges of the Superior Court.

XII. The Salary of the Chief Justice and the Salaries of the Puisné Judges of the said Court appointed before the passing of this Act, shall not be affected by it; but of Puisné Judges hereafter to be appointed, the Salaries shall be as follows:

Of those who shall be directed to reside in the Districts of Montreal and Quebec, one thousand pounds per annum ;

Of those who shall be directed to reside in the other Districts, except those of Gaspé and Saguenay, eight hundred pounds per annum ;

And of those who shall be directed to reside in the Districts of Gaspé and Saguenay, seven hundred pounds per annum ;

The allowance to Judges for travelling expenses, shall be fixed by the Governor in Council, as heretofore. Travelling expenses.

XIII. The office of Circuit Judge is hereby abolished ; and the Circuit Court shall be held by the Judges of the Superior Court, each of whom shall have all the powers and duties vested in or assigned to any Circuit Judge at the time when this section shall take effect. The Circuit Court shall be held in each District at the place where the Superior Court shall be held therein, and being so held shall be known as the Circuit Court for the District of (*naming the District*), and its jurisdiction shall extend over the whole of such District, in like manner as that of the Circuit Court in any Circuit now extends over such Circuit, but concurrently with the Circuit Court (if any) to be held as hereinafter provided in and for any County in such District, in so far as regards such County. Office of Circuit Judge abolished: and Judges of Superior Court to hold the Circuit Court.
Circuit Court to be held in and for each District.

COURT OF QUEEN'S BENCH, APPEAL SIDE.

XIV. The eighth section of the said Act of 1849, chapter 37, is hereby repealed. Sect. 8 of 12 V. c. 37, repealed

XV. The ninth section of the said Act of 1849, chapter 37, is hereby amended so as to read as follows : Section 9 amended.

“ Four terms of the said Court in Appeal and Error shall be held in each year at each of the Cities of Quebec and Montreal ; the said terms shall commence respectively on the first day of March, the first day of June, the first day of September and the first day of December, at City of Montreal ; and on the twelfth day of March, the twelfth day of June, the twelfth day of September and the twelfth day of December at the City of Quebec, and shall continue at each place during nine calendar days : Provided always, that the Court may on the last juridical day of any such term, adjourn for the purpose of giving judgment only, to any day thereafter, on and after which day it may again adjourn for the like purpose ; and such adjournment may be to any day during a Criminal Term of the Court or subsequent thereto : And provided also, that any one Judge, or in the absence of a Judge, the Clerk of the Court, or his Deputy, may, on any day in term, open and adjourn the Court, receive returns and motions of course, call parties who ought then to appear in Court, Terms of the Court, Appeal side.
Proviso : adjournment for giving Judgment.
Proviso: Clerk may open Court, &c.

Court, and record appearances or defaults, and do other acts of a like nature requiring no exercise of judicial discretion.”

Extraordinary Terms of the Court may be held, and how.

XVI. The Governor may at any time and from time to time, by Proclamation, direct an extraordinary Term of the said Court in Appeal and Error to be held either at Quebec or Montreal, and to commence and end on such days as shall be appointed in such proclamation, which shall be issued at least thirty days before that appointed for the commencement of such term; and to any such extraordinary term all the provisions of this Act, and of the law, with regard to ordinary terms of the Court in Appeal and Error, shall apply in so far as may be consistent with such proclamation; and the sittings at any term of the Court on the Appeal side, ordinary or extraordinary, may be closed, whenever there shall be no business before the Court, or the Term may be continued by the Judges by adjournment until there shall be no business before it.

Provision for closing or continuing sittings.

At what places Appeals shall be heard from the several Districts.

XVII. Cases in Appeal or Error from the Districts of Ottawa, Montreal, Terrebonne, Joliette, Richelieu, St. Francis, Bedford, St. Hyacinth, Iberville and Beauharnois, shall be heard and determined at the City of Montreal only, and the Writs in such cases shall be returnable there; and cases in Appeal or Error from the Districts of Three-Rivers, Quebec, Saguenay, Gaspé, Rinouski, Kamouraska, Montmagny, Beauce and Arthabaska, shall be heard and determined at the City of Quebec only, and the Writs in such cases shall be returnable there.

Section 3 of 14, 15 V. c. 88, amended.

XVIII. The third section of the Act of 1851, chapter 88, is hereby so amended as to read as follows:

Judges of Superior Court to act in certain cases as Judges of Q. B. Appeal side.

“And whenever any cause in Appeal or Error shall have been heard by four Judges only of the said Court, and taken *en délibéré* by them, and three of the said Judges shall not concur in opinion as to the judgment which ought to be given in such cause, 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 other Judge shall be lawfully recused or disqualified or rendered incompetent either by reason of interest or otherwise to sit in such cause, or shall be absent, any Judge of the Superior Court may act as a Judge of the Court of Queen's Bench as regards such cause, and shall have the same power 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.”

Act of 1851 to apply.

And the said section so amended shall be read as part of the said Act of 1851, which shall apply to the Court of Queen's Bench, as hereby constituted, and to the five Judges thereof.

XIX. The thirty-first section of the Lower Canada Judicature Act, passed in the thirty-fourth year of the reign of King George the Third, chapter six, is hereby so amended as to read as follows :

Sect. 31, of 34 G. 3, c. 6, amended.

“In all cases where an appeal shall be allowed to Her Majesty in Her Privy Council, execution shall be suspended for six calendar months from the day on which such appeal is allowed, and from the expiration of that period to the final determination of the said appeal,—if before the expiration of the said six months, a certificate shall be filed in the Court having jurisdiction in appeal in Lower Canada, signed by the Clerk of Her Majesty’s Privy Council, or his deputy, or any other person duly authorized by him, that such appeal has been lodged, and that proceedings have been had thereon before Her Majesty in Her Privy Council; but if no such certificate be produced and filed in the Court having jurisdiction in appeal in Lower Canada within the said six months, the said appeal shall no longer operate as a stay of judgment and execution, but the party who obtained judgment in the said Court having jurisdiction in appeal, may sue out execution as if no such appeal had been made or allowed; any law, usage or custom to the contrary notwithstanding.”

Effect of appeal to Privy Council as regards suspension of execution.

XX. The salary of the Clerk of Appeals shall hereafter be such sum not exceeding five hundred pounds per annum, as the Governor in Council shall from time to time direct; and so much of the Act of 1855, chapter 98, as fixes his salary, is hereby repealed.

Salary of Clerk of Appeals.

XXI. The said Court sitting in Appeal and Error shall be a Court of Error in criminal as well as in civil cases, and shall have jurisdiction in Error in all criminal cases before the said Court on the Crown side thereof, or before any Court of Oyer and Terminer, or Court of Quarter Sessions; And the Writ of Error shall operate a stay of execution of the judgment of the Court below.

Court to be a Court of Error in criminal cases.

And in order to provide means of deciding any difficult question of law which may arise at Criminal Trials—

Difficult questions of law.

XXII. When any person shall have been convicted of any treason, felony or misdemeanor, at any criminal term of the said Court of Queen’s Bench, or before any Court of Oyer and Terminer, Gaol Delivery, or Quarter Sessions, the Court before which the case shall have been tried, may, in its discretion, reserve any question of law which shall have arisen on the trial, for the consideration of the said Court of Queen’s Bench on the Appeal side thereof, and may thereupon respite execution of the judgment on such conviction, or postpone the judgment until such question shall have been considered and decided by the said Court of Queen’s Bench; and in either case

In what cases questions may be reserved.

the

Bail may be taken or prisoner committed.

the Court before which the case trial was had, 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 sum as the Court shall think fit, conditioned to appear at such time or times as the Court shall direct, and receive judgment, and render himself in execution, as the case may be.

Case to be stated by the Court reserving the question.

XXIII. The said Court shall thereupon state, in a case to be signed by the Judge or Judges, Recorder, Inspector and Superintendent of Police, or Chairman holding or presiding 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 shall forthwith transmit the same to the Clerk of Appeals at the place where appeals from the District in which the conviction was had, are to be heard; and the said Court of Queen's Bench shall have full power and authority at any sitting thereof on the Appeal side after the receipt of such case, to hear and finally determine every question therein, and thereupon to reverse, amend or affirm any judgment which shall have been given on the indictment or inquisition on the trial whereof such question arose, or to avoid such judgment, and to order an entry to be made on the record, that in the judgment of the said Court of Queen's Bench the party convicted ought not to have been convicted, or to arrest the judgment, or to order judgment to be given thereat at some other Criminal Term of the said Court, or Session of Oyer and Terminer, or Quarter Sessions, if no judgment shall before that time have been given, as the said Court of Queen's Bench shall be advised, or to make such other order as justice may require.

Court of Q. B. to give the proper judgment or make the proper order in the case.

Judgment of Q. B. to be certified to the Court from which the case is sent; and proceedings thereon.

XXIV. The judgment or order, if any, of the Court of Queen's Bench in such case as aforesaid, shall be certified under the hand of the Chief Justice or one of the Judges concurring therein, to the Clerk of the Court from which the same was sent, who shall enter it on the original record in proper form, and a certificate of such entry under the hand of such Clerk, in the form, or as near as may be to the effect of the Schedule B, to this Act, with the necessary alterations to adapt it to the circumstances of the case, shall be delivered or transmitted by such Clerk to the Sheriff or Gaoler in whose custody the person convicted shall be, and such certificate shall be a 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 him to have been affirmed or amended, (and execution shall thereupon be done 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 at the next sitting of the Court from which the case was sent, the recognizance of bail, if any, shall be vacated; and if the Court from which the case was sent shall be directed by the Court of

Queen's

Queen's Bench to give judgment, it shall give judgment at the then next session thereof.

XXV. The judgment of the Court of Queen's Bench in any such case as aforesaid, shall be delivered in open Court, after hearing Counsel or the parties, in case the prosecutor or the party convicted shall think it fit that the case be argued, and in like manner as other judgments of the said Court on the Appeal Side, but no notice, appearance or other form of procedure, except such only, if any, as the Court may in such case see fit to direct, shall be requisite.

Judgment of Q. B. to be delivered in open Court, &c.

XXVI. The Court of Queen's Bench, when a case has been so reserved for its opinion, shall have power, if it see 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.

Q. B. may send back the case for amendment.

XXVII. Whenever any Writ of Error shall be brought upon any judgment on any indictment, information, presentment or information in any criminal case, and the Court of Queen's Bench shall reverse the judgment, the said Court may either pronounce the proper judgment, which shall be executed as the judgment of the Court below, or may remit the record to the Court below, in order that such Court may pronounce the proper judgment.

Q. B. reversing a judgment to pronounce the proper one, &c.

XXVIII. If in any criminal case either reserved as aforesaid or brought before it by Writ of Error, the Court of Queen's Bench shall be of opinion that the conviction was bad from some cause not depending upon the merits of the case, it may by its judgment declare the same, and direct that the party convicted be tried again, as if no trial had been had in such case.

May order new Trial in certain cases.

XXIX. Whoever shall forge or alter, or shall offer, utter, dispose of or put off, knowing the same to be forged or altered, any certificate or certified copy of any certificate, required or authorized by the next preceding sections, with intent to cause any person to be discharged from custody, or otherwise prevent the due 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.

Forging certificate, &c., under foregoing clauses, to be felony.

COURT OF QUEEN'S BENCH—CROWN SIDE.

XXX. The thirty-third section of the said Act of 1849, chapter 37, is hereby repealed; and any one of the Judges of the Superior Court may hold any term or sitting of the Court of Queen's Bench, for the exercise of the original criminal jurisdiction of that Court, and shall have all the powers of a Judge thereof and of the Court in the exercise of the said jurisdiction;

Section 33 of 12 V. c. 37 repealed; and any Judge of the Superior Court may hold any

Criminal Term.
Proviso.

jurisdiction ; but it shall not be incumbent upon any Judge of the Superior Court to hold any such term or exercise any such powers at either of the Cities of Quebec or Montreal, if there be a Judge of the Court of Queen's Bench present at such City and able to act.

Part of Sect. 34 repealed : When the Term shall commence at Quebec and Montreal.

XXXI. So much of the thirty-fourth section of the said Act of 1849, as fixes the time at which the terms of the said Court, on the Crown side, is hereby repealed ; and the said terms or sittings shall commence at Quebec, for the District of Quebec, on the twenty-fourth of January and the twenty-fourth of June ; and at Montreal, for the District of Montreal, on the twenty-fourth of March and the twenty-fourth of September.

Terms in other Districts may be fixed by Proclamation.

XXXII. The Governor may by proclamation from time to time fix the periods at which the terms of the Court of Queen's Bench in the exercise of its original criminal jurisdiction, shall commence in all or any of the Districts other than those of Quebec and Montreal, and may alter the same in like manner ; but there shall not be less than two such terms in each District in every year ; and to such terms and to any extraordinary term which the Governor may think proper to order in any District, the provisions of the said Act of 1849, chapter 37, and more especially of the thirty-fifth and thirty-sixth sections thereof, shall apply.

Certain sect. of 12 V. c. 37 to apply.

Terms in present districts to remain as now until altered.

XXXIII. The terms of the said Court on the Crown side, in the present Districts, shall continue as now fixed by law until altered by proclamation as aforesaid : and any such term may be closed whenever there is no business before the Court or continued by adjournment, until there is no business before it.

Court to have powers of Court of Q. S., when such Court is not held in the District.

XXXIV. The Court of Queen's Bench shall, at any terms thereof held for the exercise of its original criminal jurisdiction in any District in which no Court of Quarter Sessions shall have been appointed to be held, or in which the holding of Courts of Quarter Sessions shall have been discontinued as hereinafter provided for, have cognizance of, try and determine all matters and Appeals of which by law the Court of Quarter Sessions would have cognizance if such Court were held in the District, and such Appeals shall accordingly lie to the said Court of Queen's Bench, and the Judges and Officers thereof shall, with respect thereto, have the powers of the Court of Quarter Sessions whenever no such Court as last mentioned shall be appointed to be held in the District.

SUPERIOR COURT.

Nature and amount of jurisdiction not affected.

XXXV. The nature and amount of the Jurisdiction of the Superior Court shall not be affected by this Act ; and the local extent of its jurisdiction when held in any District, and the powers of the Judges and Officers thereof in such District, shall be

be governed by the provisions of the said Act of 1849, chapter 38, in that behalf, which shall apply to the New Districts constituted under this Act, and shall be construed as referring to them.

Extent of local jurisdiction of the Court.

XXXVI. The Governor may by proclamation from time to time fix the periods at and during which the terms of the Superior Court shall be holden in all or any of the Districts, and may alter the same in the like manner, but not less than three terms of the said Court shall be held in each District every year; except in the District of Gaspé in which not less than two such terms shall be held; Provided always, that the terms of the Superior Court in the present Districts shall remain as now fixed by law until they shall be so altered; And provided also, that, except in the Districts of Gaspé and Saguenay, between the ninth of July and the first of September, no term of the said Court shall be so fixed as that any part thereof shall be between the ninth day of July and the first day of September, both days exclusive: and nothing in any Act or Proclamation shall prevent the Court from closing the term if there be no further business before it, or from continuing it by adjournment until there is no further business before it, as hereinafter provided.

Governor may fix Terms of the Court, and alter them.'

Proviso.

Proviso: not to be held from 10th July to 31st August, except in certain Districts.

XXXVII. All the powers which by any Act prior to this are vested in or may be executed by any two Judges or *Quorum* of the Superior Court in term or out of term, are hereby vested in and shall be exercised by any one Judge of the said Court, and in term or out of term according as they might heretofore have been exercised in term or out of term, by such *Quorum*, so that any one Judge shall be a *Quorum* of the Court, and may hear, try and determine all causes and matters whatever cognizable by the Court, and exercise all the powers of the Court with regard to the same; and so much of the fifteenth section of the said Act of 1849, chapter 38, as requires or permits more than one Judge to hold the terms of the said Court, or fixes the *Quorum* thereof at more than one, is hereby repealed.

One Judge to hold the Superior Court.

Part of section 15 of 12 V. c. 38, repealed.

XXXVIII. The next preceding section shall apply to cases pending when it shall take effect, so that any one Judge may continue and determine any proceedings commenced by any greater number of Judges; and any Judge may continue and complete any matter commenced or continued by another, but shall not reverse any decision of another Judge, unless he might reverse such decision if it were his own.

Next preceding section to apply to pending cases.

XXXIX. Any two or more Judges of the Superior Court residing in the same District, may, and shall; whenever the despatch of business requires it, sit at the same time and at the same place, but in separate apartments, in term or out of term, and may each severally hear and determine all causes and matters, preside at *enquêtes*, and generally may and shall and

Judges may sit at the same time and place in separate apartments.

exercise the same powers in all respects as if he alone were sitting at such place.

One Judge may act for another unavoidably absent, &c.

XL. If the sole Judge in any District shall be unavoidably absent therefrom, or absent with leave of the Governor, or shall, from sickness or otherwise, be unable to perform his duties, the Chief Justice of the Superior Court being informed thereof shall communicate the information so received by him, to the Puisné Judges resident in the District of Quebec or of Montreal, and it shall be the duty of one of the said Judges (including the Chief Justice) resident in the said Districts, according to such arrangement as they shall have made among themselves, to supply the place of such sole Judge and perform his duties; and in any case of urgent necessity, an Assistant Judge of the said Court may be appointed under the Act of 1852, chapter 13, providing for such appointment.

Assistant Judges.

Case of recusation of the sole Judge in a District provided for.

XLI. If the sole Judge resident in any District or assigned to hold the Superior Court in any District be a party to any suit brought therein, or be liable to be recused therein, the same may be brought in any adjoining District, upon allegation of the fact, the proof of which, if disputed, shall lie upon the party alleging it; and if any such Judge be recused during the course of any suit or proceeding, it shall be forthwith removed to that one of the adjoining Districts which the Judge shall appoint, to the Court in which the record shall be forthwith transmitted by the Prothonotary; and if in either case the recusation shall be undisputed or shall be maintained, the suit or proceeding shall be determined in such adjoining District, and if the recusation be disputed, it shall be tried summarily by the Judge of such adjoining District, and if set aside, the record shall be sent to the District in which the suit or proceeding was or ought to have been brought, and it shall be determined there.

Any part of Judge's charge to Jury in a civil case to be put in writing if objected to.

XLII. If in any civil case tried by a jury, any portion of the Judge's charge be objected to by either party, the Judge shall, at the request of such party, put such portion of his charge in writing, either at the time of the trial or as soon after as conveniently may be, mentioning that it was so objected to, and then such portion of the charge so put in writing, being signed by the Judge, shall become part of the record in the case.

Writ of Appeal need not be allowed by Judge of Court below.

XLIII. It shall not be necessary that the Writ of Appeal from any Judgment of the Superior Court, be allowed by any Judge of the Court last mentioned; and the Prothonotary of the Superior Court at the place where the Judgment appealed from shall have been rendered, shall have power to receive the Appeal Bond or Security in Appeal, and to administer the requisite oaths and put the necessary questions to persons offered as sureties, and such powers shall be exercised by any such Prothonotary concurrently with the Judges of the said Court, any one of whom may, if he think proper, exercise the same as heretofore.

XLIV.

XLIV. A majority of the Judges of the Superior Court residing in Quebec or in Montreal respectively, may in term exercise the power given by the fifth section of the Act of 1853, chapter 194, to the Judges in any District touching *enquête* days, or the days on which evidence may be adduced in the said Court in such District, and any rule of practice to be made in the exercise of such power may be validly promulgated by any one of such Judges sitting in term: And in any other District any Judge of the said Court may in term time make and promulgate a rule of practice for the like purpose, and with the like power to repeal or alter it; but in the present Districts the rules of practice in force under the said Act, when this section shall take effect, shall remain in force until repealed or altered; and the power aforesaid shall always be subject to the provisions of the said fifth section and of the sixth and seventh sections of the said Act; and, except in the Districts of Quebec and Montreal, the Judges shall not be bound to appoint any particular number of days in each month as *enquête* days, as required by the said fifth section of the Act last mentioned.

How *enquête* days shall be appointed in Districts of Quebec and Montreal.

And in other Districts.

Present rules to remain till altered.

Further provision.

CIRCUIT COURT.

XLV. The Circuit Court may be held in and for any County other than that in which the Superior Court is held for the District in which such County lies (except the Counties hereinafter mentioned), so soon as the Municipality of such County shall have provided proper accommodation for the Court and the Officers thereof, and made permanent provision for the maintenance of such accommodation, and when the Governor, being satisfied thereof, shall, by Proclamation, have directed the Circuit Court to be held in and for such County; Provided always, that the Circuit Court shall not be held under this section in any of the Counties of Hochelaga, Jacques Cartier, Laval, St. Maurice, Quebec, or Wolfe.

Circuit Court may be directed to be held in and for Counties in addition to the Court for the District in which they lie.

Proviso.

XLVI. The Governor may, by Proclamation, direct the Circuit Court to be held at two or more places in and for any of the Counties of Richmond, Stanstead, Rimouski, Ottawa, Pontiac, Gaspé, Bonaventure, Beauce, Chicoutimi, Saguenay or Charlevoix, on being satisfied that proper accommodation has been provided for the Court and its Officers at each of such places, and permanent provision made for the maintenance of such accommodation.

It may be so held in more than one place in each of certain Counties.

XLVII. The place or places at which the Circuit Court shall be appointed by Proclamation to be held in any County other than one of those in which the Superior Court shall sit, shall be such as having been selected for the purpose by the Municipal Council of such County and approved by the Governor in Council, shall be fixed by Proclamation of the Governor.

How such places shall be chosen.

Circuit Court to continue to be held where it is now held, subject to certain conditions.

XLVIII. Provided always, that the Circuit Court shall continue to be held at each and every place where it shall be held when this section shall come into force, until it shall be otherwise directed by the Governor by Proclamation, although such place be not the *chef-lieu* of the District in which it lies, unless such place be in one of the said Counties of Hochelaga, Jacques Cartier, Laval, St. Maurice, Quebec or Wolfe, or in a County in which the *chef-lieu* of the District shall be and which is not one of those wherein under the next preceding section the Circuit Court may be held at more than one place: and the Circuit Court held at any place under this section, shall be deemed to be held in and for the County in which the place in which it is held lies, as if such place had been appointed by Proclamation under either of the three next preceding sections. But the Circuit Court shall not, after this section shall come into force, be held at any place other than the *chef-lieu* of a District, except in the cases provided for by this and the three next preceding sections.

Proviso: except under this or the 3 preceding sections, it shall not be held elsewhere than at the *chef-lieu*.

Local jurisdiction of the Circuit Court at any place.

XLIX. So far as regards the local jurisdiction of the Circuit Court, in and for any District or County, such District or County shall be deemed to be a Circuit within the meaning of the said Act of 1849, chapter 38, and of the Acts amending it; and when the Circuit Court shall be held at two or more places in one County, then the said Court sitting at each such place shall have concurrent jurisdiction over the whole County; but nothing in this Act shall affect the jurisdiction of the Circuit Court, except only as regards local extent as aforesaid.

How the Court at any place shall be designated.

L. The Circuit Court held in and for any County shall be designated as "The Circuit Court in and for the County of _____," (*naming the County*): and if there be more than one place where the said Court is held in the County, the words "at _____" (*naming the place of sitting*) shall be added to such designation.

Governor may change the place at which the Court is held;

LI. The Governor may at any time, by Proclamation, change the place or any of the places at which the Circuit Court is held in any County (such place not being the *chef-lieu* of the District), or direct that the said Court shall cease to be held in any County, or at any place in any County, after a day named for the purpose in such Proclamation, whenever he shall deem such change necessary for the convenience of the people of the County, or shall deem it right to discontinue the sitting of the said Court at any place, for want of proper accommodation for holding it there.

Or discontinue it in certain cases.

Terms of the Circuit Court may be fixed and altered by Proclamation.

LII. The Governor may, by Proclamation, from time to time, fix the number of Terms of the Circuit Court to be held in and for all or any Districts or Counties, (and at each place in any County wherein there shall be more than one place for holding it,) the times at which such Terms shall be held, and the

the number of days to be included in each of them ; and may in like manner, from time to time, alter the same, so as not less than three Terms shall be appointed to be held in and for each District and County in every year, except in the Counties of Gaspé and Bonaventure in which not less than two terms shall be held in such year ; but the Terms of the Circuit Court at the places where it is now held, and at which it may continue to be held under this Act, shall be held at the times now fixed by law until they shall be respectively altered by Proclamation.

Present Terms continued until altered.

LIII. Nothing in the next preceding section, or in any proclamation under it, shall prevent the Judge from closing the sittings in any term whenever there shall be no business before the Court, or from continuing any term by adjournment until there is no more business before it, as hereinafter provided ; and no term shall be so fixed as that any part of it shall be between the ninth day of July and the first day of September, both days exclusive, except in the Districts of Gaspé and Saguenay.

Not to prevent Judge from closing or continuing the Term in certain cases.

LIV. Any two or more Judges resident in the same District, may, and shall whenever the despatch of business before Court shall require it, sit and hold the Court, at the same place, but in separate apartments, as hereinbefore provided with respect to the Superior Court, and one Judge may continue any proceeding commenced or continued by another as in the Superior Court, and subject to the same provisions.

Two Judges may sit at the same time and place, &c.

LV. The first section of the Act of 1855, chapter 104, is hereby repealed, and the jurisdiction of the Circuit Court at Quebec and Montreal shall be the same as in other Districts.

Section 1 of 18 V. c. 104, repealed.

LVI. If the sole Judge resident in any District, be a party to any suit brought in the Circuit Court in such District, or be liable to be recused in such suit, the same may be brought in the Circuit Court at the *Chef-lieu* of any adjoining District, upon allegation of the fact, the proof of which, if disputed shall lie upon the party alleging it ; and if the Judge be recused in the course of any suit or proceeding, it shall be forthwith removed into the Circuit Court at the *Chef-lieu* of that one of the adjoining Districts which the Judge shall appoint, and the Clerk shall forthwith transmit the record to the Circuit Court at such *Chef-lieu* ; and if, in either case, the recusation be undisputed or maintained, the suit or proceeding shall be determined at such *Chef-lieu*, and if the recusation be disputed it shall be summarily tried by the Judge holding the Circuit Court there, and if set aside the record shall be sent to the Circuit Court at the place where the suit or proceeding was or ought to have been brought, and it shall be determined there.

Case of recusation of sole Judge in any District provided for.

Inscription for adduction of evidence and hearing in appealable cases: and hearing, &c. thereof.

LVII. In appealable cases in the Circuit Court, the evidence shall be taken in the manner hereinafter provided in such cases and in cases in the Superior Court; and such appealable cases shall be inscribed for the adduction of evidence and for final hearing on the merits at the same time, and shall be heard as soon as the evidence is closed, unless the Court shall, after the witnesses present have been heard and notes of their evidence taken, deem it conducive to justice to adjourn the case on account of the absence of any material witness or other evidence; but nothing in this section shall be construed to prevent the evidence from being taken orally as in non-appealable cases, by consent of all the parties.

Issues of law to be argued with the merits if so inscribed.

LVIII. In such appealable cases, if the party against whom any issue of law is raised by any pleading, or answer or replication inscribes the cause for *enquête* and hearing, then such issue of law raised upon the pleadings, shall be reserved and argued at the final hearing on the merits, after the evidence in the case has been taken, and shall then be decided.

Certain sections of 12 V. c. 38, as to Appeals, repealed.

LIX. The fifty-third, fifty-fourth, fifty-fifth and fifty-sixth sections of the said Act of 1849, chapter thirty-eight, are hereby repealed, except as to appealable cases in the Circuit Court in which judgment shall have been rendered before this section shall come into effect, to which cases the said sections shall continue to apply.

Appeal to lie to Appeal side of Q. B. in certain cases.

LX. From any judgment rendered by the Circuit Court in any suit or action in which the sum of money or value of the thing demanded shall be twenty-five pounds currency or upwards, or shall relate to any titles to lands or tenements, or to any sum of money payable to Her Majesty, fee of office, duty or rent, revenue, annual rent or such like matters and things, where the rights in future may be bound, an appeal shall lie to the Court of Queen's Bench (on its Appeal Side) sitting at the place where under this Act it is to hear and determine Appeals from the Superior Court in the District including the Circuit in which such suit or action shall have been originally instituted; and the said Court of Queen's Bench shall hear and adjudge on such Appeal as to law may appertain, subject to the provisions hereinafter made.

Security in Appeal to be given, and to what amount, &c.

LXI. The party appealing from any judgment rendered as aforesaid by the Circuit Court, shall, within fifteen days after the rendering thereof, (but without being bound to give previous 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 said appeal and answer the condemnation, and also pay such costs as shall be awarded by the Court of Queen's Bench if the judgment appealed from should be affirmed.

LXII. The said security shall be given either before a Judge of the Court of Queen's Bench, at the place where the Appeal is to be heard, or before the Clerk of Appeals at such place, and the bond shall then be deposited and remain of record in the office of the latter; or it shall be given before a Judge of the Superior Court when at the place where the judgment appealed from shall have been rendered, or before the Clerk of the Circuit Court at such place, and the bond shall then be deposited and remain of record in the office of the latter; and any one surety, being a proprietor of real property of the value of fifty pounds currency over and above all incumbrances payable out of or affecting the same, shall suffice to render such security valid; and the said Judges, Clerk of Appeals, or Clerk of the Circuit Court, are hereby respectively 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.

Before whom security may be given, and where.

What shall be sufficient.

LXIII. Provided always, that if the party appealing shall, within the same delay of fifteen days after the rendering of the judgment, agree and declare in writing at the office of the Clerk of Appeals, or at the office of the Clerk of the Circuit Court at the place where the judgment appealed from was rendered, that he does not object to the judgment being carried into effect according to law,—or shall pay into the hands either of the said Clerk of Appeals or of the Clerk of the Circuit Court, the amount in principal, interest and costs, of the said judgment (which amount, when so paid, the Respondent shall be entitled to have from such Clerk), and shall at the same time declare in writing his intention to appeal, then and in that case the party so appealing, in lieu of the security above required, shall give security only for such costs and damages as shall be awarded by the Court of Queen's Bench in case the Appeal be dismissed.

Proviso, if appellant agrees to allow the judgment to be executed.

LXIV. Provided also, that when only such security as last mentioned for costs and damages shall have been given, the Respondent shall not, if the judgment appealed from be reversed, be bound to return to the Appellant more than the amount of money so paid into the hands of the Clerk of Appeals or of the Circuit Court, with legal interest thereon from the day of the payment of the same to such Clerk,—or more than the sum levied under the execution sued out upon such judgment,—or more than the restitution of the real property whereof the Respondent shall have been put into possession by virtue of such judgment, and the net value of the revenues and produce thereof, to be computed from the day when he shall have been so put in possession thereof until perfect restitution is made,—with the costs of such Appellant as well in the Court of Queen's Bench as in the Circuit Court, but without damages against the Respondent in any of the said cases, by reason of the judgment appealed from or of the execution thereof; any law, usage or custom to the contrary notwithstanding.

Further proviso, limiting the liability of the Respondent in the case last mentioned, if the judgment be reversed.

Appeals to be prosecuted in a summary way, by Petition and Notice.

LXV. And, in order to avoid delay and expense in the prosecution of Appeals from judgments rendered by the Circuit Court, such Appeals shall be prosecuted and proceedings thereon had, in a summary manner, by Petition of the Appellant to the Court of Queen's Bench, setting forth succinctly the grounds of Appeal, and that the security required by law has been duly given, 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 Notice of the time or day on or after which it may be proceeded upon by the Court of Queen's Bench, and a copy of the Appeal Bond certified by the Clerk in whose office it is filed, shall be served on the adverse party personally or at domicile, or on his attorney *ad litem* in the Circuit Court, within twenty-five days from the rendering of the judgment appealed from.

Petition and Notice, &c., to be filed in Circuit Court.

LXVI. Within the same delay of twenty-five days after the rendering of the judgment appealed from, the party appealing shall file the original of the said Petition and Notice with a certificate of service thereof annexed, in the office of the Clerk of the Circuit Court in whose custody the record in the suit in which the Appeal is instituted shall be, with a Certificate of the Clerk of Appeals that security in appeal has been given, if the Appeal Bond is not deposited in the office of the said Clerk of the Circuit Court; and thereupon the said Clerk of the Circuit Court shall deliver to the appellant a certificate of the filing of the said petition and of the documents accompanying it, for the purpose of proving when need shall be, that he has instituted such appeal, and shall forthwith certify under his hand and the seal of the Circuit Court, and cause to be transmitted to the Court of Queen's Bench at the proper place, to be filed among the records thereof, the said petition, with the judgment, record, evidence and proceedings to which the Appeal shall relate.

Clerk to give certificate and transmit the record to the Court of Q. B.

Parties to appeal to file appearances in Q. B.

LXVII. Each party, appellant or respondent shall, before the first day on which the case can be heard in appeal under the next following section, file an appearance in person or by Attorney, in the office of the Clerk of Appeals, and the Clerk shall enter each case in which the record has been transmitted to him from the Circuit Court, mentioning whether the parties respectively have so appeared or not; if the respondent does not appear as herein required, he shall be held to make default, and if the appellant fail so to appear, he shall be held to have abandoned his appeal, and the record shall be remitted to the circuit court; Provided always, that it shall be lawful for the appellant to file, with his appearance, in the office of the Clerk of Appeals, the certificate of the filing of his said petition in appeal and the documents accompanying it, in the office of the Clerk of the Circuit Court, in order to prove when need shall be, that he brought his appeal, and to enable him to adopt all necessary proceedings against the Clerk of the

Penalty for default.

Proviso: Appellant may file the certificate of the Clerk of the Circuit Court, and for what purpose.

Circuit Court in case of his neglecting or refusing to transmit to the Court of Queen's Bench, as he is bound to do, the petition in appeal, with the judgment, evidence and proceedings to which the Appeal shall relate.

LXVIII. At the first sitting of the Court of Queen's Bench, on the Appeal Side at the place where the Appeal is to be heard, after the expiration of the forty days next after the rendering of the Judgment appealed from, or at any subsequent sitting of the said Court, the appeal shall, without any further formality, be summarily heard and such Judgment rendered thereon by the said Court, as ought to have been given by the Circuit Court ; and the record in the case, with such Judgment (and the Appeal Bond if filed with the Clerk of Appeals) shall be remitted to the Circuit Court at the place where the Judgment appealed from was given, in order that the Judgment of the Court of Queen's Bench may be executed by the Circuit Court, and further proceedings had therein as to law may appertain.

At what time the appeal may be heard, and what judgment shall be given.

LXIX. Provided always, That any appellant who shall neglect to cause a copy of such petition and notice in Appeal to be served and filed as aforesaid, or who having caused the same to be so served and filed, shall neglect to prosecute such Appeal effectually in the manner hereinbefore prescribed, and within such delay as the Court of Queen's Bench shall deem reasonable, shall be considered to have abandoned such Appeal, and upon the application of the respondent the Court of Queen's Bench shall declare all right and claim founded on such appeal to be forfeited, and shall grant costs to the respondent and order the record (if transmitted) to be remitted to the Court below.

Appellant neglecting certain proceedings to be deemed to have abandoned his appeal.

LXX. The said Court of Queen's Bench may, if it shall deem it expedient for the purposes of justice, order a *factum* or case to be prepared and filed in any such Appeal as aforesaid, and may grant such delay and make such rules of practice touching such Appeals, or any class or classes of them, or such rules and orders in each particular case, as the said Court may deem just and right ; and the said Court may also make Tariffs of Fees in such cases for the attornies and others employed therein not being officers paid by salaries or whose fees shall be fixed by Tariff to be made by the Governor in Council.

Court of Q. B. may order a *factum*, make Rules of practice and a Tariff, &c.

LXXI. Whenever under any provision of this Act the Circuit Court shall cease to be held at any place, the records, registers, muniments, and judicial and other proceedings in the said Court at such place, shall be transmitted to and make part of the records, registers, muniments, and judicial and other proceedings in the Circuit Court at that place where the Superior Court shall be held for the District including the place where the Circuit Court shall so cease to be held ; and no judgment, order, rule or act of the Circuit Court at such place, legally pronounced, given, had or done, shall be avoided by the Court ceasing to be held

Provision when the Circuit Court shall cease to be held at any place.

Actions, &c.,
not to abate.

held at such place or by such transmission, but shall remain in full force and virtue; nor shall any action, information, suit, cause or proceeding be thereby abated, discontinued or annulled, but the same shall be transferred, in their then present condition, respectively, to and shall subsist and depend in the Circuit Court at the place to which the records therein are so to be transmitted, and as if they had there been respectively brought or recorded, and other and further proceedings shall be therein had to judgment and execution, or subsequent thereto, as they might have been at the place where the Circuit Court shall so cease to be held; and any person who shall have been therein ordered to appear or do any other thing at any time at such place, shall appear or do such thing at the same time at the place to which such records are to be transmitted, and under the like penalties in case of default, unless the Judge shall in any case substitute another time, as he is hereby empowered to do.

As to appear-
ances, &c.,
previously or-
dered.

PROCEDURE IN CIVIL CASES, IN SUPERIOR AND CIRCUIT COURTS.

When any
preliminary
plea is filed by
Defendant,
Plaintiff may
demand a plea
to the merits.

LXXII. Whenever the Defendant in any case shall file any *exception à la forme*, *exception déclinatoire* or *exception dilatoire*, or other preliminary plea, the Plaintiff may, before answering the same, demand of such Defendant his plea or pleas to the action or merits; and if such last mentioned plea or pleas be not filed on or before the eighth juridical day after such demand, the Plaintiff may foreclose such Defendant from thereafter filing any plea or pleas to the action or merits, in the manner prescribed by the twenty-fifth section of the said Act of 1849, chapter 38, and there shall then be no issue raised between the Plaintiff and Defendant, except on such preliminary plea or pleas; saving to the Defendant nevertheless the benefit of the proviso to the said twenty-fifth section as to notice of the inscription of the cause for *enquête* or hearing: and the provisions of the said twenty-fifth section, and those of the twenty-first section of the Act of 1853, chapter 194, shall apply to the cases mentioned in this section in so far only as they may be consistent herewith.

Penalty on
Defendant
failing to file
such plea
when demand-
ed.

Certain provi-
sions of 16 V.
c. 194, to
apply.

Defendant suc-
ceeding on the
preliminary
plea to have
the costs of
plea to the
merits.

LXXIII. Provided always, that when the Defendant shall, on the demand of the Plaintiff under the next preceding section, file any plea or pleas to the action or merits, he shall be allowed the costs thereon if he shall afterwards succeed on the preliminary plea or pleas; and that, if proof is ordered on any such preliminary plea, the *enquête* shall be taken at the same time on the issue raised by the plea or pleas to the action or merits, unless the Court shall order otherwise, and if the Defendant succeed on such preliminary plea or pleas, he shall be allowed his costs on such *enquête*: Provided also, that if such preliminary plea be an *Exception dilatoire*, and the Defendant succeed thereupon, such Defendant, notwithstanding his being foreclosed under the preceding section, shall be entitled, if he has not pleaded to the action or merits, to file within the delay prescribed by law his
pleas

Further provi-
sion if such
preliminary
plea be an *ex-
ception dila-
toire*.

pleas to the action or merits, as if he had not been so foreclosed ; but if he do not so plead within the said delay, such foreclosure shall have full effect ; And if such Defendant had pleaded to the action or merits, he shall be entitled to amend his plea or pleas or to plead *de novo* within the delay prescribed by law ; and if he do not amend the plea or pleas filed by him, or file new pleas within the prescribed delay, he shall be deemed to abide by his plea or pleas originally filed : And provided also that if the *exception dilatoire* so maintained relates to the delay required to call any *garant* into Court, any such *garant*, after being so called in, may, if he be entitled so to do, file during the prescribed delays, any plea which he may have to plead in answer to the original demand, whether the original defendant have or have not pleaded to such action.

Proviso : if the delay be to call in a *garant*.

LXXIV. Within two days after any issue shall be joined upon which evidence is to be adduced, each party shall file a statement (*articulation*) of facts pertinent to such issue and not admitted by the pleadings, which he proposes to prove, and shall serve a copy thereof upon the opposite party, and within three days after such service, the party on whom it is made shall file and serve his answer admitting or denying all or any of such facts or denying all or any of them to be within his knowledge ; and in default of such answer being filed and served within the delay aforesaid, the facts in the statement of the opposite party shall be taken as admitted by the party who ought to have filed and served such answer, as shall also any fact alleged in the statement and not expressly denied by the answer, or not denied to be within the knowledge of the party answering.

Statement of facts to be filed by each party after issue joined : and proceedings thereon.

LXXV. If any fact not mentioned in such statement be afterwards proved by the party filing it, the costs of proving such fact shall be taxed against him, whatever be the event of the case ; and if any fact denied in such answer shall be afterwards proved in the case, or any fact denied to be within the knowledge of the party answering shall be so proved and the Judge shall be of opinion that it must have been within the knowledge of such party, the costs of proving such fact shall be taxed against him, whatever be the event of the case.

As to costs of proving facts not mentioned in such statement, or denied and afterwards proved.

LXXVI. Any document or writing which either party intends to use at the *enquête*, or at the trial in a case to be tried by Jury, shall be filed by such party with his statement of facts, if not previously filed in the cause ; and if any document or writing not filed with or previously to such statement be afterwards used at the *enquête* or at the trial, by the party who ought to have so filed it, the costs thereby occasioned shall be taxed against him, whatever be the event of the case.

Documents intended to be used, must be filed with statement.

LXXVII. After the expiration of the three days allowed for filing such answer, but not before, the case may be inscribed for

Inscription for *enquête* or pro-
for

ceedings for trial by Jury.

for *enquête* or proceedings may be had for bringing the same to trial if it is to be tried by a jury; but notwithstanding the expiration of the said period, any party may file an admission of facts at or before the *enquête* or trial, or admit them orally at the same; but the costs previously incurred in or about the proof of such facts shall be taxed against the party admitting them, whatever be the event of the case.

As to costs of proving facts not mentioned in statement.

LXXVIII. If any party who might file and serve such statement of facts as aforesaid shall neglect so to do at the time above mentioned, or shall state that he has no evidence to adduce at the *enquête* or trial, and shall afterwards adduce evidence, the costs thereat occasioned by such evidence shall be taxed against him, as shall also the costs occasioned by the adduction of evidence to prove any fact not mentioned in such statement, whatever be the event of the case: And if the other party be in the opinion of the Judge taken by surprise by the adduction of such evidence, the Judge may postpone the *enquête* or trial, or make such other order and impose such terms upon the party in fault, as he may deem just.

Provision against surprise.

Facts, &c., on which costs are to be specially taxed to either party to be mentioned in judgment, &c.

LXXIX. Whenever under the five next preceding sections or the eighty-fifth section of the Act of one thousand eight hundred and forty-nine, chapter thirty-eight, any portion of the costs in any case are to be taxed against a party who would not otherwise be chargeable therewith, the judgment shall mention the facts or the document or writing by reason whereof such costs are taxable against such party, and they shall be taxed against him accordingly; and the amount thereof may be recovered in the usual manner by the opposite party or deducted by him from the amount of any judgment or of any costs recovered against or chargeable to him in the case.

Foregoing provisions to be in furtherance of section 85 of 12 V. c. 38.

LXXX. The six next preceding sections shall be construed as being enacted in furtherance of the provisions contained in the eighty-fifth section of the said Act of 1849, chapter thirty-eight, which shall always be enforced in the Superior and Circuit Courts, the rules of practice for which may contain any provision which may be deemed necessary for giving effect to the provisions of the said eighty-fifth section.

No trial by jury in cases under £50.

LXXXI. The thirty-fifth and eighty-eighth sections of the said Act of 1849, chapter 38, are hereby repealed, and no trial by jury shall be allowed in any civil suit or action wherein the sum of money or value of the thing demanded or in dispute shall not exceed fifty pounds currency, unless the same shall have been instituted before the time when this section shall come into effect, and one of the parties thereto shall, before the said time, have declared his choice or option to have a trial by jury therein, in which case the said eighty-eighth section shall apply.

Exception as to trials already demanded.

LXXXII. Every witness in any contested case in the Superior Court, and in every contested appealable case in the Circuit Court, shall be examined in the presence of a Judge of such Court, who may put any question to the witness which he shall deem pertinent to the issue, and who shall take down in writing, or cause to be so taken down by the Prothonotary or Clerk of the Court or a writer employed by him, but under the immediate direction of the Judge, notes of the material parts of the evidence given by such witness, and of any objections insisted upon by any party and the adjudication thereon; and such notes shall be read over, and if necessary explained to the witness, who may have such additions or corrections made thereto or therein, as shall be necessary to make them truly state the material parts of his evidence, and shall then sign them if he can write, they shall then be signed by the Judge, and shall stand as the evidence given by such witness.

How witnesses shall be examined in contested cases in Superior Court, and in contested appealable cases in Circuit Court.

LXXXIII. The next preceding section shall not apply to the taking of evidence at trials by Jury in civil cases, to which the provisions of the fourth section of the Jury Act of 1851, chapter 89, in that behalf, shall continue to apply.

Next preceding section not to apply to jury trials.

LXXXIV. The Judge presiding at the *Enquête* in any such case as last mentioned, or at a Trial by Jury in any civil case, shall take, or cause to be taken, by the Prothonotary or Clerk of the Court, or a writer employed by him, notes of any oral admissions made by any party, and such notes being signed by the Judge shall make part of the evidence in the case, and shall avail as if made in writing in due form by such party.

Notes to be taken of oral admissions: their effect.

LXXXV. In any case in the Superior Court, or appealable case in the Circuit Court, where the Defendant shall make default or the Plaintiff shall become entitled to proceed *ex parte*, the evidence may be received by the Prothonotary or Clerk of the Court at the place where the action is brought, and notes thereof made and signed by him, at any time in term or out of term, and he may swear the witnesses and do all other things with regard to the *enquête* in such case which a Judge of the Court might do.

In *ex parte* cases evidence may be taken by the Prothonotary or Clerk.

LXXXVI. Any party summoned to answer interrogatories on *faits et articles* in any case in the Superior or Circuit Court, may by such summons be required to answer the same *vivâ voce* in open Court, or at any *enquête* in the case, or at the trial thereof by a Jury, and such answers shall be taken down by the Judge or the Clerk; and the Judge presiding in such Court, or at such *enquête* or trial, may put to such party *vivâ voce* any further questions pertinent to the interrogatories, and which he may think necessary to their being fairly and fully answered or to the facts intended to be proved by them being admitted by refusal to answer them, and the answer or refusal to answer any question so put by the Judge, shall have the same effect as if such question

Parties summoned to answer on *faits et articles* may be required to do so *vivâ voce*.

Further questions may be put by the Judge.

Effect of refusal to answer.

were

were one of the interrogatories served on such party, and which he was summoned to answer; and any question so put by the Judge, which the party under examination shall refuse to answer, shall, under the direction of the Judge, be put into writing by the Prothonotary or Clerk, or a writer employed by him, and shall then remain of record and have effect as aforesaid.

Certain facts to be presumed in *ex parte* cases on notes, &c.

LXXXVII. If in any action on a bill of exchange or promissory note, *cédule*, check, note or promise, or other act or private agreement in writing, the Defendant shall make default, or for any other reason the Plaintiff shall become entitled to proceed *ex parte*, then such bill or note, check, promise, act or agreement, and every signature and writing to or upon the same, shall be presumed to be genuine without proof thereof, and judgment may be rendered accordingly; and if in any such action any Defendant shall deny his signature, or any other signature or writing to or upon such bill, note, *cédule*, check, promise, act or agreement, or the genuineness of such instrument or of any part thereof, or that the protest, notice and service thereof (if any be alleged by the Plaintiff) were regularly made, whether such denial be made by pleading the general issue or other plea, such instrument and signatures shall nevertheless be presumed to be genuine, and such protest, notice and service to have been regularly made, unless with such plea there be filed an affidavit of such Defendant, or of some person acting as his Agent or Clerk and cognizant of the facts in such capacity, that such instrument or some material part thereof is not genuine, or that his signature or some other to or upon such instrument is forged, or that such protest, notice and service were not regularly made, and in what the alleged irregularity consists; but nothing in this section shall take away any *recours en faux*, or any remedy by *requête civile* after judgment if any such signature be forged.

And also in cases where defendant pleads and denies them, unless special affidavit denying the same, be made and filed.

Not to affect recourse *en faux*.

Present rules of practice to continue in force until altered.

LXXXVIII. The rules of practice and tariffs of fees in force in the Superior Court or Circuit Court when this section shall take effect, shall remain in force until it shall be otherwise ordered by competent authority, and shall apply to the Superior and Circuit Courts in all the Districts and places, except in so far as they may have been made applicable to particular Districts or places only.

Power of the Judges to make rules of practice, to be exercised by any ten or more of them.

LXXXIX. The power vested in the Judges of the Superior Court, or any six or more of them, by the one hundredth section of the said Act of 1849, chapter 38, to make, amend or repeal rules of practice and tariffs of fees for the said Court and for the Circuit Court, shall remain vested in the Judges of the Superior Court, and may be exercised by any ten or more of them, in like manner; subject always, as regards the tariffs of fees, to the limitations contained in this Act or other Acts subsequent to the said Act of 1849.

XC. The Prothonotary of the Superior Court, and the Clerk of the Circuit Court at any place, shall have full power to tax costs in causes and proceedings in their respective Courts at such place; and such taxation shall be made under and in the same manner and subject to the same rules, and shall have the same effect, as if made by a Judge of the Court, except that it shall be subject to revision by any Judge of the Superior Court in the same District and at the same place in any term of the Court in which the judgment was rendered, at any time within six months after such taxation by the Prothonotary or Clerk, and after sufficient notice (of which sufficiency the Judge shall decide) to the opposite party or his Attorney; but neither the non-expiration of the time allowed for such revision, nor any correction made by the Judge in the course of such revision, shall operate to stay execution or be a ground of any opposition, but any sum deducted by the Judge shall be deducted from the amount to be paid or levied, and if levied shall be returned to the proper party by the Sheriff or Bailiff levying it, or if paid shall be repaid by the party who shall have received it to the party who shall have paid it, and the said Judge's order for deducting such sum shall have the effect of a judgment for the same and may be enforced by execution accordingly.

Prothonotaries and Clerks may tax costs, subject to revision by a Judge.

Right of revision not to stay execution, &c.

XCI. The seventy-fourth section of the said Act of 1849, chapter thirty-eight, is hereby repealed:

Section 74 of 12 V. c. 38 repealed, and other provisions made as to matters requiring despatch.

And any Judge of the Superior Court, at any place where the said Court or the Circuit Court might then be held, shall in Court or out of Court, in term or out of term, or in vacation, and any Prothonotary of the Superior Court at the place where his office is therein held, shall out of Court but in term or out of term, have and may exercise within and for the District in which such place as aforesaid shall lie, the same power and authority as shall then be vested in the Superior Court and the Judges thereof, in what respects the probate of Wills, the Election and appointment of Tutors and Curators as well under the general law as under the Insolvent Debtors' Act of 1849, (chapter 42,) or any other Act, the taking of the counsel and opinion of relations and friends in cases where the same are by law required to be taken, the closing of inventories, attestation of accounts, *insinuations*, affixing and taking off seals of safe custody, the emancipation of minors, the homologation or refusal to homologate proceedings had at any *avis de parents* called or held by or before any Notary, and other acts of the same nature requiring despatch; and the proceedings in all such cases shall form part of the records of the Superior Court at the place where they shall be had, or of the Circuit Court at such place if the Superior Court be not held there: but the appointments and orders by any Prothonotary under this section or made under the same by any Judge out of Court, shall be liable to be set aside by any Judge of the said Court, sitting

Of what Court the proceedings under this section shall be records.

Appointments made out of Court may be

set aside
in Court.

in the same District in Court and in term, in like manner and under the provisions of law in and under which appointments and orders made by one or more Judges out of Court in matters requiring despatch might have been set aside by the Superior Court immediately before the time when the said Act of 1849, chapter 38, came fully into effect.

Matters in-
volving ac-
counts may be
referred to ac-
countants as
experts.

XVII. In all cases involving the adjustment and settlement of accounts, now or hereafter to be pending, it shall be lawful for the said Courts, respectively, to order an account to be taken and to refer any account or matters of account in question in any such case, to a person or persons conversant with such matters and skilled as accountants, with power to act and report thereon in the same way as *experts* in cases wherein *experts* can be by law appointed, and the reports of such accountants may be acted upon or homologated in the same way as reports of *experts* in other cases.

COMMISSAIRES ENQUETEURS.

*Commissaires
Enquêteurs*
may be ap-
pointed in
certain cases.

XVIII. In any case in the Superior or Circuit Court in which there shall be an *Enquête* to be taken, it shall be lawful for the Court before which such case shall be pending, to appoint a competent person as *Commissaire Enquêteur* to take such *Enquête*, whenever from the nature of the suit, the number of witnesses to be examined or the distance at which they reside, or the difficulty or multiplicity of the facts to be proved, or any other sufficient cause, it shall be shewn to the Court by any of the parties concerned, that by the appointment of such *Commissaire Enquêteur* the purposes of justice will be better attained in such suit or proceeding ;

Judgment ap-
pointing them
to fix time and
place of pro-
ceedings.

2. The interlocutory judgment appointing any *Commissaire Enquêteur* shall mention the place or places where the *Enquête* is to be taken, and the period within which it must be completed ; but such period may be extended by the Court for any cause which it shall deem sufficient ;

Oath of office.

3. Every *Commissaire Enquêteur* shall be sworn before a Judge of the Superior Court or a Commissioner for receiving affidavits to be used in the Courts in Lower Canada, to the due and faithful performance of his duties ;

Notice to
parties.

4. He shall give at least eight days' notice to the parties of the time and place at which he will commence the *Enquête* ;

Summoning
witnesses.

5. The witnesses shall be summoned by subpoena from the Court before which the cause is pending, to appear before him to give their evidence ;

Swearing
them.

6. He shall swear the witnesses ;

7. He may adjourn the *Enquête* from day to day or to such further day as he shall appoint, until all the witnesses of the parties shall have been heard; but he shall not so adjourn the *Enquête* beyond the period fixed for its completion, by the interlocutory judgment, unless such period shall have been extended by the Court;

Power to adjourn limitation.

8. Every *Commissaire Enquêteur* shall, with regard to the suit or proceeding in which he is to take the *Enquête*, have all the powers of a Judge presiding at an *Enquête* in the Superior Court;

General powers as to *enquête*.

9. Every witness in any case referred to a *Commissaire Enquêteur* shall be examined in the presence of the latter, who may put any question to the witness which he shall deem pertinent to the issue, and he shall take down in writing or cause to be so taken down by a writer appointed by him and under his immediate direction, notes of the material parts of the evidence given by such witness, and of any objections insisted upon by any party, and his adjudication thereon; and such notes shall be read over, and if necessary explained to the witness, who may have such additions or corrections made thereto or therein as shall be necessary to make them truly state the material parts of his evidence, and shall then sign them if he can write; they shall then be signed by the *Commissaire Enquêteur*, and shall stand as the evidence given by such witness;

Mode of taking the evidence.

10. Every *Commissaire Enquêteur* shall also receive all pertinent documentary evidence adduced by the parties, and shall take or cause to be taken by a Clerk to be employed by him, notes of any oral admissions made by the parties, and such notes, being signed by the *Commissaire Enquêteur*, shall make part of the evidence in the case, and shall avail as if made in writing in due form;

As to documentary evidence.

11. Any party summoned to answer interrogatories upon *faits et articles*, may by the summons to be issued by the Court in which the case is pending, be required to answer *vivâ voce* at the *Enquête* before the *Commissaire Enquêteur*, who shall swear the party so summoned to answer, take his answers in writing if he appears for the purpose of answering, or record his default if he does not appear; the *Commissaire Enquêteur* may also put to such party *vivâ voce* any further questions pertinent to the interrogatories and which he may think necessary to their being fairly and fully answered, or to the facts intended to be proved by them being admitted by refusal to answer them; and the answer or refusal to answer any question so put by the *Commissaire Enquêteur*, shall have the same effect as if such question were one of the interrogatories served on such party, and which he was summoned to answer; and any question so put by the *Commissaire Enquêteur* which the party under examination shall refuse to answer, shall be put into writing by

Parties may be examined on *faits et articles*.

Further questions may be put by *Commissaire Enquêteur*.

Effect of refusal to answer.

the *Commissaire Enquêteur*, and shall then remain of record and have effect as aforesaid ;

Return to be made to the Court.

12. The *Commissaire Enquêteur* after completing the *Enquête* committed to him, shall make his return thereof to the Court on or before the day fixed for that purpose by the interlocutory judgment by virtue of which he shall have been appointed, or such further day as shall have been fixed by any subsequent interlocutory judgment ;

Rules of practice and tariff of fees may be made.

13. The Judges of the Superior Court, or any ten or more of them, as provided by this Act, may make any Rules of practice which they may deem necessary concerning the taking of *Enquêtes* by *Commissaires Enquêteurs*, whether such *Enquêtes* are in the Superior Court or in the Circuit Court, and also any Tariff of fees for the *Commissaires Enquêteurs*, Counsel, Advocates, Attorneys and other persons employed in the taking thereof, and not being salaried officers or whose fees are to be fixed by a tariff to be made by the Governor in Council ; and any such Rule of Practice or Tariff may be altered or repealed by the said Judges ;

Foreign provisions to apply to *Enquêtes* in either Courts.

14. All the foregoing provisions relative to the taking of an *Enquête* by a *Commissaire Enquêteur*, shall apply to *Enquêtes* to be taken in cases either in the Superior Court or in the Circuit Court, and as well in appealable as in non-appealable cases in the Court last mentioned ;

Not to affect power to issue commissions, &c.

15. The power to appoint *Commissaires Enquêteurs* shall not in any way impair the power of the said Courts to issue Commissions for the examination of witnesses or of any other persons.

PROVISIONS RELATIVE TO THE NEW DISTRICTS.

Same officers in the New Districts as elsewhere.

XCIV. There shall be the same Officers connected with the administration of Justice in each of the New Districts and in the County Circuits as in those subsisting immediately before the time when this section shall take effect, and proper persons may in like manner be appointed to fill such offices ; and where there shall be more than one place where the Circuit Court shall be held in any County, a Clerk may be appointed at each ; and all the provisions of law touching such offices respectively, as well with regard to the security to be given by the persons holding the same, or the appointment of deputies, as with regard to other matters, shall extend to the like Officers in the New Districts and in the County Circuits, subject always to the provisions of this Act.

Certain enactments to apply to them.

Amount of security limit.d.

XCV. Provided always, that the security to be given by any such officers as aforesaid, appointed in any of the New Districts, shall

shall not be higher than that given under the Act of 1849, by persons holding like offices in the Districts of Kamouraska and Ottawa.

XCVI. The fees and emoluments of office of the several officers of the Superior Court, or of the Circuit Court at the *Chef-lieu*, including the Criers, Assistant Criers and Tipstiffs, Sheriffs, Coroners, Clerks of the Crown and of Peace, in the New Districts, shall be collected by such officers respectively, and accounted for and paid over to the Receiver General, after deducting any contingencies authorized by the Governor in Council, in like manner and subject to the like provisions as the fees and emoluments of similar officers in other Districts; except always that the fees of the Criers, Assistant Criers and Tipstiffs shall be received, collected, accounted for and paid over to the Receiver General, by the Prothonotaries or Clerks of the said Courts respectively; but the said fees and emoluments collected in each such District shall form a fund apart, to be called *The District of _____, Officers of Justice Fee Fund*, and shall be distributed among the said Officers of Justice in the District in the form of yearly salaries, or otherwise, in such proportions as the Governor in Council shall from time to time direct.

Fee Fund constituted for each New District.

To be distributed by the Governor in Council.

XCVII. The Governor may by Proclamation direct that Courts of Quarter Sessions be held in the New Districts, at the places where the Superior Court is held therein, and shall be so held accordingly and have the same powers in and with respect to the Districts in which they are respectively held as similar Courts shall then have in and with respect to the present Districts in which they are respectively held; but no such Court, or any Term of the Court of Queen's Bench, shall be held at any place where no Term of the Superior Court is held; Provided always, that the holding of Courts of Quarter Sessions, may be discontinued at any time by Proclamation in any New District, or in any of the present Districts except those of Quebec and Montreal, whenever it shall appear to the Governor that the Criminal Terms of the Court of Queen's Bench in such District, suffice for the despatch of the criminal business therein; and the holding of the said Courts of Quarter Sessions may at any time be again re-established by a like Proclamation, if, in the opinion of the Governor, the despatch of the criminal business of the District renders it necessary.

In what cases Courts of Quarter Sessions may be held in the New Districts and where.

The said Courts may be discontinued in like manner by proclamation, and again re-established.

XCVIII. The provisions of law regulating the making of Jury lists and the summoning of jurors in the Districts of Kamouraska and Ottawa, (including those provisions which apply to those Districts in common with other Districts) shall apply to and regulate the making of jury lists and the summoning of jurors in the New Districts constituted by this Act; except that there shall be only one list of grand jurors which shall include those persons qualified to serve as such either at the Court of Queen's

What provisions shall apply to the summoning of Jurors at Criminal Courts in the New Districts.

Queen's Bench or of Oyer and Terminer, or at the Court of Quarter Sessions, and the persons on such list shall and may serve as grand jurors at any of the said Courts; and except that there shall be only one list of Petit Jurors for the Courts of criminal jurisdiction which shall include those persons qualified to serve as such, either at the Courts of superior criminal jurisdiction or at the Quarter Sessions; and the persons on such lists shall and may serve as Petit Jurors at any Criminal Court in the district.

Allowance to
Petit Jurors at
Criminal
Courts in
New Districts.

XCIX. The allowance to be paid to each person serving as a Petit Juror before any Court of Criminal Jurisdiction in any of the New Districts, shall be fixed from time to time by the Judge holding such Court, but shall not be less than two shillings and six pence nor more than five shillings for each day such Juror shall be necessarily absent from his usual place of residence; but he shall have no further allowance for travelling expenses, nor shall any such allowance be paid to any Petit Juror whose usual residence is within the limits of the city or town, or of the parish or township, in which such Court is held.

COURT HOUSES AND GAOLS IN NEW DISTRICTS.

Recital.

And inasmuch as it is expedient to establish a Fund, out of which, without the burden and cost of heavy local taxation, Court Houses and Gaols may be built in the New Districts, and Court Houses in the several Counties in which the District Court Houses are not situate; therefore—

Lower Canada
Municipalities
Fund appropriated to the
purposes of
this Act.

C. The amount of the Lower Canada Municipalities Fund, created by the Clergy Reserves Act of 1854, chapter 2, remaining after paying the charges upon it under the said Act, shall not be apportioned among or paid to the Municipalities of Lower Canada in the manner provided by the said Act, but shall be appropriated for the purposes of this Act.

£75,000 may
be raised by
Debentures on
the credit of
the said Fund

CI. The Governor in Council may authorize the Receiver General to raise from time to time such sum or sums of money, not exceeding in the whole seventy-five thousand pounds, as may be required for the purposes of this Act, by the issue of Provincial Debentures, to re-pay and make good the principal and interest whereof all the moneys arising from the said Lower Canada Municipalities Fund, after the payment of the charges aforesaid, shall be and are hereby appropriated.

Form of
Debentures.

CII. The Debentures to be issued under this Act shall be in such form, for such separate sums either in sterling or currency, at such rate of interest not exceeding six per centum per annum, and the principal and interest thereof shall be made payable at such periods and places, as the Governor in Council shall deem most expedient, and shall from time to time direct; and any moneys

moneys forming part of the said Fund and applicable to the repayment of the said principal and interest, and not immediately required for the purposes of this Act, shall be invested in Provincial securities by the Receiver General, under the direction of the Governor in Council.

Investment of any portion of the Fund not immediately required.

CIII. Out of the said Lower Canada Municipalities Fund, a sum not exceeding five thousand pounds, to be fixed by the Governor in Council, taking into consideration the extent, population and business of the District, and other local circumstances thereof, may be expended in each of the New Districts in building a Court House and Gaol in and for the same; and such sum may from time to time be advanced and paid to the Commissioners of Public Works by the Receiver General on the Warrant of the Governor.

Appropriation for building Court House and Gaol in each New District.

CIV. Provided always, that if the County Municipalities in any New District shall think proper to raise a further sum to be added to that allowed to the District under the next preceding section, and to be expended with it for the purpose of building a better Court House and Gaol, they shall have full power so to do, and the County Delegates may agree upon such sum and the proportion thereof to be raised by each County, and the Council of each County shall have full power to raise the sum apportioned to it; and if any County or Local Municipality shall think proper to raise a further sum independently of the other Counties in the District, or of the other Local Municipalities in the County, it shall have full power so to do; and any such additional sum shall be applied and expended by the Commissioners of Public Works with that allowed to the District under the next preceding section.

Proviso: Municipalities may raise an additional sum to be added to that above limited.

CV. The Municipality of the County in which the Gaol and Court House for any New District shall be built, shall furnish a proper site for the same, to be approved by the Commissioners of Public Works, and free of all incumbrances; and if the Council shall fail to furnish such site when called upon so to do by the said Commissioners, they may accept any proper site which shall be given to the Crown for the same at or near the *Chef-lieu*; or the Governor may, by Proclamation, appoint some other place at which a proper site shall be so given to be the *Chef-lieu*, which such place shall then be, as if named as such in the Schedule A to this Act.

County Municipality to furnish site.

Proceedings if it fails so to do.

CVI. Out of the said Lower Canada Municipalities Fund, there shall be allowed to each County Municipality (including that of the County of Compton) in which there shall be no District Court, the sum of three hundred pounds, towards building or procuring a County Court House at a place to be approved by the Governor as that at which the Circuit Court ought to be held in such County, and on a site to be furnished by the Local Municipality in which it is situate, free of

Allowance to Counties in which the *chef-lieu* shall not be, for a County Court House.

of all incumbrances and approved by the Commissioners of Public Works; and until the said sum shall be required for such purpose, the interest thereof shall be paid yearly to the County for Municipal purposes, or, at the option of such County, added to such sum in order to be applied in building or procuring a better Court House; and if there be more than one Court House to be built in the County, the second and all but the first shall be built at the expense of the County, on a site to be furnished as aforesaid by the Local Municipality in which it shall be built.

If the Circuit Court is held at more than one place in the County.

Allowance to Counties in which the Circuit Court is not to be held.

CVII. Out of the said Lower Canada Municipalities Fund, there shall be allowed to each County Municipality in which there is no District Court, and in which no place can, under this Act, be appointed or continued as that at which the Circuit Court shall be held, the sum of one hundred and fifty pounds, for municipal purposes.

Provision where there is now a Court House which will not be required under this Act.

CVIII. If in any County in a New District, there be a Court House which will not be required for the use of such County or District, the Governor may, by order in Council, cause the same to be sold and add the proceeds of the sale to the share of the Municipalities' Fund coming to the District, or to the share of the County if the *chef-lieu* of the District is not in such County, as an addition to the fund for building the Court House and Gaol in such District, or the Court House in such County.

Court Houses and Gaols to be built by Commissioners of Public Works, whose powers shall apply to them.

CIX. The District Court Houses and Gaols above mentioned shall be built by the Commissioners of Public Works, under the control of the Governor in Council; and all the powers vested in the said Commissioners with regard to the taking of lands required for Public Works, and all other powers vested in them, or in parties who are empowered to contract with them for the conveyance of such lands, and all the provisions of the Acts relating to the said Commissioners and to Public Works constructed under their superintendence, shall, in so far as they may not be inconsistent with this Act, apply and extend to the said District Court Houses and Gaols, and the sites therefor, and the construction thereof, and to the said Commissioners in regard to them; but no plan shall be adopted by the said Commissioners for the construction of such Court Houses and Gaols, or any of them, until it shall have been approved by the Governor in Council; but nothing herein shall prevent the exercise by any Municipality of the power of taking real property for municipal purposes, which the building of a Court House or Gaol shall always be held to be.

Plans must be approved by Governor in Council.

Proviso.

Court Houses built under this Act to be the places for holding all Courts; and

CX. All Courts to be held at the place where any Court House is built under this Act, shall be held in such Court House, unless the Governor shall, in case of the destruction of or great damage to the building, direct them to be held in some other building: and the Gaol built under this Act in any District

District shall be the Common Gaol thereof, and also the House of Correction for such District until some other House of Correction shall be established for the same: and all general provisions applicable to Court Houses and Gaols in Lower Canada, shall apply to those built under this Act so far as they shall not be inconsistent herewith.

Gaols so built to be Common Gaols, &c.

CXI. The title to the District Court House and Gaol in and for each of the New Districts respectively, shall be vested in the Sheriff of such District for the time being, and his successors in office for ever, and he and each of his successors in office shall be a Corporation sole for the purpose of holding the same for the purposes of this Act, but without power to alienate, charge or incumber the same; and the title to any County Court House, and of the site thereof, shall be vested in the Municipality of the County, for such estate or right as it shall have acquired therein.

Title to Court House and Gaol to be in the Sheriff.

CXII. It shall be the duty of the Sheriff of each New District to keep the Court House and Gaol therein insured against loss by fire, for an amount and by an Insurance Company to be approved by the Commissioners of Public Works, and in case of loss by fire he may recover under the policy; and the amount recovered shall be applied to repair or re-construct the building destroyed or damaged.

Sheriff to insure.

He may recover on the policy.

CXIII. For keeping in good repair the District Court Houses and Gaols to be erected under this Act in the New Districts, and for paying the Petit Jurors in criminal cases in the same, there shall be, in and for each such District, a Fund, to be called "The Building and Jury Fund for the District of (as the case may be), which shall consist of:

Fund established for repairing Court Houses and Gaols and paying Petit Jurors in criminal cases.

1. All fines, forfeitures and pecuniary penalties collected in the District under the Police Ordinances, as extended by the twenty-fifth section of the Municipal Act of 1855, chapter 100;

Police fines:

2. The Crown's share of all fines, forfeitures or pecuniary penalties collected in the District on summary convictions under the Acts of 1841, amending the Criminal Law, chapters 26 and 27;

Summary conviction fines under 4, 5 V. c. 26, 27.

3. The Crown's share of all fines, forfeitures and pecuniary penalties collected within the District under the Public Worship Act of Lower Canada, passed in 1827, chapter 3;

Fines under 7 G. 4, c. 3.

4. One per centum upon all moneys levied by the Sheriff of the District, or by any Bailiff therein, under execution in any civil case, such per centage to be retained by the Sheriff or Bailiff out of the sum payable to the party taking out such execution;

Per centage on moneys levied in execution.

**Fines under
Juvenile Of-
fenders Act.**

5. All fines levied in the District under the Act passed the present session for the more speedy trial and punishment of Juvenile Offenders ;

**And on Jurors
and Witnesses.**

6. All fines levied in the District for contempt of Court for non-attendance of Jurors or Witnesses, or disobedience of any order of the Court ;

**Yearly contribu-
tion by local
Municipalities.**

7. A yearly contribution from each Local Municipality in the District, which contribution shall be : twelve pounds from the Local Municipality in which such Court House and Gaol shall be,—six pounds yearly from each other Local Municipality in the County in which such Gaol and Court House shall be,—and three pounds yearly from each other Local Municipality in the District ; which contributions shall be payable to the Sheriff by such Municipalities, respectively, in the month next after that in which this Act shall come into operation, and in the same month of every year thereafter, and if not so paid, may be recovered of the Sheriff for the time being as a debt due to him, and in default of payment, may be levied by him from the rate-payers in the Municipality in default by an equal rate on their taxable property according to the valuation-roll then in force ; and for the purpose of enforcing such rate, and the costs of levying the same, the Sheriff shall have the powers vested in the Secretary-Treasurer of such Municipality for the collection of rates duly levied, and to be collected by him in such Municipality.

**When payable
and how en-
forced if not
paid.**

**Fund to be re-
ceived and dis-
bursed by the
Sheriff.**

CXIV. The Fund last mentioned shall be received and managed by the Sheriff, who shall render an account thereof to the Inspector General, at such time, and in such manner and to such effect as the Inspector General shall appoint, and such account shall be audited by the Board of Audit ; and the Sheriff shall be deemed an Officer employed in the collection of the Revenue within the meaning of the Revenue Management Act of 1845, chapter 4, and of any Act amending it, and of the Audit Act of 1855, chapter 78 ; and any surplus moneys forming part of such Fund may be invested by the Sheriff in Government securities, with the approval of the Inspector General and subject to such conditions as the Inspector General may think proper.

**Under what
supervision,
&c.**

**Provision for
rebuilding or
enlarging any
District Court
House or Gaol.**

CXV. If at any time it shall become necessary to rebuild or enlarge any District Court House or Gaol, the same shall be built or enlarged by the Commissioners of Public Works at the expense of the Municipalities in the District, and out of the Fund established by the next preceding sections and of any sum (if any) recovered by the Sheriff for the insurance of the same, shall not be sufficient to defray the expense of rebuilding or enlarging, then the sum required to make good the deficiency shall be furnished by the said Municipalities, in the proportions mentioned in the seventh paragraph of the next preceding section, and shall be paid over to the Sheriff, at such time as

prescribed by the Governor in Council, after such re-building or enlarging shall have been commenced, and if not so paid may be recovered by the Sheriff in the same manner and with the same powers as they are provided and given for the recovery of the contributions mentioned in the said seventh paragraph; and the moneys in the hands of the Sheriff applicable to such re-building or enlarging shall be disbursed by the Sheriff under the direction of the Commissioners of Public Works.

Sheriff to disburse the money.

CXVI. If at any time the said Fund be found in any District to be too large for the purposes to which it is made applicable, the contributions payable thereto by Local Municipalities in such Districts may be diminished by order of the Governor in Council to such extent as he may deem advisable; and if at any time the said Fund be found insufficient in any District for such purposes, the said contributions may be increased by a like order to the extent which the Governor in Council may deem expedient, but observing the same proportion as to the amount payable by the several Municipalities.

Contributions to Fund may be diminished if it prove too large, and vice versa.

DISTRICT OF GASPÉ.

CXVII. The third section of the Gaspé Judicature Act of 1843, chapter 17, is hereby repealed, and the Judges of the Superior Court to reside in the District of Gaspé shall be appointed in like manner and from among persons qualified in like manner, as the other Judges of the said Court, and shall have the same privileges and be subject to the same disabilities and the same provisions as to residence, as the other Judges of the said Court.

Section 3 of 7 V. c. 17, repealed. Judges in Gaspé to be appointed, &c., as in other districts.

CXVIII. The Circuit Court in the District of Gaspé shall be ordinarily held by one of the Judges of the Superior Court resident therein; and the provisions of the Act last above cited relative to the District Judges shall apply to the said Judges of the Superior Court; except that if the Judge ordinarily holding the Circuit Court at any place, be a party or recused in any case pending thereat, then it shall be removed into the Circuit Court at the *Chef-lieu* in the County, or if such cause be lawfully evoked to the Superior Court, then it shall be removed into the Superior Court in the same County, there to be heard, tried and determined by any other Judge holding the Court in the County into which it shall have been removed, unless the parties agree that it be removed into the Superior Court or Circuit Court, (as the case may be), in the other County, in which case it shall be so removed, but subject, in either case, to the same provisions in other respects as cases removed on like grounds from the Circuit Court to the Superior Court in other Districts.

Judges resident in Gaspé to hold the Circuit Court.

Case of the recusation of one of such Judges, provided for.

CXIX. The sixth section of the Act last cited is hereby repealed.

Section 6 of 7 V. c. 17, repealed.

Section 2 of 12 V. c. 40, repealed. S. Court to be held by one Judge.

CXX. The second section of the Gaspé Judicature Act of 1849, chapter 40, is hereby repealed; and the Terms and Sittings of the Superior Court in the said District may be held by any one Judge of the said Court in like manner as in other Districts.

Section 7 of 7 V. c. 17, repealed.

Appeals from Circuit Court to lie to Q. B. as in other districts.

CXXI. The seventh section of the said Gaspé Judicature Act of 1849, chapter 17, is hereby repealed; there shall be no Appeal from the Circuit Court to the Superior Court in the said District; but, in appealable cases, an Appeal shall lie to the Appeal Side of the Court of Queen's Bench at Quebec, subject to the same provisions as in Appeals to the said Court from the Circuit Court in other Districts, except in the case of appeals from the Circuit Court in the Magdalen Island which shall be governed by the provisions hereinafter made respecting them.

Terms of Circuit and Superior Court to remain as at present until altered.

CXXII. The Terms of the Circuit Court in the District of Gaspé shall continue to be held at the places and times mentioned in the eleventh section of the Act last cited, until it shall be otherwise ordered by Proclamation of the Governor; and the Terms of the Superior Court in the said District shall continue to be held at the times and places now fixed by or under the authority of the said Act, and of the Act of 1851, chapter 19, until it shall be otherwise ordered by Proclamation as aforesaid.

Counties of Gaspé and Bonaventure to be considered as Districts for certain purposes.

CXXIII. Notwithstanding any thing to the contrary in this or any former Act, each of the Counties of Bonaventure and Gaspé shall be considered as a separate District, in so far as regards the County in which any civil suit or proceeding in the Superior Court, or in the Circuit Court at the *chef-lieu* in either County, shall be commenced or brought,—so that no such suit or proceeding shall be commenced or brought in either County unless by reason of the residence of the defendant, or of a defendant therein, or of the cause of action having arisen in such County, the suit or proceeding could be commenced therein if it were a separate District; and nothing in this section shall apply to any suit or proceeding which shall be pending when it shall come into force; And it shall not be necessary that the registers and plunitifs of the Superior Court should be kept in duplicate in the said District of Gaspé, but the Superior Court shall have its separate registers and plunitifs in and for each County.

Registers, &c., not to be kept in duplicate.

Separate instead of Joint Sheriffs, Prothonotaries, &c., may be appointed in the District of Gaspé.

CXXIV. Notwithstanding any thing to the contrary in any former Act, it shall be lawful for the Governor, if he shall see fit, to appoint a Sheriff, a Prothonotary of the Superior Court, a Clerk of the Circuit Court at the *chef-lieu*, a Clerk of the Crown, and a Clerk of the Peace, in and for each of the Counties of Gaspé and Bonaventure, and the salary now allowed to the persons holding those offices jointly for the whole District of Gaspé, shall then be divided among those who shall hold them separately, in such proportion as the Governor in Council shall direct; and in case of the death of any of the said officers, the

Deputy appointed by him shall hold the office *pro tempore* and perform all the duties thereof until a successor to such officer shall be appointed; and each such officer for either County shall in and as regards such County have the powers of a similar officer in and as regards a District, and the Sheriff of the County of Gaspé shall appoint a Deputy in and for the Magdalen Islands as the Sheriff of the District of Gaspé might do; but nothing in this section shall be construed to prevent the Governor from continuing or appointing a Sheriff for the whole District, Joint Prothonotaries of the Superior Court, or Joint Clerks of the Circuit Court at the *chef-lieu*, Joint Clerks of the Crown, or Joint Clerks of the Peace, if he shall think it expedient so to do.

Deputies to act in case of decease, &c. Deputy Sheriff for Magdalen Islands.

Proviso.

CXXV. All the general provisions of this Act, not inconsistent with those specially applicable to the District of Gaspé, shall apply in and to the said District.

General Provisions of this Act to apply to Gaspé.

MAGDALEN ISLANDS.

And inasmuch as the peculiar situation of the Magdalen Islands, in the Gulf of St. Lawrence, demands special provision respecting the administration of justice therein; therefore—

Recital.

CXXVI. The said Islands shall continue to form a Circuit by themselves, and the Circuit Court sitting there shall not have concurrent jurisdiction with the said Court sitting in any other place in the District of Gaspé, nor shall the Circuit Court at any other place in the said District have concurrent jurisdiction with the Court sitting in and for the said Circuit of the Magdalen Islands, and the Circuit Court shall, with regard to the said Circuit of the Magdalen Islands, have the same jurisdiction in all civil cases as the Superior Court in any other place; and the Clerk of the said Court shall have the same powers as the Prothonotary of the Superior Court at any other place; and no civil case in the said Circuit Court shall be removable from the same by reason of the nature, value or amount of the property or sum of money demanded therein.

Jurisdiction of the Circuit Court sitting at the Magdalen Islands.

Powers of the Clerk: No case to be evocable.

CXXVII. The proceedings in the said Circuit Court shall be summary, as in non-appealable cases, except that in appealable cases notes of the evidence and oral admissions, and the substance of the pleadings, shall be taken by or under the direction of the Judge, signed by him and filed in the record, in the manner provided by this Act in cases of like amount in other Circuits or in the Superior Court; the pleadings in every case shall be *instant*, as in non-appealable cases, and shall be oral, unless the Judge, on the application of the parties, having written pleadings ready when they make the application, shall otherwise order.

Procedure in the said Court at the Magdalen Islands.

Pleadings oral and *instant*.

CXXVIII. There shall be two Terms of the said Court yearly in the said Circuit, one of which shall be called and known as the Spring

Two Terms to be held in each year.

Spring Term, and the other the Autumn Term, and the day on which each Term shall commence and end shall be fixed by the Governor, by Proclamation, and may be altered in like manner; but such Terms may be continued by the Judge until he shall declare that there is no business before the Court, and shall close the Term; and every day in Term and no day out of Term shall be a return day for writs and process of the said Court.

Return day.

Appeal from the Circuit Court to Q. B. at Quebec.

CXXIX. An Appeal shall lie from the Judgment of the Circuit Court in the said Magdalen Islands to the Court of Queen's Bench sitting in Appeal and Error at Quebec, in every case in which an Appeal would lie to the said Court if such Judgment had been rendered in the Superior Court or in the Circuit Court at any other place; but, whatever be the sum of money or value of the thing demanded in such case, the proceedings in Appeal shall be the same as in Appeals from the Circuit Court, except that the first day on which the case may be heard in the said Court of Queen's Bench, shall be the juridical day in Term next after the expiration of ninety days from the rendering of the Judgment appealed from if it be rendered in the Spring Term at the Magdalen Islands, and the first juridical day in Term after the first day of June next after the rendering of the Judgment if it be rendered in the Autumn Term at the said Islands; but the security in such Appeal must be given within fifteen days after the rendering of the Judgment, as in other places.

After what time such Appeal may be heard at Quebec.

Security must be given within 15 days.

Admission of Bailiffs, &c., in the said Islands.

CXXX. Any Judge of the Superior Court while sitting at the Magdalen Islands shall have all the powers and authority with respect to the admission of Bailiffs now vested in the Superior Court for Lower Canada, and the Clerk of the Circuit Court held at the said Islands shall, for such purpose, have all the powers vested in the Prothonotary of the Superior Court.

Clerk to be Deputy Clerk of the Peace.

CXXXI. The Clerk of the Magdalen Islands Circuit Court shall be *ex officio* Deputy Clerk of the Peace, and shall within the limits of the said Islands have all the powers and authority of the Clerk of the Peace for the District or County of Gaspé.

Site of Court House and Gaol.

CXXXII. The Court House or place of which the Circuit Court shall be held shall be provided by and at the cost of the Local Municipality of the said Islands, in like manner as elsewhere, and under the same provisions.

£400 allowed for building a Court House and Gaol in the said Islands.

CXXXIII. Out of the said Lower Canada Municipalities Fund, the sum of four hundred pounds shall be applied to build a Court House and Gaol in the said Magdalen Islands, on a site to be furnished by the Municipality of the said Islands, and approved by the Commissioners of Public Works, in the manner and subject to the provisions hereinbefore made relative to the building of Court Houses and Gaols in the New Districts; and such Gaol shall be used as a common Gaol and House of Correction,

For what purposes the Gaol shall be used.

Correction, for the detention of offenders legally sentenced to imprisonment by any Justice of the Peace or competent authority in the said Islands, and also for the detention of prisoners committed for trial for any indictable offence, until they can be conveyed to the common Gaol for the District.

CXXXIV. The Sheriff of the District of Gaspé shall appoint a Deputy who shall reside in the Magdalen Islands, and shall have the charge of the Court House and of the said Gaol and of all persons committed for custody therein, and shall have all the powers of the Sheriff in civil and in criminal cases in and with respect to the said Magdalen Islands, and also in the remainder of the District of Gaspé with respect to the conveyance of prisoners from the said Islands to any common Gaol in the said District, and other matters necessarily connected with the administration of justice in the said Islands, and such further powers as the Sheriff may see fit to depute to him: Provided always, that the said Sheriff shall have another Deputy for all purposes in that one of the Counties in his District in which he does not reside.

Sheriff of Gaspé to appoint a Deputy for the Magdalen Islands.

Proviso.

MISCELLANEOUS PROVISIONS.

CXXXV. If the Sheriff in any District be also the Coroner for the same, as he may be by virtue of this Act, then if such Sheriff be interested or otherwise disqualified from acting officially in any matter, either as Sheriff or as Coroner, the Prothonotary of the Superior Court for the District, or his Deputy, shall act in such matter in the place and stead of such Sheriff, and as if the process or order (if any) had been addressed to him or he had been directed by the proper authority so to act.

Provision if the Sheriff of any district be also the Coroner.

CXXXVI. Every Sheriff, Coroner, Prothonotary, or Clerk of Courts, or other ministerial Officer of Justice, may and shall, whenever necessary for the despatch of the business of his office, appoint one or more Deputies.

Sheriffs, Prothonotaries, &c., may have more than one Deputy.

CXXXVII. If the Sheriff of any District shall deem any Gaol therein unsafe for the custody of prisoners, or shall deem such Gaol overcrowded, he shall report the fact to the Governor, who may authorize the removal of the prisoners in such Gaol, or any of them, to any other Gaol in Lower Canada, there to be kept until discharged in due course of law, or until they shall be again brought back to the Gaol from which they were so removed, either for trial at the proper Court, or to be again kept in such Gaol when it shall have been made safe or shall not be overcrowded; and a letter from the Provincial Secretary, authorizing the removal or the bringing back of any such prisoners, shall be sufficient, and, by virtue thereof and of this Act, the Sheriff shall have full power to remove or to bring back such prisoners, as the case may be, and he or his Deputies shall, while so doing, have the same powers with regard to them in the

Provision for removal of prisoners when a Gaol shall become unsafe or be overcrowded.

Such removal must be authorized, and in what manner.

the District to which they shall be conveyed and in any District through which he shall pass with them, as he would have in his own District; and the Sheriff and Gaoler of the District to the Gaol in which they shall be conveyed, and their Deputies, shall have the same powers with respect to them, from the time of their delivery to such Sheriff or Gaoler, as they would have if such prisoners had been originally committed to the Gaol in such last mentioned District.

Judges of Superior Court may hold Quarter Sessions, except in Quebec and Montreal.

When he must hold such Court.

Recorder or Superintendent of Police to hold such Court in Quebec or Montreal.

Proviso.

Governor to fix times of holding Courts of Quarter Sessions.

Minutes, &c., of deceased Notaries to be transferred from custody of the Board of Notaries to that of the Prothonotary of the S. C. for the District.

Expenses of such transmission how paid.

CXXXVIII. Each of the Judges of the Superior Court shall, except in the Cities of Quebec and Montreal, have power to hold any Court of Quarter Sessions; and whenever any such Judge shall hold such Court, he shall hold it alone, without the assistance of any Justice of the Peace, and it shall be his duty to hold any such Court holden in the District in which he shall reside, or which shall be assigned to him, whenever there would otherwise be a failure of Justice for want of a quorum of Justices of the Peace to hold such Court; and the Recorder or the Inspector and Superintendent of Police, at either of the Cities of Quebec and Montreal, may preside as Chairman at any Court of Quarter Sessions in the City in which he is such Recorder or Inspector and Superintendent of Police, or may hold such Court alone, without the assistance of any Justice of the Peace, and it shall be the duty of the Inspector and Superintendent of Police so to preside as Chairman or to hold the Court as the case may be; Provided that if there be, at any sitting of such Court, any case of appeal from any decision of the Recorder, then the Inspector and Superintendent of Police shall hold or preside at the Court, and if there be any such appeal from any decision of the Inspector and Superintendent of Police, then the Recorder shall hold or preside at the Court.

CXXXIX. The Governor may by proclamation from time to time fix the periods at and during which the Courts of Quarter Sessions shall be holden, in all or any of the Districts, and may alter the same in the like manner; but the said Courts shall be holden in the present Districts at the periods now fixed by law, until they shall be so altered, and no such Court shall be holden in any of the New Districts until the periods for holding it shall be so fixed by proclamation.

CXL. Within three months after this section shall take effect, all the Notarial Minutes, Repertories and Indexes and other Notarial Documents and papers of any Notary in the custody of any Board of Notaries, shall be transmitted to the Prothonotary of the Superior Court in the District including the place where such Notary died or resided when he ceased to practise, or practised next before he left the Province or became incapable of acting as a Notary, or was interdicted or removed from office; and the same being so transmitted shall remain as part of the Records of the Office of such Prothonotary; and the expenses of such transmission shall be defrayed by the Prothonotary

Prothonotary of the District for which such Board of Notaries shall have been established, out of the moneys coming into his hands and belonging to the Fee Fund.

CXLI. Notwithstanding any thing to the contrary in the third, or in the ninth section of the Notarial Profession Act of 1850, chapter 39, the minutes, repertory and index of any Notary practising in any District in Lower Canada, who shall die or become incapable of acting as such, or shall refuse to practise and to deliver copies of his notarial deeds, or shall have been interdicted or removed from office, or shall have left his domicile in Lower Canada, or who shall wish to withdraw from practice, shall be deposited by him, or by the party in whose custody he shall have deposited them, or by his heirs or legal representatives, in the office of the Prothonotary of the Superior Court for the District in which such Notary shall have resided, instead of being deposited with the Secretary of any Board of Notaries.

Minutes, &c., of Notaries dying, &c., to be transmitted to the Prothonotary of the District, and not to the Board of Notaries.

CXLII. The Prothonotary in whose Office and custody any such Notarial Minutes and Documents shall be or ought to be deposited under the two next preceding sections shall have the action for compelling such deposit which is given to the Secretary of the Board of Notaries by the said ninth section of the said Act of 1850, chapter 39, and such action may be heard, tried and determined in the manner therein provided, and under the like penalties for enforcing any judgment therein; and generally, the said ninth section shall, as regards Notaries who shall have died or ceased to practise while resident in any District, be construed and carried into effect by substituting the Prothonotary of such District for the Board of Notaries, or Secretary to such Board, as the case may be; and such Prothonotary shall have the like powers, and shall be entitled to receive the like fees and emoluments for searches and copies, as the said Secretary would have had, and shall pay out of them, in like manner, the like proportion to the widow or the representatives of the deceased Notary.

Rights and powers of the Prothonotary in whose custody such minutes shall be.

CXLIII. The power vested in the Governor in Council by the eighth section of the Act of 1855, chapter 98, to make, alter or repeal any tariff of fees for certain Officers of the Superior Court and Circuit Court, is hereby extended to the making, and to the altering or repealing of any tariff of fees (whether established by Act of Parliament or otherwise) for the Clerk of Appeals, Sheriffs, Clerks of the Crown and of the Peace, Criers, Assistant Criers and Tipstiffs, and all other Officers of Justice whose fees under the said Act or the Act of 1850, chapter 37, are to form part of the Special Fund created by the Act last mentioned, and also for all Clerks of the Circuit Court for Circuits now existing in the present Districts; and such power of the Governor in Council to make, alter or repeal, from time to time, any tariff of fees for any such officers respectively, is hereby

Governor in Council empowered to make a tariff of fees for certain Officers, as well in the New as in the Old Districts.

hereby extended to the making, altering or repealing, from time to time, of any tariff of fees for Officers of Justice holding like Offices in the New Districts, and more particularly as well for the Officers of Justice whose fees under the ninety-sixth section of this Act, are to be paid into the hands of the Receiver General as for the Clerks, Criers, Assistant Criers and Tipstiffs of the Circuit Courts or Circuits to be established under this Act, and so much of the said Acts of 1849, chapters thirty-seven and thirty-eight, or of any other Act as vests in the Judges of the Court of Queen's Bench or Superior Court, the power of making, amending or repealing any tariff of fees for the Officers mentioned in this section, is hereby repealed; but any such tariff in force when this section shall come into effect, shall continue in force until repealed or altered by the Governor in Council, and shall apply to the like Officers as well in the New as in the present Districts.

Transmission of Records, &c., may be by Post.

CXLIV. In every case where any record or document is by law required to be transmitted by any Court or by an Officer of any Court from one place to another, such transmission may be made through the Post Office, and the party requiring such transmission shall pay the amount of the postage to the transmitting officer before he shall be bound to make such transmission, and any delay caused by such party's failing to pay the same, shall be reckoned against him as occasioned by his default.

Proceedings when the place or time of holding any Court shall be altered.

CXLV. Whenever under the provisions of this Act, or any other, the time or place for holding any Term of any Court shall be altered, and any person shall have been ordered to appear or to do any other thing in such Court which must be done in Term, on a day which by reason of such alteration shall no longer be a day in Term, or at a place where the Court shall no longer be held, then such thing shall be done by such person on the first juridical day in the Term, ordinary or extraordinary, next after that on which but for such alteration it ought to have been done (unless the Court shall appoint another day, as it may do), and at the place where the Court shall be then held, and to which the records and muniments of the Court shall be removed, and at which all matters commenced at the former place of holding the Court shall be continued and completed.

Local changes not to affect suits, &c., then pending.

CXLVI. No alteration in the limits of any District or Circuit, or in the local jurisdiction of any Court, Judge or Justice of the Peace, shall affect any suit or proceeding pending when such alteration shall take place, but such suit or proceeding may be continued to judgment and proceedings after judgment may be had, in the Court at the place to which such case commenced or to which it shall be transmitted, or before the Judge or Justice before whom it commenced, in like manner as if no such alteration had taken place.

CXLVII.

CXLVII. Notwithstanding any provision fixing the duration of any Term of any Court, in this or any other Act or in any Proclamation under this or any other Act, the Judge or Judges holding such Court may declare the sittings thereof at such Term closed, whenever he or they shall be of opinion that there remains no trial, matter or proceeding to be had or done by or before the Court which cannot more conveniently remain over until the then next Term; and if at the end of any Term, as fixed by Act or Proclamation, there shall still remain any trial, matter or proceeding to be had or done by or before the Court, which cannot, in the opinion of the Judge or Judges holding the same, remain over until the then next Term with equal convenience to all parties, the Judge or Judges shall have full power to continue the Term by adjournment from day to day or to any day before the then next Term; and every sitting of the Court pursuant to such adjournment shall be held to be in Term.

The sittings at any Term may be closed when there is no business before the Court, or continued when there is business still to be done.

CXLVIII. Notwithstanding any alteration in the limits of any District under this Act, the several Sections of the Bar and Boards of Notaries in Lower Canada shall not be affected by such alteration, but shall continue with their present local limits and jurisdiction until altered by Proclamation; but the Governor shall have power, by Proclamation, whenever circumstances shall in his opinion render it expedient, to constitute a Section or Sections of the Bar, or a Board or Boards of Notaries, in and for any District or Districts which he shall think proper to assign as the local limits of any such Section or Board, and the local limits of any previously existing Sections or Boards may be reduced accordingly by such Proclamation, but its organization and powers shall not be affected except so far as they depend on such local limits; and any such Proclamation shall take effect, as regards each Section or Board, from the day to be appointed therein for that purpose; and each such section of the Bar, or each such Board of Notaries, so constituted by Proclamation, shall have all the powers, rights and privileges vested in or belonging by law to any now existing section of the Bar, or to any now existing Board of Notaries, respectively.

Boards of Notaries and Sections of the Bar not to be affected by this Act;

But new Sections or Boards may be constituted, and how.

Powers of New Sections or Boards.

CXLIX. The provisions of this Act, and those of the several Acts therein referred to upon similar subjects, shall be construed with reference to each other, and as parts of the same law; and the one hundred and thirteenth section of the Judicature Act of 1849, chapter 38, and all other provisions for the interpretation of that Act, shall extend to the interpretation of this Act; and the express repeal of particular provisions of former Acts shall not be construed as continuing in force any other provision of the same or of any other Act inconsistent with this Act, but any such provision shall be held to be repealed.

Interpretation of this Act, and how it shall be construed.

CL. The several expressions "Court of Queen's Bench at (any place)"—"Superior Court at (any place)"—or "Circuit Court

Construction of certain expressions.

Citation of
other Acts in
this Act.

Not to impair
effect of Inter-
pretation Act.

Court of Quar-
ter Sessions.

Commence-
ment of the
several parts
of this Act.

Court at (any place)”—in this or any other Act, or in any instrument or proceeding, shall be understood to mean any Judge or Judges lawfully holding such Court or exercising jurisdiction thereof at such place,—and shall not be construed to mean all the Judges of such Court or any majority or other part of them, unless it be so expressed or the context shall otherwise require such construction: And whenever in this Act any Act is referred to as the Act of (1849, or as the case may be), reference shall be understood as meaning the Act of that date of the Legislature of this Province passed in the year of Our Lord 1849, by the words or figures inserted after it, and the characters added after it in words or figures shall be understood as forming a chapter it forms in the copies of the Acts of the said Legislature printed and published by authority, by Her Majesty: But this provision shall not be construed to impair the effect of the Interpretation Act, under which any abbreviation or reference to any Act or part of an Act is and shall be understood, if it be intelligible.

CL I. The expression “Court of Quarter Sessions of the Peace,” whether the same be held every three months or at other intervals of time.

CL II. The Preamble of this Act, with all the sections numbered one to five, both inclusive, and the Schedule A referred to in section one,—section twenty—all the sections from section twenty-one to one hundred and twelve, both inclusive,—section one hundred and thirteen,—section one hundred and thirty-three—and sections one hundred and thirty-four to one hundred and fifty, one hundred and fifty-one to one hundred and fifty-five,—shall be in force immediately on the passing of this Act;

The following sections of this Act, namely: all the sections numbered from six to nineteen, both inclusive,—all the sections numbered from twenty-one to ninety-nine, both inclusive, with the exception of section twenty-four,—all the sections numbered from one hundred and seven to one hundred and thirteen, both inclusive, and all the sections from one hundred and thirty-four to one hundred and forty-eight, both inclusive,—shall come into force on the day to be appointed for that purpose by the Governor in Council, a Proclamation to be issued when he shall be satisfied that there is at the *chef-lieu* in every District in Lower Canada sufficient accommodation, permanent or temporary, for the sitting of the Superior Court and Circuit Court therein, and not before;

And the remaining sections of this Act shall come into force on the day to be appointed for that purpose by the Governor in Council, a Proclamation to be issued when he shall be satisfied that there is at the *chef-lieu* in every District in Lower Canada proper Court House and Gaol for all purposes of the Administration of Justice, and not before;

Provided always, that the coming into force of any part of this Act shall operate no change in the local jurisdiction of the Superior Court or Circuit Court, in and for any of the present Districts or Circuits, until the day which shall be named as that on which this Act shall take full effect in civil matters, in the first Proclamations to be issued as mentioned in the third section of this Act ;

Proviso: as to effect of the coming into force of any part of this Act.

Local jurisdiction of present Courts.

And, in like manner, the coming into force of the whole or any part of this Act shall operate no change in the local jurisdiction of the Court of Queen's Bench and for any of the present Districts, in the exercise of its original criminal jurisdiction, or in the local jurisdiction of any Court of Quarter Sessions or other Court of criminal jurisdiction, or of any Justice of the Peace or other functionary or officer having any jurisdiction or duty in criminal matters, or in the local jurisdiction or authority of any Justice of the Peace in civil matters or otherwise, until the day which shall be named as that on which this Act shall take full effect in Criminal matters, in the first Proclamation to be issued as mentioned in the fourth section of this Act.

Further provision on the same matter.

SCHEDULE A.

NAME OF DISTRICT.	PLACES COMPRISED.	CHEFS-LIEUX.
Ottawa.....	Counties of Ottawa, and Pontiac.	Village of Aylmer.
Montreal.....	Counties of Hochelaga, Jacques Cartier, Laval, Vaudreuil, Soulanges, Laprairie, Chambly, and Verchères ; and the City of Montreal.	City of Montreal.
Terrebonne.. . . .	Counties of Argenteuil, Two Mountains, and Terrebonne.	Village of St. Scholastique.
Joliette	Counties of L'Assomption, Montcalm, and Joliette.	Village of Industrie.

SCHEDULE A.—*Continued.*

NAME OF DISTRICT.	PLACES COMPRISED.	CHEFS-LIEUX.
Richelieu.....	Counties of Richelieu, Yamaska, and Berthier.	Borough of Sorel.
Three Rivers....	Counties of Maskinongé, St. Maurice, (including the Town of Three Rivers,) Champlain, and Nicolet.	Town of Three Rivers.
Quebec	Counties of Portneuf, Quebec, Montmorency, Levi, Lotbinière; and the City of Quebec.	City of Quebec.
Saguenay	Counties of Charlevoix, Saguenay, and Chicoutimi.	Parish of St. Etienne de la Malbaie or Murray Bay.
Gaspé.....	Counties of Gaspé, and Bonaventure.	New Carlisle in the County of Bonaventure.
Rimouski.....	County of Rimouski.	Percé, in the County of Gaspé. Parish of St. Germain de Rimouski.
Kamouraska.....	Counties of Kamouraska, and Temiscouata.	Parish of St. Louis de Kamouraska.
Montmagny.	Counties of L'Islet, Montmagny, and Bellechasse.	Village of Montmagny.
Beauce.....	Counties of Beauce, and Dorchester.	Parish of St. Joseph de la Beauce.
Arthabaska.....	Counties of Megantic Arthabaska, and Drummond.	Parish of St. Christophe d'Arthabaska.

SCHEDULE A.—*Continued.*

NAME OF DISTRICT.	PLACES COMPRISED.	CHEFS-LIEUX.
St. Francis.....	Counties of Richmond, (including the Town of Sher- brooke,) Wolfe, Compton, and Stanstead.	Town of Sherbrooke.
Bedford.....	Counties of Shefford, Missisquoi, and Brome.	Nelsonville in the Town- ship of Dunham.
St. Hyacinth....	Counties of St. Hyacinth, Bagot, and Rouville.	Town of St. Hyacinth.
Iberville.....	Counties of St. John's, Napierville, and Iberville.	Town of St. John.
Beauharnois.....	Counties of Huntingdon, Beauharnois, and Chateauguay.	Village of Beauharnois.

SCHEDULE B.

Whereas at the (*describe the Court*) held at _____ day of _____ in the District of _____ on the _____ day of _____ 18____ and the following days, A. B., late of _____ having been found guilty of (*felony, or as the case may be*) and judgment given thereon that (*state the substance of the judgment*), the Court before whom he was tried reserved a certain question of law for the consideration of the Court of Queen's Bench for Lower Canada on the appeal side thereof, and execution was thereupon respited in the mean time ; This is to certify that by the said Court of Queen's Bench sitting at the City of (*Montreal*), according to law, it was considered by the said Court that the judgment aforesaid should be (annulled, _____ and _____

and an entry made on the Record that the said A. B. ought not in the judgment of the said Court to have been convicted of the felony aforesaid, *or as the case may be,*) and you are thereby hereby required (forthwith to discharge the said A. B. from your custody, *or as the case may be.*)

E. F.

Clerk of, &c., (*name of the Court.*)

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

C A P . X L V .

An Act for settling the Law concerning Lands held in Free and Common Soccage, in Lower Canada.

[*Assented to 10th June, 1857.*]

Preamble.

WHEREAS the Act hereinafter mentioned has left certain points unsettled as regards the Law applicable to lands in Lower Canada held in Free and Common Soccage, and the authority of the said Act itself has been called in question on technical and formal grounds, although it has been maintained by the majority of the Judges of the Courts of Superior Civil jurisdiction, and has been generally acted upon as Law; And whereas it is expedient that all doubts as to the effect of the said tenure should be removed for the future and as regards the past in so far as may be consistent with vested rights, and that the Laws relating to lands of every tenure should be as far as possible uniform, more especially as regards their descent in cases of intestacy, and the rights of married women; And whereas in the ignorance or uncertainty which has very generally prevailed as to the Law in the matters aforesaid, it may have happened in many cases that the widows and heirs of persons who have left lands in Free and Common Soccage with regard to which they have died intestate, have assented to some disposition or partition thereof, which though consistent with their understanding of the Law and with substantial justice in each particular case, may not have been in accordance with the strict legal rights of the parties, and it is just and necessary for the quieting of titles and the avoidance of litigation, to confirm such dispositions and partitions: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act of L. C.,
9 G. 4, c. 77,
declared in
force.

I. The Act passed by the Legislative Council and Assembly of the Province of Lower Canada, in the ninth year of the Reign of His Majesty King George the Fourth, and intituled,

AN

An Act for rendering valid conveyances of lands and other immoveable property held in free and common soccage within the Province of Lower Canada, and for other purposes therein mentioned, and the Royal assent whereto was signified by Proclamation in the said Province on the First day of September, one thousand eight hundred and thirty-one, is hereby declared to be and to have been since the passing thereof, that is to say, since the day last aforesaid, in force in Lower Canada.

II. And whereas it is provided by the sixth section of the Act above cited, that when the proprietor of lands granted or held in free and common soccage should have died before the passing of the said Act, without having partitioned the same either by last will and testament or otherwise, the heirs of such proprietor should be held to partition the same according to the "Old Laws of the Province," (that is to say, as if such lands had been held by the tenure of *franc aleu roturier* being that known to the said Old Laws which is most analogous to free and common soccage), unless the said heirs should have agreed among themselves upon a different partition; And whereas the tenor of the said section and of the preamble and other parts of the said Act, shew that the Legislature held the said Old Laws to be those most consistent with the feelings and customs of the people of Lower Canada, and that they ought, with the exception of such portions as relate to Seigniorial or feudal rights or dues, to apply thereafter to lands held in free and common soccage, yet by some omission or error this is not formally enacted: Therefore, it is hereby provided, that where the proprietor of any land held in free and common soccage in Lower Canada, shall have died intestate as to such lands, between the passing of the Act last above cited and the passing of this Act, the husband, widow and heirs of such proprietor, shall have respectively the same rights in respect of such lands as if they had been held in *franc aleu roturier*,—unless they shall have agreed upon, assented to or confirmed a different disposition or partition thereof, or shall have acquiesced therein during one year and one day from the death of such proprietor, by having allowed the same or any possession or act founded thereon, to remain unquestioned by them in any competent Court during that time; And this section shall apply to and bind minors, absentees and married women, and as well the heirs and legal representatives of or persons claiming through the parties who shall have agreed upon, assented to, confirmed or acquiesced in such disposition or partition, as such parties themselves; Provided always, that whenever any person shall have *bonâ fide* purchased or obtained any hypothec or charge upon any such lands for a valuable consideration from any person who claimed to be and was entitled thereto as heir of the former owner so dying intestate, either under the English Law referred to in the Act aforesaid, or under the Laws of Lower Canada applicable to lands held in *franc aleu roturier*, and shall have registered the Deed creating such charge, or operating such Conveyance, before the registration

Recital.

How lands in free and common soccage shall be divided when the owner has died intestate after the passing of 9 G. 4, c. 77, and before the passing of this Act.

Minors, &c., to be bound.

Proviso: in favor of *bonâ fide* purchasers or incumbrancers whose titles are duly registered.

registration

registration of any sale, conveyance or incumbrance of such lands by any other person claiming to be such heir, and before the passing of this Act, or within six months next after the passing of the same but before registration by such other person, no person being at the date of such Deed in adverse possession of the lands as such heir or as claiming through any such heir, or having questioned the title of the vendor or grantor of the charge in any suit pending or decided in favor of the adverse claimant at the date of such Deed,—then as regards the conveyance, sale or charge operated or created by such Deed, the grantor or vendor therein mentioned shall be held to have been at the date thereof the person entitled to inherit the said lands from the proprietor so dying intestate as regards them; And in like manner any devise of any such lands held in free and common soccage, by last will and testament made according to the forms prescribed by the law of England in force there at the time of making such devise, shall have the same force and effect as if made before two Notaries Public according to the laws and usages of Lower Canada.

Devises according to English forms declared valid.

Preceding sections not to affect pending cases or decisions having force of *chose jugée*.

III. Provided always, that nothing in the two preceding sections of this Act, shall affect any case pending at the time of its passing, or any case in which there is then any actual and open possession under a title adverse to their provisions or those of the Act therein mentioned, but such cases shall be adjudged upon as if this Act had never been passed; nor shall any thing in the said sections affect any case in which a judgment having authority of *chose jugée* has been given before the passing of this Act.

What Laws shall hereafter govern lands in free and common soccage, as to certain matters.

IV. The Laws which shall hereafter apply to and govern lands held in free and common soccage in Lower Canada, as well with regard to descent, inheritance, incumbrance, alienation, dower, and the rights of husbands and of married women, as with regard to all other incidents and matters whatsoever, shall be the same with those which apply to and govern lands held by the tenure of *franc aleu roturier*, in like matters, except only in so far as such Laws may have been expressly altered as regards lands held in free and common soccage, by the Act above cited or any other Act of the Legislature of Lower Canada or of Canada; and as regards the rights of married women and their representatives, this section shall apply to cases where the husband shall die after the passing of this Act, whatever be the date at which the marriage may have taken place; but nothing herein contained shall prevent the effect of any marriage contract or settlement made either in the English or French form.

As to marriage rights.

Act not to affect marriage contracts.

What Laws have governed such lands, in matters other

V. The Laws which have governed lands held in Free and Common Soccage in Lower Canada in matters other than alienation, descent and rights depending upon marriage, are hereby

hereby declared to have always been the same with those which governed lands held in *franc alev roturier*, except in so far only as it may have been otherwise provided by any Act of the Legislature of Lower Canada, or of this Province; but nothing in this section shall be construed as a declaration that such lands held in Free and Common Soccage, have or have not at any time been governed by any other Law as regards alienation, descent or rights depending on marriage.

than alienation, descent or marriage.

Proviso.

VI. The word "Lands" in this Act shall include any immoveable property or hereditament capable of being held in free and common soccage, and any estate or interest therein; the word "Deed," shall include any instrument by which any lands can be conveyed, hypothecated or incumbered by the Laws of Lower Canada; and the word "Hypothec" or "Charge," shall include the privilege of *baillieur de fonds* and all other privileged or hypothecary charges.

Interpretation clause.

C A F X L V I .

An Act to amend the Lower Canada Tavern License Act of 1851.

[Assented to 10th June, 1857.]

WHEREAS it is necessary to amend the Act of 1851, intitled, *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*, and to make further provision in relation to prosecutions and appeals from decisions under the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble
14, 15 V.
c. 100.

I. Whereas by the forty-second section of the said Act, it is provided that all suits, actions or prosecutions for offences committed against the same, shall be commenced in the name of one of the Revenue Inspectors, and in the County in which the offence has been committed; And whereas it is necessary to amend the said section in this particular: It is therefore enacted, that any prosecution for an offence against the said Act committed within the limits of any County, Parish, Township, Town, or Village Municipality, may be instituted by or in the name of any Revenue Inspector of the District, before any one or more Justices of the Peace, or the Inspector and Superintendent of Police, or a Stipendiary Magistrate, within the District wherein the offence has been committed,—or by or in the name of the Secretary or Treasurer, or Secretary-Treasurer, or the Mayor or any one of the Councillors or Officers of such Municipality, before any Justice of the Peace therein or in the neighbouring Parish or Township,—and in every such latter case the share which would otherwise have accrued to the Revenue Inspector, shall be retained by the said Secretary or other officer and

Recital.

Section 42,
amended.

Penalties may be sued for by Revenue Inspector or by certain Municipal Officers, and the prosecutor's share retained by the Municipality for municipal purposes.

Proviso.

and paid over to the Municipality to be appropriated to such purposes as they may deem proper; Provided that the Municipality shall be answerable for all the costs of prosecution.

Imprisonment of defendant convicted and declaring that he has not goods to satisfy judgment.

II. Whenever any judgment shall be rendered under the said Act, for the amount of any penalty and costs, the Justice or Justices trying the case may call upon the Defendant to declare whether or not he possesses sufficient goods and chattels to satisfy the judgment and costs, and in the event of his refusing to answer to the satisfaction of such Justice or Justices, he may be forthwith imprisoned in the Common Gaol for a period not exceeding three months; but no execution shall, in such case, issue against his goods and chattels.

Execution in default of immediate payment, if he declares that he has goods sufficient.

III. If the Defendant declare that he possesses sufficient goods and chattels to satisfy the judgment and costs, execution in default of immediate payment may issue against them; and if upon the return of the Bailiff or other officer charged with the execution of the writ in that behalf, it appear that there has not been a sufficient levy, and the Justice be satisfied by affidavit or otherwise that there has been misrepresentation, concealment or fraud on the part of the Defendant, the Justice may imprison such Defendant until the judgment and costs be fully paid, or for a period not exceeding three months.

Imprisonment if his declaration prove false.

Justices may fix day for payment and detain defendant;

IV. It shall also be lawful for such Justices, if they shall deem it expedient, in the event of such penalty and costs not being immediately paid, to appoint some future day for the payment thereof, and to order the offender to be detained in safe custody until the day so appointed, unless such offender shall give security for his or her appearance on such day, to the satisfaction of the said Justices, who are hereby empowered to take such security by way of recognizance or otherwise at their discretion; and if at the time so appointed the penalty shall not be paid, it shall be lawful for the same or any other Justice of the Peace, by Warrant under his hand and seal to commit the offender to any Common Gaol or House of Correction within his jurisdiction, there to remain for any time not exceeding three months, reckoned from the day of such adjudication; such imprisonment to cease on payment of the said penalty and costs.

Or take security.

Commitment on failure to pay.

Evidence in cases under the said Act to be taken in writing and filed of record.

V. In all prosecutions to be instituted after this Act shall have come into force, for any contraventions of the provisions of the above mentioned Act, and in all cases wherein the proof shall not have been commenced before that day, the depositions of the witnesses shall be reduced to writing by the Clerk of the Peace, or some one appointed by him, or by the Justice trying the case, and shall be filed of record in the cause, in like manner as if the same had been taken in the Superior Court for Lower Canada.

VI. No appeal from any conviction, order or judgment for any offence against the said Act shall be hereafter allowed under the forty-fourth Section thereof, nor under any other Law or Statute whatever, in any case wherein the trial shall be had before, and the conviction made by two Justices of the Peace or by any Inspector and Superintendent of Police, or Stipendiary Magistrate and another Justice of the peace; nor any appeal whatever according to the practice heretofore observed with respect to such appeals; but any party to the cause, whether complainant or defendant, aggrieved by any conviction, order or judgment made or rendered by one Justice of the Peace, may within eight days after the making or rendering thereof, and after two days' notice to the opposite party or his attorney, and after having complied, (if a defendant,) with the conditions of the said section, apply to any Justice of the Superior or Circuit Court, by petition setting forth the grounds of his application, and praying to be permitted to appeal from such conviction, order or judgment, to the next Court of General Quarter Sessions; and thereupon such Judge, if he see fit, may make an order directing the Justice or public officer having the legal custody of the record in such case, to send the same immediately before him, together with a copy of the conviction according to the form in the said Act; and upon examining the same and hearing the parties, if present, he may allow the said appeal or reject the said petition with costs to be taxed by him and entered in execution against the party failing, by the Justice or Justices who tried the case, or without costs in his discretion; and in the event of the Judge allowing the said appeal, he may order the said petition and record in the said cause to be returned and filed with the Clerk of the Court of Quarter Sessions, to be set down without further formality for hearing on the first day next thereafter of the said Court, when the said appeal shall be heard, and shall be restricted to a mere revision of the proceedings, proof and judgment therein, without the admission of any other evidence or the adoption of any further proceedings whatever.

Appeal not allowed in case tried before two Justices, &c.

Section 41, cited.

Nor any appeal according to the present practice.

New provision for appeal in such cases; either party may appeal.

Permission of a Judge required.

Transmission of the record, &c.

Trial of the appeal.

VII. The said Clerk of the Peace, or other Clerk officiating in this behalf, shall be entitled to charge and receive at the rate of six pence for each hundred words of the said evidence so reduced to writing, or of ten shillings per diem for the time during which he shall be so occupied, in the discretion of the Justice trying the case, to be entered in taxation and paid by the party failing on such proceeding, if judgment be rendered therein against either party; and if no judgment be rendered therein within three months after the return of the Summons or Information, then the fees of such Clerk shall be paid equally between the said parties.

Fees to the Clerk of the Peace or Justices' Clerks, &c.

By whom to be paid.

VIII. In all Informations and Plaints for the prosecution of offences against the said Act, several counts for the same offence, and several offences under the same section, similar

Informations may contain several counts.

in

Form in Schedule to Act of 1851 may be altered

Amendment allowed and further time to plead, &c.

in their nature and only constituting different categories of the same offence, may be included, provided the time and place of the commission of each offence be alleged; and the form in Schedule D annexed to the said Act shall be altered in this particular; and the Information or Plea may be amended before plea to the merits in any matter of form or substance, upon motion in writing of the complainant, setting forth the required amendment, but without obliterating or altering the original pleading; and if the amendment be allowed, the Defendant, if he require it, may have a further delay to plead to the merits, or for plea and proof as it may be ordered; and if the pleading, in the opinion of the Justice, be so defective either in form or substance, that a legal conviction cannot be based upon it, and be not amended or reformed, the Justice may dismiss the case, the whole with or without costs in his discretion.

Persons examined must answer even if they disclose facts subjecting them to penalty.

Proviso.

IX. Any person examined or called as a witness on any such prosecution shall be bound to answer all questions put to him which are deemed pertinent to the issue, notwithstanding any declaration on his part that his answers may disclose facts tending to subject him to the penalty imposed by the ninth section of the above mentioned Act: Provided that such evidence shall not be used against him in any prosecution under the said section.

Commencement of Act.

X. This Act shall come into force on, from and after the first day of September next, and not before.

C A P . X L V I I .

An Act to amend the Sleigh Ordinances.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS with a view to the more rigorous enforcement of the Sleigh Ordinances of Lower Canada, (3 and 4 Victoria, chapter 25, and 4 Victoria, chapter 33,) it is expedient to confer certain powers in relation thereto, upon the Recorder of the City of Montreal: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Recorder's Court at Montreal may try Offences against the Sleigh Ordinances.

I. Hereafter it shall be lawful for the Recorder's Court of the City of Montreal to hear, try, and dispose of, in a summary manner, all complaints and informations laid against persons contravening the provisions of the said Ordinances, and summarily to condemn such offenders to such penalties, and the payment of such fines, as are by the said Ordinances prescribed, and the said Court shall also have the same powers with respect to the levying and recovery of the said fines and penalties as are by the said Ordinances conferred upon Justices of the Peace.

II.

II. It shall and may be lawful for any Officer or Constable of the Constabulary or Police Force of the said City to arrest on view any person contravening the provisions of the said Ordinances, or to arrest any person contravening the same immediately or very soon after the commission of the offence, upon good and satisfactory information given; and every person 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 may be taken for his appearance at the next sitting of the said Court to answer the charge or plaint preferred against him and for which he may have been so arrested as aforesaid; and to the cases of all persons so arrested the provisions of the eighty-seventh section of the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*, shall apply as fully and effectually as if persons contravening the provisions of the Ordinance cited in the preamble of this Act were specially mentioned and referred to in the said section.

Policemen may arrest offenders against the said Ordinances, and take them before the Recorder's Court

Provisions of section 87 of 14, 15 V. c. 128, to apply to such cases.

C A P. X L V I I I .

An Act to amend the Act authorizing the formation of Joint Stock Companies for the construction of Roads in Lower Canada, with a view to encourage the construction of good and useful roads throughout Lower Canada.

[Assented to 10th June, 1857.]

WHEREAS it is expedient to amend the Act twelfth Victoria, chapter fifty-six, intituled, *An Act to authorize the formation of Joint Stock Companies in Lower Canada for the construction of Macadamized roads, and of Bridges and other works of like nature*, with respect to the breadth of land which companies constituted under the said Act are authorized to take under the provisions of second section thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

preamble.
2 V. c. 56

I. Hereafter, it shall be lawful for any company constituted as aforesaid, to take under and by virtue of the said second section of the above cited Act, a breadth of land not exceeding sixty-six feet English for the purposes of their road in lieu of twenty-eight feet English as therein provided, and such companies shall have the same powers and be subject to the same conditions with respect to such increased breadth of land as are now conferred upon or prescribed to such companies by the Act hereby amended with respect to the breadth of land heretofore authorized to be taken.

Sixty-six feet English may be taken for Roads under the said Act.

C A P . X L I X .

An Act to amend and consolidate the Laws relating to the organization of Agricultural Societies in Lower Canada.

[Assented to 10th June, 1857.]

Preamble.

16 V. c. 18.

19, 20 V. c. 47.

WHEREAS it is expedient to amend, and to consolidate into one Act as amended, the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to provide for the better organization of Agricultural Societies in Lower Canada*, and also the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act to amend the Act to provide for the better organization of Agricultural Societies in Lower Canada, and for other purposes connected with Agriculture in Upper and Lower Canada*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

The said Acts repealed.

I. The Acts cited in the Preamble of this Act, are hereby repealed ; save and except the second and third sections of the Act last above mentioned, which sections shall continue in force and be read as forming part of this Act.

Organization of Societies.

II. From and after the first day of January, one thousand eight hundred and fifty-eight, a County Agricultural Society may be organized in each of the Counties of Lower Canada, whenever forty persons shall become members thereof, and shall have paid a sum not less than twenty pounds, and shall have signed a declaration in the form of the Schedule A to this Act annexed.

Objects of Societies.

III. The object of the said Societies shall be to encourage improvement in Agriculture, Horticulture, Manufactures, and Works of Art, 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 this Province ; by importing, or otherwise procuring, seeds, plants, and animals of new and valuable kinds ; by offering prizes for essays on questions of scientific enquiry 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, for excellence in any Agricultural or Horticultural production or operation, and generally for improvements in any articles of Manufacture or works of Art ; and it shall not be lawful to expend the funds of the Societies derived from the subscriptions of members, or the public grant, for any object inconsistent with this Act.

Periodicals

Premiums.
Inventions.

IV. The said Societies shall hold their annual meeting in the third week of the month of January in each year, in compliance with section five of this Act, and each such Society shall, at such meeting, elect a President, a Vice President and a Secretary-Treasurer, and not more than seven Directors, all of whom shall form the Board of Directors for such Society; but with a view to encourage improvements in articles of Manufacture and works of Art, it is hereby provided that the President of each Mechanics' Institute, if any, within the limits of such Society, which shall contribute two pounds ten shillings for the year to the funds of said Society, or some fit person to be appointed by each such Institute, shall be *ex officio* a member of the said Board; Provided that the first meeting in each County shall be called by the Warden of the County, at the *chef-lieu* where there is but one Society and at the most frequented place within the territorial limits where there are two Societies, in the third week of January, one thousand eight hundred and fifty-eight, after notice of the object, and the time and place of such meeting publicly given in the newspapers of the County, or by placards posted up in different places in the County for at least one week previously, and the Society, then and there organized, shall be, and be held to be, the County Agricultural Society: Provided further, that in those Counties in which there is only one Agricultural Society in operation at the time of the passing of this Act, and organized prior to the nineteenth of June, one thousand eight hundred and fifty-six, it shall and may be lawful for the Agricultural Society of such County to re-organize under this Act through the President or Vice-President of such Society giving notice as required by this Act; and in such case a statement of such organization shall be transmitted through the Warden of the County to the Board of Agriculture.

Annual Meetings—Officers and Boards.

Ex officio Members from Mechanics' Institutes.

Proviso: as to first meetings.

Proviso: re-organization of present Societies in certain cases.

V. The Officers and Directors of the said Society shall and may, for the year next following the annual meeting, and until the election of their successors, exercise all the powers vested in the Society by this Act, and they shall hold their meetings, pursuant to adjournment or written notice, to each from the President, or, in his absence, from the Vice-President or a President appointed *pro tempore*, which shall be given, at least, one week before the day appointed for such meeting, and at such meeting five shall be a quorum, and the said Officers and Directors shall have power, at every such meeting, to make, alter and repeal By-laws and Rules for the management of the Society.

Powers of Officers and Directors.

Quorum at meetings.

By-laws.

VI. 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 their proceedings during the year, in which shall be stated the names of all the members of the Society, the amount paid by each, the names of all persons to whom premiums were awarded, the amount

Annual reports and statements, and what they shall contain.

Statements of
accounts.

of each premium respectively, and the name of the animal, article or thing in respect to 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 second 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 Vice-President, as being a correct entry, and a true copy thereof certified by the President, Vice-President, or Secretary for the time being, shall be sent to the Board of Agriculture on or before the first day of April following.

Duties of Offi-
cers and Di-
rectors.

VII. It shall be the duty of the said Officers and Directors to answer such queries, and give such information relating to Agriculture as the Minister of Agriculture or 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 recommendation of the said Board.

Annual shows,
prizes, &c.

VIII. Each County Society or of part of a County established as above mentioned shall be required in each year to hold at least one Show, for the exhibition of Agricultural produce, Farm stock, and all other objects relative to Agriculture, and also articles of Manufacture generally, and works of Art; and prizes shall be granted at the said Shows for the best specimens produced in the manner to be prescribed by the Board of Officers and Directors, and whereof notice shall have been publicly posted in each parish and township of the County; and the said prizes may be distributed in money, books on Agriculture, Agricultural Implements of an improved description, or grain of superior quality, on the award of at least two Judges, who shall be appointed by the officers and Board of Directors of the Society; the said Judges, however, shall not receive any of the prizes so awarded, and shall not be allowed more than ten shillings for inspecting at a Show, nor more than four pounds for the inspection of growing crops.

Judges.

Judges not to
take prizes.

Model Farms.
Public Gran-
aries, &c.

IX. In case the Board of Officers and Directors of any County Society shall consider that any other system might be substituted for that of Shows, and that the sum allotted to each County might be better applied either to the establishment of one or two Economical Model Farms or Agricultural Schools for a public Granary, or to any other purpose for the improvement of Agriculture, or the encouragement generally of improvements in articles of Manufacture and works of Art, then it shall be lawful for such Society, through its Board of Officers and Directors, so to apply the said sum; Provided that notice thereof shall have been given to the Board of Agriculture, and its approval of such proposition obtained.

Improvements
in manufac-
tures, &c.

Proviso.

X. No portion of the moneys belonging to any such Society shall be applied to the payment of any salary or allowance; except, however, that a sum not exceeding seven per cent shall be allowed to the Secretary-Treasurer on all moneys expended by such Society under this Act, in lieu of salary and allowance for Stationery and other contingent expenses.

Salary of Secretary-Treasurer.

XI. Whenever a memorial, or memorials, from different parts of any County, any one, or all of which shall be signed by twenty persons, representing to the Board of Agriculture that it is inconvenient, on account of distance, for the farmers of their section to attend the Exhibitions of the County Society, and that a sufficient number of persons are willing to subscribe the amount necessary to form an Agricultural Society under the provisions of this Act, it shall be the duty of the said Board to examine such request, and if the Board be of opinion that another Society may be advantageously organized in the said County, it may authorize the same to be organized accordingly, with the sanction and approval of the Minister of Agriculture, after such notice as he may advise, and shall prescribe the limits or section of the County within which its operations shall be confined, and the first County Society shall confine its operations to the other or remaining section of the County; Provided that a sum not less than ten pounds shall be paid before any such separate Society shall be formed, and that no more than one such Society in addition to the said County Society shall be so organized, excepting the County of Gaspé, with relation to which special provision may be made during the present Session of Parliament.

Organization of a second County Society in any County.

Proviso: certain amount of subscriptions must be paid.

XII. The Society so organized shall be known as the County of _____ Society, number Two and the declaration or instrument of organization shall be the same as is hereby required for County Societies, except that the prescribed limits of its operations shall be specified therein, and every such additional County Society shall be entitled to a share of the public grant in the ratio of its paid up subscription to those of the rest of the County, and shall have all the powers of a County Society, and shall be subject to all the provisions of this Act relating to County Societies; Provided that no such separate or additional County Society shall be entitled to any share of the public grant for the year in which it shall be formed, unless such formation shall have taken place before the first day of May in such year.

Name and powers of such second Society.

Proviso.

XIII. The several Societies which may be organized according to the provisions of this Act, shall be and become bodies politic and corporate with power to acquire and hold land as a site for Fairs and Exhibitions or for a Model or School Farm, and to sell, lease, or otherwise dispose of the same; Provided that not more than two hundred acres shall be so held at any one

Corporate powers.

Proviso. one

Proviso: two or more Societies may unite to purchase a model farm, &c.

one time; And provided always that one or more County or separate Societies may unite their funds, or any part thereof, for purchasing land and all requisites for a Model Farm or for land on which to erect buildings for exhibitions or for giving prizes for Agricultural produce, Animals, articles of Manufacture and works of Art, or for any other purpose calculated to encourage the welfare of the Province, not inconsistent herewith.

Allowance out of public moneys to Societies on certain conditions.

XIV. When the President, Vice-President and Secretary of the Board of Agriculture shall certify to the Minister of Agriculture that any 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 Schedule B of this Act, and may be sworn to before any Justice of the Peace, who is hereby authorized to administer the same, stating the number of members then belonging to the said Society whose subscriptions for the then current year have been paid up and are in the hands of the Treasurer, it shall be lawful for the Governor of this Province to issue his Warrant in favor of such 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 in the hands of the Treasurer; Provided that no grant shall be made unless twenty pounds be first subscribed and paid to the Treasurer; And provided that the whole amount granted to any County Society or to the Societies of any County, if more than one be organized therein, shall not in any year be more than two hundred pounds; And provided always that the separate Society constituted as per section eleven, shall not be authorized to receive more than one half of the grant given to the County Society.

Proviso.

Proviso.

Proviso.

Division of County Grant, through the Board of Agriculture.

XV. The Board of Agriculture shall receive from Government, and pay over to the Societies, the public money to which they are respectively entitled, and if two Societies be organized in any County and they together raise a sum exceeding twenty pounds, the Board shall divide the County Grant between them in proportion to the amount subscribed and paid by each, and it shall be lawful for the said Board to retain, for the use of the Agricultural Association, one tenth part of all such grants.

Which may retain one tenth.

Penalty for false statement of subscription.

XVI. Any Treasurer or other Officer of a Society who shall make affidavit before any person authorized by Law to administer an oath, 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 return any such subscription as a *bonâ fide* subscription, knowing the same not to be *bonâ fide*, shall be held to have committed perjury.

XVII. Every Electoral Division shall be deemed a County within the meaning of this Act, and all the provisions hereof and of former Acts in force relating to Agriculture in Lower Canada, shall apply to such Electoral Division; Provided that such Electoral Division, whenever it shall not embrace the limits of a County proper, shall not be entitled to more than one half of the amount of the public Grant for a County.

Electoral Divisions to be deemed Counties.
 Proviso.

XVIII. All sums of money paid to Agricultural Societies before the taking effect of this Act, and remaining unexpended in the hands of any person, or his heir or representative, who may have been Treasurer of a former Society, shall by him be paid over to the Treasurer of the new County or other Society, comprising the territory out of which the former Society was formed, and shall be applied by the Treasurer to whom the money shall be so paid, or by his successor, to the purposes of such new Society, and if not so paid may be sued for and recovered by the new Society as a debt due to the same; Provided also that if there shall be any property real or personal in the hands of any one Society organized under this Act, which belonged wholly, or in part, to any other Society organized under former Acts or under this Act, and comprising the territory or part thereof, out of which the said Society, not enjoying possession of said property, was formed; then, and in that case, the said property, or the value thereof, may be equitably divided by arbitration to be arranged between the parties, and if the Society so holding such property shall refuse or neglect to arbitrate or to divide the same, or the value thereof, or to comply with any award made upon any such arbitration, it shall be lawful for the Society aggrieved to sue at law and recover its proportion of the same, or the amount to which it may be entitled by any such award, in any Court of Civil Jurisdiction, and the Minister of Agriculture may order the grant of public money payable to such defaulting Society to be withheld while such default continues.

Payment and application of funds of defunct Treasurers

Proviso: for arbitration in certain cases, where more than one Society may have a claim.

XIX. This Act shall take effect on the first day of January, one thousand eight hundred and fifty-eight, and the County Societies heretofore established in Lower Canada shall receive, for the year one thousand eight hundred and fifty-seven, the full grant to which they would have been entitled if this Act had not been passed, and as so organized shall continue to exist during the said year.

Act to take effect on 1st January, 1858.

XX. The provisions of this Act with regard to Grants, Counties and Electoral Divisions, conditions of Grants, &c., &c., &c., shall extend to any new Counties or new Electoral Divisions which may hereafter be formed in Lower Canada: Provided always, that no new Electoral Division shall be entitled to more than Two Hundred Pounds.

As to future Counties, &c.
 Proviso.

XXI. The word "subscription," in this Act, shall be held to include payment of the amount subscribed as well as the mere act

Interpretation clause.

act of subscription, and the words "Electoral Division" shall be held to mean a Division for purposes of representation in the Legislative Assembly.

Public Act. XXII. This Act shall refer to Lower Canada alone.

SCHEDULE A.

We, whose names are subscribed hereto, agree to form ourselves into a Society under the provisions of the Act of the Legislature (*here state the title and date of this Act*) to be called the County of (*name of County*) Agricultural Society, (*or if there be a Society already organized under this Act in the said County, add the words "number two," "three" or "four," as the case may be, and state the part or section of the County to which its operations are intended to be confined.*)

And we hereby severally agree to pay to the Treasurer, yearly, while we continue Members of the Society, the sum set opposite our respective names, and we agree to give written notice to the Secretary whenever we may wish to withdraw from the Society, 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 County of _____, Treasurer (*or other officer*) of the County of _____ Agricultural Society (*number two, three or four, as the case may be,*) make oath and say that there are forty (*or as the case may be*) Members belonging to D.'s Society who have paid their subscriptions for the present year, and that there is now in my hands the sum of £ _____ being the produce of such subscriptions, ready to be disposed of according to Law.

Sworn before me, this _____ day of _____, one thousand eight hundred and fifty-

A. B. _____, one

C. D.
Justice of the Peace.
C A P.

C A P . L .

An Act to amend the Acts relating to Agricultural Societies in Lower Canada.

[Assented to 10th June, 1857.]

WHEREAS in and by the Act passed in the Session of one thousand eight hundred and fifty-six, and intituled : *An Act to amend the Act to provide for the better organization of Agricultural Societies in Lower Canada, and for other purposes connected with Agriculture in Upper and Lower Canada,* no provision is made for the recovery by the Treasurers of the County Agricultural Societies under that Act, of moneys which may yet remain in the hands of persons who have been Treasurers of former Societies existing before the passing of the Act of the year one thousand eight hundred and fifty-two, intituled, *An Act to provide for the better organization of Agricultural Societies in Lower Canada,* and it is expedient that such provision be made : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.
19, 20 V. c. 47.
16 V. c. 18.

I. All sums of money in the possession of any Agricultural Society, formed before the passing of the said Act of one thousand eight hundred and fifty-six, or before the passing of the said Act of one thousand eight hundred and fifty-two, and remaining unexpended in the hands of any person who may have been the Treasurer of such former society, shall by him be paid over to the Treasurer of the present Society for the County or portion of a County comprising the County for which such former Society was formed, and in the event of the County for which such former Society was formed being now divided between two or more Counties, then to the Treasurers of the present Societies for such Counties or for portions of such Counties, in proportion to the population by the last Census of the respective portions of the territory of such former Society comprised in the territories of such present Societies respectively, and shall be applied by the Treasurer to whom the same shall be so paid, or his successor, to the purposes of such present Society ; And if any such moneys are not so paid over by the Treasurer of such former Society to the Treasurer of such present Society as hereinbefore mentioned, they may be recovered by the Society to whose Treasurer they ought to have been paid, as a debt due to such Society.

Moneys in the hands of Treasurers of former Societies to be paid over to present Treasurers, and in what proportions in certain cases.

II. This Act shall apply only to Lower Canada.

Act limited to L. C.

C A P . L I .

An Act to consolidate and amend the laws relating to the hunting of wild animals and other game in Lower Canada.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is expedient to amend the Law for the preservation of game and wild fowl in Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Time for killing deer, &c.

I. No deer, moose, elk, reindeer or cariboo, shall be hunted, taken or killed, between the first of March and the first of September in any year.

Partridge, &c.

II. No grouse, partridge, ptarmigan or pheasant shall be hunted, taken or killed, between the first of March and the first of September in any year.

Woodcock, &c.

III. No woodcock or snipe shall be hunted, taken or killed, between the first of March and the first of August in any year.

Water-fowl.

IV. No wild swan, goose of any kind, or duck of the kinds known as the mallard, grey duck, black duck, wood duck, or any of the kinds of duck known as teal, shall be hunted, taken or killed, between the fifteenth of May and the first of September in any year.

Having such game at an unlawful time prohibited.

V. No person shall have in his possession any of the animals, or parts of the animals, or any of the birds hereinbefore mentioned, within the periods above prohibited, without lawful excuse, the proof whereof to be on the party charged.

Punishment for offences against this Act.

VI. Any offence against any provision of this Act shall be punished, on conviction before one Justice of the Peace, by a fine not exceeding five pounds nor less than five shillings, in the discretion of such Justice, with all the costs; and in default of immediate payment of fine and costs, by imprisonment for a term not exceeding one month; one half of such fine to go to the Treasurer of the City or Municipality wherein the conviction shall have been obtained and the other half to the informer, who may be a witness.

Application of fines.

Inconsistent enactments repealed.

VII. All Acts, Ordinances, or parts thereof, contrary to or inconsistent with the provisions of this Act, are hereby repealed.

Indians excepted.

VIII. This Act shall not apply to Indians.

Act confined to L. C.

IX. This Act shall apply only to Lower Canada.

C A P . L I I .

An Act to legalize the Articles of Notarial Students who have neglected to have them enregistered within the delay prescribed by law.

[Assented to 10th June, 1857.]

WHEREAS it is expedient to legalize the Articles of Notarial Students executed in Notarial form, and which have not been registered within the delay prescribed by law : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

I. The Articles of Notarial Students, executed in Notarial form, the registry of which was not made according to law, shall be considered to have been duly registered, if the said Articles are hereafter registered in conformity with the next section ; Provided always, that the word " Articles " in this Act, shall include transfers of the Articles of Notarial Students, made in Notarial form.

Articles may be registered hereafter.

Proviso.

II. If the registry of the said Articles has not already taken place, the said registry shall be made within one year from the passing of this Act.

Registry must be within one year.

III. This Act shall apply to Lower Canada only.

Act limited to L. C.

C A P . L I I I .

An Act further to amend the Acts relative to the Royal Institution for the advancement of Learning, and to the University of M^cGill College.

[Assented to 27th May, 1857.]

WHEREAS since the passing of the Act of the Parliament of this Province, made and passed in the eighth year of Her Majesty's reign, and intituled, *An Act to enable the Corporation of the Royal Institution for the Advancement of Learning to dispose of certain portions of land for the better support of the University of M^cGill College*, and of the Act of the Parliament of this Province, made and passed in the sixteenth year of Her Majesty's reign, and intituled, *An Act to amend two certain Acts therein mentioned, and for other purposes connected with the administration of M^cGill College*, by which Acts the said Royal Institution for the Advancement of Learning were in effect authorized to alienate and dispose in perpetuity of such portions of the lands, tenements and estate by them held or to be held in trust for M^cGill College aforesaid, as they may deem expedient

Preamble.

8 V. c. 78.

16 V. c. 58.

Recital.

expedient for its support and advantage, the said lands in fact being holden *en franc-aleu roturier*, for an annual irredeemable ground rent (*rente foncière non rachetable*) and not otherwise, subject to such terms and conditions and with such formalities only of procedure as they may deem advantageous for the said College, it has been in effect in and by the Seigniorial Amendment Act of 1856 enacted, that no land holden *en franc-aleu roturier* shall be charged with any such irredeemable rent, and that whenever any such rent shall be so stipulated, the capital thereof may be at any time redeemed at the option of the holder of the land charged therewith, on payment of the capital of such rent, calculated at the legal rate of interest ; And whereas the said Royal Institution for the Advancement of Learning, Governors of M'Gill College aforesaid, have by their petition set forth the prejudice to the said College resulting from the fact of their being thus not authorized to dispose in perpetuity of their land otherwise than by a form of Contract which the law regards with disfavor and in effect prohibits, and of their being liable continually to have their investments thrown upon their hands without notice and at times favorable to their debtors, and therefore presumably unfavorable for re-investment, and have prayed for relief in the premises, and have also prayed that in order to enable them as well to defray certain unavoidable and unexpected expenditure which they have had to incur by reason of the recent destruction by fire of Burnside Hall, without sacrifice of real estate, as also to realize the full value of certain parts of their land which may not for some time be advantageously disposed of, they should be authorized to borrow a further sum or sums of money upon the security of their real estate, or of any part or parts thereof, to an amount not exceeding Two Thousand Pounds over and above that of Three Thousand Pounds which at present they are authorized so to borrow ; And whereas it is expedient to grant the said prayer of the said Royal Institution for the Advancement of Learning, and to empower them to dispose of their real estate, held or to be held, and also to borrow upon the security of the same, as hereinafter is provided : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Lands belonging to M'Gill College may be disposed of for a ground rent, which need not be stipulated as redeemable.

I. It shall be lawful for the said Royal Institution for the Advancement of Learning to alienate and dispose in perpetuity of all such portions of all lands, tenements and estate by them held or to be held in trust for M'Gill College aforesaid, or for any department or branch thereof, or for any Institution of Royal Foundation wholly or in part under their control, as they may deem expedient for the ends of such trust, for a ground rent (*rente foncière*) or otherwise, subject to all such terms and conditions, whether in reference to time and mode of redemption of any such rent or otherwise, and with such formalities only of procedure, as they may deem advisable ; and no such rent which they shall thus stipulate shall be redeemable nor the capital

capital thereof exigible, otherwise than at such time or times and in such mode and after such notice as may have been stipulated : Provided always, that if such rent be stipulated irredeemable, or not redeemable within at least thirty years, it shall *ipso facto* become and be redeemable and exigible at the expiration of such thirty years.

But it shall always be redeemable after 30 years.

II. All sums of money from time to time to be received by the said Royal Institution for the Advancement of Learning, on account of purchase money of any real estate by them alienated or to be alienated, or on account of the capital of any ground rent shall be by them dealt with as capital only, and not as income, and shall be invested either in productive real estate, or upon security thereof, or in public stocks or securities of the United Kingdom or of this Province, as soon as possible, and in such wise as the said Royal Institution may deem most for the advantage of their trust ; and such investments may from time to time be changed as occasion may require, so always as that all proceeds thereof be ever kept as capital and re-invested in the like manner ; and the said Royal Institution for the Advancement of Learning shall at all times in their yearly statement of account rendered to the Governor of this Province specially and in detail state all such receipts and all such investments and re-investments as may have taken place during the year covered by such statement.

Investment of funds received otherwise than as income.

Yearly statement of investments to be made to the Governor.

III. The said Royal Institution for the Advancement of Learning may further, from time to time, obtain and take any loan or loans of money, upon such security, whether by hypothecation of their said lands or of any part or parts thereof or otherwise, and upon such other terms and conditions as they may stipulate and assume : Provided always, that the total amount of such loan or loans shall not at any one time, in the whole, exceed the sum of Five Thousand Pounds.

Royal Institution may raise money on hypothecc, &c.

Proviso.

IV. This Act shall be a Public Act.

Public Act.

C A P . L I V .

An Act further to amend the Act intituled, *An Act to encourage the establishment of Building Societies in Lower Canada.*

[Assented to 27th May, 1857.]

WHEREAS the Act passed in the twelfth year of the Reign of Her Majesty, intituled, *An Act to encourage the establishment of Building Societies in Lower Canada*, provides that Building Societies formed under the provisions of the said Act, shall have the power of investing in the names of the President and Treasurer for the time being, any surplus funds, in the stock of any of the chartered Banks or other public securities of the Province ; And whereas from the enhancement of

Preamble.
12 V. c. 87.

of

of the value of such stocks and securities since the passing of the said Act, such investments would not serve the purposes of such Societies in enabling them to wind up such Societies; And whereas doubts have arisen as to their right to make other investments of such surplus funds, and therefore it is desirable to afford adequate means of investment in addition to such bank stocks and securities, to such Societies: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Building Societies may lend money on real security, and receive bonus, &c.

I. It is and shall be lawful for such Societies from time to time, to lend and advance to any member or members, or other persons, money from and out of their surplus funds, upon the security and mortgage (*hypothèque*) of real, or immoveable estate and property, and for such period or periods as to the said Societies, or their legally appointed Directors, shall seem satisfactory or expedient, and to receive therefor such sum or sums of money, by way of bonus, besides interest thereon, as may be agreed upon, without being subject or liable on account thereof to any forfeiture or penalty, any Act or Acts to the contrary notwithstanding, and such investments from time to time to vary at their discretion.

C A P . L V .

An Act to declare the meaning of the Auction Duties Act of 1841, with respect to Sales in Rural Districts.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS doubts have arisen as to the correct interpretation of the Auction Duties Act of 1841, and it is desirable to remove the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 4, 5 V. c. 21, not to apply to certain Sales in the Country parts.

I. The provisions of the Act of 1841, intituled, *An Act to make certain alterations in the law relative to the duty upon sales of property by Auction*, were never intended by the Legislature to apply, and do not apply to the sales by auction frequently held in the Rural Districts, but not for trading purposes, either by the inhabitants selling their furniture, grain, cattle and real estate or chattel property other than merchandize or stock in trade, when changing their residence or finally disposing of the same: Provided always, that no duly licensed auctioneer who may have sold by auction any such furniture, grain, cattle and real estate or chattel property, and who may have received duties and fees thereon, shall be sued or in any way made liable therefor.

Proviso.

C A P . L V I .

An Act for further increasing the efficiency and simplifying the proceedings of the Court of Chancery.

[Assented to 10th June, 1857.]

WHEREAS it is desirable further to increase the efficiency and simplify the proceedings of the Court of Chancery for Upper Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The said Court shall hereafter possess the like power, authority and jurisdiction as the Court of Chancery in England possesses, as a Court of Equity, to administer justice in all cases in which there may be no adequate remedy at Law ; Provided always, that nothing herein shall be held to impair or diminish the jurisdiction heretofore conferred by Law on the said Court.

Preamble.

Jurisdiction whenever there is no adequate remedy at Law. Proviso.

II. The said Court shall also have jurisdiction to decree alimony to any wife whose husband lives separate from her without any sufficient cause, and under circumstances which would entitle her, by the law of England, to a decree for restitution of conjugal rights, such alimony to continue during such separation and until the further order of the Court.

Court may decree alimony to wife in certain cases.

III. In suits hereafter instituted for alimony, the said Court or a Judge thereof may, in a proper case, order a writ of *Ne Exeat Provinciâ* to issue at any time after the bill is filed, and shall, in such order fix the amount of bail to be given by the Defendant in order to procure his discharge, and the amount so fixed shall be such sum as the Court or Judge shall think reasonable.

Writ of *Ne Exeat Provinciâ* may issue in future suits for alimony.

IV. The said Court may grant an injunction to stay waste in a proper case, notwithstanding that the party in possession claims by an adverse legal title.

Injunction against waste, although adverse title pleaded.

V. The said Court may, on sufficient evidence, declare a person a lunatic without the delay or expense of issuing a commission to enquire into the alleged lunacy, except in cases of reasonable doubt ; and any person who might, before the passing of this Act, traverse an inquisition, may move against the order containing such declaration, or may appeal therefrom, as the case may require ; and the right so to move or appeal shall be subject to the same rules as to time as the right to traverse now is.

Court may declare lunacy in clear cases, without a commission.

Mode of contesting such order.

VI. The Judges of the said Court, or one or more of them, shall take circuits for the transaction of such business of the Court as it may be practicable and conducive to the interests of suitors and the convenient administration of justice to dispose

Chancery Judges to make Circuits.

of

Sittings on Circuit.

Places for holding them.

Power to use Court House.

Sheriffs, &c., bound to assist the Judge.

of on such circuits ; and for that purpose, the said Court, or one or more of the Judges thereof, may hold sittings for the purposes of taking such evidence and hearing such causes and other matters, and transacting such other business, and at such periods and at such County Towns as the said Court may from time to time see fit to direct and appoint. And such sittings may, at the discretion of the Court or of the Judge who is to hold the same, be held in the Court House of the County Town in which the same are appointed to be held, or in such other place in the said County Town as the Judge may select ; and the Judge shall in all respects have the same power and authority as a Judge at *Nisi Prius* in regard to the use of the Court House, Gaol and other buildings or apartments set apart in the County for the more convenient administration of justice. And all Sheriffs, Deputy Sheriffs, Gaolers, Constables and other Peace Officers, shall be aiding, assisting and obeying the said Judge in the exercise of his jurisdiction under this Act, and otherwise, whenever required to do so by the said Judge or by any general or other order of the said Court.

Judges may sit separately, under general rules or orders.

Re-hearing by full Court.

Powers of Judge sitting separately.

VII. The Judges of the said Court may sit separately either at the same time or at different times for the hearing and disposing of such matters and the transaction of such business as may from time to time, in that behalf, be directed by general or other orders of the said Court ; and the decrees and orders made by a single Judge in such cases shall have the force and effect of, and be deemed for all purposes to be, decrees and orders of the said Court, but shall be subject to re-hearing before the full Court or otherwise, in such cases as the Court, by general orders or otherwise, may from time to time direct or appoint ; and every Judge so sitting separately, whether at Toronto or on the circuit, shall have all the powers and authorities of the full Court, subject to such general orders as may be made in that behalf.

Court may vest property by order, &c., instead of deed.

Effect of such order, &c.

VIII. In all cases in which the said Court now has power and authority to order the execution of any deed, conveyance, transfer or assignment of any property real or personal, the said Court shall hereafter have power and authority to make an order or decree vesting such real or personal estate in such person or persons, and in such manner, and for such estates, as according to the present practice would be done by any such deed, conveyance, assignment or transfer ; and thereupon, the said order or decree shall have the same effect both at Law and in Equity as if the legal or other estate or interest in such property had been actually conveyed by Deed or otherwise, for the same estate or interest, to the person in whom the same shall be so ordered to be vested, or in the case of a *chose in action*, as if such *chose in action* had been actually assigned to such last mentioned person.

IX. When a Bill or other proceeding in Chancery is filed in the office of a Deputy Registrar of the said Court, a certificate thereof for registration under the Act intituled, *An Act to amend the Registry Laws of Upper Canada*, may be given by such Deputy Registrar, and the registration of such certificate shall have the same effect as the registration of a like certificate by the Registrar of the said Court.

Deputy Registrar may give certificate under 18 V. c. 127.

X. Every decree or order of the said Court which has already been or shall hereafter be made whereby any sum of money, or any costs, charges or expenses, shall be ordered to be paid, either at one time or in several or periodical payments or sums to any person or persons, or into the said Court or to the credit of any cause in the said Court, or otherwise, may be registered in any County registry office upon delivery to the County Registrar of a certificate of the Registrar or of a Deputy Registrar of the said Court, stating the title of the cause or matter in which such decree or order shall have been made, and the date of the decree or order, and the amount of the moneys thereby or by any report made in pursuance thereof mentioned to be paid; and such certificate shall be entered and recorded by such County Registrar in the same books and in the same manner as certificates of judgments at Law are now entered and recorded, and the registry of any such certificate shall have, to all intents and purposes, the same effect as the registry of a judgment at Law now has, and may be discharged in the same manner as a judgment at Common Law.

Registration of decree or order for payment of money in order to bind lands.

Form and effect of such registration.

XI. The said Court of Chancery, upon being satisfied by proof that some specified part of the real estate of any person ordered by any decree or order of the said Court to pay any sum or sums of money, will be sufficient security for the payment of such sum or sums of money, may direct either in the same decree or order or by a subsequent decree or order, that the charge created by any such decree or order be confined to such part of the real estate of the person or persons so liable, and that the residue of the real estate of such person shall be unaffected by such registration, and in case such restriction is contained in the original decree or order, the Registrar's or Deputy Registrar's said certificate shall state the same, and if such restriction is contained in some subsequent order, the Registrar's or Deputy Registrar's certificate thereof may be registered by either party.

Court may confine the effect of the registration to specified property proved to be sufficient.

XII. The said Court may, in any proceedings to be taken in the same cause in which an order or decree for the payment of money shall have been made and so registered as to become a charge on real estate, order the whole or any portion of the real estate bound, to be sold for the satisfaction of the money so charged upon it with interest and costs, without the delay or expense of a new suit being instituted to procure such sale.

Court may order the real estate bound to be sold, without any new suit.

Court may have issues tried by a jury, without any feigned action.

Proceedings in such cases;

Or the Court of Chancery may itself try any such issue by a jury: and in what manner, &c.

XIII. In any case in which the said Court shall require any issue or issues to be tried by a jury, it shall not be necessary that any feigned action shall be commenced in a Court of Law; but such issue or issues shall be tried at the Assizes or at the sittings of any County Court in Upper Canada, in the same manner as issues are tried in actions brought in the Superior Courts of law or in the County Courts, upon an office copy of the decree or order directing the trial of such issue or issues being entered for trial at such sittings or assizes, in the same manner as *Nisi Prius* records are entered, and the finding of the jury shall be endorsed upon such office copy and signed by the presiding Judge, and the same shall then be transmitted to the Registrar of the Court of Chancery; or instead of directing an issue to be tried at law, the said Court of Chancery may try any such issues by a Jury without the intervention of a Court of Common Law, and for that purpose may issue a precept or order directed to the Sheriff of such County as the Court may see fit, requiring such Sheriff to strike and summon a Jury in as nearly as may be the same manner as is provided by the Jury Acts for summoning Petit Jurors for Superior Courts of Common Law, and in such case, if either party desires or the Court or Judge directs that the trial should be by a special Jury, a special Jury shall be struck and summoned in (as nearly as may be) the same manner as for the Superior Courts of Common Law; and at any such trial, whether by a Common or special Jury, one Judge or more of the said Court of Chancery may preside.

In suits for foreclosure or sale of mortgaged property, process may be served on attorney of a judgment creditor;

Or upon such creditor himself.

XIV. In any suit now depending or which may hereafter be instituted in the said Court of Chancery by any mortgagee or by any person having a charge on real property, or by any judgment creditor, for the foreclosure or sale of any property, and to which suit any judgment creditor or creditors of the mortgagor or of the person liable to the charge or of the judgment debtor may be necessary or proper parties, it shall be sufficient to serve the process of the said Court, whether the same be an office copy of the bill or an office copy of the decree or decretal order, upon the attorney of such creditor in the action at Law in which such judgment shall have been recovered, and personal service upon the judgment creditor shall not be requisite; but it shall not be obligatory upon a plaintiff in any such suit in Chancery to serve such attorney, but such plaintiff may elect to serve the judgment creditor personally.

Service of process on defendant absent without the jurisdiction.

Allowance and proof of service.

XV. Any absent defendant may be served with a copy of any bill or proceeding in the said Court, although without the jurisdiction of the said Court, without any application being previously made to the said Court for the allowance of such service, but no such service shall be allowed except upon proof to the satisfaction of such Court that such service has been made and upon order allowing the same.

XVI. The Masters or Deputy Registrars appointed by the said Court for outer Counties shall hereafter take for their own use all the fees of office which they respectively receive, and shall not account to the Crown for any portion of such fees.

Masters, &c., in outer Counties, not to account to Crown for fees received.

XVII. The Judges of the said Court may from time to time appoint and in their discretion remove, an officer, to be called the Usher of the said Court, whose duty it shall be to attend upon the Court and the respective Judges thereof, during the sittings of the said Court and Judges respectively for the transaction of business, and to execute such process of the Court as may be directed to him, and to perform such other duties as the said Court shall from time to time direct and appoint.

Appointment of an Usher and his duties.

XVIII. The Governor in Council may, from time to time appoint an additional Clerk or additional Clerks in the said Court, when the business of the Court requires the same and the Judges of the Court apply for such appointment, and such Clerk or Clerks shall perform such duties as the said Court shall from time to time by general orders or otherwise direct.

Additional Clerks of the Court may be appointed.

XIX. The persons now styled "Masters Extraordinary in Chancery" shall hereafter cease to be so styled, and they and all persons hereafter appointed by the said Court to execute the like duties, shall be designated "Commissioners for taking Affidavits in the Court of Chancery," and shall possess and exercise the powers and discharge the duties now appertaining to the office of Master Extraordinary in Chancery by virtue of any statute or order of the Court of Chancery or usage in that behalf or otherwise; and all such Commissioners shall have power and authority to administer oaths and take affidavits in the Courts of Queen's Bench and Common Pleas and County Courts of Upper Canada; and any Commissioner for taking affidavits in either of the said Courts of Queen's Bench or Common Pleas, shall have power and authority to administer oaths and take affidavits in the said Court of Chancery; and every Commissioner heretofore appointed by any or either of the said Courts shall be deemed to be an officer of all the said Courts; and any of such Courts may revoke the commission of any such person whether the commission was issued by such Court or by one of the other Courts, and such revocation shall be notified to the other Courts and shall operate as a revocation in regard to all the Courts and for all purposes.

Masters Extraordinary to be hereafter styled Commissioners for taking affidavits, &c.

Their powers in Chancery and other Common Law Courts.

To be deemed Officers of such Court.

Revocation of Commission.

XX. A fee of six pence shall be paid to the Registrar or Deputy Registrar, as the case may be, on the filing of every bill and of every answer or demurrer in the said Court, in addition to any other fees and charges thereon; and such fees shall be paid in to an account to be called "The Suitors' Fee Fund Account," which account shall be kept and managed as may from time to time be directed by general or other orders of the said Court, and the sums from time to time at the credit

Suitors' Fee Fund established.

How to be managed and applied.

of such account shall be applied by the said Court as may be necessary for the protection of infants and other persons not *svi juris* on whose behalf proceedings may be had in the said Court or may, by the said Court, be ordered to be had in other Courts.

General orders now in force confirmed.

Subject to alteration by the Judges.

Court may make general orders for giving effect to this Act.

XXI. All general orders of the said Court of Chancery now standing unrepealed by the said Court, are hereby confirmed and declared to be to all intents and purposes as effectual as if the same were hereby specially enacted; but the same may, from time to time be suspended, repealed, varied and re-enacted by the said Court, and shall, in all respects be subject to the control and direction of the said Court and the respective Judges of the said Court, as in the case of any other general orders of the said Court which may from time to time be hereafter made by the said Court under the general or other jurisdiction thereof in that behalf; and the said Court shall from time to time make such general orders as may be necessary or proper to carry out the provisions of this Act, and may from time to time repeal, vary and amend such orders according as the said Court shall find expedient.

C A P . L V I I .

An Act to amend the Common Law Procedure Act 1856, and to facilitate the remedies on Bills of Exchange and Promissory Notes.

[Assented to 10th June, 1857.]

Preamble.

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

Clerks of the Crown and Pleas and their Deputies, and the Clerk of the process, to give security within a certain time; for what purpose and to what amount, &c.

Failure to give such security, to vacate their offices.

I. The Clerks of the Crown and Pleas, the Clerk of the Process and the Deputy Clerks of the Crown and Pleas in the Courts of Queen's Bench and Common Pleas in Upper Canada, shall, within two calendar months after this Act shall come into force, or within one month next after being appointed to any of the said offices, give security to Her Majesty, Her Heirs and Successors, in such sum, and with so many sureties and in such form as the Governor in Council shall direct, conditioned for the due performance of the duties of their office and for the rendering of the quarterly accounts and returns required from them by law, and for the due payment to the Receiver General of this Province, of all the fees, dues, emoluments, perquisites and profits received by them on account of their said offices respectively, and for and on account of any duty or service done and performed by them respectively, in their said several offices; and the neglect to give such security by any such Clerk or Deputy Clerk or to render quarterly returns, or to pay over all such moneys within twenty days next after each quarterly day, shall *ipso facto* render his appointment void, and vacate his office :

Provided

Provided that such avoidance shall not annul or affect any act, matter or thing done by any such Clerk or Deputy Clerk, during the time that he shall actually hold his appointment. Proviso.

II. The Governor of this Province shall approve of the security and sureties to be given by the said Clerks and Deputy Clerks, (the Judge of the County Court first certifying his approval in writing of the security and sureties to be given by the Deputy Clerk of the Crown for his County,) and such securities shall, as soon as they are so executed and approved, be duly recorded in the manner provided by the third section of the Statute passed in the session of the Provincial Parliament, held in the fourth and fifth years of Her Majesty's Reign, chaptered ninety-one, and then deposited in the office of the Inspector General of Public Provincial Accounts; and if any surety in any such security shall die or cease to reside in Upper Canada, or become insolvent, it shall be the duty of such Clerk or Deputy Clerk, within one month of his knowledge of the fact or after being thereto required by the Inspector General, to give a new security, in manner hereinbefore provided, and the omission to give such new security shall render the appointment of the Clerk or Deputy Clerk so omitting, void.

Bonds and sureties to be subject to approval of the Governor.
Bonds to be recorded under 4, 5 V. c. 91.
New bond to be given in case of death, &c., of a surety.
Failure to avoid office.

III. Every Deputy Clerk of the Crown shall, within twenty-four hours after notice in writing delivered to him at his office, for that purpose, enclose, seal up and transmit by post to the proper principal office at Toronto, addressed to the Clerk thereof, any record of *Nisi Prius* in his custody to be mentioned in such notice, together with all exhibits filed at the trial, and in default thereof, he may be adjudged guilty of a contempt of Court, and be dealt with in the discretion of the Court accordingly. And if, after such notice, the *Nisi Prius* record shall not be in Court at the time of moving any rule requiring a reference thereto, the party moving may, on filing an affidavit of the service of notice, and that the record, on search, has not been found in the said principal office, be allowed by the Court to move any such rule without the production of the Record of *Nisi Prius*.

Deputy Clerks of the Crown to transmit any *Nisi Prius* record to Toronto, or deliver the same sealed up, on proper notice, &c.
Failure to be a contempt.
After such notice, a party may move although the record be not in Court; first filing affidavit of notice.

And with respect to Bills of Exchange and Promissory Notes, Be it enacted as follows :

IV. From and after the first day of July, in the year of our Lord one thousand eight hundred and fifty-eight, all actions upon Bills of Exchange or Promissory Notes, commenced in either of the Superior Courts of Common Law, within six months after the same shall have become due and payable, may be by writ of summons in the special form contained in the Schedule to this Act annexed, numbered one, and endorsed as is therein mentioned; and it shall be lawful for the Plaintiff on filing an affidavit of personal service of such writ within the jurisdiction of the Court or an order for

Form of summons in actions on Bills or Notes, after 1st July, 1858.
Final judgment may be signed on proof of service

vice, unless defendant obtain leave to appear and do appear.

For what amount, &c.

Execution.

How leave to appear may be obtained by defendant.

Judgment may, under special circumstances, be set aside, and how.

Deposit of the Bill, &c., and security for costs, may be ordered.

Same remedy for expenses of protest, damages, &c., as for amount of Bill or Note.

All parties to the Bill or Note may be sued in one action under this Act.

leave to proceed as provided by the Common Law Procedure Act, 1856, and a copy of the writ of summons and the indorsements thereon, in case the Defendant shall not have obtained leave to appear, and have appeared to such writ according to the exigency thereof, at once to sign final judgment in the form contained in the schedule numbered two to this Act annexed (on which judgment no proceeding in error shall lie) for any sum not exceeding the sum endorsed on the writ, together with interest to the date of the Judgment, and a sum for costs to be fixed by rule of Court, unless the Plaintiff claim more than such fixed sum, in which case the costs shall be taxed in the ordinary way, and the Plaintiff, may upon such judgment issue execution at the expiration of fifteen days after such judgment has been signed.

V. A Judge of either of the said Courts, or a Judge of a County Court, shall, upon application within the period of sixteen days from such service, give leave to appear to such writ and defend the action on the defendant paying into Court the sum endorsed on the writ, or upon affidavits satisfactory to the Judge, which disclose a legal or equitable defence, or such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Judge may deem sufficient to support the application, and on such terms as to security or otherwise as to the Judge may seem fit.

VI. After judgment, the Court or a Judge may, under special circumstances, set aside the judgment and, if necessary, stay or set aside execution, and may give leave to appear to the writ, and to defend the action, if it shall appear to be reasonable to the Court or Judge so to do, and on such terms as to the Court or Judge may seem just.

VII. In any proceedings under this Act, it shall be competent to the Court or a Judge to order the bill or note sought to be proceeded upon to be forthwith deposited with an officer of the Court, and further to order that all proceedings shall be stayed until the plaintiff shall have given security for the costs thereof.

VIII. The holder of every dishonored bill of exchange or promissory note shall have the same remedies for the recovery of the expenses incurred in noting or protesting the same for non-acceptance or non-payment, or otherwise, or of damages where damages for non-payment are by law recoverable, by reason of such dishonor, as he has under this Act for the recovery of the amount of such bill or note.

IX. The holder of any bill of exchange or promissory note may proceed against all the parties to such bill or note under this Act in one action, in conformity with the provisions of the Acts of the Parliament of Upper Canada and of this Province enabling

enabling the bringing a joint action against all the parties to any bill of exchange or promissory note.

And with respect to proceedings for the revival of judgments, Be it enacted as follows : Revival of Judgments.

X. The two hundred and second section of the Common Law Procedure Act, 1856, is hereby repealed ; and during the lives of the parties to a judgment or those of them during whose lives execution may at present issue within a year and a day without a *scire facias*, and within six years from the recovery of the judgment, execution may issue without a renewal thereof. Section 202 of 19, 20 V. c. 43, repealed, and new provision made.

And with respect to Equitable defences ; Be it enacted as follows : Equitable Defences.

XI. The two hundred and eighty-seventh section of the Common Law Procedure Act, 1856, and the words placed between that and the next preceding section, are hereby repealed ; and after this Act shall come into force it shall be lawful for the defendant, or the plaintiff in replevin, in any cause in either of the Superior Courts, in which, if Judgment were obtained, he would be entitled to relief against such Judgment on equitable grounds, to plead the facts which entitle him to such relief by way of defence, and the said Courts are hereby empowered to receive such defence by way of plea, provided that such plea shall begin with the words " For defence on Equitable grounds," or words to the like effect. Section 287 of 19, 20 V. c. 43, repealed, and new provision made.

Facts entitling to relief may be pleaded.

And as to reference to arbitration ordered at the trial ; Be it enacted as follows : Arbitration.

XII. The Judge at *Nisi Prius* directing any reference under the one hundred and fifty-sixth section of the Common Law Procedure Act, 1856, may direct such reference, if he shall see fit to do so, in like manner as he has power to do under the eighty-fourth and eighty-fifth sections of the said Act, and every arbitrator so appointed at *Nisi Prius* shall be subject to the provisions of the said sections, and shall have the powers expressed in the eighty-sixth section and be subject to the same regulations as are mentioned and provided in regard to arbitrators in and by the eighty-seventh section of the said Act. Judge at N. P. directing reference at trial, may do so in the manner provided by ss. 84 & 85 of 19, 20 V. c. 43, and powers and proceedings of Arbitrators to be as under ss. 86 & 87.

And as to trials *at bar*, Be it enacted as follows :

XIII. The plaintiff or demandant, and the defendant or tenant, respectively, in any action or suit whatever commenced or brought, or to be commenced or brought in either of the Courts of Queen's Bench or Common Pleas for Upper Canada, may, in the Term next after issue joined apply to the said Courts respectively for a trial *at bar*, and each of the said Courts respectively may, in its discretion, upon hearing the parties, grant or refuse the same. Trial at Bar may be demanded and granted for cause.

To be had of right in Crown cases.

XIV. In all cases in which the Crown may be actually or immediately interested, a trial *at bar* may be had as of right upon the same principle, and be regulated and governed thereby as in similar cases in England.

When such trial may be had.

XV. If any trial *at bar* shall be directed by either of the said Courts, it shall be competent to the Judges of such Court to appoint such day or days for the trial thereof as they shall think fit, and the time so appointed, if in vacation, shall, for the purposes of such trial, be deemed and taken to be a part of the preceding term.

Garnisheer.

And as to proceedings against Garnishees; Be it enacted as follows:

What order shall be made when the amount is within the jurisdiction of a County or Division Court.

XVI. When the amount claimed as due from any garnishee, shall be within the Jurisdiction of any County or Division Court, the order to be made under the one hundred and ninety-fourth section of the Common Law Procedure Act, 1856, shall be for the garnishee to appear before the Judge of the County Court of the County within which the garnishee resides—at some day and place within his County to be appointed in writing by such Judge—and written notice thereof shall be given to the garnishee at the time of the service of the order, and if the garnishee does not forthwith pay the amount due by him, or an amount equal to the Judgment debt, and does not dispute the debt due or claimed to be due from him to the Judgment debtor, or if he does not appear before the Judge named in the order at the day and place appointed by such Judge, then such Judge may, on proof of service of the order and appointment having been made four days previous, make an order directing execution to issue out of the County Court or out of a Division Court according to the amount due, and which order shall be sufficient authority for the clerk of either of such Courts to issue execution without any previous writ or process, to levy the amount due from such garnishee; and the Sheriff or Bailiff to whom such writ of execution shall be directed, shall be thereby authorized to levy, and shall levy the amount mentioned in the said execution, towards satisfaction of the Judgment debt, together with the costs of the proceeding, to be taxed, and his own lawful fees, according to the practice of the Court from which such execution issues; but if the garnishee disputes his liability, such Judge may order that the Judgment creditor shall be at liberty to proceed against the garnishee according to the usual practice of the County or Division Court as the case may require, for the alleged debt or for the amount due to the Judgment debtor if less than the Judgment debt, and for costs of suit, and payment by or execution levied upon the garnishee, in any such case shall be a valid discharge to him as against the Judgment debtor to the amount paid or levied, although the proceeding may be set aside or the Judgment reversed.

Notice to garnishee.

Execution from County or Division Court, if the garnishee does not dispute the debt.

Proceedings if he disputes the debt.

And with respect to confessions of judgment and to judgments and the registration thereof; Be it enacted as follows:

XVII. No confession of judgment or *cognovit actionem*, given by any person, shall be valid or effectual to support any judgment or writ of execution, unless the same, or a sworn copy thereof, shall be filed of record in the proper office of the Court in the County in which the person giving such confession of judgment or *cognovit actionem* shall reside, within one month after the same is given; and a book shall be kept in every such office, to be called the Cognovit Book, in which shall be entered the names of the plaintiff and defendant in every such confession or cognovit, the amount of the true debt or arrangement secured thereby, the time when judgment may be entered and execution issued thereon, and the day when such confession or cognovit, or copy thereof, is filed in the said office; and such book shall be open to inspection by any person during office hours, on the payment of a fee of *one shilling*.

Confessions and cognovits given after this Act to be registered.

XVIII. No confession of judgment or *cognovit actionem* given when this Act comes into effect, which shall be still unsatisfied support any judgment or writ of execution, unless the same, or a sworn copy thereof, shall be filed of record as aforesaid within four months after the passing of this Act; and the same entries shall be made in respect of such confessions or cognovits, in the Cognovit Book, as by the next preceding section are required in respect of confessions or cognovits given after the passing of this Act.

Confessions or cognovits given before this Act and unsatisfied to be registered

XIX. Every judgment registered against land in any County shall cease to be a lien or charge upon the land of the party against whom such judgment has been rendered, or any one claiming under him, in three years after such judgment has been registered or within one year after the passing of this Act, unless before the expiration of the said period of three years, or within one year after the passing of this Act, such judgment shall be re-registered; and such lien or charge shall cease whenever the period of three years shall at any time be allowed to elapse without a further re-registry.

Registration of judgment to bind land only three years from registration, or one year from passing of this Act, unless re-registered.

XX. Any judgment registered against land shall and may be discharged from the registry of the County where the same is registered, on the production to the Registrar of such County of a certificate signed by the judgment creditor, or, if more than one, by any one of them, his executors, administrators or assigns, to the following effect:

Registry of judgment may be discharged by certificate of judgment creditor.

"I do hereby certify that a judgment rendered in favor of A. B. against C. D., for the sum of £ _____, and registered in the Registry Office of the County of _____, has been discharged."

Form and proof of certificate.

And

And such certificate shall be proved to the Registrar by the affidavit of one subscribing witness who has witnessed the execution of such certificate, which affidavit may be taken before any person before whom any affidavit for the registry of any deed or other instrument can be taken: Provided always, that the registry of a judgment may also be discharged in the manner now provided by law.

And in order to facilitate the conduct of suits; Be it enacted as follows:

Power of County Judge when both Attorneys reside in his County.

XXI. In any action in any of the Superior Courts of Common Law, when the attorneys of both plaintiff and defendant reside in the same County, the Judge of the County Court of such County may issue summonses and orders for copy or inspection of documents and particulars of demand or set-off, security for costs, and time to plead, with the same effect and authority as if such summonses and orders were issued by any Judge of either of the said Superior Courts.

And with respect to execution; Be it enacted as follows:

Sheriff may seize money, and securities for money.

Money seized to be paid over to party taking out the execution.

How the securities seized shall be dealt with.

Payments thereon to the Sheriff to be valid.

Sheriff to pay over moneys so paid to him.

XXII. After this Act shall come into force, the sheriff, or other officer having the execution of any writ of *feri facias* against goods sued or to be sued out of either of the said Courts, or out of any County Court, or of any precept made in pursuance thereof, may and shall seize and take any money or bank notes, (including any surplus of a former execution against the defendant or party,) and any cheques, bills of exchange, promissory notes, bonds, mortgages, specialties or other securities for money belonging to the person against whose effects such writ of *feri facias* shall be sued out, and may and shall pay or deliver to the party suing out such execution, any money or bank notes which shall be so seized or a sufficient part thereof, and may and shall hold any such cheques, bills of exchange, promissory notes, bonds, specialties or other securities for money, as a security or securities for the amount by such writ of *feri facias* directed to be levied, or so much thereof as shall not have been otherwise levied or raised, and may sue in the name of such sheriff or other officer for the recovery of the sum or sums secured thereby, if and when the time of payment thereof shall have arrived; and the payment to such sheriff or other officer by the party liable on any such cheque, bill of exchange, promissory note, bond, specialty or other security with or without suit, or the recovery and levying execution against the party so liable, shall discharge him to the extent of such payment or of such recovery and levy in execution, as the case may be, from his liability on any such cheque, bill of exchange, promissory note, bond, specialty or other security; and such sheriff or other officer may and shall pay over to the party suing out such writ, the money to be so recovered, or such part thereof as shall be sufficient to discharge the amount by such writ directed to be levied; and if, after

after satisfaction of the amount so to be levied together with sheriff's poundage and expenses, any surplus shall remain in the hands of such sheriff or other officer, the same shall be paid to the party against whom such writ shall be so issued ; provided that no such sheriff or other officer shall be bound to sue any party liable upon any such cheque, bill of exchange, promissory note, bond, specialty or other security, unless the party suing out such execution shall enter into a bond with two sufficient sureties for indemnifying him from all costs and expenses, to be incurred in the prosecution of such action, or to which he may become liable in consequence thereof ; the expense of such bond to be deducted out of any money to be recovered in such action.

Surplus to be paid to the party against whom the execution issued.
Sheriff not bound to sue until secured.

XXIII. The necessary wearing apparel, the bed and bedding, and one stove and the cooking utensils, of a party against whom any writ of execution may be issued, or of his family, and also the tools and implements of his trade to the value of fifteen pounds, shall be protected from seizure under any execution from either of the said Courts or from any County Court.

Apparel, tools, &c., exempted from execution.

XXIV. Where a writ against the goods of a party has issued from either of the said Courts or from any County Court, and a warrant of execution against the goods of the same party has issued from a Division Court, the right to the goods seized shall be determined by the priority of the time of the delivery of the writ to the sheriff to be executed, or of the warrant to the bailiff of the said Division Court to be executed ; and the sheriff, on demand, shall, by writing signed by him or his deputy or any clerk in his office, inform the bailiff of the precise time of such delivery of the writ, and the bailiff, on demand, shall shew his warrant to any sheriff's officer ; and such writing purporting to be so signed, and the endorsement on the warrant shewing the precise time of the delivery of the same to such bailiff, shall respectively be sufficient justification to any bailiff or sheriff acting thereon.

Case in which execution shall be out from County Court and Division Court at the same time, against the same debtor, provided for.

And with respect to debtors in close custody ; Be it enacted as follows :

XXV. In all cases in which the sheriff of any County or Union of Counties shall take from any debtor confined in the gaol thereof a bond under the provisions of the three hundred and second section of the Common Law Procedure Act, 1856, such bond shall, in addition to the conditions in the said three hundred and second section mentioned, contain a further condition that the said debtor shall, within thirty days from the delivery thereof to the sheriff, cause and procure the said bond, or that to be substituted for the same according to the provisions hereinafter contained, to be allowed by the Judge of the County Court of the County or Union of Counties wherein the debtor is confined,

Further condition in the bond—that it shall be allowed by a County Judge within 30 days.

Production of the bond to the Judge for allowance, &c.

confined, and such allowance to be endorsed thereon by the said Judge ; and for this purpose the sheriff shall, upon reasonable notice by the debtor given, cause such first mentioned bond to be produced before the Judge, and upon such allowance being so endorsed, the sheriff shall be discharged from all responsibility respecting such debtor, unless such debtor be again committed to the close custody of such sheriff in due form of law ; and the said bond shall, upon any breach of the above mentioned condition, be assignable in like manner and the like remedies be had thereon as is provided in respect of other breaches in the three hundred and fifth section of the said Common Law Procedure Act contained.

Allowance of bond to be on motion and after notice.

XXVI. Such allowance shall be made upon motion by the debtor, and four clear days' notice thereof shall be given in writing to the plaintiff or his attorney, who may object thereon to the sufficiency of the sureties ; and if the Judge shall refuse his allowance of such bond, then the debtor may cause another bond made to the sheriff in the same terms and under the same conditions, to be executed without any further application to the sheriff, and may move in like manner and upon the like notice for the allowance thereof ; and such bond, if allowed and endorsed as aforesaid, shall be substituted for and take place of and have the like effect in all respects, and the like remedies shall be had thereon, as the bond so first given to the sheriff as aforesaid would have had upon the allowance thereof, and such first given bond shall thereupon become void.

Its effects.

And with respect to interpleader ; Be it enacted as follows :

Sheriff's right of interpleading.

XXVII. In all cases of attachments against absconding debtors, the sheriff shall have the like right of interpleading as is provided in respect of writs of execution, and all the provisions of law in that behalf shall in such cases apply.

And with respect to the service of writs ; Be it enacted as follows :

Fees not taxable for service of writs unless return indorsed.

XXVIII. No fees shall be taxed or allowed for the service of any writ whereby an action at law is commenced in either of the Superior Courts of Common Law or in any County Court, unless a return of the sheriff (or coroner, in actions against the sheriff) of the County in which such service is made, shall be endorsed thereon, unless when the sheriff shall have omitted to serve the said writ within fifteen days after it has been delivered to him for service.

Exception.

Section 19 of 12 V. c. 63, repealed from 21st August, 1867.

XXIX. From and after the twenty-first day of August next, the nineteenth section of the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to make further provision for the administration of Justice, by the establishment of an additional Superior Court*

Court of Common Law, and also a Court of Error and Appeal, in Upper Canada, and for other purposes, shall be and the same is hereby repealed, and the terms of sitting of the Court of Queen's Bench and Common Pleas in Upper Canada, shall be as follows: Trinity Term shall begin on the Monday next after the twenty-first day of August, and shall end on the Saturday of the ensuing week; Michaelmas Term shall begin on the third Monday in November, and shall end on the Saturday of the ensuing week; Hilary Term shall begin on the first Monday in February, and shall end on the Saturday of the ensuing week; and Easter Term shall begin on the third Monday in May and shall end on the Saturday of the ensuing week.

Times at which the Terms of Q. B. and C. P. shall be thereafter held.

XXX. The one hundred and fifty-second and the one hundred and fifty-third sections of the Common Law Procedure Act, 1856, are hereby repealed from and after the last day of Trinity Term next; and thenceforth Courts of Assize and Nisi Prius, of Oyer and Terminer and of General Gaol Delivery shall be held in every County or Union of Counties in Upper Canada, (except in that County or Union of Counties within which the City of Toronto is situate,) in each and every year in the vacations between Hilary and Easter Terms and between Trinity and Michaelmas Terms, with or without commissions as to the Governor of this Province shall seem best, and on such days as the Chief Justices and Judges of the said Superior Courts of Common Law in Upper Canada shall respectively name: and if commissions are issued, then such Courts shall be presided over by any one of the persons to be named in such commissions (among whom shall always be the Chief Justices and Judges aforesaid, and any one of whom being present shall always preside in the said Courts,) and to whom may be added such of the Judges of the County Courts or of Her Majesty's Counsel Learned in the Law of the Upper Canada Bar as shall be named in any one or more of such commissions, and who shall preside in the absence of the Chief Justices and Judges of the Superior Courts; But if no such commissions are issued, then the said Courts shall be presided over by one of the Chief Justices or of the Judges of the said Superior Courts, or in their absence then by some one Judge of a County Court, or by some one of Her Majesty's Counsel Learned in the Law of the Upper Canada Bar, upon such Judge or Counsel being requested by any one of the said Chief Justices or Judges of the Superior Courts to attend for that purpose; and each and every of the said Chief Justices and Judges and of such Judges of the County Court and of such of Her Majesty's Counsel Learned in the Law, presiding at any Court of Assize and Nisi Prius, or of Oyer and Terminer and General Gaol Delivery shall and may possess, exercise and enjoy all and every the like powers and authorities as have been usually set forth and granted in commissions issued for holding all or any of the said Courts; and it shall not be necessary to name any associate

Sections 152 & 153 of 19, 20 V. c. 43, repealed after Trinity Term, 1857.

Times at which Courts of Assize and Nisi Prius shall be thereafter held.

May be held with or without commissions

Who shall preside if commissions issue.

And if no commissions issue.

Powers of Judges, &c., presiding at such Courts.

Associate Justices need not

Justices

be named in commissions of Oyer and Terminer and Gaol Delivery or attend at the Courts held under them.

Proviso : Saving power to issue special commissions.

Provisions of 19, 20 V. c. 43, to apply to proceedings under this Act ; rules and forms, for giving effect to which, may be made.

Certain sections of this Act to apply to County Courts.

Short Title of this Act.

Justices in any commissions of Oyer and Terminer and General Gaol Delivery that may be issued, or that any associate Justices should be nominated or should attend or be present at any Court of Oyer and Terminer and General Gaol Delivery to be holden after the day in this section mentioned ; and all such Courts shall in like manner be held in the County or Union of Counties within which the City of Toronto is situate, three times in each year, to commence on the Thursday next after the holding the Municipal Elections in January, on the second Monday in April, and on the second Monday in October in each year : Provided that nothing herein contained shall restrict the Governor of this Province from issuing special commissions for the trial of any offenders when he shall deem it expedient to issue any such commissions.

XXXI. The provisions of the Common Law Procedure Act, 1856, and all rules of Court made under or by virtue thereof shall, so far as the same are or may be made applicable, extend and apply to all proceedings to be had or taken under this Act, and the powers conferred on the Judges by that Act shall be and are hereby extended to the making from time to time all rules, and new forms of proceedings necessary for giving effect to this Act.

XXXII. The fourth, fifth, sixth, seventh, eighth, ninth and thirty-first sections of this Act shall extend and apply to and be in force in the several County Courts in Upper Canada, and actions and proceedings therein respectively, as shall also the rules and forms already made or to be made, as mentioned in the said twentieth section, subject to the modifications expressed in the second section of the County Courts Procedure Act, 1856.

XXXIII. In citing this Act in any instrument, document or proceeding, it shall be sufficient to use the expression, "The Common Law Procedure Act, 1857."

Schedule referred to in the foregoing Act.

No. 1.

VICTORIA, by the Grace of God, &c.
To C. D. of _____, in the County of _____

(PROCESS SEAL.)

We warn you that unless within sixteen days after the service of this Writ on you, inclusive of the day of such service, you obtain leave from one of the Judges of our Court of Queen's Bench, or of Common Pleas (*or as the case may be*), at _____ to appear, and do within that time appear in our Court of _____ in _____

in an action at the suit of A. B., the said A. B. may proceed to judgment and execution.

Witness, &c.

Memorandum to be subscribed on the Writ.

N. B.—This Writ is to be served within six calendar months from the date hereof, or if renewed, from the date of such renewal, including the day of such date, and not afterwards.

Indorsement to be made on the Writ before service thereof.

This Writ was issued by E. F., of _____, Attorney for the Plaintiff, or this Writ was issued in person by A. B., who resides at (*mention the City, Town incorporated, or other Village or Township within which such Plaintiff resides*).

Indorsement.

The Plaintiff claims £ _____, principal and interest, (or £ _____ balance of principal and interest) due to him as the payee (or "endorsee," &c.) of a Bill of Exchange, (or "Promissory Note,") of which the following is a copy (*here copy Bill of Exchange or Promissory Note, and all endorsements upon it*), and also _____ shillings for noting (or "protesting," as the case may be,) and £ _____ for damages (*if damages be recoverable on the Bill under 12 Vict. chap. 76,*) and £ _____ for costs, and if the amount thereof be paid to the Plaintiff, or his Attorney, within eight days from the service hereof, further proceedings will be stayed.

Notice.

Take notice, that if the Defendant do not obtain leave from one of the Judges of the Queen's Bench or Common Pleas, within sixteen days after having been served with this writ, inclusive of the day of such service, to appear thereto, and do within such time, cause an appearance to be entered for him in the Court out of which this Writ issues, the Plaintiff will be at liberty at any time after the expiration of such sixteen days to sign final judgment, for any sum not exceeding the sums above claimed, and the sum of £ _____ for costs, and issue execution for the same.

Leave to appear may be obtained, on an application at the Judge's Chambers, Osgoode Hall, Toronto, supported by affidavit, shewing that there is a defence to the action on the merits, or that it is reasonable that the Defendant should be allowed to appear in the action.

Indorsement to be made on the Writ after service thereof.

This Writ was served by X. Y. on C. D., (the Defendant or one of the Defendants,) on day, the day of ,
18 .

(Signed,) X. Y.

No. 2.

In the (Q. B., or C. P.)

On the day of , in the year of our
Lord, 18 .

Upper Canada, } A. B., in his own person (or by his
to wit : } Attorney) sued out a Writ against C. D., in-
dorsed as follows :

(Here copy Indorsement of Plaintiff's claim.)

And the said C. D., has not appeared, therefore it is considered that the said A. B. recover against the said C. D., £
together with £ for costs of suit.

C A P . L V I I I .

An Act to alter and amend the Law in relation to the
Upper Canada County Courts.

[Assented to 10th June, 1857.]

Preamble.

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

With respect to the proceedings for the revival of Judgments :

Sect. 202 of
19, 20 V. c. 43
not to extend
to County
Courts.

Other provi-
sion made.

I. The two hundred and second section of the Common Law Procedure Act of 1856, shall not extend to the County Courts in Upper Canada ; and during the lives of the parties to a Judgment, or those of them during whose lives execution may at present issue within a year and a day without *scire facias* and within six years from the recovery of the Judgment, execution may issue without renewal thereof.

And with respect to equitable defences, Be it enacted as follows :

Sect. 287 of
19, 20 V. c. 43,
not to extend
to County
Courts.

II. The two hundred and eighty-seventh section of the Common Law Procedure Act, 1856, and the words placed between that and the next preceding section shall not apply or extend to the County Courts in Upper Canada ; and after this Act shall

come

come into force, it shall be lawful for the Defendant or the Plaintiff in replevin in any cause in any of the said County Courts, in which if Judgment were obtained he would be entitled to relief against such Judgment on equitable grounds to plead the facts which entitle him to such relief by way of defence, and the said Courts are hereby empowered to receive such defence by way of plea, provided that such plea shall begin with the words "for defence on equitable grounds," or words to the like effect.

Other provision made.

Equitable grounds of relief may be pleaded.

And with reference to Arbitration ordered at the trial, Be it enacted as follows :

III. That the Judge of every County Court at the sittings of the said Court for the trial of issues in fact, directing any reference under the enactments contained in the one hundred and fifty-sixth section of the Common Law Procedure Act, 1856, may direct such reference, if he shall see fit to do so in like manner as he has power to do under the enactments contained in the tenth and eleventh sections of the County Courts Procedure Act, 1856, and every Arbitrator so appointed at such sittings, shall be subject to the provisions of the said sections, and shall have the power expressed in the twelfth section of the last mentioned Act, and be subject to the same regulations as are mentioned and provided in regard to Arbitrators in and by the thirteenth section of the said Act.

Appointment of Arbitrators, under s. 156 of 19, 20 V. c. 43, and their powers and duties.

Sections 10, 11, 12, 13 of 19, 20 V. c. 90, to apply.

And as to proceedings against garnishees, Be it enacted as follows :

IV. When the amount claimed as due from any garnishee shall be within the Jurisdiction of any Division Court, the order to be made in actions in the said County Courts under the enactments contained in the one hundred and ninety-fourth section of the Common Law Procedure Act, 1856, (applied to County Courts) shall be for the garnishee to appear before the Cler. of the Division Court within whose Division the garnishee resides, at his office, at some day to be appointed in the said order by the Judge of the County Court ; and the said order shall be served on such garnishee, and if the garnishee do not forthwith pay the amount due by him or an amount equal to the judgment debt, and do not dispute the debt due or claimed to be due from him to the judgment debtor, or if he do not appear before the Division Court Clerk named in the order at his office at the day appointed by such Judge, then such Judge may, on proof of the service of the order having been made four days previous, make an order directing execution to issue out of the Division Court of the Division in which such garnishee resides, according to the amount due, and which order shall be sufficient authority for the Clerk of the said Division Court to issue execution without any previous summons or process, to levy the amount due from such garnishee, and the bailiff to whom

What order shall be made when the amount claimed from garnishee is within the jurisdiction of the Division Courts : and proceedings thereon.

If the garnishee dispute his liability.

Payment by garnishee to discharge him.

whom such writ of execution shall be directed shall be thereby authorized to levy and shall levy the amount mentioned in the said execution towards satisfaction of the judgment debt together with the costs of the proceeding to be taxed, and his own lawful fees ; but if the garnishee dispute his liability, such Judge may order that the judgment creditor in the said County Court shall be at liberty to proceed against the garnishee, according to the practice of the said Division Courts, for the alleged debt or for the amount due to the judgment debtor if less than the judgment debt, and for costs of suit ; and payment by or execution levied upon the garnishee in any such case, shall be a valid discharge to him as against the judgment debtor to the amount paid or levied, although the proceeding may be set aside or the judgment reversed.

And with respect to Commissions for the examination of witnesses, Be it enacted as follows :

In what cases a Commission may issue for the examination of witnesses.

V. When the plaintiff or defendant in any action now pending or hereafter to be brought in any of the said County Courts, shall be desirous of procuring the testimony of any aged or infirm person resident within Upper Canada, or any person who is about to withdraw himself or herself out of the same, or who is residing without the limits of Upper Canada, it shall and may be lawful to and for any of Her Majesty's County Courts or for any Judge thereof, in vacation, upon hearing the parties upon the motion of such plaintiff or defendant, to issue one or more Commissions under the seal of any such County Court to one or more Commissioners to take the examination of such person, due notice being given to the adverse party to the end that he may cause such witnesses to be cross-examined.

Provision in case the witness be not in Upper Canada.

Proviso: examinations not to be used in certain cases.

VI. In case of witnesses residing without the limits of Upper Canada, such Commission or Commissions, with the examination of the witness or witnesses taken pursuant thereto returned to such County Court, with an affidavit of the due taking thereof thereto annexed sworn before and certified by the Mayor or Chief Magistrate of the City or place where the same shall or may be taken, close under the hand and seal or hands and seals of one or more such Commissioners, shall be taken *prima facie* to have been duly executed and returned and shall be received as evidence in the said cause: Provided always, that such examination or examinations shall not be read or given in evidence in the said cause in case the deponent or deponents respectively shall be living within Upper Canada, and of sound mind, memory and understanding at the time such examination or examinations shall be offered to be given in evidence, and provided it is made to appear to the Court before which such examination or examinations is or are put in, that the same has or have not been duly taken.

VII. The several County Courts in Upper Canada may issue writs of *subpœna ad testificandum* to enforce and secure the attendance of witnesses resident within Upper Canada, and also writs of *subpœna duces tecum* to enforce the attendance of witnesses and the production of deeds and papers, and may proceed against persons who having been duly served with a subpœna shall disregard or disobey the same, with the same powers, in like manner, and by the same mode of proceeding, as belongs to and as is practised in the Superior Courts of Common Law at Toronto; Provided always that every witness shall be entitled to the same allowance as if attending under subpœna from either of the said Superior Courts.

Power of County Courts to summon and enforce attendance of witnesses, and the production of papers, &c.

Proviso.

VIII. It shall be lawful for the Judges of the Superior Courts of Common Law at Toronto, or any three of them (of whom one of the Chief Justices shall be one,) and they are hereby required to frame a table of costs for the several County Courts in Upper Canada, and from time to time to ascertain, determine, declare and adjudge all and singular the fees which shall and may be allowed to be taken by Counsel and Attorney, Sheriffs Coroners and Officers of the said Courts respectively in respect of any business to be hereafter done or transacted in the said County Courts, as well in all matters, causes and proceedings depending in the said Courts as before the Judges thereof, in all actions and proceedings within the jurisdiction of such County Courts or of the Judges thereof; and the costs and fees authorized by such table or by any amended table from time to time made, and no other or greater, shall be taken or received by any Counsel or Attorney, Sheriffs, Coroners and Officers of the said Courts, for any business by them respectively done in the said County Courts or before the Judges thereof; and the said Judges so framing or altering such table of costs may, if they shall think fit, associate with them in framing or altering such table any one of the County Court Judges already appointed or who may hereafter be appointed under and in pursuance of the power and provision contained and set forth in the tenth section of the Upper Canada Division Courts Extension Act of 1853.

Judges of Superior Courts to make a tariff of fees for the County Courts

Judges may associate County Court Judge with them in framing the said tariff.

IX. The Judges of the Superior Courts of Common Law at Toronto, or any three of them (of whom one of the Chief Justices shall be one) shall have power to extend and apply to the several County Courts in Upper Canada, all or any of the rules and orders made or to be made under any Statute now in force in Upper Canada, with and under any modifications they may deem necessary, and shall also have power to make such rules and orders for and specially applicable to the said County Courts as may appear to them expedient for carrying into beneficial effect the laws applicable to the said County Courts; and all rules and orders of the said Superior Courts that may hereafter be made, shall (unless the contrary be expressed therein) be in force in and apply and extend to the several County

Judges may extend Superior Court rules to County Courts, with modification.

Superior Court rules hereafter

made to apply to County Courts unless otherwise provided.

County Court Judges to hold office during good behaviour.

Proviso: for removal for inability or misbehaviour.

Court for trying impeachment of County Judges.

Governor may refer cases of complaint against County Judges to the said Court for trial.

What points the Court shall decide.

Judgment to be certified to the Governor in Council.

Power of the Court to award costs.

County Courts in Upper Canada, and actions and proceedings therein respectively, subject to the modifications expressed in the second section of the "County Courts Procedure Act, 1856."

X. The Judges of the several County Courts in Upper Canada now holding office, as well as the Judges to be hereafter appointed, shall hold their offices during their good behaviour; Provided always that it shall be lawful for the Governor to remove any such Judge for inability or misbehaviour when such inability or misbehaviour shall have been established to the satisfaction of the Court by the next section constituted.

XI. There is hereby constituted and established a Court which shall possess all the incidents, powers and privileges of a Superior Court of Record, and be called the Court of Impeachment, and such Court shall be composed of the Chief Justice of Upper Canada, the Chancellor of Upper Canada, and the Chief Justice of the Court of Common Pleas, and shall hold its sittings at the City of Toronto as occasion may require; and the said Court may make such rules and orders as shall from time to time be deemed necessary

XII. In case any complaint for inability or misbehaviour in office shall be preferred against any County Judge, if the Governor shall find the same to be so sufficiently sustained and of such moment as to demand judicial investigation by the said Court of Impeachment, he shall direct such complaint and all papers and documents therewith connected, to be transmitted to the Chief Justice of Upper Canada as President of the said Court; and thereupon the said Court shall appoint a day for the meeting of the said Court, and at such sittings or at any adjournment thereof the Judges of the said Court shall proceed to the trial of the charges laid and set forth in the said complaint, and to the hearing of the parties complainant and accused, or their counsel, witnesses and proofs respectively, and shall adjudicate upon such complaint and charges, and, if such complaint be for inability, shall determine if such inability has been proved, and if it has, shall state in the judgment of the Court the nature of the inability established, and if the same be, in the opinion of the Court, of such a character as to render it expedient to remove such judge, and if such complaint shall be for misbehaviour in office, shall determine whether such Judge be guilty or not guilty of such misbehaviour, and if not guilty, still, has the conduct of such Judge been censurable or unbecoming; and the judgment of the said Court shall be certified to the Governor in Council, and shall be final and conclusive to all intents and purposes whatsoever.

And the said Court shall have power to award reasonable costs to be paid by one party to the other, according to the nature of the adjudication, viz: If the complaint be adjudged to be false or vexatious, the accused shall be entitled to his costs

costs of defence, if the conduct of the Judge complained against (whether he be found guilty or not guilty) be adjudged to be censurable and unbecoming, the complainant shall be entitled to his costs of prosecution.

XIII. In case of the illness or unavoidable absence of any one of the said Judges of the said Court, the Senior Puisne Judge of the Superior Courts of Common Law, at Toronto, may act instead of such Judge so ill or absent, and with the like powers as aforesaid.

In such Court Senior Puisne Judge may sit in absence of Chief Justice.

XIV. In and for each of the several Counties in Upper Canada, where there shall be only one Judge in discharge of the functions of Judge in the County Court, and it shall not be deemed necessary to appoint a second or junior Judge for such County, it shall be lawful for the Governor of this Province, from time to time, to appoint during pleasure some Barrister at Law of at least three years' standing at the Bar of Upper Canada, as Deputy Judge to execute and perform the duties of Judge of the County Court in and for the County to which he is appointed at any time or times during such appointment when it may be necessary so to do by reason of the illness, unavoidable absence, or absence on leave of such Judge (or upon his demise until his successor shall be appointed,) and such Deputy Judge during such illness or absence (or vacancy by death) as aforesaid, shall and may perform and discharge all the ordinary duties and functions of the Judge so ill, absent or deceased as aforesaid, and all other acts and duties incident to the office of County Judge, as fully and effectually as the Judge of the County Court in whose place he may act might or could do; and such Deputy Judge shall have all the powers of the Judge so ill or absent as aforesaid; and such Junior Judge and Deputy Judge need not be Justices of the Peace to entitle them respectively to preside as Chairman at the General Quarter Sessions of the Peace during the illness or absence of the Senior Judge of the County Court as aforesaid, and in case the Judge of the County Court so ill or absent as aforesaid, shall also be the Judge of the Surrogate Court for the County, such Deputy Judge shall likewise during such illness or absence as aforesaid, have all the powers and privileges and perform all the duties of such Judge, as Judge of the Surrogate Court.

In Counties where there is no Junior County Judge, a Barrister may be appointed to act for the Judge in certain cases.

His powers as Deputy Judge.

To be Judge of Surrogate Court.

XV. And every Deputy Judge so to be appointed as aforesaid, before he shall act as such, shall take an oath before some one authorized to administer the same, to the effect that he will as occasion may require, truly and faithfully according to his skill and knowledge, execute the several duties, power and trusts of the office without fear or favor; but no such Deputy Judge shall be held to be disabled from practising or carrying on the profession of the Law, whilst holding such appointment as Deputy Judge.

Deputy Judge to be sworn.

Not to be debarred from practising.

And whereas it is expedient to alter the periods of holding the several Courts of Quarter Sessions of the Peace and County Courts in and for the several Counties and Unions of Counties in Upper Canada, Be it enacted :

Act 7 V. c. 32
repealed from
1st August,
1857.

Times for
holding Quar-
ter Sessions
thereafter.

Appointment
of High Con-
stables.

XVI. The Act passed in the seventh year of the reign of Her Majesty, intituled, *An Act to fix the period for holding the Courts of General Quarter Sessions of the Peace and District Courts in that part of the Province formerly Upper Canada*, is hereby repealed from and after the First day of August next after the passing of this Act ; and from and after that day the Courts of General Quarter Sessions of the Peace in and for the several Counties and Unions of Counties in Upper Canada, and the sittings of the said County Courts for the trial of issues in fact, shall be and are hereby directed to be held on the second Tuesday in the months of March, June, September and December in each year, respectively, any law or usage to the contrary thereof in any wise notwithstanding ; and it shall be lawful for the said Courts at their sittings in the month of March in each year to nominate and appoint a High Constable and a sufficient number of persons to serve the office of constable for their several Counties.

Sect. 3 of 9 V.
c. 7, repealed
from 1st Au-
gust, 1857.

Terms of
County Courts
thereafter.

XVII. From and after the First day of August next, the third section of the Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to amend an Act passed during the last Session of this Parliament, intituled, An Act to amend, consolidate and reduce into one Act the several Laws now in force establishing or regulating the practice of District Courts in the several Districts in that part of this Province formerly Upper Canada*, is hereby repealed, and after the said first day of August next, the several County Courts in Upper Canada, shall respectively hold Four Terms in each year, which shall severally commence on the First Monday in January, April, July and October in each year, and shall end on the Saturday of the same week.

County Judges
may sit out of
Term for giv-
ing judgment,
&c., in cases
which have
been moved
and argued.

XVIII. It shall be lawful for each of the Judges of the several County Courts during each Term, to appoint one or more days within a fortnight next ensuing the last day of such Term, on which he will give Judgment ; and the said Judges respectively, on the days appointed, may sit as of Term, for the purpose only of giving Judgment and of making rules and orders in matters which have been moved and argued in such Courts ; and all Judgments, Rules and Orders which shall be pronounced and made on such days in pursuance of the authority hereby given, shall have the same effect to all intents and purposes as if they had been pronounced or made in term time.

Certain sec-
tions of 8 V.
c. 13, repeal-

XIX. From the time when this Act shall commence and take effect, the ninth, thirty-third, thirty-fourth, forty-fourth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth and fifty-sixth sections

sections of an Act of the Parliament of this Province passed in the eighth year of Her Majesty's Reign, intituled, *An Act to amend, consolidate and reduce into one Act the several laws now in force establishing or regulating the practice of District Courts in the several Districts in that part of this Province formerly Upper Canada*, also so much of the Schedule of fees annexed to the said Act as applies to "fees to the Attorney," and the whole of an Act of the Parliament of this Province passed in the ninth year of Her Majesty's Reign, chaptered 36 and intituled, *An Act to amend an Act passed in the last session of this Parliament, intituled, An Act to amend, consolidate and reduce into one Act the several laws now in force establishing or regulating the practice of District Courts in the several Districts of that part of this Province formerly Upper Canada*, together with all other Acts or parts of Acts of the Parliament of Upper Canada or of this Province, at variance or inconsistent with the provisions of this Act, shall be and the same are hereby repealed, except so far as the said Acts or any of them, or any thing therein contained, repeal any former Act or Acts or any part thereof, all which last mentioned Act or Acts shall remain and continue so repealed, and excepting also so far as the said Acts or parts of Acts hereby repealed, and the provisions thereof or of any of them, shall and may be necessary for supporting, continuing and upholding any writs that shall have been issued or proceedings that shall have been had or taken before the commencement of this Act, and any further proceedings taken or to be taken thereon.

ed when this Act shall take effect.

Also the whole of the 9 V. c. 36.

Also all other Acts inconsistent with this Act.

Exception.

XX. The provisions of this Act shall come into operation on the first day of July in the year of Our Lord one thousand eight hundred and fifty-seven, except the provisions contained in the eighth and ninth sections which shall come into operation on the passing of this Act.

Commencement of this Act.

XXI. In citing this Act in any instrument, document or proceeding, it shall be sufficient to use the expression "the County Courts Amendment Act 1857."

Short Title of this Act.

C A P . L I X .

An Act for the Appointment of County Attorneys, and for other purposes, in relation to the Local Administration of Justice in Upper Canada.

[Assented to 10th June, 1857.]

WHEREAS it is expedient that Local Crown Attorneys should be appointed in Upper Canada, and that other provisions should be made as hereinafter contained : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

reamble.

I.

County Attorney for every County.

I. In every County in Upper Canada, there shall be a County Attorney for such County, to aid in the Local Administration of Justice, and to perform the several duties by this Act assigned to County Attorneys.

Who only may be appointed.

II. No person shall be appointed as a County Attorney, or shall act in that capacity, who shall not be a Barrister at Law of not less than three years' standing at the Upper Canada Bar, and be a resident in the County for which he shall be appointed; provided that any person now holding the Office of Clerk of the Peace, who is a Barrister at Law, may be appointed to the Office of County Attorney for the County of which he shall be Clerk of the Peace.

Clerks of the Peace otherwise qualified may be.

Governor to appoint, remove, &c.

III. It shall be lawful for the Governor to appoint a County Attorney for each and every County in Upper Canada, who shall hold office during pleasure, and upon the death, resignation or removal of any County Attorney, to supply the vacancy.

Neither County Attorney nor his partner to defend persons charged with criminal offences.

IV. No County Attorney shall, by himself or partner in business, act or be directly or indirectly concerned as Counsel or Attorney for any prisoner or party, in respect to any charge against such prisoner or party of treason, felony or other offence punishable under the criminal Law of this Province.

Duties of County Attorney:

V. It shall be the duty of every such County Attorney:

To receiving and examine informations, &c :

First—To receive all informations, examinations, depositions, recognizances, inquisitions and papers connected with criminal charges which shall be transmitted to him by Magistrates and Coroners of the County,—to examine the same and to cause such charges to be further investigated where necessary, and additional evidence collected if required,—and also to sue out process when necessary to compel the attendance of witnesses and the production of papers, so that prosecutions at the Assizes and Quarter Sessions may not be unnecessarily delayed or fail through want of existing proof that might be secured;

To secure attendance of witness;

To institute and conduct prosecutions at Quarter Sessions;

Secondly—To institute and conduct on the part of the Crown, prosecutions for felonies and misdemeanors at the Court of Quarter Sessions for the County he is appointed to, in the same manner as the Law Officers of Crown institute and conduct similar prosecutions at the Courts of Assize, and with like rights and privileges, except as to the right of entering a *nolle prosequi*, and generally to attend to all criminal business at such Court of Quarter Sessions,—to perform also the like duties in the Recorder's Court in those Cities wherein such Courts are or shall be erected;

And Recorder's Courts;

To watch over certain cases brought by

Thirdly—To watch over the conduct of cases at the Court of Quarter Sessions, wherein it is questionable if the conduct complained of be punishable by law, or where the particular act or omission

omission presents more of the features of a private injury than a public offence ; and without unnecessarily interfering with private individuals, who wish in such cases to prosecute, to assume wholly the conduct of the case where justice towards the accused seems to demand his interposition ;

private prosecutors ;

Fourthly—To deliver to the Crown Officer all papers connected with the criminal business at the Court of Assize, on or before the opening of the Court ; to be present at such Court, and if required, to assist the Crown Officer in attendance with the Criminal business of the Court, and in the absence of the Law Officers of the Crown and of Counsel appointed by the Attorney General, the County Attorney to represent the Crown himself, and take the charge and conduct of the criminal business to be done at such Court of Assize for his County ;

To deliver papers connected with criminal business at Assizes to Crown Officer ;

Fifthly—To institute and conduct proceedings before Justices of the Peace (under the Statutes conferring summary powers to convict) for offences in relation to the Public Revenue, the Public Property, the Public Domain, the Public Peace, and the Public Health, and in relation to any other matter or thing made punishable on summary conviction before Justices of the Peace, provided he shall be required so to do by the general regulations touching his office to be made in pursuance of the provisions hereinafter contained ; and the County Attorney is hereby empowered to institute such proceedings, on a complaint in writing, or as Public Prosecutor in cases wherein the public interests require the exercise of such office ;

To institute and conduct summary proceedings before Magistrates where the Public Revenue, &c., is concerned ;

Sixthly—To advise and instruct Magistrates in respect to criminal offences brought before them for preliminary investigation or for adjudication, upon being requested by any such Magistrates so to do, such request to be in writing and to contain a statement of the particular case ;

To advise Magistrates at their request ;

Seventhly—To perform all such duties and services as the Governor shall by regulations in Council from time to time prescribe and direct for carrying out the provisions of this Act or any Act to be hereafter passed imposing duties upon County Attorneys, and also touching the office of County Attorney and the prosecution of offenders against the criminal laws of this Province ;

To perform duties to be assigned by Regulations in Council ;

Eighthly—To perform all the duties which are now performed by the County Treasurer in each County as “ Receiver of Fees,” and in relation to the collections, receipts and disbursements for and in respect to the County Court, Court of Insolvent Debtors and Division Courts, in his County ;

To act as Receiver of Fees for County ;

Ninthly—To perform all such other duties and services as may be required of or imposed upon County Attorneys by any Act to be passed in this Session of Parliament or hereafter to be passed.

To perform duties to be assigned to him by any Act.

County Attorney to take oath of office. VI. Every County Attorney, before he shall be qualified to act as such, shall take before some County Judge the following oath, that is to say :

The Oath. “ I do swear that I will truly and faithfully, according to the best of my skill and ability, execute the several duties, powers and trusts of County Attorney for the County of _____ without favor or affection to any party. So, help me God.”

Fees in cases conducted by him at trial, where costs are paid by Defendant. VII. In every case of misdemeanor tried at the Court of Quarter Sessions, in which costs are or may be ordered to be paid by a Defendant, the County Attorney shall be entitled to fees as Attorney and Counsel for services rendered in such case, to be taxed by the Court according to the scale of allowance in the County Courts as nearly as the nature of such services will allow ; such fees in case of conviction to form part of the costs payable by a Defendant. And in all cases of felony tried as

And in cases of felony or misdemeanor when costs are not paid by Defendant. aforesaid and in all cases of misdemeanor in which no costs have been ordered to be paid, or, if ordered to be paid, cannot be made of the Defendant, the County Attorney shall be entitled to receive for the services rendered by him in each case the sum of Twenty-five shillings, to be paid upon certificate of the Chairman of the Court of Quarter Sessions, and to form a portion of the expenses of the administration of Criminal Justice in Upper Canada ; and he shall on or before the tenth day of February in each year, render an account to the Inspector General, under oath, of all emoluments received by him under this Act for the then preceding year.

Account to be rendered by him. VIII. It shall and may be lawful for the Governor in Council to make such general regulations as to him shall seem expedient, for carrying out the provisions of this Act or any Act to be hereafter passed imposing duties upon County Attorneys, and also touching the office of County Attorney, and for the prosecution of offenders against the criminal laws of this Province, and from time to time to alter such regulations.

Governor in Council to make regulations as to duties of County Attorneys, &c. IX. From and after the passing of this Act, no person shall be appointed a Clerk of the Peace for any County in Upper Canada, who is not a Barrister at law of not less than three years' standing at the Upper Canada Bar ; and such Clerk of the Peace shall be ex-officio County Attorney for the County of which he is Clerk of the Peace.

Clerks of the Peace hereafter appointed must be Barristers ; And shall be County Attorneys. X. In case of the illness or unavoidable absence of the County Attorney, it shall be lawful for the Senior County Judge of the County Court of the County, to appoint some Barrister at law to act for such County Attorney during such illness or absence, and notice of such appointment and the cause thereof shall be sent by such County Attorney to the Governor, who may at any time annul such appointment.

Case of unavoidable absence or illness of County Attorney provided for. XI.

XI. In every case where parties are committed for trial, or bailed to answer to any criminal charge, it shall be the duty of Justices of the Peace so committing or bailing, to deliver or cause to be delivered without delay to the County Attorney for the County, the informations, depositions, examinations, recognizances and papers connected with such charges; and the County Attorney shall be deemed the "proper officer" of the Courts within the meaning of the twelfth Section of the Act passed in the sixteenth year of Her Majesty's Reign, and intitled, *An Act to facilitate the performance of the duties of Justices of the Peace, out of sessions, in Upper Canada, with respect to persons charged with indictable offences*; and in every case of inquisition found before Coroners, such inquisition and every recognizance taken before them, with the written information (if any), and the depositions and statements (if any) of the accused, shall be forthwith delivered to the County Attorney of the County in which such inquisition shall be found; and in every case whatsoever in which any information may be laid or complaint made before any Justice of the Peace, whether proceedings have been taken therein or not, such Justice shall hand over to the County Attorney all papers connected therewith, on being required so to do by such County Attorney.

Justices committing or bailing on criminal charges, to deliver informations, depositions, &c., to County Attorney, who shall be the proper officer under 16 V. c. 179, s. 12.

Like provision in case of inquisition before Coroners.

And in other cases on requisition of County Attorney.

XII. The duties and powers of the several County Treasurers in each and every County in Upper Canada, with respect to the collection of fees, fines, penalties and moneys, under the several Acts now in force in relation to the County Courts, the Insolvent Debtors' Courts, and under the Upper Canada Division Courts Acts, shall henceforth cease, and the County Attorneys for the several Counties in Upper Canada shall respectively perform and have and exercise all the duties and powers and shall be subject to all the responsibilities, that the several County Treasurers can now perform and have and exercise and are now subject to as Receivers of Fees and Fee Fund Moneys in their respective Counties, and all the provisions of Law applicable to County Treasurers in respect to the matters aforesaid, shall extend and apply to County Attorneys.

County Attorneys substituted for County Treasurers as to the Collector of certain fees, fines, &c.

XIII. The several County Court Clerks and Division Courts Clerks in Upper Canada, shall respectively deliver to the County Attorney for their respective Counties, such accounts and returns, and at such time and times, as they are now bound by law to do to the Treasurer of their respective Counties, and shall, in like manner, account for and pay over to such County Attorney, all fees, fines and moneys receivable by them as such Clerks as aforesaid, under any Statute or Law of this Province.

Certain Officers to account to County Attorney, instead of accounting to County Treasurer.

XIV. It shall be the duty of the several Deputy Clerks of the Crown, in the several Counties in Upper Canada, to submit their accounts and books for examination to the County Attorney of their respective Counties, and it shall be the duty of every

Accounts of Deputy Clerks of the Crown, to submit their accounts to

every

County Attorneys: duty of the latter as to such accounts.

every such County Attorney to inspect and examine such accounts and compare them with the Books required to be kept by the Deputy Clerk of the Crown, and such County Attorney shall certify on each such account, that he believes it to be correct, or if he does not believe it to be correct, he shall state his objections thereto, and shall forthwith forward every such account to the Inspector General of this Province.

County Attorneys to be Receivers of Fee Fund Moneys from County and Division Court Clerks.

XV. The County Attorney of every County in Upper Canada shall be the Receiver of Fees and Fee Fund Moneys from the several County Court and Division Courts Clerks in his County, and every such Attorney shall be paid a percentage of four pounds on every hundred pounds of the gross produce of the Court Fees paid over to him by such Clerks, and a like percentage on all public moneys coming into his hands. And every County Attorney shall give such security, and for such sums, and with so many sureties, and in such manner and form, as the Governor of this Province may see reason to direct, for the due performance of his office and the due payment of all moneys received by him under the provisions of this Act or any other Act of the Parliament of this Province.

Percentage allowed.

They shall give security.

Certain warrants to issue to County Attorney instead of County Treasurers.

XVI. The Warrants which are now required by law to be issued in favor of County Treasurers to meet the disbursements required on account of the County and Division Courts, shall be issued henceforth in favor of the County Attorneys at the times and in the manner now required by law.

Existing Bonds of certain Officers not affected;

XVII. Nothing in this Act shall affect or be construed to affect the validity of any Bond, Covenant or Security given by Clerks, Bailiffs, Officers of Courts or County Treasurers, or the remedy given thereunder, but the same may be enforced in case of breach thereof in the same manner as if this Act had not been passed; provided that Bonds or Securities which at the time of this Act coming into force are enforceable in the name of the County Treasurer, may be enforced, sued on and prosecuted by and in the name of the County Attorney for the particular County.

But to be enforced by County Attorneys.

Short Title of Act.

XVIII. In citing, pleading, or otherwise referring to this Act, it shall, in all cases whatsoever, be sufficient to use the expression "The Upper Canada County Attorneys' Act," or words of similar import.

Interpretation clause.

XIX. In construing this Act, the following words shall have the several meanings hereby assigned to them, over and above their several ordinary meanings, unless there be something in the context repugnant to such construction: the word "County," shall include any two or more Counties united for judicial purposes; the words "Courts of Assize," shall include Courts of Oyer and Terminer and General Gaol Delivery; the word "Assizes," shall be understood to mean the Courts of Assize,
Nisi

Nisi Prius, Oyer and Terminer and General Gaol Delivery, and the Sittings of these Courts; and the rules of construction laid down by the Interpretation Act shall be applicable to this Act.

XX. This Act shall commence and take effect on the first day of January, 1858. Commencement of Act.

C A P . L X .

An Act to provide for the better administration of Justice in the unorganized tracts of Country within the limits of this Province.

[Assented to 10th June, 1857.]

WHEREAS it is desirable to provide for the better administration of Justice in the unorganized tracts of Country within the limits of this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

I. It shall be lawful for the Governor, by proclamation under the Great Seal of this Province, to declare that from and after a certain day to be named in such proclamation, certain parts of the unorganized tracts of Country bordering on and adjacent to Lakes Superior and Huron, including the Islands in those Lakes which belong to this Province, and also all other parts of Canada not included within the settle limits of any County or District shall form a temporary Judicial District or temporary Judicial Districts, and to define the limits of such temporary Judicial District or Districts and to name the same respectively; and such temporary Judicial District or temporary Judicial Districts shall thereupon be formed accordingly, and shall thereafter be known by the names so given to them respectively; and it shall be lawful for the Governor to divide each temporary Judicial District so declared and defined into two or more Divisions, and to define the limits and extent of every such Division, and to number such Divisions beginning at number one; and the Governor shall have power from time to time to alter the limits and extent of such temporary Judicial Districts and the Divisions thereof respectively. Governor may erect certain unorganized tracts into temporary Judicial Districts.

Divisions Districts.

II. A portion or portions of any County or District in Upper Canada not included in any Township may, for all purposes connected with the administration of Justice under this Act, be included within the limits of any such temporary Judicial District as aforesaid, and may again be separated therefrom by the Governor. Tracts not included in Townships may be annexed to such Districts.

III. It shall be lawful for the Governor from time to time to appoint in and for every temporary Judicial District so to be declared Stipendiary Magistrate

may be appointed in and for each such District.

declared and formed as aforesaid, a fit and proper person to be the Stipendiary Magistrate thereof, and to exercise therein the Magisterial, Judicial and other functions hereinafter expressed; and such Stipendiary Magistrate shall hold office during pleasure, and shall reside in such place within the temporary Judicial District for which he is appointed, as the Governor shall direct.

Salary of such Magistrate.

IV. Every such Stipendiary Magistrate shall be paid, out of the Consolidated Revenue Fund of this Province, the yearly sum of three hundred pounds, which shall be paid half yearly on the thirtieth day of December and the thirtieth day of June in each year, by equal portions, and may moreover have and take to his own use the fees authorized to be taken by Justices of the Peace or by their Clerks in Upper Canada, in cases of summary conviction.

Such Magistrate to be a Justice of the Peace: powers as such, &c.

V. Every such Stipendiary Magistrate so appointed as aforesaid, shall be *ex officio* a Justice of the Peace for the temporary Judicial District for which he shall be appointed, and shall have, exercise and enjoy all and every the powers, jurisdiction and authority, and discharge and perform all the duties which a Justice of the Peace in any County in Upper Canada now has, exercises and enjoys, and is now required to discharge and perform within any such County; and all the protections and provisions of law applicable to such Justices of the Peace shall extend and apply to such Stipendiary Magistrate acting within the limits of his temporary Judicial District; and such Stipendiary Magistrate may and shall act in the execution of the office of Justice of the Peace for such temporary Judicial District, although he may not have such qualification by estate in lands, tenements and hereditaments, as is required by the Act passed in the sixth year of Her Majesty's Reign, intituled, *An Act for the qualification of Justices of the Peace*; Provided that nothing in this Act shall be held to affect the right of the Crown to appoint Justices of the Peace for such temporary Judicial Districts, or for all or any part of the unorganized tracts of Country in this Province by commission as heretofore, or to prevent the name of any Stipendiary Magistrate being inserted in any such commission.

Act 6 V. c. 3, not to apply. Proviso.

Such Magistrate to appoint Constables: their powers, &c.

VI. It shall be lawful for every such Stipendiary Magistrate from time to time to appoint such a sufficient number of fit and proper persons as he may deem necessary to serve in the office of Constable in his temporary Judicial District, and at his pleasure to remove any such Constable; and such Constable may be selected from among the body of men known as the enrolled pensioners, and such persons so selected shall be bound to discharge the duties of Constables, and every Constable so appointed as aforesaid shall have and exercise and perform all the duties and powers, and shall be subject to all the responsibilities that Constables appointed by the Courts of Quarter Sessions

Sessions in Upper Canada now have and can perform and exercise and are now subject to ; and all the privileges, protections and provisions of law applicable to such Constables, shall extend and apply to Constables appointed by a Stipendiary Magistrate under this Act ; and the lawful fees and expenses of such last named Constables, other than the fees they may be entitled to receive from parties, shall be audited by the Stipendiary Magistrate, and paid out of the Consolidated Revenue Fund of this Province in such manner as the Governor of this Province may from time to time direct.

Audit and payment of Constables.

VII. If any Constable appointed under the authority of this Act shall be guilty of any disobedience of orders, neglect of duty, or of any misconduct as such Constable, and shall be convicted thereof before the Stipendiary Magistrate for the temporary Judicial District, or before any Justice of the Peace acting therein, he shall forfeit any sum not exceeding ten pounds, and in default of immediate payment thereof, shall suffer imprisonment for any time not exceeding three months ; Provided that nothing herein contained shall prevent any such person from being proceeded against by way of indictment for any offence committed by him as Constable, so as that no person be proceeded against both by Indictment and also under this Act for the same offence.

Punishment of Constables misbehaving.

Proviso.

VIII. The Governor may from time to time direct that one or more suitable erections shall be provided by the Commissioner of Public Works in each temporary Judicial District for the safe custody of prisoners charged with crime or convicted of any offence, and every erection so provided shall be deemed to be a Common Gaol, and the Common Gaol of such temporary Judicial District respectively ; Provided always that criminal offenders fully committed for trial, upon indictment to be preferred, shall as heretofore be committed to the Common Gaol of the proper County in this Province, to be dealt with according to law, and shall not be detained in the Common Gaol of any temporary Judicial District an unreasonable time, regard being had to the season of the year and the possibility of travelling at the time of his commitment as aforesaid ; and until such erections shall be provided it shall be lawful to commit offenders to any suitable place within the temporary Judicial District.

Temporary Gaols to be provided.

Proviso : against unnecessary detention therein.

IX. A keeper shall from time to time be appointed by the Stipendiary Magistrate to every Common Gaol in his temporary Judicial District, and such Gaol-keeper shall perform all such duties, and be under and subject to all the liabilities that the Gaoler of the Common Gaols in the several Counties in Upper Canada now perform and are subject to, and shall give such security for the due performance of the duties of his office as the Governor shall from time to time prescribe ; and every such Gaol-keeper shall be paid out of the Consolidated Revenue Fund of this Province such sums of money annually as the Governor may think reasonable for the services performed.

Keeper of the Gaol.

His remuneration.

Application of
fines and for-
feitures.

X. All moneys arising from penalties, forfeitures and fines imposed by any such Stipendiary Magistrate, or by any Justice of the Peace acting within his temporary Judicial District when paid and levied, shall (if not directed by law to be otherwise appropriated) from time to time be paid to such Stipendiary Magistrate who shall account for the same, and pay over or disburse the moneys arising therefrom at such times in such manner and to such person or persons as the Governor may from time to time direct.

Accounts
thereof.

Magistrate to
keep Minutes,
Accounts, &c.

XI. Every Stipendiary Magistrate appointed under this Act shall keep minutes of every proceeding had by and before him, and shall keep such accounts, make such returns and collect such information with respect to the temporary Judicial District for which he is appointed, and the state and condition thereof, as the Governor may from time to time prescribe and require.

Civil Court to
be held in each
Division.

XII. In order to the administration of Justice between party and party, Courts of Civil Jurisdiction shall be holden in every temporary Judicial District, and a Court shall be holden under this Act in every Division declared and appointed as a Division under the first section of this Act, at such periods as the Governor may from time to time order; And the Court to be held in each Division shall be known by the name and style of "The (first or other, as the case may be) Division Court for the temporary Judicial District of ."

Style of Court.

Magistrate to
hold such
court: powers.

XIII. The Stipendiary Magistrate for each temporary Judicial District shall preside over the several Division Courts therein, and shall be the sole Judge of all actions brought in the said Division Courts, and shall determine all questions as well of fact as of law in relation thereto in the summary manner authorized by this Act; Provided that if he shall think fit to have any fact or facts controverted in a cause tried by a Jury, a Jury of five persons present shall be returned instantly by the Clerk of the Court to try such fact or facts as seem doubtful to such Stipendiary Magistrate, and he may proceed to give judgment on the verdict of the Jury; And provided further that every such Stipendiary Magistrate before he shall be qualified to preside over the said Division Courts shall, in addition to his oath of office as a Justice of the Peace, take the following oath before some person authorized to administer the same, that is to say:

Proviso: Jury
Trial.

Proviso.

Oath of office
of Magistrate.

"I do swear that I will truly and faithfully execute the several powers, duties and trusts committed to me by the Temporary Judicial Districts Act, without fear, without favor and without malice. So help me God."

Clerk and
Bailiff of Di-
vision Courts.

XIV. For every Division Court holden under the authority of this Act there shall be a Clerk and one or more Bailiffs, and the

the Stipendiary Magistrate shall from time to time appoint and at his pleasure remove the Clerks and Bailiffs of the Courts bolden by him, and every Clerk shall have an office at such place within the Division for which he is appointed as the said Stipendiary Magistrate may direct; and in any case when the Stipendiary Magistrate shall remove any such Clerk or Bailiff and appoint another in his place, the said Stipendiary Magistrate shall and may direct that the books, papers and all documents relating to the business or matters of the Division Court, be delivered over to the newly appointed Clerk or Bailiff, and if any person or persons in whose custody such books, papers or documents may be, shall refuse to obey such order, it shall and may be lawful for Her Majesty's Court of Queen's Bench or Common Pleas in Upper Canada, or for any Judge thereof in vacation, upon proof of service of the said Stipendiary Magistrate upon such person or persons as shall have the custody or possession of such books, papers or documents, to make a rule or summons to show cause why such books, papers or documents should not be delivered in conformity with the order of the said Stipendiary Magistrate; and upon proper proof of the service of such rule or summons, or on hearing the parties, it shall and may be lawful for the said Court of Queen's Bench or the said Court of Common Pleas, or any Judge of the said Court, to order the issue of an attachment against such person or persons, and in default of the delivering up of the said books, papers or documents, to make such order for the imprisonment or such other punishment of the parties, respectively, as the justice of the case to the said Court or Judge shall seem to require; and any other person unlawfully holding or getting possession of such books, papers or documents, or any of them, shall be guilty of a misdemeanor.

Proceedings if Clerk or Bailiff be removed, to compel delivery of papers, &c., to his successor.

XV. Every Clerk and Bailiff appointed under the provisions of this Act shall give security by entering into a bond to Her Majesty in such sums, with so many sureties, and in such form as the Governor shall see fit to direct for the due accounting for all fines and moneys received by them respectively, by virtue of their respective offices, and also for the due and faithful performance of the duties of their several offices, and every such Clerk and Bailiff shall also give security for such sum and with so many sureties as the Stipendiary Magistrate for the temporary Judicial District shall see reason to direct, by entering into a covenant under their hand and seal joint and several, according to the form given in the Schedule marked A to this Act or in words to the same effect, which covenant shall be available to, and may be sued upon by any person suffering damages by the default, breach of duty or misconduct of any such Clerk or Bailiff, respectively, in any Court of competent Jurisdiction in Upper Canada; and such covenants shall not be accepted until the sureties therein mentioned shall have been approved of under the hand of such Stipendiary Magistrate, and declared sufficient for the sums for which they have respectively become bound;

Clerks and Bailiff to give security for good behaviour, &c.

Form.

Sureties to be subject to approval.

Proof of bond. bound ; and such covenants shall be executed in duplicate, one of such duplicate originals shall be filed in the office of the Inspector General of this Province, and the other with such Stipendiary Magistrate ; and a copy of every such covenant certified by the Inspector General, or by said Stipendiary Magistrate, shall be received in all Courts as sufficient evidence of the due execution and of the contents thereof without any proof whatever.

Sittings of the Court, how notified, &c.

XVI. The Stipendiary Magistrate shall fix and appoint the days and places within every Division when and at which every such Division Court shall be holden, and shall give due notice thereof, and whenever from illness of the Stipendiary Magistrate or from any casualty it may happen that he shall not arrive in time, or shall not be able to open any Court to be holden under this

Clerk may adjourn the Court in certain cases.

Act on the day appointed for that purpose, it shall and may be lawful for the Clerk or Deputy Clerk of such Court, after the hour of eight o'clock in the afternoon of such day, to adjourn by proclamation any Court which shall be appointed to be opened on that day, to an earlier hour on the following day not being Sunday or a legal holiday to be by him named, and so from day to day adjourning over any Sunday or holiday, until the Stipendiary Magistrate shall arrive to open the same, or until he shall receive other direction from such Stipendiary Magistrate.

Jurisdiction of the Court.

XVII. Every Division Court holden under the authority of this Act, shall have jurisdiction, power and authority to hold plea of all personal actions (save as hereinafter excepted) for or against any person, body corporate or otherwise, where the debt or damages claimed is not more than Twenty-five pounds,

Mode of proceeding.

and the Stipendiary Magistrate presiding over the same shall have power and authority to hear, and shall hear and determine such actions and matters in relation thereto in a summary way, and to make such orders, judgments and decrees as shall appear to him to be just and agreeable to equity and good conscience ;

Proviso : certain causes of action not cognizable.

Provided always that the said Division Courts shall not have cognizance of any action for any gambling debt, nor for any spirituous or malt liquors or other like liquors, or for any action whether brought by the payee or any other person on a note of hand, the consideration or any part of the consideration of which was for any such gambling debt or such liquors, nor of any action of ejectment or in which the title to any corporeal or incorporeal hereditaments, or to any toll custom or franchise shall be in question, or in which the validity of any devise, bequest or limitation under any will or settlement may be disputed, or of any action for malicious prosecution, or for libel or slander, or for criminal conversation or seduction or breach of promise of marriage ; Provided that nothing in this Act contained shall be construed to constitute the said Division Courts, Courts of Record.

Proviso : not to be Courts of Record,

XVIII. It shall not be lawful for any Plaintiff to divide any cause of action into two or more suits for the purpose of bringing the same within the jurisdiction of a Division Court holden under the authority of this Act, but any plaintiff, having a cause of action above the value of Twenty-five pounds, for which a suit might be brought under this Act, if the same were not above that sum, may abandon the excess in the first instance on the face of the claim sued on, and upon proving his case may recover to an amount not exceeding Twenty-five pounds, and the judgment of the Court upon such suit shall be in full discharge of all demands in respect of such cause of action, and the entry of judgment shall be made accordingly; Provided that no unsettled account to a greater amount than Fifty pounds shall be sued for in any of the said Courts.

Cause of action not to be divided in order to give jurisdiction: but excess may be abandoned.

Proviso.

XIX. It shall be lawful for any executor or administrator to sue and be sued in any Division Court holden under the authority of this Act in like manner as if he were a party in his own right, and judgment and execution shall be such as in the like cases would be given or issued in any Superior Court; and any one under the age of twenty-one years may prosecute any suit under this Act, for any sum of money not exceeding Twenty-five pounds, which may be due to him or her for wages or piece work or for work as a servant, in the same manner as if he were of full age.

Executor, &c. may sue and be sued.

Minors for wages.

XX. No privilege shall be allowed to any person to exempt him from the jurisdiction of the Division Courts created by this Act.

No privilege allowed.

XXI. When any plaintiff shall have any debt or demand recoverable under this Act, against two or more persons, partners in trade or otherwise, jointly answerable, but residing in different Divisions or one or more of whom cannot be found, it shall be sufficient if one or more of such persons be served with the process as hereinafter directed, and the judgment may be obtained, and execution issued against such person, notwithstanding others jointly liable may not have been served or sued, reserving always to the person against whom execution may issue, any right which he may have to demand contribution from any other person jointly liable with him.

Actions against persons jointly liable in different divisions, &c.

XXII. All suits cognizable in a Division Court under this Act may be entered and tried in the Court holden for the Division in which the cause of action arose, or the Court holden for the Division in which the defendant or where there shall be more than one defendant wherein one of the defendants shall dwell or carry on business at the time when action brought, and in actions against Clerks in the next adjoining Division within the temporary Judicial District; Provided always that with consent of both parties to a suit, the Stipendiary Magistrate shall have power to try such suits in any Division Court within the local limits of his jurisdiction.

In what division any suit shall commence.

Proviso.

Each Court
to have a Seal.

Punishment
for forging
Seal.

XXIII. For every Court holden under the authority of this Act there shall be made a seal of the Court, and all summonses and other process issuing out of the said Court shall be sealed or stamped with the seal of the Court; and every person who shall forge the seal or any process of the Court, or who shall serve or enforce any such forged process, knowing the same to be forged, or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons or other process of the said Court, knowing the same to be false, or who shall act or profess to act under any false color or pretence of the process of the said Court, shall be guilty of felony.

Clerks to issue
summonses,
&c., and in
what form.

Register to be
kept : also
accounts.

Effect thereof
in evidence.

Accounts to
be sworn.

Bailiffs' duties
and powers.

Powers to pre-
serve the
peace, &c.

XXIV. The Clerk of every Division Court holden under the authority of this Act, shall issue all summonses and furnish copies thereof, with the notices thereon, in the form given in the Schedule to this Act marked D, and particulars of the plaintiff's claim or demand and copy thereof, and of the defendant's set-off, which copy of demand, particulars or set-off are to be furnished to the Clerk by the plaintiff and defendant, respectively, and shall also issue all warrants, precepts and writs of execution, tax costs, subject to the revision of the Stipendiary Magistrate, and enter and register a note of all summonses, orders and judgments, executions and returns, and of proceedings of the Court in a Procedure Book to be kept by him, and keep an account of all fines payable into Court, and of all suitor's moneys paid into and out of Court, and enter an account of all such fines and moneys in a Cash-book to be kept by him for that purpose, and the Clerk shall sign his name on every page of the said books, respectively, and the same shall at all times be accessible to the Stipendiary Magistrate whose duty it shall be to inspect and examine the same at every sittings of the Court; and the entries for the said Procedure-book and Cash-book, respectively, or a copy thereof, signed and certified as a true copy by such Clerk, shall at all times be admitted in all Courts and places whatsoever as evidence of such entry or entries and of the proceedings referred to by such entry or entries without any further proof; and the said Books may be kept in the form given in the said Schedule, and the Clerk and bailiff of every such Division Court shall render to the said Stipendiary Magistrate such accounts and returns verified on oath as he shall from time to time require; and the bailiffs of the said Courts shall attend every sittings of the said Courts, and shall serve all summonses, and execute all orders, warrants, precepts and writs of the said Courts, and each of such bailiffs shall also exercise the power and authority of a constable and peace officer during the actual holding of the Division Court, of which he is a bailiff, with full power to prevent all breaches of the peace, riots or disturbances within the Court-room or building wherever the said Court is held, or in the public streets, squares or other places within hearing of said Court, and to arrest with or without any warrant all parties engaged therein or offending against the meaning of this clause, and to bring such offender before the nearest

nearest Justice of the Peace or any judicial officer having power to investigate the matter or adjudicate thereupon.

XXV. There shall be payable to the Clerks and bailiffs on every proceeding in the Division Courts holden in pursuance of this Act, such fees as are set down in the Schedule to this Act annexed marked B, and a table of such fees shall be hung up in some conspicuous place in the office of each Clerk, and the fees on every proceeding shall be paid in the first instance by the party on whose behalf such proceeding is to be had on, or before such proceeding, and if not so paid, the payment thereof may be enforced by order of the Stipendiary Magistrate, in the same way as any judgment of the Court can be recovered; and if any Clerk, bailiff or other officer employed in putting this Act or any of the powers thereof into execution, shall exact, take or accept any fee or reward whatsoever, other than and except such fees as aforesaid, for or on account of any thing done or to be done by virtue of this Act, or any account whatsoever relative to putting this Act into execution, every such person so offending, shall, upon proof thereof before the said Court, be for ever incapable of serving or being employed under this Act, in any office of profit or emolument, and shall be also liable to damages to the party aggrieved.

Fees to Clerks and bailiffs.

Penalty for exacting undue fees.

XXVI. The plaintiff in any suit brought in the said Division Courts shall enter a copy, and if necessary, copies of his demand or claim in writing, which shall be numbered according to the order in which it shall be entered, and thereupon a summons bearing the number of the demand or claim on the margin thereof, shall be issued, and it shall be in substance in the form to the Schedule to this Act annexed, marked D, and a copy of such summons to which shall be attached a copy of the plaintiff's account or of the particulars of his demand, as the case may be, and the notice in the said Schedule of such demand or account or claim, shall be served on the defendant ten days at least before the day on which the Division Court shall be holden at which the cause shall be tried; and the delivery of such copies of summons and account or demand to the defendant, or delivery thereof to his wife or servant or any grown person being an inmate of his dwelling-house or usual place of abode, trading or dealing, shall be deemed a good service of such summons, account or demand; Provided always that personal service of such summons on the debtor shall be necessary in all cases where the amount or damages sued for exceed the sum of forty shillings.

Mode of commencing suits.

Particulars of demand.

Service of process, how made.

Proviso: personal service in certain cases.

XXVII. Either of the parties to a suit may obtain from the Clerk of the Division Court wherein the same shall be brought, or from any Division Court Clerk within the temporary Judicial District, a summons in the form in Schedule marked D, requiring the attendance of a witness resident within the temporary Judicial District with or without a clause requiring the production of

Subpoenas for witnesses.

Service.

books, papers and writings in their possession or control; and in any such summons any number of names may be inserted, and service of any such summons by the bailiff of any Division Court or by any literate person shall be valid and effectual; and every person on whom any such summons shall have been served, either personally or at his or her usual place of abode, and to whom at the same time a tender of payment of his or her expenses shall have been made, on the scale of allowance given in the Schedule marked C, to this Act, and who shall refuse or neglect without sufficient cause to appear before the Court or before arbitrators appointed under this Act, or to produce any books, papers or writings required by such summons to be produced, and also every person in Court called upon to give evidence, who shall refuse to be sworn or affirmed (where affirmation is by law allowed) and give evidence, shall forfeit and pay such fine not exceeding five pounds as the Stipendiary Magistrate shall set on him, and shall moreover be liable to imprisonment by order of such Stipendiary Magistrate for any time not exceeding ten days; and such fine shall be levied and collected with costs in the same manner as upon a judgment of the Court, and the whole or any part of such fine, in the discretion of the Stipendiary Magistrate (after deducting the costs) shall be applicable towards indemnifying the party injured by such refusal or neglect, and the remainder thereof shall be paid over to the Stipendiary Magistrate, and accounted for by him as aforesaid.

Penalty for disobeying subpoena.**How to be levied and applied.****Clerk or bailiff may receive confessions of judgment.**

XXVIII. It shall and may be lawful for any Bailiff or Clerk of the said Courts to accept and take a confession or acknowledgment of debt in the form in Schedule marked D from the defendant in any suit hereafter to be brought in any Division Court who may be desirous of making the same, and such confession or acknowledgment shall be in writing and witnessed by the Bailiff or Clerk at the time of the taking thereof; and upon the production of such confession or acknowledgment to the Judge, and its being proved by the oath of the said Bailiff or Clerk, judgment may be entered thereon; and such oath or affidavit shall state that the party making it has not received and is not to receive any thing from the plaintiff or defendant, or any other person, for taking such acknowledgment, and that he has no interest in the demand sought to be recovered.

Set-off and statute of limitations pleadable.

XXIX. Any defendant may avail himself of the law of set-off, the statute of limitations, or any other relief or discharge under any statute or law of Upper Canada, and may set up the same by way of defence on the hearing or trial; and in case of set-off, if the defendant's demand exceed that of the plaintiff, the Stipendiary Magistrate may non-suit the plaintiff, or if the defendant's demand, after remitting any portion of it he may please, do not exceed twenty-five pounds, the Stipendiary Magistrate may give judgment for the defendant for the balance found to be in his favor: Provided always, that no statutory defence shall be admitted unless notice thereof in writing and a copy of such debt

Proviso.

debt or demand, by way of set-off in the form in Schedule marked D, shall have been delivered to the plaintiff or left at his usual place of abode if within the Division, or if living without the Division, to the Clerk of the said Court, at least six days before the trial or hearing: And provided also, that when any judgment shall be given in any case where a set-off is set up, the judgment of the Stipendiary Magistrate on such set-off shall be a full discharge, as well of the amount allowed to be set-off as the amount by which such claim of the defendant exceeded twenty-five pounds, and such judgment shall be so entered accordingly.

Proviso.

XXX. On the day named in the summons, the plaintiff shall appear in the Division Court in person, or by some person in his or her behalf, and thereupon the defendant shall be required by himself or herself or by some person on his or her behalf, to answer; and on answer being made in Court, the Stipendiary Magistrate shall proceed in a summary way to try the cause and give judgment without further pleading or formal joinder of issue; and if the defendant shall not appear as aforesaid, or sufficiently excuse his or her absence, or shall neglect to answer, the Judge, on proof of due service of the summons, may proceed to the hearing or trial of the cause on the part of the plaintiff only, and the order, verdict or judgment thereupon which shall be given, made or rendered after hearing the evidence to be adduced on the part of the plaintiff, shall be final and absolute, and as valid as if both parties had attended: Provided always that the Judge may make any order for granting any time to the plaintiff or defendant to proceed in the prosecution or defence of the suit; and in cases where the plaintiff shall not appear in person or by some one in his behalf, or appearing, shall not make proof of his demand to the satisfaction of the Stipendiary Magistrate, it shall be lawful for the Stipendiary Magistrate, if he shall think fit, to award the defendant such costs and such further sum of money, by way of satisfaction for his trouble and attendance, as he in his discretion may think proper, to be recovered as in other cases provided under this Act.

Appearance of parties and mode of trial.

Default of defendant.

Proviso: delay may be allowed by Court.

XXXI. On the hearing or trial of any action, or in any other proceeding in the said Division Courts holden under this Act, the parties thereto, and all other persons may be summoned as witnesses and examined either on behalf of the Plaintiff or Defendant, upon oath (or solemn affirmation, in those cases in which persons are allowed to make affirmation instead of taking an oath,) to be administered by the proper officer of the Court; Provided always that no party to a suit shall be summoned or examined except at the instance of the opposite party or the Stipendiary Magistrate.

Examination of witnesses, &c.

Proviso: as to examination of parties.

XXXII. In any suit for a debt or money demand not exceeding ten pounds brought in any Division Court under this Act, the Stipendiary Magistrate, in his discretion, may receive the affidavit

Affidavits may be received in certain cases.

affidavit

Proviso. affidavit of any party or witness in the said suit resident without the limits of the temporary Judicial District ; Provided that the said Stipendiary Magistrate before he shall be required to pronounce judgment may, in his discretion, require any such party or witness to answer on affidavit any interrogatories that may be filed in the cause ; and in such suits the Stipendiary Magistrate may also, in his discretion, upon proof of and being satisfied with the general correctness of the party's books, receive the books of both plaintiff and defendant in evidence, and may give judgment on such evidence for any sum not exceeding ten pounds.

Evidence limited to demand stated.

Court may adjourn the case for further evidence, &c.

XXXIII. No evidence shall be given by the plaintiff or defendant on the trial of any cause as aforesaid, or of any cause of action, claim or set-off, except such as shall be stated and contained in the demand, account, claim, or set-off entered as before directed ; but the Stipendiary Magistrate shall have power, if he thinks it conducive to the ends of justice so to do, to adjourn the hearing of any cause in order to permit either party to summon or produce further testimony, or to serve or give any notice which may be necessary to enable such party to enter more fully into his case or defence, or from any other cause which said Stipendiary Magistrate may deem reasonable upon such conditions as to the payment of costs and admission of evidence or other equitable terms as to him may seem meet.

Affidavits, how sworn.

XXXIV. All affidavits to be used in the said Division Courts or before the Stipendiary Magistrate, may be sworn before him or before any Clerks of the said Division Courts, any Commissioner for taking affidavits in either of the Superior Courts of Common Law at Toronto, or before any Justice of the Peace.

Judgments to be final; but Court may non-suit plaintiff, or allow new trial.

Proviso : as to new trials.

XXXV. Every order and judgment of any Division Court holden under this Act, except as herein provided, shall be final and conclusive between the parties, but the Stipendiary Magistrate shall have power to non-suit the plaintiff in any case in which satisfactory proof shall not be given to him entitling either the plaintiff or the defendant to the judgment of the Stipendiary Magistrate, and any plaintiff may elect to be non-suited and insist thereon ; and the Stipendiary Magistrate shall also in every case whatever have the power, if he shall think fit, to order a new trial to be had upon such terms as he shall think reasonable, and in the meantime to stay the proceedings ; Provided such new trial be applied for at furthest within fourteen days, and good ground be shown therefor by the party so applying, and the costs of any action or proceeding under this Act shall be paid by or apportioned between the parties in such manner as the Stipendiary Magistrate shall think fit, and if not so apportioned, the costs shall abide the event of the action or proceeding.

Decision to be pronounced in

XXXVI. Every decision of the Stipendiary Magistrate shall be openly pronounced in Court as soon as may be after the hearing

hearing thereof, save and except that in any case where the Stipendiary Magistrate is not prepared to pronounce a decision *instanter*, he may postpone judgment and name a subsequent day and hour for the delivery thereof at the Clerk's office in writing, and at such day and hour it shall be lawful for the Clerk to read the judgment to the parties or their agents if present, and if not, then to enter the said judgment in their absence, and such judgment shall be as effectual as if rendered in Court at the trial ; Provided that the issuing of execution shall not be postponed without the consent of the party entitled to the same for a longer period than fifty days after the day of trial or hearing.

open Court ;
but Court may
take time to
consider it.

Proviso : as to
execution.

XXXVII. Whenever any judgment shall be given or order made in the said Courts by the Stipendiary Magistrate for the payment of money, it shall be lawful for the party in whose favor such judgment shall be given or such order made or judgment given in case of default or failure in payment thereof, to sue out execution against the goods and chattels of the party against whom such order shall be made, and thereupon the Clerk of the Court, at the request of the party prosecuting such order or judgment, shall issue under the seal of the Court a Precept in the nature of a *fieri facias*, in the form in Schedule marked D, which shall be dated on the day it actually issues, and shall be returnable into the Court from which it issues within thirty days from the date thereof, which Precept shall be directed to the bailiff of the Court, who by virtue thereof, shall levy by distress and sale of the goods and chattels of the party within the temporary Judicial District, such sum of money and costs (together with interest thereon from the date of entry of judgment) as shall be so ordered and past due, and shall pay the same over to the Clerk forthwith ; and the bailiff to whom such execution is directed, may by virtue thereof seize and take any of the goods and chattels of such person (except wearing apparel and bedding of such person or his family, and the tools and implements of his trade to the value of five pounds, which shall to that extent be protected from seizure,) and also any money or bank-notes belonging to such person, against whom such execution shall have issued as aforesaid.

Execution of
judgments.

Precept to
Bailiff.

Seizure by
Bailiff.

Exemptions.

XXXVIII. The bailiff upon taking goods and chattels into his custody by virtue of a writ of execution, shall endorse thereon the date of seizure, and shall immediately give public notice by advertisement, signed by him, describing the goods and chattels taken, and stating the time and place within the Division when and where such goods will be exposed for sale, which notice shall be put up in three of the most suitable places within the Division, at least eight days before the time appointed for the sale ; and no bailiff or other officer of any of the said Division Courts shall directly or indirectly purchase any goods or chattels sold under execution, and every purchase made in contravention of this enactment shall be absolutely void.

Bailiff to give
notice of sale.

Bailiff not to
purchase.

Execution in case of cross-judgments.

XXXIX. If there be cross-judgments between the parties, execution shall be taken out by the party only who shall have obtained judgment for the larger sum, and for so much only as shall remain after deducting the smaller sum, and satisfaction for the remainder shall be entered as well as satisfaction on the judgment for the smaller sum ; and if both sums shall be equal, satisfaction shall be entered upon both judgments.

Proceedings in suits against absconding debtors.

XL. If any person in any temporary Judicial District being indebted in any sum not exceeding twenty-five pounds and not less than twenty shillings, for any debt or money demand arising upon any contract express or implied, or upon any judgment, shall abscond from this Province, leaving personal property liable to seizure under execution for debt, in such temporary Judicial District, or shall attempt to remove his personal property out of such temporary Judicial District, or shall keep concealed therein to avoid service of process, with intent and design to defraud his creditor or creditors, it shall and may be lawful for any creditor of such person, his servant or agent, to make application to the Clerk of any Division Court of the temporary Judicial District wherein the debtor was last domiciled, or where the debt was contracted, or to the Stipendiary Magistrate therein, and upon making or producing an affidavit or affirmation to the purport of that in the Schedule to this Act annexed marked D, and upon then and there filing the said affidavit or affirmation with such Clerk or Stipendiary Magistrate, it shall be lawful for such Clerk or Stipendiary Magistrate forthwith to issue a warrant under his hand and seal, directed to the bailiff of the Division Court, within which the same is issued, or to any constable, commanding such bailiff or constable to attach, seize, take and safely keep all the personal estate and effects of the absconding, removing or concealed person or persons, of what nature and kind soever, liable to seizure under execution for debt within such temporary Judicial District, or a sufficient portion thereof to secure the sum mentioned in the warrant, with the costs of the action, and to return the same forthwith to the Division Court of the Division wherein such warrant was issued, upon receipt of which warrant the bailiff or constable to whom the same may be directed, shall forthwith execute the same, and make a just and true inventory of all such personal estate and effects, as he shall seize and take by virtue thereof, and shall forthwith return the same to the Clerk of the Division Court of the Division within which such warrant was issued :

Warrant of Attachment to issue on proper affidavit.

Inventory to be made.

Provide : as to division in which the proceedings may be had, &c.

Provided always, that proceedings may be conducted to judgment and execution in any case commenced by attachment under the provisions of this Section, in the Division Court of the Division within which the warrant of attachment shall issue ; and that when proceedings shall be commenced in any case before the issuing of an attachment under the provisions of this section, such proceedings may be continued to judgment and execution in the Division Court within which such proceedings may have been commenced ; and the property and

seized upon any such attachment shall be liable to seizure and sale under the execution to be issued upon such judgment or the proceeds thereof in case such property shall have been sold as perishable, shall be applied in satisfaction of such judgment; Provided further, that it shall not be lawful for any plaintiff to divide any cause of action into two or more suits for the purpose of bringing the same within the provision of this section, but any plaintiff having a cause of action above the value of twenty five pounds, for which an attachment might be issued under this section, if the same were not above the value of twenty-five pounds, may abandon the excess, and upon proving his case, shall and may recover to an amount not exceeding twenty-five pounds, and the judgment of the Court in such case shall be in full discharge of all demands in respect of such cause of action, and the entry of judgment therein shall be made accordingly.

Proviso: plaintiff not to divide his claim; but may abandon excess.

XLI. Whenever several attachments shall be issued against any party, the proceeds of the goods and chattels attached shall not be paid over to such attaching creditors according to priority, but shall be rateably distributed amongst such attaching creditors as shall obtain judgment against the debtor in proportion to the amount of the sums really due upon such judgments, and no distribution shall take place until a reasonable time in the opinion of the Judge, has been allowed to the several creditors to obtain judgment; and if such goods and chattels shall not be sufficient to satisfy the claims of all the attaching creditors, none shall be allowed to share unless he shall have sued his attachment within one month from the issuing of the first attachment, and the costs of the first attaching creditor shall be paid in full.

In case of several Attachments, proceeds to be distributed rateably, and among whom.

XLII. All property seized under the provisions of the next preceding section, shall be forthwith handed over to the custody and possession of the Clerk of the Division Court of the Division within which the warrant was issued, who shall take the same into his charge and keeping, and shall be allowed all necessary disbursements for keeping the same.

Custody of property attached.

XLIII. If any person against whose estate or effects such warrant or warrants as aforesaid may have been issued, or any person on his behalf, shall, at any time prior to the recovery of judgment in the cause, execute and tender to the creditor or creditors who sued out such warrant or warrants as aforesaid, and shall file in the Division Court to which the warrant or warrants of attachment shall have been returned, a bond, with good and sufficient sureties, in the form in Schedule marked D, to be approved of by the Clerk of the Division Court, binding the obligors jointly and severally in double the amount of the sum claimed, with condition that the debtor or debtors (*naming him, her or them*) shall, in the event of the claim being proved and judgment being recovered thereon, as in other cases where proceedings have been commenced against the person, pay the same,

Attachment dischargeable by giving security.

same, or the value of the property so taken and seized, to the claimant or claimants, or shall produce such property whenever thereunto required to satisfy such judgment, it shall and may be lawful for such Clerk to supersede such warrant, and all and singular the property which may have been attached shall be restored.

Sale of property attached if security be not given.

XLIV. If after the period of one month from the seizure aforesaid, the party against whom the warrant issued, or some one on his behalf, do not appear and give such bond with sureties conditioned as above mentioned, whenever and as soon as judgment shall have been obtained upon such claim or claims, execution thereupon may immediately issue, and the property seized upon such attachment or attachments, or enough of such property to satisfy the same, may be sold thereon to satisfy the same according to law, or enough of the proceeds thereof may be applied to satisfy the judgment and costs, if the same shall have been previously sold under the provisions of this Act, as perishable property.

Service of process in cases of Attachment as aforesaid.

XLV. In order to proceed in the recovery of any debt due by the person against whose property a warrant shall have issued under this Act, where process shall not have been previously served, the same may be served either personally or by leaving a copy at the last place of abode of the defendant, with any person or persons there dwelling, or by leaving the same at the said dwelling, if no person be there found; and in every case, all subsequent proceedings shall and may be conducted according to the usual course of practice and proceedings in the said Division Courts; Provided always, that if it shall appear to the satisfaction of the Stipendiary Magistrate in the trial of any cause, upon affidavit or other sufficient proof, that the creditor or creditors suing out an attachment under the provisions of this Act, had not reasonable or probable cause for taking such proceeding, then it shall be the duty of such Stipendiary Magistrate to order that no costs whatever shall be allowed to such creditor or creditors, plaintiff or plaintiffs therein, and no costs in such case shall be recovered in the cause.

Proviso: if creditor had no reasonable cause of attachment.

Sale of perishable articles.

XLVI. In case any horses, cattle, sheep or other perishable goods or chattels shall be taken upon any warrant to be issued under this Act, it shall be lawful for the Clerk of the Court in whose custody or keeping the same shall be, to have the same valued by two indifferent persons, and at the request of the plaintiff suing out the warrant, to expose and sell the same at public auction to the highest bidder, giving at least eight days' notice, at the office of the Clerk of the said Division Court, and at two other public places within such Division, of the time and place of such sale, if the articles seized will admit of that notice, otherwise to sell the same at his discretion; Provided always, that it shall not be compulsory upon the Bailiff or Constable to seize, or upon the Clerk to sell such perishable articles, until the

Proviso: security to be given by party seizing.

party

party suing out the warrant shall have given a bond to the defendant or defendants therein, with good and sufficient sureties in double the amount of the appraised value thereof (to be ascertained as aforesaid) conditioned that the party directing such seizure and sale will repay the value thereof, together with all costs and damages that may be incurred in consequence of such seizure and sale, in case judgment be not obtained for such party suing out such attachment, which bond shall also be filed with the papers in the cause ; Provided always, that any bond given in the course of any proceeding under this Act, may be sued in any Division Court of the temporary Judicial District wherein the same shall have been executed, and proceedings may be thereupon carried on to judgment and execution in such Court notwithstanding the penalty contained in such bond may exceed the sum of twenty-five pounds ; And provided further, that every such bond shall and may be delivered up to the party entitled to the same, by the order and at the discretion of such Court, to be enforced or cancelled, as the case may require.

Proviso : as to suit on such bond.

Proviso.

XLVII Any residue which may remain after satisfying such judgment, with the costs thereupon, shall be delivered to the defendant, or to the agent of the defendant, or to the person or persons in whose custody the same were found, whereupon the responsibility of the Clerk as respects such property shall cease.

Residue of proceeds, how dealt with.

XLVIII. The Stipendiary Magistrate holding any Division Court as aforesaid, may, in any case, with the consent in writing of both parties to the suit, order the same, with or without other matters within the jurisdiction of the Court as to subject matter, but irrespective of amount if not exceeding two hundred pounds, in dispute between such parties, to be referred to arbitration to such person or persons, and in such manner and on such terms as he shall think reasonable and just ; and such reference shall not be revocable by either party, except by consent of the Stipendiary Magistrate ; and the award of the arbitrator or arbitrators, or umpire, shall be entered in the cause as a judgment of the Court, and shall be as binding and effectual, to all intents and purposes, as if given by the Stipendiary Magistrate in a cause within its jurisdiction ; Provided that, if he shall think fit, the Stipendiary Magistrate may, on application to him within fourteen days after the entry of such award, set aside such award so given as aforesaid, or may, with the consent of both parties as aforesaid, revoke the said reference and order another reference to be made in the manner aforesaid ; and when any reference shall have been made by any such order as aforesaid, either of the parties to the suit may obtain from the Clerk of any Division Court, a summons requiring the attendance before the said arbitrator or arbitrators of any witness resident within any such temporary Judicial District, or served with subpoena therein, in like manner as before the Stipendiary Magistrate at any sittings of the said Division Courts.

Matters in dispute not over £200 may be referred to arbitration.

Award to be entered as a judgment.

Proviso : Award may be set aside.

Subpoenas to witness before Arbitrators.

Parties may agree that the Magistrate shall try any matter not over £200.

Proceedings in such case.

Punishment of persons insulting the Magistrate, or any Officer, &c.

Punishment for assaulting any Officer, resisting process, &c.

XLIX. If parties between whom differences have arisen shall agree by a memorandum signed by them to refer their causes of action, claims and demands to the Stipendiary Magistrate of a temporary Judicial District, and that such Stipendiary Magistrate shall try and determine the same, the said Stipendiary Magistrate shall have power and jurisdiction so to do provided the subject, matter or difference shall be upon a cause or upon causes of action not exceeding two hundred pounds in amount, and shall not be within the subjects excepted from the jurisdiction of the said Division Courts, and shall be so stated in the said memorandum; and such memorandum shall be executed in duplicate, and when filed with the said Stipendiary Magistrate and with the Clerk of some one of the said Division Courts, shall confer on the said Court jurisdiction, power and authority to hear and determine matters so referred: and upon such memorandum being filed the plaintiff may enter his claim for suit in such said Division Court, and sue out a summons thereupon as in ordinary cases, and the proceedings in the said suit may be conducted and continued to judgment and execution (irrespective of the amount recovered, so that it do not exceed two hundred pounds) in the same manner as other suits in the said Court may be conducted and continued under the provisions of this Act, and the judgment in any such suit shall have the same effect as any other judgment of the Court.

L. If any person shall wilfully insult the Stipendiary Magistrate or any officer of any Division Court, during his sitting or attendance in Court, or shall wilfully interrupt the proceedings of such Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the assistance of any other person, by order of the Stipendiary Magistrate, to take such offender into custody, and the Stipendiary Magistrate may impose upon any such offender a fine not exceeding the sum of five pounds, and in default of immediate payment thereof, it shall be lawful for the said Stipendiary Magistrate, by warrant under his hand and seal in the form in Schedule marked D., to cause such fine to be levied by distress and sale of the goods of the offender, together with the reasonable charges of such distress and sale, or to commit the offender to the Gaol of the Temporary Judicial District for any period not exceeding one calendar month.

LI. If any Officer or Bailiff of any Court holden under this Act, shall be assaulted while in the execution of his duty, or if any rescue shall be made or attempted to be made, of any goods and chattels or other property seized under a process of the Court, the person so offending shall be liable to a fine not exceeding five pounds, to be recovered by order of the Stipendiary Magistrate; and it shall be lawful for the Bailiff of the Court, or any Peace Officer in any such case, to take the offender into custody, (with or without warrant,) and bring him before such Stipendiary Magistrate accordingly.

LII. In case any Bailiff of any Division Court holden under this Act, who shall be employed to levy any execution against goods and chattels, shall, by neglect or connivance or omission, lose the opportunity of levying any such execution, then upon complaint of the party aggrieved by reason of such neglect, connivance or omission, if he shall think fit so to do, (and the fact alleged being proved to the satisfaction of the Court, on the oath of any credible witness,) the Stipendiary Magistrate shall order such Bailiff to pay such damages as it shall appear the plaintiff has sustained thereby, not exceeding in any case the sum of money for which the said execution issued, and the Bailiff shall be liable thereto; and upon demand made thereof, and on his refusal so to pay and satisfy the same, payment thereof shall be enforced by such ways and means as are herein provided for enforcing judgments recovered in the said Court.

Punishment of Bailiff for neglect, connivance, &c.

LIII. If any Bailiff or Officer of any Division Court, acting under color or pretence of the process of such Court, shall be guilty of extortion or misconduct, or shall not duly pay or account for any money levied or received by him under the authority of this Act, it shall be lawful for the Stipendiary Magistrate, at any sitting of the Court, if the party aggrieved shall think fit to complain to him, to inquire into such matter in a summary way, and for that purpose to summon and enforce the attendance of all necessary parties, and to make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied or received as aforesaid, and for the payment of any such damages and costs to the parties aggrieved, as the said Stipendiary Magistrate shall think just; and in default of payment of any money so ordered to be paid by such bailiff or officer within the time specified for the payment thereof in such order, it shall be lawful for the Stipendiary Magistrate, by warrant under his hand and seal, to cause such sum to be levied by distress and sale of the goods of the offender, together with the reasonable charges of such distress and sale, and in default of such distress to commit the offender to the Common Gaol of the temporary Judicial District for any period not exceeding three calendar months.

Punishment of Bailiff or Officer guilty of extortion.

LIV. If any Bailiff shall neglect to return any writ of execution within three days after the return day thereof, or shall make a false return thereto, the party having sued out such writ may maintain an action on the covenant against such Bailiff and his sureties in any Court having competent jurisdiction in Upper Canada aforesaid, and shall recover therein the amount for which the execution issued, with interest from the date of the judgment upon which such execution was issued, or such less sum as in the discretion of the Judge or Jury the plaintiff under the circumstances may be justly entitled to recover, and if a judgment be obtained in such suit against the Bailiff and his sureties, execution shall immediately issue thereon; any thing in this Act or in any other Act or law to the contrary notwithstanding.

Punishment of Bailiff neglecting to return Writ, or making false return.

Forms in the Schedule or to like effect to be valid.

LV. The forms contained in the Schedule to this Act annexed marked D, are given as examples of the forms for proceedings in the said Division Courts, and may be used with such modifications as may be necessary in all actions and proceedings in the said Division Courts, but nothing herein contained shall render it erroneous or irregular to depart from the letter of such forms so long as the substance is expressed; and with reference to forms not contained in the said Schedule, the forms contained in the said Schedule shall be used as guides in framing the same.

Provision for protection of persons levying by distress.

LVI. When any levy or distress shall be made for any sum of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any defect or want of form in the information, summons, conviction, warrant, precept or other proceeding relating thereto; nor shall the party or parties distraining, be deemed a trespasser or trespassers from the beginning on account of any irregularity which shall afterwards be committed by the party or parties so distraining, but that the person or persons aggrieved by such irregularity shall and may recover full satisfaction for the special damage.

Want of form not to vacate.

LVII. No order, verdict or judgment, or other proceeding made concerning any of the matters aforesaid, shall be quashed or vacated for any matter of form.

Provision for protection of persons acting in pursuance of this Act.

LVIII. For the protection of persons acting in the execution of this Act, it is enacted, that all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be commenced within six calendar months after the fact was committed, and not afterwards or otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant, one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if after action brought, a sufficient sum of money shall have been paid into Court with costs, by or on behalf of the defendant; and it shall be lawful in any such action for the defendant to plead the general issue, and to give any special matter arising under this Act in evidence under such plea; and if any person shall bring any suit in any of Her Majesty's Courts of Record in respect of any grievance committed by any Clerk, Bailiff or Officer of any Court holden under this Act, under colour or pretence of the process of the said Court, and the Jury upon the trial of the action shall not find greater damages for the plaintiff than the sum of ten pounds, no costs whatever shall be awarded to the Plaintiff in such action.

LIX. Every person who, in any examination, shall wilfully or corruptly give false evidence, or shall wilfully swear or affirm (when by law affirmation is allowed) falsely in any matter where an oath or affirmation is required or allowed by this Act, shall be liable to the penalties of wilful and corrupt perjury.

Wilfully false swearing, &c., to be perjury.

LX. Nothing herein contained shall be taken or construed to repeal or supersede any thing contained in an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to provide for the administration of Justice in the unorganized tracts of Country in Upper Canada.*

Act not to supersede 16 V. c. 176.

LXI. So soon as Provisional Judicial Districts have been formed under the said last mentioned Act, which shall include the temporary Judicial Districts formed under this Act, the provisions of this Act shall cease to have any force except so far as may be necessary for supporting any process and proceedings issued, had or taken before or at the time when such Provisional Districts may be formed.

Act not to apply to Provisional Districts under 16 V. c. 176.

LXII. The Queen's Writs shall run from all the Courts of Law and Equity in Upper Canada into the said unorganized Country, and have the same force and effect upon persons and property as the said Writs do in Upper Canada, and may be directed to the Sheriff of the County next adjacent thereto.

Writs from Courts of Law and Equity to run into the unorganized tracts: to whom to be directed.

LXIII. It shall be lawful for the Governor General in Council to appoint a Registrar of Deeds in and for the unorganized tracts of Country bordering on and adjacent to Lakes Superior and Huron, whose duty it shall be to register all deeds and other conveyances and agreements relating to lands situate in any part of the said unorganized tracts and laid out and surveyed by the Crown.

Registrar of Deeds may be appointed for certain tracts.

LXIV. The said Registrar shall keep his office in the place to be named for that purpose in his Commission, or at such other place as may be appointed for that purpose from time to time by the Governor in Council, and his duties shall be the same as the duties of other Registrars in Upper Canada under the Acts of the Legislature now passed or hereafter to be passed in that behalf; his fees shall be the same as those appointed by the Statute passed in the sixteenth year of Her Majesty's Reign, chaptered one hundred and eighty-seven, or the Governor General in Council may order an annual Salary, not exceeding two hundred pounds, to be paid to the said Registrar out of the Consolidated Revenue Fund of this Province, in lieu of such fees, which in such case shall be paid into such Revenue.

Where Registrar shall hold his office: his duties, fees, &c.

Or he may be paid an annual salary.

LXV. In citing this Act in any instrument or proceeding, it shall be sufficient to use the expression "The Temporary Judicial Districts Act, 1857."

Short Title of this Act.

SCHEDULE A.

COVENANT BY THE CLERK OR BAILIFF.

Know all men by these presents that we J. B., Clerk, (*or Bailiff, as the case may be*) of the Division Court number _____ in the Temporary Judicial District of _____, S. S., of _____, in the _____, and P. M., of _____ in the _____

do hereby jointly and severally for ourselves and for each of our heirs, executors and administrators covenant and promise that J. B., Clerk (*or Bailiff*) of the said Division Court (*as the case may be*) shall duly pay over to such person or persons as may be entitled to the same, all such moneys as he shall receive by virtue of the said Office of Clerk (*or Bailiff, as the case may be*), and shall and will well and faithfully do and perform the duties imposed upon him as such Clerk, (*or Bailiff*) by Law, and shall not misconduct himself in his said Office to the damage of any person being a party in any legal proceeding; nevertheless it is hereby declared that no greater sum shall be recovered under this covenant against the several parties thereunto than as follows, that is to say :

- Against the said J. B. in the whole,
- Against the said J. S. “
- Against the said P. M. “

In witness whereof, we have to these presents set our hands and seals, this _____ day of _____, in the year of Our Lord, one thousand eight hundred and _____

Signed, sealed and delivered }
in the presence of }

L. S.
L. S.
L. S.

SCHEDULE B.

TABLE OF FEES AND ALLOWANCES TO BE RECEIVED BY CLERKS AND BAILIFFS.

CLERKS' FEES.	Not exceeding £5.			Exceeding £5 and not exceeding £15.			Exceeding £15 and not exceeding £20.			Exceeding £20.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Entering every Account and issuing Summons.....	0	1	0	0	1	6	0	2	0	0	2	6
Copy of Summons, Particulars of Demand or Set Off, each.....	0	0	6	0	0	9	0	1	0	0	1	3
Every Summons to Witnesses with any number of names.....	0	0	6	0	0	6	0	0	6	0	0	6
Entering Bailiff's returns to Summons to Defendant.....	0	0	3	0	0	3	0	0	3	0	0	3
Every copy of Subpœna when made by the Clerk.....	0	0	3	0	0	3	0	0	3	0	0	3
Entering Set Off or other Defence requiring notice to Plaintiff.....	0	0	9	0	1	0	0	1	0	0	1	3
Adjournment of any cause.....	0	1	0	0	1	0	0	1	0	0	1	0
Entering every Judgment or order made at hearing.....	0	0	9	0	1	0	0	1	3	0	1	6
Taking confession of Judgment.....	0	0	9	0	0	9	0	0	9	0	0	9
Every Warrant, Attachment or Execution.....	0	1	3	0	1	6	0	2	0	0	2	6
Drawing every bond including Affidavit of Justification.....	0	3	9	0	3	9	0	3	9	0	3	9
For every Affidavit taken, and drawing the same, if not over 3 folios, if over that number, 3d. per folio.....	0	1	0	0	1	0	0	1	0	0	1	0
Every search on behalf of a person not a party to a Suit, to be paid by the Applicant.....	0	0	6	0	0	6	0	0	6	0	0	6
Every search for a party to a Suit when the proceedings are over a year old.....	0	0	6	0	0	6	0	0	6	0	0	6
BAILIFFS' FEES.												
Service of Summons or other Process, except Subpœna, on each person.....	0	0	6	0	0	9	0	1	0	0	1	3
Service of each Subpœna.....	0	0	4	0	0	4	0	0	4	0	0	4
Taking confession of Judgment.....	0	0	9	0	0	9	0	0	9	0	0	9
Enforcing every Warrant, Execution or Attachment against the body or the goods.....	0	1	6	0	2	0	0	3	0	0	4	0
Drawing every bond authorized to be taken by him.....	0	2	6	0	2	6	0	2	6	0	2	6
Every Schedule of property seized.....	0	1	3	0	1	3	0	1	3	0	1	3
For necessary notices of sale under execution.....	.1s. each											

For necessary travel to serve Summons and other process, or to execute Warrant or Attachment, a sum in the discretion of the Stipendiary Magistrate, not exceeding 8d. per mile travel from Clerk's office.

Upon the sale of any property under any Execution, the sum of two and a half per cent on the amount realized, and not to apply to any overplus on the Execution.

SCHEDULE C.

ALLOWANCE TO WITNESSES.

Attendance per day in Court..... £0 3 9
 Travelling expenses, a reasonable sum in the discretion of the Stipendiary Magistrate, not exceeding 1s. per mile, one way.

And where a witness attends in two or more causes, his expenses may be apportioned between or amongst such causes if the Stipendiary Magistrate shall think fit.

SCHEDULE D.

PROCEDURE BOOK.

Division Court, for the
 Ensuing Sittings, 26th February, 18

No. 1 A. D. 18

JOHN DOE vs. THOMAS ROE.
 of | of

1851.

1st Jan.	Received particulars of plaintiff's demand (on contract) for £ and plaintiff paid towards costs.
11th "	Issued summons to Bailiff, costs and mileage.
24th "	Summons returned served the day of
28th "	Defendant paid £ demand and costs.
10th Feb.	Paid plaintiff £ demand and costs, deposited.

No. 2 A. D. 18

JOHN DEN vs. THOMAS FEN.
 of | of

10th Jan.	Received particulars of plaintiff's demand (for Tort) for £5 plaintiff paid on account of costs and directed two subpoenas, and gave notice to try by Jury.
12th "	Issued summons to Bailiff, costs and mileage.
20th "	Summons returned served the day of
8th Feb.	Issued Jury summonses and subpoenas to Bailiff.
13th "	Jury summonses returned served, 10 miles travel, subpoenas served also.
20th "	Both parties appeared, cause tried, judgment for plaintiff on verdict for pounds, shillings and pence damages, and pounds shillings and pence costs, to be paid in days.
20th March.	Defendant paid pounds in full of judgment and costs.

No. 3 A. D. 18

JAMES JONES vs. THOMAS THOMPSON.
 of | of

11th Jan.	Received particulars of plaintiff's demand (on contract) for £ and on account of costs.
12th "	Issued summons to G. G. Bailiff; costs and mileage.
1st Feb.	Summons returned, served the day of 9 miles travel.
3rd "	Defendant executed Cognovit for.
20th "	Judgment for plaintiff—debt, and pounds costs, to be paid in days.
10th March.	Defendant paid £ debt and costs.

N. B.—The proceedings in a suit may be continued from page to page, giving a reference from one to another; and the sums of money may be in decimal currency, pursuant to 16 Vic. cap. 158, if so ordered.

CASH

CASH BOOK.

CASH BOOK—RECEIPTS.

Account of Suitors' money paid into the
the
Division Court for
commencing the 1st of January, 1851.

No.	Style of Cause.	When Received.	From whom Received.	Amount.
36	Doe vs. Roe	24th Jan., 1851.	Defendant	*£ s. d. 10 0 0
100	Den vs. Fen et al.	27th " "	Bailiff	5 10 0
250	James <i>ats.</i> Jones	28th Feb., "	Plaintiff	0 18 4
153	Thomas vs. Roe et al.	10th April, "	Wm. Roe	20 11 8
Receipts up to 30th April.....				37 0 0
Paid to Suitors as per payment account.....				27 0 0
Balance in Court, 30th April, carried to next Quarter...				10 0 0

To Cash Balance remaining in Court 30th April.....£ 10 0 0

357|Johnston *ats.* Wilson, 3rd Sept., 1851. From Plaintiff, &c. 2 7 6

CASH BOOK—PAYMENTS.

Account of Suitors' money paid out of the
the
Division Court for
commencing the 1st of January, 1851.

No.	Style of Cause.	When Paid.	To whom Paid.	Amount.
100	Den vs. Fen et al.	1st Feb., 1851.	Plaintiff	*£ s. d. 5 10 0
153	Thomas vs. Roe, et al.	29th April, "	Plaintiff	20 11 8
250	James <i>ats.</i> Jones.	29th " "	Defendant	0 18 4
Payments up to 30th of April.....				27 0 0

357|Johnston *ats.* Wilson, 20th Sept., 1851. Defendant, &c. 2 7 6

* N. B.—Or the amount may be in decimal currency, pursuant to 16th Vict., ch. 155, if so ordered.

PARTICULARS IN CASES OF CONTRACT.

A. B., of _____, claims of C. D., of _____ the sum of _____ [the amount of the following account or the amount of the note (a copy of which is under written) together with interest thereon :] or for that the said C. D. promised (*here state shortly the promise*) which undertaking the said C. D. hath not performed :—or, for that the said C. D. by deed under his seal dated _____, covenanted to, &c., and that the said C. D. hath broken said covenant,—whereby the said A. B. hath sustained damages to the amount aforesaid.]

A. B.

PARTICULARS IN CASES OF TORT.

A. B., of _____, states, that C. D., of _____, did, on or about the _____ day of _____, A. D. 18 _____, at the _____, unlawfully [take and convert one cow and one calf, the property of the said A. B. : or break and injure a wagon of the said A. B. : or keep a dog, which the said C. D. knew was accustomed to bite mankind or sheep, and that the said dog did, on the day and at the place aforesaid, bite and lacerate the arm of the said A. B., or kill or injure two sheep, the property of the said A. B. : or assault and beat the said A. B., (*or as the case may be, stating the Tort sued for in concise language*) ;] The said A. B. hath sustained thereby damages to the amount of _____, and claims the same of the said C. D.

A. B.

PARTICULARS IN ACTIONS AGAINST A CLERK OR BAILIFF, AND HIS SURETIES.

A. B., of _____ claims of C. D., Clerk (*or Bailiff*) of the _____ Division Court for the _____, and E. F., of _____, and G. H., of _____, (sureties for and parties with the said C. D. to a covenant for the due performance of the duties of his said office) the sum of _____ for moneys had and received by the said C. D. as such Clerk (*or Bailiff*) as aforesaid, in a certain cause in the said _____ Division Court, wherein the said A. B. was plaintiff, and one H. H. was defendant, to and for the use of the said A. B., the payment whereof the said C. D. unduly withholds. And also (*stating in like manner any other similar claim*)—[or, the sum of _____ for damages sustained by the said A. B. through the misconduct (*or neglect*) of the said C. D. in the performance of the duties of his said office : For that on the _____ day of _____, at _____, (*describe in ordinary language the neglect or misconduct, whereby the damage was occasioned.*)]

A. B.

SUMMONS TO APPEAR.

In the
District of

Division Court for the Temporary Judicial

No. . A. D., 18 .

Between A. B., plaintiff ;
and
C. D., defendant.

To C. D., the above-named defendant.

You are hereby [as before (*or as often before*) you were] summoned to be and appear, at the sittings of this Court to be holden at , in , in the said Temporary Judicial District of , on the day of , A. D. 18 , at the hour of in the forenoon, to answer the above-named plaintiff, for the causes set-forth in the plaintiff's statement of claim hereunto annexed ; and, in the event of your not so appearing, the plaintiff may proceed to obtain judgment against you by default.

Dated the day of , A. D. 18 .

By the Court.

, Clerk.

Claim,
Costs, exclusive of mileage

NOTICE.

Take notice, that if the defendant desires to *set-off any demand against the plaintiff, (if the action be for Tort omit the words in Italics)* at the trial or hearing of this cause, (or) to take the benefit of any Statute of Limitations, or other Statute, notice thereof in writing, *and if a set-off containing the particulars of such set-off (omit the words last in Italics, if the action be for Tort)* must be given to the plaintiff, or left at his usual place of abode, if living within the Division, or left with the Clerk of the said Court, if the plaintiff reside without the Division, at least six days before the said trial or hearing.

AFFIDAVIT OF SERVICE OF SUMMONS.

In the
District of

Division Court for the Temporary Judicial

Between A. B., plaintiff ;
and
C. D., defendant.

E. F., Bailiff of the Division Court of the said
(*or of the said Court*) maketh Oath and saith, that he did on the
day of , 18 , duly serve the said C. D.,
with a true copy of the annexed summons and statement of claim,
by

by delivering the same personally to the said C. D., (or if the service were not personal, state how and on whom served) and that he necessarily travelled _____ miles to make such service.

E. F.

Sworn before me, at
 this _____ day of _____ 18 _____ }
 Clerk _____ Division Court. }
 Or,

This Form may be used, when the affidavit is endorsed on the summons :

I swear, that this summons and claim annexed thereto were served by me on the _____ day of _____ by delivering a true copy of both, personally, to the defendant, (or to the wife or servant of the defendant, or to a grown up person being an inmate of, and at the defendant's dwelling) and that I necessarily travelled _____ miles to do so.

E. F., Bailiff.

Sworn, &c.

NOTICE OF SET-OFF.

In the _____ Division Court for the Temporary Judicial District of _____

Between A. B., plaintiff ;
 and
 C. D., defendant.

Take notice, that the defendant will set-off the following claim on the trial, viz :

Dated this _____ day of _____ 18 _____ .

C. D.

To A. B., the plaintiff.

NOTICE OF DEFENCE UNDER STATUTE.

In the _____ Division Court for the Temporary Judicial District of _____

Between A. B., plaintiff ;
 and
 C. D., defendant.

The plaintiff is required to take notice, that upon the hearing of this cause, the defendant intends to give in evidence, and insist upon the following ground of defence, namely, that the claim, for which he the defendant has been summoned, has been barred by the Statute of Limitations (or as the case may be.)

Dated this _____ day of _____ , 18 _____ .

C. D.

To A. B., the plaintiff.

N. B.—This notice may be embodied with notice of set-off.

CONFESSION OF DEBT AFTER SUIT COMMENCED.

In the Division Court for the Temporary Judicial District of

Between A. B., plaintiff; and C. D., defendant.

I acknowledge that I am indebted to the plaintiff in the sum of , and consent, that judgment for that amount and costs may be entered against me in this cause.

C: D.

Dated the day of , 18

Witness , Clerk (or Bailiff.)

AFFIDAVIT OF EXECUTION OF CONFESSION.

In the Division Court for the Temporary Judicial District of

Between A. B., plaintiff; and C. D., defendant.

E. F., Clerk (or Bailiff) of the said Division Court, maketh oath and saith, that he did see the above (or annexed) confession duly executed by the said defendant, and that he is a subscribing witness thereto, and that he, deponent, has not received, and is not to receive any thing from the plaintiff or defendant, or any other person, except his lawful fees, for taking such confession, and that he has no interest in the demand sought to be recovered in this action.

E. F.

Sworn before me, at the day of , on , 18 . Clerk, &c. }

SUMMONS TO WITNESS.

In the Division Court for the Temporary Judicial District of

Between A. B., plaintiff; and C. D., defendant.

You are hereby required to attend at the sittings of the said Court, to be holden at , on the , 18 , at the hour of in the forenoon, to give evidence in the above cause, on behalf of the above-named [and then and there to have and produce (state particular documents required) and all other papers relating to the said action, in your custody, possession, or power.]

Given under the seal of the Court, this day of , 18 .

Clerk.

To

MINUTE

MINUTE IN PROCEDURE BOOK OF JUDGMENT OF NONSUIT, OR DISMISSAL FOR WANT OF PROSECUTION.

Judgment of Nonsuit (or that the cause be dismissed) or "and that plaintiff pay for defendant's costs," or for defendant's trouble, and for his costs; to be paid in days."

MINUTE IN PROCEDURE BOOK OF JUDGMENT AGAINST DEFENDANT FOR DEBT OR DAMAGE.

Judgment for the plaintiff for debt (or damages) and costs; to be paid in days (when an excess has been abandoned, add the words "being in full discharge of his cause of action.")

MINUTE IN PROCEDURE BOOK OF JUDGMENT FOR DEFENDANT.

Judgment for the defendant for costs; or for on set-off, or for his trouble and loss of time, and also for his costs; to be paid forthwith) (where an excess in the set-off has been abandoned, add the words "being in full discharge of his claim, including the excess abandoned.")

ORDER FOR NEW TRIAL.

In the Division Court for the Temporary Judicial District of

Between A. B., plaintiff;
and
C. D., defendant.

It is ordered, that the judgment rendered in this cause, and all subsequent proceedings be set aside, and a new trial be had between the parties on (set out the terms or conditions, if any, on which the order is made.)

Dated , 18 Stipendiary Magistrate, &c.

EXECUTION AGAINST THE GOODS OF DEFENDANT.

In the Division Court for the Temporary Judicial District of

No. , A. D. 18

Between A. B., plaintiff;
and
C. D., defendant.

Whereas at the sittings of the said Court holden on at , by the judgment of the said Court, the said plaintiff recovered against the said defendant the sum of for a certain debt (or for certain damages) with for costs, which said debt (or damages,) and costs were ordered to be paid by the said defendant, at a day now passed; and whereas the defendant

defendant has not made such payment ; These are therefore [as before, (or as often before)] to command you forthwith to make and levy by distress and sale of the goods and chattels of the said defendant, wheresoever the same may be found within the said Temporary Judicial District of _____ (except the wearing apparel and bedding of the said defendant, or his family, and the tools or implements of his trade, if any, to the value of £5) the said debt (or damages) and costs, amounting together to the sum of _____ and your lawful fees on the execution of this precept, so that you may have the said sum of _____, within thirty days after the date hereof, and pay the same over to the Clerk of the Court for the said plaintiff.

Given under the seal of the Court, this _____ day of _____, 18 .

 Clerk.

To
 Bailiff of the said Court.

Judgment,
 Execution,
 Paid,
 Levy,

EXECUTION AGAINST GOODS OF PLAINTIFF.

In the _____ District Court for the Temporary Judicial
 District of _____

No. _____, A. D. 18 .

Between A. B., plaintiff ;
 and
 C. D., defendant.

Whereas at the sittings of this Court, holden on _____, at _____, judgment was given for the defendant, and for the sum _____ costs (or for the sum of _____ on set-off for costs ; or judgment of dismissal was given and for the sum of _____ for defendant's trouble, and _____ for costs) to be paid at a day now past ; and whereas the plaintiff has not paid the same : These are therefore to command you, forthwith to make and levy by distress and sale of the goods and chattels of the plaintiff, wheresoever the same may be found within the said Temporary Judicial District of _____ (except the wearing apparel and bedding of the said plaintiff or his family, and the tools and implements of his trade, if any, to the value of £5) the said sum of _____ or the said sum of _____ and amounting together to the sum of _____ and your lawful fees on the execution of this precept, so that you may have the said sum of _____ within thirty days after the date hereof, and pay the same over to the Clerk of the Court for the said defendant.

Given under the seal of the Court, this _____ day of _____, 18 .

 Clerk.
 To

To

Bailiff of the said Court.

Judgment,
Execution,
Paid,
Levy,

AFFIDAVIT FOR ATTACHMENT.

If made after suit commenced, insert style of Court and Cause.

I, A. B., of _____, in the county of _____
(or E. F., of &c., agent for A. B., of &c., do make oath (or being
one of the people called Quakers, affirm) and say, that C. D.,
of (or late of) _____ in the County of _____
is justly and truly indebted to me deponent (or to the said A. B.)
in the sum of _____ [for goods sold and delivered by this
deponent (or by the said A. B.) to the said C. D. at his request (or
*other cause of action, stating the same in ordinary and concise law-
guage*)] and I deponent further say, that I have good reason to
believe, and do verily believe, that the said C. D. hath absconded
from this Province, leaving personal property liable to seizure
under execution for debt in the temporary Judicial District of (or
hath attempted to remove his personal property out of the tempo-
rary judicial district of _____ or keep himself, or property con-
cealed within the temporary judicial district of _____ to avoid
the service of process (as the case may be,) with intent and design
to defraud me deponent (or the said A. B.) of the said debt; and I
deponent further say, that this affidavit is not made, nor the process
thereon to be issued, from any vexatious or malicious motive what-
ever.

Sworn before me, at _____ in the _____
this _____ day of _____ 18 _____ } A. B. (or E. F.)
Clerk, &c. }

N. B.—*If the party sue in a special character, as executor or the like, it should be stated in the Affidavit, in what character he claims the debt.*

BOND ON SEIZURE OR SALE OF PERISHABLE PROPERTY.

In the
District of _____

Division Court for the Temporary Judicial

Between A. B., plaintiff,
and
C. D., defendant.

Know all men by these Presents, that we A. B. of
(insert place of residence and addition) the above-named plaintiff,
E. F., of &c., and G. G. of &c., are, and each of us is, jointly and
severally held and firmly bound to _____ of &c., the above-
named defendant, in the sum of _____ of lawful money of
Canada, to be paid to the said defendant, his certain attorney,
executors,

executors, administrators and assigns, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, and each, and every of us, binds himself, his heirs, executors, and administrators firmly by these presents.

Scaled with our respective seals.

Dated this day of A. D., 18 .

Whereas the above-named plaintiff hath sued out of the above-named Court a Warrant of Attachment against the goods and chattels of the above-named defendant, and hath requested that certain perishable property, to wit (*specify property*) belonging to the above-named defendant, may be seized, and forthwith exposed and sold, under and by virtue of the said Warrant of Attachment, [*or* Whereas certain perishable property, to wit , belonging to the above-named defendant, hath been seized under and by virtue of a Warrant of Attachment, issued out of the above-named Court in the above-named cause, and hath been duly appraised and valued at the sum of and is now in the hands of the Clerk of the said Court; And whereas the said above-named plaintiff hath requested the said Clerk to expose and sell the said goods and chattels as perishable property] according to the form of the Statute in that behalf.

Now the condition of this obligation is such, that if the said above-named plaintiff, his heirs, executors or administrators, do repay to the said above-named defendant, his executors, or administrators, the value of the said goods and chattels, together with all costs and damages that may be incurred in consequence of the seizure and sale thereof, in case judgment be not obtained by the plaintiff according to the true intent of the forty-sixth section of "The Temporary Judicial Districts Act, 1857 :—" Then this obligation to be void—else to remain in full force and virtue.

Signed, Sealed and delivered in presence of	}	A. B. [L. S.]
		E. F. [L. S.]
		G. G. [L. S.]

BOND ON SUPERSEDEAS TO WARRANT OF ATTACHMENT.

In the Division Court for the Temporary Judicial
District of

Between A. B., plaintiff,
and
C. D., defendant.

Know all men by these presents, that we C. D. of (*insert place of residence and addition*) the above-named defendant, E. F. of &c., and G. G. of &c., are, and each of us is, jointly and severally held and firmly bound to A. B. of &c., the above-named plaintiff in the sum of of lawful money of Canada, to be paid to the said plaintiff, his certain attorney, executors, administrators and assigns, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, and each and every

every of us binds himself, his heirs, executors and administrators firmly by these presents.

Sealed with our respective seals.

Dated the _____ day of _____, 18 ____.

Whereas the above-named plaintiff hath sued out of the above-named Court a Warrant of Attachment against the goods and chattels of the above-named defendant, for the sum of _____ and under and by virtue of the said Warrant of Attachment, certain goods and chattels of the said defendant, to wit: (*specify the property seized*) have been seized and attached; and the said defendant desires, that the said warrant be superseded, and the said property so attached, restored to him under the provisions of the forty-third clause of "The Temporary Judicial District Act 1857."

Now the condition of this obligation is such, that if the said defendant, his heirs, executors or administrators, do and shall the event of the claim, in the said cause being proved, and judgment being recovered thereon, as in other cases, where proceedings have been commenced against the person, pay the same, or pay the value of the said property, so taken and seized as aforesaid, to the said plaintiff, his executors or administrators, or shall produce said property, whenever thereto required, to satisfy such judgment. Then this obligation to be void—else to remain in full force and virtue.

Signed, Sealed and delivered } C. D., [L. S.]
in presence of } E. F., [L. S.]
G. G., [L. S.]

ORDER OF REFERENCE.

In the _____ Division Court for the Temporary Judicial District of _____

Between A. B., plaintiff,
and
C. D., defendant.

By consent of the above-named plaintiff and defendant given in open Court, it is ordered, that all matters in difference in this cause (*and if consented to, add* "and all other matters within the jurisdiction of this Court as to subject matter, but not exceeding in amount £200 in difference between the said parties") be referred to the award of _____ so as said award be made in writing, ready to be delivered to the parties entitled to the same, on or before _____ day of _____; and that the said award may be entered as the judgment in this cause (*add any special terms* "the costs of reference to be in the discretion of the arbitrator" "the costs of the action to abide the event of the suit.")

Given under the seal of the Court, this _____ day of _____ 18 ____.

Clerk.

AWARD.

The Award may, if endorsed on the order, be in the following Form :

After hearing and considering the proofs laid before me (*or us*) in the matters of the within reference, and in full determination of the matters to me (*or us*) referred, I (*or we*) do award, that the within-named A. B. is entitled to recover from the within-named C. D. the sum of _____ together with the costs of this suit, and also _____ the costs of this reference, (*or as the case may be*), and that the same shall be paid by the said C. D. within _____ days, and that judgment be entered in the within mentioned case accordingly.

_____,
Arbitrator.

Dated this _____ day of _____, 18 _____.

MINUTE IN PROCEDURE BOOK OF JUDGMENT ON AWARD.

Judgment for the plaintiff, (*or defendant*) for _____ costs
(*or for the sum of _____ and _____ costs*) pursuant to award ;
to be paid in _____ days.

MINUTE IN PROCEDURE BOOK OF ORDINARY JUDGMENT AGAINST
EXECUTOR OR ADMINISTRATOR.

Judgment for the plaintiff for _____ and _____ costs,
to be paid in _____ days, to be levied of the goods and chattels
of the deceased ; failing such goods, the costs to be levied of the
defendant's proper goods and chattels.

EXECUTION AGAINST GOODS OF TESTATOR.

In the _____ Division Court for the Temporary Judicial
District of _____.

Between A. B., plaintiff,
and
C. D., Executor (*or administrator of F.*,
deceased, defendant.

Whereas at a sitting the said Court, holden on _____ at _____
by the judgment of the said Court, the said plaintiff recovered
against the said defendant as executor (*or administrator*) of E. F.
deceased, the sum of _____, for a certain debt, with _____,
for costs, to be levied of the goods and chattels of the deceased ;
failing such goods, the costs to be levied of the defendant's proper
goods and chattels, which said debt and costs were ordered to be
paid at a day now past, and the defendant has not paid the same :
These are therefore to command you, forthwith to make and levy,
by distress and sale of the goods and chattels, which were the
property of the said E. F. in his lifetime, in the hands of the def-
endant to be administered, wheresoever the same may be found
within the said Temporary Judicial District of _____, the
said debt and costs, amounting together to the sum of _____,
together

together with the costs of this execution, or such part thereof for the satisfying of this execution, and the costs of making and executing the same, if the defendant have so much thereof in his hands to be administered; and if have not so much thereof in his hands to be administered, then that you make and levy of the proper goods, and chattels, money, of the defendant, the sum of _____, for the costs aforesaid, and the costs of this execution and levying the same, so that you may have the said moneys within thirty days after the date hereof, and pay the same over to the Clerk of the Court, for the said plaintiff.

Given under the seal of the Court, this _____ day of _____, 18 _____.

Clerk.

To

Bailiff of the said Court.

Debt,
Costs,
Execution,
Paid,
Levy,

N. B.—Warrants of execution upon a judgment given in other cases against executors may be drawn from this Form, with the requisite alterations.

MINUTE IN PROCEDURE BOOK OF IMPOSITION OF FINE ON WITNESS.

Adjudged that H. H. was duly summoned to appear as a witness, in this action, at the sittings of this Court here this day, [and also to produce (*as the case may be*)] that payment (*or a tender of payment*) of his reasonable expenses was made to him,—and that he did not appear [*or having appeared, did wilfully refuse to be sworn, and give evidence in this action (or to produce such &c.)*] (*Or Adjudged, that H. H. being before this Court, now holden and called upon to give evidence in this cause, did wilfully refuse to be sworn and give evidence.*) And further adjudged that the said H. H. pay a fine of _____, for such neglect, (*or refusal*) in days, (*or forthwith*); And that the sum of _____, part of the said fine, be paid by the Clerk to the plaintiff (*or defendant*) being the party injured by such neglect or refusal.

MINUTE IN PROCEDURE BOOK OF ORDER FOR IMPOSITION OF FINE FOR CONTEMPT.

It is adjudged that E. F., at the sittings of this Court now holden, in open Court, is guilty of a contempt of the said Court, by wilfully insulting _____ Stipendiary Magistrate of the said Court [*or “in view of the Court, by wilfully insulting _____, Clerk (or Bailiff) of the said Court, during his attendance at such Court” (or “by wilfully interrupting the proceedings of the said Court”)*]: And it is ordered, that the said E. F. forthwith pay a fine of _____, for such offence, and, in default of payment, be committed to _____, for _____ days, unless such fine, the costs herein, and the expense attending the commitment, be sooner paid.

WARRANT

WARRANT OF COMMITMENT FOR CONTEMPT.

In the Division Court for the Temporary Judicial District of

To , Bailiff of the said Court, and to all Constables and Peace Officers of the said Temporary Judicial District of and to the Jailer of

Whereas at the sittings of this Court, holden on , at , it was adjudged, that E. F. did, then and there in open Court, wilfully insult me , Stipendiary Magistrate, of the said Court [or did, in view of the Court, wilfully insult , Clerk, (or Bailiff) of the said Court, during his attendance at such Court (or did unlawfully interrupt the proceedings of the said Court)] ; And it was ordered, that the said E. F. should forthwith pay a fine of , for such offence, and in default of payment, be committed to the for days ; And whereas the said E. F. did not pay the said fine, in obedience to the said order : These are therefore to require you, the said Bailiff and others, to take the said E. F., if he shall be found within the , and deliver him to the said jailer of ; And you the said jailer are hereby required to receive the said E. F., and him safely keep in the Gaol aforesaid, for the term of days from the arrest under this warrant, unless the said fine and costs, the costs amounting to , and also the expenses attending the commitment, amounting together to the sum of , be sooner paid.

Given under my hand and seal, this day of , 18 . [L. S.] Judge.

Sealed with the seal of the Court, [L. S.] Clerk. }

Fine £
Costs £
Execution £

WARRANT TO LEVY FINE UPON WITNESS.

In the Division Court for the Temporary Judicial District of

Between A. B., plaintiff; and C. D., defendant.

Whereas at the sittings of this Court, holden on , at , it was adjudged, that H. H. was duly summoned to appear as a witness in this action, at a sittings of this Court [and also to produce (as the case may be)] ; that payment (or a tender

tender of payment) of his reasonable expenses was made to him, and that he did not appear [or having appeared did wilfully refuse to be sworn and give evidence in this action (or to produce such &c.)]: (where a witness in Court refuses to give evidence, instead of the foregoing, commence "Whereas _____, being before the Court at a sittings thereof, and called upon to give evidence, in the above cause, did wilfully refuse to be sworn and give evidence"); And thereupon it was adjudged, that the said _____ should pay a fine of _____, for such neglect, (or refuse) in _____ days: (or forthwith): And whereas the said _____ hath not made such payment: These are therefore (as before or as often before) to command you, forthwith to make and levy by distress and sale of the goods and chattels of the said _____ wheresoever the same may be found, within the said Temporary Judicial District of _____ (except the wearing apparel and bedding of the said _____ or his family, and the tools and implements of his trade, if any, to the value of £5) the said fine and costs amounting together to the sum of _____, and your lawful fees on the execution of this precept; so that you may have the said sum of _____ within thirty days after the date hereof, and pay the same over to the Clerk of the Court.

Given under the seal of the Court, this _____ day of
18 _____

By order of the Court.

_____,
Stipendiary Magistrate.

_____,
Clerk.

To _____, Bailiff of the said Court.

Fine,
Costs,
Execution,

C A P . L X I .

An Act to extend the right of Appeal in Criminal Cases in Upper Canada.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS by law the right of appeal on convictions for criminal offences is allowed only on questions of law reserved by the Judge by whom such offences are tried; And whereas it would be greatly conducive to the ends of justice if such right of appeal were extended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Persons convicted of treason, felony or

1. When any person shall be convicted before any Court of Oyer and Terminer, or Gaol Delivery, or Quarter Sessions, of any treason, felony or misdemeanour, such person may apply for

for a new trial to either of the Superior Courts of Common Law where such conviction has taken place before a Judge of either of such Courts, or to such Court of Quarter Sessions when the conviction has taken place at such Sessions, upon any point of law or question of fact, in as full and ample a manner as any person may now apply to such Superior Court for a new trial, in a civil action, and upon any rule being granted for such new trial, the same proceedings shall take place as to any future trial or the commitment or bailing of such person so convicted, as if such conviction had not been had.

misdemeanor, may apply for a New Trial, and to what Court.

II. When any Court of Quarter Sessions shall make any rule or order affirming the conviction of any person so applying for a new trial as aforesaid, such person may appeal therefrom to either of the Superior Courts of Common Law against such rule or order, and thereupon such Court of Quarter Sessions shall state in a case to be prepared by such person so convicted, and approved by such Court, and signed by the Recorder or Chairman thereof, the question or questions of law or fact upon which such new trial was applied for, together with the circumstances upon which the same shall have arisen, and the judgment of such Court, with the reasons therefor; and such case shall be transmitted by such Court of Quarter Sessions to one or other of the said Superior Courts of Common Law on or before the first day of the Term of such Superior Court next after the time when such rule or order shall have been made, and such Superior Court shall thereupon have full power and authority to hear and finally determine the said questions of law or fact, and affirm such conviction or order a new trial, or make such other order as justice may require, and shall also direct the Clerk of the Peace or Recorder's Clerk, as the case may be, to make such entry on the original record as such Superior Court shall order, and such Superior Court shall make such order for carrying out any sentence already passed, or for passing any sentence, if none has already been passed, or for the discharge of such person so convicted on bail, or otherwise, as the justice of the case shall require; Provided always, that the judgment of such Superior Court on any such appeal as aforesaid, shall be final and conclusive.

If such Court be the Quarter Sessions, and the New Trial be refused, the party convicted may appeal to one of the Superior Courts of Law.

Superior Court to make the proper order thereupon.

Proviso: order of Superior Court to be final.

III. Any person convicted of any such offence as aforesaid at any Court of Oyer and Terminer or Gaol Delivery, shall not be allowed to make any application to either Superior Court of Common Law for a new trial, unless such application shall be made to such Superior Court on or before the last day of the first week of the Term next succeeding such Court of Oyer and Terminer or Gaol Delivery, and upon such application such Superior Court shall make such rule or order, either for affirming the conviction or granting a new trial, or otherwise, as the justice of the case may require, and shall further make all other necessary rules and orders for carrying such rule or order into effect.

Time for application by persons convicted at Assizes limited.

Order of Superior Court on such application.

If the Superior Court affirm the conviction, the party convicted may appeal to the Court of Error and Appeal.

IV. Any person so convicted as in the next preceding section mentioned, whose conviction shall be affirmed by either of the said Superior Courts of Common Law, may appeal to the Court of Error and Appeal against such affirmation, and such Court of Error and Appeal shall and may make such rule or order therein, either in affirmance of such conviction or for granting a new trial, or otherwise, as the justice of the case may require, and shall further make all other necessary rules and orders for carrying such rule or order into effect; Provided always, that no such appeal shall be made to such Court of Error and Appeal, unless allowed by such Superior Court, or two of the Judges thereof, in term or vacation; And provided also, that such allowance shall be granted and appeal heard, within six calendar months after such conviction affirmed, unless otherwise ordered by such Court of Error and Appeal, and that any rule or order of such Court of Error and Appeal shall be final and conclusive.

Proviso: time for such appeal limited. And for decision upon it. Order of the said Court to be final.

Delay for execution of sentence of death.

V. No sentence of death in any case of capital felony, shall be passed to take effect until after the expiration of the Terms next succeeding the sitting of the Court at which such sentence of death shall be passed.

Judges to make rules for giving effect to this Act.

VI. The Judges of the said Superior Courts of Common Law, or a majority of them, and the said Court of Error and Appeal, shall have full power and authority from time to time to make such rules and orders as they may consider necessary more effectually to carry out all or any of the provisions of this Act.

Act not to repeal 14, 15 V. c. 13.

VII. Nothing in this Act contained shall be construed to repeal the Act passed in the session held in the fourteenth and fifteenth year of Her Majesty's Reign, chaptered thirteen, and intituled, *An Act for the further amendment of the administration of the Criminal Law*, except in so far as the same may be inconsistent with the provisions of this Act.

Act limited to U. C.

VIII. This Act shall apply only to Upper Canada.

C A P . L X I I .

An Act to prevent delay in the administration of Justice in cases of Misdemeanor in Upper Canada.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS great delays have occurred in the administration of Justice in cases of persons prosecuted for misdemeanors, by indictment or information in Her Majesty's Courts of Queen's Bench and Common Pleas for Upper Canada, Sessions of Oyer and Terminer and of Gaol Delivery, and Sessions of the Peace, in Upper Canada, by reason that the defendants

defendants in some of the said causes have, according to the present practice of such respective Courts, an opportunity of postponing their trials to a distant period by means of imparlances in the said several Courts of Queen's Bench and Common Pleas, and by time being given to try in such respective Courts of Session: For remedy thereof, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. From and after the passing of this Act, where any person shall be prosecuted in either of Her Majesty's Courts of Queen's Bench or Common Pleas for Upper Canada, for any misdemeanor, either by information or by indictment there found or removed into the said respective Courts, and shall appear in term time in either of the said Courts respectively, in person, or if a corporation by Attorney, to answer to such indictment or information, such defendant or defendants, upon being charged therewith, shall not be permitted to imparle to a following term, but shall be required to plead or demur thereto, within four days from the time of his, her or their appearance, and in default of his, her or their pleading or demurring within four days as aforesaid, judgment may be entered against the defendant or defendants for want of a plea; and in case such defendant shall appear to such indictment or information by his or her Attorney in Court, it shall not be lawful for such defendant to imparle to a following term, but a rule requiring such defendant to plead, may forthwith be given and served, and a plea to such indictment or information enforced, or judgment in default entered thereupon, in the same manner as might have been done before the passing of this Act, in cases where the defendant or defendants had appeared to such indictment or information by his, her or their Attorney in a previous term: Provided always, that it shall be lawful for the said respective Courts or for any Judge of the same respectively, upon sufficient cause shewn for that purpose, to allow further time for such defendant or defendants to plead or demur to such indictment or information.

Defendant in misdemeanor not allowed to postpone trial by imparlance in the Queen's Bench or Common Pleas.

Proviso: time may be allowed him upon cause shewn.

II. No person prosecuted shall be entitled to traverse or postpone the trial of any indictment found against him at any Session of the Peace, Session of Oyer and Terminer, or Session of Gaol Delivery: Provided always, that if the Court, upon the application of the person so indicted or otherwise, shall be of opinion that the defendant or defendants ought to be allowed a further time either to prepare for his or their defence or otherwise, such Court may adjourn the trial of such defendant or defendants to the next subsequent Session, upon such terms as to bail or otherwise, as to such Court shall seem meet, and may respite the recognizances of the prosecutor and witnesses accordingly, in which case such prosecutor and witnesses shall be bound to attend to prosecute and give evidence at such subsequent Session, without entering into any fresh recognizances for that purpose.

Traverse at sessions abolished.

Proviso: Court may, on cause shewn, allow defendant time for preparing defence.

In Crown prosecutions for misdemeanor, not brought to trial in 12 months after plea of not guilty, Court may order trial unless a *nolle prosequi* be entered.

III. In case any prosecution for a misdemeanor instituted by Her Majesty's Attorney or Solicitor General, in any of the Courts aforesaid, shall not be brought to trial within twelve calendar months next after the plea of not guilty shall have been pleaded therein, it shall be lawful for the Court in which such prosecution shall be depending, upon application to be made on the behalf of any defendant in such prosecution, of which application twenty days previous notice shall have been given to Her Majesty's Attorney or Solicitor General, to make an Order, if the said Court shall see just cause so to do, authorizing such defendant to bring on the trial in such prosecution; and it shall thereupon be lawful for such defendant to bring on such trial accordingly, unless a *nolle prosequi* shall have been entered in such prosecution.

C A P. L X I I I.

An Act to amend the Law for the admission of Attornies.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is necessary and expedient to alter, amend and consolidate the several Acts of Upper Canada relating to Attornies and Solicitors: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Repeal of former Acts and parts of Acts as in first Schedule.

I. From and after the passing of this Act, the several Acts and parts of Acts set forth in the Schedule hereunto annexed, shall be and the same are hereby repealed, save only and except so far as such Acts or parts of such Acts, or any of them, repeal the whole or any part of the same, or of any other Act or Acts, and also save and except so far as relates to any matters or things done at any time before the passing of this Act, all which matters and things shall be and remain as good, valid and effectual, to all intents and purposes whatsoever, as if this Act had not been passed, and also save and except as to the recovery and application of any penalty for any offence which shall have been committed before the passing of this Act.

Things done under them to remain valid.

No person to act as Attorney or Solicitor unless admitted and enrolled either under the provisions of this Act or before the passing thereof.

II. From and after the passing of this Act, no person shall act as an Attorney or Solicitor, or as such sue out any writ or process, or commence, carry on, solicit or defend any action, suit or other proceeding in the name of any other person, or in his own name, in Her Majesty's Court of Chancery, or Courts of Queen's Bench or Common Pleas, or in any of the County Courts of the Counties or United Counties of Upper Canada, now existing or hereafter to be made, set apart or established, or in any Court of Bankruptcy, or Court for the relief of Insolvent Debtors, now existing or hereafter to be made or established, or in any Court of civil or criminal jurisdiction, or in any other Court

Court of Law or Equity in Upper Canada, or act as Attorney or Solicitor in any cause, matter or suit, civil or criminal, to be heard, tried or determined, before any Justice of Assize of Oyer and Terminer, or Gaol Delivery, or at any General *Nisi Prius* Quarter Sessions of the Peace or Recorder's Court, for any County, City, Town, Township or Village, or before any Justice or Justices, unless such person shall have been previous to the passing of this Act admitted and enrolled and duly qualified to act as an Attorney or Solicitor under and by virtue of the laws now in force, or unless such person shall, after the passing of this Act, be admitted and enrolled, and duly qualified to act, as an Attorney or Solicitor pursuant to the directions and regulations of this Act, and unless such person shall continue to be so duly qualified and on the Roll at the time of his acting in the capacity of an Attorney or Solicitor as aforesaid.

III. Except as hereinafter mentioned no person shall, from and after the passing of this Act, be capable of being admitted and enrolled as an Attorney or Solicitor, unless such person shall have been bound by contract, in writing, to serve as Clerk for and during the term of Five years to a practising Attorney or Solicitor in Upper Canada, and shall have duly served under such contract for and during the said term of Five years, and shall have during such term of Five years attended the sittings of the Courts of Queen's Bench, or Common Pleas pursuant to the regulations to be made by the Law Society of Upper Canada, under the authority hereinafter contained, at least during two of the Terms of Hilary, Easter, Trinity and Michaelmas, and also unless such person shall after the expiration of the said term of Five years have been examined and sworn in the manner hereinafter directed. Provided that no application for examination and admission of any person under this section shall be entertained, nor shall any person be examined, sworn, admitted, or enrolled as an Attorney or Solicitor, unless he shall, at least Fourteen days next before the first day of such Term in which he seeks admission, have left with the Secretary of the Law Society of Upper Canada his contract of service, and any assignment thereof, together with an affidavit of due execution thereof, and of due service thereunder, and a certificate of his having attended the sittings of the Court or Courts during Term as hereinbefore provided.

Except as excepted, no person to be admitted an Attorney or Solicitor unless he shall have served a Clerkship of 5 years, have kept two terms, and have passed an examination before Law Society.

Proviso: the articles, affidavits and certificate to be left with Secretary of Law Society fourteen days before term.

IV. Any person who shall have taken or who shall take the degree of Bachelor of Arts or Master of Arts, Bachelor of Law or Doctor of Laws in either of the Universities of the United Kingdom of Great Britain and Ireland, or in either of the Universities of this Province, and shall have been bound by contract, in writing, to serve as a Clerk for and during the term of Three years to a practising Attorney or Solicitor in Upper Canada, and shall have continued in such service for and during the said term of three years, and shall during the whole of such term have been actually employed by such Attorney or Solicitor, or

A Graduate of any University of the United Kingdom, or of this Province, may be admitted as an Attorney or Solicitor after 3 years' Clerkship, and after keeping two by

terms, and passing an examination before the Law Society.

by the Toronto Agent of such Attorney or Solicitor with his consent, for any part of the said term not exceeding one year, in the proper business, practice, or employment of an Attorney or Solicitor, and who shall have, during such term of three years, attended the sittings of the Courts of Queen's Bench, or Common Pleas, pursuant to the regulations to be made by the Law Society of Upper Canada in that behalf, at least during two of the Terms of Hilary, Easter, Trinity and Michaelmas, and who shall, after the expiration of the said term of three years, have been examined and sworn in the manner hereinafter directed, shall be capable of being admitted and enrolled as an Attorney or Solicitor, although he shall have served a Clerkship under such contract as aforesaid for and during the term of three years only, and notwithstanding that such person shall have entered into such contract for service before taking any such Degree as aforesaid: Provided that no application for examination and admission of any person under this section shall be entertained, nor shall any person be examined, sworn, admitted, or enrolled as an Attorney or Solicitor, unless he shall, at least Fourteen days next before the day of such Term in which he seeks admission, have left with the Secretary of the Law Society of Upper Canada as well his contract of service, and any assignment thereof, together with an affidavit of due execution thereof, and of due service thereunder, and a certificate of his having attended the sittings of the Court or Courts during Term as hereinbefore provided as a certificate of his having taken a degree as hereinbefore provided, or duly authenticated certified copy of such certificate.

Proviso: that examination shall not take place unless the articles, affidavits, certificate, &c., have been left with Secretary of Law Society.

Barristers, Attornies and Solicitors of Superior Courts in England and Ireland, Writers to the Signet in Scotland, and Attornies and Solicitors of Superior Courts in the British Colonies where the Common Law prevails, may be admitted as Attornies and Solicitors after 1 year's service, and passing examination, &c.

V. Any person who shall have been previously to or may, after the passing of this Act, be duly called to practise at the Bar of any of Her Majesty's Superior Courts not having merely local jurisdiction in England, Scotland or Ireland, and also any person duly and lawfully sworn, admitted and enrolled an Attorney or Solicitor of Her Majesty's High Court of Chancery or Courts of Queen's Bench, Common Pleas, or Exchequer, in England or Ireland, or Writer to the Signet or Solicitor in the Supreme Courts in Scotland, or Attorney or Solicitor of any of Her Majesty's Superior Courts of Law or Equity in any of Her Majesty's Colonies wherein the Common Law of England is the common law of the land, and shall have been bound by contract in writing, to serve as a clerk for and during the term of One Year to a practising Attorney or Solicitor of Her Majesty's Court of Chancery, or the Courts of Queen's Bench or Common Pleas in Upper Canada, and shall have continued in such service for and during the said term of one year, and shall during the whole of such term have been actually employed by such Attorney or Solicitor in the proper business, practice, or employment of an Attorney or Solicitor, and shall produce such certificates as are hereinafter mentioned, and shall have, during such term of one year, attended the sittings of the Courts of Queen's Bench or Common Pleas, pursuant to the

Regulations

Regulations to be made by the Law Society of Upper Canada in that behalf, at least during two of the Terms of Hilary, Easter, Trinity and Michaelmas, and who shall after the expiration of the said term of one year have been examined and sworn in the manner hereinafter directed, shall be capable of being admitted and enrolled as an Attorney or Solicitor, although he shall have served a Clerkship under such contract for and during the term of one year only : Provided always that nothing in this section contained shall apply or be extended to persons admitted or enrolled solely as Attornies of the Courts of the Duchy of Lancaster, or of the Counties Palatine of Lancaster or Durham, in England, or of the Court of Sheriff's Substitute, or other Inferior Court in Scotland, or of any other than the Supreme or Superior Courts of Judicature of Her Majesty's Colonies aforesaid. And Provided also that it shall be requisite for any person as hereinbefore mentioned to advertise in the *Canada Gazette* at least two months previous notice of his intention to apply to the Court of Chancery, Queen's Bench or Common Pleas, as the case may be, in the next ensuing Term thereafter of such Court for such admission. Provided further that no application for examination and admission of any person shall be entertained, nor shall any such person be sworn or admitted and enrolled, unless he shall, at least Fourteen days next before the first day of such Term in which he seeks admission, have left with the Secretary of the Law Society of Upper Canada the contract of service and any assignment thereof together with affidavits of due execution thereof, and of due service thereunder and (as the case may be) the several certificates of his having been duly called to the Bar as hereinbefore mentioned, or of his admission and enrolment as an Attorney or Solicitor of the Courts of Law or Equity hereinbefore mentioned, or of any one of them, and also a certificate under the seal of any of the Societies or Inns of Court in England, Scotland or Ireland, duly authorized in that behalf, when such applicant shall have been called to the Bar, or of any such Court or Courts, and duly attested under the hand of the proper Officer of such Society or Inn of Court, or of such Court or Courts, to the effect that the said applicant was at the date thereof on the Books of the said Society or Inn of Court, or on the Roll of Attornies or Solicitors of such Court or Courts, and that no application to such Society or Inn of Court, or to such Court or Courts, had been made since his admission thereto against such person for misconduct in such his capacity of Attorney or Solicitor ; and also a certificate under the hands of two or more persons of the good moral character of the applicant : which two certificates shall respectively bear date within three months of the first day of the Term within which such application is made ; Provided lastly, that nothing in this section contained shall extend to those persons who, in the present session of Parliament, have applied for Acts enabling them to practise as Attorneys and Solicitors in this Province, but the said Courts are hereby authorized to admit them upon proof of their service with any Attorney or Solicitor

Proviso, as to Courts of Lancaster and Durham, in England, and Inferior Courts in Scotland and the British Colonies.

Proviso: for notice in *Canada Gazette*.

Proviso: for production of articles, affidavits and certain certificates of good character and of no application pending against the party for misconduct as an Attorney, &c.

Proviso: in favor of persons who have during the Session of 1857, applied for special Acts author

izing their admission as Attornies, &c.

Solicitor of either of the said Courts for one year previous to their applications to such Court for admission although such service may not have been under Articles of Clerkship; and upon proof by the certificate of the Clerk of either House of Parliament that a Bill to admit such person to practise had been introduced into the Legislature during the said session, and that such person had previously been authorized to practise as a Barrister or Attorney in some part of Her Majesty's Dominions.

Law Society required to examine all applicants for admission as Attornies or Solicitors as to fitness and capacity.

After examination, the Judges, upon receipt of certificate under corporate seal of Law Society, may cause oaths to be administered, and may admit to practice.

Proviso for production of the articles, affidavits, certificates, &c., and endorsement of Judge's fiat for admission.

VI. It shall be lawful for the Law Society of Upper Canada, and the said Society is hereby required before any person shall be admitted or enrolled as an Attorney or Solicitor, and upon satisfactory proof to the said Society of such certificates as are hereinbefore mentioned, in cases where the same are requisite under this Act, and of the said contract in writing for service, and of the execution thereof and of the due and proper service thereunder, and upon due and proper satisfaction of the requisites of this Act having been complied with, to examine and enquire by such ways and means as they shall think proper, touching the fitness and capacity of such person to act as an Attorney or Solicitor; and if the said Society shall be satisfied by such examination, or by the certificate of such Examiners as hereinafter mentioned that such person is duly qualified and fit, and competent to act as an Attorney or Solicitor, then, and not otherwise, the Judges of the Courts of Law and Equity of Upper Canada, or any one or more of them, shall be, and he or they are hereby authorized, upon a certificate under the corporate seal of the said Society of the due service under contract, in writing, of such person, and of his fitness and capacity, and of his having duly complied with the requirements of this Act, or that he is in all respects duly qualified to be admitted as an Attorney and Solicitor, to administer or cause to be administered to such person in open Court, and during the Term in which such application for admission is made, in addition to the oath of allegiance, the oath hereinafter directed to be taken by Attornies and Solicitors, and after such oaths taken to cause him to be admitted an Attorney or Solicitor of the Court or Courts of Law or Equity of Upper Canada, and his name to be enrolled as an Attorney or Solicitor of such Court (as the case may be), which admission shall be signed by the Clerk or Registrar of such Court or Courts. Provided always that together with such certificate of the Law Society as hereinbefore provided and annexed thereto, shall be produced to such Judge or Judges of the Court wherein such person seeks admission, the original contract or contracts of service and any assignments thereof, and the affidavits of due service thereunder by this Act required, and all such other certificates as are hereinbefore required, and upon the said certificate of the said Law Society of Upper Canada shall be endorsed by such Judge his Fiat for admission, and the said document shall thereupon be delivered by the Clerk of the Court wherein such application is made, to
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the Clerk of the Crown and Pleas, to be by him filed and retained of record in his office.

VII. Whenever any person shall after the passing of this Act be bound by contract in writing to serve as a Clerk to any Attorney or Solicitor as aforesaid, the Attorney or Solicitor to whom such person shall be so bound as aforesaid shall, within three months after the date of such contract, make and duly swear, or cause or procure to be duly made and sworn, an affidavit or affidavits, of such Attorney or Solicitor having been duly admitted, and also of the actual execution of every such contract by him the said Attorney or Solicitor, and by the person so to be bound to serve him as a Clerk as aforesaid, and in every such affidavit shall be specified the names of every such Attorney or Solicitor, and of every such person so bound, and their places of abode respectively, together with the day on which such contract was actually executed; and every such contract and affidavit annexed thereto shall be filed within three months next after the execution of the said contract with and by the Clerk of the Crown and Pleas, at Toronto, who shall thereupon make and sign a memorandum of the day of filing such affidavit upon such affidavit and also upon the contract.

Affidavit to be made and filed within three months of execution of articles, and the articles to be enrolled.

VIII. In case such affidavit as hereinbefore mentioned be not filed within three months after the date thereof, the same may be filed by the officer before mentioned after the expiration thereof, but the service of such Clerk shall be reckoned to commence and be computed from the date of filing such affidavit.

If affidavit not filed within three months, how service to reckon.

IX. Every person who now is or hereafter shall be bound by contract in writing to serve as a Clerk to any Attorney or Solicitor shall, during the whole time and term of such service, to be specified in such contract, (not exceeding the term of five years) continue and be actually employed by such Attorney or Solicitor in the proper business, practice or employment of an Attorney or Solicitor.

How Articled Clerks shall be employed.

X. From and after the passing of this Act, it shall and may be lawful for all and every person now authorized to practise as an Attorney or Solicitor, in Upper Canada, or who shall be hereafter authorized to practise as aforesaid, to take and have under contract in writing four Clerks at one time, and no more; and no Attorney or Solicitor shall take, have or retain any Clerk who shall be bound by contract in writing as aforesaid, after such Attorney or Solicitor shall have discontinued or left off practising as or carrying on the business of an Attorney or Solicitor, nor whilst such Attorney or Solicitor shall be retained or employed as a Writer or Clerk by any other Attorney or Solicitor; and service by any Clerk under Articles to an Attorney or Solicitor, for and during any part of the time that such Attorney or Solicitor shall be so employed as Writer or Clerk by any other

Every practising Attorney or Solicitor may have four Articled Clerks at one time, and no more.

Attornies not practising on their own names, not to have Clerks.

other Attorney or Solicitor, shall not be deemed or accounted as good service under such Articles.

Clerks before admission to make affidavit of having served as required by this Act—the Attorney or Solicitor, also, to make affidavit of the due service.

XI. Every person who shall have been or shall be bound as a Clerk as aforesaid shall, before he be admitted an Attorney or Solicitor according to this Act, prove by an affidavit of himself as also of the Attorney or Solicitor to whom he was bound as aforesaid, or such Agent as aforesaid, to be duly made and delivered to the Law Society of Upper Canada, upon his application for admission, that he hath actually and really served and been employed by such practising Attorney or Solicitor or Agent (as to the latter for the term of one year only as hereinbefore mentioned) during the whole term and in the manner required by the provisions of this Act, and in the form to be approved by the Judges of the Court wherein such person shall apply to be admitted.

Articles and affidavit to be produced on applying for admission.

XII. No person who shall, from and after the passing of this Act, become bound as aforesaid, shall be admitted an Attorney or Solicitor before such contract and affidavit so marked as aforesaid respectively shall have been produced to the Law Society of Upper Canada, in pursuance of the provisions hereinafter contained, unless the same cannot be produced, in which case any Court or Judge of the Court wherein such person seeks admission, may, on application in that behalf, and on being satisfied of such fact, in his discretion, dispense with the production thereof.

In case Attorney or Solicitor become bankrupt, or insolvent, or be imprisoned, Articles to be discharged or assigned.

XIII. In case any Attorney or Solicitor to whom any Clerk shall be bound by contract, in writing as aforesaid, shall, before the end or determination of such contract, become bankrupt, or take the benefit of any Act for the relief of Insolvent Debtors, or be imprisoned for debt and remain in prison for the space of twenty-one days, it shall be lawful for any of the said Courts of Law or Equity wherein such Attorney or Solicitor is admitted as aforesaid, upon the application of such Clerk to order and direct the said contract to be discharged, or assigned to such person, upon such terms, and in such manner as the said Court shall think fit.

Clerks whose Masters have died or left off practice, may enter into fresh contracts for the residue of their term.

XIV. If any Attorney or Solicitor, to or with whom any such person shall be so bound, shall happen to die before the expiration of the term for which such person shall be so bound, or shall discontinue or leave off practice as an Attorney or Solicitor, or if such contract shall by mutual consent of the parties be cancelled, or in case such Clerk shall be legally discharged before the expiration of such term by any rule or order of the Court wherein such Attorney or Solicitor shall have been admitted, such Clerk shall and may in any of the said cases be bound by another contract or other contracts in writing, to serve as Clerk to any other practising Attorney or Solicitor, or Attornies or Solicitors, during the residue of the said term, and service under such second or other contract in manner hereinbefore mentioned

mentioned shall be deemed and taken to be good and effectual ; Provided that an affidavit be duly made and filed of the execution of such second or other contract or contracts within the time and in the manner hereinbefore directed, and subject to the like regulations with respect to the original contract, and affidavit of the execution thereof.

Proviso.

XV. No Attorney or Solicitor who shall be a Prisoner in any Gaol or Prison, shall or may, during his confinement in any Gaol or Prison, or within the limits thereof, as an Attorney or Solicitor, sue out any Writ or process, or commence or prosecute or defend any action or suit, in any Courts of Law or Equity, or matter in Bankruptcy or Insolvency ; and such Attorney or Solicitor so commencing, prosecuting or defending any action or suit as aforesaid, and any Attorney or Solicitor permitting or empowering any such Attorney or Solicitor as aforesaid to commence, prosecute or defend any action or suit in his name, shall be deemed to be guilty of a contempt of the Court in which any such action or suit shall have been commenced or prosecuted, and punishable by the said Courts accordingly, upon the application of any person complaining thereof : and such Attorney or Solicitor so commencing, prosecuting, or defending any action or suit as aforesaid, shall be incapable of maintaining any action or suit at Law or in Equity for the recovery of any fee, reward, or disbursement for or in respect of any business, matter or thing done by him whilst such Prisoner as aforesaid, in his own name or in the name of any other Attorney or Solicitor.

Attornies or Solicitors not to commence or defend suits while in Gaol or on the limits.

XVI. If any Attorney or Solicitor shall wilfully and knowingly act as Agent in any action or suit in any Court of Law or Equity, or matter in Bankruptcy or Insolvency, for any person not duly qualified to act as an Attorney or Solicitor as aforesaid, or permit or suffer his name to be any ways made use of in any such action, suit or matter, upon the account or for the profit of any unqualified person, or send any process to such unqualified person, or do any other act thereby to enable such unqualified person to appear, act or practise in any respect as an Attorney or Solicitor in any suit at Law or in Equity, knowing such person not to be duly qualified as aforesaid, and complaint shall be made thereof in a summary way to any of the said Superior Courts wherein such Attorney or Solicitor has been admitted, and proof made thereof, upon oath to the satisfaction of the Court, that such Attorney or Solicitor hath wilfully and knowingly offended therein as aforesaid, then and in such case every such Attorney or Solicitor so offending, shall and may in the discretion of the Court, be struck off the Roll, and for ever after disabled from practising as an Attorney or Solicitor ; and in that case, and upon such complaint and proof made as aforesaid, it shall and may be lawful to and for the Court to commit such unqualified person so acting or practising as aforesaid to any Common Gaol or Prison for any term not exceeding one year.

Attornies or Solicitors not to act as Agents for persons not qualified, &c.

Punishment of persons contravening this section.

Prohibiting persons not enrolled from suing out writs, &c.

Offence to be a contempt.

Applications for striking Attornies or Solicitors off the roll for defect in Articles, &c., when to be made.

Except where there has been fraud.

Law Society may appoint Examiners, and make rules touching the examination and admission of Attornies and Solicitors, &c.

Such rules and regulations to be submitted to and approved of by the Judges.

Persons only admitted in one Court capable of practising in all other Courts on signing the other rolls.

XVII. From and after the passing of this Act, in case any person shall in his own name, or in the name of any other person, sue out any Writ or process, or commence, prosecute or defend any action or suit or any proceeding in any Court of Law or Equity, without being admitted and enrolled as aforesaid, or being himself the Plaintiff or Defendant in such proceeding respectively, every such person shall be and is hereby made incapable to maintain or prosecute any action or suit in any Court of Law or Equity for any fee, reward, or disbursements on account of prosecuting, carrying on or defending any such action, suit, or proceeding, or otherwise in relation thereto; and such offence shall be deemed a contempt of the Court in which such action, suit, or proceeding shall have been prosecuted, carried on, or defended, and shall and may be punished accordingly.

XVIII. No person who has been admitted and enrolled shall be liable to be struck off the Roll for or on account of any defect in the Articles of Clerkship, or in the registry thereof, or in his service under such Articles, or in his admission and enrolment, unless the application for striking him off the Roll be made within twelve months from the time of his admission and enrolment; provided that such Articles, Registration, Service, Admission or Enrolment, be without fraud.

XIX. The Law Society of Upper Canada are empowered, and they are hereby required, from time to time, to make and ordain all such Rules and Regulations as they may consider necessary for conducting the examinations of persons applying to be admitted as Attornies and Solicitors, as well touching the Articles and Service, and the several Certificates hereinbefore mentioned, as the fitness and capacity of such persons to act both as Attornies and Solicitors; and from time to time, to nominate and appoint, if they shall see fit to do so, Examiners for the purpose of conducting such examinations as to the said fitness and capacity: Provided always, that such Rules and Regulations shall be first submitted to and approved of by any three or more of the Judges of the Courts of Queen's Bench, Common Pleas or Chancery of Upper Canada, of whom one of the Judges of each of the said Courts shall form one.

XX. Every person who shall have been duly admitted, sworn and enrolled as an Attorney or Solicitor of the Courts of Queen's Bench, Common Pleas or Chancery of Upper Canada, shall be entitled, upon the production of his Admission therein, or an Official Certificate thereof, and that the same still continues in force, to be admitted as an Attorney or Solicitor in any other of the said Courts (as the case may be) upon signing the Roll of such other Court or Courts, but not otherwise, and shall thereupon be entitled to practise as an Attorney or Solicitor therein, as the case may be, in the like manner as if he had been sworn in and admitted an Attorney or Solicitor of such Court.

XXI. Every person who shall, pursuant to this Act, apply to be admitted an Attorney or Solicitor, shall, before he be admitted and enrolled as aforesaid, take and subscribe the oath, or if he be one of the people called Quakers, the affirmation following :

Oath of office to be taken by Attornies, &c.

“ I, A. B., do swear (or solemnly affirm, as the case may be) that I will truly and honestly demean myself in the practice of an Attorney (or Solicitor, as the case may be) according to the best of my knowledge and ability. So help me God.”

The oath.

XXII. No Attorney or Solicitor being a Merchant or in anywise connected by partnership, public or private, in the purchasing and vending of merchandize in the way of trade as a Merchant, shall be permitted to practise in any of the Courts of Upper Canada during the time he may be such Merchant or so engaged as aforesaid, nor until twelve months after he shall have ceased to be such Merchant or so engaged as aforesaid.

No Attorney or Solicitor to trade as a Merchant.

XXIII. Every person who at the time of the passing of this Act, or within the period of six months thereafter, shall have completed his period of service according to the Laws in force at the time of the passing of this Act, but shall not have been admitted an Attorney or Solicitor in pursuance of such service, shall, if otherwise qualified according to the requirements of this Act, be capable of being admitted and enrolled an Attorney or Solicitor in pursuance of the provisions of this Act, in the same manner in all respects as if he was actually bound by contract in writing, at the time of the passing of this Act, and notwithstanding that the attendance of such person during two of the Sittings of either of the said Courts in Term time has not been complied with as hereinbefore mentioned and required.

Persons having completed the period of service, but not been admitted may, if qualified, be admitted.

XXIV. The several Fees shall be payable to the persons and for the duties therefor to be performed as contained in the second Schedule to this Act appended.

Fees payable as set forth in second Schedule.

XXV. It shall be lawful to and for the Judges of the Courts of Queen's Bench, Common Pleas and Chancery of Upper Canada, to make, from time to time, such Rules or Regulations, other than the Rules and Regulations hereinbefore referred to, as to them may seem necessary and meet for carrying out the provisions of this Act.

Judges to make such rules, &c., as may be necessary.

XXVI. This Act shall extend to Upper Canada only.

Act to apply to U. C. only.

THE FIRST SCHEDULE.

SCHEDULE OF ACTS AND PARTS OF ACTS REPEALED.

Date of Act.	Title.	Extent of Repeal.
47 Geo. III., chap. 5.	An Act to authorize Practitioners in the Law in this Province, to take such a number of Clerks as is therein mentioned.	The whole.
55 Geo. III., chap. 3.	An Act to afford relief to Barristers and Attornies, and to provide for the admission of Law Students within this Province, and for the purposes therein mentioned.	The whole.
2 Geo. IV., chap. 1.	An Act to repeal part of and amend the Laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province.	Section Forty-four.
2 Geo. IV., chap. 5.	An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's Reign, intituled, "An Act for the better regulating the practice of the Law," and to extend the provisions of the same.	Section Three.
4 Wm. IV., chap. 9.	An Act to amend an Act passed in the second year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal part of and amend an Act passed in the thirty-seventh year of his late Majesty's Reign, intituled, 'An Act for the better regulating the practice of the Law,' and to extend the provisions of the same."	The whole.
7 Wm. IV., chap. 15.	An Act to amend the Law for the admission of Barristers and Attornies, and to provide for the further relief of William Conway Keele.	Sections One, Three and Four.
10 & 11 Vic., chap. 29.	An Act to amend the Law for the admission of Attornies and calling of Barristers in Upper Canada.	Section One, and so much of Section Three as relates to Attornies or Solicitors.

THE SECOND SCHEDULE.

Persons entitled to receive the Fees.	Duties to be performed.	Amount.		
		£	s.	d.
Clerk of the Crown and Pleas.	On filing Articles and Assignments (if any) and every affidavit of execution of such Articles, and making the endorsement required by the Act.	0	2	6
The Law Society of Upper Canada.	On leaving Articles and Assignments thereof, Affidavits of Execution and Certificates for inspection, and enquiry as to due service previous to examination for admission.	0	10	0
The Law Society of Upper Canada.	For the Examination and Certificate of fitness and capacity, and compliance with requisites of the Act.	10	0	0
The Clerk of the Court whence Fiat issues.	For Fiat for admission and oath, and on signing the Roll.	0	5	0
The Clerk of the Court whence Fiat issues.	For Certificate.	0	10	0
The Clerk of the Court on admission upon Certificate of admission of any other Court.	For signing the Roll and Certificate of Admission.	0	10	0

C A P . L X I V .

An Act further to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada, and for that purpose to amend, extend and continue two certain Acts therein mentioned.

[Assented to 10th June, 1857.]

WHEREAS it has been found that the sum of money granted for the erection of buildings, suitable for the accommodation of the Superior Courts of Law and Equity in Upper Canada, by the Act passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and twenty-two, is insufficient for the purpose; And whereas it is necessary to grant additional aid therefor, and for the purpose of liquidating the debt incurred thereby, to increase the fee fund established by the Act passed in the ninth year of Her Majesty's Reign, chaptered thirty-three: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Governor may authorize the issue of Debentures for a further sum of £10,000.

I. For the purposes aforesaid it shall be lawful for the Governor of this Province to authorize the issue of Debentures for the sum of ten thousand pounds, over and above the amount authorized by the above recited Acts in such form and in such sums as may be found convenient ; such debentures to be at a rate of interest not to exceed six per cent per annum, and to be redeemable within twenty years.

New Schedule of sums payable on proceedings substituted for that of 9 V. c. 33.

II. For the purpose of paying the interest on the debentures issued or authorized to be issued under the said recited Acts and under this Act, and liquidating the principal thereof, there shall be imposed, levied and collected on the proceedings in Law and Equity in Upper Canada, the sums set forth in the Schedule hereunto subjoined, instead of those set forth in the Schedule attached to the said Act passed in the ninth year of Her Majesty's Reign ; and Law proceedings shall be subject to the said levy whether had in the Court of Queen's Bench or the Court of Common Pleas.

Provisions of 9 V. c. 33, extended to sums to be raised under this Act.

III. All the provisions of the said Act passed in the ninth year of Her Majesty's Reign, so far as the same may be applicable, are hereby extended to the debentures to be issued under the authority of this Act and to all matters relative to the said debentures, and to the sum to be thereby raised, in as full and ample a manner to all intents and purposes as if the said sum of ten thousand pounds to be raised under the authority of this Act had formed part of the sum to be raised under the provisions of the said Act passed in the ninth year of Her Majesty's Reign.

SCHEDULE.

On proceedings in the Queen's Bench and Common Pleas.

On every Writ of Summons or Capias, and on every other Original Writ or Process, Writ of Mandamus, or other Prerogative Writ,—one shilling and six pence ;

On every Judgment entered,—three shillings ;

On Proceedings in Equity.

On filing every bill,—six shillings and three pence ;

On Proceedings in Error and Appeal.

On every Appeal entered in the Court of Error and Appeal from a judgment, decree or other proceeding had in either of the Courts of Queen's Bench, Common Pleas or Chancery,—seven shillings and six pence.

C A P . L X V .

An Act to amend the Act to abolish the rights of Primogeniture, and to afford relief to parties succeeding to the real estate of persons dying intestate, in certain cases in Upper Canada.

[Assented to 10th June, 1857.]

WHEREAS it frequently happens in cases of persons dying intestate, leaving real estate in Upper Canada, that by reason of the absence therefrom or of the minority of some of the parties entitled to participate in the succession to such real estate, no title can be made to the same without great delay, expense and inconvenience, and it is desirable to provide some remedy therefor: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. The Judge of the Surrogate Court in each of the Counties or Unions of Counties in Upper Canada, having jurisdiction within such County or Union of Counties, shall be the "Real Representative" for all real property within such County or Union of Counties, in respect of or to which, any person being seized of or entitled to an estate in fee simple therein, shall die intestate.

Judge of Surrogate Court to be the real representative of intestates as regards lands in his County.

II. From and after the expiration of six months from the death of any person dying intestate, seized of or entitled to such real estate as aforesaid, it shall and may be lawful for any one or more persons entitled to a share or interest in such estate and the immediate possession thereof, being of full age, to apply to either of the Superior Courts of Law or Equity or to the County Court of the County or Union of Counties where such estate is situate, for a division or partition thereof, or for a sale thereof if such sale shall by such Court be considered more advantageous to the parties interested.

Application may be made for a partition of such estate. By whom and to what Court.

III. The application to any Court for a partition or sale, shall particularly describe the premises sought to be divided or sold, and set forth the interest of the petitioner and the rights and titles of all persons interested therein, so far as the same are known to the petitioner, including the interest of any tenant for years, for life, by the courtesy or in dower, or in case any one or more of such parties, or the share or quantity of interest of any of the parties, be unknown to such petitioner, the same shall be set forth in such petition: and the truth of such petition and the matters contained therein shall be verified by the oath or affirmation of the petitioner, to be taken before any Commissioner for taking affidavits, or before any of the Judges of the said Courts.

What the application for partition or sale must set forth.

It must be verified on oath.

Parties to such application.

Notice to minors, and appointment of guardians to them.

Guardians to give security

Condition.

Their powers thereafter.

Provision as to creditors having a lien on the property or any part thereof.

Service of copy of petition on parties interested not joining therein, and resident in Canada.

Notice to absent and un-

IV. Every person having any such interest as aforesaid, may be made a party to such petition, and if any of the parties so interested are minors and it shall be satisfactorily proved to the Court that at least fourteen days' notice has been served on such minors as reside in this Province, of an intention to apply to such Court for an order for partition or sale, such Court shall thereupon appoint a suitable and disinterested person to be guardian for one or more of such minors, whether the said minors reside within or without this Province, for the special purpose of taking charge of the interests of such minors in the proceedings upon such petition.

V. Every guardian so appointed, shall, before entering upon his duties, execute a bond, in such penalty and with such surety as the Court shall direct, to the "Real Representative" of the County or Union of Counties where such estate is situate, by his name of office, conditioned for the faithful discharge of the trust committed to him, and to render a just and true account of his guardianship, when thereto required by the Court, and no proceedings shall be taken upon the petition until such bond is filed in the office of the Court; and after the execution and filing of such bond, such guardian shall represent his minor in the proceedings upon the said petition, and his acts in relation thereto shall be binding on such minor, and shall be as valid as if done by such minor after having arrived at full age.

VI. It shall not be necessary in the first instance to make any creditor having a lien on such estate or any part thereof, by judgment, decree, mortgage or otherwise, a party to the proceedings, nor shall the partition or sale of the estate alter, affect or impair the lien of such creditor, but the petitioner may make such creditor a party, and in such case the petition shall set forth the nature of any such lien or incumbrance, and if such lien or incumbrance is on the undivided interest or estate of any of the parties to the petition, it shall be a lien only on the share of such party, and such share shall be first charged with its just proportion of the costs of the proceedings in partition, in preference to any such lien.

VII. A copy of such Petition, with notice that the same will be presented to the Court on some certain day in term, shall be served thirty days inclusive, previous to such term, on all the parties interested in such estate who shall not have joined in such petition and are resident in this Province, and on the guardians of such as are minors, who shall have been appointed such guardians as aforesaid; and every such notice shall be addressed to all the parties interested who are known, and generally to all others unknown, having or claiming any interest in such estate.

VIII. If any parties having such interest are unknown, or if known, reside out of this Province or cannot be found therein, the

the petition and notice may be served on such unknown or absent party, by publishing the same three months previous to the presentation of such Petition, once in each week successively, in the *Canada Gazette*, and in a paper printed and published in the County or Union of Counties where the estate is situate, and if there be none, then in the *Canada Gazette* alone, which shall be equivalent to a personal service on such unknown or absent parties, or such petition and notice may be served personally on any known absent party, forty days previous to its presentation, without publishing the same.

known parties.

Service may be made on absent parties if known.

IX. Upon the presentation of such petition, and satisfactory proof of the service or publication thereof with the notice as aforesaid, and of the facts justifying the mode of publication, the Court shall, by rule, allow such Petition, and thereupon the parties interested in the estate shall appear and shew title to the proportions which they claim of the premises set forth in the petition, within the time for pleading according to the practice of the said Court.

On proper proof, petition to be allowed and parties to shew title.

X. Notice of the rule of allowance, and all other notices in any subsequent proceedings, unless otherwise specially directed, may be served by affixing the same in the office of the Clerk of the Court, which shall be equivalent to personal service on the party to be affected thereby.

Service of notice of allowance and subsequent notices.

XI. Any party appearing may plead, either separately or jointly with one or more of his co-defendants, that the petitioners or any of them, at the time of presenting the petition, were not entitled to or in possession of the premises or any part thereof, or that the defendants or any of them did not hold the premises together with the petitioners at the time of the commencement of the proceedings, as alleged in the petition; and such pleas shall form a complete issue, and any matters to support the claim or defence of either party may be given in evidence thereunder.

Pleadings and proof in the case.

Issue and evidence.

XII. Any defendant may also deny the interest of any party made co-defendant, and the issue thereon may be tried at the same time as the other issues on the petition.

A defendant may deny title of a co-defendant.

XIII. All issues so joined shall be tried on a record made up of the said petition and the defence made in pleading thereto, and the like proceedings had thereupon in every respect as in personal actions, as to new trials, amendments and any other particulars.

Trial of the issues raised in the case.

XIV. If judgment shall be entered against any of the defendants by default for want of a plea, the Court shall still require the petitioners to exhibit proof of their title, and from such proofs, or from the confession by plea of the parties, if they appeared, or from the verdict of a jury by which any issue of

Petitioners must shew title though the opposite party make default, &c.
fact

Judgment. fact shall have been tried, the Court shall declare the rights, title and interest of the parties to such proceedings, plaintiffs as well as defendants, and shall determine the rights of the parties in such estate, and give judgment that such partition be made between such of them as have any rights therein, according to such rights, but not so as to affect any parties whose rights have not been ascertained.

Real representative to carry out the judgment of partition. XV. Whenever any judgment of partition shall be rendered, the Court shall, by rule, order the Real Representative to make the partition so adjudged, according to the respective rights and interests of the parties, as the same were ascertained and determined by such Court; and in such rule the Court shall designate the part or shares which remain undivided for the owners whose interests shall be unknown and not ascertained; and the Real Representative shall forthwith proceed to make such partition according to the judgment of the Court, unless it shall appear to him that partition cannot be made without prejudice to the owners of the estate, in which case he shall make a return of such fact to the Court in writing under his hand.

And report if the partition cannot be made without injury to the parties.

How the partition shall be made. XVI. In making partition, the Real Representative shall divide the said real estate, and allot the several portions and shares thereof to the respective parties, as adjudged by the Court, designating the several shares by posts, stones or other permanent monuments, and he may employ a Surveyor to assist him therein; and he shall report to the said Court in writing, the manner in which he has divided the said estate, and the share allotted to each party, with the quantity, and courses and distances of the boundaries of each share, and a description of the posts, stones or other monuments, together with an account of his fees, which, together with any charges for surveyors, shall be ascertained and allowed by the Court, and the amount shall be paid by the petitioners, and shall be allowed to them as part of the costs to be taxed.

Survey.

Report.

Costs.

Proof, filing and registration of the report of partition. XVII. The said report shall be proved by affidavit before any Commissioner for taking affidavits, and shall be filed in the said Court, and a copy thereof, after the report is confirmed by the Court, certified under the hand of the Clerk and seal of the said Court, shall be registered in the County Register, on the production thereof to the Registrar of the County or Union of Counties where such estate is situate.

Confirmation of report; after amendment if required. XVIII. Upon the return of such report, the Court shall confirm the same, or in its discretion, remit the same back to the Real Representative for amendment in any particular or particulars in which there is manifest error; and upon any final confirmation, judgment shall thereupon be given that such report is confirmed, and such judgment shall be binding and conclusive on all known parties named in the said petition, and

Effect of such confirmation.

all

all unknown parties where such publication as aforesaid has been made, and all persons claiming from or through them; but such judgment shall not affect any person having claims as tenants in dower, by courtesy or for life, to the whole of the premises which shall be the subject of such partition, nor any person not named in the petition either originally or by amendment, nor any unknown person when there has been no such publication as aforesaid.

Certain parties not to be affected.

XIX. If upon the report of the Real Representative, the Court shall see fit to order sale of the estate, it shall be lawful for the Court so to do, and by a rule to be made on filing such report, the Court may order the Real Representative to sell the estate at public auction to the highest bidder; and in such order the Court shall direct the terms of credit which may be allowed for any portions of the purchase money of which it shall think proper to direct the investment, and for such portions of the purchase money as are required, by the provisions hereinafter contained, to be invested for the benefit of any unknown owners, infants, parties out of the Province, or any tenants for life, in dower or by courtesy; such portions of the purchase money for which credit is so allowed, to be secured at interest by a mortgage of the premises sold, by a bond of the purchaser, and by such other security as the Court shall prescribe.

Sale may be ordered by Court, and how to be made: credit, for part of purchase money in certain cases: how secured.

XX. The Real Representative may take separate mortgages and other securities, for such convenient shares or portions of the purchase money as are directed by the Court to be invested as aforesaid, in his own name of office, as Surrogate Judge and Real Representative for such County or Union of Counties, and his successors in office, and for such shares as any known owner of full age shall desire to be invested, in the name of such owner; and upon such sales being confirmed, the Real Representative shall deliver such mortgages to the Clerk of the Court, or to the known owners whose shares were so invested.

Real representative may take mortgages for moneys to be invested.

XXI. Before making any order for sale, where the creditors having specific liens shall not have been made parties, the Court, on motion of either party, shall direct the Petitioner to amend his Petition by making every creditor having a specific lien on the whole estate, or on the undivided interest or estate of any of the parties, by mortgage, judgment or otherwise, a party to the proceedings, and shall direct the Clerk of the Court to ascertain and report whether the shares or interests in the premises of the parties in such suit, or any of them, are subject to any general lien or incumbrance by judgment or decree, and such clerk shall forthwith cause a notice to be published once a week for four weeks in the *Canada Gazette*, and also in a newspaper, if there be one, in the County or Union of Counties in which such estate is situate, requiring all persons having any general lien or incumbrance on the estate or on any undivided interest or share therein, by mortgage, judgment,

How creditors having specific liens on the property and not made parties to the petition shall be called in, and their liens, dealt with.

judgment, decree, or otherwise, to produce to the said clerk on or before a certain day to be named in such notice, proofs of all such liens and incumbrances, together with satisfactory evidence of the amount due thereon, and the clerk shall report with all convenient speed, the names of the creditors, the nature of the incumbrances, the dates thereof, and the several amounts appearing to be due thereon, and thereupon the Court shall order the Real Representative to bring into Court and pay to the Clerk the whole purchase money, if the lien be on the whole estate, or the portion thereof arising from the sale of the part charged with the lien, after deducting the portion of the costs, charges and expenses to which it shall be liable.

Application of party entitled to a share of the estate, for payment of his share of the purchase money.

XXII. Any party entitled to a share of the estate, may apply to the Court to order such part of the purchase money as he shall claim, to be paid to him, on affidavit shewing the amount truly due on each incumbrance, if any, the owner of such incumbrance, and his residence as far as known to such party, and also on proof of the due service of a notice on each incumbrancer, of the intention to make such application, at least ten days previous thereto, such service to be personal, or on a grown up person at the residence of such incumbrancer, if residing in this Province, and if residing out of this Province, by personal service thirty days previously, or by publishing the notice once a week for four weeks in the *Canada Gazette*.

Hearing and proof: ascertaining amount of incumbrances and payment thereof.

XXIII. Upon such application, and proof of notice being given, the Court shall proceed to hear the allegations and proofs of the parties, and after the amount of incumbrances shall be ascertained, shall order a distribution of the moneys so brought into and remaining in Court, among the several parties having such incumbrances, according to the priority thereof respectively, and the Clerk of the Court shall procure satisfaction thereof to be acknowledged, in the form required by law, and shall cause the incumbrances to be duly satisfied or discharged of record, defraying the expenses out of the moneys payable on the share or shares which were so incumbered; Provided always, that such proceedings to ascertain and value the amount of incumbrances, shall not affect or delay the paying over or investing of money to or for any party upon whose estate in the premises there shall not appear to be any existing incumbrance.

Proviso.

Case of tenant in dower, by courtesy or for life; if sale be made, such tenant shall be satisfied out of proceeds, and how.

XXIV. Whenever the estate of any tenant in dower to the whole or part of such estate, or of any tenant by courtesy or for life to any part of the estate, has been admitted by the parties, or ascertained by the Court to be existing at the time of the order for such sale, and the person entitled to such estate has been made a party to the proceedings, the Court shall first determine whether such estate ought to be exempted from the sale, or whether the same should be sold; and in making such determination, regard shall be had to the interests of all the parties, and if a sale be ordered including such estate, all the

estate

estate and interest of every such tenant shall pass thereby, and the purchaser, his heirs and assigns, shall hold such premises free and discharged from all claims by virtue of the estate or interest of any such tenant, whether the same be to any undivided share, or to the whole or any part of the premises sold ; and the Court shall direct the payment of such sum in gross out of the purchase money, to the person entitled to such dower or estate by courtesy or for life, as shall be deemed, upon the principles applicable to life annuities, a reasonable satisfaction for such estate.

XXV. When any married woman shall be a party to such proceedings, the petition shall be by her and her husband, and the service or notice of such petition shall be upon her and her husband, and judgment or decree shall be binding in such case upon her and her husband, and all claiming through her or them ; and if her claim be an inchoate right of dower, in any case of sale, the Court shall determine the value of such right according to the principles applicable to deferred annuities and survivorships, and shall order the amount of such value to be paid to her and her husband on their joint release under seal, and such order and the payment and release thereon shall be a valid and effectual bar to any right or claim of dower.

When married woman is a party, her husband to be joined.

If her claim be for an inchoate right of dower.

XXVI. The Real Representative shall give notice of any sale to be made by him, for the same time and in the same manner as is required by law on sales of real estate by sheriffs on execution, and the terms of such sale shall be made known at the time of the sale, and after the completion thereof he shall report the same in writing to the Court, with a description of the different parcels of land sold to each purchaser, and the price paid by him ; and on the filing such report, if such sales be approved and confirmed by the Court, an order shall be made directing the Real Representative to execute deeds pursuant to such sales, and such deeds so executed shall be recorded in the County where the lands lie, on a memorial thereof, in the same manner as other deeds, and shall be a bar both in law and equity, against all parties interested in the premises, who shall have been named in such proceedings as parties, and against all unknown parties where notice was published as aforesaid, and against all persons claiming under or through them, and also against all incumbrancers, where the notice hereinbefore mentioned has been given to them.

Notice of sale and report thereof.

Deed to be made and registered if the sale be approved.

XXVII. The proceeds of such sale, after deducting all costs, shall be divided among the parties whose rights and interests shall have been sold, in proportion to their respective rights in the premises, and the shares of such as are of full age shall be paid to them by order of Court, and in the case of infants, unknown or absent parties, shall be invested for them, in the name of the Real Representative and his successors in office, until lawfully claimed by them or their legal representatives ; and

Division of proceeds and payment or investment of shares thereof ; Court may require security to be given.

and the Court may in its discretion require all or any of the parties, before they shall receive any share of the moneys arising from such sale, to give security to the satisfaction of such Court, to refund the said shares, with interest thereon, in case it shall thereafter appear that such party was not entitled thereto.

Securities to be deposited with Clerk of Court who shall receive and apply the money under order of Court

XXVIII. All securities shall be taken in the name of the Real Representative and his successors in office, except when directed to be taken in the name of any known party, and shall be delivered to and kept by the Clerk of the Court, who shall receive the interest and principal thereon, and apply or invest the same as the Court shall direct, and shall in each term render to the Court an account in writing under oath, of all moneys received by him and of the application thereof, and upon any refusal to render such account, or any misapplication of the funds, he shall be liable to be proceeded against and punished for embezzling the moneys of the Real Representative as in ordinary cases of embezzlement of a clerk or servant.

Investments to be in certain Debentures only.

XXIX. All investments of moneys arising from sales shall be made in Provincial or Consolidated Municipal Loan Fund Debentures.

Costs of proceedings how to be apportioned, and recovered or secured.

XXX. The Court shall apportion the costs of the proceedings on the petition according to the respective shares and interests of the parties known or unknown, and shall direct the same to be paid to the petitioners, and such order shall operate as a judgment for such costs, and on a copy thereof being filed in the County Registry Office where the lands lie, shall be a charge for such proportion, against the shares representing such proportion, and execution may issue thereon as in ordinary cases of costs, and such share or interest may be sold thereon and a valid title on such sale given to the purchaser thereof, as in the cases of sales by sheriffs in execution; and if judgment be rendered against the petitioners for any cause, the Court shall adjudge costs against them, to be recovered as in cases of personal actions.

Removal of proceedings by *certiorari*.

XXXI. The proceedings upon petition, if commenced in a County Court, may be removed into either of the Superior Courts of Law or Equity by *certiorari* at any time before judgment, to be allowed by any judge of such Court, on security being given by the party applying for the *certiorari*, for the costs of the proceedings on petition, to the satisfaction of such judge; and upon any final judgment, decree or order, an appeal may be had by any of the parties interested, in the same manner and with the same consequences as in other cases of appeal, from the decision of any Court rendering such judgment, decree or order.

Appeal allowed as in other cases.

XXXII. Where the interests in such estate are equitable fees simple, the Court of Chancery alone shall have the same powers, upon petition or bill filed in that Court, to act thereupon, as are hereby given to the Courts of Law and Equity in other cases, and the same notices shall be given, served, published and verified, guardians of minors appointed, and the same rules apply as to parties, and the like proceedings be had, as hereinbefore directed.

Powers of the Court of Chancery when the interests are equitable fees simple.

XXXIII. In the month of January of every year after the passing of this Act, the Clerk of the Court having the custody of any bonds, mortgages or investments arising from sales of such estates, for the benefit of any unknown, absent, infant or lunatic parties, where no claim has been made on their behalf for any interest or principal of such investments during the preceding year, shall cause to be published in the *Canada Gazette*, and in one newspaper in the County or Union of Counties in which such lands are situate, weekly, for the period of four weeks, a statement of the securities or investments remaining unclaimed, showing the name of the intestate party, the amount unclaimed, and the property from which the claim has arisen, and such statement shall be verified by the clerk, and a copy thereof filed among the records of the Court.

Statement to be published yearly by Clerks of Courts of moneys in their hands and unclaimed.

XXXIV. All proceedings in petition shall be intituled "In the matter of the estate of A. B. who died intestate," and shall require no other title, except the name of the Court in which such proceedings are had; and the judges of the Superior Courts of Common Law and the Court of Chancery shall make such tariff of fees and rules and orders, for the proceedings on petitions at Law and in Equity, respectively, as they shall deem expedient and advisable.

Intituling proceedings under this Act.

Courts to make Tariff and Rules.

C A P . L X V I .

An Act to amend the Laws relating to the solemnization of Matrimony in Upper Canada.

[Assented to 10th June, 1857.]

WHEREAS under the laws now in force in Upper Canada, privileges are claimed with regard to the solemnization of matrimony, by the Clergymen and Ministers of certain denominations, which are partial in their character and offensive to certain other religious denominations and their Clergymen and Ministers: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. From and after the passing of this Act, the Ministers and Clergymen of every religious denomination in Upper Canada, duly ordained or appointed according to the rites and ceremonies of

Ministers of any denomination may

of

solemnize marriage.

of the Churches or denominations to which they shall respectively belong, and resident in Upper Canada, shall have the right to solemnize the ceremony of Matrimony, according to the rites, ceremonies and usages of such Churches and Denominations respectively, by virtue of such ordination or appointment.

Ministers marrying must give certificate if required.

II. Every Clergyman or Minister who shall celebrate Matrimony in Upper Canada, from and after the time of the passing of this Act, shall, if required, at the time of such marriage by either of the parties thereto, give a certificate under his hand of such marriage, specifying the names of the parties married, the time and the names of two or more persons who witnessed such marriage, and whether such marriage was solemnized pursuant to License or publication of banns; and for every such certificate, the Clergyman or Minister giving the same shall be entitled to ask, demand or receive from the party so requiring the same, the sum of one shilling and three pence.

Fee for certificate.

Ministers to enter every marriage in a Book, with particulars as per Schedule;

III. From and after the first day of January, one thousand eight hundred and fifty-eight, every Clergyman or Minister shall, immediately after the solemnization by him of any marriage, enter in a book to be by him kept for that purpose, which book shall be and continue to be the property of the church or denomination to which he shall belong at the time of such marriage, a true record of such marriage, embracing all the particulars set forth in the body of the schedule hereunto annexed; and on or before the first day of February, in each and every year, after the year one thousand eight hundred and fifty-eight, it shall be the duty of every such Clergyman, and he is hereby required to return a certified list according to the form, and specifying the particulars in the said schedule set forth, of all marriages by him solemnized during the year ending on the thirty-first day of December, then next preceding, to the Registrar of the County in which such marriage shall have taken place, and at the time of making such return, to pay or transmit to such Registrar the sum of five shillings for every such list; and on receipt by such Registrar of every such list, it shall be his duty to file the same among the papers of his office, and to record the same in a book to be kept by him for that purpose; and every such register, or a certified copy thereof, shall be considered in the case of the death or absence of the witnesses to any such marriage, as a sufficient evidence thereof; and the said Registrar is hereby required to give a certified copy of any such marriage record to any person demanding the same, on the payment of the sum of two shillings and six pence; and every such Clergyman or Minister shall, before solemnizing such marriage, be entitled to ask, demand and receive from either of the parties to such marriage, the sum of ten shillings, to enable him to pay the said sum so to be paid or transmitted by him to such Registrar, and to remunerate him the said Clergyman or Minister, for the trouble and expense attendant on the preparing and transmission of such certified list to such Registrar; and every

And make a return of all marriages yearly to the Registrar of the County.

Registrar's duties and effect of copies from Registrar.

Fees to Registrars for copies.

Fees to Minister for marrying.

every such Clergyman or Minister who shall refuse or neglect to return such certified list as aforesaid, shall forfeit and pay for every day he shall so neglect or refuse, beyond the time respectively herein fixed for making such return, the sum of one pound, which shall be recoverable before any Magistrate of the County in which such Clergyman or Minister shall reside, with costs, and shall be applied, as fines now inflicted under the Summary Convictions Acts of Upper Canada: Provided however, that nothing in this Act contained shall be construed or held to prevent the payment to the officiating Clergyman or Minister of such remuneration as the parties may see fit to make.

Fines for neglecting to certify list of marriages.

Proviso: parties married may give what remuneration they think fit.

IV. In the event of the death or removal of any Minister or Clergyman before making the annual return hereinbefore provided for, it shall be the duty of his successor or other person having the legal custody of the book referred to in the next preceding section of this Act, to transmit to the Registrar of the County in which any such marriage shall have taken place, a certified copy of all marriages therein recorded, in the same manner as is provided for, and subject to the same penalties for neglect or non-performance of such duty, as is mentioned in the next preceding section, and such Registrar shall record the same as if such return had been made by the Minister or Clergyman who *de facto* celebrated such marriage.

In case of death or removal of Minister, his successor to make the return to the Registrar.

V. Any person not being a Clergyman or Minister of a religious denomination existing in Upper Canada, who shall solemnize or pretend to solemnize matrimony under the provisions of this Act, and any person who shall falsely personate any Clergyman or Minister for the purpose of officiating at any such ceremony, shall be guilty of misdemeanor, and shall be liable for every such offence to be imprisoned in the Provincial Penitentiary, for a period not exceeding two years, or to suffer such other punishment, either by fine or imprisonment, or both, as any Court of Record having competent jurisdiction in Upper Canada shall deem meet and just; and it shall rest upon any person accused of such offence to prove the fact of his being a duly ordained or appointed Minister or Clergyman of the religious denomination to which he shall profess to belong, and that such denomination had at the time of the solemnization of such marriage a known existence in Upper Canada.

Punishment of persons not being Ministers pretending to solemnize marriage.

Proof or ordination or appointment to lie on defendant.

VI. Any person knowingly procuring any other person not being a Minister or Clergyman of some religious denomination existing in Upper Canada, to perform the ceremony of matrimony, or who shall knowingly aid or abet any such pretended Clergyman or Minister in performing such ceremony, shall be guilty of misdemeanor, and shall be liable to the punishment provided for in the next preceding section of this Act.

Punishment of persons procuring persons not Ministers to pretend to marry, &c.

Quakers' marriages declared valid.

VII. Every marriage which shall be duly solemnized according to the rites, usages and customs of the Religious Society of Friends, commonly called Quakers, shall be and is hereby declared valid, and the duty imposed by the third section of this Act, upon every Minister and Clergyman, with regard to marriages solemnized by them, shall, with regard to such marriages, be performed by the Clerk or Secretary of the Society or Meeting where such marriage was solemnized, and in default of the performance of any such duty by any such Clerk or Secretary, he shall be liable to the penalty prescribed by the said third section, for default, in the case therein named.

Who shall send the return to the Registrar.

Clerks of the Peace to mail copies of this Act to Ministers entitled to marry under it.

VIII. It shall be the duty of the Clerk of the Peace of each County or Union of Counties in Upper Canada, to procure without delay from the Queen's Printer, a sufficient number of copies of this Act to enable him to mail one to the Address of each Clergyman or Minister entitled to solemnize Matrimony under the provisions of this Act, whom he shall know, or shall ascertain at any time within six months from and after the passing of this Act, to be resident in such County or Union of Counties, and to mail the same accordingly; and also from time to time to furnish all such Clergymen or Ministers on demand with the books and with printed blank forms for the lists to be used and returned by them in pursuance of this Act, and such books shall have columns and headings printed on each page thereof, according to the form of the Schedule hereunto annexed, and shall, as shall also the blank forms aforesaid, be of such size and form as to admit of the necessary entries being conveniently made therein; and the cost of such books and forms, as well as of procuring and distributing copies of this Act as aforesaid, shall be borne by the Counties or Unions of Counties respectively.

And to furnish books and printed forms.

Cost thereof how paid.

Copies of this Act to be sent to Clerks of the Peace.

IX. Copies of this Act shall be mailed from the office of the Provincial Secretary to the addresses of the Clerks of the Peace of the several Counties and Unions of Counties in Upper Canada respectively, as soon as conveniently may be after the passing of the same.

Inconsistent enactments repealed.

X. All Acts and parts of Acts inconsistent with this Act, shall be and the same are hereby repealed.

Act limited to U. C. only.

XI. This Act shall apply to Upper Canada only.

SCHEDULE.

Registrar of Marriages solemnized by _____, a Minister of _____, for the year ending _____, 31st day of December, A. D.

BRIDEGROOM.				BRIDE.			WITNESS.		DATE OF MARRIAGE.		
His Name.	Age if known.	Residence.	Place of Birth, if known.	Names of Parents, if known.	Her Name.	Age if known.	Residence.	Place of Birth, if known.		Names of Parents, if known.	Name.

I do hereby certify that the foregoing is a true and correct statement of all Marriages solemnized before (as the case may be) for the year ending on the 31st day of December next preceding the date hereof.

(Signed,) A. B.
(Minister or Clerk, as the case may be.)

C A P. L X V I I .

An Act to amend the Municipal Laws of Upper Canada relating to the incorporation of Villages.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS by the Municipal Laws of Upper Canada, no provision is made for the incorporation of Villages until after the taking of the periodical Census, and much inconvenience and unnecessary delay are occasioned thereby: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Any Village containing between 750 and 3,000 inhabitants may be incorporated by proclamation on complying with certain conditions.

I. Whenever any Village not now incorporated shall contain over seven hundred and fifty, and less than three thousand inhabitants, it shall and may be lawful for any number, not less than one hundred of the resident freeholders and householders of such Village, after having given one Month's notice in some newspaper published in each County in which such Village may be situated, to petition the Governor of this Province, that such Village may be erected into or set apart as an incorporated Village and the inhabitants thereof, incorporated under the provisions of the Municipal Laws of Upper Canada; And upon such petition it shall be lawful for the said Governor, on being satisfied by a Census to be taken and verified by the oath of two credible witnesses, that any such Village contains more than seven hundred and fifty inhabitants, by an Order in Council to issue a Proclamation under the Great Seal of this Province, erecting or setting apart such Village as an incorporated Village, by a name to be given in or by such Proclamation, and to set forth in such Proclamation, proper boundaries for such Village, including within such boundaries any portion of the Township or Townships which, from the proximity of streets or buildings therein, may be conveniently attached to such Village, and when such Village shall have grown up on the confines of two or more Counties, or of two or more Ridings of the same County, or of two or more Electoral Divisions, so as to lie partly within the limits of each, to annex the whole of such Village as incorporated to some one of such Counties or Ridings or Electoral Divisions exclusively; and the inhabitants of such Village shall, on, from and after the first day of January next, after the end of one calendar month from the *teste* of such Proclamation, be incorporated, and the said Village shall become an incorporated Village, apart from the Township or Townships in which it is situate; and the first election for such Village shall be held in the manner prescribed in the Upper Canada Municipal Acts, on the first Monday in January aforesaid, and such Village shall from thenceforth form a part of the County to which it shall have been annexed as aforesaid, and shall be subject to the same regulations and provisions and shall have and be entitled to the same immunities and privileges as incorporated

Boundaries to be assigned.

Case of Village partly within two Counties provided for.

Effect of such incorporation.

First election in such Village.

incorporated Villages now have or hereafter may have by law, as fully as if such Village had been specially mentioned in the Schedule or Schedules relating to Villages attached to the Municipal Acts of Upper Canada.

II. All Acts and parts of Acts inconsistent with this Act shall be and are hereby repealed.

Inconsistent enactments repealed.

C A P . L X V I I I .

An Act to enable Counties united for Municipal purposes to carry on improvements independently of each other.

[Assented to 10th June, 1857.]

WHEREAS it is necessary to afford greater facilities than at present exist for carrying on local improvements in Counties where two or more are united: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. From and after the passing of this Act, it shall and may be lawful for the County Councils of United Counties to take into consideration, make appropriations and raise funds, so as to enable either County separately to carry on such improvements as may be required by the inhabitants thereof.

County united to another may raise funds separately for separate purposes.

II. Whenever any such measure shall be brought under the notice of the Council of any United Counties, none but the Reeves and Deputy Reeves of the County affected by the measure shall be permitted to vote; Provided always, that the Warden, in case of an equality of votes for and against the measure, shall have the right of giving the casting vote, whether he be a Reeve or Deputy Reeve of any portion of the County affected by the measure or not.

Reeve, &c., of County interested only to vote. Proviso.

III. In all other respects, all the provisions of the Municipal Corporations Acts of Upper Canada, giving such privileges and making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised by direct taxation, shall be adhered to.

Municipal Corporations Acts to apply in other respects.

IV. The Treasurer of such United Counties shall pay over all sums so paid into his hands by the several Collectors without any deduction for percentage.

Moneys so raised to be paid without deduction.

V. The property to be assessed for the purposes by this Act contemplated, shall be the same as is assessed for any other County purpose, except that any sum to be raised for the purposes of one County only, or for the payment of any debt contracted for the purposes of one County only, shall be assessed and levied solely upon property in that County, and not upon that in the other or others united to it.

Only property in the County interested to be assessed.

C A P. L X I X.

An Act to provide for the disposal of Road Allowances
in the Rural Municipalities of Upper Canada.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it has become necessary to provide more fully for the stopping up and sale of original road allowances in Upper Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Part of section 187 of 12 V. c. 81, and of section 32 of 16 V. c. 181, repealed.

I. So much of the one hundred and eighty-seventh section of the Upper Canada Municipal Corporations Act of 1849, as amended by the Upper Canada Municipal Corporations Law Amendment Act of 1850, or of the thirty-second section of the Upper Canada Municipal Corporations Law Amendment Act of 1853, as prevents the Municipalities of Townships and the Municipal Councils of Counties in Upper Canada from passing By-laws for stopping up original allowances for roads in such Townships or Counties, or from selling and conveying any original allowance for road, shall be and the same is hereby repealed.

Township Councils may make By-laws for sale, &c., of Road Allowances.

II. It shall be lawful for the Municipality of each of the Townships of Upper Canada from time to time to make a By-law or By-laws for the stopping up and sale of any original allowance for road, or any part thereof, within such Township, and thereby to determine and declare the terms upon which such original allowance for road shall be sold and conveyed ; Provided always, that such By-law or By-laws, before they have any force, shall be confirmed by a By-law of the County Council of the County in which such Township is situate, at some ordinary session thereof, held not sooner than three months nor later than one year next after the passing thereof.

Proviso : for confirmation by County Council.

County Councils may make similar By-laws as to Roads under their control.

III. It shall be lawful for the Municipal Council of each County or Union of Counties in Upper Canada, from time to time to make a By-law or By-laws for the stopping up or stopping up and sale of any original allowance for road or parts thereof within such County or Union of Counties, which is subject to the sole jurisdiction and control of the Municipal Council thereof, and not being on the limits of any Village, Town or City therein.

To whom the Road Allowance shall be first offered in certain cases ; if compensation

IV. In all cases where a Public Road has been opened or where a new road shall be opened in lieu of the original road allowance, and for which compensation shall have been or shall be paid, the Municipal Council of the Township or of the County shall in their respective jurisdictions, have power to sell such

such original Road allowance to the party or parties next adjoining to whose land or lands the same shall have run or be run, and in case of his, her or their refusal to become the purchaser or purchasers thereof, at such price or prices as such Municipal Corporation shall think reasonable, then to any other person or persons whomsoever, but not for a less sum than the price it was offered for to the party refusing to purchase it.

has been made for a new Road.

V. In all cases where a public road has been opened, or where a new road shall be opened in lieu of an original Road allowance, and for which no compensation has been or shall be paid, the Municipal Council of the Township or County in their respective jurisdictions shall have power and they are hereby authorized and required upon the report in writing of the Township or County Surveyor, or of a Deputy Provincial Land Surveyor, that such new road allowance or travelled road is sufficient for the purposes of a public road or highway, to convey such original road allowance to the party or parties through whose land or lands the same shall have run or shall run, in lieu of such new road.

And if no compensation has been made for the new Road.

VI. When any such Road is, in the opinion of such Municipality, useless to the public, and lies between lands owned by different parties, such Municipality shall, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties, as to such Municipality shall appear to be just and reasonable.

When the Road is useless to the public, the allowance may be sold.

VII. It shall not be lawful for any Municipality, whether County or Township, after the passing of this Act, to close up any public road or highway, whether such road or highway be an original road allowance, or a road which has been opened by the Quarter Sessions, County or Township Councils through any land, by which any person shall be excluded from ingress or egress to and from his farm or place of residence over the said road, but all such roads shall remain open for the use of the person who shall require the same.

Roads not to be closed so as to prevent access to any land.

VIII. No By-law for the stopping up, or stopping up and sale of any original allowance for Road shall be passed until one month's notice thereof shall have been given by written or printed notices posted in at least six public places in the vicinity of such Road allowance, and published in at least one local newspaper for three successive weeks, and it shall be the duty of the Township or County Clerk, as the case may be, to give such notice on the application of the party applying therefor, on payment of the reasonable expenses attendant thereon.

By-law to be published before being passed.

C A P . L X X .

An Act to amend the Law relative to the Inspectors of Houses of Public Entertainment.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is expedient to amend the Act thirteenth and fourteenth Victoria, chapter sixty-five, amending the law relative to Tavern Licenses in Upper Canada, in so far as it relates to the election of Inspectors of Houses of Public Entertainment, by providing that hereafter such Inspectors shall be appointed by the Municipalities, instead of being elected by the people as heretofore : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Inspectors to be appointed by the Municipal Councils after 1857.

I. After the present year one thousand eight hundred and fifty-seven, so much of the said Act as empowers the Municipal Electors to elect Inspectors of Houses of Public Entertainment in any Municipality in Upper Canada shall be repealed, and it shall be lawful for the Council of each such Municipality to appoint annually one or more fit and proper persons to be such Inspectors, who shall hold office during the year for which the said Council shall have been elected, and any vacancy occurring during the said year shall be filled as aforesaid by the said Council, for the remainder of the period such Council shall continue in office.

By-laws to be made for their government.

II. It shall be lawful for the Municipalities in Upper Canada, by By-law, to fix and define the duties, powers and privileges of the Inspectors so appointed by them, the remuneration they shall receive, and the security to be given by them for the efficient discharge of the duties of their office ; such By-laws not being contrary to the laws of Upper Canada.

Qualification of Inspectors.

III. The person or persons to be appointed Inspectors shall possess the same property qualification as is now required for the Councillors of the Municipality which shall appoint the same.

Inconsistent cases now in record.

IV. So much of the hereinabove cited Act as is inconsistent with this Act shall be, and the same is hereby repealed.

C A P . L X X I .

An Act to explain and amend the Clergy Reserves Appropriation Amendment Act of 1856, as regards the mode of ascertaining the number of Rate-payers in the several Municipalities in Upper Canada.

[Assented to 10th June, 1857]

FOR the removal of doubts under the enactment hereinafter mentioned: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. The word "Rate-payers" in the first and second sections of the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, and intituled, *An Act to amend the Provincial Act appropriating the moneys arising from the Clergy Reserves*, shall be held and taken to mean those persons and those only who shall be residents within the limits of the Municipalities mentioned in the said Acts, and whose names shall appear on the Assessment Rolls of each Municipality as Rate-payers: And the affidavit to be made and returned to the Receiver-General's Office by the Clerks of the several Municipalities, under the second section of the said Act, shall be made in the form of the Schedule to this Act annexed.

Word "Rate-payers" in 19, 20 V. c. 16, how to be construed.

Form of affidavit under said Act.

II. It shall be lawful for the several Municipalities aforesaid, by By-law to set apart for any special purpose, which special purpose shall be mentioned in such By-law, the whole or any part of the moneys derived from "The Upper Canada Municipalities Fund," and to invest the same in the purchase of Provincial, Consolidated Loan Fund or Municipal Debentures, for the purposes mentioned in such By-law, and from time to time to sell and dispose of such securities and reinvest the proceeds in other like securities, or otherwise appropriate the same in the manner mentioned in and directed by the said By-law or other By-law passed for that purpose.

Municipalities may set aside their share of the Clergy Reserve moneys for any special purpose, and invest it.

III. And whereas several of the said Municipalities have heretofore set apart and invested moneys derived from the said fund, for special purposes—Be it enacted, that any By-law heretofore passed setting apart and authorizing the investment of such moneys as last aforesaid, and under which By-law such moneys have been actually invested, shall be held to be a good and valid By-law.

Recital.

By-laws already made for setting apart and investing such share, confirmed.

SCHEDULE.

A. B., Clerk of the Municipality of the (City, Town, Township or Village, as the case may be,) maketh oath and saith, that the (above within written or annexed return, as the case may be) contains a true statement of the number of resident Rate-payers appearing on the Assessment Roll of the said City, &c., as the case may be, for the year eighteen hundred and fifty

Sworn before me, &c.

C A P . L X X I I .

An Act to make valid the Deeds given by Sheriffs to the Assignees of Purchasers of Land sold for Taxes under thirteenth and fourteenth Victoria, chapter sixty-seven.

[Assented to 10th June, 1857.]

Preamble.

13, 14 V. c. 67.

Doubts re-
cted.

Deeds from
the Sheriff to
the purchas-
er's assignee
declared valid.

WHEREAS many of the lands sold for Taxes under the Act of thirteenth and fourteenth Victoria, chapter sixty-seven, intituled, *An Act to establish a more equal and just system of Assessment in the several Townships, Villages, Towns and Cities in Upper Canada*, were assigned by the Purchasers thereof before the period for receiving the Sheriff's Deed had arrived, and the Assignees of such Purchasers applied to the respective Sheriffs and received Deeds from them of the Lands so sold for Taxes as aforesaid; And Whereas doubts have arisen as to whether such Deeds could properly be given under the said Act to such Assignees, and whether they should not in all cases have been made directly to the Purchasers from the Sheriffs, and it is expedient to remove such doubts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The Deed or Deeds made by any Sheriff who had sold lands for taxes under the above-mentioned Act to the Assignee or Assignees of any Purchaser or Purchasers of such lands, shall be as valid and effectual to all intents and purposes as if the same had been made directly to the Purchaser or Purchasers of such lands, any thing in the said recited Act to the contrary notwithstanding.

C A P . L X X I I I .

An Act to provide for ascertaining unknown Boundaries in all cases in which the Concession Lines were not run in the original survey.

[Assented to 10th June, 1857.]

Preamble.

13 V. c. 35.

WHEREAS the division or side lines of the lots in certain townships in Upper Canada were drawn in the original survey, and the proprietors of the lands have taken possession, and have regulated their improvements by such division or side lines; And whereas under the provisions of the Act of 1849, 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*, Surveyors in cases of dispute as to the boundaries of lots, are required, with the view of ascertaining such boundaries, to measure the true distance along the concession line between the nearest undisputed

undisputed posts, limits or monuments, and to divide such distance into such number of lots as the same contained in the original survey; but whereas, owing to the incorrectness of the original surveys of the Townships aforesaid, such subdivision does not agree with the division or side lines drawn in the original survey, and consequently the disputed boundaries cannot be decided to the satisfaction of the parties interested, and it is therefore necessary to provide a remedy: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. Notwithstanding any thing contained in the Act before cited, or in any other Act, it shall be lawful for Provincial Land Surveyors, and they are hereby required, when called on to determine disputed boundaries in the said Townships, to ascertain and establish the division or side lines of the lots, by running such side lines as they were run in the original survey, whether the same were run from the front of the Concession to the rear, or the rear of the Concession to the front thereof, in the original survey, and to adhere to all posts, limits or monuments, planted on the division or side lines in the original survey, as being or designating corners of lots under such original survey.

How side lines may be drawn in Townships described in the Title.

II. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X I V .

An Act further to amend and extend the Act to establish Mutual Insurance Companies in Upper Canada.

[Assented to 10th June, 1857.]

WHEREAS it is expedient to extend the provisions of the Act of the late Province of Upper Canada, passed in the sixth year of the reign of King William the Fourth, intituled, *An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of this Province*, as also the Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act further to amend the Act to establish Mutual Insurance Companies in Upper Canada*, so as to allow the establishment of Municipal Mutual Insurance Companies in Upper Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Act of U. C.,
6 W. 4, c. 18.

18 V. c. 120.

I. It shall be lawful at any time for ten freeholders in any Municipality in Upper Canada, to call a meeting of the inhabitants of such Municipality for the purpose of considering whether it be expedient to establish in such Municipality a Mutual Fire Insurance Company; such meeting to be called in

Meeting for formation of Company how to be called.

Acts in Preamble to apply.

in the manner provided in and by the several sections of the said last above named Act, and which therein apply to Towns and Villages; and so soon as such meeting is called, then all the provisions contained in the said Acts in the preamble to this Act mentioned, shall apply and extend to all such Companies so to be formed under the provisions of the said mentioned Acts, or either of them.

C A P . L X X V .

An Act for the protection of persons owning Lands on the Shore of Lake Ontario in the Counties of York, Peel and Halton.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS the owners of lands lying on the shore of Lake Ontario, in the Counties of York, Peel and Halton, have by their petitions to Parliament represented, that their property suffers great injury from parties removing stone from the shore up to the water's edge, by which means the banks are undermined and serious damage done to property thereon; And whereas it is expedient to prevent the abuse so complained of: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Stone not to be removed from the Beach in certain places.

I. No person shall remove or raise any stone from the bed of Lake Ontario at a less distance than three rods beyond low water mark, at any place between the western limits of the City of Toronto and Burlington Beach in the County of Halton.

Arrest and punishment of persons contravening this Act.

II. Any person removing or raising any stone in contravention of the next preceding section, may be arrested by the owner of any land adjoining Lake Ontario within the limits aforesaid, in front of whose property any stone may be removed, or his servant, or agent, or any person whom he shall call to his assistance, without any warrant other than the authority of this Act, and taken before one of the nearest Justices of the Peace, who, upon the complaint of the person arresting such offender, and upon conviction of the offender by the oath of such person or of any other credible witness, may condemn such offender to pay a fine not exceeding Five Pounds nor less than One Pound, and costs, and in default of immediate payment may commit such offender to the Common Gaol of the County or United Counties for any period not exceeding one month, unless the said fine and costs are sooner paid.

Punishment of the Master of any craft allowing his

III. If the master or other person in charge of any craft, shall permit his crew or any of them, to remove or raise any stone contrary to the provisions of this Act, or shall allow his crew to depart

depart from the shore after committing any such offence, he shall thereby incur a fine not less than Two Pounds nor exceeding Ten Pounds, to be recovered with costs, before any Justice of the Peace having jurisdiction in any place where such master or person in charge shall be found, upon proof of the offence by the oath of one credible witness, and if the fine and costs are not forthwith paid, the offender may be committed to the Common Gaol of the County or place for a period not exceeding two months, unless the fine be sooner paid.

crew to remove stone in contravention of this Act.

IV. All fines levied under this Act shall belong to the Municipality of the Township, Town or City in which the conviction shall be had, for the general uses thereof:

Application of fines.

V. The prohibition to remove or raise stone shall not apply to the owners of the land in front of which such stone shall lie, to be used for the purpose of constructing walls for the protection thereof.

Act not to prevent gathering stone for certain purposes.

VI. This Act shall be a Public Act.

Public Act.

C A P . L X X V I .

An Act to attach the new Townships of Galway, Cavendish and Anstruther to the County of Peterborough.

[Assented to 27th May, 1857.]

WHEREAS the rapid settlement of the new Townships of Galway, Cavendish and Anstruther now being surveyed and lying immediately in rear of the County of Peterborough, renders it necessary that the said Townships should be attached to the County of Peterborough: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. From and after the passing of this Act, the said Townships of Galway, Cavendish and Anstruther shall be attached to and form part of the said County of Peterborough for all purposes whatsoever.

The said Townships attached to Peterborough.

C A P . L X X V I I .

An Act to explain the Act to separate the County of Bruce from the County of Huron.

[Assented to 27th May, 1857.]

WHEREAS doubts have arisen as to the true construction of the first section of the Act passed in the session held in the nineteenth and twentieth years of Her Majesty's Reign, intitled, An Act to separate the County of Bruce from the

Preamble.

19, 20 V. c. 19.
County

County of Huron, in reference to the proclamation for fixing the site for the County Town in the said County of Bruce: For removing such doubts, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Governor in Council declared to have power to fix the County Town.

I. The Governor in Council has had and shall have power to fix the site of the County Town for the County of Bruce in the same manner as he might have done under the provisions of the Act passed in the twelfth year of Her Majesty's Reign chapter seventy-eight, if the Provisional Municipal Council, for the County of Bruce, had been constituted under that Act; and the proclamations mentioned in the said first recited Act shall be held and taken to include the proclamation referred to in the Act last mentioned for fixing the County Town.

Public Act.

II. This Act shall be deemed a Public Act.

C A P . I , X X V I I I .

An Act to authorize the Provisional Municipal Council of the County of Bruce, to take Stock in certain Railways.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS under the existing statutory enactments respecting Provisional Municipal Councils, the Provisional Municipal Council of the County of Bruce have not power to pass By-laws for other than local purposes connected with the establishment of the said County, and the erection of the public buildings in the same; And whereas the said Provisional Municipal Council of the said County of Bruce have by their Petition set forth that it would be highly conducive to the prosperity of the said County of Bruce forthwith to take Stock in the Stratford and Huron Railway Company, the Canada North-West Railway Company, or any other Company which the said Council may deem best for the interests of the said County of Bruce, and that to delay the same until the said Provisional Municipal Council are in process of time succeeded by the Municipal Council, would be prejudicial to and greatly retard the advancement of the said County, which their aiding in the accomplishment of undertakings of such vast importance would ensure, and have prayed to be authorized by Law to pass a By-law or By-laws to take such stock and to issue Debentures in manner hereafter mentioned; And whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The said Council may take

I. It shall and may be lawful for the Provisional Municipal Council of the County of Bruce, for the time being, to pass a By-law

By-law or By-laws for subscribing for and taking stock to an amount not exceeding One Hundred Thousand pounds, in the said Stratford and Huron Railway Company, the Canada North-West Railway Company, or any other Company which the said Council may deem best for the interests of the said County of Bruce, and to issue debentures in sums of not less than twenty-five pounds each, and in the whole not exceeding the amount authorized by such By-law or By-laws, and to apply the same to the purpose for which such loan is hereby authorized; and the said Provisional Municipal Council shall have full power to impose and levy taxes on the assessable property in the said County, for the purpose of paying the principal and interest of such debentures.

£100,000
Stock in the
said Railway.

II. Provided always, that the said Provisional Municipal Council, in the exercise of the powers hereby vested in it, shall be subject to all the provisions, restrictions and obligations imposed on Municipal Councils generally in Upper Canada, as regards the creating of debts and the contracting of loans, or the passing of By-laws for such purposes; and also that all the provisions of the second section of the Act passed in the sixteenth year of Her Majesty's Reign, and intitled, *An Act to establish a consolidated Municipal Loan Fund for Upper Canada*, and all the sub-sections thereof, in so far as the same make the consent of the Municipal Electors necessary, and refer to the mode of obtaining the consent of the said electors of a County, to any By-law for raising money on the credit of such County, shall extend and apply to any By-law to be passed by the Provisional Municipal Council of the said County of Bruce, under the authority of this Act, and no such By-law shall be finally passed, or if passed shall have any force or effect, until the approval of the Municipal electors of the said County shall have been so had and obtained; Provided that the approval of the Governor in Council to any such By-law shall not be requisite: And provided also, that any such proposed By-law shall be published during two months in the manner provided by the fourth sub-section of the said second section of the said Act, instead of being so published during one month only, as therein provided, nor shall any such By-law be finally passed before the month of October, in the present year one thousand eight hundred and fifty-seven.

By-law for
taking Stock
to be subject
to provisions
of 16 V. c. 22,
and to approval
of Municipal
Electors.

Proviso.

By-law to be
published and
not finally
passed before
October next.

III. Any debentures which the said Provisional Municipal Council of the County of Bruce may, under and by virtue of this Act, issue, endorse or guarantee, shall be valid and binding upon the said County, if signed and endorsed or countersigned by such officer or person, and in such manner and form, as shall be directed by any By-law or By-laws to be passed as aforesaid.

Debentures
under this
Act to be
valid.

IV. The Provisional Warden for the time being, as the Head of the Provisional Municipal Council of the said County of Bruce,

Provisional
Warden to be
ex officio Di-
rector.

Bruce, shall, from and after the taking stock and holding shares in the said Stratford and Huron Railway Company, the Canada North-West Railway Company, or any other Company which the said Council may deem best for the interests of the said County of Bruce, (not exceeding in the whole the said extent of one hundred thousand pounds,) be *ex officio* one of the Directors of such Company, in addition to the number of Directors now required by law, and shall have the same rights, powers and duties, as any of the other Directors of the said Company.

Public Act. V. This Act shall be deemed a Public Act.

C A P . L X X I X .

An Act to legalize and make valid certain By-laws of the late Home District Council passed in reference to certain Roads in the County of Ontario.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS doubts have arisen as to the validity of certain By-laws passed by the late Home District Council, for the establishing and opening of certain roads in the then Home District, and numbered respectively three, four, fourteen, fifteen, seventeen, twenty, thirty, forty, forty-one, fifty-six, fifty nine, sixty, seventy-four, seventy-seven, eighty-two, eighty-three, eighty-four, ninety-three, ninety-five, ninety-six, one hundred and six, one hundred and nine, one hundred and twelve, one hundred and fourteen, one hundred and forty-one, one hundred and forty-seven, one hundred and forty-eight, one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-seven, one hundred and seventy-five, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and ninety-four, one hundred and ninety-five, and it is expedient and necessary to legalize the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain By-laws of the Home District Council confirmed.

I. All the said By-laws numbers three, four, fourteen, fifteen, seventeen, twenty, thirty, forty, forty-one, fifty-six, fifty nine, sixty, seventy-four, seventy-seven, eighty-two, eighty-three, eighty-four, ninety-three, ninety-five, ninety-six, one hundred and six, one hundred and nine, one hundred and twelve, one hundred and fourteen, one hundred and forty-one, one hundred and forty-seven, one hundred and forty-eight, one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-seven, one hundred and seventy-five, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and ninety-four, one hundred and ninety-five, and each and every of them shall be and are hereby declared to be valid, notwithstanding any defect or informality in the same or in the manner of passing thereof;

thereof; except always, that nothing herein contained shall be construed to confirm any such By-law which may have been quashed or declared illegal by any competent Court, or in any way to affect any proceeding which has been had or taken, or which is now pending for the purpose of testing the legality of any such By-law, or any thing therein contained or affecting the same, but that any such case shall be determined as if this Act had not been passed.

Proviso.

II. All roads now opened, altered or changed under, or by virtue of the said By-laws or any of them, and which have not been disputed, or against which proceedings have not been taken or are not now taken, shall be and are hereby declared to be public highways, and where no width has been prescribed for any such road in the By-law or By-laws relating to it, the road shall be one chain wide, the line of the survey being the centre thereof; Provided always, that nothing in this Act contained shall prevent any municipality in the County of Ontario from paying what they may consider a just claim to any party or parties that may present claims arising from the legalization of the said By-laws, such claims to be considered and determined within one year from the passing of this Act.

Roads to be Public Highways.

Width of the roads.

Proviso: in favor of just claims of parties.

III. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X .

An Act to amend the Act conveying to the City of Toronto certain Water Lots, with power to the said City for the construction of an Esplanade, and to enable the said City to locate the Grand Trunk Railroad and other Railroads along the frontage of the said City.

[Assented to 10th June, 1857.]

WHEREAS under and by virtue of the Act sixteenth Victoria, chapter two hundred and nineteen, the Mayor, Aldermen and Commonalty of the City of Toronto, have contracted with the Grand Trunk Railway of Canada, for the building and construction of an Esplanade in front of the said City, according to a certain plan to the said contract annexed, a copy of which plan has been filed and deposited in the office of the Commissioner of Crown Lands in this Province, and it has become necessary to grant further and other powers to the said the Mayor, Aldermen and Commonalty of the City of Toronto, to enable them to complete the said Esplanade, according to the said contract, and certain other work connected therewith: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

16 V. c. 219, cited.

The Corporation of Toronto may enter upon and take lands to a certain extent for the Esplanade.

I. It shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Toronto, and for their contractors, workmen, servants and agents, to enter in and upon all lands and water lots, and to cross all wharves, docks, piers and premises lying within the limits of the said Esplanade, as laid down on the said plan annexed to the said contract, and take possession thereof, and use and occupy the same to the width of one hundred feet for the purposes of the said Esplanade, and to take down and remove all buildings and erections now being upon the said line of the said Esplanade, as laid down on the said plan so annexed to the said contract, and filed and deposited in the said office as aforesaid, and to locate the roadway of the said Grand Trunk Railway and other Railways to the width of forty feet thereon, as shewn on the said plan, doing no unnecessary damage and interfering with and interrupting the approach to and the use of the said wharves, docks and piers upon any of the water lots crossed for the purpose of the said Esplanade as little as possible; Provided always, that nothing in this or any previous Act contained, shall prevent the said Mayor, Aldermen and Commonalty of the City of Toronto, and the several Railway Companies interested therein, by and with the consent of the Governor in Council, within two years from the passing of this Act, from locating the different lines of the said Railways along the frontage of the said City, in such manner between the said forty feet mentioned in the said contract and according to the said plan, and the south side of Front Street from the Queen's Wharf to Yonge Street in the said City, as shall be most conducive to the public interests.

Doing no unnecessary damage.

Proviso: Act not to prevent the locating of the Railway in a certain manner.

The said Corporation may contract for filling the whole space from the northern limit of the Esplanade to the Bay, and enter upon property for purpose of filling up the said space.

II. It shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Toronto, to contract with the said Grand Trunk Railway Company of Canada, or any person or persons, company or companies forthwith (and during the construction of the said Esplanade under the said contract), to fill up and grade to the level of the said Esplanade, as laid down on the said plan, the whole space lying between the northern limit of the said Esplanade as laid down on the said plan annexed to the said contract, and now in the course of construction, and the present shore of the Bay of Toronto, and extending from the said Esplanade eastward to Cherry street, and westward to the Queen's Wharf, and to enter in and upon and pass over and along all the water lots in front of the said City for that purpose, interfering with and interrupting the approach to all wharves, docks and piers, and the enjoyment of the same, by their respective owners and occupiers as little as possible; and the expenses of filling up and grading the same, shall be ascertained in manner hereinafter mentioned, and shall be repaid to the said Mayor, Aldermen and Commonalty of the City of Toronto, by the owners and other persons having estates in the land on which such grading, levelling and filling in shall be done, such persons being charged in an equitable proportion according to the nature and extent of their

How the cost of filling shall be paid.

estate in the said lands, and any contract or contracts for the like purpose that may heretofore and before the passing of this Act have been entered into by the Mayor of the said City of Toronto, on the behalf of the said City, under the sanction and authority of any resolution of the Common Council of the said City, shall be legal, valid and binding on all parties named in the said contract, and shall be taken and considered for all intents, purposes and uses whatsoever, as a contract made under the authority and provisions of this Act; Provided always, that the amount to be paid to the City for the said filling in, grading and levelling of such vacant space, shall be ascertained in the first instance by the City Surveyor, in manner as provided in the said Act in respect to the said Esplanade, and all sums to be paid to the owners of water lots in fee, their assignees, lessees or representatives, in respect of the land or lands covered with water taken by the said Mayor, Aldermen and Commonalty of the City of Toronto, for the purposes of the said Esplanade, as well as the amounts to be paid to the said Mayor, Aldermen and Commonalty of the City of Toronto, by the lessees or occupants of the water lots belonging to the City of Toronto for the construction of the said Esplanade, or by any party or parties whomsoever, for the filling up, grading and levelling of the said space north of the Esplanade hereinbefore mentioned, and if the same cannot be agreed upon and adjusted between the said parties interested therein, shall be ascertained and settled by arbitration, in the same manner as is provided in other cases by the said recited Act, and every arbitrator appointed under the said recited Act or this Act, shall, before entering upon the duties of his said office, be sworn before one of the Judges of the Superior Courts of this Province, well, truly and faithfully, and without partiality to fulfil the duties thereof to the best of his judgment.

Proviso: mode of ascertaining the share of the cost to be paid by each party interested.

Arbitration in case of non-agreement.

III. For and notwithstanding any Act of the Parliament of this Province, or any clause, matter or thing therein contained to the contrary, it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Toronto, forthwith and without further notice or other proceeding, to pass a By-law to raise a Loan for such an amount, not exceeding seventy-five thousand pounds, as may be necessary for the purpose of filling in, grading and levelling the said space between the north line of the Esplanade and the shore of the Bay, and the extensions thereof as aforesaid, and to issue any number of Debentures payable in this Province or elsewhere, in sums of not less than one hundred pounds, which may be requisite and necessary therefor, payable in twenty years from the respective dates thereof, and for the purpose of redeeming the same and paying the interest thereon, a special rate may be imposed as provided in the Act hereinbefore mentioned, and shall be applied in payment of interest and in forming a sinking fund for principal in like manner as therein provided.

The said Corporation may forthwith borrow money for defraying the cost of the said filling.

Recital.

IV. And whereas the property directed by the Letters Patent of the twenty-first February, one thousand eight hundred and forty, mentioned in the said Act, to be conveyed to the said water lot owners therein referred to, was intended as a compensation for the land which might be taken from them respectively for the Esplanade, and for the expense of making so much thereof as should be made on the lands taken from them respectively: Be it enacted, that the owners be respectively charged with their respective shares of such expense; and if any such water lot owner or person having estate in any such water lot, shall be dissatisfied with any such compensation, his claim to a further allowance shall, if not agreed upon, be determined by arbitration as aforesaid, and in coming to such decision, the said Arbitrators shall take into consideration the increased value of the lots by means of the improvements contemplated by this Act, as well as all other matters connected therewith, and also the value of the strips of land between the same and the top of the bank, and of the land covered with water in front thereof to be conveyed to the owners in fee of the said water lots under the provisions of the Act first above mentioned, and if such increased value of the said water lots and the value of the said strips of land and portions of land covered with water, together with the expense of constructing the said Esplanade, shall equal the value of the land taken for the Esplanade, it shall be the duty of the Arbitrators to decide in favor of the city generally, and if it shall exceed the value of the land taken, then to decide that such excess shall be paid to the city by the said water lot owners in manner provided by the said Act hereinbefore mentioned, for payments to the city for the construction of the said Esplanade; Provided always, that nothing in this section contained, shall affect the right, if any, of any party who may claim any strip of land covered by water or otherwise, adjoining the water lots granted by any patent issued prior to the said twenty-first day of February, one thousand eight hundred and forty, but the rights of such party, if any, to such strips of land shall remain the same as before the passing of this Act.

Appeal to arbitration from parties dissatisfied as to compensation for land taken from them.

Increased value, &c., to be taken into consideration.

Excess of value may be awarded to the City.

Proviso: Act not to affect certain rights.

As to payment of sums coming to the said Corporation from owners of water lots.

V. All sums of money ordered to be paid by the said Mayor, Aldermen and Commonalty of the City of Toronto, to the owners of the said water lots in fee, shall be paid within one year from the date of the decision of the said Arbitrators, or from the date of any rule of Court ordering the same, with interest, and the sum to be paid to the Mayor, Aldermen and Commonalty of the City of Toronto, by the lessees of water lots belonging to the said City of Toronto, and by all parties whomsoever, for the filling up, grading and levelling between the Esplanade and the shore of the Bay, shall be a charge upon the lands in respect to which the same is payable, in the manner provided as to the Esplanade by the first mentioned Act, from the time a certificate of the said decision of the said Arbitrators signed by them, or a certificate of a rule on any appeal

appraisal under the seal of the Court from whence it issues, shall be registered in the Registry Office of the County of York, for the purpose of which registry no other proof shall be required than proof by affidavit of the handwriting of the said Arbitrators, or the seal of the said Court; and such moneys last mentioned shall be payable and recoverable if not paid, in the manner provided for in the Act first above mentioned, and shall be applied as by the said Act is also directed.

VI. For and notwithstanding any matter or thing contained in the Patent from the Crown, dated the fourteenth day of July, one thousand eight hundred and eighteen, mentioned in the eighth section of the Act hereinbefore referred to, it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Toronto, to lease for any term or terms of years, or to agree for the sale of and absolutely to sell and dispose of the space or strip of land in the said patent and section of the said Act described, freed and discharged from any and all of the said trusts, conditions and restrictions in the said Patent contained; and all moneys received therefor, whether by way of rent or otherwise, shall be carried to a special account by the Chamberlain of the City of Toronto, and shall be expended by the said Mayor, Aldermen and Commonalty of the City of Toronto, in the purchase, planting, ornamenting and care of some other piece or parcel of land to be held by the said Mayor, Aldermen and Commonalty of the City of Toronto, upon similar trusts as are in the said patent contained and set forth.

The said Corporation may lease or sell a certain strip of land, notwithstanding any condition in the patent granting it. Application of moneys arising therefrom.

VII. Provided always, that nothing in this Act contained shall apply to or affect any of the lands or property formerly vested in the principal Officers of Her Majesty's Ordnance and referred to in the Act passed in the nineteenth year of Her Majesty's Reign, chaptered forty-five, or any lands or property of Her Majesty, nor shall any of the powers herein given to the Mayor, Aldermen and Commonalty of the City of Toronto, be construed as in any way applying thereto.

Act not to affect lands formerly vested in the Ordnance Department.

VIII. This Act shall be taken to be a Public Act.

Public Act.

C A P . L X X X I .

An Act to authorize the City of Toronto to erect Water Works, and to levy a water rate.

[Assented to 10th June, 1857.]

WHEREAS the construction of Water Works to afford a good supply of pure water, would conduce to the health and comfort of the inhabitants of the City of Toronto: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Board of
Water Com-
missioners.

I. The persons hereafter to be appointed in the manner provided in this Act, and their successors, shall constitute a Board to be called and known as the Water Commissioners of the City of Toronto.

Commission-
ers to decide
upon all mat-
ters relative
to Water Sup-
ply: subject
to the City
Council.

II. It shall be the duty of the said Commissioners to examine, consider and decide upon all matters relative to supplying the said City of Toronto with a sufficient quantity of pure and wholesome water for the use of its inhabitants, and the amount of money necessary to effect that object, subject to the approval of the Common Council, and under such authority and instructions as may from time to time be specified in any By-laws to be passed by the said Common Council for that purpose.

May employ
Engineers, &c.

III. The said Commissioners shall have power to employ engineers, surveyors and such other persons as in their opinion may be necessary to enable them to fulfil their duties under this Act.

Power to Com-
missioners to
survey and
take lands,
water courses,
&c.

IV. It shall and may be lawful for the said Commissioners, their agents, servants and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the land of any person or persons, bodies politic or corporate, in the City of Toronto, or within twenty miles of the said City, and to survey and set out such parts thereof as they may require for the purposes of the said Water Works, and also to divert and appropriate any spring or stream of water thereon, as they shall judge suitable and proper, and to contract with the owners and occupiers of the said lands and those having an interest or right in the said water, for the purchase thereof, or of any portion thereof, or of any privilege that may be required for the purposes of the said Commissioners; and in case of any disagreement between the said Commissioners and the owners and occupiers of such lands, or any person or persons having an interest in the said water or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of purchase or the value thereof, or as to the damage such appropriation shall cause to them or otherwise, such owner or occupier shall name an arbitrator to act on his behalf, for the purpose of deciding the amount of purchase or value thereof, or the damage caused by such appropriation, and the said Commissioners shall also name an arbitrator on behalf of the said City, and the two so chosen shall, within three days after the nomination of a person to act for the said City, select a third arbitrator, and in case they fail to do so, the County Judge of the County of York, or of any Union of Counties for the time being of which the County of York may be one, shall appoint such third arbitrator; and the award or determination of such arbitrators, or any two of them, shall be final, as to the amount of such purchase, value or damage as aforesaid; but if such owner or occupier shall not name such arbitrator as aforesaid, within
one

Valuation in
case of differ-
ence as to
compensation.

Arbitrators to
be appointed,
and how:

Third Arbi-
trator.

County Judge
to appoint in

one month after such disagreement as aforesaid, then any award made by the arbitrator appointed by the Commissioners, and the arbitrator appointed by the County Judge as aforesaid, shall be conclusive as to the amount to be paid for such purchase, value or damage as aforesaid.

default of party.

V. Provided always, that if such owner or occupier be an infant or *non compos mentis*, or under any other disability to act for himself, or be absent from the Province, or unknown, and there be no person in this Province known to be legally authorized to act for him in the matter, with whom an agreement can be legally made, then the County Judge aforesaid, on the application of the said Commissioners, and on being satisfied by affidavit of such fact, shall appoint an arbitrator to act for such owner or occupier, and the said Commissioners shall appoint another, and the two arbitrators so appointed shall, before they act as such, appoint a third, or if they cannot agree, then the said County Judge, on the application of either of them, (after notice to the other of such application) shall appoint the third arbitrator, and the award of the said arbitrators or of any two of them, shall be conclusive as to the amount of such purchase, value or damage as aforesaid; and any arbitrator so appointed under this Act, shall, before voting upon any arbitration, be sworn before any Commissioner for taking affidavits, to discharge his duty as such arbitrator faithfully, and shall have full power and authority to administer an oath to any witness examined on such arbitration; and every award made by such arbitrators shall be examinable by the Superior Courts of Law or Equity, in the same manner and on the same grounds as any award may now be examined by such Courts, on any rule of reference made in any cause pending therein.

If the party interested be under age, *non compos*, &c.

Third Arbitrator.

Arbitrators to be sworn: may examine witnesses on oath.

VI. The lands and water which shall be ascertained, set out and appropriated by the said Commissioners for the purposes aforesaid, shall thereupon and for ever thereafter be vested in the Mayor, Aldermen and Commonalty of the City of Toronto, and their successors; and it shall and may be lawful for the said Commissioners and their successors, to construct, erect and maintain upon the said lands, all such reservoirs, water works and machinery requisite for the said undertaking, and to convey the said water thereto and therefrom, in, upon and through any of the premises and lands lying intermediate between the said reservoir and water works, and the springs, streams, rivers or lakes from which the same are procured, and the City of Toronto, by one or more lines of pipes or mains, as may from time to time be found necessary; and for the better effecting the said purposes, the said Commissioners, their successors and servants, are hereby empowered to enter and pass upon and over the said grounds and lands intermediate as aforesaid, and the same to cut, trench and dig up if necessary, and to lay down the said pipes or mains through the same, and upon, over, under and through the highways, railways and roads of

Lands set out and taken vested in the City of Toronto,

Commissioners may lay mains and other pipes for conveying the water.

Their powers in so doing.

and in the Townships of the County of York, and through the public ways, streets, lanes or other passages of the said City of Toronto, and in, upon, through or under the lands, grounds and premises of any person or persons, bodies politic, corporate or collegiate whatsoever, and to set out, ascertain, use and occupy such part or parts thereof, as the said Commissioners or their successors shall think necessary and proper for the making and maintaining of the said works, or for taking up, removing or altering or repairing the same, and for distributing water to the inhabitants of the City of Toronto, or for the uses of the Corporation of the said City, or of the proprietors or occupiers of the lands through or near which the same may pass; and for this purpose to sink and lay down pipes, mains, tanks, reservoirs and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said Commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of disagreement, by arbitrators chosen as aforesaid; Provided always, that nothing herein contained shall be construed to authorize the said Commissioners, or any person acting under their authority, to take for the purposes of the said works, any house, garden or orchard, without the consent of the owner.

Compensation to be made for damages.

Proviso.

Punishment of persons hindering the Commissioners, wasting the water, &c.

VII. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said Commissioners or their managers, contractors, servants or agents or workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained, or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless out of the said works, or if any person shall throw or deposit any thing or noisome or offensive matter into the said water or water works, or in any way foul the same, or commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done, the person so offending shall, besides being subject to an action at law for the damages done thereby, be held guilty of a misdemeanor, and upon conviction thereof, before any of the Courts of criminal jurisdiction in the United Counties of York and Peel, or a Magistrate of the said United Counties, or of the City of Toronto, shall be punished by the said Court or Magistrate, by fine or imprisonment or either, at the discretion of the Court or Magistrate, as in other misdemeanors at common law, or by summary conviction, to the extent to which any penalty may be inflicted by a Magistrate under any law concerning summary convictions.

Commissioners to keep books of ac-

VIII. The Commissioners shall keep regular books of accounts, and books recording the whole of their official proceedings; and the said Commissioners and the clerks employed in the service

service shall be sworn to the faithful performance of their duties ; and all such books shall be open to the examination of any person or persons appointed for that purpose by the Mayor, Aldermen and Commonalty of the City of Toronto : the Commissioners shall also on the thirtieth day of June, and thirty-first day of December, and at such other periods as may be required by resolution of the said Common Council, in each and every year, make a report to the said Mayor, Aldermen and Commonalty of the City of Toronto, of the condition of the works under their charge, accompanied by a statement of their receipts and expenditure on account of the same.

counts and report to the Corporation of Toronto.

IX. The said Commissioners for the time being, shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof and the terms of payment, and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion.

Commissioners to regulate the distribution of water, and price to be paid for it.

X. From and after the passing of this Act, the said Commissioners shall have power to contract with parties willing to take water from them at a rate to be fixed by them, in the same manner as any private company or companies can or may now contract and charge for the same ; and when the water works now erected and in use in the said City, or any other water works that may be erected by any Company now incorporated, shall be acquired by the said City, or any sums of money that may have been *bona fide* expended, or liabilities incurred with a view to the construction of any water works by any Company now incorporated, shall be repaid or assumed by the said City, then the owner and occupier of each and every house, tenement or lot in the said City of Toronto, in which the said water shall be used, shall each be liable for the payment of a special water rate to be fixed by the Commissioners, and such water rate so fixed shall be lien upon the said house, tenement or lot, in the same way or manner as other taxes assessed on real property in the said City of Toronto are liens, and shall be collected in like manner if not previously paid to the said Commissioners ; Provided always, that the said Common Council shall, within three months from the passing of this Act, give notice to the said incorporated water Companies of their intention to purchase such works or acquire such rights as in this section mentioned, or the said power to levy a special rate shall cease.

Commissioners may contract for furnishing water to any party.

When the works belonging to any private Company shall be purchased by the City, a water rate may be levied.

Proviso : Notice to be given to incorporated Water Companies, and when.

XI. A majority of the said Commissioners shall constitute a quorum for the transaction of any business allowed or required by the powers or duties of the office.

Quorum of Commissioners.

XII. The said Commissioners may prosecute or defend any action or proceeding at law or in equity, by the name of " The Water

Commissioners may bring

and defend actions, &c.

Water Commissioners of the City of Toronto," against any person or persons for money due for the use of the water, for the breach of any contract, express or implied, touching the execution or management of the works, or the distribution of the water, or of any promise or contract made to or with them, and also for any injury or trespass or nuisance done or suffered to the water courses, pipes, machinery or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water; And any vacancy or the filling any vacancy in the Board of Commissioners, either before or after any cause of action arises or suit is commenced, shall not change the right of the said Commissioners as a body to commence and maintain any such action or process at law or in equity, but in all such cases they shall be considered from the time of the organization of the Board as a corporation

Change of Commissioners not to affect proceedings.

Commissioners to be protected as Justices of the Peace are.

XIII. The Commissioners and their officers shall have the like protection in the exercise of their respective offices, and in the execution of their duties, as Justices of the Peace may have under the laws of this Province.

Corporation of Toronto may borrow a sum not exceeding £200,000, for defraying the cost of the Water Works.

XIV. For the purpose of constructing the said Water Works and paying the expenses attending thereon, or for the purchase of any existing Water Works, or the rights of any Company now incorporated, it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of Toronto, in the same manner and by the same means as is provided by law for the raising of any moneys beyond the sum of five hundred pounds by By law, to raise by loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding in the whole two hundred thousand pounds of lawful money of Canada, and for the Mayor of the said City of Toronto for the time being, to cause to be issued debentures or bonds of the said City, under the Corporation seal, signed by the Mayor and countersigned by the Chamberlain of the said City for the time being, for such sum, not exceeding in the whole the said sum of two hundred thousand pounds, authorized to be borrowed under this Act; and the principal sum secured by the said debentures shall be payable within twenty years from the issuing thereof, and the interest accruing thereon shall be made payable semi annually, either in sterling or in currency, in this Province, Great Britain or elsewhere, as the Common Council of the said City of Toronto shall deem expedient or necessary; Provided always, that before the vote of the rate-payers is taken upon the purchase of any existing Water Works, or rights of any incorporated Water Company, the sum required for such purchase shall be agreed upon between the Common Council and such Company or Companies, or be settled by arbitrators, to be chosen in the manner hereinbefore mentioned, and such sum so agreed upon

Debentures to be issued.

Provida.

or decided by arbitrators, shall be the amount referred to the vote of the rate-payers. ,

XV. The funds derived from the negotiation of the debentures to be issued under this Act, shall, when received by the Chamberlain for the time being, be deposited by him in some one or more of the chartered banks of the Province, on such conditions as the said Common Council shall from time to time agree upon, and only be withdrawn therefrom as they may from time to time be required, for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act ; and any cheque for the withdrawal of any part of such funds shall be signed by the Chamberlain and also by the Mayor of the said City of Toronto for the time being.

Deposit of moneys so raised, and in what manner and for what purposes only it shall be used.

XVI. This Act shall not have any force or effect until the Mayor, Aldermen and Commonalty of the City of Toronto, shall pass a By-law authorizing the construction of the said Water Works; and at the first meeting of the Common Council of the said City of Toronto after the said By-law shall have been passed, it shall be the duty of the Common Council to proceed to the election of three Commissioners, who shall be elected by a majority of the whole Council.

By-law to be passed before this Act shall take effect.

Mode of appointing the Commissioners.

XVII. The said Water Commissioners shall, at their first meeting after their election to the said office as aforesaid, determine by lot or otherwise, the terms during which they shall respectively hold their offices, and these shall be as follows : one of them shall remain in office one year, one two years, and one three years, to be computed from the time of their election by the said Council ; and as their terms of office severally expire, or vacancies may occur by death, resignation or removal from the City, or otherwise, it shall be the duty of the Common Council for the time being, to elect a person or persons to fill such vacancy or vacancies ; Provided always, that any retiring member of the said Board shall be eligible for re-appointment ; and further, that it shall at all times be competent for the Common Council of the said City of Toronto, to remove the said Water Commissioners or any or either of them from office, by a vote of a majority of all the members of the said Common Council.

Terms of office of the Commissioners.

Vacancies, how filled.

Proviso.

Proviso : how Commissioners may be removed.

XVIII. The Chairman of the said Commissioners, and the said Commissioners, shall be paid for their services by an annual vote of the said Common Council, and shall also be paid all reasonable travelling expenses while employed upon or about the work.

Remuneration of Commissioners,

XIX. As soon as the said City of Toronto shall commence the construction of Water Works under this Act, the works and property of any incorporated Water Company shall be exempt from municipal taxation within the said City.

Exemption of Private Water Works from taxation.

Act must be taken advantage of within one year.

XX. The said Common Council shall commence the construction of the works under this Act, within one year after the passing hereof, or the powers hereby conferred shall cease.

Public Act

XXI. This Act shall be deemed and taken as a Public Act.

C A P . L X X X I I .

An Act to enable the City Council of the City of London, to sell and convey certain land in the City of London, called the Potters' Field.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS a certain tract of Land situate in the City of London, called the Potters' Field and known as the North-west quarter of that block of land in the City of London, bounded on the North by Great Market Street, on the South by Bond Street, on the West by Waterloo Street, and on the East by Colborne Street, heretofore set apart by the Crown for a public burial ground or Potters' Field in the City of London, has become inappropriate for the purpose for which the same was set apart; And whereas the Mayor, Aldermen and Commonalty of the City of London, are desirous of disposing of the said land and have petitioned to be authorized to dispose thereof, for the purpose of acquiring another tract of land more advantageously situated for the purpose of a Public Cemetery: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

City Council may sell the Potters' Field.

I. The Mayor and Aldermen and Commonalty of the City of London, or their successors in office, shall have full power and authority and are hereby authorized, as soon as Letters Patent are issued for the same, to sell and dispose of that tract of land in the City of London called the Potters' Field, and particularly described in the Preamble of this Act, and to grant and convey the same or any part thereof, in fee simple, to such person or persons as may be desirous of purchasing the same, and upon such terms as the said Corporation shall deem expedient.

Application of the proceeds of the sale.

II. So much of the proceeds accruing from any such sale or sales of the said land as may be necessary, shall be applied by the said Corporation for the purpose of acquiring another tract of land near the limits of the City of London for the purpose of a Public Cemetery, and the residue of the proceeds shall be applied in and towards any other City improvements that the said Corporation shall think fit.

Public Act.

III. This Act shall be deemed a Public Act.

CAP. LXXXIII.

An Act to authorize the City of Hamilton to negotiate a Loan of Fifty thousand pounds.

[Assented to 10th June, 1857.]

WHEREAS the Corporation of the City of Hamilton have **Preamble.** by their Petition set forth, that the completion of the Public Works undertaken by them, and the inception of others which the increasing population of the City demands, cannot be effected without a further issue of Debentures, and that the largely augmenting revenue of the City will justify the pledging of its credit for the purpose of such public improvements, and have prayed to be permitted to raise, by way of Loan upon the credit of City Debentures, the sum of fifty thousand pounds for the purpose of carrying out the said works, and it is expedient to grant the prayer of the petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. It shall and may be lawful to and for the Mayor, Aldermen **Corporation** and Commonalty of the City of Hamilton to raise, by way of **may raise a** Loan upon the credit of the Debentures hereinafter mentioned, **loan of** from any person or persons, body or bodies corporate, either in **£50,000.** this Province or in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of fifty thousand pounds of lawful money of Canada, at such times and in such sums as the financial engagements of the City may require.

II. It shall and may be lawful for the Mayor of the said City **Debentures** of Hamilton for the time being, whensoever authorized by a By-law or By-laws of the Common Council to that effect, to cause **may be issued.** to be issued Debentures under the corporate seal of the City, signed by the Mayor and countersigned by the City Chamberlain for the time being, for such sums not to exceed in the aggregate fifty thousand pounds, and payable either in sterling or currency, at such times and at such places in this Province or elsewhere, as the said Common Council shall deem expedient or necessary and by such By-law or By-laws direct.

III. For the payment of the said Debentures to be issued by **Sinking Fund** virtue of this Act, it shall and may be lawful for the Common **to be provided.** Council and they are hereby required, in any By-law or By-laws to be passed authorizing the issue of the said Debentures, to impose a special rate per annum sufficient to form a sinking fund of two per cent. per annum on such Debentures, over and above and in addition to all other rates to be levied for all other purposes.

Investment and application of Sinking Fund.

IV. It shall be the duty of the Chamberlain of the said City of Hamilton from time to time to invest all sums of money raised by special rate for the sinking fund provided by this Act, either in Debentures issued by the Government of Canada or in such other securities as the Governor of this Province shall, by order in Council, direct or appoint, or in redeeming the Debentures issued under this Act, and to apply all dividends or interest on the said sinking fund to the extinction of the debt created under this Act.

By-laws under this Act not repealable. Section 178 of 12 V. c. 81, to apply.

V. Any By-law to be passed under this Act shall not be repealed until the debt or debts created under this Act and interest thereon shall be paid and satisfied, and the one hundred and seventy eighth section of the Upper Canada Municipal Corporations Act of 1849, shall extend to any By-law passed under this Act.

By-laws under this Act must be approved by Rate-payers.

VI. No By-law or By-laws that may be passed under the provisions of this Act shall be valid unless nor until after the same have been submitted to and approved by a vote of the rate-payers of the said City of Hamilton, in the same manner and with the same formalities as are required to render valid any By-law passed by any Municipal Council for raising money to the extent of five hundred pounds or upwards.

Deposit and application of moneys raised by loan under this Act.

VII. The funds derived from the negotiation of the Debentures to be issued under this Act, shall, upon receipt thereof, be deposited, by the Chamberlain of the said City for the time being, in some one or more of the Chartered Banks of this Province, on such conditions as the said Common Council shall from time to time agree upon, and be withdrawn therefrom for the purpose only of paying and discharging the liabilities that may be incurred in carrying out the improvements contemplated by the Corporation on the application for this Act.

Public Act.

VIII. This Act shall be deemed a Public Act.

C A P . L X X X I V .

An Act to amend the Act intituled, *An Act for the construction of Water Works in the City of Hamilton.*

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the Water Commissioners of the City of Hamilton have by their petition prayed for power to close certain portions of the concession line between the third and fourth concessions of the Township of Barton, and of the side line between lots numbers three and four in the said third concession of the said Township, for the purpose of constructing reservoirs for their water works thereon: Therefore, Her Majesty, by

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

I. It shall and may be lawful for the said Commissioners from time to time and at such times hereafter as they shall see fit, to close and shut up the concession road or line between the third and fourth concessions of the Township of Barton, for the distance of one thousand feet on each side of where the side line between lots numbers four and five in the said third concession joins the said concession road, and also to close the said side line for a distance of two hundred feet extending northerly from the north side of the said concession road, and to erect, build, maintain and keep upon the said concession road and side line, and such other lands as may be required therefor, all such reservoir and reservoirs for the said water works as the said Commissioners may think it necessary to erect.

Water Commissioners may close up certain roads and erect reservoirs thereon, &c.

II. This Act shall be deemed a Public Act.

Public Act

C A P . L X X X V .

An Act to consolidate the debt of the City of Ottawa.

[Assented to 10th June, 1857.]

WHEREAS the Corporation of the City of Ottawa have petitioned to be authorized by law to borrow on the debentures of the said City a sum not exceeding thirty thousand pounds, for certain purposes and under certain restrictions in the said petition set forth, and it is expedient that the prayer of their said petition should be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

I. It shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of Ottawa to raise by way of loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province or in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of thirty thousand pounds of lawful money of Canada.

Ottawa may raise a loan of £30,000.

II. It shall and may be lawful for the Mayor of the said City of Ottawa, from time to time, to cause to be issued debentures of the said City under the Corporation seal, signed by the Mayor and countersigned by the Chamberlain of the said City for the time being, in such sums not exceeding in the whole the said sum of thirty thousand pounds, as the Common Council shall direct and appoint ; and the principal sum secured by the said debentures and the interest accruing thereon, shall be made payable either in this Province, in Great Britain or elsewhere, as the said Common Council shall deem expedient or necessary.

Debentures may be issued for such loan.

Form of Debentures, &c.

Application of the moneys so raised to pay present debts of the City.

III. So much of the said loan so to be raised as aforesaid as shall be necessary for the purpose, shall be applied by the said Mayor, Aldermen and Commonalty of the said City of Ottawa, in the redemption of the debentures outstanding for stock in the Ottawa and Prescott Railway Company as per By-law number seventy-nine of the late Town Council of the late Town of Bytown, now the said City of Ottawa, amounting to about fourteen thousand pounds;—for fire engines, &c., as per By-law number eighty-four of the said late Town Council, amounting to about two thousand pounds;—for market lots as per By-law number ninety-seven of the said late Town Council, amounting to about two thousand pounds;—for certain improvements as per By-law number one hundred and two of the said late Town Council, amounting to about two thousand pounds:—for certain other improvements as per By-law number one hundred and eighteen of the said late Town Council, amounting to about five thousand pounds;—and the remainder of the said loan shall be applied in aid of any public improvements now or hereafter to be erected or constructed in the said City. And the Chamberlain of the said City is hereby authorized and empowered, on receiving instruction so to do from the City Council, to call in such debentures of the said City as may have heretofore been issued by virtue of the aforesaid By-laws or either of them, and to substitute therefor debentures to be issued under this Act.

Remainder.

Chamberlain may call in outstanding Debentures.

Special rate to be imposed to form a Sinking Fund.

IV. For the payment, satisfaction and discharge of the debentures to be issued by virtue of this Act, it shall and may be lawful for the common Council of the said City of Ottawa, and they are hereby required, to impose a special rate per annum, (over and above and in addition to all other rates to be levied in each year, and over and above the interest to be payable on such debentures,) which shall be sufficient to form a sinking fund of two per cent per annum for that purpose.

Investment and application of the Sinking Fund.

V. It shall be the duty of the Chamberlain of the said City of Ottawa, from time to time, to invest all sums of money raised by special rate for the sinking fund provided in this Act, either in the debentures provided for by this Act, or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province shall by Order in Council direct or appoint, and to apply all dividends or interest on the said sinking fund to the extinction of the debts created by this Act.

When the Debentures under By-laws of Bytown are paid, the By-laws may be repealed.

VI. For and notwithstanding any provision, clause, matter or thing contained in any Act of Parliament of this Province to the contrary, it shall and may be lawful for the Common Council of the said City of Ottawa, after having called in and paid the debentures described in this Act, to repeal the By-laws of the said Council or of the Council of the late Town of Bytown, authorizing the levying of special rates for the purpose of paying and satisfying the said debentures.

VII. The provisions of the Statute of this Province, passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and thirty-three, and intituled, *An Act to require that all By-laws of City, Town, Village or Township Councils in Upper Canada, for raising money upon the Credit of such City, Town, Village or Township Corporations, shall be approved by a majority of the Municipal Electors before they come into force,* shall not apply to this Act, or to any By-law or By-laws to be passed under the authority thereof.

By-laws under this Act need not be submitted to electors, notwithstanding 18 V. c. 133.

VIII. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X V I .

An Act to Incorporate the Board of Trade of the City of Ottawa.

[Assented to 10th June, 1857.]

WHEREAS John Bower Lewis, Edward Griffin, James H. Burke, James Porter, Edward McGillivray, George Hay, James Brough, William Hart Thompson, J. Wadsworth, and others hereinafter named, Merchants, residents and carrying on trade in the City of Ottawa, have, by their Petition to the Legislature, represented that the association of Merchants and Traders with Corporate Powers in different Cities in Canada, has served to promote Trade and Commerce, by giving public expression and representation to the views and wishes of the Commercial classes on matters which concerned Commercial interests; and that the Trade and Commerce of Central Canada have suffered from the want of such a guardian and representative, and have accordingly prayed to be incorporated as a Board of Trade for the said City of Ottawa; And whereas it is expedient to grant the prayer of their said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. The said John Bower Lewis, Edward Griffin, James H. Burke, James Porter, Edward McGillivray, George Hay, James Brough, William Hart Thompson and J. Wadsworth, with Phillip Pearson Harris, John Durie, Agar Yielding, Alexander Workman, Joseph Aumond, Alexander McKay, R. S. Cassells, Allan Gilmour, John Loux, Robert Harley, John Thompson, John Porter, George Patterson, Daniel McLaughlin, John Forgie, and Peter A. Egleson, and such other persons, being inhabitants of and using trade and commerce within the said City of Ottawa, as are or shall be associated with the persons above named for the purposes of this Act, in the manner hereinafter provided, and their successors, shall be and are hereby constituted a body politic and corporate by the name of "The Ottawa Board of Trade," and may by that name sue and be sued, plead and be pleaded, answer and be answered, defend and be defended, in all Courts of Law and places

Board of Trade incorporated, and of whom to be composed.

Corporate name and general powers.

places whatsoever, and by that name they and their successors shall have perpetual succession and may have a common seal, and may break, change, alter or renew the same at pleasure, and shall have power to purchase, take, receive, hold and enjoy any estate whatever, real or personal, and to alienate, sell, convey, lease, or otherwise dispose of the same or any part thereof, from time to time, and as occasion may require, and other estate, real or personal, to acquire instead thereof: Provided always, that the clear annual value of the real and personal estate together held by the said corporation at any one time, shall not exceed two thousand pounds, currency: And provided also, that the said Corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred on them by this Act, or are necessary for carrying the same into effect, according to its true intent and meaning.

Proviso: as to real property.

Proviso: as to powers.

To what purposes only its funds shall be applied.

II. The funds and property of the said Corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the just and lawful trade and commerce of this Province, and of the said City of Ottawa more especially, or as may be necessary for attaining the objects for which the said Corporation is constituted, according to the true intent and meaning of this Act.

Domicile, and service of process.

III. The usual place of meeting of the said Corporation shall be held to be the legal domicile thereof; and services at such place of any notice or process of any kind, addressed to the said Corporation, shall be held to be sufficient service of such notice or process on the Corporation.

Council of the Board.

IV. For the management of the affairs and business of the said Corporation, there shall be a Council, to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a President, a Vice-President, a Treasurer, and nine other Members of the Council, all of whom shall be Members of the said Corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council: Provided always that no two or more persons, co-partners in trade, shall be Members of said Council at the same time.

Proviso.

First President and Members of first Council.

V. The said John Bower Lewis shall be the President, the said Alexander Workman shall be Vice-President, the said Philip Pearson Harris the Treasurer, and the said Allan Gilmour, John Loux, John Porter, Joseph Aumond, George Paterson, Daniel McLaughlin, Edward McGillivray, Agar Yielding, and John Thompson, the other Members of the Council, under the first election to be had under the Provisions of this Act; and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council of the said Corporation by this Act.

VI. The Members of the said Corporation shall hold a general meeting every three months, viz: on the first Monday in January, April, July and October, at some place within the City of Ottawa, of which due notice shall be given by the Council for the time being, and at the general meeting on the first Monday in the month of January, the Members of the said Corporation present, or a majority of them, shall then and there choose, by separate ballot, or shall in such other way as shall be fixed by the By-laws of the Corporation, elect from among the Members of the Corporation, one President, one Vice-President, one Treasurer, and twelve other Members of the Council, who, with the said President, Vice-President and Treasurer, shall form the Council of the said Corporation, and shall hold their offices until others be elected at the next general meeting in January aforesaid, in their stead, or until they shall be removed from office, or shall vacate the same under the provisions of any By-laws of the Corporation; Provided always, that if the said election shall not take place on the first Monday of January in any year, the Corporation shall not thereby be dissolved, but such election may be had at any general meeting of the Corporation to be called in the manner hereinafter provided, and the Members of the Council then in office shall remain so until the election shall be had; And provided further, that no person shall be capable of being re-elected to the office of President, Vice-President, Treasurer or Member of Council for the current year, if he shall have been absent from more than one half the meetings of Council held in the preceding year, without leave of absence obtained from the President.

General meetings of the Corporation.

Annual election of Members of Council.

Term of office.

Proviso.

Proviso.

VII. If any Member of the said Council shall die, resign his office or be absent for four months, continuously, from the meetings of Council, without leave of absence obtained from the President, it shall be lawful for the said Corporation, at any general meeting, to elect a member of the Corporation to be a Member of the Council in the place of the Member so dying or resigning or being absent; and the Member so elected shall hold office until the next annual election, and no longer.

Casual vacancies how filled.

VIII. At any annual or other general meeting of the Corporation, whether for the purpose of electing Members of the Council or for any other purpose, any twelve or more Members of the Corporation shall form a Quorum, and shall be competent to do and perform all acts which, either by this Act or by any By-law of the Corporation, are or shall be directed to be done at any such general meeting.

Quorum of the Corporation.

IX. Each and every person then resident in the City of Ottawa and carrying on trade or commerce of any kind therein, or being a Cashier of any Chartered Bank therein, and having resided in the said City of Ottawa continuously for not less than two years, shall be eligible to become a Member of the said Corporation; and at any general meeting of the Corporation it shall

Who shall be eligible as Members, and how proposed, &c.

Election of
Members by
ballot.

shall be lawful for any Member thereof to propose any person as aforesaid, as a candidate for becoming a Member of the Corporation, and if such proposition shall be seconded by any other Member of the Corporation then present, such candidate shall be again proposed and balloted for at the next general meeting, not being less than one week after he shall be so proposed, and in the meantime the name of the person proposed and of the proposer and seconder shall be posted in a conspicuous part of the usual place of meeting of the Corporation, and if at the meeting at which such candidate shall be balloted for, not less than three-fifths of the Members present shall vote for his admission, he shall thenceforth be a Member of the Corporation, and shall have all the rights and be subject to all the obligations which the other Members possess or are subject to, and shall be bound by all the By-laws of the Corporation.

Special general meetings
of the Corporation, &c.

X. It shall always be lawful for the Council of the said Corporation, or a majority of them, by a notice inserted at least one week in one or more newspapers, published in the City of Ottawa, and posted during the same time in a conspicuous part of the place where the meetings of the Corporation are then held, or by a circular from the Secretary to each Member, to call a general meeting of the Corporation for any of the purposes of this Act.

Members of
the Council to
be sworn.

XI. Each of the Members of the Council of the said Corporation, whether hereby appointed or hereafter to be elected, shall, before entering upon the discharge of his duties as such Member, take and subscribe an oath that he will respectively, faithfully and truly perform his duty as such Member, and will in all matters connected with the discharge of such duty, do all such things and such things only as he shall truly and conscientiously believe to be adapted to promote the objects for which the said Corporation is constituted, according to the true intent and meaning of this Act: and such oath shall be administered by the President and Vice-President hereby appointed, by the Mayor of the said City of Ottawa, or in his absence by the Senior Alderman present, and shall remain among the records of the Corporation of the said City, and by the said President or Vice-President, or either of them, to the other Members of the Council hereby appointed or who shall be hereafter elected, and shall remain among the papers of the Corporation when it is constituted.

And before
whom, &c.

Meetings of
the Council
and proceedings
thereat.

XII. It shall be competent to the said Council to hold meetings, from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may be required by this Act, or by the By-laws of the Corporation be applicable to them, and such meetings of the Council shall be convened by the Secretary, at the instance of the President, or upon the request of any two Members of the Council; and the said Council

shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any By-law of the Corporation, except only the power of enacting or altering any By-law, or of admitting any Member, which shall be done in the manner provided by this Act, and no other; and any five or more Members of the Council lawfully met, and of whom the President or Vice-President shall be one, or in case of their absence, any seven or more Members lawfully met, shall be a quorum; and any majority of such quorum may do all things within the powers of the Council; and at all meetings of the said Council and all general meetings of the Corporation, the President, or in his absence, the Vice-President, or if both be absent, any Member of the Council then present who may be chosen for the occasion, shall preside, and shall in all cases of equality of votes upon any division have a casting vote.

Quorum.

Who shall
preside.

XIII. It shall be lawful for the said Corporation or the majority of them present at any General Meeting, to make and enact such By-laws, Rules and Regulations for the Government of the said Corporation, its Council, Officers and affairs, and for the guidance of the Board of Arbitration hereinafter mentioned, as such majority shall deem meet; Provided, that no such By-law be contrary to or inconsistent with the provisions of this Act, or the laws of this Province: and such By-laws shall be binding on all members of the Corporation, its officers and servants and all other persons whomsoever lawfully under its control: Provided, that no By-law as aforesaid shall be made or enacted by the said Corporation without notice thereof having been given by motion of one Member and seconded by another Member at a previous General Meeting, and duly entered on the minutes of the Corporation.

By-laws of the
Corporation,
how made, &c.

Proviso.

Proviso.

XIV. It shall be the duty of the Council hereby appointed, as soon as may be after the passing of this Act, to frame such By-laws, Rules and Regulations as they shall consider best adapted to promote the welfare of the said Corporation and the purposes of this Act, and to submit the same for adoption to the next general Meeting of the Corporation, called for that purpose in the manner hereinbefore provided.

Council to
frame and
propose the
By-laws.

XV. All subscriptions of Members due to the Corporation under any By-Law, all penalties incurred under any By-law, and any person bound thereby, and all other sums of money due to the Corporation, shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought against him in the name of the Corporation, in any Court of competent civil jurisdiction.

Subscriptions,
and how re-
coverable, &c.

XVI. The meetings of the Members of the Council shall be open to all other Members of the Corporation, who may attend the same but who shall take no part in any proceedings thereat

Meetings of
Council to be
open to Mem-

Members of the Corporation, but they shall not vote, &c.

thereat; and minutes of the proceedings at all such meetings, and at all general meetings of the Corporation, shall be entered in Registers to be kept for that purpose by a person or persons appointed to keep the same; and the entry shall be signed by the officer or person who shall have made the same, and by the officer or person who shall have presided at the meeting and such Registers shall be open at all reasonable hours to any Member of the Corporation, free of any charge, and also to all other persons on payment of a fee of one shilling and three pence to the officer or person having charge of such Registers.

Board of Arbitration to be elected, and for what purposes.

XVII. At the same time and times as are hereby appointed for the election of the Council and in the same manner, it shall be lawful for the Members of the said Corporation to elect from their number twelve persons who shall form a Board which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and give their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned: and whenever any such parties shall agree and bind themselves by bond or otherwise to submit the matter in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any three Members of the said Board, who may, either by the especial order of the said Board, or by virtue of any general rule adopted by them, or under any By-law of the Corporation with regard to the consideration of cases so submitted to them, be appointed to hear and arbitrate upon the case, and shall be understood to bind the parties to submit to the decision of the said Board; and any such submission may be in the form of the Schedule to this Act, or in other words to the same effect.

Submission of matters to such Board.

Members of such Board to be sworn.

XVIII. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the Corporation, an oath that they will faithfully, impartially and diligently perform their duties as Members of the said Board of Arbitration; and will, in all cases submitted to them, give a true and just award according to the best of their judgment and ability, without favor or affection of or for any party or person whatsoever; and this oath shall be kept among the documents of the Corporation, in the manner provided with regard to the oath taken by the Members of the Council.

Councillors may be Members.

XIX. Any Member of the Council of the Corporation may be at the same time a Member of the said Board of Arbitration.

Powers of Members sitting in a case referred to them.

XX. The three Members appointed to hear any case submitted for arbitration as aforesaid, or any two of them, shall have full power to examine on oath (which oath any one of such three Members is hereby empowered to administer) any party or witness who, appearing voluntarily before them, shall be

be willing to be so examined, and shall give their award thereupon in writing; and their decision, or that of any two of them, given by such award, shall bind the parties according to the terms of the submission and the provisions of this Act.

XXI. Any person who may by law in other cases make a solemn affirmation, instead of taking an oath, may make such solemn affirmation in any case where by this Act an oath is required; and any person hereby authorized to administer an oath, may, in such cases as aforesaid, administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely in any case where an oath or solemn affirmation is required or authorized, shall be guilty of wilful and corrupt perjury.

Solemn affirmation substituted for an oath in certain cases.

XXII. Nothing in this Act shall affect any rights of Her Majesty, Her Heirs or Successors, or of any party or person whomsoever; such rights only excepted as are herein expressly mentioned and affected.

Rights of the Crown, &c., saved.

XXIII. This Act shall be a Public Act, and shall be judicially noticed as such by all Judges, Justices, and other persons whomsoever, without being specially pleaded.

Public Act.

SCHEDULE.

Form of a Submission to the Board of Arbitration.

Know all Men, that the undersigned and the undersigned, (if there be more parties, that is, more separate interests, mention them,) having a difference as to the respective rights of the said parties in the case hereunto subjoined, have agreed and bound themselves under a penalty of _____ Currency, to perform the award to be made by the Board of Arbitration of the Board of Trade of the City of Ottawa, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award, to the party ready and willing to perform the same.

In witness whereof, the said parties have hereunto interchangeably set their hands and seals, at the City of Ottawa, on the _____ day of _____ one thousand _____ eight hundred and _____

A. B. [L. S.]
C. D. [L. S.]
E. F. [L. S.]

Form of the Oath to be taken by the Members of the Council.

I swear that I will faithfully and truly perform my duty as a Member of the Council of the Board of Trade of the City of Ottawa, and that I will, in all matters connected with the discharge

Election of
Members by
ballot.

shall be lawful for any Member thereof to propose any such person as aforesaid, as a candidate for becoming a Member of the Corporation, and if such proposition shall be seconded by any other Member of the Corporation then present, such candidate shall be again proposed and balloted for at the next general meeting, not being less than one week after he shall be so proposed, and in the meantime the name of the person proposed and of the proposer and seconder shall be posted in a conspicuous part of the usual place of meeting of the Corporation, and if at the meeting at which such candidate shall be balloted for, not less than three-fifths of the Members present shall vote for his admission, he shall thenceforth be a Member of the Corporation, and shall have all the rights and be subject to all the obligations which the other Members possess or are subject to, and shall be bound by all the By-laws of the Corporation.

Special general meetings
of the Corporation, &c.

X. It shall always be lawful for the Council of the said Corporation, or a majority of them, by a notice inserted at least one week in one or more newspapers, published in the said City of Ottawa, and posted during the same time in a conspicuous part of the place where the meetings of the Corporation are then held, or by a circular from the Secretary to each Member, to call a general meeting of the Corporation for any of the purposes of this Act.

Members of
the Council to
be sworn.

XI. Each of the Members of the Council of the said Corporation, whether hereby appointed or hereafter to be elected, shall, before entering upon the discharge of his duties as such, take and subscribe an oath that he will respectively, faithfully and truly perform his duty as such Member, and will in all matters connected with the discharge of such duty, do all such things and such things only as he shall truly and conscientiously believe to be adapted to promote the objects for which the said Corporation is constituted, according to the true intent and meaning of this Act : and such oath shall be administered by the President and Vice-President hereby appointed, by the Mayor of the said City of Ottawa, or in his absence by the Senior Alderman present, and shall remain among the records of the Corporation of the said City, and by the said President, or Vice-President, or either of them, to the other Members of the Council hereby appointed or who shall be hereafter elected, and shall remain among the papers of the Corporation hereby constituted.

And before
whom, &c.

Meetings of
the Council
and proceed-
ings thereat.

XII. It shall be competent to the said Council to hold meetings, from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may by this Act, or by the By-laws of the Corporation be assigned to them, and such meetings of the Council shall be convened by the Secretary, at the instance of the President, or upon request of any two Members of the Council ; and the said Council shall

shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any By-law of the Corporation, except only the power of enacting or altering any By-law, or of admitting any Member, which shall be done in the manner provided by this Act, and no other; and any five or more Members of the Council lawfully met, and of whom the President or Vice-President shall be one, or in case of their absence, any seven or more Members lawfully met, shall be a quorum; and any majority of such quorum may do all things within the powers of the Council; and at all meetings of the said Council and all general meetings of the Corporation, the President, or in his absence, the Vice-President, or if both be absent, any Member of the Council then present who may be chosen for the occasion, shall preside, and shall in all cases of equality of votes upon any division have a casting vote.

Quorum.

Who shall
preside.

XIII. It shall be lawful for the said Corporation or the majority of them present at any General Meeting, to make and enact such By-laws, Rules and Regulations for the Government of the said Corporation, its Council, Officers and affairs, and for the guidance of the Board of Arbitration hereinafter mentioned, as such majority shall deem meet; Provided, that no such By-law be contrary to or inconsistent with the provisions of this Act, or the laws of this Province: and such By-laws shall be binding on all members of the Corporation, its officers and servants and all other persons whomsoever lawfully under its control: Provided, that no By-law as aforesaid shall be made or enacted by the said Corporation without notice thereof having been given by motion of one Member and seconded by another Member at a previous General Meeting, and duly entered on the minutes of the Corporation.

By-laws of the
Corporation,
how made, &c.

Proviso.

Proviso.

XIV. It shall be the duty of the Council hereby appointed, as soon as may be after the passing of this Act, to frame such By-laws, Rules and Regulations as they shall consider best adapted to promote the welfare of the said Corporation and the purposes of this Act, and to submit the same for adoption to a general Meeting of the Corporation, called for that purpose in the manner hereinbefore provided.

Council to
frame and
propose the
By-laws.

XV. All subscriptions of Members due to the Corporation under any By-Law, all penalties incurred under any By-law, by any person bound thereby, and all other sums of money due to the Corporation, shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought by him in the name of the Corporation, in any Court of competent civil jurisdiction.

Subscriptions,
and how re-
coverable, &c.

XVI. The meetings of the Members of the Council shall be open to all other Members of the Corporation, who may attend at the same but who shall take no part in any proceedings thereat

Meetings of
Council to be
open to Mem-

bers of the Corporation, but they shall not vote, &c.

thereat; and minutes of the proceedings at all such meetings, and at all general meetings of the Corporation, shall be entered in Registers to be kept for that purpose by a person or persons appointed to keep the same; and the entry shall be signed by the officer or person who shall have made the same, and by the officer or person who shall have presided at the meeting; and such Registers shall be open at all reasonable hours to any Member of the Corporation, free of any charge, and also to all other persons on payment of a fee of one shilling and three pence to the officer or person having charge of such Register.

Board of Arbitration to be elected, and for what purposes.

XVII. At the same time and times as are hereby appointed for the election of the Council and in the same manner, it shall be lawful for the Members of the said Corporation to elect from their number twelve persons who shall form a Board which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and give their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned: and whenever any such parties shall agree and bind themselves by bond or otherwise to submit the matter in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any three Members of the said Board, who may, either by the especial order of the said Board, or by virtue of any general rule adopted by them, or under any By-law of the Corporation with regard to the consideration of cases so submitted to them, be appointed to hear and arbitrate upon the case, and shall be understood to bind the parties to submit to the decision of the said Board; and any such submission may be in the form of the Schedule to this Act, or in other words to the same effect.

Submission of matters to such Board.

Members of such Board to be sworn.

XVIII. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the Corporation, an oath that they will faithfully, impartially and diligently perform their duties as Members of the said Board of Arbitration; and will in all cases submitted to them, give a true and just award according to the best of their judgment and ability, without fear, favor or affection of or for any party or person whatsoever; and this oath shall be kept among the documents of the Corporation, in the manner provided with regard to the oath taken by the Members of the Council.

Councillors may be Members.

XIX. Any Member of the Council of the Corporation may be at the same time a Member of the said Board of Arbitration.

Powers of Members sitting in a case referred to them.

XX. The three Members appointed to hear any case submitted for arbitration as aforesaid, or any two of them, shall have full power to examine on oath (which oath any one of such three Members is hereby empowered to administer) any party or witness who, appearing voluntarily before them, shall be

be willing to be so examined, and shall give their award thereupon in writing; and their decision, or that of any two of them, given by such award, shall bind the parties according to the terms of the submission and the provisions of this Act.

XXI. Any person who may by law in other cases make a solemn affirmation, instead of taking an oath, may make such solemn affirmation in any case where by this Act an oath is required; and any person hereby authorized to administer an oath, may, in such cases as aforesaid, administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely in any case where an oath or solemn affirmation is required or authorized, shall be guilty of wilful and corrupt perjury.

Solemn affirmation substituted for an oath in certain cases.

XXII. Nothing in this Act shall affect any rights of Her Majesty, Her Heirs or Successors, or of any party or person whomsoever; such rights only excepted as are herein expressly mentioned and affected.

Rights of the Crown, &c., saved.

XXIII. This Act shall be a Public Act, and shall be judicially noticed as such by all Judges, Justices, and other persons whomsoever, without being specially pleaded.

Public Act.

SCHEDULE.

Form of a Submission to the Board of Arbitration.

Know all Men, that the undersigned and the undersigned, (if there be more parties, that is, more separate interests, mention them,) having a difference as to the respective rights of the said parties in the case hereunto subjoined, have agreed and bound themselves under a penalty of Currency, to perform the award to be made by the Board of Arbitration of the Board of Trade of the City of Ottawa, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award, to the party ready and willing to perform the same.

In witness whereof, the said parties have hereunto interchangeably set their hands and seals, at the City of Ottawa, on the _____ day of _____ one thousand eight hundred and _____

A. B. [L. S.]
 C. D. [L. S.]
 E. F. [L. S.]

Form of the Oath to be taken by the Members of the Council.

I swear that I will faithfully and truly perform my duty as a Member of the Council of the Board of Trade of the City of Ottawa, and that I will, in all matters connected with the discharge

discharge of such duty, do all such things, and such things only, as I shall truly and conscientiously believe to be adapted to promote the objects for which the said Board was constituted, according to the true intent and meaning of the Act incorporating the same : So help me God.

Form of Oath to be taken by the Members of the Board of Arbitration.

I swear that I will faithfully, impartially and diligently perform my duty as a Member of the Board of Arbitration of the Board of Trade of the City of Ottawa, and that I will, in all cases in which I shall act as Arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favor or affection, of or for any party or person whomsoever : So help me God.

C A P . L X X X V I I .

An Act to empower the Town Council of Goderich to apply to certain purposes an unexpended balance of money raised for other purposes.

[Assented to 27th May, 1857.]

Preamble.

¶ **HEREAS** the Town Council of the Town of Goderich, proposed a By-law for raising for the said Town, on the credit of the Consolidated Municipal Loan Fund of the Province, the sum of twenty-five thousand pounds, for the purpose of aiding in the construction of the Buffalo, Brantford and Goderich Railway, which By-law, after having been submitted to a Special Meeting of the inhabitant Rate-payers of the said Town, in the manner by law provided, was unanimously approved of by them, and was finally passed on the eighteenth day of April, one thousand eight hundred and fifty-four, and Consolidated Municipal Loan Fund Debentures to the amount of twenty-five thousand pounds, were obtained under authority thereof, and for the purpose specified therein ; And whereas the said Town Council having expended the sum of three thousand pounds, part of the said Debentures, in the manner set forth and for the purpose specified in the said By-law, now find that, owing to circumstances over which the said Town Council have no control, it is inexpedient and impracticable to expend any further portion of the said Consolidated Municipal Loan Fund Debentures in the manner and for the purpose originally contemplated ; And whereas the said Town Council have prayed to be empowered to apply the balance remaining unexpended of the said Debentures, for the purpose of constructing a Gravel Road or Gravel Roads within the County of Huron, and leading to and from the said Town of Goderich, the purchase of ground for a Cemetery for the said Town, the opening up and drainage of streets, and for other general public improvements

improvements within the said Town, or for either of the purposes above stated, which prayer it is expedient to grant : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. Any balance which may at the time of the passing of this Act remain unexpended, of the said twenty-five thousand pounds of Consolidated Municipal Loan Fund Debentures, originally obtained for Railway purposes as aforesaid, may and shall be applied by the said Town Council of the said Town of Goderich, towards the construction of a Gravel Road or Gravel Roads within the County of Huron, and leading to and from the said Town of Goderich, and for the purchase of ground for a public Cemetery for the said Town, the opening up and drainage of streets, and for other general public improvements within the said Town, or for either or all of the aforesaid purposes, which the said Town Council may determine upon as best calculated to promote the prosperity of the said Town of Goderich ; any thing in any Act or By-law to the contrary notwithstanding ; and so much of the By-law mentioned in the Preamble as would authorize the application of such balance to any Railway purpose or to any purpose other than such as are authorized by this section, is hereby repealed ; Provided always, that before any such application of the money as herein mentioned, a vote of the Rate-payers of the said Town shall be taken, in the same manner, and on the same notice, as is required by law on the passing of any By-law authorizing an expenditure by any Municipal Council beyond the amount of five hundred pounds.

To what purposes only the unexpended balance shall be applied.

Proviso : for previous vote of Rate-payers.

II. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X V I I I .

An Act to confirm a Conveyance made by the Municipal Council of the Town of Goderich of a portion of the Market Square of the said Town to the Municipal Council of the United Counties of Huron and Bruce.

[Assented to 27th May, 1857.]

WHEREAS the Canada Company did by Deed bearing date the twenty-sixth day of April, A. D. 1854, release and convey to the Municipal Council of the Town of Goderich, all that part or portion of the said Town of Goderich known as the Market Square, for the purpose of a Market Place ; And whereas the Municipal Council of the Town of Goderich did by Deed, bearing date the tenth day of May, A. D. 1854, convey to the Municipal Council of the United Counties of Huron and Bruce a portion of the said land in the said Market Square of the Town of Goderich aforesaid, so granted to them aforesaid, for the purpose of the erecting of a Court House and

Preamble.

Public Offices thereon and approaches thereto ; And whereas the Municipal Council of the United Counties of Huron and Bruce did, under and by virtue of such deed erect a Court House and County Offices on the said portion, at an expense of Five Thousand pounds ; And whereas doubts have arisen relative to the power of the Municipal Council of the Town of Goderich to make the aforesaid conveyance, and it is expedient to remove these doubts and confirm the said conveyance : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Deed of Conveyance from the Town to the United Counties declared valid.

I. The said Deed of Conveyance made by the Municipal Council of the Town of Goderich to the Municipal Council of the United Counties of Huron and Bruce, bearing date the tenth day of May, A. D. 1854, and conveying to the said Municipal Council of the United Counties of Huron and Bruce a portion of the land in that part of the Town of Goderich known as the Market Square, and upon which portion of land a Court House and County Offices have been erected by the said Municipal Council of the United Counties of Huron and Bruce, shall be and shall be held to have been from the time of its execution, legal and valid.

Public Act.

II. This Act shall be deemed a Public Act.

C A P . L X X X I X .

An Act to incorporate the Town of Bowmanville, and to define the limits thereof.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS the inhabitants of the Village of Bowmanville, by petition, have prayed the Legislature to incorporate the same into a Town, the population now exceeding the number required by law ; And whereas it is expedient and necessary, and would tend to promote the benefit and convenience of the inhabitants if the prayer of the said petition were granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Town of Bowmanville constituted.

I. The tract of land within the boundaries or limits of the present Village of Bowmanville, shall, upon, from and after the first day of January, in the year of our Lord one thousand eight hundred and fifty-eight, be incorporated into a Town, to be called and designated as the Town of Bowmanville.

Provisions of U. C. Municipi-

II. So much of the Upper Canada Municipal Corporations Act as relates to incorporated Towns, shall, upon, from and after

after the day last aforesaid apply to the said Town of Bowmanville, which shall have and exercise all and singular the same rights, powers, privileges and jurisdiction as are given, granted or conferred upon, or as shall by virtue of any Act or parts of Acts now in force in Upper Canada, or which shall hereafter be in force, belong to incorporated Towns; and all the rules, regulations, provisions and enactments therein contained or which shall in any wise relate or belong to the same, shall apply to the Town of Bowmanville as fully as if the said tract of land had become a Town under the ordinary operation of the said Upper Canada Municipal Corporations Act, with the exception hereinafter made as regards the first election.

pal Acts as to
Towns to ap-
ply to Bow-
manville.

Exception.

III. The said Town of Bowmanville shall be divided into three Wards, to be called respectively the West Ward, South Ward, and North Ward.

Wards.

1. The said West Ward shall be bounded as follows, that is to say: Commencing at the north-west angle of the said town; thence, in a southerly direction along the boundary, to the base line road; thence, easterly along the base line road until it intersects the allowance for road between lots numbers twelve and thirteen, late of the Township of Darlington; thence, northerly along the said allowance for road until it intersects Queen Street; thence, easterly along the centre of Queen Street until it intersects Temperance Street; thence, northerly along the centre of Temperance Street until it intersects Wellington Street; thence, westerly along the centre of Wellington Street until it intersects the street east of and next to the building occupied as a public school house; thence, northerly along the centre of the said street to the concession line between the first and second concessions; thence, easterly along the said concession line to the junction of High Street; thence, northerly along the centre of High Street and the division between lots numbers eleven and twelve, late of the Township of Darlington, to the northern boundary of the Town; thence, westerly along the northern boundary, to the place of beginning.

West Ward,
how bounded.

2. The said South Ward shall be bounded as follows, that is to say: Commencing where King Street intersects Ontario Street; thence, southerly along the centre of Ontario Street to where it intersects Queen Street; thence, in a westerly direction along the centre of Queen Street to its junction with Scugog Street; thence, in a southerly direction along the allowance for road between lots numbers twelve and thirteen, late of the Township of Darlington, to the base line road; thence, easterly along the base line road to the division between lots numbers eleven and twelve; thence, in a southerly direction along the said division to the Lake shore or southern boundary; thence, in an easterly direction along the Lake shore to the division between lots numbers eight and nine; thence, northerly

South Ward,
how bounded.

northerly along the said division to the base line road ; thence, easterly along that road to the eastern boundary of the Town ; thence, northerly along the said boundary to King Street ; thence, westerly along the centre of King Street, to the place of beginning.

North Ward,
how bounded.

3. The said North Ward shall be bounded as follows, that is to say : Commencing where Ontario Street intersects King Street ; thence, easterly along the centre of King Street to the boundary of the Town ; thence, northerly along that boundary to the north-east angle of the Town ; thence, westerly along the northern boundary of the Town to the division line between lots numbers eleven and twelve, late of the Township of Darlington ; thence, southerly along the said division line to High Street ; thence, in the same direction along the centre of High Street until it intersects the line of road between the first and second Concessions ; thence, westerly along the said road to its junction with Silver Street ; thence, southerly along the eastern boundary of West Ward until Silver Street intersects Wellington Street ; thence, along the centre of Wellington Street until it intersects Temperance Street ; thence, southerly along the centre of Temperance Street to Queen Street ; thence, easterly along the centre of Queen Street to Ontario Street ; thence, northerly along Ontario Street, to the place of beginning.

Returning-
Officer and
Deputies of
first election
under this
Act.

IV. The Clerk, for the time being, of the said Village of Bowmanville, shall be *ex officio* Returning Officer for the purpose of holding the first Municipal election under this Act, and shall, on or before the twenty-first day of December next, after the passing of this Act, by his warrant, appoint a Deputy Returning Officer for each of the three Wards into which the said Town of Bowmanville is hereby divided, to hold the first election therein ; and in the discharge of their duties each Deputy Returning Officer shall severally be subject to all the provisions of the said Upper Canada Municipal Corporations Acts applicable to first elections in Towns incorporated under the said Acts.

Public Act

V. This Act shall be deemed a Public Act.

C A P . X C .

An Act to authorize the Town of St. Catharines to negotiate a loan of forty-five thousand two hundred and forty-eight pounds, to consolidate the debt of the Town, and for other purposes.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS the Corporation of the Town of St. Catharines have petitioned to be authorized by law to borrow, on the debentures of the said town, a sum not exceeding forty-five thousand

thousand two hundred and forty-eight pounds, for certain purposes, and under certain restrictions in the said petition set forth, and it is expedient that the prayer of their petition should be granted, so far as to enable them to pay off the debts hereinafter set forth : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. It shall and may be lawful to and for the Town Council of the Town of St. Catharines, to raise by way of loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding forty-five thousand two hundred and forty-eight pounds, Provincial Currency.

Municipality of St. Catharines may raise £45,248 by loan.

II. It shall and may be lawful for the Mayor of the said Town of St. Catharines, for the time being, to cause to be issued debentures of the said Town of St. Catharines, under the corporate seal of the said Town, signed by the Mayor, and countersigned by the Clerk of the said Town, for the time being, in such sums, not exceeding in the whole the said sum of forty-five thousand two hundred and forty-eight pounds, as the Town Council shall direct and appoint, and the principal sum secured by the said debentures and the interest accruing thereon, may be made payable in this Province, in Great Britain or elsewhere, and the said debentures may be either in Sterling money or Provincial Currency.

Mayor may issue Debentures.

III. So much of the said loan so to be raised as aforesaid, as shall be necessary for the purpose, shall be applied by the Town Council of the Town of St. Catharines, in the redemption of all such debentures of the said Town, as shall be outstanding when this Act shall come into force ; and the Clerk of the Town of St. Catharines is hereby authorized and empowered, on receiving instructions so to do from the Town Council, and with the consent of the holders thereof, to call in such debentures of the Town of St. Catharines as may have heretofore been issued by virtue of a By-law of the Town Council of the Town of St. Catharines, passed on the tenth day of May, in the year of our Lord one thousand eight hundred and fifty-two, and known as By-law number sixty-six, on which there are outstanding debentures to the amount of three hundred and forty pounds ; and by virtue of a certain other By-law of the said Town Council, passed on the ninth day of August, in the year of our Lord one thousand eight hundred and fifty-two, and known as By-law number sixty-eight, on which there are outstanding debentures to the amount of one thousand seven hundred and fifty pounds ; and by virtue of a certain other By-law of the said Town Council, passed on the tenth day of January, in the year of our Lord one thousand eight hundred and fifty-three, and known as By-law number sixty-nine, on which there

Outstanding Debentures issued under certain By-laws to be called in and redeemed.

there are outstanding debentures to the amount of four hundred and twenty-five pounds ; and by virtue of a certain other By-law of the said Town Council, passed on the twenty third day of May, in the year of our Lord one thousand eight hundred and fifty-three, and known as By-law number seventy-five, on which there are outstanding debentures to the amount of one thousand seven hundred and thirty-three pounds ; and by virtue of a certain other By-law of the said Town Council, passed on the eighth day of May, in the year of our Lord one thousand eight hundred and fifty-four, and known as By-law number one hundred and ten, on which there are outstanding debentures to the amount of two thousand six hundred pounds ; and by virtue of a certain other By-law of the said Town Council, passed on the tenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and known as By-law number one hundred and twenty-five, on which there are outstanding debentures to the amount of twenty-five thousand pounds ; and by virtue of a certain other By-law of the said Town Council, passed on the third day of March, in the year of our Lord one thousand eight hundred and fifty-six, and known as By-law number one hundred and thirty, on which there are outstanding debentures to the amount of one thousand five hundred pounds ; and by virtue of a certain other By-law of the said Town Council, passed on the twenty-eighth day of April, in the year of our Lord one thousand eight hundred and fifty-six, and known as By-law number one hundred and thirty-two, on which there are outstanding debentures to the amount of two thousand five hundred pounds ; and by virtue of a certain other By-law of the said Town Council, passed on the seventh day of July, in the year of our Lord one thousand eight hundred and fifty-six, and known as By-law number one hundred and thirty-six, on which there are outstanding debentures to the amount of four thousand pounds ; and by virtue of a certain other By-law of the said Town Council, passed on the twenty-fifth day of August, in the year of our Lord one thousand eight hundred and fifty-six, and known as By-law number one hundred and thirty-seven, on which there are outstanding debentures to the amount of five thousand four hundred pounds ; and to substitute therefor, debentures to be issued under this Act : Provided always, that no debentures shall be redeemed before due, at any greater sum than was received for such debentures so to be redeemed:

Proviso. Provided also, that no portion of the debentures to be issued under this Act, or of the proceeds thereof, shall be applied to the payment of any interest accrued or to accrue on the debentures to be redeemed.

Proviso.

Proviso.

By-law may be repealed when Debentures issued under them are redeemed.

IV. For and notwithstanding any provision, clause, matter or thing contained in any Act of the Parliament of this Province to the contrary, it shall and may be lawful for the Town Council of the Town of St. Catharines, after having called in or paid the debentures described in the next preceding section,

to repeal such By-laws in the said section set forth, as have not been already quashed by the Court of Queen's Bench for Upper Canada.

V. For the payment, satisfaction and discharge of the debentures to be issued by virtue of this Act, it shall and may be lawful for the Council of the said Town of St. Catharines, and they are hereby required so to do, in any By-law or By-laws to be passed authorizing the said loan, and the issuing of the debentures therefor, to impose a special rate per annum over and above, and in addition to all other rates to be levied in each year, and over and above the interest to be payable on such debentures, which shall form a sinking fund of two per cent. per annum for that purpose.

Special rate to be imposed in By-law for raising loan under this Act.

VI. It shall be the duty of the Clerk of the Town of St. Catharines, from time to time, to invest all sums of money raised by special rate, for the sinking fund provided for by this Act, in any debentures issued by the Government of Canada, or in debentures issued by any municipality, or in such other securities as the Governor of this Province shall by Order in Council direct or appoint, and to apply all dividends or interest on the said sinking fund, to the extinction of the debt created under this Act.

Investment of moneys raised by such special rate and not immediately required.

VII. Any By-law to be passed under this Act shall not be repealed, until the debt or debts created under this Act and such By-law, and the interest thereon, shall be fully paid and satisfied.

By-law not to be repealed.

VIII. The funds to be derived from the negotiation of the debentures to be issued under this Act, when received, and all such debentures as shall be issued but not negotiated, shall be deposited by the Clerk of the said Town, for the time being, in some one of the chartered Banks of this Province, on such conditions as the Town Council shall from time to time agree upon, and only be withdrawn therefrom as they may from time to time be required for the payment or redemption of the debentures so to be redeemed.

Funds raised under this Act to be deposited in a Chartered Bank until required.

IX. It shall not be lawful for the Town Council of the Town of St. Catharines, to sell or dispose of any stocks held by the said Corporation, at the time of the passing of this Act, unless the proceeds of such sale shall be invested for the purpose of meeting the debt contracted by this Act, in the manner pointed out in the sixth section, for the investment of all sums of money raised by a special rate for the sinking fund, and for no other purpose.

Stocks held by Corporation not to be disposed of unless for certain purposes.

X. Until the difference between the amount of the sum invested for the liquidation of the consolidated debt, and the amount of such debt, shall be reduced to the sum of twenty-five

No new debt to be created until that un-

Under this Act is reduced to £25,000.

Exception as to Water Works.

Public Act.

five thousand pounds, it shall not be lawful for the Corporation of St. Catharines to pass any By-law creating a new debt to extend beyond the year in which such By-law shall have been passed; but this restriction shall not apply to any debt to be created for the construction of Water Works in the said town.

XI. This Act shall be deemed a Public Act.

C A P . X C I .

An Act for the construction of Water Works in the Town of Saint Catharines.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS the Corporation of the Town of St. Catharines, have, by their petition represented that the present Municipal Law does not confer sufficient powers to enable Corporations of Towns to provide for the construction of Water Works extending outside their limits; And whereas they are desirous of procuring the passing of an Act, which shall confer upon them all the powers necessary to secure the construction of Water Works, with a view to the health, comfort and security of the inhabitants of the Town of St. Catharines: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Water Commissioners to be appointed.

I. The persons hereafter to be elected in the manner provided for in this Act, and their successors, shall constitute a Board, to be called and known as the Water Commissioners for the Town of St. Catharines.

Duty of the said Commissioners.

II. It shall be the duty of the said Commissioners to examine, consider and decide upon, all matters relative to supplying the said Town of St. Catharines with a sufficient quantity of pure and wholesome water for the use of its inhabitants, and the amount of money necessary to effect that object.

Power to employ Engineers, &c.

III. The said Commissioners shall have power to employ engineers, surveyors and such other persons, as in their opinion may be necessary to enable them to fulfil their duties under this Act.

Power to Commissioners to enter upon lands in the Town or within ten miles of it.

IV. It shall and may be lawful for the said Commissioners, their agents, servants and workmen, from time to time, and at such times hereafter as they shall think fit, and they are hereby authorized and empowered, to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town of St. Catharines, or within ten miles of the said Town, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said Water Works, and also to divert

divert and appropriate any spring or stream of water thereon as they shall judge suitable and proper, and to contract with the owners or occupiers of the said lands and those having an interest or right in the said water for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said Commissioners; and in case of any disagreement between the said Commissioners and the owners or occupiers of such lands, or any persons having an interest in the said water or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them or otherwise; or in case any such owner or occupier shall be an infant, married woman or insane or absent from this Province, or in case such lands or water privilege may be mortgaged or pledged to any person or persons, it shall and may be lawful for the Judge of the County Court of the County of Lincoln, on application being made to him, to nominate and appoint three indifferent persons as arbitrators, to award, determine, adjudge and order the respective sums of money which the said Commissioners shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said Town, to be appointed by the said Commissioners after eight days' notice given for that purpose by the said Commissioners, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace, in and for the said County of Lincoln, or the said Town, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties, to the best of his judgment; Provided always, that any award under this Act, shall be subject to be set aside on application to the Court of Queen's Bench, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so awarded shall be paid within three months from the date of award or determination of any motion to annul the same, and in default of such payment the proprietor may resume the possession of his property, and all his rights shall thereupon revive; and the award of a majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

Arbitrators to be appointed in case of dispute.

And in case any such party be an infant, &c

Meetings of Arbitrators.

They shall be sworn.

Proviso: for setting aside award, and for payment of sum awarded.

V. The lands and water or easements, right of way or passage, which shall be ascertained, set out or appropriated by the said Commissioners for the purposes thereof as aforesaid, shall thereupon and for ever thereafter be vested in the Mayor and Corporation of the Town of St. Catharines, and their successors, and it shall and may be lawful for the said Commissioners, and their successors, to construct, erect and maintain upon

Lands, &c., appropriated by Commissioners vested in Mayor and Corporation. Commissioners empowered

ed to lay pipes,
construct re-
servoirs, &c.

upon the said lands all such reservoirs, water works and machinery requisite for the said undertaking, and to convey the waters thereto, and therefrom, in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water works, and the springs, streams, rivers or lakes, from which the same are procured, and the said Town of St. Catharines, by one or more lines of pipes, as may from time to time be found necessary; and for the better effecting the purposes aforesaid, the said Commissioners, their successors and servants, are hereby empowered to enter and pass upon and over the said grounds and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and upon, over, under and through the highways, railroads and roads of and in the townships of the county of Lincoln, and through the public ways, streets, lanes or other passages of the said Town of St. Catharines, and in, upon, through or under the lands, grounds and premises of any person or persons, bodies corporate, politic or collegiate whatsoever, and to set out, ascertain, use and occupy such part or parts thereof, as they the said Commissioners or their successors shall think necessary and proper, for the making and maintaining of the said works, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the Town of St. Catharines, or for the uses of the Corporation of the said Town, or of the proprietors or occupiers of the lands through or near which the same may pass, and for this purpose to sink and lay down pipes, trunks, reservoirs and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said Commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration as aforesaid; Provided always, that nothing herein contained shall be construed to authorize the said Commissioners, or any person acting under their authority, to take for the purposes of the said works, any house, garden or orchard, without the consent of the owner.

Proviso: or-
chards, &c..
not to be taken
except by
consent.

Persons doing
damage or in-
jury to works
to be held
guilty of mis-
demeanor.

VI. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said Commissioners or their managers, contractors, servants, agents or workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained, or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless out of the said works, or if any person shall throw or deposit any thing, or noisome or offensive matter in the said water or water works, or in any way foul the same, or commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done, every person offending in any of the cases aforesaid, shall, besides being subject to an action at law for

for the damages done thereby, be held guilty of a misdemeanor, and upon conviction thereof before any of the courts of criminal jurisdiction in the County of Lincoln, or a magistrate of the said County or Town, shall be punished by the said Court, by fine or imprisonment, or either, at the discretion of the Court, as in other misdemeanors at common law, or by summary conviction.

VII. The Commissioners shall keep regular books of account, and books for recording the whole of their official proceedings, and all such books shall be open to the examination of any person or persons appointed for that purpose by the Mayor and Town Council of the Town of St. Catharines: the Commissioners shall also, on the thirtieth day of June, and the thirty-first day of December, in each and every year, make a Report to the said the Mayor and Town Council of the Town of St. Catharines, of the condition of the works under their charge, accompanied by a statement of their receipts and expenditure on account of the same.

Commissioners to keep books of accounts, &c.

And to make a report every six months,

VIII. The Board of Commissioners, for the time being, shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payment, and they may erect such number of public hydrants and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used; all which they may change at their discretion: Provided always, that all hydrants, conduits or other appliances required and furnished for the purpose of extinguishment of fires, shall be placed as the Mayor and Town Council of the Town of St. Catharines shall direct, and shall be under their exclusive control and direction.

Board to regulate distribution and prices for the use of the water.

Proviso.

IX. The owner and occupier of any house, tenement or lot, shall each be liable for the payment of the price or rent fixed by the Commissioners for the use of the water by such occupier, and such price or rent so fixed shall be a lien upon the said house, tenement or lot, in the same way and manner as other taxes assessed on real estate in the said Town of St. Catharines are liens, and shall be collected in like manner, if not previously paid to the Commissioners.

Houses, &c., to be subject to payment of water rate.

X. A majority of the said Commissioners shall constitute a quorum for the transaction of any business allowed or required by the powers or duties of their commission; and all contracts and engagements, acts and doings of the said Commissioners within the scope of their duty or authority, shall be obligatory upon and be in law considered as done by the Mayor and Town Council of the Town of St. Catharines.

Quorum of Commissioners.

Title of Commissioners.

May prosecute and defend actions.

Vacancies in the Board, how filled.

Money for construction may be raised by loan, and how.

Mayor to issue Debentures.

Water Works mortgaged for payment of moneys so borrowed.

XI. The said Commissioners may prosecute or defend any actions or process at law or equity by the name of the "Water Commissioners of the Town of St. Catharines," against any person or persons for money due for the use of the water, for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or any promise or contract made to or with them, and also for any injury or trespass or nuisance done or suffered to the water-courses, pipes, machinery or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water; and any vacancy, or the filling any vacancy in the Board of Commissioners, either before or after any cause of action arises or suit is commenced, shall not change the right of the said Commissioners as a body, to commence or maintain such action or process at law or in equity, but in all such cases they shall be considered from the time of the organization of the Board as a Corporation.

XII. For the purpose of constructing the said Water Works and paying the expenses attendant thereon, it shall and may be lawful to and for the Mayor and Town Council of the Town of St. Catharines, and they are hereby required, from time to time, as the amounts may be required by the said Commissioners, to raise by loan upon the credit of the Debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of fifty thousand pounds, of lawful money of Canada, or a corresponding sum in sterling money of Great Britain, and for the Mayor of the said Town of St. Catharines, for the time being, to cause to be issued Debentures or Bonds of the said Town of St. Catharines, under the Corporation Seal, signed by the Mayor, and countersigned by the Clerk of the said Town, for the time being, in such sums not exceeding in the whole the said sum of fifty thousand pounds, authorized to be borrowed under this Act, as the Commissioners shall direct and appoint; and the principal sum secured by the said Debentures shall be payable within twenty years from the issuing thereof, and the interest accruing thereon shall be made payable semi-annually, either in sterling or in currency in this Province, in Great Britain or elsewhere, as the said Council shall deem expedient or necessary.

XIII. The said Water Works to be erected and constructed under this Act, and also the land to be acquired for the purposes thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon, and all, each and every of the holders of the Debentures in the last previous section mentioned shall

shall have a concurrent pledge, mortgage, hypothec or privilege on the said Water Works and property appertaining thereto, for securing the payment of the said Debentures and the interest thereon.

XIV. The funds derived from the negotiation of the Debentures to be issued under this Act, shall, when received, be deposited by the said Commissioners for the time being, in some one or more of the chartered Banks of the Province, on such conditions as the said Commissioners shall from time to time agree upon, and only be withdrawn therefrom as they may from time to time be required, for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and every cheque for the withdrawal of any moneys shall be signed by the Chairman of the said Commissioners, and also by the Mayor of the said Town, for the time being.

Funds to be deposited, and withdrawn only for certain purposes.

XV. This Act shall not have any force or effect until the Mayor and Town Council of the Town of St. Catharines shall pass a By-law authorizing the construction of the said Water Works, to which By-law all the provisions of the second section of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to establish a consolidated Municipal Loan Fund for Upper Canada*, and all the sub sections thereof, in so far as the same make the consent of the municipal electors necessary, and refer to the mode of obtaining the consent of such electors shall extend and apply; and on the said By-law being passed, it shall be lawful for the Mayor of the said Town, and he is hereby authorized and required, to issue his warrant to the Returning Officer for each Ward in the said Town, for the then next preceding election for Councillors, requiring the said Returning Officer to proceed to the election of one Water Commissioner for each Ward in the said Town, in the same manner in all respects, and giving the same notices as are now required in case of Municipal Elections in the said Town, and all persons authorized to vote at such Election for Councillors, shall be entitled to vote for the said Water Commissioner for their Ward, and not otherwise.

This Act not to come into force until a certain By-law shall have been first passed.

16 V. c. 22.

First election of the Commissioners.

XVI. The said Water Commissioners shall, at their first meeting after their election, determine by lot or otherwise, the terms during which they shall respectively hold their offices, and these shall be as follows: one of them shall remain in office one year, one, two years, and one, three years, all to be computed from the first Monday in the month of January next preceding.

Period of office of first Commissioners, how determined.

XVII. At the Municipal Election to be held in the said Town, in each year after the special elections hereinbefore authorized to be held for the election of the said Water Commissioners, there shall be elected in the same manner as the Councillors

Annual election of Commissioners.

Proceedings
in case of vac-
ancy.

Councillors are elected, and by the persons now authorized to vote at such elections, one Commissioner for the Ward in which a vacancy has occurred by the retirement of the Commissioner whose term of office has expired, who shall hold his office for three years next ensuing such election, and any vacancies that shall occur in the said Commission by death, resignation or otherwise, shall be filled by a person to be named by the Mayor and Town Council of the Town of St. Catharines, but the person or persons so appointed to fill such vacancy, shall hold his or their offices only for the residue of the term, for which he or they shall be appointed.

Payment for
services.

XVIII. The Chairman of the said Commissioners and the said Commissioners shall be paid such sum for their services as the Mayor and Town Council of the Town of St. Catharines shall annually fix, and shall also be paid all reasonable travelling expenses incurred while employed upon or about the works.

Public Act.

XIX. This Act shall be deemed a Public Act.

C A P . X C I I .

An Act to incorporate the Town of Milton, in the County of Halton.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS the inhabitants of Milton, in the County of Halton, have, by their petition to the Legislature represented, that it is now the County Town of the said County of Halton, and contains about one thousand inhabitants, and that it is the wish of the Municipality of the County of Halton that it should be incorporated, and have prayed that it may be incorporated by the name of the Town of Milton; And whereas, from the importance and rapidly increasing population of the said place, it is expedient to incorporate the same as prayed for, with the privileges and rights of an incorporated Town: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Milton to be
an incorporat-
ed Town.

I. From and after the passing of this Act the inhabitants of the Town of Milton shall be a body corporate apart from the Township of Trafalgar in which the said Town is situate, and as such shall have perpetual succession and a Common Seal, with such powers as are now by law conferred upon Incorporated Towns in Upper Canada; and the powers of such Corporation shall be exercised by, through and in the name of the Municipality of the Town of Milton.

Boundaries of
the Town.

II. The said Town of Milton shall comprise and consist of the following lots and parcels of land, that is to say: Lots numbers

numbers thirteen and fourteen in the second Concession in the new survey of the Township of Trafalgar.

III. The said Town of Milton shall be divided into three Wards in the manner following, that is to say: Division into Wards:

North Ward shall comprise all that part of the said Town north of the centre line of Main street, from the eastern to the western boundaries of the said Town. North Ward;

East Ward shall comprise all that part of the said Town south of the centre line of Main street, and east of the centre line of Foster street, prolonged to the southern boundary of the said Town. East Ward;

South Ward shall comprise all that part of the said Town lying south of the centre line of Main street and west of the centre line of Foster street, prolonged to the southern boundary of the said Town. South Ward.

IV. After the passing of this Act it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Town of Milton, which Returning Officer shall appoint the time and place for holding the first election in each Ward of the said Town, of which appointment and of the names of the Deputy Returning Officers for the several Wards, he shall give notice, by posting the same at least ten days before the election in three or more public places in each of the Wards of the said Town. Appointment, &c., of Returning Officers at first election.

V. The duties of the Returning Officer and Deputy Returning Officers, and the qualifications of the voters and the persons elected as Councillors at such first election, shall be as prescribed by law with respect to Townships in Upper Canada. Duties of Returning Officer and qualification of electors, &c.

VI. The Collector or Township Clerk of the Township of Trafalgar, or other person having the legal custody of the Collector's Roll for the year one thousand eight hundred and fifty-six, shall furnish to each Deputy Returning Officer a true copy of the said Roll, so far as the same relates to voters resident within the limits of each of such Wards, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, 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 upon oath or in such manner as is now required by law. Copy of the proper portion of the Collector's Roll to be furnished to Deputy Returning Officers.

VII. The said Returning Officer and Deputy Returning Officers before holding the said election, shall take the same oath or affirmation as is now required by law for Returning Officers and Deputy Returning Officers in Towns in Upper Canada. Oath of office of Returning Officers, &c.

As to subsequent elections.

VIII. Elections for Councillors of the said Town of Milton after the year one thousand eight hundred and fifty-seven, shall be held in conformity with the statutory provisions in respect of the several Incorporated Towns of Upper Canada.

Oath required of persons elected, &c.

IX. The several persons who shall be elected or appointed under this Act shall take the same oaths of office and of qualification as are now required by law.

Powers and organisation of Council.

X. The said Councillors to be elected under this Act for the said Town, shall be organized in the same manner and in the same way as in any other Incorporated Town in Upper Canada, and have, use and exercise the same powers and privileges as any other Incorporated Town in Upper Canada; and the first meeting of the said Council shall be held in the Court House, in the said Town, at Eleven o'clock in the forenoon, on the first Saturday after the day on which the election of Councillors shall have been held.

First meeting of Council.

Township Councillors residing within the Town to retire.

XI. Any Councillor elected to serve in the Township Council of the said Township of Trafalgar, for the present year, and residing within the above prescribed limits of the said Town, shall, immediately on the appointment of a Returning Officer for the said Town, as provided by this Act, cease to be such Councillor, and the duly qualified electors of the Wards in which the said Town is situate, shall thereupon proceed to elect a new Councillor or Councillors, as the case may be, to serve in the Council of the said Township for the remainder of the year, as in the case of death or resignation provided for by the Municipal laws of Upper Canada.

New election.

Township taxes for 1857, not to be collected in the Town.

XII. The Officers of the said Council of the Township of Trafalgar, shall not proceed to collect any rate or assessment imposed by the said Council for the present year, within the limits of the said Town, but the amount which may be required for the purposes of the said Town within the present year, shall be based on the assessment of the Township assessor or assessors for the present year, and shall be collected by the Officer or Officers to be appointed by the said Town Council for that purpose: Provided always, that nothing herein contained shall affect any school rate or school section for the present year.

Proviso.

Copy of Assessment-roll to be furnished to the Town Clerk.

XIII. The Clerk of the said Township shall, and he is hereby required to furnish to the Clerk to be appointed by the Council of the said Town, on demand made by him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the said Town, and the names of the owners or occupiers thereof.

Expenses of papers, &c., under.

XIV. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of the said Town, and the expenses of furnishing any

any documents, or copies of papers or writings, by the Clerk or other Officer of the Council of the said Township hereinbefore referred to, or required to be furnished, shall be borne and paid by the said Town Council to the said Township Council, or otherwise as the said Township Council shall require.

XV. From and after the passing of this Act, the said Town shall cease to form part of the said Township of Trafalgar, and shall, to all intents and purposes, form a separate and independent Municipality, with all the privileges and rights of an incorporated Town in Upper Canada, but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debt contracted by the Township of Trafalgar, but the said Town shall pay to the Treasurer of the said Township of Trafalgar in each and every year until such existing debt be fully paid and discharged, the same amount which was collected within the present described limits of the said Town, towards the payment of such debt for the year one thousand eight hundred and fifty-six, and the same shall be a debt against the said Town.

Town separated from Township of Trafalgar.

Provision as to debts.

XVI. All Acts and parts of Acts and provisions of law or of Parliament, and all Acts, By-laws, Rules and Regulations of any Township Meeting, County Council, or Township Council in Upper Canada, in force in Upper Canada immediately before the time when this Act shall come into force, in so far as the same may be inconsistent with or contradictory to the provisions of this Act, shall be and are hereby repealed, and shall cease to be in force from and after the day when this Act shall come into force.

Repeal of inconsistent enactments.

XVII. This Act shall be deemed a Public Act.

Public Act.

C A P . X C I I I .

An Act to incorporate the Town of Oakville.

[Assented to 27th May, 1857.]

WHEREAS from the rapidly increasing population of the Village of Oakville, in the County of Halton, and from its being one of the principal Shipping Ports on Lake Ontario, it is necessary to confer upon the said Village the power of Municipal Government: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. From and after the passing of this Act, the inhabitants of the Town of Oakville shall be a body corporate apart from the Township of Trafalgar in which the said Town is situate, and as such shall have perpetual succession and a Common Seal, with

Oakville to be an incorporated Town.

with such powers as are now by law conferred upon Incorporated Towns in Upper Canada; and the powers of such Corporation shall be exercised by, through and in the name of the Municipality of the Town of Oakville.

Boundaries of the Town.

II. The said Town of Oakville shall comprise and consist of the following lots and parcels of land, that is to say: Lot Numbers twelve, thirteen, fourteen, fifteen and sixteen, and the gore adjoining lot sixteen in the third concession of Trafalgar and lots eleven, twelve, thirteen, fourteen, fifteen, sixteen, and the gore, and lot seventeen in the broken front or fourth concession of the said Township of Trafalgar.

Division into Wards:

III. The said Town of Oakville shall be divided into three Wards in the manner following, that is to say:

Ward No. One;

Ward number one shall comprise all that portion of the Town west of Navy street, with the entire portion lying on the west side of the Sixteen Mile Creek.

Ward No. Two;

Ward number two shall comprise all that portion of the Town east of Navy street and south of Colborne street.

Ward No. Three.

Ward number three shall comprise all that portion of the Town east of Navy street and north of Colborne street.

Appointment, &c., of Returning Officer at first election;

IV. Immediately after the passing of this Act it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Town, of Oakville, which Returning Officer shall appoint the time and place for holding the first election in each Ward of the said Town, of which appointment, and of the names of the Deputy Returning Officers for the several Wards, he shall give notice, by posting the same at least ten days before the election in three or more public places in each of the Wards of the said Town.

His duties, and qualification of electors, &c.

V. The duties of the Returning Officer and Deputy Returning Officers, and the qualifications of the voters and the persons elected as Councillors at such first election, shall be as prescribed by law with respect to Townships in Upper Canada.

Copy of the proper portion of the Collector's Roll to be furnished to Deputy Returning Officers.

VI. The Collector or Township Clerk of the Township of Trafalgar, or other person having the legal custody of the Collector's Roll for the year one thousand eight hundred and fifty-six, shall furnish to each Deputy Returning Officer a true copy of the said Roll so far as the same relates to voters residing within the limits of each of such Wards, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, 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 upon oath or in such manner as is now required by law.

VII. The said Returning Officer and Deputy Returning Officers before holding the said elections, shall take the same oath or affirmation as is now required by law for Returning Officers and Deputy Returning Officers in Towns in Upper Canada.

Oath of office of Returning Officers, &c.

VIII Elections for Councillors of the said Town of Oakville after the year one thousand eight hundred and fifty-seven, shall be held in conformity with the statutory provisions in respect of the several Incorporated Towns of Upper Canada.

As to subsequent elections.

IX. The several persons who shall be elected or appointed under this Act shall take the same oaths of office and of qualification as are now required by law.

Oath required of persons elected, &c.

X. The said Councillors to be elected under this Act for the said Town, shall be organized in the same manner and in the same way as in any other Incorporated Town in Upper Canada, and have, use and exercise the same powers and privileges as any other Incorporated Town in Upper Canada, and the first meeting of the said Council shall be held in the School House in the said Town, at eleven o'clock on the first Saturday after the day on which the Election of Councillors shall have been held.

Powers and organization of Council.

XI. Any Councillor elected to serve in the Township Council of the said Township of Trafalgar, for the present year, and residing within the above prescribed limits of the said Town, shall, immediately on the appointment of a Returning Officer for the said Town as provided by this Act, cease to be such Councillor, and the duly qualified electors of the Wards in which the said Town is situate, shall thereupon proceed to elect a new Councillor or Councillors, as the case may be, to serve in the Council of the said Township for the remainder of the year, as in the case of death or resignation provided for by the Municipal laws in Upper Canada.

Election of new Township Councillors in the place of any residing in the Town.

XII. The Officers of the said Council of the Township of Trafalgar, shall not proceed to collect any rate or assessment imposed by the said Council for the present year, within the limits of the said Town, but the amount which may be required for the purposes of the said Town within the present year, shall be based on the assessment of the Township assessor or assessors for the present year, and shall be collected by the Officer or Officers to be appointed by the said Town Council for that purpose; Provided always, that nothing herein contained shall affect any School rates or School section for the present year.

Township taxes for 1857, not to be collected in the Town.

Proviso.

XIII. The Clerk of the said Township shall, and he is hereby required to furnish to the Clerk to be appointed by the Council of the said Town, on demand made by him therefor, a true

Copy of proper part of Assessment-roll to be furnished

nished to
Town Clerk:

true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the said Town, and the names of the owners or occupiers thereof.

Expenses of
papers, under
this Act how
paid, &c.

XIV. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of the said Town, and the expenses of furnishing any documents, or copies of papers or writings, by the Clerk or other Officer of the Council of the said Township hereinbefore referred to, or required to be furnished, shall be borne and paid by the said Town Council to the said Township Council, or otherwise as the said Township Council shall require.

Town separat-
ed from Town-
ship of Tra-
falgar.

Provision as
to debts.

XV. From and after the passing of this Act the said Town shall cease to form part of the said Township of Trafalgar, and shall, to all intents and purposes, form a separate and independent Municipality, with all the privileges and rights of an Incorporated Town in Upper Canada, but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debt contracted by the Township of Trafalgar, but the said Town shall pay to the Treasurer of the said Township of Trafalgar in each and every year until such existing debt be fully paid and discharged, the same amount which was collected within the present described limits of the said Town, towards the payment of such debt for the year one thousand eight hundred and fifty-six, and the same shall be a debt against the said Town.

Repeal of
inconsistent
enactments.

XVI. All Acts and parts of Acts and provisions of law or of Parliament, and all Acts, By-laws, Rules and Regulations of any Township Meeting, County Council, or Township Council in Upper Canada, in force in Upper Canada immediately before the time when this Act shall come into force, in so far as the same may be inconsistent with or contradictory to the provisions of this Act, shall be and are hereby repealed, and shall cease to be in force from and after the day when this Act shall come into force.

Public Act.

XVII. This Act shall be deemed a Public Act.

C A P . X C I V .

An Act to incorporate the Town of Sandwich, in the County of Essex.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the inhabitants of Sandwich, in the County of Essex, have, by their Petition to the Legislature, represented that it is now the County Town of the said County of Essex, and contains more than one thousand inhabitants, and that it is the wish of the Municipality of the County of Essex that it should be incorporated, and have prayed that it may

may be incorporated by the name of the Town of Sandwich ; And whereas it is expedient to incorporate the same as prayed for, with the privileges and rights of an incorporated town : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The town plot or tract of land to be known as the Town of Sandwich shall hereafter be extended, and shall be and lie within the boundaries mentioned in the Schedule A to this Act, and shall, upon, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty-eight, be called and known as the Town of Sandwich, and the inhabitants thereof shall be incorporated with the rights, powers and privileges of an incorporated town ; Provided always, that this Act shall not affect the rights of the Sandwich and Windsor Gravel Road Company.

Town of Sandwich incorporated.

Proviso.

II. So much of the Upper Canada Municipal Corporations Acts as relates to incorporated towns shall, from and after the day last aforesaid, apply to the said town of Sandwich, and the said town shall, as an incorporated town, have and exercise all and singular the rights, powers, privileges and jurisdictions which are thereby granted or conferred to or upon, or as shall by virtue of the said Act or of any other Act or Acts now in force or hereafter to be in force in Upper Canada, belong to incorporated towns ; and all the rules, regulations and enactments in the said Acts or any of them contained, or which shall in any wise apply to incorporated towns, shall apply to the said town of Sandwich as fully as if it had become an incorporated town under the ordinary operation of the said Upper Canada Municipal Corporations Acts, with the exception hereinafter made.

Provisions of U. C. Municipal Incorporations Act relative to Towns to apply to the Town of Sandwich.

III. The said town of Sandwich shall not be divided into Wards, but the whole of it shall be considered as one Ward, and shall be represented by five Councillors, who shall form the Town Council thereof.

Five Councillors to form the Town Council.

IV. The Sheriff for the time being of the County of Essex, shall be *ex officio* Returning Officer for the purpose of holding the first Municipal Election under this Act, and in the discharge of his duties as such Returning Officer, he shall be subject to all the provisions of the said Upper Canada Municipal Corporations Acts applicable to Deputy Returning Officers, and to first elections in towns incorporated under the said Acts.

Sheriff to be Returning Officer at first election.

His duties.

V. The said Sheriff, as such Returning Officer, shall preside at the first Meeting of the Council of the said town of Sandwich, and exercise all the duties of Chairman of the same.

Sheriff to preside at first meeting of Town Council.

Qualification
of Candidates
and Electors.

VI. The qualifications of Candidates and Electors at such first Election shall be the same as the qualifications for Candidates and Electors respectively, at Elections for Municipal Councils in towns in Upper Canada.

Time and
place of first
meeting of
Town Council.

VII. The first meeting of the Town Council of the town of Sandwich, shall be held in the Court House in the said town of Sandwich, at the hour of twelve o'clock noon, on the second Monday next after such first election.

Town to be
separate from
Township.

VIII. From and after the day on which this Act shall come into force, the said town shall cease to form part of the Township of Sandwich, and shall to all intents and purposes form a separate and independent Municipality, with all the privileges and rights of an incorporated town in Upper Canada.

Inconsistent
Acts and pro-
visions of Law
repealed.

IX. All Acts and parts of Acts and provisions of Law or of Parliament, and all Acts, By-laws, Rules and Regulations of any Township Meeting, County Council or Township Council in Upper Canada, in force in Upper Canada immediately before the time when this Act shall come into force, in so far as the same may be inconsistent with or contradictory to the provisions of this Act, shall be, and are hereby repealed and shall cease to be in force so far as respects the said Town of Sandwich from and after the day when this Act shall come into force.

Public Act.

X. This Act shall be deemed a Public Act.

SCHEDULE A.

BOUNDARIES OF THE TOWN OF SANDWICH.

Commencing at the water's edge of the River Detroit on the limits between lots numbers fifty-seven and fifty-eight, in the Front Concession of the Township of Sandwich; thence, on a course south, seventy-four degrees east, to the eastern side of the second concession road; then, north, following the course of the said concession road on the eastern limit thereof, until it intersects the northerly limits of lot number fifty-nine; then, south, seventy-four degrees east until it intersects the northerly limits of the Huron Church Road; then, north, twenty-eight degrees west along the northern side of the said Huron Church Road, to the south-easterly side of the second concession road L'Assomption; then, along the said south-easterly side of the said concession road, to the limits between lots numbers sixty-seven and sixty-eight; then, across said concession road and following the limits between lots numbers sixty-seven and sixty-eight on a course north twenty-eight degrees west, to the edge of the River Detroit; thence, continuing the last mentioned course until it shall reach the Channel Bank of the River Detroit; then, following the stream along the said Channel Bank until the same shall intersect a line produced from the place of beginning on a course north seventy-four degrees west; then, on a course south seventy-four degrees east, to the place of beginning.

C A P. X C V.

An Act to incorporate the Town of Lindsay and define the Limits thereof.

[Assented to 10th June, 1857.]

WHEREAS from the rapidly increasing population of the Village of Lindsay, in the County of Victoria, one of the United Counties of Peterboro' and Victoria, and from the peculiar position thereof as the intended County Town, and Northern terminus of the Port Hope Railway, it is necessary to confer upon the said Village the power of Municipal Government and incorporate it as a Town under the name of the "Town of Lindsay": Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. From and after the passing of this Act the inhabitants of the Town of Lindsay shall be a body corporate apart from the Township of Ops, in which the said Town is situated, and as such shall have perpetual succession and a common seal, with such powers as are now by law conferred upon Incorporated Towns in Upper Canada, and the powers of such Corporation shall be exercised by and through, and in the name of the Municipality of the Town of Lindsay.

Town of Lindsay incorporated.

II. The said Town of Lindsay shall be comprised within the following limits or boundaries, that is to say: The present Town and Park Lots as laid out by the Government, and lots numbers nineteen and twenty-two in the fifth concession, and lots numbers nineteen, twenty, twenty-one and twenty-two, in the sixth concession of the aforesaid Township of Ops.

Limits of the said Town.

III. The said Town of Lindsay shall be divided into three Wards, to be known as the North Ward, South Ward, and East Ward respectively. The North Ward shall consist of all that part of the Town, north of the centre line of Peel Street, and west of the centre line of the boundary or concession line, between the fifth and sixth concessions of the said Township of Ops: The South Ward shall consist of all that part of the Town south of the centre line of Peel Street, and west of the centre line of the boundary or concession line between the fifth and sixth concessions of the said Township of Ops: And the East Ward shall consist of all that part of the Town east of the centre of the aforesaid boundary or concession line, between the fifth and sixth concessions of the said Township of Ops.

Number and boundaries of Wards:

North Ward;

South Ward;

East Ward.

IV. Provided always, that whereas the said Township of Ops is now indebted in the sum of twenty thousand pounds upon outstanding debentures of the Township to that amount, issued

The Town to be liable for a proportionate

share of the debt of the Township of Ops.

issued for the purpose of aiding the Port Hope, Lindsay, and Beaverton Railway Company, of which debt the said town of Lindsay ought to pay its fair proportion; Therefore, the said Town of Lindsay shall, as regards the holders of the said debentures, remain liable jointly with the said Township of Ops; and as regards the said Township of Ops the said Town shall be liable for a share of the principal and interest of the said debentures, bearing the same proportion to the share for which the said Township of Ops shall be liable as the amount of the assessment on the then last made Assessment Roll of the said Town shall bear to the amount of the assessment on the then last made Assessment Roll of the said Township, at the several terms when such principal and interest or any part thereof shall respectively become due; and the share so payable by the said Town, shall be payable by it to the said Township, for the purpose of being applied to the payment of such principal and interest; and if not paid may be recovered by the Township as a debt from the Town, if the Township shall have paid the amount to the holders of the said debentures; Provided always, that the said Township and the said Town may, by their respective Councils, agree upon any other mode of settling the share of the said debt to be paid by each, and such agreement shall be valid as between them, but shall not affect the rights of the holders of the said debentures.

Proviso: Town and Township may agree as to debt.

Provision for holding first election under this Act.

Returning Officer, &c.

Duties of Returning Officers, and qualification of Electors.

Copy of proportion of Collector's Roll to be furnished to Returning Officers.

V. The Clerk of the Municipal Council of the Township of Ops shall be *ex officio* Returning Officer for the purpose of holding the first election under this Act, and shall, immediately after the passing of this Act, by his warrant appoint a Deputy Returning Officer for each of the three Wards into which the said Town of Lindsay is hereby divided, to hold the first election therein, and in the discharge of their duties each Deputy Returning Officer shall severally be subject to all the provisions of the Upper Canada Municipal Corporations Acts, applicable to the first elections in Towns incorporated under the said Acts.

VI. The duties of the Returning Officer and Deputy Returning Officers, and the qualifications of the voters and the persons elected as Councillors at such first election, shall be as prescribed by law with respect to townships in Upper Canada.

VII. The Collector or Township Clerk of the Township of Ops, or other person having the legal custody of the Collector's Roll for the year one thousand eight hundred and fifty-six, shall furnish to each Deputy Returning Officer a true copy of the said Roll so far as the same relates to voters resident within the limits of each of such Wards, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, 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 upon oath or in such manner as is now required by law.

Public Act.

VIII. This Act shall be deemed a Public Act.

C A P . X C V I .

An Act to incorporate the Town of Collingwood.

[Assented to 10th June, 1857.]

WHEREAS from the rapidly increasing population of the Village of Collingwood, in the County of Simcoe, and from its being one of the principal Shipping Ports on Lake Huron, it is necessary to confer upon the said Village the power of Municipal Government : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

I. From and after the First day of January, in the year of our Lord one thousand eight hundred and fifty-eight, the inhabitants of the Town of Collingwood, shall be a body corporate apart from the Township of Nottawasaga in which the said Town is situate, and as such shall have perpetual succession and a Common Seal, with such powers as are now by law conferred upon incorporated Towns in general, and as if the said Town had been mentioned and included in the schedule B annexed to the Upper Canada Municipal Corporations Act, 1849, and with the rights, powers and privileges which shall by virtue of any Act or parts of Acts now in force, in Upper Canada, or which shall hereafter be in force belong to incorporated Towns in general, and all the rules, regulations, provisions and enactments therein contained, or which shall in any wise relate or belong to the same, shall apply to the Town of Collingwood as fully as if the said Town had been contained in the said Schedule B. with the exception hereinafter made as regards the first election.

Collingwood incorporated as a Town from 1st January, 1858.

Provisions of U. C. Municipal Corporations Acts to apply to it.

II. The said Town of Collingwood shall comprise and consist of all that part of the Township of Nottawasaga, in the County of Simcoe, which is bounded as follows, that is to say : commencing where the side line of lots forty and forty-one in the sixth concession of the said Township, strikes the five feet water line on the Georgian Bay, Lake Huron ; thence, south-westerly along the said side line, and the side lines of lots forty and forty-one in the seventh, eighth, ninth and tenth concessions to where the side line of lots forty and forty-one in the eleventh concession strikes the tenth and eleventh concession line ; thence, northerly down the west side of the said concession line, to the south side of the mountain road ; thence, westerly along the south side of the mountain road to the centre of the Town line between the Township of Collingwood and the said Township of Nottawasaga ; thence, northerly along the centre of the said Town line to the five feet water line, as granted by the Crown in Deeds to private individuals across the front of Collingwood Harbour, to the place of beginning.

Boundaries of the Town.

Division into
Wards :

Centre Ward ;

East Ward ;

West Ward.

III. The said Town of Collingwood shall be divided into three Wards in the manner following that is to say : Centre Ward, East Ward and West Ward, and the said Wards shall be bounded as follows : Centre Ward shall consist of that portion of the said Town of Collingwood, bounded on the south by the side line of lots forty and forty-one, on the north, by the five feet water line, and bounded on the east by the centre of the Railroad track, on the west, by the centre of Maple street ; The East Ward to be composed of all that portion within the limits of the said Town to the east of the centre of the Railroad track ; and the West Ward to be composed of that portion of the said Town within the limits of the said Town to the west of the centre of Maple street.

Appointment
of Returning
Officers at
first election.

IV. The Municipality of the said Township of Nottawasaga, shall and may at any time after the passing of this Act, appoint a Returning Officer for the said Town of Collingwood, which Returning Officer shall appoint the time and place for holding the first election in each Ward of the said Town, of which appointment and of the names of the Deputy Returning Officers for the several Wards, he shall give notice by posting the same at least ten days before the election in three or more public places in each of the Wards of the said Town.

Their duties :
and qualifica-
tion of elec-
tors.

V. The duties of the Returning Officer and Deputy Returning Officers, and the qualifications of the voters and the persons elected as Councillors at such first election, shall be as prescribed by law with respect to Townships in Upper Canada.

Town separat-
ed from Town-
ship of Notta-
wasaga.

VI. From and after the First day of January, in the year of our Lord one thousand eight hundred and fifty-eight, the said Town shall cease to form part of the said Township of Nottawasaga, and shall, to all intents and purposes form a separate and independent Municipality, with all the privileges and rights of an incorporated Town in Upper Canada, but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debt contracted by the Township of Nottawasaga, but the said Town shall pay to the Treasurer of the said Township of Nottawasaga, in each and every year until such existing debt be fully paid and discharged, a portion thereof to be estimated and calculated according to the proportion which the assessment of that part of the said Township hereby formed into the said Town of Collingwood as herein defined, bore to the assessment for the remainder of the Township of Nottawasaga at the time when any such debt, debts and liabilities were contracted, and the Town of Collingwood shall receive its proportionate share of the assets of the said Township of Nottawasaga at the time of separation.

Provision as
to Township
debt.

Repeal of in-
consistent
enactments,
&c.

VII. All Acts and parts of Acts and provisions of law or of Parliament, and all Acts, By-laws, Rules and Regulations of any Township Meeting, County Council or Township Council
in

in Upper Canada, in force in Upper Canada immediately before the time when this Act shall come into force, in so far as the same may be inconsistent with or contradictory to the provisions of this Act, shall be and are hereby repealed, and shall cease to be in force from and after the day when this Act shall come into force.

VIII. This Act shall be deemed a Public Act.

Public Act.

C A P . X C V I I .

An Act to incorporate the Town of Windsor, and to divide the same into Wards, and to define the limits thereof.

[Assented to 10th June, 1857.]

WHEREAS the Municipality of Windsor and the inhabitants thereof, have prayed the Legislature to incorporate the same as a Town; And whereas from the rapidly increasing population of Windsor and from its peculiar position as the western terminus of the Great Western Railway, it is expedient and necessary, and would tend to promote the benefit and convenience of the inhabitants, if the prayer of the said petition were granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. The Village of Windsor, as described and defined by limits under the Royal Proclamation, bearing date the twenty-eighth day of September, one thousand eight hundred and fifty-three, shall, upon, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty-eight, be incorporated as a Town, with the rights, powers and privileges of incorporated Towns in general, and as if the said Town had been mentioned and included in the Schedule B, annexed to the Upper Canada Municipal Corporations Act of 1849, and with the rights, powers and privileges which shall by virtue of any Act or parts of Acts now in force in Upper Canada, or which shall hereafter be in force, belong to incorporated Towns in general, and all the rules, regulations, provisions and enactments therein contained, or which shall in any wise relate or belong to the same, shall apply to the Town of Windsor as fully as if the said Town had been contained in the said Schedule B, with the exception hereinafter made as regards the first election.

Village of Windsor incorporated as a Town after 1st January, 1858.

Provisions of U. C. Municipal Corporations Acts to apply to it.

II. The said Town of Windsor shall be divided into three Wards, in the manner described in the Schedule to this Act; and to be named respectively First Ward, Second Ward and Third Ward.

Division into Wards.

III.

Appointment
of first Re-
turning Offi-
cers;

their duties.

III. The Clerk for the time being of the said Town of Windsor shall be *ex officio* Returning Officer for the purpose of holding the first Municipal election under this Act, and shall, on or before the twenty-first day of December next after the passing of this Act, by his warrant, appoint a Deputy Returning Officer for each of the three wards into which the said Town of Windsor is hereby divided, to hold the first election therein; and in the discharge of their duties, each Deputy Returning Officer shall severally be subject to all the provisions of the Upper Canada Municipal Corporations Acts applicable to the first elections in Towns incorporated under the said Acts.

Public Act.

IV. This Act shall be deemed a Public Act.

SCHEDULE.

Wards of the Town of Windsor.

The First Ward shall comprise all that part of the said Town, known as lots seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine and eighty, according to Mr. Niff's numbers, in the first concession of the Township of Sandwich, extending the same respectively to the water's edge of the River Detroit, together with so much of the water of the said River, and of the land under the said water, as lies in front of the said lots and extends to the channel bank of the River Detroit.

The Second Ward shall comprise all that part of the said Town known as lots eighty-one and eighty-two, (or the Ouellette Farm), eighty-three, eighty-four, eighty-five, eighty-six and eighty-seven, according to Mr. Niff's numbers, in the first concession of the Township of Sandwich, extending the same respectively to the water's edge of the River Detroit, together with so much of the water of the said River, and of the land under the said water, as lies in front of the said lots, and extends to the channel bank of the River Detroit.

The Third Ward shall comprise all that part of the said Town known as lots eighty-eight, eighty-nine, ninety, ninety-one, ninety-two and ninety-three, according to Mr. Niff's numbers, in the first concession of the Township of Sandwich, extending the same respectively to the water's edge of the River Detroit, together with so much of the water of the said River, and of the land under the said water, as lies in front of the said lots and extends to the channel bank of the River Detroit.

CAP. XCVIII.

An Act to incorporate the Village of Bradford, in the County of Simcoe.

[Assented to 27th May, 1857.]

WHEREAS the inhabitants of the Village of Bradford, in the County of Simcoe, have, by their petition, prayed to be incorporated; And whereas, by a census of the population taken by the Collector of taxes for the Township of West Gwillimbury, on the thirty-first day of December last past, acting under the authority of the School Trustees of School Section number Seven in the said Township, it appears that the population of the said Village is over nine hundred and fifty souls and was then, and is now, rapidly increasing, and that by the end of the present year it will probably far exceed one thousand souls, the number required for its incorporation as a Village, under the ordinary operation of the Upper Canada Municipal Corporations Acts; And whereas the inhabitants desire to avoid the delay which must otherwise take place, and to have the said Village incorporated by a Special Act, and the boundaries thereof established as hereinafter provided, and it is expedient to grant their prayer, and to provide accordingly: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The tract of land lying within the boundaries hereinafter mentioned, shall, upon, from, and after the first day of January, in the year one thousand eight hundred and fifty-eight, be incorporated as, and shall be a Village, to be called and designated as the Village of Bradford.

Village incorporated after 1st January, 1858.

II. So much of the Upper Canada Municipal Corporations Acts as relates to incorporated Villages, shall, upon, from and after the day last aforesaid, apply to the said Village of Bradford, and the said Village shall have and exercise all and singular the rights, privileges and jurisdiction which are thereby granted or conferred to or upon, or as shall, by virtue of the said Act or any Acts now in force or hereafter to be in force in Upper Canada, belong to incorporated Villages; and all the rules, regulations and enactments in the said Acts or any of them contained, or which shall in any wise apply to incorporated Villages, or the Municipal Officers thereof, shall apply to the said Village of Bradford, and the Municipal Councillors and Officers thereof, as fully as if it had become an incorporated Village under the ordinary operation of the said Upper Canada Municipal Corporations Acts, with the exception hereinafter made.

Upper Canada Municipal Corporations Acts to apply to it.

III. The said Village of Bradford shall consist of all that part of the Township of West Gwillimbury, in the County of Simcoe, which

Boundaries of the Village.

which is bounded as follows, that is to say: Commencing at the point of intersection of the Western bank of the Holland River, with the southern limit of the sixth concession of the said Township; then West along the said southern limit to the Western limit of lot fourteen in the sixth concession aforesaid; then North along the said Western limit across the sixth and seventh concessions to the Northern limit of the said seventh concession; then East along the said Northern limit to the West bank of the Holland River; then South along the said West bank, to the place of beginning.

Appointment of first Returning Officer.

IV. The Municipal Council of the Township of West Gwillimbury, shall and may, at any time after the passing of this Act, appoint a fit person to be the Returning Officer for holding the first Municipal Election under this Act, and in the discharge of his duty the Returning Officer shall be subject to all the provisions of the Upper Canada Municipal Corporations Acts, applicable to first elections in Villages incorporated under the said Acts; Provided always, that at the first Election to be held in the said Village, the qualification of Electors and of Councillors shall be the same as in Townships; and also that the part of the said Township comprised in the said limits, shall cease to be part of the same, that is of the Township of West Gwillimbury, under the present Municipal Regulations, and as it is now established, upon the first Monday in January, in the year one thousand eight hundred and fifty-eight, on which day the Councillors for the said Village shall be elected; and the Township Clerk for the Township of West Gwillimbury, shall furnish the Returning Officer appointed under this Act with a certified copy of so much of the Collector's Roll for the said Township as may be required to ascertain the persons entitled to vote at the first election under this Act.

Proviso: qualification of Electors.

Certified copy of proper portion of Collector's Roll to be furnished.

Village to receive from the Township its fair share of the Clergy Reserves moneys.

V. The said Village of Bradford shall be entitled to recover from the said Township of West Gwillimbury such share of all money apportioned to such Township from the Upper Canada Municipalities Fund, prior to the said first day of January, in the year one thousand eight hundred and fifty-eight, as shall bear the same proportion to the whole sum so apportioned to the said Township, as the number of rate-payers resident within the limits of the said Village, as shewn by the Collector's Roll of the year one thousand eight hundred and fifty-seven, bears to the whole number of rate-payers of the said Township.

Public Act.

VI. This Act shall be deemed a Public Act.

C A P . X C I X .

An Act to amend an Act intituled, *An Act to incorporate the Village of Kemptville*, and to legalize the late election for Village Councillors held thereunder.

[Assented to 27th May, 1857.]

WHEREAS doubts have arisen as to the legality of the election of Village Councillors, held in the Village of Kemptville, on the first Monday in the month of January last past, under and by virtue of a certain Act of the Parliament of this Province, passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, and intituled, *An Act to incorporate the Village of Kemptville*, in consequence of the omission of the said Councillors to take the oath of qualification required by law, and it is expedient to remove such doubts : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. For and notwithstanding such omission, each of the said Councillors shall be and is hereby empowered to take such oath of qualification within one month after the passing of this Act ; and the taking and subscribing such oath by such Councillors so taking the same, shall have the same force and effect as if it had been taken and subscribed at the time and in the manner required by law.

Preamble.

19, 20 V. c. 99.

The election in 1857, declared legal, and Councillors duly qualified.

II. The Reeve elected and appointed at the first meeting of the said Councillors to represent the said Municipality of the Village of Kemptville, in the Municipal Council of the United Counties of Leeds and Grenville, is and shall be entitled to sit and act as a member of the said Municipal Council upon producing the certificate of having taken the oath of qualification as in the next preceding clause mentioned, and is, and shall be entitled to act as Reeve for the said Village of Kemptville in every respect, in the same manner as if the said certificate had actually been given, and he had taken and subscribed the oath of qualification therein required, at the time and in the manner required by law.

Reeve of Kemptville entitled to sit in the County Council.

III. The said Municipality shall be entitled to receive, and it shall be the duty of the Municipality of the Township of Oxford from time to time, to transfer and deliver to the said Municipality of the Village of Kemptville, stock or scrip for stock in the Ottawa and Prescott Railway Company, to the extent of any sum or sums of money that the said Municipality of the Village of Kemptville may pay as its proportion of the debt due by the said Municipality of the Township of Oxford, for stock subscribed in the said Railway Company.

Kemptville to have its fair proportion of certain Railway Stock or Scrip.

IV. This Act shall be deemed a Public Act.

Public Act.

C A P . C .

An Act to incorporate the Village of Clinton.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS the Village of Clinton, in the County of Huron, now contains more than one thousand inhabitants and is rapidly increasing in population and importance, and it is therefore expedient to provide for its incorporation as a Village before the time when it could be so incorporated under the ordinary operation of the Upper Canada Municipal Corporations Acts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Clinton incorporated as a Village from 1st January, 1858.

I. Upon, from and after the first day of January, one thousand eight hundred and fifty-eight, the inhabitants of the Village of Clinton comprised within the boundaries hereinafter named, shall be a body corporate apart from the Townships in which the said Village is situate, and as such shall have perpetual succession and a Common Seal, with such powers as now by law are conferred upon Incorporated Villages in Upper Canada; and the powers of such Corporation shall be exercised by, through and in the name of the Municipality of the Village of Clinton.

Corporate powers.

U. C. Municipal Corporations Acts to apply to the Village, and to its Councillors and Officers.

II. So much of the Upper Canada Municipal Corporations Acts, as relates to incorporated Villages, shall, from and after the day last aforesaid, apply to the said Village of Clinton, and the said Village shall, as an incorporated Village, have and exercise all and singular the rights, powers, privileges and jurisdictions which are thereby granted or conferred to or upon, or as shall, by virtue of the said Acts or of any other Act or Acts now in force, or hereafter to be in force in Upper Canada, belong to incorporated Villages; and all the rules, regulations and enactments in the said Acts or any of them contained, or which shall in any wise apply to incorporated Villages, and the Municipal Councillors and Officers thereof, shall apply to the said Village of Clinton and the Municipal Councillors and officers thereof, as fully as if it had become an incorporated Village under the ordinary operation of the said Upper Canada Municipal Corporations Acts, with the exceptions hereinafter made.

Appointment and duties of Returning Officer at first election.

III. The Municipal Council of the Township of Goderich shall and may, at any time after the passing of this Act, and before the first day of December next, appoint a fit and proper person to be Returning Officer for holding the first Municipal Election in and for the said Village of Clinton under this Act, and in the discharge of his said duties the said Returning Officer shall be governed by the provisions of the said Upper Canada Corporation

Corporations Acts, applicable to first elections in incorporated Villages.

IV. The qualifications of electors at the first election under this Act, shall be the same as those of electors at a Township election of Municipal Councillors; and the Township Clerks for the Townships of Tuckersmith, Hullett, and Goderich shall furnish the Returning Officer appointed under this Act, with a certified copy of so much of the Collector's Rolls for the said Townships as may be required to ascertain the persons entitled to vote at the first election under this Act.

Qualifications of Electors.

Copies of Collector's Rolls to be furnished.

V. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE.

Boundaries of the Village of Clinton.

The said Village of Clinton shall include and consist of the following lots or parcels of land, that is to say: Lots numbers forty-two, forty-three and forty-four in the first concession of the Huron Road, in the Township of Tuckersmith,—Lots numbers twenty-three and twenty-four in the first concession of the Township of Hullett,—Lots numbers one, two, twenty-three and twenty-four in the Huron Road concession of the Township of Goderich,—and lot number fifty in the Bayfield concession, in the said Township of Goderich.

C A P . C I .

An Act to incorporate the Village of Iroquois, in the County of Dundas.

[Assented to 27th May, 1857.]

WHEREAS the inhabitants of the Village of Matilda, in the County of Dundas, have by their Petition represented, that from the rapid increase of the population of the said Village, it has become necessary to confer upon it corporate powers, and prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. From and after the passing of this Act, the inhabitants of the said Village of Iroquois shall be a body corporate apart from the Township of Matilda in which the said Village is situate; and as such shall have perpetual succession and a Common Seal, with such powers and privileges as are now or shall hereafter be conferred on Incorporated Villages in Upper Canada, and the powers of such Corporation shall be exercised

Inhabitants incorporated as a Village.

by, through and in the name of the Municipality of the Village of Iroquois.

Boundaries of the Village. II. The said Village of Iroquois shall comprise and consist of the following lots and parcels of land, that is to say: Lots twenty-one, twenty-two, twenty-three and twenty-four, in the first concession Township of Matilda, in the County of Dundas, reckoned from the Eastern boundary of that Township.

Governor to appoint a Returning Officer. III. After the passing of this Act it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Village of Iroquois, which Returning Officer shall appoint the time and place for holding the first Election in the said Village, of which appointment the said Returning Officer shall give notice in a newspaper published in the Village, or if there be no newspaper published there, then by notices posted in at least three conspicuous places in the said Village, ten days before the said Election.

His duties, and qualification of Electors. IV. The duties of the said Returning Officer, and the qualification of the voters and of the persons elected as Councillors at such first Election, shall be as prescribed by law with respect to Townships in Upper Canada.

Copy of Collector's Roll to be furnished to Returning Officer. V. The Collector or Township Clerk of the Township of Matilda, or other person having the legal custody of the Collectors' Roll of that Township, for the year of our Lord one thousand eight hundred and fifty-six, shall furnish to the Returning Officer, on demand made by him for the same, a true copy of such Roll so far as the same relates to voters resident in the said Village, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified on oath, or as is now required by law.

Oath of office. VI. The said Returning Officer, before holding the said Election, shall take the oath or affirmation now required by law to be taken by Returning Officers for incorporated Villages in Upper Canada.

Succeeding elections to be as elsewhere. VII. Elections for Councillors for the said Village of Iroquois, after the year one thousand eight hundred and fifty-seven, shall be held in conformity with the provisions of law applying to incorporated Villages in Upper Canada.

Oaths of office, &c., of Councillors. VIII. The several persons who shall be elected or appointed under this Act, shall take the same oaths of office and of qualification as are now prescribed by law.

IX The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in Villages incorporated under the provisions of the Upper Canada Municipal Corporations Acts, and have, use, and exercise the same powers and privileges as in the said Incorporated Villages.

Number and powers of Councillors.

X. From and after the passing of this Act, the said Village shall cease to form part of the said Township of Matilda, and shall to all intents and purposes form a separate and independent Municipality, with all the privileges and rights of an incorporated Village in Upper Canada; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Township of Matilda aforesaid, but the said Village of Iroquois shall be liable to pay to the Treasurer of the Township of Matilda aforesaid, in each and every year until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said Village towards the payment of such debt for the year 1856, and the same shall be a debt against the said Village.

Village separated from Township.

Provision as to existing debts.

XI. Any Councillor elected to serve in the Township Council of the said Township of Matilda for the present year, and residing within the above prescribed limits of the said Village, shall immediately on the appointment of a Returning Officer as provided by this Act, cease to be such Councillor, and the duly qualified electors of the Township of Matilda aforesaid, not included in the said limits, shall thereupon proceed to elect a new Councillor or Councillors, as the case may be, to serve in the Council of the said Township for the remainder of the year, as in the case of death or resignation provided for by the Municipal laws of Upper Canada.

Election of Township Councillor in the place of any residing in the Village.

XII. The Officers of the said Council of the Township of Matilda, shall not proceed to collect any rate or assessment imposed by the said Council for the present year, within the limits of the said Village, but the amount which may be required for the purposes of the said Village within the present year, shall be based on the assessment of the Township assessor or assessors for the present year, and shall be collected by the Officer or Officers to be appointed by the said Village Council for that purpose.

As to taxes for 1857.

XIII. The Clerk of the said Township shall, and is hereby required to furnish to the Clerk to be appointed by the Council of the said Village, on demand made by him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the same Village, and the names of the owners or occupants thereof.

Copy of part of Assessment Roll to be furnished to Village Clerk.

Expenses of papers, &c., required under this Act.

XIV. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of the said Village, and the expenses of furnishing any documents, or copies of papers or writings, by the Clerk or other Officer of the Council of the said Township hereinbefore referred to, or required to be furnished, shall be borne and paid by the said Village Council to the said Township Council, or otherwise as the said Township Council shall require.

As to Township money spent in the Village in 1857.

XV. Any of the moneys of the said Township which shall have been expended within the limits of the said Village for the benefit thereof, since the first day of January last, shall be accounted for and repaid to the Council of the said Township by the said Village Council.

Inconsistent enactments repealed.

XVI. All Acts and provisions of Acts inconsistent with this Act, so far as the same may affect the said Village of Iroquois, shall be and the same are hereby repealed.

Public Act.

XVII. This Act shall be a Public Act.

C A P . C I I .

An Act to incorporate the Village of Newmarket.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS the great increase in the population and importance of the Village of Newmarket since the now last census, makes it expedient to provide for its incorporation as a village, before the time when it could be so incorporated under the ordinary operation of the Upper Canada Municipal Corporations Acts : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Newmarket incorporated as a Village from 1st January, 1858.

I. Upon, from and after the first day of January, one thousand eight hundred and fifty-eight, the inhabitants of the Village of Newmarket comprised within the boundaries in the Schedule to this Act named, shall be a body corporate, apart from the Townships in which the said Village is situate, and as such shall have perpetual succession and a Common Seal, with such powers as are now by law conferred upon Incorporated Villages in Upper Canada ; and the powers of such Corporation shall be exercised by, through and in the name of the Municipality of the Village of Newmarket.

Upper Canada Municipal Corporations

II. So much of the Upper Canada Municipal Corporations Acts as relates to incorporated Villages, shall, from and after the day last aforesaid, apply to the said Village of Newmarket, and

and the said Village shall, as an incorporated Village, have and exercise all and singular the rights, powers, privileges and jurisdictions which are thereby granted or conferred to or upon, or as shall by virtue of the said Acts, or of any other Act or Acts now in force, or hereafter to be in force in Upper Canada, belong to incorporated Villages ; and all the rules, regulations and enactments in the said Acts, or any of them contained, or which shall in any wise apply to incorporated Villages, and the Municipal Councillors and Officers thereof, shall apply to the said Village of Newmarket, as fully as if it had become an incorporated Village under the ordinary operation of the said Upper Canada Municipal Corporations Acts, with the exceptions hereinafter made.

Acts to apply to Newmarket and the Councillors and Officers thereof.

III. The Municipal Council of the Township of Whitchurch shall and may, at any time after the passing of this Act, and before the first day of December next, appoint a fit and proper person to be Returning Officer for holding the first Municipal Election in and for the said Village of Newmarket under this Act, and in the discharge of his duties, the said Returning Officer shall be governed by the provisions of the said Upper Canada Corporations Acts, applicable to first elections in incorporated Villages.

Appointment and duties of Returning Officer at first election.

IV. The qualifications of electors at the first election under this Act, shall be the same as those of electors at a Township election of Municipal Councillors ; and the Township Clerks for the Townships of Whitchurch and East Gwillimbury shall furnish the Returning Officer appointed under this Act with certified copies of so much of the Collector's Rolls for the said Townships respectively, as may be required to ascertain the persons entitled to vote at the first election under this Act.

Qualification of Electors..

Copy of Collector's Roll to be furnished.

V. It shall not be lawful for the Municipal Council of the said Village to levy, in any one year upon the rateable property of the said Village, for the local purposes of the said Village except for School purposes, a higher rate than one shilling in the pound, on the annual value of the said property, as shewn by the Assessment Roll.

Taxes in the Village limited.

VI. Every By-law which shall be passed by the said Municipal Council for the purpose of affording pecuniary aid towards the construction of any public work not entirely within the limits of the said Village, or for any other purpose, and whereby any annual rate mentioned in the next preceding section, excepting always rates for School purposes, will be increased beyond one shilling in the pound, on the annual value of the rateable property of said village, shall, before its final passing, receive the assent of at least two thirds of the Municipal Electors of the said Village, at an election to be held for that purpose.

Certain By-laws to be submitted to Rate-payers.

Recital.

VII. And whereas a portion of the Township of Whitchurch not included within the limits of the said Village as fixed by this Act, is now and has been for several years included within the School Section, embracing the said Village of Newmarket, and the resident proprietors of the rateable-property of the said portion of the Township of Whitchurch have recently been heavily taxed to aid in constructing and furnishing a Public School House for the said Section, and the said School House will under this Act become the property of the said Village ; And whereas it is right to secure the said proprietors who reside without the limits of the said Village, in the use and enjoyment of the said School House for a limited period ; Therefore be it enacted, that notwithstanding any thing in the School Acts of Upper Canada to the contrary, it shall and may be lawful for the inhabitants resident on the easterly one fifth of lot number ninety-one in the first concession of the said Township of Whitchurch, and on the westerly halves of lots numbers twenty-nine, thirty and thirty-one, in the second concession of the said township, to have and enjoy all the rights and privileges of residents of the said Village, in so far as the privileges and benefits of the Public Common School thereof are concerned, for a period not exceeding ten years from the commencement of this Act, and shall, during such period be liable to the payment of all School rates and assessments in the same manner as if they were residents of the said Village, and as if their rateable property were included within its limits ; Provided always, that if at any time the said inhabitants, or a majority of them, shall desire to separate from the said Village, for School purposes, it shall be lawful for them so to do, by giving to the School Trustees of the said Village one year's notice thereof in writing.

Certain inhabitants of the Township to have the same privileges and liabilities as to the Public Schools as those of the Village during a certain time, &c.

Proviso.

Public Act.

VIII. This Act shall be deemed a Public Act.

SCHEDULE.

Boundaries of the Village of Newmarket.

The said Village of Newmarket shall consist of all that part of the County of York which is bounded as follows, that is to say : Commencing in the centre of the first concession of the Township of Whitchurch, on the northern boundary of lot number ninety-five, on the east side of Yonge street ; then, southerly, along the centre of the said first concession, to the southern limit of lot number ninety-two, in the said first concession ; then, easterly, along the said southern limit of the said lot ninety-two, to the south-east angle of said lot ; then, in a direct line, to the south-west angle of lot number thirty-two, in the second concession of the said Township of Whitchurch ; thence, easterly, along the southern limit of said lot thirty-two, to the centre of the said second concession ; thence, northerly, along the centre of the said second concession to the northern limit of the allowance for road between the Townships of
Whitchurch

Whitchurch and East Gwillimbury; thence, westerly, along the northern limit of the said allowance for road to the south-west angle of lot number one, in the second concession of the said Township of East Gwillimbury; then, northerly, along the eastern limit of the allowance for road in front of the second concession of East Gwillimbury, three chains fifty links, more or less, to a point directly east of the north-easterly angle of that part of lot number ninety-six, in the first concession of the said Township of East Gwillimbury belonging to George Lount, Esquire, of the Town of Barrie, County of Simcoe; then, westerly, crossing the allowance for road last mentioned, along the northern limit of that part of said lot ninety-six, now and lately belonging to the said George Lount, Esquire, to the centre of the said first concession of East Gwillimbury; then, southerly, along the centre of the said first concession to the southern limit of the said lot number ninety-six; then, crossing the allowance for road between the said lots numbers ninety-six and ninety-five, in a direct line, to the place of beginning.

C A P . C I I I .

An Act to incorporate the Village of Waterloo, in the County of Waterloo.

[Assented to 27th May, 1857.]

WHEREAS the inhabitants of the Village of Waterloo, in the County of Waterloo, have by their Petition represented, that from the rapid increase of the population of the said Village, it has become necessary to confer upon it corporate powers, and prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said Petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. From and after the passing of this Act, the inhabitants of the said Village of Waterloo shall be a body corporate apart from the Township of Waterloo in which the said Village is situate; and as such shall have perpetual succession and a Common Seal, with such powers and privileges as are now or shall hereafter be conferred on Incorporated Villages in Upper Canada, and the powers of such Corporation shall be exercised by, through and in the name of the Municipality of the Village of Waterloo.

Waterloo incorporated as a Village.

II. The said Village shall comprise and consist of the following lots and parcels of land, that is to say: the north-west quarter of lot number four, the west halves of lots five and six, lots numbers thirteen and fourteen, the north halves of lots numbers fifteen and twenty-two, and lots numbers twenty-three and twenty-four, or the tract known as the German Company Tract in the upper block of the said Township of Waterloo.

Boundaries of the Village.

III.

Governor to appoint a Returning Officer.

III. Immediately after the passing of this Act it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Village of Waterloo, which Returning Officer shall appoint the time and place for holding the first Election in the said Village, of which appointment the said Returning Officer shall give notice in a newspaper published in the said Village, or if there be no newspaper published there, then by notices posted in at least three conspicuous places in the said Village, ten days before the said Election.

Duties of Returning Officer, qualifications of Electors.

IV. The duties of the said Returning Officer, and the qualifications of the voters and the persons elected as Councillors at such first Election, shall be as prescribed by law with respect to Townships in Upper Canada.

Copy of Collector's Roll to be furnished to Returning Officer.

V. The Collector or Township Clerk of the Township of Waterloo, or other person having the legal custody of the Collector's Roll of that Township, for the year of our Lord one thousand eight hundred and fifty-six, shall furnish to the Returning Officer, on demand made by him for the same, a true copy of such Roll so far as the same relates to voters resident in the said Village, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified on oath, or as is now required by law.

Returning Officer to be sworn.

VI. The said Returning Officer, before holding the said Election, shall take the oath or affirmation now required by law to be taken by Returning Officers for incorporated Villages in Upper Canada.

Succeeding elections to be as in other Villages.

VII. Elections for Councillors for the said Village of Waterloo, after the year one thousand eight hundred and fifty-seven, shall be held in conformity with the provisions of law applying to incorporated Villages in Upper Canada.

Councillors to take the oath of office.

VIII. The several persons who shall be elected or appointed under this Act, shall take the same oaths of office and of qualification now prescribed by law.

Number and powers of Councillors.

IX. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in Villages incorporated under the provisions of the Upper Canada Municipal Acts, and have, use, and exercise the same powers and privileges as in the said Incorporated Villages.

Village separated from the Township.

X. From and after the passing of this Act, the said Village shall cease to form part of the said Township of Waterloo, and shall to all intents and purposes form a separate and independent Municipality,

Municipality, with all the privileges and rights of an incorporated Village in Upper Canada; but nothing herein contained, shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Township of Waterloo aforesaid, but the said Village of Waterloo shall be liable to pay to the Treasurer of the Township of Waterloo aforesaid, in each and every year until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said Village towards the payment of such debt for the year 1856, and the same shall be a debt against the said Village.

Proviso: as to existing debts.

XI Any Councillor elected to serve in the Township Council of the said Township of Waterloo for the present year, and residing within the above prescribed limits of the said Village, shall immediately on the passing of this Act, cease to be such Councillor, and the duly qualified electors of Ward number three of the Township of Waterloo aforesaid, not included in the said limits, shall thereupon proceed to elect a new Councillor or Councillors, as the case may be, to serve in the Council of the said Township for the remainder of the year, as in the case of death or resignation provided for by the Municipal laws of Upper Canada.

Election of Township Councillor in the place of any such residing in the said Village.

XII. The Officers of the said Council of the Township of Waterloo, shall not proceed to collect any rate or assessment imposed by the said Council for the present year, within the limits of the said Village, but the amount which may be required for the purposes of the said Village within the present year, shall be based on the assessment of the Township assessor or assessors for the present year, and shall be collected by the Officer or Officers to be appointed by the said Village Council for that purpose: Provided always that nothing herein contained shall affect any school section or school rate for the present year, nor the right of any school section to any money already set apart for school purposes: And provided further, that the said Village of Waterloo shall be entitled to recover from the said Township of Waterloo, such share of all money apportioned to such Township from the Upper Canada Municipalities Fund, prior to the passing of this Act, as shall bear the same proportion to the whole sum so apportioned to the said Township as the number of rate-payers resident within the limits of the said Village as shewn by the Collector's Roll of 1856, bears to the whole number of rate-payers of the said Township.

Township Officers not to collect taxes in the Village during 1857; how the Village taxes for this year shall be rated.

Proviso: as to School rates.

Proviso: as to share of Clergy Reserve Fund.

XIII. The Municipality of the Village of Waterloo shall pay to the Municipality of the Township of Waterloo, on or before the fifteenth day of December next, in pursuance of an agreement to that effect entered into between the inhabitants of the said Township and Village before the passing of this Act, the sum of three hundred and seventy-five pounds, to aid in the construction of the Bridges over the Grand River, known as the Carlisle

Village to pay a certain sum to the Township.

Carlisle Bridge, and the Toll-Bridge between Preston and Berlin.

Copy of part of Township Assessment Roll to be furnished to the Village Clerk.

XIV. The Clerk of the said Township shall, and he is hereby required to furnish to the Clerk to be appointed by the Council of the said Village, on demand made by him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the same Village, and the names of the owners thereof.

As to expenses of papers, &c., required under this Act.

XV. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of the said Village, and the expenses of furnishing any documents, or copies of papers or writings, by the Clerk or other Officer of the Council of the said Township hereinbefore referred to, or required to be furnished, shall be borne and paid by the said Village Council to the said Township Council, or otherwise as the said Township Council shall require.

Recital.

Berlin and Waterloo may be united as one Town by Proclamation, upon petition of the Councils of both.

Effect of such union.

XVI. And whereas from the contiguity of the Town of Berlin and the said Village of Waterloo to each other, the inhabitants of the said Town and Village may hereafter desire to have the said places united, so as to form one Corporation: Be it enacted, that whenever the Councils of the said Town and Village shall join in a Petition to the Governor of this Province, praying that such union as one Corporation may take place, it shall and may be lawful for the said Governor by an Order in Council to issue a Proclamation under the Great Seal of this Province, erecting the said Town and Village into an Incorporated Town, by a name to be given in or by such Proclamation, and to set forth the boundaries thereof; And from and after the first day of January then next, the said Town and the said Village shall form one Corporation, with the name so to be given in the said Proclamation, and thenceforth all and every of the provisions of the Municipal Laws of Upper Canada, relating to incorporated Towns, shall apply to the said united Corporation.

Public Act.

XVII. This Act shall be deemed a Public Act.

C A P . C I V .

An Act to incorporate the Village of Fort Erie, in the County of Welland.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the inhabitants of the Village of Fort Erie, in the County of Welland, have by their Petition represented, that from the rapid increase of the population of the said Village it has become necessary to confer upon it corporate powers, and prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said Petition :
Therefore,

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

I. From and after the passing of this Act, the Inhabitants of the said Village of Fort Erie shall be a body corporate apart from the Township of Bertie in which the said Village is situate, and as such shall have perpetual succession and a Common Seal, with such powers and privileges as are now or shall hereafter be conferred on Incorporated Villages in Upper Canada, and the powers of such Corporation shall be exercised by, through and in the name of the Municipality of the Village of Fort Erie.

Fort Erie incorporated as a Village.

II. The said Village shall comprise and consist of the tract of land bounded as follows, that is to say : Commencing at the Niagara River on a line with the south-east angle of lot number five, in the first Concession of the said Township of Bertie, and running thence westerly along the southern boundary line of the said lot, to the south-east angle of lot number five in the second Concession of the said Township, thence south until the line strikes the shore of Lake Erie, thence along the shore of Lake Erie and of the said River, to the place of beginning

Boundaries of the Village.

III. Immediately after the passing of this Act, it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Village of Fort Erie, which Returning Officer shall appoint the time and place for holding the first Election in the said Village, of which appointment the said Returning Officer shall give notice in a newspaper published in the said Village, or if there be no newspaper published there, then by notices posted in at least three conspicuous places in the said Village, ten days before the said Election.

Governor to appoint a Returning Officer.

IV. The duties of the said Returning Officer, and the qualifications of the voters and the persons elected as Councillors at such first Election shall be as prescribed by law with respect to Townships in Upper Canada.

Duties of Returning Officer, qualifications of Electors.

V. The Collector or Township Clerk of the Township of Bertie, or other person having the legal custody of the Collector's Roll of that Township for the year of Our Lord one thousand eight hundred and fifty-six, shall furnish to the Returning Officer, on demand made by him for the same, a true copy of such Roll so far as the same relates to voters resident in the said Village, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified on oath or as is now required by law.

Copy of Collector's Roll to be furnished to Returning Officer.

Returning
Officer to be
sworn.

VI. The said Returning Officer, before holding the said Election, shall take the oath or affirmation now required by law to be taken by Returning Officers for Incorporated Villages in Upper Canada.

Succeeding
elections to
be as in other
Villages.

VII. Elections for Councillors for the said Village of Fort Erie, after the year one thousand eight hundred and fifty-seven, shall be held in conformity with the provisions of law applying to Incorporated Villages in Upper Canada.

Councillors to
take the oath
of office.

VIII. The several persons who shall be elected or appointed under this Act shall take the same oaths of office and of qualification as now prescribed by law.

Number and
powers of
Councillors.

IX. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in Villages incorporated under the provisions of the Upper Canada Municipal Acts, and have, use, and exercise the same powers and privileges as in the said Incorporated Villages.

Village sepa-
rated from the
township.

X. From and after the passing of this Act, the said Village shall cease to form part of the said Township of Bertie, and shall, to all intents and purposes, form a separate and independent Municipality, with all the privileges and rights of an Incorporated Village in Upper Canada; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Township of Bertie aforesaid, but the said Village of Fort Erie shall be liable to pay to the Treasurer of the Township of Bertie aforesaid, in each and every year, until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said Village towards the payment of such debt for the year one thousand eight hundred and fifty-six, and the same shall be a debt against the said Village.

Proviso: as to
existing debts.

Election of
Township
Councillor, in
the place of
any such re-
siding in the
said Village.

XI. Any Councillor elected to serve in the Township Council of the said Township of Bertie for the present year, and residing within the above prescribed limits of the said Village, shall immediately on the appointment of the said Returning Officer, cease to be such Councillor, and the duly qualified electors of the remaining portion of the ward from which the said Village will be taken, not included in the said limits, shall thereupon proceed to elect a new Councillor or Councillors, as the case may be, to serve in the Council of the said Township for the remainder of the year, as in the case of death or resignation provided for by the Municipal laws of Upper Canada.

Township
Officers not to

XII. The Officers of the said Council of the Township of Bertie shall not proceed to collect any rate or assessment imposed

imposed by the said Council for the present year, within the limits of the said Village, but the amount which may be required for the purposes of the said Village within the present year, shall be based on the assessment of the Township assessor or assessors for the present year, and shall be collected by the Officer or Officers to be appointed by the said Village Council for that purpose: Provided always, that nothing herein contained shall affect or be construed to affect the school section or sections in which the said Village is now situate, for the present year, nor until an arrangement to alter or change the same shall be made between the said Township and the said Village.

collect taxes in the Village during 1857; how the Village taxes for this year shall be raised.

XIII. The Clerk of the said Township shall, and he is hereby required to furnish to the Clerk to be appointed by the Council of said Village, on demand made by him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the same Village, and the names of the owners thereof.

Copy of part of Township Assessment Roll to be furnished to the Village Clerk.

XIV. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of said Village, and the expenses of furnishing any documents, or copies of papers or writings, by the Clerk or other Officer of the Council of the said Township hereinbefore referred to, or required to be furnished, shall be borne and paid by the said Village Council to the said Township Council, or otherwise as the said Township Council shall require.

As to expenses of papers, &c., required under this Act.

XV. This Act shall be deemed a Public Act.

Public Act.

C A P . C V .

An Act to incorporate the Village of New Hamburg, in the County of Waterloo.

[Assented to 10th June, 1857.]

WHEREAS the inhabitants of the Village of New Hamburg, in the County of Waterloo, have by their Petition represented, that from the rapid increase of the population of the said Village, it has become necessary to confer upon it corporate powers, and have prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. From and after the first day of January next, the inhabitants of the said Village of New Hamburg shall be a body corporate apart from the Township of Wilmot in which the said Village is situate;

New Hamburg incorporated as a Village

from 1st January, 1858.

situate ; and as such shall have perpetual succession and a Common Seal, with such powers and privileges as are now or shall hereafter be conferred on Incorporated Villages in Upper Canada ; and the powers of such Corporation shall be exercised by, through and in the name of the Municipality of the Village of New Hamburg.

Boundaries of New Hamburg.

II. The said Village shall comprise and consist of the following lots and parcels of land, that is to say : Lots twenty-two, twenty-three, twenty-four and twenty-five, north of Bleam's Road, and parts of lots twenty-two, twenty-three and twenty-four, south of Bleam's Road, and parts of lots twenty-two, twenty-three, twenty-four and twenty-five, south of Snyder's Road ; and shall be bounded as follows : Commencing at the most easterly angle of the said lot twenty-two, north of Bleam's Road ; thence south seventy-eight degrees thirty minutes west, twenty-six chains and sixty links ; thence south thirty-eight degrees and thirty minutes east, one chain and eighty-five links, more or less, to the river Nith, usually known as Smith's Creek ; thence south thirteen degrees and thirty minutes east, five chains ; thence south seventy-eight degrees and thirty minutes west, thirty-one chains, more or less, to the west limit of the River Nith, and continuing along that limit or side, in a south-westerly and north-westerly course against the current to Bleam's Road ; thence south seventy-eight degrees west, along the said road to the limit between lots twenty-five and twenty-six ; thence north thirty-eight degrees thirty minutes west, to the north limit of Bleam's Road, thence continuing on the same course on the limit between lots twenty-five and twenty-six, to the centre or half the distance between Bleam's Road and Snyder's Road, and continuing the same across the said centre to the north or front limit of the rear fifty acres of lot twenty-five south of Snyder's Road ; thence north seventy-eight degrees and thirty minutes east, along the said north or front limit to the original Road allowance between lots twenty-four and twenty-five, south of Snyder's Road, crossing the said Road allowance, and continuing across lots twenty-four, twenty-three and twenty-two to the east limit thereof ; thence south thirty-eight degrees and thirty minutes east, along the east limit of the said lot twenty-two, to the centre or half the distance between Bleam's Road and Snyder's Road, and continuing the same course along the east limit of lot twenty-two, north of Bleam's Road, to the place of beginning.

Governor to appoint a Returning Officer.

III. On or before the first day of December next it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Village of New Hamburg, which Returning Officer shall appoint the time and place for holding the first Election in the said Village, of which appointment the said Returning Officer shall give notice in a newspaper published in the Village, or if there be no newspaper published there, then by notices posted in at least three conspicuous places in the said Village, ten days before the said Election.

IV.

IV. The duties of the said Returning Officer, and the qualifications of the voters and of the persons elected as Councillors at such first Election, shall be as prescribed by law with respect to Townships in Upper Canada.

His duties :
qualifications
of Electors,
&c.

V. The Collector or Township Clerk of the Township of Wilmot, or other person having the legal custody of the Collector's Roll of that Township, for the year of our Lord one thousand eight hundred and fifty-seven, shall furnish to the Returning Officer, on demand made by him for the same, a true copy of such Roll so far as the same relates to voters resident in the said Village, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified on oath, or as is now required by law.

Copy of Col-
lector's Roll
to be furnish-
ed to the Re-
turning Offi-
cer.

VI. The said Returning Officer, before holding the said Election, shall take the oath or affirmation now required by law to be taken by Returning Officers for incorporated Villages in Upper Canada.

Returning
Officer to be
sworn.

VII. Elections for Councillors for the said Village of New Hamburg, after the year one thousand eight hundred and fifty-eight, shall be held in conformity with the provisions of law applying to incorporated Villages in Upper Canada.

Future elec-
tions to be as
in other Vil-
lages.

VIII. The several persons who shall be elected or appointed under this Act, shall take the same oaths of office and of qualification now prescribed by law.

Oaths of office,
&c.

IX. The number of Councillors to be elected under this Act shall be five, and they shall be organised as a Council in the same manner as in Villages incorporated under the provisions of the Upper Canada Municipal Acts, and have, use, and exercise the same powers and privileges as in the said Incorporated Villages.

Number and
powers of
Councillors.

X. From and after the first day of January next, the said Village shall cease to form part of the said Township of Wilmot, and shall to all intents and purposes form a separate and independent Municipality, with all the privileges and rights of an incorporated Village in Upper Canada ; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Township of Wilmot aforesaid, but the said Village of New Hamburg shall be liable to pay to the Treasurer of the Township of Wilmot aforesaid, in each and every year until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said Village towards the payment of such debt for the year 1857, and the same shall be a debt against the said Village.

Village sepa-
rated from
Township.

Proviso as to
existing debts

Copy of part
of Township
Assessment
Roll to be
furnished to
the Village
Clerk.

XI. The Clerk of the said Township shall, and he is hereby required to furnish to the Clerk to be appointed by the Council of the said Village, on demand made by him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the same Village, and the names of the owners or occupiers thereof.

As to expenses
of papers, &c.,
required under
this Act.

XII. The expenses of furnishing any documents, or copies of papers or writings, by the Clerk or other Officer of the Council of the said Township hereinbefore referred to, or required to be furnished, shall be borne and paid by the said Village Council to the said Township Council, or otherwise as the said Township Council shall require.

Inconsistent
enactments
repealed.

XIII. All Acts and provisions of Acts inconsistent with this Act, so far as the same may affect the said Village of New Hamburg, shall be and the same are hereby repealed.

Public Act.

XIV. This Act shall be deemed a Public Act.

C A P . C V I .

An Act to incorporate the Village of Fergus, in the County of Wellington.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the inhabitants of the Village of Fergus, in the County of Wellington, have by their Petition represented, that from the rapid increase of the population of the said Village, it has become necessary to confer upon it corporate powers, and have prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said Petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Fergus incor-
porated from
1st January,
1858.

I. From and after the first day of January next, the inhabitants of the said Village of Fergus shall be a body corporate apart from the Township of Nichol in which the said Village is situate ; and as such shall have perpetual succession and a Common Seal, with such powers and privileges as are now or shall hereafter be conferred on Incorporated Villages in Upper Canada, and the powers of such Corporation shall be exercised by, through, and in the name of the Municipality of the Village of Fergus.

Boundaries of
the Village.

II. The said Village shall comprise and consist of the lots and parcels of land included within the following boundaries, that is to say : Commencing on the south bank of the Grand River where the Concession line between the fourteenth and fifteenth Concessions would strike that bank if produced ; thence north-west along that Concession line to the west angle
of

of lot twenty-one in the said fifteenth Concession ; thence north-east along the division line between lots twenty and twenty-one to the Township line between Garrafraxa and Nichol ; thence south-east along the said Township line to the south-east side of the Road from Fergus to Garrafraxa, in the first Concession of the said Township of Nichol ; thence south-west along the south-east side of the said Road, until it intersects the Road allowance between lots numbers ten and eleven ; thence north-west along the said Road allowance to the south bank of the Grand River ; thence along the said bank of the Grand River, with the stream, to the place of beginning.

III. After the passing of this Act it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Village of Fergus, which Returning Officer shall appoint the time and place for holding the first Election in the said Village, of which appointment the said Returning Officer shall give notice in a newspaper published in said Village, or if there be no newspaper published there, then by notices posted in at least three conspicuous places in the said Village, ten days before the said election.

Appointment
of Returning
Officer.

IV. The duties of the said Returning Officer, and the qualifications of the voters and the persons elected as Councillors at such first election, shall be as prescribed by law with respect to Townships in Upper Canada.

His duties,
and qualifi-
cations of voters.

V. The Collector or Township Clerk of the Township of Nichol, or other person having the legal custody of the Collector's Roll of that Township for the year of Our Lord one thousand eight hundred and fifty-seven, shall furnish to the Returning Officer, on demand made by him for the same, a true copy of such Roll so far as the same relates to voters resident in the said Village, and, so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified on oath or as is now required by law.

Copy of part
of Collector's
Roll for Ni-
chol to be fur-
nished to Re-
turning Offi-
cer.

VI. The said Returning Officer, before holding the said election, shall take the oath or affirmation now required by law to be taken by Returning Officers for Incorporated Villages in Upper Canada.

Oath of office.

VII. Elections for Councillors for the said Village of Fergus, after the year one thousand eight hundred and fifty-eight, shall be held in conformity with the provisions of law applying to Incorporated Villages in Upper Canada.

Future elec-
tions as in
other Vil-
lages.

VIII. The several persons who shall be elected or appointed under this Act shall take the same oaths of office and of qualification as are now prescribed by law.

Oath of office,
&c.

Five Council-
lors to be
elected, &c.

IX. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in Villages incorporated under the provisions of the Upper Canada Municipal Acts, and have, use and exercise the same powers and privileges as in the said incorporated Villages.

Village sepa-
rated from
Township of
Nichol, &c.,
as to taxes.

X. From and after the first of January aforesaid, the said Village shall cease to form part of the said Township of Nichol, and shall, to all intents and purposes, form a separate and independent Municipality, with all the privileges and rights of an Incorporated Village in Upper Canada; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Township of Nichol aforesaid, but the said Village of Fergus shall be liable to pay to the Treasurer of the Township of Nichol aforesaid, in each and every year until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said Village towards the payment of such debt, for the year one thousand eight hundred and fifty-seven, and the same shall be a debt against the said Village.

Inconsistent
enactments
repealed.

XI. All Acts and provisions of Acts inconsistent with this Act, so far as the same may affect the said Village of Fergus, shall be and the same are hereby repealed.

Public Act.

XII. This Act shall be deemed a Public Act.

C A P . C V I I .

An Act to incorporate the Village of Elora, in the County of Wellington.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the inhabitants of the Village of Elora, in the County of Wellington, have by their Petition represented, that from the rapid increase of the population of the said Village, it has become necessary to confer upon it corporate powers, and have prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Elora incorpo-
rated as a
Village from
1st January,
1858.

I. From and after the first day of January next, the inhabitants of the said Village of Elora shall be a body corporate apart from the Township of Pilkington in which the said Village is situate; and as such shall have perpetual succession and a Common Seal, with such powers and privileges as are now or shall hereafter be conferred on Incorporated Villages in Upper Canada, and the powers of such Corporation shall be exercised by, through and in the name of the Municipality of the Village of Elora.

II. The said Village shall comprise and consist of the following lots and parcels of land, that is to say : All that part of this Province situate within the County of Wellington and lying within the following limits, that is to say : Commencing at the point of intersection of the northerly limit of the allowance for road between the broken front and first concession on the southerly side of the Grand River in the Township of Nichol, with the easterly limit of the allowance for road between the said Township and the Township of Pilkington, (formerly Township of Woolwich) ; thence, along the easterly limit of the allowance for road last mentioned, north-westerly, to the southerly angle of lot number eighteen, in the eleventh concession of the said Township of Nichol ; thence, along the south-easterly boundary line of the said lot and of lot number eighteen, in the twelfth concession, north-easterly, to the intersection of the boundary line between lots numbers four and five in the broken front, on the northerly side of the Grand River, produced north-westerly ; thence, south-easterly, along the said boundary line produced, to the northerly margin of the Grand River ; thence, along the said margin against the stream, to the intersection of the boundary line between lots numbers four and five in the broken front on the southerly side of the Grand River produced ; thence, across the said river and along the boundary line last mentioned, south-easterly, to the northerly limit of the allowance for road between the said broken front and the first concession ; thence, along the said northerly limit, south-westerly, to the place of beginning.

Boundaries of
the Village.

III. After the passing of this Act it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Village of Elora, which Returning Officer shall appoint the time and place for holding the first Election in the said Village, of which appointment the said Returning Officer shall give notice in a newspaper published in the said Village, or if there be no newspaper published there, then by notices posted at least three conspicuous places in the said Village, ten days before the said Election.

Governor to
appoint a Re-
turning Off-
icer.

IV. The duties of the said Returning Officer, and the qualifications of the voters and of the persons elected as Councillors at each first Election, shall be as prescribed by law with respect to Townships in Upper Canada.

Duties of Re-
turning Off-
icer : qualifi-
cations of Elec-
tors.

V. The Collector or Township Clerk of the Township of Pilkington, or other person having the legal custody of the Collector's Roll of that Township, for the year of our Lord one thousand eight hundred and fifty-seven, shall furnish to the Returning Officer, on demand made by him for the same, a true copy of such Roll so far as the same relates to voters resident in the said Village, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, the

Copy of Col-
lector's Roll
to be furnish-
ed to Return-
ing Officer.

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 on oath, or as is now required by law.

Returning Officer to be sworn.

VI. The said Returning Officer before holding the said Election, shall take the oath or affirmation now required by law to be taken by Returning Officers for incorporated Villages in Upper Canada.

Succeeding elections to be as in other Villages.

VII. Elections for Councillors for the said Village of Elora, after the year one thousand eight hundred and fifty-eight, shall be held in conformity with the provisions of law applying to incorporated Villages in Upper Canada.

Councillors to take the oath of office.

VIII. The several persons who shall be elected or appointed under this Act, shall take the oaths of office and of qualification now prescribed by law.

Number and powers of Councillors.

IX. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in Villages incorporated under the provisions of the Upper Canada Municipal Acts, and have, use, and exercise the same powers and privileges as in the said incorporated Villages.

Village separated from Township.

X. From and after the first day of January next the said Village shall cease to form part of the said Township of Pilkington, and shall to all intents and purposes form a separate and independent Municipality, with all the privileges and rights of an incorporated Village in Upper Canada; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Township of Pilkington aforesaid, but the said Village of Elora shall be liable to pay to the Treasurer of the Township of Pilkington aforesaid, in each and every year until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said Village towards the payment of such debt for the year 1856, and the same shall be a debt against the said Village.

Proviso: as to existing debts.

Copy of part of Township Assessment Roll to be furnished to the Village Clerk.

XI. The Clerk of the said Township shall, and he is hereby required to furnish to the Clerk to be appointed by the Council of the said Village, on demand made by him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the same Village, and the names of the owners or occupiers thereof.

Inconsistent enactments repealed.

XII. All Acts and provisions of Acts inconsistent with this Act, so far as the same may affect the said Village of Elora, shall be and the same are hereby repealed.

Public Act.

XIII. This Act shall be deemed a Public Act.

C A P . C V I I I .

An Act to incorporate the Village of Mitchell, in the County of Perth.

[Assented to 10th June, 1857.]

WHEREAS the inhabitants of the Village of Mitchell in the County of Perth, have by their Petition represented, that from the rapid increase of the population of the said Village, it has become necessary to confer upon it corporate powers, and prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. From and after the passing of this Act, the inhabitants of the said Village of Mitchell shall be a body corporate apart from the Townships of Logan and Fullarton, in which the said Village is situate; and as such shall have perpetual succession and a Common Seal, with such powers and privileges as are now or shall hereafter be conferred on Incorporated Villages in Upper Canada, and the powers of such Corporation shall be exercised by, through and in the name of the Municipality of the Village of Mitchell.

Mitchell incorporated as a Village.

II. The said Village shall comprise and consist of the lots and parcels of land, included within the following boundaries, that is to say: On the north, the concession road between the second and third concession of the Township of Logan, commencing at lot number eleven and ending at lot number twenty, both inclusive, of the said Township: on the east, the side Road between lots numbers twenty and twenty-one in the Township of Fullarton, north, thirty degrees east, and the side road between lots numbers ten and eleven of the said Township of Logan; on the south the concession road between the second and third concession of the Township of Fullarton, south, sixty degrees east, commencing at lot twenty-one and ending at lot thirty of the said Township; and on the west the boundary line between the said Township of Fullarton and the Township of Hibbert, north thirty degrees east, and the side road between lots numbers twenty and twenty-one of the said Township of Logan.

Boundaries of the Village.

III. Immediately after the passing of this Act it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Village of Mitchell, which Returning Officer shall appoint the time and place for holding the first Election in the said Village, of which appointment the said Returning Officer shall give notice in a newspaper published in the said Village, or if there be no newspaper published there, then

Returning Officer at first election.

then by notices posted in at least three conspicuous places in the said Village, ten days before the said Election.

His duties :
qualifications
of voters.

IV. The duties of the said Returning Officer, and the qualifications of the voters and the persons elected as Councillors at such first Election, shall be as prescribed by law with respect to Townships in Upper Canada.

Copies of the
proper part of
Collectors'
Roll to be fur-
nished to Re-
turning Offi-
cer.

V. The Collectors or Township Clerks of the Townships of Logan and Fullarton, or other person having the legal custody of the Collectors' Rolls of those Townships, for the year of our Lord one thousand eight hundred and fifty-six, shall furnish to the Returning Officer on demand made by him for the same, a true copy of such Rolls so far as the same relate to voters resident in the said Village, and so far as such Rolls contain the names of the male freeholders and householders rated upon such Rolls in respect of real property lying within such limits, the amount of the assessed value of such real property for which they shall be respectively rated on such Rolls, which copy shall be verified on oath, or as is now required by law.

His oath of
office.

VI. The said Returning Officer, before holding the said Election, shall take the oath or affirmation now required by law to be taken by Returning Officers for Incorporated Villages in Upper Canada.

Subsequent
elections to
be as in other
places.

VII. Elections for Councillors for the said Village of Mitchell, after the year one thousand eight hundred and fifty-seven, shall be held in conformity with the provisions of law applying to Incorporated Villages in Upper Canada.

Oaths of office,
&c.

VIII. The several persons who shall be elected or appointed under this Act, shall take the same oaths of office and of qualification now prescribed by law.

Number and
powers of
Councillors,
&c.

IX. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in Villages incorporated under the provisions of the Upper Canada Municipal Acts, and have, use, and exercise the same powers and privileges as in the said Incorporated Villages.

Village to
cease to form
part of the
Townships of
Logan and
Fullarton.

Provisions as
to existing
Township
debts.

X. From and after the passing of this Act, the said Village shall cease to form part of the said Townships of Logan and Fullarton, and shall, to all intents and purposes, form a separate and Independent Municipality, with all the privileges and rights of an Incorporated Village in Upper Canada; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Townships of Logan and Fullarton aforesaid, but the said Village of Mitchell shall be liable to pay to the Treasurers of the Townships of Logan and Fullarton respectively aforesaid, in

in each and every year until any such debt be fully discharged, the same amount which was collected within the said described limits of the said Village towards the payment of such debt for the year one thousand eight hundred and fifty-six, and the same shall be a debt against the said Village.

XI. Any Councillor elected to serve in the Township Councils of the said Townships of Logan and Fullarton respectively for the present year, and residing within the above prescribed limits of the said Village, shall immediately on the passing of this Act, cease to be such Councillor, and the duly qualified electors of the said Townships of Logan and Fullarton respectively, not included in the said limits, shall thereupon proceed to elect a new Councillor or Councillors, as the case may be, to serve in the Councils of the said Townships respectively, for the remainder of the year, as in the case of death or resignation provided for by the Municipal laws of Upper Canada.

New Township Councillor to be elected in place of any one residing in Mitchell.

XII. The Officers of the said Councils of the Townships of Logan and Fullarton, shall not proceed to collect any rate or assessment imposed by the said Councils for the present year, within the limits of the said Village, but the amount which may be required for the purposes of the said Village within the present year, shall be based on the assessment of the Township assessor or assessors for the present year, and shall be collected by the Officers to be appointed by the said Village Councillors for that purpose: Provided always, that nothing herein contained shall affect any school section or school rate for the present year, nor the right of any school section to any money already set apart for school purposes: And provided further, that the said Village of Mitchell, shall be entitled to recover from the said Townships of Logan and Fullarton respectively, such share of all money apportioned to such Townships from the Upper Canada Municipalities Fund, prior to the passing of this Act, as shall bear the same proportion to the whole sum so apportioned to the said Townships, as the number of the rate payers resident within the limits of the said Village as shewn by the Collector's Rolls of one thousand eight hundred and fifty-six bears to the whole number of rate-payers of the said Townships.

As to taxes in Mitchell for 1857.

Proviso: as to School rates, &c.

Proviso: as to share of U. C. Municipalities Fund.

XIII. The Clerks of the said Townships shall, and they are hereby respectively required to furnish to the Clerk to be appointed by the Council of the said Village, on demand made by him therefor, true copies of the Assessment Rolls for the present year, so far as the same shall contain the rateable property assessed within the same Village, and the names of the owners thereof.

Requisite portion of Assessment Roll to be furnished for Mitchell.

XIV. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of the said Village, and the expenses of furnishing

As to expenses of assessments for 1857, &c.

furnishing any documents, or copies of papers or writings, by the Clerks or other officers of the Councils of the said Townships respectively, hereinbefore referred to or required to be furnished, shall be borne and paid by the said Village Council to the said Township Councils or otherwise, as the said Township Councils shall require.

Public Act. XV. This Act shall be deemed a Public Act.

C A P. C I X.

An Act to legalize and confirm the acts and proceedings of the Municipal Council of the Township of Brantford.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS by the Upper Canada Municipal Corporations Act of 1849, it is among other things enacted, that the meetings of each Township Municipality shall be held within the Township; And whereas certain sittings of the Municipal Council of the Township of Brantford have, from motives of convenience to the parties concerned, been held in the Town of Brantford, beyond the limits of the said Township, in consequence of which, doubts have existed as to the legality of the acts and proceedings of the Council of the said Township, though no legal proceedings have at any time been taken in order to impeach or question the same, or any part thereof; And whereas the said Municipal Council have petitioned for the legalization and confirmation of their acts and proceedings, and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Acts of Municipal Council confirmed, in so far as regards their being done at meetings out of the Township.

I. All the acts and proceedings of the Municipal Council of the said Township of Brantford, in so far as such acts and proceedings may have been or may be held to be in any wise irregular, illegal or void, in consequence of such acts having been passed and such proceedings having been had, during any sitting of the said Municipal Council which may have been held beyond the limits of the said Township of Brantford, are hereby declared to be, and the same are hereby legalized and confirmed; Provided always that such acts or proceedings shall not have been questioned or impeached in any proceeding at Law or in Equity, before the passing of this Act.

Proviso.

Public Act.

II. This Act shall be held to be a Public Act.

C A P . C X .

An Act to enable the Municipal Council for the Township of Stanley, to construct a Harbour at the entrance of the River Bayfield into Lake Huron.

[Assented to 27th May, 1857.]

WHEREAS the Municipal Council for the Township of Stanley, in the County of Huron, have petitioned that they may have authority to construct a Harbour at the entrance of the river Bayfield into Lake Huron, and to collect Tolls to defray the expense of the same; And whereas the improvement of the harbour at Bayfield would be of great advantage to the owners of vessels navigating the said Lake, as well as tend to the general improvement of property in the adjacent country, and the said Municipal Council have already expended the sum of three thousand seven hundred pounds in improving the said harbour, and are desirous of completing the said work in such a manner as would render the harbour available to such class of vessels as usually navigate Lake Huron, by carrying out additional piers and such walls, and doing such dredging as would effectually remove the remains of the bar at the mouth of the said river, and also of erecting suitable wharves and warehouses for the accommodation of vessels loading or discharging their cargoes: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. It shall and may be lawful for the Municipal Council of the said Township of Stanley, at any time within seven years from the passing of this Act, to improve the harbour at the place aforesaid so as to render it accessible to, and fit, safe, and convenient for, the reception of such description and burden of vessels as commonly navigate Lake Huron, and in the constructing of the said Harbour, to erect and build all such needful wharves, moles, piers, buildings and edifices as shall be useful and proper for the protection of the said harbour, and for the accommodation of vessels entering and lying within the same: Provided always, that such harbour shall not be made by the said Municipal Council, nor shall any part of the beach or land covered by the waters of the said Lake or other public property, be taken by the said Municipal Council until the plan of the said harbour shall have been approved by the Governor in Council, and the terms upon which the Council shall acquire and hold such public property, shall be settled, nor shall such plan be thereafter changed without the consent of the Governor in Council.

The said Council may construct such Harbour at any time within seven years.

Proviso: as to plan of Harbour and as to taking public property for it.

II. The said Municipal Council shall be and are hereby empowered to acquire and hold such land and property as may be necessary for constructing and using the said harbour, and to

Council may take private property for their works.

contract,

Arbitration if they cannot agree with the owner as to the value or damages.

Third Arbitrator

Powers of Arbitrators.

Award to be made within a certain time.

Proviso: if the party interested neglect to name an Arbitrator, or the two Arbitrators to name a third.

contract, compound, compromise, and agree with the owners of any land through or upon which they may determine to cut and construct the said harbour, with all necessary and convenient roads, streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require, or for the damages which he, she, or they may be entitled to recover from the said Municipal Council, in consequence of the said harbour, roads, streets, or approaches thereto, being cut, made, or constructed in and upon his, her, or their respective lands: and in case of any disagreement between the said Municipal Council and the owner or owners, as aforesaid, it shall and may be lawful for the person or persons who shall own such property to name an Arbitrator and give notice thereof in writing to the clerk of the said Corporation, and the Head of the Corporation shall, within seven days after such notice, name an Arbitrator on behalf of such Corporation and give notice thereof to the person or persons owning the said property and appointing such Arbitrator as aforesaid, or if within one calendar month after service of a copy of the proper By-law, certified to be a true copy under the hand of the Clerk of the said 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 seven days after such notice name an Arbitrator on his or their behalf; and upon such two Arbitrators being so named as aforesaid, they shall within seven days thereafter appoint a third Arbitrator, and the said three Arbitrators, or the majority of them, shall have power to determine upon and award the amount of damages, if any, to be paid to such person or persons as aforesaid, and their award shall be binding on such person or persons and on the said Corporation respectively, so as such award be made in writing within thirty days after the appointment of the third Arbitrator as aforesaid: Provided always, that if any such owner or occupier shall neglect to name an Arbitrator for the space of seven days, after having been notified so to do, or if the said two Arbitrators do not within the space of seven days after their appointment, agree upon such third Arbitrator, or if any one of the said Arbitrators shall refuse or neglect within the space of seven days after his appointment to take upon him the duties thereby imposed, then upon the application of the Head of the Corporation or of the other party, it shall be lawful for the Judge of the County Court, to nominate any disinterested competent person or persons, from any Township other than the Township in which such land shall be situate, to act in the place of such Arbitrator or Arbitrators 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, and any award made by a majority of the said Arbitrators, shall be as binding as if the three Arbitrators had concurred in and made the same : And provided also, secondly, that every such submission and award shall be subject to the jurisdiction of Her Majesty's Superior Courts of Common Law for Upper Canada, in the same manner and to the same extent for all purposes whatsoever, as if there had been a submission of the matters in difference by Bond between the parties, containing an agreement that such submission should be made a rule of either of such Courts.

Proviso :

Award subject to be set aside in certain cases.

III. So soon as the said harbour shall be so far completed as to be capable of admitting the free passage of such vessels as aforesaid into the same, the said Municipal Council shall have full power and authority to ask for, demand and levy tolls as hereinafter provided.

When tolls may be levied.

IV. It shall and may be lawful for the said Municipal Council to ask, demand and receive tolls of and from all and every master, owner, and person in charge of any vessel or boat passing into the said harbour, and also on any goods, wares, or commodities, laden or unladen within the same, or shipped or landed on or from any boat or vessel upon any part of the Lake Shore between one mile north and one mile south of the said river, in the Townships of Goderich and Stanley, according to the rates following, that is to say :

Tolls limited ; and upon what vessels and goods to be collected

For Pot and Pearl Ashes per barrel.....	£0	0	4	Maximum tolls.
Pork, Whiskey, Beef, Salt, Lard or Butter, per barrel..	0	0	3	
Flour, per barrel.....	0	0	2	
Lard or Butter per firkin or keg.....	0	0	1	
Grain of all kinds per bushel.....	0	0	1	
Horned Cattle or Horses each.....	0	0	4	
Calves, Sheep or Swine each.....	0	0	1	
Merchandise per ton.....	0	3	0	
Coal per ton.....	0	0	6	
Sawed lumber, per 1000 feet, board measure.....	0	1	3	
Square timber, per 100 feet cubic measure.....	0	0	9	
Saw logs each	0	0	1½	
Building stone per cord.....	0	0	6	
Bricks per 1000.....	0	1	3	
Unenumerated articles per ton.....	0	2	0	
Vessels or Boats over 50 tons each.....	0	3	0	
Do over 12 tons not over 50 tons each..	0	2	0	
Do over 5 tons not over 12 tons each...	0	1	0	

V. If any person or persons shall refuse or neglect to pay the said tolls or dues to be collected under this Act, it shall and may be lawful for the said Municipal Council, or their agent for collecting such tolls or dues, to seize and detain the goods, vessel or boat upon which the same are payable, until such dues

Powers for enforcing payment of tolls.

dues shall be paid ; and if the same shall remain unpaid for the space of thirty days after such seizure, the said Municipal Council or their agent shall have power to sell and dispose of the same or such part thereof as may be necessary to pay the said tolls or dues, by public auction, after ten days public notice, returning the overplus, if any, after deducting costs and charges, to the owner or owners thereof.

Council may make By-laws for the management of the Harbour.

VI. It shall and may be lawful for the said Municipal Council to make By-laws for the proper regulation and management of the said harbour with power to impose penalties in the same, with imprisonment for default of payment thereof ; but the amount of such penalties, and term of such imprisonment shall in no case exceed those authorized in the case of breaches of By-laws of Municipalities under the Upper Canada Municipal Corporations Acts.

Penalties limited.

Cost of Harbour, and how to be raised.

VII. The whole sum expended and to be expended by the said Council in making and completing the said Harbour and works, shall not exceed Ten Thousand Pounds, and may be raised by the said Municipal Council by rate or loan, at such times and in such proportions as the said Municipal Council shall deem fitting, but subject otherwise to the provisions of Law touching the raising of moneys by Municipalities by rate or loan, as the case may be.

Council may dispose of the Harbour.

Proviso : consent of Rate-payers required.

VIII. The said Municipal Council shall be empowered and are hereby empowered to set, let, lease, or sell their interest in the said harbour to any party or parties who may be disposed to become tenants or purchasers of the same : Provided always, that the consent of a majority of the Rate-payers, present at a meeting to be publicly called for the special purpose of considering the terms of lease or sale, be first obtained, which public meeting shall be convened by notice in a newspaper published and circulated within the County, and by at least three public notices posted in each ward in the Township of Stanley, which publication and notice shall have currency for one month prior to the day of meeting.

Public Act.

IX. This Act shall be deemed a Public Act.

C A P . C X I .

An Act to authorize the Municipalities of the Townships of East Zorra, West Zorra, and East Nissouri, in the County of Oxford, to dispose of certain Road allowances in the said Townships.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the Municipal Councils of the Townships of East Zorra, West Zorra, and East Nissouri, in the County of Oxford, have respectively, by their petitions to the Legislature,

Legislature, represented, that the original allowance for Road between lots numbers thirty-five and thirty-six, in the several Concessions of the said Townships respectively, is not required, and have prayed that they may be empowered to dispose of the said allowance for Road, which prayer it is expedient to grant : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The allowance for Road between lots numbers thirty-five and thirty-six, in the several Concessions in each of the Townships above named, is hereby vested in the Municipality in which such Road allowance is situate ; and the Municipal Council of each of the said Townships respectively may pass a By-law or By-laws for the sale or disposal of the Road allowance vested in the Municipality thereof, or any part thereof, in like manner as they might for the sale and disposal of any real property acquired by and vested in the said Municipality, when no longer required for the use thereof ; and the proceeds of such sale or sales shall form part of the general funds of the said Townships respectively.

The said road allowance vested in the Township Municipalities with power to dispose thereof, &c.

II. This Act shall be deemed a Public Act.

Public Act.

C A P . C X I I .

An Act to authorize the Municipality of the Township of McGillivray to dispose of certain Road Allowances in the said Township.

[Assented to 10th June, 1857.]

WHEREAS the Municipal Council of the Township of McGillivray, in the County of Huron, have, by their petition to the Legislature, represented that it is impossible, from local circumstances, that the allowances for road hereinafter mentioned could ever be opened and used, and that the Municipality has caused other roads to be opened in lieu thereof for the convenience of the public, and have prayed that they may be empowered to dispose of the said allowances for road, which prayer it is expedient to grant : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

I. The allowances for road between lots numbers thirty and thirty-one in the first, second, third and fourth Concessions of the said Township of McGillivray, and between lots numbers twenty-five and twenty-six in the seventh and eighth Concessions of the said Township, east of the centre road, and between lots numbers fifteen and sixteen in the fifteenth Concession, and in the sixteenth Concession as far as Bowes' Hill, in the said Township, are hereby vested in

The said road allowances vested in the Township Municipality with power to dispose thereof, &c.

in the Municipality of the said Township in fee simple; and the Municipal Council of the said Township may, in the name of the Municipality thereof, pass a By-law or By-laws for the sale and disposal of the said allowances or any of them or of any part thereof, in like manner as they might for the sale and disposal of any real property acquired by and vested in the said Municipality, when no longer required for the use thereof; and the proceeds of such sale shall belong to the said Municipality for the general purposes thereof; Provided always, that this Act shall be subject to the provisions of any General Act that may be passed on the subject of road allowances during the present Session.

Proviso.

Public Act. II. This Act shall be deemed a Public Act.

C A P . C X I I I .

An Act to divide the Township of Whitby in the County of Ontario, into two separate Municipalities.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the public convenience of the inhabitants of the township of Whitby would be promoted by a division of that Township into two separate Municipalities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Township of East Whitby formed.

I. Upon and after the first day of January next after the passing of this Act, that part or portion of the present Township of Whitby, from Lots one to seventeen inclusive, from the shore of Lake Ontario to the rear of the Township, shall be set apart, and shall form a separate Municipality to be called the Township of East Whitby.

Returning Officer at first election.

II. For the purposes of the Municipal election to be held in the said Township of East Whitby next after the passing of this Act, the County Council of the County of Ontario shall at its first session immediately after the passing of this Act, appoint a Returning Officer, and the said election shall be held at the Village of Columbus.

Place of holding.

Act of 1849, c. 81, to apply.

As to share of Clergy Reserve Fund.

III. The provisions of the Upper Canada Municipal Corporations Act of 1849, as respects the separation of Townships shall apply to the Township of Whitby and East Whitby: Provided always, that the share of the Clergy Reserve Fund already distributed or to be distributed, and which shall at the passing of this Act remain in the hands of the Municipality of the Township of Whitby, invested or otherwise, and unappropriated to any special Township purpose, shall belong to and be equally divided between the Townships of Whitby and East Whitby.

Public Act.

IV. This Act shall be deemed a Public Act.

C A P . C X I V .

An Act to divide the Township of Fredericburgh in the County of Lennox, into two separate Municipalities.

[Assented to 10th June, 1857.]

WHEREAS the public convenience of the inhabitants of the Township of Fredericburgh, in the County of Lennox, would be promoted by a division of that Township into two separate Municipalities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. Upon and after the first day of January next after the passing of this Act, all that part of the present Township of Fredericburgh lying to the south of Hay Bay, including the third concession east of Hay Bay, shall be set apart and form a separate Township Municipality, to be called the Township of South Fredericburgh; and the remainder of the said present Township shall continue to form a separate Township Municipality under the name of the Township of North Fredericburgh.

Townships of North and South Fredericburgh constituted.

II. For the purposes of the Municipal election to be held in the said Township of South Fredericburgh next after the passing of this Act, the County Council of the United Counties of Lennox and Addington shall, at its first Session immediately after the passing of this Act, appoint a Returning Officer, and the said election shall be held at Lucas's Inn.

Returning Officer at first election.

III The provisions of the Upper Canada Municipal Corporations Act of 1849, as respects the separation of Townships, shall apply to the Township of North Fredericburgh and South Fredericburgh, the last named being deemed the Junior Township; Provided always, that the share of the Clergy Reserve Fund already distributed or to be distributed, and which shall at the passing of this Act remain in the hands of the Municipality of the present Township of Fredericburgh, invested or otherwise, and unappropriated to any special Township purpose, shall belong to and be equally divided between the Townships of North Fredericburgh and South Fredericburgh.

Act of 1849, c. 81, to apply.

As to share of Clergy Reserve Fund.

IV. This Act shall be deemed a Public Act.

Public Act:

C A P . C X V .

An Act to authorize the Draining of Lake Wawanosh
in township of Sarnia.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS there is a body of water and marsh in the Township of Sarnia, in the County of Lambton, known as Lake Wawanosh, covering seven thousand acres of land, which said Lake greatly retards the progress of the Township, and injuriously affects the health of the inhabitants; And whereas a large number of the inhabitants of the Township of Sarnia have petitioned Parliament to authorize the Draining of the said Lake: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Township Council empowered to drain the said Lake; and to do all necessary things for that purpose.

I. It shall and may be lawful for the Township Council of the Township of Sarnia, to pass a By-law for the Draining of the said water known as Lake Wawanosh, by widening, deepening and extending the cut (known as the *Cull drain*) now made from the said Lake or from the Perch stream to Lake Huron: and for this purpose the said Township Council are hereby authorized, by their duly appointed agents, to enter upon and into the lands and grounds of, or belonging to the Queen's Majesty, Her Heirs or Successors, or to any other person or persons, bodies corporate or politic, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the making of the said Drain and its appurtenances, and for the completion of the same, according to the true intent and meaning of this Act, and all such other matters and conveniences as they shall think proper and necessary for making, preserving, improving, completing and using the said Drain, and also to bore, dig, trench, cut, remove, take, carry away, and lay soil, clay, stone, rubbish, trees, roots and stumps of trees, beds of gravel, or sand, or any other matter or thing which may be dug or got in the making of the said Drain, or in deepening or improving the same, or out of any land of any person or persons adjoining or contiguous thereto, and which may be proper or convenient for carrying on the repairing of the said Drain, or which may hinder or obstruct the making, completing and using the same, and the same to lay in or upon the boundaries of the said Drain or the rivers and lakes forming portions of the said Drain, or in and upon the land of any person or persons adjoining thereto: And also to make, build, erect and set up in and upon the said Drain, and at the points of entrance to the same or any part thereof, or upon the land adjoining or near the same, such and so many bridges, tunnels, aqueducts, sluices, rivers, pens for water, tanks, reservoirs, drains, and other ways, roads and works, as the said Council shall think requisite and convenient for

for the purposes of the said Drain ; and also, from time to time to alter, enlarge, amend and repair the said works or any of them, for conveying all manner of materials necessary for making, erecting, altering or repairing, widening or enlarging; the said works or any part thereof ; also to erect and keep in repair any piers, bridges or other works, in, upon and across any rivers, brooks or lakes ; And also to construct, make and do all other works, matters and things whatsoever, which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Drain in pursuance of and within the true meaning of this Act, they, the said Council, doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of such lands, hereditaments, and tenements.

II. The said Council may contract, compound, compromise, settle and agree with the owners or occupiers respectively, of any land through or upon which they may determine to cut and construct the said Drain or other works hereby authorized, or the owners or occupiers of any land injuriously affected by the said works, either directly or consequentially, either for the purchase of so much of the land as they shall require, or for damages which he, she or they shall or may be entitled to recover, in consequence of any of the works hereby authorized being constructed in or upon his or their respective lands, or of any damage either direct or consequential which any person or persons may suffer from or by occasion of such works ; and in case of any disagreement between the said Council and the owner or owners, occupier or occupiers aforesaid, the amount of the purchase moneys for the land and tenements purposed to be purchased, or the amount of damages to be paid to them as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned.

Council may settle with owners of land taken or injuriously affected by the said works.

III. In each and every case where any dispute shall arise between the said Council and any other person or persons whomsoever, touching any purchase, sale or damage, or the money to be paid in respect thereof, under the provisions of this Act, the same shall be referred to, ascertained, and determined by three indifferent persons, one of whom shall be chosen by the owner or occupier of the land, or other person or persons interested, who shall disagree with the said Council in respect to the compensation or purchase money to be paid him, her or them respectively, pursuant to the provisions of this Act ; one other of the arbitrators shall be chosen by the said Council, and the third shall be chosen by the two persons to be so named as aforesaid ; and such three persons shall be the arbitrators to award, determine, adjudge, and order the respective sums of money which the said Council shall pay to the respective persons entitled to receive the same, and the award of such three persons,

Provision for arbitration in case the Council and any party are unable to agree as to the compensation to be paid.

persons, or any two of them shall be final; and the said arbitrators so appointed are hereby required to attend at some convenient place on or near the line of the said Drain, to be appointed by the said Council, within eight days after notice in writing shall be given them by the said Council for that purpose, then and there to arbitrate, award and determine such matters as shall be submitted to their consideration by the parties interested; and each of the said arbitrators shall be sworn before any one of Her Majesty's Justices of the Peace for the said county, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment; Provided that no arbitrator shall be compellable to attend such meeting who ordinarily resides more than twenty-five miles from the place of meeting: Provided also, that if the owner or owners, or other person or persons interested in any land required for or injured by the carrying out the purposes of this Act, shall neglect or refuse to appoint an arbitrator, upon being notified to do so by the Council aforesaid, by writing a letter to that effect, addressed to him, her or them, at his or their last, or then present residence, and by publication of such notice for one month in one Port Sarnia newspaper, then and in that case, after the expiration of thirty days from the time of such notice being fully completed, the Judge of the County Court of the County of Lambton shall appoint an arbitrator for such party or parties so refusing or neglecting, and the said arbitrator shall, with the other two arbitrators, as hereinbefore provided, proceed to adjudge and determine the damages or purchase money, or other matter or thing submitted to their judgment, according to the provisions of this Act; and the award of any two of such last mentioned arbitrators shall be final.

Proviso.

Proviso:
Judge of the
County Court
to appoint an
Arbitrator in
default of the
party.

**The Council
may drain the
Lake by any
other mode
found more
expedient.**

IV. Provided always, that if the said Municipal Council shall find, on proper examination by a Provincial Surveyor or Engineer, that the said Lake Wawanosh can be more thoroughly drained by any other mode than by widening, deepening and extending the said Cull Drain, then and in that case the said Council shall have power to pass a By-law for, and to carry out the draining thereof by such other mode, and all the provisions of this Act shall apply thereto in like manner as to the said Cull Drain.

**Costs of works
limited:
Council may
raise the re-
quisite money
by loan or
rate.**

V. The whole sum expended and to be expended by the said Council in making and completing the said works, and the payment of such damages aforesaid, shall be raised by the said Municipal Council by rate or loan at such times and in such proportions as the said Municipal Council shall deem fitting, but subject otherwise to the provisions of Law touching the raising of moneys by Municipalities by rate or loan, as the case may be.

VI. The said Council shall, before taking any proceedings under this Act, pay all the costs and expenses that may have been incurred in the Court of Chancery in defending his rights, by any person who may have taken proceedings against such Council by way of injunction or otherwise.

Council to pay costs of certain proceedings before acting under this Act.

VII. This Act shall be deemed a Public Act.

Public Act.

C A P. C X V I .

An Act for the establishment of a certain Concession Line in the Township of Clarke.

[Assented to 10th June, 1857.]

WHEREAS doubts have arisen as to the true position of the hereinafter mentioned part of a concession line, and it is expedient to provide means for removing such doubts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. The Commissioner of Crown Lands shall and he is hereby authorized to appoint a Deputy Provincial Land Surveyor to make a survey according to law of so much of the Concession Line between the seventh and eighth Concessions of the said Township of Clarke, across lots numbers one, two, three, four, five, six, seven, eight, nine and ten, and to ascertain the true boundaries of those lots upon the north and south sides of that Concession Line, and to fix and place permanent monuments thereat within twelve months after the passing of this Act, and upon the completion of such survey to report in writing the result of such survey to the Commissioner of Crown Lands.

Surveyor to be appointed to draw a certain line in Clarke.

II. Upon the said Commissioner of Crown Lands receiving such report, and upon payment of all the expenses of making such survey by the parties petitioning for this Act, he may and he is hereby authorized, if it seem expedient to him so to do, to approve such survey by a certificate in writing, which shall be registered in the Registry Office for the County of Durham; and thereupon the said survey and the line ascertained thereby, and the monuments fixed and placed as before mentioned, shall be and are hereby declared to be the legal and binding survey, and the permanent, fixed and unalterable line of the said Concession and the boundaries of the said lots: Provided always, that nothing in this Act contained shall affect the rights of any parties to any lands in either of the said Concessions, which they may have obtained by occupation or otherwise.

If the Commissioner of Crown Lands approve the survey, it shall be valid.

Proviso.

III. This Act shall be deemed a Public Act

Public Act.

C A P . C X V I I .

An Act to amend the Act 19 & 20 Vict., cap. 47, and to authorize the formation of four Agricultural Societies in the County of Gaspé instead of two.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS the agricultural population of the County of Gaspé is dispersed over a very large extent of territory, and but little advantage results from the formation of two Agricultural Societies in conformity with the Act 19 & 20 Vict. cap. 47, and it is therefore expedient to establish several Agricultural Societies in the said County: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Four Societies allowed in Gaspé.

I. Hereafter it shall be lawful for the said County of Gaspé to establish four Agricultural Societies instead of two, namely at Amherst in the Magdalen Islands, and at St. Anne des Monts in the Municipality of St. Anne des Monts and Cape Chat, besides the two Agricultural Societies already established and in operation in the said County.

Government Grant to be equally divided.

II. The sum to which the said County of Gaspé is entitled out of the annual appropriation voted by the Legislature, shall be equally divided among the said Agricultural Societies in the said County of Gaspé, now in operation or hereafter to be established by virtue of the Act above cited or of this Act.

C A P . C X V I I I .

An Act to provide for the transfer of certain Books and Documents from the Registry Office for the County of Chateaugay to that for the County of Huntingdon.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS under and in accordance with the provisions of a Statute passed by the Legislature of the late Province of Lower Canada, in the Session held in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intituled, *An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford and Missisquoi*, as amended by the Act passed by the same Legislature in the first year of the reign of His late Majesty King William the Fourth, intituled, *An Act to amend an Act passed in the eleventh year of the reign of His late Majesty, intituled, 'An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford and Missisquoi, and to extend the provisions of the said Act,'* a Registry Office was established at the Village of Huntingdon, in the County of Huntingdon,

10, 11 G. 4,
c. 8.

1 W. 4, c. 3.

Huntingdon, for the enregistration of all Deeds concerning immoveable property held in free and common soccage, in the late County of Beauharnois, and which Registry Office continued to exist until the coming into force of the Ordinance of Lower Canada, 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 interest acquired therein*, when the said Office was abolished, and all and every the registers, books, indexes, records, documents and papers appertaining to the said Office were transmitted to the Registry Office established, under the provisions of the last mentioned Ordinance, for the late County of Beauharnois; and which registers, books, indexes, records, documents and papers are now deposited in the Registry Office for the County of Chateauguay; And whereas the said registers, books, indexes, records, documents and papers solely relate to the immoveable property and lands situate in the County of Huntingdon, all the lands in the late County of Beauharnois being now included in the said County of Huntingdon; And whereas a Registry Office hath been established at the Village of Huntingdon, for the said County of Huntingdon, and it is expedient that the said registers, books, indexes, records, documents and papers should be removed and transferred from the Registry Office of the County of Chateauguay to that of the County of Huntingdon: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. Immediately after the passing of this Act, all the registers, books, indexes, records, documents and papers which belonged to and formed the records of the Registry Office formerly established at Huntingdon for the enregistration of all Deeds concerning lands and immoveable property in the late County of Beauharnois, and which are now deposited in the Registry Office for the County of Chateauguay, shall, by the Registrar of the said County of Chateauguay, be transmitted and delivered to the Registrar for the County of Huntingdon.

Registers, &c., under former Acts, relating to lands in Huntingdon, to be transferred to that County;

II. The said registers, books, indexes, records, documents and papers after they shall have been so delivered to the Registrar for the County of Huntingdon, shall be by the said Registrar deposited in his office and shall thenceforth form part of the records of the Registry Office for the said County of Huntingdon, the Registrar whereof shall have the same powers and duties with respect to them, as if they had been originally kept, made and filed in his office.

And to form part of records of the office in Huntingdon.

III. This Act shall be deemed a Public Act.

Public Act.

CAP. CXIX.

An Act to authorize the running of the boundary line between the Seigniori of Beauharnois and the Township of Godmanchester, and the Parish of St. Anicet, for the purposes of a Road.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS certain inhabitants, proprietors of lands in the Seigniori of Beauharnois and the Township of Godmanchester, have petitioned the Legislature, setting forth, that many years ago the line of boundary between the said seigniori and the Township was run and settled, and boundary stones set up, one on the south shore of the St. Lawrence, and another on the north bank of the River Chateaugai,—that on the said line a Road allowance was left by the Government,—that a public road hath lately been established there by the Municipal authorities, but when it was attempted to open the road it was found that the line between the said Seigniori and the Township as it at present exists is very irregular, extending in some parts into the Seigniori of Beauharnois and in other parts into the Township of Godmanchester, and it is expedient for the purposes of the said road to trace a straight line from the boundary stone on the south shore of the River St. Lawrence, to the boundary stone on the north bank of the River Chateaugai; And whereas it is expedient to grant the said petition and to make the following provisions: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Surveyor to be appointed to run a boundary line.

I. The Municipal Council of the Township of Godmanchester shall have power, and it shall be the duty of such Council, by resolution, to appoint some sworn Land Surveyor to run and mark the boundary line between the Seigniori of Beauharnois and the Township of Godmanchester, and the Parish of St. Anicet, by tracing a straight line from the boundary stone or monument standing on the south shore of the St. Lawrence, to the boundary stone or monument standing on the north bank of the River Chateaugai.

Line so run to be boundaries of Beauharnois and Godmanchester.

II. Such line, when so run, shall be held, for the purposes of said road, to be the boundary line between the Seigniori of Beauharnois on the one side, and the Township of Godmanchester, including the Parish of St. Anicet, on the other side.

Expense provided for.

III. The expenses of tracing the said boundary line shall be paid by the proprietors and occupiers of the several lots or portions of lots bound by *procès-verbal* to the making the new road mentioned in the preamble of this Act, each in proportion to the value of the lands charged towards the making of the said road.

IV. This Act shall not be held or construed to have the effect of determining the boundary line between the Township of Godmanchester and the Parish of St. Anicet, and the Seigniory of Beauharnois, so as to affect in any manner the rights of property acquired or to be acquired according to the original survey of the line between the said Township and Parish, and the said Seigniory.

Certain rights and boundaries not affected by this Act.

V. This Act shall be deemed a Public Act.

Public Act.

C A P. C X X .

An Act to erect parts of Russelltown and Jamestown, in the County of Chateaugai, and parts of Hemmingford and Hinchinbrooke, in the County of Huntingdon, into a Municipality, and to attach the same to the County of Huntingdon.

[Assented to 27th May, 1857.]

WHEREAS it is expedient to constitute a separate Township Municipality out of parts of the Townships of Jamestown and Russelltown, in the County of Chateaugai, and parts of the present Townships of Hemmingford and Hinchinbrooke, in the County of Huntingdon, inasmuch as the erection of such new Township will promote the welfare and convenience of the inhabitants of the said two Counties: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble

I. Upon, from and after the first day of July, one thousand eight hundred and fifty-seven, so much of the Township of Jamestown, in the County of Chateaugai, as lies between lots numbers one and twenty-seven, both lots inclusive, in the seventh, eighth and ninth ranges respectively; so much of the Township of Russelltown, in the said County of Chateaugai, as lies between lots numbers one and twenty-seven, both lots inclusive, in the first and second ranges respectively, between lots numbers one and nineteen, both lots inclusive, in the third range, and between lots numbers one and four, both lots inclusive, in the fourth range; so much of the Township of Hemmingford, in the County of Huntingdon, as lies between lots numbers forty-three and fifty-one, both lots inclusive, in the first range, and between lots numbers ninety-six and ninety-four, both lots inclusive, in the second range; and so much of the Township of Hinchinbrooke, in the said County of Huntingdon, as lies between lots numbers forty-seven and fifty-one, both lots inclusive, in the first range, together with lots numbers forty-seven and forty-eight in the second range, and the East half of lot number forty-four, in the third range of the said Township,—shall constitute a separate Township and Municipality, by the name of the Township of Franklin; and the said Township and Municipality hereby constituted shall, for all Municipal, Electoral, and

Township of Franklin constituted, described and annexed to County of Huntingdon.

all

in the Municipality of the said Township in fee simple; and the Municipal Council of the said Township may, in the name of the Municipality thereof, pass a By-law or By-laws for the sale and disposal of the said allowances or any of them or of any part thereof, in like manner as they might for the sale and disposal of any real property acquired by and vested in the said Municipality, when no longer required for the use thereof; and the proceeds of such sale shall belong to the said Municipality for the general purposes thereof; Provided always, that this Act shall be subject to the provisions of any General Act that may be passed on the subject of road allowances during the present Session.

Proviso.

Public Act.

II. This Act shall be deemed a Public Act.

C A P . C X I I I .

An Act to divide the Township of Whitby in the County of Ontario, into two separate Municipalities.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the public convenience of the inhabitants of the township of Whitby would be promoted by a division of that Township into two separate Municipalities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Township of East Whitby formed.

I. Upon and after the first day of January next after the passing of this Act, that part or portion of the present Township of Whitby, from Lots one to seventeen inclusive, from the shore of Lake Ontario to the rear of the Township, shall be set apart, and shall form a separate Municipality to be called the Township of East Whitby.

Returning Officer at first election.

II. For the purposes of the Municipal election to be held in the said Township of East Whitby next after the passing of this Act, the County Council of the County of Ontario shall at its first session immediately after the passing of this Act, appoint a Returning Officer, and the said election shall be held at the Village of Columbus.

Place of holding.

Act of 1849, c. 81, to apply.

As to share of Clergy Reserve Fund.

III. The provisions of the Upper Canada Municipal Corporations Act of 1849, as respects the separation of Townships shall apply to the Township of Whitby and East Whitby: Provided always, that the share of the Clergy Reserve Fund already distributed or to be distributed, and which shall at the passing of this Act remain in the hands of the Municipality of the Township of Whitby, invested or otherwise, and unappropriated to any special Township purpose, shall belong to and be equally divided between the Townships of Whitby and East Whitby.

Public Act.

IV. This Act shall be deemed a Public Act.

C A P . C X I V .

An Act to divide the Township of Fredericburgh in the County of Lennox, into two separate Municipalities.

[Assented to 10th June, 1857.]

WHEREAS the public convenience of the inhabitants of Preamble.
the Township of Fredericburgh, in the County of Lennox, would be promoted by a division of that Township into two separate Municipalities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. Upon and after the first day of January next after the passing of this Act, all that part of the present Township of Fredericburgh lying to the south of Hay Bay, including the third concession east of Hay Bay, shall be set apart and form a separate Township Municipality, to be called the Township of South Fredericburgh; and the remainder of the said present Township shall continue to form a separate Township Municipality under the name of the Township of North Fredericburgh. Townships of North and South Fredericburgh constituted.

II. For the purposes of the Municipal election to be held in the said Township of South Fredericburgh next after the passing of this Act, the County Council of the United Counties of Lennox and Addington shall, at its first Session immediately after the passing of this Act, appoint a Returning Officer, and the said election shall be held at Lucas's Inn. Returning Officer at first election.

III The provisions of the Upper Canada Municipal Corporations Act of 1849, as respects the separation of Townships, shall apply to the Township of North Fredericburgh and South Fredericburgh, the last named being deemed the Junior Township; Provided always, that the share of the Clergy Reserve Fund already distributed or to be distributed, and which shall at the passing of this Act remain in the hands of the Municipality of the present Township of Fredericburgh, invested or otherwise, and unappropriated to any special Township purpose, shall belong to and be equally divided between the Townships of North Fredericburgh and South Fredericburgh. Act of 1849, c. 81, to apply. As to share of Clergy Reserve Fund.

IV. This Act shall be deemed a Public Act.

Public Act:

C A P . C X V .

An Act to authorize the Draining of Lake Wawanosh
in township of Sarnia.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS there is a body of water and marsh in the Township of Sarnia, in the County of Lambton, known as Lake Wawanosh, covering seven thousand acres of land, which said Lake greatly retards the progress of the Township, and injuriously affects the health of the inhabitants; And whereas a large number of the inhabitants of the Township of Sarnia have petitioned Parliament to authorize the Draining of the said Lake: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Township Council empowered to drain the said Lake; and to do all necessary things for that purpose.

I. It shall and may be lawful for the Township Council of the Township of Sarnia, to pass a By-law for the Draining of the said water known as Lake Wawanosh, by widening, deepening and extending the cut (known as the *Cull drain*) now made from the said Lake or from the Perch stream to Lake Huron; and for this purpose the said Township Council are hereby authorized, by their duly appointed agents, to enter upon and into the lands and grounds of, or belonging to the Queen's Majesty, Her Heirs or Successors, or to any other person or persons, bodies corporate or politic, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the making of the said Drain and its appurtenances, and for the completion of the same, according to the true intent and meaning of this Act, and all such other matters and conveniences as they shall think proper and necessary for making, preserving, improving, completing and using the said Drain, and also to bore, dig, trench, cut, remove, take, carry away, and lay soil, clay, stone, rubbish, trees, roots and stumps of trees, beds of gravel, or sand, or any other matter or thing which may be dug or got in the making of the said Drain, or in deepening or improving the same, or out of any land of any person or persons adjoining or contiguous thereto, and which may be proper or convenient for carrying on the repairing of the said Drain, or which may hinder or obstruct the making, completing and using the same, and the same to lay in or upon the boundaries of the said Drain or the rivers and lakes forming portions of the said Drain, or in and upon the land of any person or persons adjoining thereto; And also to make, build, erect and set up in and upon the said Drain, and at the points of entrance to the same or any part thereof, or upon the land adjoining or near the same, such and so many bridges, tunnels, aqueducts, sluices, rivers, pens for water, tanks, reservoirs, drains, and other ways, roads and works, as the said Council shall think requisite and convenient for

for the purposes of the said Drain ; and also, from time to time to alter, enlarge, amend and repair the said works or any of them, for conveying all manner of materials necessary for making, erecting, altering or repairing, widening or enlarging; the said works or any part thereof ; also to erect and keep in repair any piers, bridges or other works, in, upon and across any rivers, brooks or lakes ; And also to construct, make and do all other works, matters and things whatsoever, which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Drain in pursuance of and within the true meaning of this Act, they, the said Council, doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of such lands, hereditaments, and tenements.

II. The said Council may contract, compound, compromise, settle and agree with the owners or occupiers respectively, of any land through or upon which they may determine to cut and construct the said Drain or other works hereby authorized, or the owners or occupiers of any land injuriously affected by the said works, either directly or consequentially, either for the purchase of so much of the land as they shall require, or for damages which he, she or they shall or may be entitled to recover, in consequence of any of the works hereby authorized being constructed in or upon his or their respective lands, or of any damage either direct or consequential which any person or persons may suffer from or by occasion of such works ; and in case of any disagreement between the said Council and the owner or owners, occupier or occupiers aforesaid, the amount of the purchase moneys for the land and tenements purposed to be purchased, or the amount of damages to be paid to them as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned.

Council may settle with owners of land taken or injuriously affected by the said works.

III. In each and every case where any dispute shall arise between the said Council and any other person or persons whomsoever, touching any purchase, sale or damage, or the money to be paid in respect thereof, under the provisions of this Act, the same shall be referred to, ascertained, and determined by three indifferent persons, one of whom shall be chosen by the owner or occupier of the land, or other person or persons interested, who shall disagree with the said Council in respect to the compensation or purchase money to be paid him, her or them respectively, pursuant to the provisions of this Act ; one other of the arbitrators shall be chosen by the said Council, and the third shall be chosen by the two persons to be so named as aforesaid ; and such three persons shall be the arbitrators to award, determine, adjudge, and order the respective sums of money which the said Council shall pay to the respective persons entitled to receive the same, and the award of such three

Provision for arbitration in case the Council and any party are unable to agree as to the compensation to be paid.

persons, or any two of them shall be final; and the said arbitrators so appointed are hereby required to attend at some convenient place on or near the line of the said Drain, to be appointed by the said Council, within eight days after notice in writing shall be given them by the said Council for that purpose, then and there to arbitrate, award and determine such matters as shall be submitted to their consideration by the parties interested; and each of the said arbitrators shall be sworn before any one of Her Majesty's Justices of the Peace for the said county, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment; Provided that no arbitrator shall be compellable to attend such meeting who ordinarily resides more than twenty-five miles from the place of meeting: Provided also, that if the owner or owners, or other person or persons interested in any land required for or injured by the carrying out the purposes of this Act, shall neglect or refuse to appoint an arbitrator, upon being notified to do so by the Council aforesaid, by writing a letter to that effect, addressed to him, her or them, at his or their last, or then present residence, and by publication of such notice for one month in one Port Sarnia newspaper, then and in that case, after the expiration of thirty days from the time of such notice being fully completed, the Judge of the County Court of the County of Lambton shall appoint an arbitrator for such party or parties so refusing or neglecting, and the said arbitrator shall, with the other two arbitrators, as hereinbefore provided, proceed to adjudge and determine the damages or purchase money, or other matter or thing submitted to their judgment, according to the provisions of this Act; and the award of any two of such last mentioned arbitrators shall be final.

Proviso.

Proviso:
Judge of the
County Court
to appoint an
Arbitrator in
default of the
party.

**The Council
may drain the
Lake by any
other mode
found more
expedient.**

IV. Provided always, that if the said Municipal Council shall find, on proper examination by a Provincial Surveyor or Engineer, that the said Lake Wawanosh can be more thoroughly drained by any other mode than by widening, deepening and extending the said Cull Drain, then and in that case the said Council shall have power to pass a By-law for, and to carry out the draining thereof by such other mode, and all the provisions of this Act shall apply thereto in like manner as to the said Cull Drain.

**Costs of works
limited:
Council may
raise the re-
quisite money
by loan or
rate.**

V. The whole sum expended and to be expended by the said Council in making and completing the said works, and the payment of such damages aforesaid, shall be raised by the said Municipal Council by rate or loan at such times and in such proportions as the said Municipal Council shall deem fitting, but subject otherwise to the provisions of Law touching the raising of moneys by Municipalities by rate or loan, as the case may be.

VI. The said Council shall, before taking any proceedings under this Act, pay all the costs and expenses that may have been incurred in the Court of Chancery in defending his rights, by any person who may have taken proceedings against such Council by way of injunction or otherwise.

Council to pay costs of certain proceedings before acting under this Act.

VII. This Act shall be deemed a Public Act.

Public Act.

C A P. C X V I .

An Act for the establishment of a certain Concession Line in the Township of Clarke.

[Assented to 10th June, 1857.]

WHEREAS doubts have arisen as to the true position of the hereinafter mentioned part of a concession line, and it is expedient to provide means for removing such doubts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. The Commissioner of Crown Lands shall and he is hereby authorized to appoint a Deputy Provincial Land Surveyor to make a survey according to law of so much of the Concession Line between the seventh and eighth Concessions of the said Township of Clarke, across lots numbers one, two, three, four, five, six, seven, eight, nine and ten, and to ascertain the true boundaries of those lots upon the north and south sides of that Concession Line, and to fix and place permanent monuments thereat within twelve months after the passing of this Act, and upon the completion of such survey to report in writing the result of such survey to the Commissioner of Crown Lands.

Surveyor to be appointed to draw a certain line in Clarke.

II. Upon the said Commissioner of Crown Lands receiving such report, and upon payment of all the expenses of making such survey by the parties petitioning for this Act, he may and he is hereby authorized, if it seem expedient to him so to do, to approve such survey by a certificate in writing, which shall be registered in the Registry Office for the County of Durham; and thereupon the said survey and the line ascertained thereby, and the monuments fixed and placed as before mentioned, shall be and are hereby declared to be the legal and binding survey, and the permanent, fixed and unalterable line of the said Concession and the boundaries of the said lots: Provided always, that nothing in this Act contained shall affect the rights of any parties to any lands in either of the said Concessions, which they may have obtained by occupation or otherwise.

If the Commissioner of Crown Lands approve the survey, it shall be valid.

Proviso.

III. This Act shall be deemed a Public Act

Public Act.

The Quebec Turnpike Roads and Works may be divided into two Trusts.

Acts relating thereto :

4 V. c. 7,

4, 5 V. c. 72,

8 V. c. 55,

9 V. c. 68,

12 V. c. 115,

13, 14 V. c. 102,

14, 15 V. cc. 132-133,

16 V. c. 236,

18 V. c. 160.

North Shore Trust.

South Shore Trust.

Appointment of the Trustees.

I. For and notwithstanding any thing in the Ordinance and Acts hereinafter mentioned or any of them, or in any other Act or Law, it shall be lawful for the Governor of this Province, by order in Council, to determine and declare, that upon, from and after a day to be therein named, the Turnpike Roads, Bridges, and other works in the neighbourhood of the City of Quebec made, purchased or improved by, or otherwise subject to the management, powers, or control of the Trustees of the Quebec Turnpike Roads, under the authority of the Ordinance of the Legislature 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*, or under the authority of the several Acts of the Parliament of this Province amending and extending the same, that is to say, the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign and chaptered seventy-two,—the Act passed in the eighth year of Her Majesty's Reign and chaptered fifty-five,—the Act passed in the ninth year of Her Majesty's Reign and chaptered sixty-eight,—the Act passed in the twelfth year of Her Majesty's Reign and chaptered one hundred and fifteen,—the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign and chaptered one hundred and two,—the Acts passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign and chaptered, respectively, one hundred and thirty-two and one hundred and thirty-three,—the Act passed in the sixteenth year of Her Majesty's Reign and chaptered two hundred and thirty-five,—and the Act passed in the eighteenth year of Her Majesty's Reign and chaptered one hundred and sixty,—shall be divided into two separate Trusts, those of them which lie on the North side of the River St. Lawrence to be under the sole control, direction and management of Trustees to be called the *Quebec North Shore Turnpike Road Trustees*, and those of them which lie on the South side of the said River to be under the sole control, direction and management of Trustees to be called the *Quebec South Shore Turnpike Road Trustees*; and upon, from and after the day so appointed the said Order shall take effect, and the said Roads, Bridges and works shall be divided into two Trusts accordingly.

II. At any time after such Order in Council as aforesaid shall have been made and published, it shall be lawful for the Governor to appoint, during pleasure, not exceeding five persons, to be, upon and after the day appointed as aforesaid for the division of the said Roads and works into two Trusts, the *Quebec North Shore Turnpike Road Trustees*—and not exceeding five persons, to be, upon and after the said day, the *Quebec South Shore Turnpike Road Trustees*, and upon the said day the present Trustees of the Quebec Turnpike Roads shall cease to be such Trustees.

III. Upon and after the said day, each of the said sets of Trustees shall be a body corporate by the name hereinbefore assigned to it, and shall have the same powers, duties, rights and liabilities with regard to the Roads, Bridges and other works under their control, as are now vested in the Trustees of the Quebec Turnpike Roads with regard to the same; and all the provisions of the Ordinance and Acts hereinbefore mentioned shall apply as they now do, except in so far as they are altered by or may be inconsistent with this Act.

Each Trust to be a Corporation.
Powers.

Former Acts and Ordinance to apply.

IV. All property moveable or immoveable vested immediately before the day last mentioned in the Trustees of the Quebec Turnpike Roads, and being on the North shore of the River St. Lawrence, shall, upon and after the said day, be transferred to and vested in the *Quebec North Shore Turnpike Road Trustees*, and all such property lying on the South shore of the said River, shall then be transferred to and vested in the *Quebec South Shore Turnpike Road Trustees*; and each of the said Corporations shall have full power and authority to receive or recover from any former Trustee or other person or party whomsoever, any property hereby vested in it.

Transfer of property, &c., to the New Trusts.

V. The *North Shore Trustees* shall be liable for the principal and interest of all Debentures issued by the *Trustees of the Quebec Turnpike Roads*, and for all debts and liabilities of the said Trustees contracted before the day to be appointed as aforesaid for the separation of the Trusts; and all suits and proceedings then pending by or against the *Trustees of the Quebec Turnpike Roads*, or to which they shall be parties, shall be continued to judgment or after judgment until finally completed, by or against the said *North Shore Trustees*, and they shall be parties thereto, and their corporate name shall be substituted therein for that of the former Trustees, as of course, without any formality or proceeding whatever; Provided always, that whenever the said *South Shore Trustees* shall have any balance remaining in their hands out of the Revenues arising from the roads and works under their control, after paying the expenses of completing, maintaining and managing the said roads and works, and the interest on the Debentures they shall have issued under the authority of this Act, and the principal thereof, they shall pay over such balance to the said *North Shore Trustees*, as an aid towards enabling them to pay the interest and principal of the Debentures issued by the said *Trustees of the Quebec Turnpike Roads*, before the passing of this Act; And provided further, that nothing herein contained shall prejudice or affect any hypothec or lien which any creditor of the *Trustees of the Quebec Turnpike Roads* may have upon any property hereby vested in the *South Shore Trustees*, for any debt contracted before the separation of the Trusts, but the same may be enforced against such property under any judgment against the said *North Shore Trustees*, as if the property were vested in that Trust.

North Shore Trust to be liable for existing Debentures, &c., and to continue suits, &c., of former Trustees.

Proviso: surplus of moneys from South Shore Trust to be paid over to North shore Trust.

Proviso: Act not to affect the lien of creditors of former Trust.

Roads placed under control of the Trustees.

Proviso : Roads, &c., may be given up to the Municipalities, under Order in Council.

How maintained when so given up, &c.

May be again placed under control of the Trustees.

Proviso.

Turnpike Gates, &c.

Proviso : in favor of persons resident between certain gates.

Proviso : in favor of persons residing near Montmorency Bridge.

Loan for rebuilding the Montmorency Bridge.

VI. The Roads and works aforesaid, shall remain under the charge of the said Trusts respectively, — those on the North shore of the St. Lawrence 'under that of the *North Shore Trust*, and those on the South shore under that of the *South Shore Trust*; Provided always, that either of the said Trusts may, with the consent of the Governor in Council, place for repair and maintenance any of the said roads and works, or any part thereof, under the control of the Municipalities in which they lie, either altogether, or during the Winter season, or during the Summer season; and such Roads shall then, either altogether or during the period of the year for which they shall be so given up, be under the control of such Municipalities, and shall be maintained by the persons who are or shall be bound by *procès-verbal* made or to be made by the said Municipalities, and which the said Municipalities shall be bound to make, to maintain the same; and no tolls shall be paid to the respective trusts on the Roads or part thereof so placed for repair and maintenance under the control of the said Municipalities, during the period for which they shall be abandoned to the Municipality; but such roads and works or any of them, so abandoned for the purposes aforesaid, may be again placed under the control and management of the Trustees for that shore of the St. Lawrence on which they lie, by any Order or Orders in Council to be made for that purpose, and Tolls shall be levied thereon, and they shall be otherwise dealt with as if they had never been abandoned; Provided always, that in no case shall such roads or works, or any part thereof, cease to be the property of the said Trusts respectively, as the case may be.

VII. The said Trusts, respectively, may place the Turnpike Gates on the Roads under their control, at such places as they shall think fit, and may place Preventive Gates at such places as they may deem expedient; Provided that those persons who reside between the principal Turnpike Gates and the Preventive Gates shall not be bound to pay toll at such Preventive Gates, and the Trustees may enter into any equitable arrangement with any person living between two Gates, or close to any Gate, as to any exemption from or reduction of tolls in his favour at any Gate or Gates, which they may deem right to prevent injustice or hardship; Provided also, that any person living between the Montmorency Bridge or River and any Turnpike Gate on the Beauport Road at which Tolls shall be levied for passing the said Bridge, shall not be liable to Toll on passing the said Gate; and the exemption from Toll under this section shall include all carriages, animals and things belonging to the persons so exempted.

VIII. The *North Shore Trustees* are hereby empowered to borrow a sum not exceeding four thousand five hundred pounds currency, for the purpose of repairing the Bridge over the River Montmorency or building a new one, and to issue Debentures for the

the sum so borrowed, the principal and interest whereof shall be payable out of and be the first charge upon the Tolls and Revenues of the said Bridge, after the payment hereinafter mentioned to the minor children of Ignace Côté and Magdeleine Drouin.

IX. The said *North Shore Trustees* are hereby empowered to borrow a sum not exceeding five thousand five hundred pounds, currency, for the purpose of paying Charles Rhéaume the sum due to him, and the interest due in July, 1857, on Debentures heretofore issued by the *Trustees of the Quebec Turnpike Roads*, and other expenses incurred or to be incurred by them; but the Debentures to be issued under this section shall have no preference over any Debentures issued by the *Quebec Turnpike Road Trustees*, nor shall this issue thereof affect or impair any privilege or preference attached to any former Debentures.

Further loan may be raised by North Shore Trustees.

X. The said *North Shore Trustees* shall, out of the Tolls and Revenues of the Montmorency Bridge, or in default thereof out of any other moneys that may come into their hands not specially appropriated by law to any other purpose, pay to each of the six minor children of Ignace Côté and Magdeleine Drouin, his wife, the sum of ten pounds yearly, from the day of the death of their said father and mother by the fall of the Montmorency Bridge, until they shall respectively attain the age of majority.

Provision for minor children of I. Côté and his wife.

XI. The said *South Shore Trustees* are hereby empowered to borrow a sum not exceeding seven thousand pounds, for the purpose of completing the Roads and improvements now actually commenced, and which will be under their control; and to issue Debentures for the sums so borrowed, the principal and interest whereof shall be payable out of the Tolls and Revenues of the Roads and works under the control of the said Trustees, after paying the expenses of maintaining and managing the said Roads and works.

Loan to be raised by South Shore Trustees.

XII. The said *South Shore Trustees* are hereby empowered to borrow a sum not exceeding five thousand pounds, for the purpose of building a Bridge over the River Chaudière, and to issue Debentures for the sum so borrowed, the principal and interest whereof shall be payable out and be the first charge upon the Tolls and Revenues of the said Bridge.

Further loan to be raised by the same.

XIII. The principal and interest of Debentures to be issued under the authority of this Act, may be made payable either in sterling or currency, and either in this Province or elsewhere, and the said Debentures may be negotiated and disposed of by the said Trustees, with the consent of the Governor in Council, in such way and on such terms as may seem most advantageous to the interests of the said Trusts; but the interest

Provision as to the form and negotiation of Debentures.

Rate of interest limited.

thereon shall not exceed the rate of six per cent per annum; And all provisions of the Acts hereinbefore mentioned, applicable generally to Debentures issued by the *Trustees of the Quebec Turnpike Roads*, shall apply to Debentures to be issued under this Act, in so far as they may not be inconsistent herewith; Provided always, that the Province shall not guarantee or be liable for the principal or interest of any debentures issued under this Act, nor shall any money be advanced or paid therefor out of the Provincial Funds.

Proviso: Province not to guarantee.

Trustees to account to Board of Audit.

XIV. The Trustees to be appointed under this Act shall be deemed officers accountable for public moneys under the Act to secure the more efficient audit of Public Accounts, and shall lay their accounts before the Board of Audit in such form and at such time and with such vouchers, as the said Board shall direct, and shall be subject to all the provisions of the said Act:

Public Act.

XV. This Act shall be deemed a Public Act.

C A P . C X X V I .

An Act to amend the Act to provide for the management and improvement of the Harbour of Montreal and the deepening of the Ship Channel between Montreal and Quebec.

[Assented to 10th June, 1857.]

Preamble.

18 V. c. 143.

WHEREAS defects have been found to exist in the details of the Act eighteenth Victoria, chapter one hundred and forty-three, for the management and improvement of the Harbour of Montreal and the deepening of the Ship Channel between the said Harbour and the Port of Quebec, which in some respects diminish its efficiency for the purposes therein contemplated, and it is expedient to amend the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Commissioners to make By-laws for the control over the ice in the Harbour in winter.

I. In addition to the purposes, which are in and by the said Act declared to be the purposes for which the Corporation of the Harbour Commissioners of Montreal may make By-laws under its provisions, the said Corporation shall have power also to make By-laws for the control of the ice in the said Harbour in the Winter season, and of the cutting the same and of the deposit upon the same of any substance or matter whatever and of the situation and boundaries of any roads thereon; and also for the allotment of berths in the said Harbour to any Steamer or other Vessel, or to any regular line of Steamers, or other Vessels, either on each trip of such Steamer or other Vessel, or for the whole business season; and also for the allotting, letting or leasing any lot or lots, space or spaces, or portions

For allotting berths to vessels, &c.

portions of the wharves or piers, or vacant ground in the said Harbour, or any of them; and also for regulating the powers of the Harbour Master of the said Harbour, in respect of the enforcement of his lawful directions and orders in the said Harbour, and in respect of the necessary force, aid or assistance by him required for that purpose; and to impose penalties for the infringement of such By-laws, in the manner and to the extent, and subject to the restrictions fixed by the said Act and by this Act.

Regulating powers of the Harbour Master.

Penalties,

II. From and after the passing of this Act, the said Corporation of the Harbour Commissioners of Montreal, shall have power and authority in the By-laws to be by them made under the authority of the said Act and of this Act, to provide, that any person who shall be convicted of infringing any of such By-laws, or any of the provisions of the said Act or of this Act, and who shall be condemned to the payment of any pecuniary penalty for such infringement, and who shall make default in the payment of such pecuniary penalty, and of the costs of such conviction, may be imprisoned for a period to be fixed by the said By-laws but not to exceed thirty days, unless the amount of such penalty and costs be sooner paid; the said powers to be in addition to the powers granted by the seventh section of the said Act.

Power to imprison persons infringing By-laws and not paying the penalty.

III. All By-laws from time to time made by the said Corporation under the provisions of the said Act or of this Act, upon being sanctioned by the Governor and published in the *Canada Gazette* as provided in the said Act, shall become and be law, and shall have the same force and effect as if specifically enacted in, and forming part of the said Act or of this Act.

By-laws sanctioned by the Governor to have the force of Law.

IV. In every case wherein the master, owner or person in charge of any vessel or goods shall infringe any of the By-laws of the said Corporation, or any of the provisions of the said Act or of this Act, and shall thereby render himself liable to a penalty, such vessel or goods may be forthwith seized by the said Corporation before judgment, and may be detained at the risk, cost and charges of the owner until the penalty so incurred, and the costs and charges incurred in the seizure and detention of the same, and the costs of any conviction that may be obtained for such infraction be paid in full.

Seizure of vessel or goods before judgment for infringement of By-laws.

V. In every case wherein under the said Act, or under this Act, the said Corporation or its authorized Agent, is empowered to seize, or to seize and detain any vessel or goods, such seizure and detention may be effected upon the order of any Magistrate for the district of Montreal, or for the district of Quebec, or for the district of Three-Rivers, or of the Collector of Customs at either of the ports of Montreal or Quebec; and such Magistrates and Collectors respectively, are hereby authorized to give such order, upon the application of the said Corporation, or of its authorized

How seizure may be authorized, and upon what evidence, &c.

authorized Agent, or of its Attorney or Solicitor, on the affidavit of any one credible person, that any sum is due to the said Corporation for any tolls, rates or dues whatever, or that any penalty has been incurred under the By-laws of the said Corporation, or under the provisions of the said Act or of this Act, by the master, owner or person in charge of the said vessel or goods, or that the provisions of the said Act or of this Act have been infringed by any vessel or by the master, owner or person in charge thereof, or by the owner or person in charge of any goods, stating the particulars of such infringement; and such seizure and detention may take place either at the commencement of any action or proceeding for the recovery of any dues, penalties or damages, or pending such action or proceeding, as an incident thereto, or without the institution of any action or proceeding whatever.

When the seizure may take place.

Provisions of section 10 of 18 V. c. 143, to apply to this Act, and to By-laws made under it.

Service of process.

Description of defendant.

VI. The provisions of the tenth section of the said Act regulating the recovery of dues and penalties and the competency and sufficiency of witnesses, shall apply to this Act and to the By-laws made under the authority of this Act, to the same extent as if contained herein; and the service of any Writ of Summons, Warrant or Notice which may be required by law or by the practice of any Court of Justice to be made upon the master, owner or person in charge of any vessel whatever, shall be held to be well and validly made, if a duplicate or copy or original of such Writ, Warrant or Notice, as the case may be, is delivered to any grown person on board of such vessel, for the master, owner or person in charge thereof; and in any action or proceeding by the said Corporation, the defendant shall be held to be sufficiently described by the mention of his surname only; and any plea in abatement, *exception à la forme*, or other preliminary plea filed by the defendant, shall be summarily disposed of.

Special lien on the vessel for penalties, rates and dues.

Seizure and sale of vessel.

VII. The said Corporation shall have a special privilege upon any vessel and upon the proceeds thereof, by preference to all other claims and demands whatsoever, for the payment of all or any penalties, rates and dues, due and payable in respect of such vessel, or of the acts of the master, owner or person in charge thereof, and of all commutation of rates or dues; and any such vessel may be seized and sold, under any Writ or Warrant of execution, or of distress issued by any Court or by any Magistrate, upon any judgment or conviction at the suit of the said Corporation against the master, owner or person in charge thereof; and the said Corporation may seize and detain such vessel, or such vessel may be seized and sold, in manner aforesaid, in the possession or charge of any person whatever, whether in the charge or possession or the property of the person who was proprietor, when such penalties, rates or dues or commutation thereof accrued, or in the charge or possession of the property of a third person or persons; Provided always, that the rights conferred by this section be exercised within

Proviso: time for seizure limited.

three months from the period when such penalty or penalties, rates, dues or the commutation thereof, shall have accrued and become exigible.

VIII. From and after the passing of this Act the master or person in charge of every vessel in the said Harbour shall make the reports, exhibit the bills of lading, cargo book, or other vouchers mentioned in the sixteenth section of the said Act, and conform himself to all the provisions of the said section, and shall make such reports, at the office of the Wharfinger of the said Harbour, the whole within the time mentioned in the said section; and in default thereof shall be, and such vessel shall be subject to all the pains and penalties in the said section mentioned, and to the further penalty of five pounds currency for every twenty-four hours that shall elapse, after the arrival of such vessel in the said Harbour until such report shall be so made, and such bills of lading, cargo book, and other vouchers exhibited; the whole without any notice, demand or requirement on the part of the said Corporation so to do; and the master or person in charge of every vessel in the said Harbour shall be bound, under the penalties in the nineteenth section of the said Act mentioned, to conform to the provisions of the said nineteenth section, without being notified or required by the said Corporation so to do.

Master or person in charge of any vessel to make report at the office of the Wharfinger, in the manner required by section 16 of 18 V. c. 143.

IX. It shall be lawful for the said Commissioners, in the exercise of their duties in the improvement of the Navigation between Montreal and Quebec, to place buoys or other floating marks, for all purposes connected with the works by them carried on, and to be carried on, under the powers previously granted to them, at such points or places in the River St. Lawrence and in Lake St. Peter, as to them may seem needful and expedient, which buoys or floating marks all masters and owners of vessels or rafts shall avoid and keep clear of, at their own proper risk and peril; Provided always, that such buoys or floating marks shall be so placed as to obstruct the Navigation of the said River and Lake in as slight a degree as is consistent with the use for which they or any of them are intended.

The Commissioners may place buoys in the River and Lake St. Peter.

Provided.

X. If any injury be done to any of the quays, buoys, floating stock, steamers, or dredging vessels of the said Corporation, used in the said Harbour, or in the said River Saint Lawrence between Montreal and Quebec, or any obstruction whatever offered or made to the operations of the said Corporation in the said River between the said places, by any ships or vessels, or by the carelessness or wantonness of the crew thereof, while in the execution of their duty, or of the orders of their superior officers, it shall be lawful for the said Corporation to seize any such ship or vessel and detain her, until the injury so done shall have been repaired by the master or crew, or until security shall have been given by the said master to pay such amount for

Corporation may seize vessels doing injury to the works.

for injury and costs, as may be awarded in any suit which may be brought against him for the same, and he is hereby declared to be liable to the said Corporation for any such injury.

Schedule F to the said Act amended.

XI. From and after the passing of this Act the rates and dues in Schedule F annexed to the said Act, shall be amended, by striking out the words "nine pence per ton measurement of forty cubic feet," and substituting in lieu thereof the words, "three shillings and four pence upon every one hundred pounds of the value thereof."

Inconsistent enactments repealed.

XII. So much of the said Act as is inconsistent with the enactments contained in this Act is hereby repealed.

Commissioners declared to have a right to erect a certain gallery or passage over Capital Street.

XIII. Doubts having arisen as to the right of the said Harbour Commissioners to erect the gallery or passage over Capital Street in Montreal aforesaid, now existing, and of the sufficiency of the sanction given for such erection by the Corporation of Montreal, the said Harbour Commissioners are hereby authorized and empowered to retain the said gallery or passage as the same now is, and in the event of its destruction by accident or otherwise to replace it by a similar construction if they see fit; Provided always, that nothing herein contained shall take away the right of any person to claim damages in a civil action for any injury sustained in consequence of the erection of such gallery.

Proviso.

But see also, Cap. 127 of this Session.

Interpretation.

XIV. The Interpretation Act shall apply to this Act.

Public Act.

XV. This Act shall be a Public Act.

C A P . C X X V I I .

An Act to correct an Error in an Act of the present Session relative to the Harbour and Harbour Commissioners of Montreal.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it appears that an error has crept into the Act of the present Session hereinafter mentioned, and that injustice would be done if the same were not corrected: For remedy thereof, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Rights of the Commissioners to erect or retain a certain gallery, to be as if Cap. 126 of this Session

I. That for and notwithstanding any thing in the Act passed in the present Session, and intituled, *An Act to amend the Act to provide for the Management and Improvement of the Harbour of Montreal, and the deepening of the Ship Channel between Montreal and Quebec*, the Harbour Commissioners of Montreal shall not by virtue of the thirteenth section of the said Act, or any

any other part thereof, have any better or greater right to erect, retain, or replace the gallery or passage over Capital street in the City of Montreal, mentioned in the said section, than they had before the passing of the said Act, or than they would have had if the said thirteenth section had not formed part thereof.

had not been passed.

II. This Act shall be deemed a Public Act.

Public Act.

C A P . C X X V I I I .

An Act to amend an Act 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 to make further provisions concerning Pilots.

[Assented to 10th June, 1857.]

WHEREAS it is expedient to amend the Act cited in the title of this Act, and to make provision respecting Pilots : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

I. The Master, Deputy Master and Wardens of the Trinity House of Montreal, assembled under the said Act, shall have full power and authority to make a By-law establishing a new Tariff of rates to be paid for the Pilotage of Vessels between Quebec and Montreal, and between the several places mentioned in the twenty-third section of the said Act, distinguishing the rates upwards from the rates downwards, and the rates payable when the Vessel is towed by a Steamer or propelled by steam from the rates payable when the Vessel is not towed or propelled by Steam ; and such By-law being approved by the Governor in Council, shall have full force and effect at law, but may be repealed or altered by any By-law to be thereafter made and approved in like manner ; and whenever any such By-law shall be in force the Tariff of rates of Pilotage established by the said twenty-third section shall be repealed, and the penalty imposed by the said section on persons demanding, soliciting, receiving, paying or offering higher rates of Pilotage than those mentioned in the said section, shall be incurred by any person demanding, soliciting, receiving, paying or offering greater rates than those fixed by any such By-law then in force, and may be imposed and levied in like manner as other penalties imposed by or under the said Act.

Trinity House may make a new Tariff of rates of Pilotage between Quebec and Montreal, which being approved by the Governor in Council shall be valid.

Penalty for receiving or paying higher rates.

II. Whenever a Pilot shall have been engaged by the master or captain of a vessel, he shall be paid, although prevented by the said master or captain of such vessel or his representatives from accomplishing his engagement, except in cases where the captain of the vessel shall make a complaint against him, and shall establish the truth thereof against such Pilot.

Pilots once engaged must be paid.

Exception.

III.

Appeal granted to Pilots: and upon what conditions and in what cases.

III. An appeal to the Superior Court shall be allowed to Pilots, when they shall be condemned to the payment of fines exceeding Ten Pounds currency, within the fifteen days immediately following such condemnation, upon notice duly given within the said period of fifteen days, to the Trinity House of Montreal, and upon security being given for all costs incurred and to be incurred in the said proceeding, before any one of the Judges of the said Superior Court for the District of Montreal or the prothonotary of the said Court; provided that such appeal be supported by a petition setting forth the reasons, causes and motives of appeal from the original judgment; and such appeal shall be heard during the first juridical days of such Court, and the said Court after hearing the said appeal shall give such judgment therein as to them shall seem meet; and provided that all the proceedings, documents and evidence filed and adduced in the original proceedings before the Corporation of the said Trinity House, shall be and remain of record, and as such shall be preserved, and recourse shall be had thereto on the occasion of the said appeal.

Evidence before Trinity House to be preserved.

Pilots detained must be paid.

IV. Any pilot engaged and on duty who shall be detained by reason that the vessel is discharging powder, shall receive a compensation of fifteen shillings for every day he shall be so detained, over and above the rates of pilotage; provided that any such pilot may be discharged by the master or captain of such vessel, as though he had piloted the said vessel to its destination.

Proviso.

Pilots need only remain 24 hours on board after mooring, &c.

V. Whenever a vessel shall be towed by a steamer, the pilot having the pilotage of such vessel shall only be bound to remain on board such vessel, after having moored it firmly and in the ordinary manner, for a period of twenty-four hours, instead of forty hours as prescribed by the By-laws at present existing.

Inconsistent enactments repealed.

VI. All the provisions of the Act above cited which may be inconsistent with this Act, are hereby repealed.

Public Act,

VII. This Act shall be deemed a Public Act.

C A P . C X X I X .

An Act to make more ample provision for the incorporation of the Town of Three-Rivers.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the provisions of the Lower Canada Municipal and Road Act of 1855, and the Act amending the same of 1856, do not meet the present wants of the Town of Three-Rivers, and it has become necessary to make more ample provision for the internal management of the said Town: Therefore, Her Majesty, by and with the advice and consent of the Legislative

Legislative Council and Assembly of Canada, enacts as follows :

I. 1. The Act passed in the Session held in the fifty-seventh year of the Reign of His late Majesty, George the Third, chapter sixteen, intituled, *An Act more effectually to provide for the regulation of the Police in the Cities of Quebec and Montreal, and the Town of Three-Rivers, and for other purposes therein mentioned*, and the Ordinance of the seventeenth year of the Reign of His late Majesty George the Third, chapter thirteen, intituled, *An Ordinance for preventing accidents by fire*, the Lower Canada Municipal and Road Act of 1855, and the Act of 1856 amending the same, are hereby repealed, in so far as they relate to the Town of Three-Rivers ;

57 G. 3, c. 16—
17 G. 3, c. 13,
and L. C. Municipal and Road Acts repealed in so far as they relate to Three-Rivers.

2. The inhabitants of the Town of Three-Rivers, and their successors shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of the " Corporation of the City of Three-Rivers," and by the same name they and their successors shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes, suits at law whatsoever, and shall have a Common Seal, with power to alter and modify the same at their will and pleasure ; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said City ; of becoming parties to any contracts or agreements in the management of the affairs of the said City ; and of giving or accepting any notes, bonds, obligations, judgments, or other instruments or securities, for the payment of, or securing the payment of any sum of money borrowed or loaned, or for the execution or guaranteeing the execution of any duty, right or thing whatsoever ;

The City of Three-Rivers incorporated.

Corporate powers.

3rd. Upon the said Corporation shall devolve all the powers, privileges and duties conferred or imposed upon the Municipal Council of the said Town, by the Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, chapter one hundred and four, intituled, *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*.

Transfer of certain powers and duties to the said Corporation.

II. The said City of Three-Rivers shall be bounded as follows, to wit : in front by the River St. Lawrence, in rear by a line parallel to the general course of the said river, at a distance of one hundred and sixty chains from the west point of the mouth of the river St. Maurice, on the east side by the east bank of the said river St. Maurice, and on the west side by a line at right angles to the said rear-line, commencing from a point therein, at a distance of one hundred and sixty chains from the west bank of the said river St. Maurice, until it reaches the

Boundaries of the City.

the said river St. Lawrence, including the Islands in the river St. Maurice within the said limits.

Wards : their names ;

III. 1st. For the purposes of this Act, the said City of Three-Rivers shall be and is hereby divided into four wards, which shall respectively be called and known as " St. Philip's Ward," " St. Louis Ward," " Ste. Ursule Ward," and " Notre-Dame Ward," and shall be bounded as follows, to wit :

And boundaries :

St. Philip's Ward.

2. St. Philip's Ward shall be bounded in front by the river St. Lawrence, on the south-west and in rear by the limits of the City, on the north-east by the rear line of the building lots situated upon the north-east side of St. George and Bell streets ;

St. Louis Ward.

3. St. Louis Ward shall be bounded in front by the river St. Lawrence, on the south-west by St. Philip's Ward, in the rear by the limits of the City, and on the north-east by a line passing through the centre of Bonaventure and Caserne streets, to the river ;

St. Ursule Ward.

4. St. Ursule Ward shall also be bounded in front by the River St. Lawrence, on the south-west by St. Louis Ward, on the north-west by the rear line of the building lots situate to the north-west of St. Joseph street and that crossing from the south-east of the Court House, continued in a straight line as far as the east bank of the river St. Maurice ;

Notre-Dame Ward.

5. Notre-Dame Ward shall be bounded on the south-west by St. Louis Ward, on the north-west and north-east by the limits of the City, and on the south-east by St. Ursule Ward.

Mayor and Councillors to be elected.

IV. There shall be elected, from time to time, in the manner hereinafter mentioned, a fit and proper person who shall be and be called the Mayor of the said City of Three-Rivers, and eight fit persons who shall be and be called Councillors of the City of Three-Rivers ; and such Mayor and Councillors for the time being, shall form the Council of the said City, and shall be designated as such, and shall represent for all purposes whatsoever the " Corporation of the City of Three-Rivers."

Qualifications of Mayor.

V. 1. No person shall be capable of being elected Mayor of the City of Three-Rivers unless he shall have been a resident householder within the said City for one year before such election, nor unless he be possessed to his own use of real estate, within the said City, of the value of four hundred pounds currency, after payment or deduction of his just debts ;

Qualifications of Councillors.

2. No person shall be capable of being elected a Councillor of the said City, unless he shall have been a resident householder within the said City for one year before each election,

election, nor unless he be possessed to his own use of real estate within the said City, of the value of two hundred pounds currency, after payment or deduction of his lawful debts;

3. No person shall be capable of being elected Mayor or Councillors of the said City of Three-Rivers, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years ;

Further qualifications.

4. No person being in Holy Orders or the Ministers of any religious belief whatever, the Members of the Executive Council, nor Judges, Sheriffs or Officers of any Court of Justice, nor Officers on full pay in Her Majesty's Army or Navy, nor any person accountable for the revenues of the said City, or receiving any pecuniary allowance from the City for his services, nor any officer or person presiding at the election of the Mayor or the Councillors, while so employed, nor any person who shall have been convicted of treason or felony in any Court of law within any of Her Majesty's dominions, nor any person having in person or through his partner, any contract whatever or interest in any contract with or for the said City, shall be capable of being elected Mayor or Councillor for the said City ; Provided always, that no person shall be held incapable of being elected Mayor or Councillor for the said City, from the fact of his being a shareholder in any Incorporated Company, which may have a contract or agreement with the said City ;

Who may not be Mayor or Councillor.

Proviso.

5. The following persons shall not be obliged to accept the office of Mayor or Councillor of the said City, nor any other office to be filled by the council of the said City, viz : Members of the Provincial Legislature, Practising Physicians, Surgeons and Apothecaries ; Schoolmasters actually engaged in teaching ; Branch Pilots ; persons over sixty years, and the Members of the Council of the said City, at the time of commencement of the present Act, or who have been so within the two years next preceding, and the persons who shall have fulfilled any of the offices under such Council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such service or payment.

Who shall not be bound to accept the said offices.

VI. The persons entitled to vote at the Municipal Elections of the said City shall be the male inhabitant freeholders and householders of the age of twenty-one years, rated upon the assessment roll of the said City and residing therein, possessed at the time, of real property in the said City, of the yearly value of twenty shillings currency ; and tenants of the age of twenty-one years, who shall have resided in the said City, and paid rent during the six months immediately preceding the election, on a dwelling-house or part of a dwelling-house, at the rate of not less than three pounds currency per annum ;

Who may vote at elections.

and

his deputies for the first election, and the said Councillor and his deputies for all purposes relating to elections, shall have the same powers and the same duties as the Registrars and their duties have, for the first election ;

Powers of person presiding and his Deputies.

5. The person who shall preside at an election and his deputies in each Ward, shall, during such election be conservators of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law, as are vested in the Justices of the Peace, and this, whether the said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law, and it shall be lawful for the President to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary or be required so to do by five electors.

Notice of first meeting of Council.

X. 1. The person presiding at any such election shall, within two days from the closing of the election, give to the Mayor and each of the Councillors so elected, special notice of their said election, as well as of the place, the day, and the hour, appointed for the first meeting of the Council take place after their said election : The Mayor and Councillors so elected shall enter respectively into office as such, at the said first meeting, and shall remain in office until the appointment of their successors ;

Entry into office.

Poll books, &c., to be delivered up to Secretary Treasurer, &c.

2. The person presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the City Council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the Poll Books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same certified by the Secretary-Treasurer, shall be valid in any Court of Justice ;

Mayor and Councillors to take oath of office.

3. The first session of the Council, after the first election, shall take place within eight days immediately following the said election, and at such meeting the Mayor and Councillors shall take the following oath :

“I, A. B., do solemnly swear faithfully to fulfil the duties of member of the City Council of Three-Rivers to the best of my judgment and ability ; So help me God.”

Quorum at first meeting.

And the members then present, provided they form a majority of the Council, shall be authorized to act as the Council, and all members absent without just cause shall be held to have refused the office, and be liable to the fine hereinafter provided for in like cases, unless they be persons who are exempted from serving ;

4. The Mayor and Councillors elected at the elections subsequent to the first, shall enter into office on the day of their nomination, and a meeting of the Council shall take place within eight days after, in the same manner as after the first election, and the Mayor and Councillors elected shall take the same oath, and those absent without just cause shall be held to have refused the office, and shall be liable to the penalty provided in like cases, unless they be persons who are exempted from serving;

When Mayor elected after first election shall go into office.

5. Five members of the Council shall constitute a quorum ;

Quorum.

6. The expenses of every election shall be defrayed out of the funds of the Corporation.

Expenses.

XI. 1. In any case in which one of the persons elected shall refuse to act as Mayor or Councillor, or that his election being contested shall be declared null, the Ward for which the said Councillor shall have been elected, shall proceed to a new election, and elect a person to replace the said Councillor within one month after the said refusal shall have been made necessary, or that the said election shall have been declared null ; and if it be the Mayor who shall refuse to accept, or whose election shall have been declared null, the electors of the City shall proceed to a new election for such Mayor, within the same delay ; and in such case the Poll shall be held only at the City Hall, and the said election shall be conducted in the same manner as annual elections ;

In case the Mayor or Councillors shall refuse to act.

If the Mayor refuses, &c.

2. In case of the death of the Mayor or a Councillor, or in case of his absence from the City, or incapacity of acting as such, either from infirmity, sickness, or any other cause, during three calendar months, the other Councillors, at the first meeting of the Council which shall take place after such decease, or the expiration of the said period of three months, shall appoint from amongst the inhabitants of the City another Mayor or Councillor to replace the Mayor or Councillor so deceased, absent, or rendered incapable, as above mentioned ; Provided, however, that notwithstanding the decease, absence, or inability to act, of the said Mayor, or the said Councillor, the remaining Councillors shall continue to exercise the same powers and fulfil the same duties which they would have had to exercise or fulfil, had not such decease, absence, or inability to act on the part of the said Mayor or Councillor taken place ;

In case of the absence, death or incapacity of Mayor or Councillors.

Proviso : remaining Councillors empowered to act.

3. Every Mayor or Councillor so elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Duration of office.

XII. Before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which

Presiding Officer at election to take oath.

his deputies for the first election, and the said Councillor and his deputies for all purposes relating to elections, shall have the same powers and the same duties as the Registrars and their duties have, for the first election ;

Powers of person presiding and his Deputies.

5. The person who shall preside at an election and his deputies in each Ward, shall, during such election be conservators of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law, as are vested in the Justices of the Peace, and this, whether the said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law, and it shall be lawful for the President to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary or be required so to do by five electors.

Notice of first meeting of Council.

X. 1. The person presiding at any such election shall, within two days from the closing of the election, give to the Mayor and each of the Councillors so elected, special notice of their said election, as well as of the place, the day, and the hour, appointed for the first meeting of the Council take place after their said election : The Mayor and Councillors so elected shall enter respectively into office as such, at the said first meeting, and shall remain in office until the appointment of their successors ;

Entry into office.

Poll books, &c., to be delivered up to Secretary Treasurer, &c.

2. The person presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the City Council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the Poll Books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same certified by the Secretary-Treasurer, shall be valid in any Court of Justice ;

Mayor and Councillors to take oath of office.

3. The first session of the Council, after the first election, shall take place within eight days immediately following the said election, and at such meeting the Mayor and Councillors shall take the following oath :

“I, A. B., do solemnly swear faithfully to fulfil the duties of member of the City Council of Three-Rivers to the best of my judgment and ability ; So help me God.”

Quorum at first meeting.

And the members then present, provided they form a majority of the Council, shall be authorized to act as the Council, and all members absent without just cause shall be held to have refused the office, and be liable to the fine hereinafter provided for in like cases, unless they be persons who are exempted from serving ;

4. The Mayor and Councillors elected at the elections subsequent to the first, shall enter into office on the day of their nomination, and a meeting of the Council shall take place within eight days after, in the same manner as after the first election, and the Mayor and Councillors elected shall take the same oath, and those absent without just cause shall be held to have refused the office, and shall be liable to the penalty provided in like cases, unless they be persons who are exempted from serving;

When Mayor elected after first election shall go into office.

5. Five members of the Council shall constitute a quorum; Quorum.

6. The expenses of every election shall be defrayed out of the funds of the Corporation.

Expenses.

XI. 1. In any case in which one of the persons elected shall refuse to act as Mayor or Councillor, or that his election being contested shall be declared null, the Ward for which the said Councillor shall have been elected, shall proceed to a new election, and elect a person to replace the said Councillor within one month after the said refusal shall have been made necessary, or that the said election shall have been declared null; and if it be the Mayor who shall refuse to accept, or whose election shall have been declared null, the electors of the City shall proceed to a new election for such Mayor, within the same delay; and in such case the Poll shall be held only at the City Hall, and the said election shall be conducted in the same manner as annual elections;

In case the Mayor or Councillors shall refuse to act.

If the Mayor refuses, &c.

2. In case of the death of the Mayor or a Councillor, or in case of his absence from the City, or incapacity of acting as such, either from infirmity, sickness, or any other cause, during three calendar months, the other Councillors, at the first meeting of the Council which shall take place after such decease, or the expiration of the said period of three months, shall appoint from amongst the inhabitants of the City another Mayor or Councillor to replace the Mayor or Councillor so deceased, absent, or rendered incapable, as above mentioned; Provided, however, that notwithstanding the decease, absence, or inability to act, of the said Mayor, or the said Councillor, the remaining Councillors shall continue to exercise the same powers and fulfil the same duties which they would have had to exercise or fulfil, had not such decease, absence, or inability to act on the part of the said Mayor or Councillor taken place;

In case of the absence, death or incapacity of Mayor or Councillors.

Proviso: remaining Councillors empowered to act.

3. Every Mayor or Councillor so elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Duration of office.

XII. Before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which

Presiding Officer at election to take oath.

which any Justice of the Peace, residing in the said City is hereby authorized to administer, that is to say :

The oath.

“ I do solemnly swear, that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of Presiding Officer at the election which I am about to hold for persons to serve as members of the City Council of Three Rivers : So help me God.”

Presiding Officer to examine candidates upon oaths as to qualification.

XIII. The officer presiding at any election under this Act shall have authority, and he is hereby required at the request of any person qualified to vote at such election, to examine on oath (*or affirmation, when the party is allowed by law to affirm*) any candidate for the office of member of the said City Council, respecting his qualification to be elected to the said office ; and shall also have authority, and he is hereby required upon such request as aforesaid to examine upon oath (*or affirmation*) any person tendering his vote to any election, and the oath to be administered by the presiding officer in both cases shall be in the form following, viz :

The oath.

“ You shall true answer make to all questions put to you by me in my capacity of Presiding Officer at this election, respecting your qualification to be elected a member of the City Council, (*or respecting your qualification to vote at this election, as the case may be*) : So help you God.”

May put other questions.

And the presiding officer shall himself put the questions which he shall deem necessary.

Poll books to be attested upon oath.

XIV. At all the elections held under this Act, the poll books containing the names of the voters and other matters, shall be certified on oath by each of the deputies or clerks who shall have presided at such election in the respective wards of the said City, each of the said clerks or deputies certifying his own, before any Justice of the Peace residing in the said City, which oath the said Justice of the Peace is hereby authorized to administer, and which shall be in the form following :

The oath.

“ I, A. B., do swear that the Poll Book kept by me at the Municipal Election for Ward No. , of the City of Three-Rivers, is just and correct to the best of my knowledge and belief : So help me God.”

False swearing to be perjury.

XV. If any person being examined upon oath or affirmation under this Act as to his qualification to vote or to be elected, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall be subject to the same penalties as in cases of other wilful and corrupt perjury.

XVI. The said City Council shall meet at least once in each month for the transaction of the business of the said City, and shall hold their sittings in the City Hall or in any other place in the said City which shall have been set apart for the purpose, either temporarily or permanently ; Provided always, that one or several members, not sufficient to form a quorum, may adjourn any meeting of the Council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members at the regular or adjourned meeting as aforesaid, and to impose such penalties upon such absent members for a repetition of the offence, as may be provided by any By-law of the said City Council for that purpose.

Times and places of meetings of the Council.

Proviso, as to adjournments and penalties for non-attendance.

XVII. It shall be lawful for the Mayor of the said City whenever he shall deem it necessary or useful, to call special meetings of the said Council, and whenever two members shall be desirous of obtaining such special meeting, they shall apply to the Mayor to call such meeting, and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-Treasurer of the said Council, their object in calling such special meeting, and the day on which they are desirous that it shall be held ; and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the Council.

Mayor may call special meetings.

And in case of his absence or refusal.

XVIII. 1. If the election of all, or of one or more of the Councillors be contested, such contestation shall be decided by the Circuit Court for the Circuit of Three Rivers ;

Decision of contested elections by Circuit Court.

2. Every such election may be so contested by one or more of the Candidates, or at least ten of the electors of the said City ;

Who may contest ;

3. The said contestation shall be brought before the Court, by a petition signed by the petitioner or petitioners, or by any Attorney duly authorized, setting forth in a clear manner the grounds of such contestations ;

And how.

4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Mayor, Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the Court ; and a return of the service shall be drawn up and signed in due form upon the original of the said petition by the Bailiff who shall have made such service ; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later ;

Form of proceedings.

Time for contesting limited.

Security for costs.

nor shall any such petition be received, unless security for costs be given by the petitioners in the presence of a judge of the Superior or Circuit Courts or of the Clerk of the Circuit Court for the said Circuit of Three-Rivers, or his deputy ;

Courts may proceed in a summary manner.

5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to void the election, it shall order proof to be adduced if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem expedient ; and shall proceed in a summary manner to hear the said contestation ; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order ; And if the trial of such contestation be not concluded at the close of the term of the Court during which it began, the Judge shall continue the same in vacation : and shall adjourn from day to day until he shall have pronounced his final judgment upon the merits of the same : And every such judgment so pronounced and all proceedings had in any such case in vacation shall have the same effect as if the same had been pronounced or had in term ;

Evidence.

Judgment to be final.

What may be declared by the judgment.

6. The Court may, on such contestation confirm the election or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class brought in such Circuit Court ; and the Court may order its judgment to be served upon the Secretary-Treasurer of the Council, at the expense of the party condemned to payment of costs, as aforesaid ;

With respect to defects or irregularities.

7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the Court may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the election.

In case any annual Municipal election shall not be held.

XIX. In case it shall at any time happen that an Annual Municipal Election shall not be held, for any reason whatever, on the day when, in pursuance of this Act, it ought to have been held, the said City Council shall not, for that cause be deemed to be dissolved, and it shall be lawful for such members of the said Council as shall not have retired from office, to meet again, for the purpose of fixing as early as possible a day for the holding of such Annual Municipal Election ; and in such case, the notices and publications required by this Act shall be published, and posted up not less than one clear day before the election : And if it be the first election which has not taken place, then it shall be the duty of the Registrar to have it take place within the shortest possible delay.

XX. The said Council shall have power to punish by imprisonment not exceeding fifteen days, or by a fine which shall not exceed, but may be less than fifteen pounds currency, any Councillor who may be guilty of serious disturbance or violence during its sittings, either by action, by word or in any other manner whatsoever.

Power to Council to impose penalties.

XXI. All meetings of the said Council shall be public, excepting only when the said Council shall enquire into the conduct of any members of their own body, for any causes whatsoever, in which case it shall be lawful for the said Council to sit with closed doors; and the said council shall determine the mode of their proceedings, and shall have power to cause order to be observed by persons present during their sittings, and to punish by fine and imprisonment, or by one of the two, any act of contempt committed by any such persons present: Provided always, that no such fine shall exceed the sum of five pounds currency, and that no such imprisonment exceed the period of fifteen days.

Certain other powers of Council.

Meetings to be public.

Contempts.

Proviso.

Fines limited.

XXII. The Sheriff and Gaoler of the District of Three-Rivers shall be bound, and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said City Council, or any member or officer thereof under the authority thereof.

Duties of Sheriff and Gaoler.

XXIII. Whenever the Mayor shall not be present at a regular or special meeting of the said City Council, the Councillors present shall choose one of their number to discharge the duties of Chairman during the meeting.

Absence of Mayor provided for.

XXIV. 1. The Council, at its first general session, or at a special session, held within fifteen days, which shall follow the first day of such general session, shall appoint an officer who shall be called the "Secretary-Treasurer of the Council;"

Secretary-Treasurer appointed.

2. The Secretary-Treasurer of the Council shall be the custodian of all the books, registers, valuation-rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the Council; he shall attend all sessions, and shall enter in a Register kept for the purpose all the proceedings of the Council, and he shall allow persons interested therein, to inspect the same at all reasonable hours; And every copy or extract of or from any such book, register, valuation-roll, collection-roll, report, *procès-verbal*, plan, map, record, document or paper certified by such Secretary-Treasurer, shall be deemed authentic;

Duties of Secretary-Treasurer.

His certificate to make certain documents authentic.

3. Every person appointed Secretary-Treasurer to the Council shall, before acting as such, give the security hereinafter mentioned;

Security to be given by him.

- Sureties ; and bound.** 4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such : All such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may, at any time be accountable to the Corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office ;
- Security bonds.** 5. Every security bond shall be made by an Act before a Notary and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same ;
- To be registered : and its effect when registered.** 6. Every such security bond, when duly registered in the registry office for the Registration Division of Three-Rivers, shall carry with it a hypothec (*hypothèque*) only on such immoveable property as shall have been therein designated : And it shall be the duty of the Chief Officer of the Council to cause it to be registered immediately on receipt thereof ;
- The Secretary Treasurer shall receive and pay out the moneys of the Corporation.** 7. The Secretary-Treasurer of every Council shall receive all moneys due and payable to the Corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the Municipality, whenever thereunto authorized by the Council, but no such draft or order shall be lawfully paid by the said Secretary-Treasurer, unless the same shall shew sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby ;
- Shall keep the books.** 8. The Secretary-Treasurer shall keep in due form, books of account in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure ;
- To render attested accounts.** 9. The Secretary shall render to the Council every six months, that is to say, in the months of June and December in each year, or oftener, if required by such Council, a detailed account of his receipt and expenditure, attested by him under oath ;
- Books to be open to public.** 10. The Secretary-Treasurer's books of account and vouchers shall, at all reasonable hours of the day be open for inspection, as well to the Council and to each of the members thereof, and the Municipal Officers by them appointed, as to any person liable to assessment in the City.

11. The Secretary-Treasurer, or any other person who shall have filled the said office, may be sued by the Mayor in the name of the Corporation, before any tribunal of competent jurisdiction, for an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account; and if he render an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have credited himself with, or as the Court shall think he ought to be held accountable for; and every judgment pronounced in any such suit shall include interest at twelve per cent. on the amount thereof, by way of damages, together with the costs of suit

He may be sued by the Mayor in the name of the Corporation.

Damages in such suit.

12. Every such judgment shall carry *contrainte par corps* against the said Secretary-Treasurer, according to the laws in force in like cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account;

Contrainte par Corps.

13. The Council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this Act, or of any By-law or regulation of such Council;

Power of Council to appoint officers.

14. Every Municipal Officer, whether elected or appointed shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office;

Officers retiring—their duties.

15. If any such officer die or absent himself from Lower Canada without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor within one month from his death or from his departure from Lower Canada;

In case of death or absence from Lower Canada.

16. And in every such case the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any Court of Justice, either by *saisie revendication*, or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or insignia, together with costs and damages in favour of the Corporation: and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, each time the said *contrainte* is demanded by the declaration.

His successor to have a right of action for certain purposes.

Assessors to be appointed; their duties.

XXV. The said City Council shall have power whenever they may deem advisable to appoint three assessors or valuers of property, and it shall be the duty of the said assessors to estimate the rateable property in the said City according to its real value, and within the periods which shall be fixed by the said City Council.

Assessors to take oath.

XXVI. Every person so appointed assessor, shall be bound, before proceeding to the valuation of any property in the said City, to take the following oath before the Mayor of the said City, or in his absence, before a Councillor, to wit:

The oath.

“ I, _____, having been appointed one of the assessors of the City of Three-Rivers, do solemnly swear, that I will diligently and honestly discharge the duties of that office to the best of my ability: So help me God.”

Real property qualification.

XXVII. The assessors who shall be appointed for the said City, shall be proprietors of real estate in the said City of the value of at least two hundred and fifty pounds currency of this Province.

Proceedings of Council upon deposit of assessment roll.

XXVIII. When the assessors shall have made a valuation of all the rateable property of the said City, they shall deposit the assessment roll with the Secretary-Treasurer of the said City, and notice of such deposit shall be given by the Secretary-Treasurer in a newspaper published in the said City: And at the next ensuing meeting of the said Council, the said assessment roll shall be produced, and if they desire it, examined by the Councillors; and the assessment roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting; and during that period, it shall remain open to the inspection of all persons whose property shall have been estimated, or their representatives; and within that period persons considering themselves aggrieved may give notice in writing to the Secretary-Treasurer of their intention to appeal to the said City Council, complaining of any excessive valuation, and such appeal shall be tried by the said Council, at the first meeting which shall be held after the expiration of the month above mentioned; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just; and at the same meeting the said assessment roll shall be declared closed for two years; unless, however, from the number of appeals, the Council shall be compelled to adjourn, in which case the said assessment roll shall not be declared closed until all the appeals shall have been heard and determined; Provided always, that if, after the said assessment roll shall have been declared closed as aforesaid, any property in the said City should suffer any considerable diminution in value,

Proviso, as to, reduction of property in value.

value, either through fire, demolition, accident or any other reasonable cause, it shall be lawful for the said Council, upon the petition of the proprietor, to instruct the assessors to reduce their valuation of such property to its then actual value ; And provided also, that if any omission shall have been made in the said assessment roll, the said Council may order the assessors to value any property so omitted, in order to its being added to the roll.

Proviso.

XXIX. At the first meeting after each Annual Municipal Election, two persons shall be appointed by the said City Council, to be Auditors of the accounts of the said Council ; and such Auditors shall take the following oath, before any one of the Justices of the Peace residing in the said city, that is to say :

Two Auditors of accounts to be appointed, and sworn.

"I, _____, having been appointed to the office of Auditor of the city of Three-Rivers, do hereby swear, that I will faithfully perform the duties thereof, according to the best of my judgment and ability ; and I do declare that I have not directly or indirectly any share or interest whatever, in any contract or employment with, by, or on behalf of the City Council of the said city of Three-Rivers : So help me God."

The oath.

XXX. It shall be the duty of the Auditors to examine, approve, or disapprove of and report upon all accounts which may be entered in the books of the said Council or concerning them, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said City Council, and may then remain unsettled ; and to publish a detailed statement of the receipts and expenditure, and of the assets of the said Council, in two Newspapers, (one in the English and the other in the French language,) published in the said city, at least fifteen days before the Annual Municipal Elections.

Duty of Auditors.

Detailed accounts to be published.

XXXI. The Auditors who shall be appointed for the said city, shall be proprietors of real estate therein of the value of at least one hundred and twenty pounds currency ; Provided always, that neither the Mayor, Councillors, Secretary-Treasurer of the said city, nor any person receiving any salary from the said Council, either for any duty performed under their authority or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said city.

Real property qualification of Auditors.

Proviso : certain parties disqualified.

XXXII. The Mayor of the said City of Three-Rivers, shall, during the period of his office, be a Justice of the Peace, in and for the District of Three-Rivers notwithstanding any disqualification he may be subject to by law.

Mayor to be Justice of the Peace.

XXXIII. Every person holding the office of Councillor of the said city, who shall be declared a Bankrupt or shall become Insolvent, or who shall apply for the benefit of any of the laws made

How Councillors shall be disqualified.

made

made for the relief or protection of insolvent debtors ; or who shall enter into Holy Orders, or become a Minister of Religion in any religious denomination, or who shall be appointed a Judge or Clerk of any Court of Justice, or a member of the Executive Council, or who shall become responsible for the revenues of the city, in whole or in part, or who shall absent himself from the said city, without the permission of the said Council, for more than two consecutive months, or who shall not be present at the meetings of the said Council for a like period of two consecutive months, shall, by virtue of any one of these causes, become disqualified, and his seat in the said Council shall become vacant ; and such person shall be replaced in accordance with the provisions of this Act ; Provided always, that the word "Judge" employed in any part of this Act shall not apply to a Justice of the Peace.

Vacancy to be filled.

Proviso.

Town Council may make By-laws for certain purposes.

XXXIV. It shall be lawful for the said City Council, from time to time to make such By-laws as may seem to them necessary or expedient for the internal government of the city, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing and draining of the streets, public squares, and vacant or occupied lots ; for the prevention or suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said city.

May appoint and remove officers.

XXXV. It shall be lawful for the said City Council to appoint, remove and replace when they shall think proper, all such Officers, Constables and Policemen as they shall deem necessary for the due execution of the laws and by-laws now in force or to be by them enacted hereafter, and to require from all persons employed by them in any quality whatsoever, such security as to them shall seem meet to ensure the due execution of their duties.

Council may levy taxes :

XXXVI. In order to raise the necessary funds to meet the expenses of the said City Council, and to provide for the several necessary public improvements in the said City, the said City Council shall be authorized to levy annually on persons and on moveable and immoveable property in the said City, the taxes hereinafter designated, that is to say :

Upon real property ;

1. On all lands, City lots, and parts of City lots, whether there be, buildings erected thereon or not, with all buildings and erections thereon, the sum of one penny in the pound on their whole value, as entered on the Assessment Roll of the said City ;

And upon certain moveable property.

2. On the following moveable property a like annual sum of one penny in the pound at the value herein specified ;

Every horse kept for covering mares shall be rated at one hundred pounds ;

Every horse kept for hire or gain, at fifteen pounds ;

Every horse above the age of three years, and kept for domestic purposes, ten pounds ;

Every bull or ram, at ten pounds ;

Every head or horned cattle, aged two years and more, at ten pounds ;

Every covered carriage with four wheels, fifty pounds ;

Every open carriage with four wheels and two seats, at twenty pounds ;

Every curricule or light waggon with one seat, at ten pounds ;

Every two horse sleigh, at fifteen pounds ;

Every one horse sleigh, at five pounds ;

Provided always, that all winter and summer vehicles used solely for the purpose of drawing loads, and all vehicles commonly called draught vehicles, and also one milch cow for each family, and any animal of a less value than five pounds, shall be exempt from any tax whatsoever ;

Proviso :
Certain personal property exempt.

3. On the stock in trade of all descriptions, kept by merchants and dealers, exposed for sale in shops, or kept in vaults or store-houses, a tax of one eighth per cent. on the average estimated value of such stock in trade ; and the Seigniors of the *censive* within which the said City is situate shall pay in proportion to their lucrative rights, one fortieth part of the sum levied upon the immoveable property in the said City, each Seignior paying in proportion to the interest held by him in the said *censive* : Provided always, that the total sum, the fortieth part whereof shall have been so taken, shall not include the sum which shall have been imposed upon the domaine and other private property of such Seigniors ;

Upon merchandise.

Seigniors.

Proviso.

4. On all tenants paying rent in the said City, an annual sum equal to six pence in the pound on the amount of rent ;

Tenants.

5. On each male inhabitant of the age of twenty-one, who shall have resided in the said City during six months, and who shall not be liable to the payment of any tax in virtue of this Act, an annual sum of five shillings ;

Male inhabitants.

Dogs

6. On every dog kept by persons residing in the said City, an annual sum of five shillings ;

On certain professions, trades, &c.

7. And it shall be lawful for the said Council to impose certain duties or annual taxes on the proprietors or occupiers of houses of public entertainment, taverns, coffee-houses, and eating-houses ; and on all retailers of spirituous liquors, and on all pedlars and petty chapmen bringing for sale into the said City, any articles of commerce of any kind whatsoever ; and on all proprietors, occupiers, agents, managers or keepers of Theatres, circuses, manageries, billiard-tables, ball-alleys, or other games or amusements of any description ; and on all auctioneers, grocers, bakers, butchers, hucksters, carters, livery stable keepers, brewers and distillers ; on all traders and manufacturers ; on all proprietors or keepers of wood or coal yards and slaughter-houses in the said City ; on all money changers, or money brokers, pawnbrokers and their agents, on all bankers and their agents ; on all assurance companies or their agents, and, generally, on all trades, manufactories, occupations, arts and professions which have been or may be exercised and introduced in the said City, whether the same be or be not mentioned herein ; and the stores or workshops of mechanics shall be divided into a first and second class, and every ware-room or workshop which shall be declared by the Assessors to rank in the first class, shall be assessed at the rate of five shillings per annum, and those of the second class at one shilling and three pence per annum ;

Classes of stores or work shops.

Commutation in respect to statute labor.

And the said Council shall also have power to fix the amount of personal commutations, that is to say, of the sum payable by each person liable to statute labour on the streets and side walks of the said City, and to refuse the labour of such person for the said purpose, if the Council shall think proper to undertake the same ; Provided always, that every such sum demanded for personal commutation shall be equitably established in proportion to the labour to be done, by arbitrators, if any one of the parties shall require it.

Proviso.

Council may also make By-laws with respect to :

XXXVII. The said Council shall also have power to make By-laws :

Conceding lots and opening streets in the Common.

For the concession of emplacements and for opening new streets in the common of the said City, to such extent as may from time to time be required, and upon such conditions as the Council may deem proper, any law to the contrary notwithstanding ;

Markets.

For establishing one or more new market places ; and for extending the market places now existing or which may be hereafter established ; the whole subject to the payment of the damages which may be incurred by parties in consequence of their respective lands being encroached upon by the extension of such market places ;

For determining and regulating the duties of the Clerks of the markets in the said City, and all other persons they may deem proper to employ to superintend the said markets; and for letting the stalls and other places for selling, upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling on any of the said markets, any provisions or produce whatever; and for regulating the conduct of all such persons in selling their goods; and to provide for the weighing or measuring as the case may require, by the officers named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale on the said markets;

Clerks of markets, and their duties.

Weighing and measuring.

For amending, modifying or repealing the regulations and By-laws, or such of them as they may deem advisable, made by the Court of General and Quarter Sessions of the Peace in and for the District of Three-Rivers on the tenth day of July, one thousand eight hundred and seventeen, and subsequently confirmed by the former Court of King's Bench for the said District on or about the thirtieth day of September, one thousand eight hundred and seventeen, and all other By-laws made by the Municipal Councils who have had the management of the internal affairs of the said City;

Amending By-laws made by Quarter Sessions and other former authorities.

For regulating and placing all vehicles in which any articles shall be exposed for sale on the said markets;

Vehicles on markets.

For preventing persons bringing articles of any kind into the said City, from selling or exposing them for sale in any other place than the markets of the said City;

Sales in markets

For regulating the weighing and measuring of all cord-wood, coals, salt, grain, lime and hay, brought or sold in the said City, by strangers or persons residing therein;

Cordwood, &c.

For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe in the above matters the By-laws which the said Council shall hereafter deem useful to establish;

Weights and measures.

For preventing obstructions of any nature whatsoever in streets;

Obstructions.

For preventing the sale on the public highway of any wares or merchandize whatsoever;

Sales on public highways.

For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to such restrictions as they may deem expedient;

Sale of intoxicating liquors.

- Licenses.** For determining under what restrictions and conditions and in what manner the Revenue Inspector of the District of Three-Rivers shall grant Licenses to merchants, traders, shop keepers, tavern keepers, and other persons to sell such liquors ;
- Sum payable.** For fixing the sum payable for every such License, provided that in any case it shall not be less than the sum which is now payable therefor by virtue of the laws at present in force ;
- Regulation of shopkeepers.** For regulating and governing all shop-keepers, tavern keepers, and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness ;
- Sale of liquor to children, apprentices, &c.** For preventing the sale of any intoxicating beverage to any child, apprentice or servant ;
- Cruelty to Animals.** For preventing the driving of vehicles at an immoderate pace in the said City, or riding on horseback on the sidewalks of the said City, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burthens of too great a weight ;
- Bread.** For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said City ;
- Servants and apprentices.** For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said City, and also certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen ;
- Gaming Houses, &c.** To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said City ;
- Pounds.** To establish as many public pounds as the said Council shall deem expedient to open for the impounding of animals of any species which may be running at large in the said City ;
- Police.** For regulating, arming, lodging, clothing and paying a Police Force in the said City, and for determining their duties ;
- Interments.** For fixing and regulating the places in which interments may take place within the said City ; for compelling the taking up of any body interred within the said limits contrary to this provision : Provided always, that this paragraph shall not extend to prevent interments in the Churches in the said City ;
- Proviso.**
- Enclosures.** To compel the proprietors or occupants of all land and real property within the said City, their agents or representatives,

to enclose the same ; and to regulate the height, description and material of every such enclosure ;

To compel the proprietors or occupants of lots of land in the said City, having stagnant or filthy water upon them, to drain or raise such lands so that the neighbors may not be incommoded, nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said City, it shall be lawful for the said Council to order the said lands to be drained, or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed ; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same ; and in every case the sum expended by the said Council in improving such lands, shall remain as a special hypothec on such lands, and have privilege over all other debts whatsoever, without it being necessary to register the same ;

Draining of
lands.

To oblige all proprietors or occupants of houses in the said City, to remove from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever ;

Encroach-
ments.

To cause to be pulled down, demolished and removed, when necessary, all old, or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

Old and ruin-
ous buildings.

For regulating the width of streets to be opened hereafter in the said City ; for regulating and altering the height or the level of any street or side-walk in the said City ; Provided, that if any person shall suffer real damage by the widening, lengthening or altering the level of any street in the said City, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it ;

Width of
streets.

For defraying out of the funds of the said City, the expense of furnishing the citizens with water, and of lighting the said City with gas, or in any other manner, and for obliging the proprietors of real property in the said City to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed in or upon their houses ; Provided always, that in all such cases, the expense of all such pipes, lamps, and other necessary works, shall be defrayed by the said Council ; And provided also, that the solidity of the buildings on and near to which they shall be so placed, shall be in no wise affected, and that any damages that may be caused shall be paid by the said Council and

Water and
Gas.

Proviso.

Proviso.

and that every proprietor shall be indemnified by the said Council ;

Common
sewers.

For assessing the proprietors of real property situate on any of the streets of the said City, for such sums as shall be deemed necessary for making or repairing any common sewer in any of the streets of the said City, such assessment being in proportion to the assessed value of such property ; and for regulating the mode in which such assessment shall be collected and paid ; Provided always, that the said Council shall not be authorized so to assess the proprietors in any street, for making such common sewers, unless the majority of the proprietors in such street, shall have called for such assessment ;

Proviso.

Sweeping and
watering, &c.

For assessing, at the request of the majority of the citizens residing in any of the streets or public squares of the said City, all the citizens residing in such street or public square, in any sums necessary to meet the expense of sweeping and watering, and keeping clean, such street or public square, and for removing the snow from any such street, lane or public place ; such assessment being in proportion to the assessed value of their property ;

Damages from
riots and tu-
mults.

To assess over and above all other rates specially established by this Act, all the citizens of the said City, to meet the expenses of any indemnity which the said Council might be obliged to pay to persons in the said City, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly ; and if the said Council shall neglect or refuse within six months after such destruction or damages caused to any property in the said City, to pay a reasonable indemnity to be established by arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in one of the Courts of Justice of this Province ;

Steam En-
gines.

To fix the place for the erection of any manufactories or machinery worked by steam in the said City ;

Contagious
diseases.

For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such Board of Health shall deem necessary for preserving the citizens of the City from any contagious diseases, or for diminishing the effects or the danger thereof.

Prevention of
accidents by
fire.

XXXVIII. For the better protection of the lives and property of the inhabitants of the said City, and for more effectually preventing accidents by fire ; the said Council may make By-laws for the following purposes, that is to say :

For regulating the construction, dimensions, height and elevation of chimneys above the roofs, or even in certain cases above the neighbouring houses and buildings; and at whose cost such chimneys shall be raised, and within what delay they shall be raised or repaired ;

Chimneys.

For defraying out of the funds of the said City any expenses that the Council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires ;

Fire engines.

For preventing thefts and depredations which may be committed at any fire in the said City, and for punishing any person who shall resist or maltreat any Member or officer of the said Council, in the execution of any duty assigned to him by the said Council under the authority of this section ;

Thefts at fires.

For establishing or authorizing and requiring to be established after each 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, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administered to them by any of the Members of the said Council or of such Committee ; and the said Council or Committee may also deliver over to be imprisoned in the common Gaol of the District, any person against whom well grounded cause of suspicion may be found of his having maliciously originated the said fire ;

Enquiring into causes of fires.

For regulating the manner in which and the periods of the year when chimneys shall be swept, and for granting licenses to such numbers of chimney sweeps as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said City to allow their chimneys to be swept by such licensed chimney sweeps ; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps ; and for imposing a penalty of not less than five shillings nor more than twenty-five shillings on all persons whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any Justice of the Peace of the said City ; and whenever any chimney which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said Justice of the Peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shewn on proof before him ;

Sweeping of chimneys.

Ashes and quick lime.

For regulating the manner in which ashes or quick lime shall be kept in the said City and for preventing the inhabitants of the said City from carrying fire in the streets without necessary precaution, from making a fire in any street, from going from their houses to their yards and outbuildings and entering therein with lighted candles not enclosed in lanterns; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire;

Conduct at fires.

For regulating the conduct of all persons present at any fire in the said City; for obliging idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and for obliging all the inhabitants of the said City to keep at all times upon and in their houses, ladders, fire-buckets, battering-rams, and fire-hooks, in order the more easily to arrest the progress of fires;

Persons wounded at fires.

For defraying out of the funds of the said City, any expense which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wound or contracted any severe disease at any fire in the said City; or in assisting or providing for the family of any person in their employ who shall perish at any fire; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful, or who shall have devoted themselves at any fire in the said City;

Demolition of buildings in certain cases.

For vesting in such members of the Council or in the Fire Inspectors, or either of them, to be designated in such By-laws, the power of ordering to be demolished during any fire, any houses, buildings, out-houses or fences which might serve as fuel to the fire and endanger the other property of the inhabitants of the said City;

Appointment of officers.

For appointing all such Officers as the said Council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said City;

Authorizing officers to visit and inspect buildings, &c.

For authorizing such Officers as the Council shall think fit to appoint for that purpose, to visit and examine at suitable times and hours, both the inside and the outside of all houses and buildings of any description, within the said City, for the purpose of ascertaining whether the rules and regulations passed by the said Council under the authority of this section are regularly observed in the said City, and for obliging all proprietors, possessors, or occupants of houses, to admit such officers for the purposes aforesaid.

Duty of Secretary-Treasurer.

XXXIX. 1. The Secretary-Treasurer, when he shall have completed his collection-roll, shall proceed to collect the rates therein

therein mentioned, and for that purpose shall give or cause public notice to be given on the following Sunday that the collection-roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments are required by him to pay the amount thereof at his office within the twenty days which follow the publication of the said notice ;

surer upon completion of collection roll.

2. If at the expiration of the said twenty days, there shall be any arrears of assessment, the Secretary-Treasurer shall leave at the ordinary place of residence or domicile of each person so in arrears, or serve upon each person in arrears, personally, a detailed statement of the different sums and the total amount of assessments due by such person in arrears, and at the same time and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the serving of the notice, according to such tariff as the Council shall have decided upon ;

Duty with respect to arrears.

3. If any person neglect to pay the amount of assessments imposed upon him for a period of fifteen days, after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found within the limits of the said City, addressed to one of the sworn bailiffs for the District of Three-Rivers, of the Superior Court of Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner ; and no claim founded on a right of ownership or privilege upon the same shall prevent the sale or the payment of the assessments and expenses out of the proceeds of such sale ; Provided always, that it shall be lawful for any person who shall think himself aggrieved by the said seizure to file an opposition to the same at any time before the sale of the goods so seized, which he shall deliver to the officer seizing, who shall be bound to report his proceedings to the Circuit Court of the Circuit of Three-Rivers, where the said opposition shall be heard and decided according to law and the rules of practice, and the party failing shall be condemned to pay the costs.

Proceedings in case of neglect to pay.

Proviso.

XL. Every tax or assessment imposed by virtue of this Act, upon any property or house in the said City, may be recovered either from the proprietor, tenant, or occupier of such property or house ; and if such tenant or occupier be not bound by lease or other stipulation to pay such tax or assessment, such tenant and occupier may and shall be entitled to deduct the sum so paid by him out of the rent which he would have to pay for the possession of such property.

From what parties taxes may be recovered.

Case of absentee proprietors of vacant property provided for.

XLII. In all cases where the persons who shall be rated in respect of any vacant ground or other real property within the City, shall not reside within the said City, and the rates and assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of six years, then it shall be lawful for the said City Council, after having obtained a judgment before the Circuit Court in and for the Circuit of Three-Rivers, or any other Court, to sell and dispose such property by public sale, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs; and the Sheriff of the District of Three-Rivers is hereby authorized and required to advertise such sale to be made under the authority of this section, in a French and English newspaper, or, in an English and in a French newspaper, published in the City of Three-Rivers, and the said Sheriff is also required to employ, for the purpose of effecting such sale, a bailiff residing in the said City of Three-Rivers, who shall be designated by the said Council; Provided always, that all owners of property sold under the authority of this section shall be allowed to resume possession of the same within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, on condition, however, that the said purchaser shall have kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate; together with the cost attendant upon such sale, with an additional five per centum on the purchase money; And provided also, that if after such sale of property belonging to persons residing out of the City, any surplus shall remain over and above the sum due to the said Council, for assessment and costs, the Secretary-Treasurer aforesaid shall pay over such surplus to the said City Council, to whatever sum the same may amount, and the said surplus shall be deposited in the funds of the said City, as a loan, at the rate of six per cent, until called for and claimed by the party to whom it shall belong, to whom the same shall be paid.

Proviso.

Proviso.

Assessment may be remitted in certain cases.

XLIII. The said Council shall have power to remit a portion or even the whole of the amount due for assessment to indigent parties assessed under this Act, in certain cases of fire, long illness, or any other cause which the said Council shall deem reasonable and sufficient.

Penalties for infraction of By-laws.

XLIV. If any person shall transgress any order or regulation made by the said City Council under the authority of this Act, such person shall, for every such offence, forfeit the sum which in every order, rule, or regulation shall be specified, with the costs to be allowed by the Justices of the Peace who shall try such offences, and to be levied on the goods and chattels of the offender, and in default of such goods and chattels, the offender shall be liable to be committed to the Common Gaol of the District, for a term not exceeding one month, but which may

may be less in the discretion of the Court ; and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said city of Three-Rivers ; Provided always, that the information and complaint for any breach of any order or regulation of the said City Council shall be made within one month next after the time of the offence committed ; And provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than five shillings, or more than five pounds, and that no imprisonment for any such offence shall in any case be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said City Council, and the said Council shall also have power to punish by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the markets, in the streets of the said city, and infringing at the same time the By-laws of the said Council as regards the weight and quality of such goods, articles and provisions.

Proviso.

Proviso.

XLIV. All the debts hereafter due to the said City Council for all taxes or assessments imposed upon moveable or immovable property in the said city, shall by virtue of this Act be privileged debts, and shall be paid in preference to all other debts, and the said City Council shall in all cases of distribution of moneys collocated in preference to all other creditors ; Provided always, that this privilege shall only apply to assessments due for six years and no longer ; And provided also, that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

Taxes and assessments to be privileged debts.

Proviso.

Proviso.

XLV. All the fines and penalties recovered under the provisions of this Act, shall be paid into the hands of the Treasurer of the said City Council, and the proceeds of all licenses granted under this Act, shall form part of the public funds of the said city, any law to the contrary notwithstanding.

To whom penalties, &c., shall be paid.

XLVI. Before any By-law of the said City Council shall have force or be binding, such By-law shall be published in the English and French languages in one or more newspapers published in the said City, and any copy of any such newspaper containing any such By-law shall be *prima facie* evidence of such publication to all intents and purposes whatsoever.

By-laws, &c., to be published before coming into force.

Evidence of By-laws.

XLVII. It shall be lawful for the said City Council, from time to time, to borrow divers sums of money for effecting improvements in the said city, for the purpose of building one or more market houses, or for draining the streets, or for furnishing the said city with water, and generally for such purposes as the said Council shall deem useful or necessary.

Council may effect loans.

XLVIII. Whenever the said Council shall contract loans upon the credit of the said city, they shall be bound and they

Duties of Council with

respect to
loans.

they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Province; and the said Council shall set aside a portion of their revenues for the payment of such interest; and the said Council shall also, whenever they shall contract a loan, provide for the establishment of a Sinking Fund, which Sinking Fund shall consist of a deposit made in a Savings' Bank, annually, and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from this Sinking Fund shall remain deposited in such Savings' Bank, with the interest which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off; Provided always, that when the interest and Sinking Funds united, shall absorb the one half of the annual revenues of the said Council, then and in such case, it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and Sinking Fund of their loans any sum exceeding the half of their revenues; and provided also, that it shall be lawful for the said City Council, if the lender consent or require it, to deposit in the hands of such lenders instead of in a Savings' Bank, the annual sums which shall have been agreed upon to form the Sinking Fund; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid on account of interest, and what amount shall have been paid into the Sinking Fund.

Proviso: in
certain cases
no new loan
to be con-
tracted.

Members of
Council may
order arrest of
disorderly
persons.

XLIX. It shall be lawful for any one of the Members of the said City Council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the said City, and to confine him in the Common Gaol of the District, or other place of confinement, in order that such person may be secured until he can be brought before the Mayor, or Justice of the Peace, to be dealt with according to law.

Powers of con-
stables in cer-
tain cases.

L. It shall be lawful for any Constable, during the term of his duty, to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said City, and also every person who shall be found sleeping in any field, vacant lot, highway, yard, or other place, or shall be found loitering and idling in any such place, and shall not give, satisfactory reasons for his conduct; and every such Constable shall deliver such person into the custody of the Constable who shall have the charge of the prison, or any other place of detention, of the said City, in order to the safe keeping of the said person, until he shall be brought before the Mayor or other Magistrate, to be dealt with according to law.

LI. Every person who shall assault, beat, or forcibly resist any constable or Peace officer appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, every such offender shall, upon conviction thereof before the Mayor or a Justice of the Peace, be liable to a fine of from one to ten pounds currency, and to imprisonment not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary; Provided always that it shall be lawful for the said Council or any other officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

Persons assaulting constables in the execution of their duty, how dealt with.

Proviso.

LII. The following property shall be exempt from taxation in the City of Three-Rivers :

Properties exempt from taxation.

All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, office or person in trust for the service of Her Majesty, Her Heirs and Successors ;

All Provincial property and buildings ;

Every place of public worship, and every burying ground ;

Every public school house and the ground on which the same is constructed ;

Every educational establishment and the ground on which the same is constructed ;

All buildings, ground and property occupied or possessed by hospitals or other charitable institutions ;

Every Court House and District Gaol and the grounds attached thereto; Provided always, that this exemption shall not extend to lots or to other buildings built upon lots leased or occupied by tenants under the Government or the Ordnance Department in the said City; but such lands belonging to the Government or to the Ordnance Department occupied by tenants, shall be valued and assessed in like manner as other real property in the said City, and such rates or assessments shall be paid by the said tenants or occupiers thereof.

Proviso :
Exemption not to extend to Crown property leased to private parties.

LIII. From and after the passing of this Act, the said City Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding; and such certificates shall be signed by the Mayor and the Secretary-Treasurer of the said Council, and sealed with the seal of said Council.

Certificates for tavern licenses to be granted by Council only.

Limitation of actions for things done under this Act.

LIV. If any action or suit shall be brought against any person for any matter or thing done by virtue or in pursuance of this Act, such action or suit shall be brought within four calendar months next after the fact committed and not afterwards.

Encroachments on public streets or Squares.

LV. It shall be lawful for the said City Council to order the Inspector of the said City to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said City, by means of houses, fences, buildings, or obstructions of any kind, to cause the removal of such encroachments or obstructions by giving to such persons a reasonable delay for the purpose, which delay shall be specified by the said City Inspector in giving his notice; and if such persons shall not have removed such encroachments or obstructions within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose; and the said Council may allow to the said Inspector his reasonable expenses and recover the same before any Court having competent jurisdiction from any person making such encroachment or obstruction.

Penalty for granting false receipts for rent, in order to lessen taxes.

LVI. From and after the passing of this Act, every proprietor or agent who shall wilfully grant a certificate or receipt setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the assessors of the said City such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, shall be liable on conviction thereof, before the Mayor or Justice of the Peace, to a penalty of five pounds currency or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace.

Council may prevent re-erection of buildings in certain cases.

LVII. It shall be lawful for the said Council whenever any house shall encroach upon any of the streets or public squares of the said City, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house, and it shall be lawful for the Council to purchase any part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council, and by the party they are desirous of dispossessing; and the said arbitrators in case of difference of opinion shall appoint a third; and the said arbitrators after having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

LVIII. The said Council shall have full and unlimited power to purchase and acquire out of the revenues of the said City, all such lots, lands and real property whatsoever within the said City, as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or for the erection of any public building, or generally for any object of public utility of whatever nature soever.

Council may acquire lands for certain purposes.

LIX. When the proprietor of a lot which the said Council shall be desirous of purchasing, for any object of public utility whatsoever, shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots or *femes covert*, the said Council may apply to the Circuit Court of the Circuit of Three-Rivers, or to any other Court, for the appointment of an arbitrator by the said Court, to make, conjointly with the arbitrator appointed by the said Council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third; and when the said arbitrators shall have made their report to the said Council, at a regular meeting thereof, it shall be lawful for the said Council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators in the hands of the Prothonotary of the Superior Court in the District of Three-Rivers for the use of the person entitled thereto; and if no person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such Prothonotary, to claim the sum so deposited, it shall then be lawful for the said Prothonotary, and he is hereby required to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said City, and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Mayor and the Secretary-Treasurer of the said City, to pay the same.

Arbitration in case of disagreement as to the value of property taken for city purposes.

LX. Every person who being elected or appointed to any of the offices mentioned in the following list shall refuse or neglect to accept such office, or to perform the duties of such office during any portion of the period for which he was so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say:

Penalties for refusal to accept office.

The office of Mayor, seven pounds ten shillings currency;

Mayor.

The office of Councillor, five pounds currency;

Councillor

2. Whenever the valutors neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the valuation-roll containing such valuation to the Secretary-Treasurer of the Council within two months from the date of their appointment, every such valuator

On Valutors neglecting their duties.

valuator shall incur a penalty of ten shillings currency for each day which shall elapse between the expiration of the said period of two months and the day upon which such valuation-roll shall be so delivered, or upon which their successors in office shall be appointed ;

Penalties for refusal to perform duties of office

3. Every Member of Council, every Officer appointed by such Council, every Justice of the Peace, and every other person who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding five pounds and not less than one pound currency ;

For voting without qualification.

4. Every person who shall vote at any election of Mayor or Councillors without having, at the time of giving his vote at such election, the qualifications by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding five pounds currency ;

On Inspectors of roads for neglect of duty.

5. Every inspector of roads who shall refuse or neglect to perform any duty assigned to him by this Act, or by the By-laws of the Council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one pound currency, unless some other and heavier penalty be by law imposed on him for such offence ;

Penalty for hindering officers in the performance of their duties.

6. Every person who shall hinder or prevent, or attempt to hinder or prevent, any officer of the Council in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, or by any By-law or Order of the said Council, shall incur a penalty of five pounds currency for every such offence, over and above any damages which he may be liable to pay ;

Persons defacing notices, &c.

7. Every person who shall wilfully tear down, injure or deface any advertisement, notice, or other document, required by this Act or by any By-law or Order of the said Council to be posted up at any public place for the information of persons interested, shall incur a penalty of two pounds currency for every such offence.

Penalties how to be recovered.

LXI. All the penalties imposed by this Act or by any By-law made by the Council may be recovered before the Circuit Court of the Circuit of Three-Rivers, or before any Justice of the Peace ; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such Court.

Public Act.

LXII. This Act shall be held and deemed to be a Public Act, and the Interpretation Act shall apply thereto.

SCHEDULE No. 1.

Public Notice to be given by Secretary-Treasurer of completion of Collection-Roll.

Public Notice is hereby given that the Collection-Roll of the City of Three-Rivers is completed, and that it is now deposited in the office of the undersigned ; all persons therein stated to be liable to the payment of assessments are required to pay the same to the undersigned at his office without further notice.

Three-Rivers, A. B.
Sec. Treas. of Council.
185 .

No. 2.

Secretary-Treasurer's Notice for payment of Assessment.

Corporation of the City of Three- Rivers.	Corporation of City of Three-Rivers. (Date of Notification.)		
Mr.	Mr. owes to the Corporation of the City of Three-Rivers		
Copy of account.		£	s. d.
£ cy.	Assessment upon (<i>here describe the property, such as house, land, &c.</i>) at in the £.		
	Add the other items.....		
	Total		
Notification served.	Sir, As you have neglected to pay the sum above mentioned within the delay prescribed by public notice, you are re- quired to pay such sum at my office, within fifteen days from the date hereof, together with such costs as under. Fail- ing so to do, seizure will be made of your property and effects.		
<i>Insert the date of no- tification.</i>			
Expenses.	Expenses..£	}	A. B. Sec.-Treas.
Notice..£	Notice.....		

No. 3.

Distress Warrant for Assessment Dues.

Province of Canada, }
 District of Three-Rivers. }

The Corporation of the City of Three-Rivers, to wit :
 To any of the Sworn Bailiffs in the District of Three-Rivers,
 of the Superior Court for Lower Canada.

Whereas (*name of debtor*) has been required by the Secretary-Treasurer of the City Council of Three-Rivers, to pay to him for and on behalf of the said Corporation, the sum of £ , being the amount due by him to the said Corporation, as appears by the Collection-Roll for the year 18 ; And whereas the said A. B. has neglected and refused to pay to the said Secretary-Treasurer, within the delay required by law, the said sum of ; These are, therefore, to command you forthwith to make distress of the goods and chattels of the said , and if within the period of eight days after the making of such distress, the sum above mentioned, together with the reasonable charges of the said seizure, be not paid, that then you do sell the said goods and chattels so by you detained and do pay the moneys arising from such sale to the Secretary-Treasurer of the said Council, and if no such distress can be made for want of property liable thereto, that then you do certify the same unto me in order that such proceeding may be had therein as to law doth appertain.

Given under my hand and the seal of the said Corporation,
 at Three-Rivers, this day of , in the
 year of our Lord one thousand eight hundred and .

Mayor of the said Corporation.

C A P . C X X X .

An Act to afford relief to the sufferers by the late fire at Three-Rivers, by authorizing a loan on the credit of the Consolidated Municipal Loan Fund, to enable them to rebuild the houses and other buildings destroyed by the said fire.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS in consequence of the disastrous fire, which consumed more than one hundred houses and other buildings, on the fifteenth day of November last, in the Town of Three-Rivers, a large amount of property was destroyed; And whereas the majority of the persons who suffered on that occasion

occasion have lost all or nearly all their property, and cannot, without assistance, rebuild their houses and other buildings so destroyed ; And whereas the said Town of Three-Rivers has by its petition to the Legislature declared that it is ready to become security for any amount not exceeding the sum of fifteen thousand pounds, to enable the said persons to re-erect their houses and other buildings which have been so destroyed ; And whereas by the Act of the Legislature of this Province, passed in the sixteenth year of Her Majesty's reign, intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, and also, by the Act of the Legislature of this Province, passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to extend and amend the Act to establish a Consolidated Municipal Loan Fund for Upper Canada by applying the same to Lower Canada, and for other purposes*, the Municipality of the said Town of Three-Rivers has a right, with other Municipalities in Lower Canada, to obtain a share of the Consolidated Municipal Loan Fund for Lower Canada, subject to the conditions prescribed by the two Acts hereinbefore cited ; And whereas in consideration of the total value of the real property in the Town of Three-Rivers, the said Municipality could obtain out of the said Fund a sum exceeding fifteen thousand pounds : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

16 V. c. 22.

18 V. c. 13.

I. In any loan which the Municipality of the Town of Three-Rivers, or the said Town of Three-Rivers, may effect out of the Consolidated Municipal Loan Fund for Lower Canada, under the provisions of the Acts cited in the preamble to this Act, or of any other Act amending or modifying the same, it shall be lawful for the Municipal Council of the Municipality of the said Town, or for any other Municipal Council of the said Town which may be established under a special Act of the Legislature, to advance and loan out of the moneys which may be so borrowed, a sum not exceeding fifteen thousand pounds, to the persons whose houses or other buildings were destroyed by the said fire, their heirs or assigns, to assist them in re-building or completing the same, subject to such obligations, conditions and restrictions, and in such amounts, as the said Municipal Council may think fit ; and the Government of this Province may loan to the said Municipality to the extent of the said sum for the purpose above mentioned, notwithstanding the provisions of the said Acts cited in the preamble to this Act, with respect to the purposes for which such loans may now be effected.

Municipal Council of Three-Rivers may lend not more than £15,000 out of any moneys to be borrowed under the said Acts, to parties whose property was destroyed by the late fire, to assist them in re-building.

And Government may lend the said sum to the Corporation.

II. With a view to the recovery, preservation, security, and repayment of the said sums of money so loaned to the said proprietors in virtue of this Act, the said town of Three-Rivers and the Municipal Corporation of the said town to be established in virtue of any special Act of the Legislature, shall have

Corporation to have a first privilege on the increased value of the property, and

a general hypothec on the land itself.

have a first privilege over all other privileges, hypothecs, and guarantees already or hereafter to be charged upon the value of the buildings to be erected with the said moneys, and upon the increase in the value of the said lands by reason of the erection of the said buildings, and the other improvements which may be effected with such money, and also a general hypothec upon the said lands, which shall rank from the date of the obligations entered into in virtue of the foregoing; and it shall in no case be necessary to conform to any of the provisions of the Registry Laws of Lower Canada, nor of any other law or laws prescribing any conditions or formalities other than those mentioned in this Act, and the said privilege and hypothec shall be preserved without any other formalities, and without it being necessary that the said obligations or other documents be enregistered in a registry office.

Registration not required to preserve the same.

Presumption in favor of the hypothec of the Corporation.

III. All the buildings to be erected, or the erection of which shall be completed by the said proprietors upon the lots on which those which were burnt had been previously erected as aforesaid, subsequently to the passing of this Act, shall be presumed to have been so completed and erected out of the moneys so loaned, in virtue of this Act, any law, custom, or usage to the contrary notwithstanding; Provided always, that it shall be lawful for any party who shall pretend that such erections and improvements have been erected with funds other than those mentioned in this Act, to prove his assertion in this respect, by such documents and other legal proof as the law requires.

Proviso: Such presumption may be disputed.

Public Act.

IV. This Act shall be a Public Act, and the Interpretation Act shall apply thereto.

C A P . C X X X I .

An Act to incorporate the City of St. Hyacinthe.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it has become necessary to confer additional powers upon the Corporation of the Town of St. Hyacinthe, established by the sixteenth Victoria, chapter two hundred and thirty-six: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Acts 13 & 14 Vic., ch. 106, and 16 Vic., ch. 236., repealed.

I. The Act passed in the thirteenth and fourteenth years of Her Majesty's Reign, chapter one hundred and five, intituled, *An Act to provide more fully for the incorporation of the Village of St. Hyacinthe*, and the Act passed in the sixteenth year of Her Majesty's Reign, chapter two hundred and thirty-six, intituled, *An Act to make more ample provision for the incorporation of the Town of St. Hyacinthe, and to extend its limits*, are hereby repealed, and the inhabitants of the City of Saint Hyacinthe

Hyacinthe within the limits hereinafter prescribed, and their successors, shall be and are hereby declared to be a body corporate and politic in fact and in law, by the name of "The Mayor and City Council of St. Hyacinthe;" and by that name they and their successors shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts, and in all causes and suits at law whatsoever, and shall have a common seal, with power to alter or modify the same at pleasure, and shall be in law capable of receiving by donation, acquiring, holding and departing with property, real or moveable, for the use of the said City, of becoming parties to any contracts or agreements in the management of the affairs of the said City, and of giving or accepting any notes, bonds, obligations, judgments or other instruments or securities for the payment or for securing the payment of any sum of money borrowed or loaned, or for the execution or for guaranteeing the execution of any duty, right or thing whatsoever.

The inhabitants of the City of St. Hyacinthe incorporated.
Corporate name and powers.

II. The said City of Saint Hyacinthe shall be bounded as follows, to wit: on the south-west by a line drawn from the River Yamaska, passing through the centre of Bourdage Street, to the point where it intersects St. James Street, and thence, continuing along the line water-course separating the *Petit Rang* road from the *Fabrique* lands, as far as the lands in the *Petit Rang*; on the north-west by the separation line between the river lands and the lands of the *Petit Rang* from the road of the *Petit rang* as far as the north-eastern limit of the City; on the north-east by the line which separates the land upon which is built the College of St. Hyacinthe, from that which the Corporation of the said College purchased from Antoine Charron dit Cabana, and on the south-east by the centre of the River Yamaska.

Boundaries of the City.

III. The said City shall be divided into four Wards, which shall be respectively designated and known as "Ward Number One," "Ward Number Two," "Ward Number Three," and "Ward Number Four," and bounded as follows, that is to say:

City divided into Four Wards.

"Ward Number One" shall be bounded in front by the River Yamaska, on the north-east and in depth by the limits of the City, and on the south-west by the rear line of the emplacements lying on the north-east side of Ste. Marie Street from the River to Girouard Street, and thence by the same line prolonged to the limits of the City.

Ward No. 1.

"Ward Number Two" shall be bounded in front by the said River, in depth by the limits of the City, on the north-east by Ward Number One, and on the south-west by a line drawn through the centre of Mondor Street, from the said River as far as Girouard Street, thence along Girouard Street as far as the middle

Ward No. 2.

middle of Laframboise Street, and thence along the centre of Laframboise Street and its continuation as far as the limits of the City.

Ward No. 3.

“Ward Number Three,” shall be bounded in front by the said River, in depth by the limits of the City, on the north-east by Ward Number Two, and on the south-west by a line drawn through the centre of Ste. Anne Street from the River, and prolonged as far as the limits of the City.

Ward No. 4.

“Ward Number Four” shall be bounded in front by the said River, in depth and on the south-west by the limits of the City, and on the north-east by Ward Number Three.

Neighbouring lands may be annexed to the said City ; and how.

A certain tract of land may also be taken into the said City ; and how.

IV. Provided always that it shall and may be lawful for any proprietor of land immediately adjacent or contiguous to the limits of the said City of St. Hyacinthe, upon notice given by such proprietor to the municipal authorities of the said City of St. Hyacinthe, and with the consent of the said authorities, signified by a By-law to be made by them to that effect in the usual manner, to demand and obtain that the said land shall be included within the limits of the said City, and so on successively, for other proprietors having property in like manner adjacent to properties thus successively included within the said limits as aforesaid, and upon such inclusion being declared by a By-law as aforesaid, the said proprietors whose properties shall be included, shall have and possess all the municipal privileges and be subject to all the obligations, duties and charges imposed upon persons and properties originally included within the limits of the said City ; and provided also that upon the petition of the majority in number and in value of assessed property of the proprietors possessing by authentic title, lands within the extent of territory comprized between the road commonly called the *Petit Rang* road and the division line between Eusèbe Messier and Pierre Edouard Leclerc, and bounded in front by the River Yamaska and in depth by the line of the lands of the *Petit Rang*, and residing within the said extent of Territory, it shall be lawful for the said City Council to include the said extent of territory within the said City, and when the said extent of territory shall have thus been included by a By-law of the said City Council, upon the petition of a majority of the proprietors as aforesaid, the proprietors whose properties shall have thus been declared included, shall possess all the municipal advantages and be subject to all the obligations, dues and duties imposed upon persons and properties originally included in the said City.

Present Mayor, Councillors and Officers to remain in

V. The Mayor and the Councillors of the said City at present in office shall remain, and they are hereby continued, in office for the whole of the period for which they have been elected in virtue of the sixteenth Victoria, chapter two hundred and thirty-six,

six, notwithstanding the repeal of the said Act, and the officers appointed by the said Mayor and Town Council shall remain, and they are hereby continued, in their respective situations until the formal revocation by the said Council, or the natural expiration, of their appointments; and all By-laws, ordinances, agreements, provisions and engagements whatsoever made and entered into by the said present Mayor and Council, or their predecessors in office, shall have and continue to have their full and entire effect in the same way as if the said Acts, thirteenth and fourteenth Victoria, chapter one hundred and five, and sixteenth Victoria, chapter two hundred and thirty-six, had not been repealed, and this, until the said By-laws, agreements and engagements shall have been regularly rescinded and abolished; and the said Council, as constituted in virtue of this Act, shall succeed to and be substituted in all the rights, powers, actions and claims of the Town Council of Saint Hyacinthe as it was constituted by the thirteenth and fourteenth Victoria, chapter one hundred and five, and by the sixteenth Victoria, chapter two hundred and thirty-six.

office, and By-laws, &c., to remain in force, notwithstanding repeal of former Acts,

VI. There shall be elected in the manner hereinafter mentioned a fit and proper person to be, and who shall be called, the Mayor of St. Hyacinthe, and two fit and proper persons to be Councillors for each Ward of the said City; Provided always, that as soon as the extent of territory mentioned in the fourth section shall have been included, as prescribed by the said clause, within the limits of the said City, the said extent of territory shall form a Ward by the name of "Ward number five," and the Municipal Electors of the said extent of territory shall elect, in the same manner and at the same time as the other Wards of the said City, the Mayor and two Councillors to serve in the Council of the said City; And provided also, that when any one of the Wards of the said City shall contain more than two hundred and fifty Municipal Electors, such Ward shall have a right to elect three Councillors.

Elections of Mayor and Councillors.

Proviso.

Proviso.

VII. No person shall be elected Mayor of the City of St. Hyacinthe, without having resided and kept house in the said City during one year preceding such election, nor without having and possessing for his own use property in the said City of the assessed value of two hundred and fifty pounds currency.

Qualification of Mayor.

VIII. The Councillors of the said City shall be chosen from among the inhabitant householders and proprietors of the said City, of the age of twenty-one years, and having freeholds therein of the assessed value of one hundred pounds currency; or from among the persons who shall have built houses *bonâ fide* rented respectively for fifteen pounds currency per annum, on property held by lease, and no person shall be eligible to or capable of exercising the office of Mayor or of Councillor of the said City, if he is not actually residing in the said City.

Qualification of Councillors.

Certain persons disqualified from being elected as Mayor or Councillors.

IX. No Priest or Minister of any religious sect whatever shall, nor shall any Judge or Member of the Executive Council of this Province, nor any person who shall be accountable for the funds of the said City, nor any person who shall receive a salary from the said City Council for his services, nor any deputy or clerk employed at any such election, while he shall be so employed, nor any Clerk of any Court before which suits brought by or against the said City Council may be heard, be elected Mayor or Councillor of the said City.

How Mayor or Councillors may become disqualified.

X. Every person holding the office of Mayor or Councillor of the said City who shall be declared bankrupt, or shall become insolvent, or shall apply for the benefit of any law made for the purpose of aiding or protecting insolvent debtors, or who shall cease to hold property to the sufficient assessed value, or who shall enter into Holy Orders, or shall become a minister of religion in any religious sect, or who shall be appointed a Judge or a Member of the Executive Council, or who shall become accountable for the revenues of the City, in whole or in part, or who shall be appointed Clerk of any Court before which suits brought by or against the Town Council may be heard, or who shall receive any pecuniary allowance from the City Council for his services, or who shall absent himself from the said City, without authority from the Council, for more than two consecutive months, or who shall not attend the sittings of the said Council during the same period of two consecutive months, (except by reason of sickness or with the permission of the Council) shall become by any one of these circumstances *ipso facto* disqualified, and his seat in the said Council shall become vacant, and such vacancy shall be filled according to the provisions of this Act.

Qualification of electors at Municipal Elections.

XI. The persons entitled to vote at the Municipal elections of the said City shall be the male inhabitant freeholders and householders, of the age of twenty-one years, rated on the assessment roll of the said City, and residing therein, and in the actual possession of real estate in the said City, of the annual value of twenty shillings Currency, and also the tenants, of the age of twenty-one years, who shall have resided and paid rent in the said City, at the rate of not less than three pounds Currency per annum, for a house or part of a house, during the six-months immediately preceding any such election; and also the leaseholders, of the age of twenty-one years, who shall have built on the property held on lease by them, houses which shall be *bona fide* leased for three pounds Currency per annum respectively; Provided always that no person qualified to vote at any Municipal Election in the said City shall have the right of voting thereat, unless he have paid, before such election, all his accrued municipal assessment; and it shall be lawful for any municipal elector of the said City to require the production of the receipt of the Secretary - Treasurer of the said City, for such accrued assessment

Proviso.

assessment as aforesaid, or in case of his having lost his receipt, then a certificate from the Secretary-Treasurer, proving the payment of such taxes within the time above mentioned.

XII. The persons having a right to vote at the Municipal Elections as aforesaid shall vote in the particular Wards in which the properties which qualify them to vote shall be situated respectively, and not otherwise; and if any one possess properties which would give him a right to vote in two or more Wards, he shall have a right to vote only in the Ward in which he shall be domiciled at the time of such Election.

In what Wards Electors are to vote.

XIII. The Municipal Elections of the said City shall be held on the first Monday in July in each year, or on the following day if such Monday is an obligatory holiday, and they shall be announced by public notice posted up during the fifteen preceding days in the hall in which the sittings of the said Council shall be held, and at the door of the parish Church, and read on the market of the said City on the two Saturdays preceding such election, or published in a newspaper of the said City during the fifteen days which shall precede such election; and this notice shall be signed by the Mayor or by the Secretary-Treasurer of the said Council, and shall set forth the day, place and hour at which the said election shall be held in each of the Wards of the said City.

Annual Municipal Elections, and notices of them.

XIV. The Mayor of the said City shall be elected by a majority of the votes of all the Electors of the said City qualified as aforesaid, given at the place appointed by the said City Council and set forth in the notice above mentioned.

Election of Mayor.

XV. Before the publication of the notices announcing such Annual Municipal Election, the Council of the said City shall name one of its Members who is not going out of office, to preside at and conduct such Election, and to appoint the places where it shall be held in each of the Wards; such Councillor having under him a deputy named and paid by the Council for each of the Wards of the said City, and for the poll at which the Election of Mayor shall be made or where the Election shall be held; the said deputies shall have the necessary qualifications for voting at such Election, and it shall be lawful for them to have a Poll Clerk if they think proper, whom they shall appoint by a writing under their hand and seal: and the polls shall be open in each of the Wards for receiving and recording the votes, from nine o'clock in the forenoon to five o'clock in the afternoon of the day fixed for such Election, in case the said Election shall not be made by acclamation; and at the close of the poll, the said deputies shall declare the person or persons who shall have received the greatest number of votes, duly elected Mayor or Councillors of the said City; in case two or more candidates for the office of Mayor have an equal number of votes, the Councillor presiding at the Election shall give a casting

Returning Officer and his Deputies, how appointed.

Poll Clerks.
Polls.

Declaration of Candidates as elected.

casting vote in favor of one of them ; and in case candidates for the office of Councillor at one poll have an equal number of votes, the deputy acting at such poll shall give his vote in favor of one of the Candidates ; and the Councillor presiding at the Election shall give notice in writing of their Election, to the persons who shall have been elected, within the three days next after such Election.

And notice to them.

Oath of Deputy Returning Officers.

XVI. The Councillor presiding at any Election shall not be bound to take any oath for the holding of such Election, because he will act under his oath of office ; and before proceeding to hold any Election under this Act, each deputy and Poll Clerk shall take the following oath, which any Justice of the Peace residing in the said City, is hereby authorized to administer, to wit :

“ I solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of Deputy Returning Officer or Poll Clerk at the Election which I am about to hold of a person (or persons) to serve as Mayor (or Councillors, as the case may be) of the City of St. Hyacinthe So help me God.”

Power to keep the peace at Elections.

XVII. The Councillor presiding and each Deputy Returning Officer at any Municipal Election in the said City shall have the power, and they are hereby required, to preserve peace and order at such Election, and to this end during its continuance, they shall and may cause to be imprisoned in the Common Gaol of the District of Montreal, or in that of the District or County of St. Hyacinthe, when it shall have been constituted a Common Gaol, any person making or causing a disturbance or rioting and fighting at such Election, or using or threatening to use any violence for the purpose of preventing any elector from coming forward to vote or from retiring without being molested after having voted, or from remaining as a peaceable spectator at such Election, and they shall and may require and command the assistance of all persons present at such Election, or of any constable or peace officer in the said City, who are hereby required to give their assistance in arresting and imprisoning any person so causing noise, interruption, trouble or disturbance as aforesaid ; Provided always, that no such imprisonment shall be for a longer period than one calendar month ; and the Sheriff and Gaoler who may be in charge of the said Common Gaols are hereby required to receive all such offenders on the warrant of the Councillor appointed to preside at any such Election ; and every Deputy shall have, in his Ward, in the absence of the Councillor presiding at the Election, the same powers as he.

Proviso.

Power to examine voters on oath as to their qualification, &c.

XVIII. The Councillor presiding, or the Deputy Returning Officer at the Election under this Act, shall have authority, and he is hereby enjoined, whenever thereunto required by any person

person duly qualified to vote at such Election, to examine on oath, (or affirmation, *in cases in which affirmation is allowed by law*) any candidate for the office of Mayor or Councillor of the said City touching his qualification for Election to the said office; and shall also have authority, and is hereby enjoined, on demand as aforesaid, to examine on oath (or affirmation) any person offering to vote at any Election; and in these two cases the oath shall be administered by the Councillor presiding or Deputy Returning Officer, in the following form, that is to say:

“ You swear that you will true answer make to all such questions as I shall put to you in my capacity of Councillor presiding (or of Deputy Returning Officer, *as the case may be*) at this Election, touching your qualification to be elected Mayor (or Councillor) of the said City; (or touching your qualification to vote at this election, *as the case may be.*) So help you God.”

The Oath.

And the Councillor presiding (or the Deputy Returning Officer) shall himself put the questions which he shall deem necessary, or which the electors present shall desire to have put to the candidate or voter.

Questions to voters.

XIX. At all elections held under this Act the Poll Books containing the names of the voters and other matters shall be attested on oath by each of the Deputies or Clerks who shall have presided at such election in the respective Wards of the said City, each of the said Deputies or Clerks attesting his own, before any Justice of the Peace residing in the said City, which Justice of the Peace is hereby authorized to administer such oath, and the said oath shall be in the following form, that is to say:

Poll-Books to be attested on oath.

“ I, A. B., swear that the Poll Book kept by me at the Municipal Election for the Ward Number _____ of the city of St. Hyacinthe (or for the Election of the Mayor of St. Hyacinthe, *as the case may be*) is just and correct, to the best of my knowledge and belief. So help me God.”

Form of oath.

And the said Poll Books, so attested, shall be deposited in the office of the Secretary-Treasurer of the said City, by each of the said Deputies or Clerks within three days after such election.

Deposit of Poll-Books.

XX. If any person being examined upon oath or affirmation under this Act as to his qualification to vote or to be elected, shall knowingly forswear himself, he shall be deemed guilty of wilful perjury.

Penalty for swearing falsely.

XXI. Every contestation of an Election, either with reference to the qualification of the Members or with reference to that

Contested elections when that

and how to be tried.

that of the voters, or for any other cause whatever, shall be determined by the Members whose elections shall not be contested, and each such contestation shall be tried by the Town Council at one of its regular meetings, within the fifteen days next following the election ; and each such contestation shall be notified in writing to the Councillor presiding at the election, by at least three electors of the City, if it is the election of Mayor that is contested, or of the Ward in which the contested election shall have taken place, if it is that of a Councillor, on the day on which such election shall have taken place, or in the forenoon of the following day ; and when any election shall be declared void for any of the causes aforesaid, or by reason of riotous or disorderly proceedings at the said election, a new election shall be held within the twenty days next after that on which such contestation shall have been decided ; and this election shall be announced, conducted and presided over as is provided by this Act for the annual elections.

New election if former one be declared void.

Penalty for refusing to attend as a witness on the trial of a contested election.

XXII. Every witness who, in the case of a contested municipal election, after having been duly summoned to attend at the trial of such contestation, or at the trial of any complaint whatever which shall have been regularly brought before the said Council for any cause whatever, shall wilfully neglect or refuse so to attend, or shall refuse to answer the questions which may be then and there regularly put to him, shall, on conviction thereof, before two of the Justices of the Peace residing in the said City, be liable to a fine not exceeding Five Pounds nor less than one pound currency, and in default of payment thereof, to imprisonment for a term not exceeding eight days according to the decision of the Justices of the Peace ; and if any witness, in such trial or proceeding, knowingly forswear himself, he shall be deemed guilty of wilful perjury.

Power to administer oaths to witnesses.

XXIII. The Mayor and the Members of the said City Council are hereby authorized to examine upon oath all witnesses summoned to appear before the said Council, and to administer the oath to such witnesses.

Duty of Sheriffs and Gaolers.

XXIV. The Sheriff and the Gaoler of the District of Montreal, and of the District of St. Hyacinthe, when there shall be a Gaol in that District shall be bound, and they are hereby enjoined and empowered, to receive and safely to keep until they shall be duly discharged, all persons committed to their custody by the said City Council, or by any of its Members or Officers by its authority.

Mayor's Oath of Office.

XXV. Any person who shall have been chosen to be Mayor or Councillor of the said City shall, before sitting as such, take the oath of office hereinafter mentioned, before the Councillor who shall have presided at the annual Municipal Election, or in his absence, before any of the Justices of the Peace residing in the said City, who are hereby authorized to administer the same, that is to say :

“ I, A. B., do solemnly swear that I will faithfully discharge the duties of Mayor, (or of Councillor, as the case may be,) of the City of St. Hyacinthe, to the best of my judgment and ability. So help me God.”

XXVI. In case it shall happen that any annual Municipal Election shall not have taken place, for any cause whatsoever, on the day on which, in pursuance of this Act, it ought to have been held, the said City Council shall not on that account be deemed to be dissolved ; and it shall be lawful for those of the Members of the said Council who shall not have gone out of office to hold a meeting, presided over by the Mayor if he have remained in office, or by the Councillor who shall have been appointed to preside at the election, if there be no Mayor, for the purpose of fixing as early a day as possible for holding such election ; and in this case the notices and proclamations required by this Act shall be posted up, read and published during eight days only, instead of fifteen.

Case of failure of Annual Municipal Election on day appointed provided for.

XXVII. The persons who shall be chosen at the annual municipal elections to be Mayor or Councillor of the said City shall, in all cases, be elected for two years, and at each such annual election, one of the Councillors for each ward shall go out of office, and it shall always be that one whose election shall have taken place two years before ; provided that the Mayor shall remain in office for two years after his election ; provided also, that when three Councillors represent any of the wards, each of them shall remain in office for two years ; provided further that no person shall be capable of being a Councillor for more than one ward at a time.

Term of office of Mayor and Councillors.

XXVIII. In the event of a vacancy occurring in the Office of Mayor by the person who shall have been elected to the said office failing to accept the same, or by his death, or from any cause whatsoever, there shall be elected in the manner prescribed by the fourteenth section of this Act, another fit and proper person to be Mayor for the remainder of the time during which the Mayor in whose stead it shall be necessary to appoint another, would have been bound to serve— and if any person is elected Mayor of the said City, and at the same time Councillor, or have been already elected a Councillor for one of the wards thereof, such person shall be bound to declare, within four days next after notice shall have been given to him of the said elections, which of the offices he will accept ; provided that if he be not by law exempted from accepting the Office of Mayor, he shall be bound and obliged to accept the said Office, and shall incur and pay a fine of ten pounds currency if he do not accept the said Office ; and he shall likewise incur and pay the said fine in the event of his accepting the Office of Councillor. Provided also, that when a person thus elected Mayor and Councillor at the same time shall accept the said Office of Mayor, a new election of a Councillor shall be held for the ward for which

Case of vacancy in the office of Mayor provided for.

Proviso.

Proviso.

which such person shall have been elected Councillor, within a period to be fixed by the City Council, and in the manner and subject to the conditions prescribed with reference to vacancies in the Office of Councillor.

Case of vacancy in the office of Councillor provided for.

XXIX. As often as any vacancy shall occur in the Office of Councillor, by reason of nomination to the Office of Mayor, of sickness, civil disability, death or removal from the City, or for any other cause mentioned in the tenth section of this Act, it shall be lawful for the City Council, and they are hereby enjoined, to summon the electors of the ward in which such vacancy shall have occurred, by public notices posted up and published as is prescribed in and by the thirteenth section, to fill such vacancy by the election of another Councillor; and in this case the Mayor, or in his absence one of the Councillors appointed by the Council, shall preside at the election, and the Secretary-Treasurer or any other person appointed by the Council, shall act as Deputy, and the Councillor thus elected to fill the vacant seat shall be sworn before the Mayor or before the Councillor who shall have presided at the election, and he shall remain in Office during the whole period during which the Member whom he shall replace would himself have remained in Office, in the ordinary course of affairs.

Mayor to exercise powers until successor sworn in

XXX. The said Mayor so elected shall continue to exercise his powers as Mayor of the said City until his Successor in the said Office shall have been elected and sworn.

Mayor and four of the Councillors to be Justices of the Peace. Proviso.

XXXI. The Mayor and four of the Councillors, of the said City of Saint Hyacinthe appointed by the Council as soon as possible after each annual election shall be, each during his continuance in Office, Justices of the Peace for the said City. Provided always, that they shall not be bound to take any other Oath than the Oath of Office to enable them to act as such, any law to the contrary notwithstanding.

Members of City Council may arrest and commit drunken and disorderly persons.

XXXII. It shall be lawful for each of the Members of the City Council, individually, to order the immediate arrest of any drunken person, or of any person acting in a disorderly or turbulent manner, whom he shall find disturbing the peace within the limits of the said City, and to cause such person to be confined in the watch-house or other place of detention, in order that such person may be safely kept until he can be brought before the Mayor or a Justice of the Peace to be dealt with according to law.

Meetings of City Council.

XXXIII. After each annual municipal election the Members of the said Council shall, within eight days next after the election, hold a meeting, presided over by the Mayor, or in his absence by the Councillor who shall have presided over such election, for the purpose of verifying their credentials; and after the said sitting, the said City Council shall meet at least once in

in each month for the transaction of the affairs of the said City, and shall hold its sittings in such place as it shall please the said Council to choose. A bare majority of the Members of the said Council shall form a quorum for the despatch of business, and all questions shall be decided by the majority of the members present ; Provided always, that a Member or Members who may not be sufficient in number to form a quorum, may adjourn any meeting of the Council which shall have failed for want of a quorum, and such Members, although not forming a quorum, are hereby authorized to compel the absent Members to attend the regular or adjourned meetings as aforesaid, and to inflict upon such absent Members, in case of repeated absence, any fine or penalty which the said Town Council might impose in view of such an occurrence.

Quorum of
City Council.

XXXIV. The Mayor of the said City, if he is present, shall preside at the meetings, shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on any question which shall be brought before the said Council ; Provided always, that when the said Councillors after having voted on any question shall be found to be equally divided, then, and in that case only, the Mayor shall decide the question by his vote, giving his reasons for it if he thinks proper ; and neither the Mayor nor the Councillors shall receive any salary or emoluments from the funds of the City during the time they shall remain in Office ; Provided also that whenever the Mayor shall not be present at a regular or special meeting of the said City Council, the Councillors present shall choose one of their number to fill the place of the Mayor during the sitting.

Mayor to pre-
side at Meet-
ings, and to
have a casting
vote, but no
Salary.
Proviso.

Proviso.

XXXV. The Mayor of the said City may, as often as he shall think it necessary or useful, call special meetings of the said Council, and whenever two Members shall wish to have a special meeting they may apply to the Mayor to call it, and if the Mayor is absent or refuses to act, they may call it themselves, stating at the same time to the Secretary-Treasurer of the said Council, in writing, the object for which they call such special meeting, and the day on which they are desirous it should be held, and the said Secretary-Treasurer shall be bound on receipt of such written notice, to communicate it to the other Members of the Council.

Special meet-
ings how to be
called.

XXXVI. The proceedings at each of the regular or special meetings of the said City Council shall be correctly entered and recorded in a book which shall be kept for that purpose, and which shall be called "The Minute Book of the City Council of St. Hyacinthe," and the said book shall be open to inspection or search by any person qualified to vote at the Municipal elections of the said City, on payment of the sum of one shilling to the Secretary-Treasurer who shall have the custody of the said book ; and all extracts from the said minute book, or from any records or papers of the said Council, shall

Minutes of
Proceedings to
be kept and
recorded in a
book,

Fees for ex-
tracts.
be

be delivered by the Secretary-Treasurer, who shall be entitled to receive, for such extracts, the sum of six pence for each hundred words.

Meetings of Council to be public.

XXXVII. All the meetings of the said City Council shall be public, except only when the Council shall have to try the Members of its own body for any cause whatever, in which case it shall be lawful for the said Council to sit with closed doors ; and the said Council shall decide upon the rules of its own proceedings ; and it shall have the power to cause order to be observed during its sittings by those persons who may be present, and to punish by fine or imprisonment, or both, any contempt committed by such persons ; Provided always, that no such fine shall exceed the sum of five pounds nor be less than the sum of Five shillings currency, and that no such imprisonment shall be for a longer period than thirty days.

Proviso.

Punishment of Councillors guilty of certain offences.

XXXVIII. The said Council shall have power to punish by a fine not exceeding fifteen pounds currency, but which may be less, any Councillor who may be guilty, during its sittings, of making any serious disturbance, or of violence, either in word or deed, or in any other manner ; and the said Council may expel any of its members who shall have been convicted of felony or of any infamous crime, and may fill his place in the manner provided for vacancies in the office of Mayor or Councillor.

Appointment of Committees and their powers.

XXXIX. It shall be lawful for the said Council to name from among its Members, so many Committees, composed of a greater or less number of persons, as it shall think proper, to facilitate the despatch of the business before the said Council, and for the discharge of all the duties within its competence, and which shall be prescribed by the said Council, but subject in all respects to the approbation, authority and control of the said Council.

Appointment and duty of Assessors.

XL. The said City Council shall have power to appoint, at the commencement of each period of three years, three Assessors ; and it shall be the duty of the said Assessors to value the assessable property of the said City according to its real value and within the periods which shall be fixed by the said City Council ; Provided always, that such valuation of property shall be made once in every three years ; Provided also, that the Assessors so appointed shall be owners of real property to the value of at least two hundred and fifty pounds currency.

Proviso.

Oath of Assessors.

XLI. Every person so appointed Assessor shall be bound, before proceeding to value any property in the said City, to take the following oath before any Justice of the Peace residing in the said City, that is to say :

" I, _____, having been appointed one of the Assessors The Oath.
 " for the City of St. Hyacinthe, do solemnly swear, that I will
 " honestly and diligently discharge the duties of that office, to
 " the best of my judgment and ability. So help me God."

XLII. At the first meeting after each Annual Municipal Appointment and Oath of Auditors.
 Election, the City Council shall appoint two persons to be
 Auditors of the accounts of the said Council; and such Auditors
 shall take the following oath before a Justice of the Peace
 residing in the said City, that is to say :

" I, _____, having been appointed to the office of Au- The Oath.
 " ditor for the City of Saint Hyacinthe, do swear that I will
 " discharge the duties thereof to the best of my judgment and
 " ability, and I declare that I have not, either directly or indi-
 " rectly, any share of interest whatever in any contract or
 " employment with or under the City Council of Saint
 " Hyacinthe. So help me God."

XLIII. The Auditors who shall be appointed for the said Qualification of Auditors.
 City shall be owners of real estate therein, of the value of at
 least One Hundred and Twenty-five Pounds currency: Provi- Proviso.
 ded always, that neither the Mayor nor the Councillors, nor the
 Secretary-Treasurer of the said City, nor any person receiving
 a salary from the said Council, either on account of an office
 held under its authority, or on account of any contract whatever
 made with it, shall be capable of holding the office of Auditor
 of the said City.

XLIV. It shall be the duty of the Auditors to examine, and Duty of Audi-
tors.
 to approve or disapprove or report upon, all accounts which
 may appear in the books of the said Council or concern it, and
 which may relate to any matter or thing under the control
 and jurisdiction of the said City Council, and may then
 remain unpaid; and to publish a detailed statement of the re-
 ceipts and expenditure and the resources of the said Council in
 some newspaper published in the said City, and to post it up in
 the Council Hall, at least fifteen days before the annual Muni-
 cipal Elections.

XLV. In the event of any vacancy occurring in the office of Vacancy in
office of As-
sessor or
Auditor how
supplied.
 Assessor, or in that of Auditor, for want of Assessors or Audi-
 tors being appointed at the period fixed by law for that purpose,
 or by reason of the absence or death of any person appointed to
 the said office, or by the failure, disqualification or inability
 of any person appointed Assessor or Auditor to take upon himself
 or to discharge the duties which devolve upon him by law, the
 said Council may, at any subsequent meeting, appoint a duly
 qualified person to fill and supply such vacancy.

XLVI. Every person who shall be regularly elected or ap- Penalty for re-
fusing to act
 pointed to any of the offices of Mayor, Councillor, Assessor or
 Auditor

as Mayor,
Councillor,
Assessor or
Auditor.

Auditor of the said City, shall accept such office, unless such person prefer paying the fine hereinafter fixed ; in which case he shall be exempt from serving in the same way and for the same period as if he had accepted such office :

Mayor.

The fine for a person elected Mayor who shall refuse to act, shall be ten pounds currency ;

Councillor.

The fine for a person elected Councillor who shall refuse to act, shall be five pounds currency ;

Auditor.

The fine for a person appointed Auditor who shall refuse to act, shall be two pounds ten shillings currency ;

Assessor.

The fine for a person appointed Assessor who shall refuse to act, shall be three pounds fifteen shillings currency ; Provided always, that no person whose age, at the time when he may be elected or appointed to any of the said offices, shall exceed sixty years, shall be bound to accept the same or liable to pay a fine for refusing to act therein.

Proviso.

Assessment
Roll when
and how to be
made, deposited
and closed.

XLVII. The Assessors shall, in the course of the month next after notice shall have been given to them of their appointment, make a valuation of all the real property and stocks in trade in the said City, and transmit to the Secretary-Treasurer of the said City the Assessment Roll thereof together with their Oath of Office ; and at the next meeting of the said Council the said Assessment Roll shall be produced and examined by the Councillors, if they desire it ; and from the date of that meeting the Assessment Roll shall be deposited in the Office of the Secretary-Treasurer during the period of one month, reckoning from that meeting ; and during that time it shall remain open for public inspection to all persons whose properties shall have been valued, or their representatives ; and during that interval, those persons who feel aggrieved, may address themselves in writing to the City Council complaining of any overvaluation ; and such appeal shall be decided by the said Council at the first meeting which shall be held after the expiration of the month hereinbefore mentioned ; and the said Council may hear the parties and their witnesses on oath, which oath shall be administered by the Mayor or by the presiding Councillor, and may sustain or alter the valuation of which the alteration is demanded, as may seem to it to be right ; and at the same meeting the said Assessment Roll shall be declared closed for three years, unless, however, the Council have been obliged to adjourn in consequence of the number of complaints, in which case the said roll shall not be declared closed until after all the complaints shall have been heard and decided ; Provided always, that if, after the said Assessment Roll shall have been declared closed as aforesaid, any property in the said City shall be considerably diminished in value, either by fire, the pulling down of buildings, accident, or any other reasonable cause, the said Council

To be open to
inspection, and
appeal from it
given.

Closing the
Roll.

Proviso.

Council may, on petition from the owner, cause the valuation of such property to be reduced by the Assessors to its actual value: Provided also, that if any omission has been made in the said Assessment Roll, the said Council may order the Assessors to value any property so omitted, for the purpose of adding it to the said roll; Provided further, that the said Assessors shall be bound to value annually, by order of the said Council, the stocks in trade held in the said City. Proviso.

XLVIII. The said City Council may, from time to time, as occasion shall require, appoint a fit and proper person, who shall not be a Member of the Council, to be and to be called Secretary-Treasurer of the City of Saint Hyacinthe, and it shall have power to appoint, dismiss and replace, when it shall think fit so to do, all such officers, constables and policemen as may be required for the due enforcement of the by-laws which are in force, or which it may hereafter make; to prescribe and regulate the duties of all such officers respectively; to exact from all persons employed by it in any capacity whatsoever, such security as it may deem sufficient to insure the due performance of their duties; and to grant and allow to the officers to be appointed as aforesaid, such salary allowance or other compensation for their services as it may think fit; and the said Council may appoint an Assistant Secretary-Treasurer, whenever the said Secretary-Treasurer shall be unable to discharge the duties of his office by reason of absence or sickness, or from any other cause, and the said Assistant Secretary-Treasurer shall be invested with the same powers as the said Secretary-Treasurer during the time for which he shall be so appointed. Appointment and payment of Secretary-Treasurer and other Officers, &c.

XLIX. The Secretary-Treasurer shall be the sole Collector and keeper of all sums due to the said City Council, or which may be at its disposal in any way whatever, of which he shall make correct entries in the books which shall be kept for that purpose; he shall also enter therein the sums which he shall have paid for the said Council, and the said books shall be at all reasonable times open to the Members of the said Council and to the Auditors; and he shall prepare a statement of the said accounts, with the vouchers and papers relating to the same, for the year ending on the thirty-first of May in each year, in order to submit them to examination by the Auditors between the first and the fifteenth of June in each year; Provided always, that the said Secretary-Treasurer shall not make any payment from the funds of the said City, otherwise than upon the order of the said Council, or upon an order in writing, signed by the Mayor or a Member of the Finance Committee; provided that possession by the Secretary-Treasurer of such order shall be *prima facie* evidence of the amount therein mentioned having been paid. Duties of Secretary-Treasurer. Proviso.

L. All the fines and penalties imposed or recovered in virtue of this Act, or of any By-law made in virtue hereof, shall be recovered Application of fines and penalties.

Proviso.

recovered for the use of the said City Council, and shall form part of its funds; and it shall be lawful for the said Council to remit any fine or penalty which it shall think proper to remit; Provided always that the Secretary-Treasurer be and he is hereby authorized to accept payment of any fine or penalty, and of the costs incurred, from parties who may be willing to pay the said fines and penalties without waiting for the judgment of the Court, or even without having been prosecuted.

Accounts to be rendered by Secretary Treasurer and other Officers.

LI. The Secretary-Treasurer of the said Council, and all its other officers or servants, shall respectively, during their continuance in office, or in the course of a month after their going out of office, and in such way as the Council shall direct, render to the said Council, or to any person authorized by it, an exact account in writing of all matters entrusted to their charge or keeping, in virtue of this Act, and also of all moneys which shall have been received by them respectively, for the purposes of this Act, and of the amount of all moneys which shall have been paid or disbursed by them for the benefit and under the control of the said Council, and for what objects.

City Council to have sole right of granting Certificates for Tavern Licenses, &c.

LII. From and after the passing of this Act the said City Council alone shall have the right of granting and delivering certificates for Tavern Licenses, and for Licenses to keep houses of public entertainment and retail spirituous liquors, within the limits of the said City; and such certificates shall be signed by the Mayor or the Secretary-Treasurer of the said City, and sealed with the Seal of the said Council.

Duties on Tavern and other Licenses

LIII. The said Council shall be entitled to charge for the granting of each such certificate, and in addition to the duties received by the Crown on Tavern Licenses, and on those granted to traders, a sum of five shillings, and the said sums shall form part of the funds of the said Council; and the said Council shall also have power to license temperance houses for an annual license of three pounds at the most.

Temperance Houses.

Power of City Council to borrow money.

LIV. It shall be lawful for the said City Council to borrow, on the credit of the said City of St. Hyacinthe, such sum or sums of money as the said City Council shall think proper to borrow for the purpose of effecting improvements in the said City, or of erecting public buildings, or of draining the streets, or of causing the said City to be supplied with water and gas, or for any other purpose which the said Council may deem useful or necessary: Provided always, that the whole amount so borrowed and remaining due, shall not at any time exceed fifteen per cent on the whole valuation of the assessed real property in the said City; and all public moneys now due and payable, or which may hereafter become due and payable to the said City Council, as well as other moneys which shall be levied or received by virtue of this Act, or of any other Act, shall be pledged for the payment of the current expenses of the

Proviso.

Total amount limited.

the said City and the sums so borrowed by the said City Council, and to the payment of the sums which have already been borrowed by the said City Council, and generally to the payment of all debts which have been or may be lawfully contracted, or which now are or may hereafter be lawfully due and payable by the said City Council; and the said Council may, if it borrows sums of money on the credit of the Consolidated Municipal Loan Fund for the Province of Lower Canada, apply the said sums to the different objects mentioned in this clause: and it shall be sufficient for the said Council, in order to obtain the said sums from the Consolidated Municipal Loan Fund, to observe the formalities prescribed by this Act.

Borrowing on credit of Consolidated Loan Fund.

LV. It shall be lawful for the said City Council to contract loans by issuing debentures or *bons* signed by the Mayor and countersigned by the Secretary-Treasurer of the said City, and sealed with the seal of the said Council; such loans being made payable to the bearer at such periods as the said Council shall think proper to fix; and such *bons* or debentures 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 cent. per annum, and coupons for the amount of the semi-annual interest thereon may be attached to all such debentures, which coupons being signed by the Mayor and countersigned by the Secretary-Treasurer, shall be payable respectively to the bearer thereof, when and as soon as the semi-annual interest therein mentioned shall accrue, and upon payment thereof shall be delivered to the said Secretary-Treasurer; and the possession of any such coupon shall be *prima facie* evidence that the semi-annual interest therein mentioned has been paid according to the tenor of such debenture or *bon*, and all such debentures or *bons*, and the interest together with the principal thereof, shall be secured upon the general funds of the said City.

Power to issue Debentures.

Coupons for interest.

LVI. The said City Council shall not in any case contract any loan without having obtained the approbation of the majority in number and in value of assessed real property of the electors of the said City; such approbation to be expressed in public meetings, presided over by the Mayor, the Secretary-Treasurer acting as Secretary, and duly called by notices published and posted up during fifteen days before such meeting; Provided always that six qualified municipal electors present at the said meeting may demand a poll to establish such majority; and a poll shall be granted by the Mayor, on being so demanded, and shall be held within four days next after such meeting, the Secretary-Treasurer of the City acting as Poll Clerk under the direction of the Mayor; each elector shall then present himself in turn and shall give his vote by "yea" or "nay," the word "yea" signifying that he approves of the proposed loan, and the word "nay" signifying that he disapproves of the proposed loan; but no person's vote shall be received unless it appear by the Assessment Roll, that he is duly qualified to vote

No loan to be contracted without the consent of the electors.

Proviso: Poll may be demanded: and mode of voting.

Proviso : time
for polling :
declaration of
the result.

as Municipal Elector ; Provided always, that such poll shall be held on two consecutive days, not being Sundays or holidays, from ten o'clock in the morning until five o'clock in the afternoon, and at the close of the Poll, the Mayor shall count the "yeas" and the "nays," and within four days thereafter he shall lay before the City Council a statement shewing the value of the real property of each of the voters according to the assessment Roll then in force, and shall certify for the information of the City Council whether the majority in number and in value of assessed real property of the electors of the City approve or disapprove of the said loan ; and this certificate shall be countersigned by the Secretary-Treasurer of the City and preserved by him with the poll-list, and the aforesaid statement among the archives of his office, and if the said loan is approved as aforesaid, then the said City Council may contract it.

Execution of
contracts and
service of
process, &c.

LVII. Every Contract or document in which the said City Council shall be a contracting party, shall be executed and signed by the Mayor, countersigned by the Secretary-Treasurer, and sealed with the seal of the said Council ; and whenever it shall be necessary to serve any protest or any rule of Court or Summons, or other thing whatever in any action or prosecution, upon the said Mayor and City Council, such service shall be made upon the Secretary-Treasurer, at his Office ; and every demand made by the City Council for payment of taxes and assessments, or every notice for the putting in execution of any new By-law, shall be made by a notice posted up in the Council Hall, and published in a newspaper published in the City, if there be one, during fifteen days and read in the forenoon on the market place the two Saturdays preceding the day on which such payments shall have to be made, or such new By-law shall have to be put in force.

Power to levy
taxes.

LVIII. In order to raise the necessary funds to meet the expenses of the said City Council, and to effect the several necessary public improvements in the said City, the said City Council shall have power to levy annually upon persons, and upon moveable and immoveable property in the said City, the taxes hereinafter set forth, that is to say :

On real prop-
erty.

1. On all pieces of land, town lots, or parts of town lots, whether there be or be not buildings thereon, with all buildings and erections thereon, the sum of one penny in the pound on their full actual value, as entered in the Assessment Roll of the said City ; Provided that no land under cultivation or leased as a farm within the limits of the said City shall be taxed by virtue of this Act ; Provided also, that the said City Council shall have power to cause to be added to the Assessment Roll at any time any part of such land under cultivation or leased as a farm which shall have been detached from it as a town lot, and shall thus have become liable to Assessment after the closing of

Proviso.

Proviso.

of the Assessment Roll, and to fix the period of time for which such tax shall be paid ;

2. On the following moveable property, a similar sum of one penny in the pound, according to the values hereinafter specified; On moveable property of certain kinds.

Every Stallion kept for the purpose of covering mares shall be rated at one hundred pounds ;

Every horse kept for hire, at fifteen pounds ;

Every horse above the age of three years, and kept for ordinary domestic purposes, at ten pounds ;

Every bull, at twelve pounds ten shillings ;

Every ram, at five pounds ;

Every head of horned cattle, of the age of two years and upwards, at two pounds ;

Every covered carriage with four wheels, at fifty pounds ;

Every open carriage, with four wheels and two seats, at twenty pounds ;

Every gig or light waggon with one seat, at ten pounds ;

Every two-horse sleigh, at twenty pounds ;

Every one-horse sleigh, at ten pounds ;

Provided always, that every winter or summer vehicle used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all farm stock, and all implements used for agricultural purposes, shall be exempt from any tax whatever ; Proviso.

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on shelves in shops or kept in store-houses, a tax of a quarter per cent on the estimated average value of such stocks in trade ; Stocks in trade.

4. On each tenant paying rent in the said City an annual sum equivalent to six pence in the pound on the amount of his rent ; On rents paid.

5. On each male inhabitant of the age of twenty-one years, who shall have resided in the said City for six months, and not being a proprietor, nor tenant, nor an apprentice, nor a domestic servant, an annual sum of five shillings ; Poll Tax.

Dogs.

6. On every dog kept by persons residing in the said City, an annual sum of five shillings ;

On persons following certain occupations, or professions.

7. And it shall be lawful for the said City Council to fix, by a By-law or By-laws and to impose and levy, certain annual duties or taxes—on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses : and on all retailers of spirituous liquors ; and on all pedlars and itinerant traders selling in the said City articles of commerce of any kind whatsoever ; and on all proprietors, possessors, agents, managers and keepers of theatres, circuses, billiard-rooms, nine-pin alleys, or other places for games or amusements of any kind whatsoever ; and on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery stable keepers, brewers and distillers ; and on all merchants and manufacturers, and their agents ; and on all proprietors or keepers or wood-yards or coal-yards, and of slaughter houses in the said City ; and on all money-changers or exchange-brokers, pawn-brokers, and their agents ; and on all bankers and banks, and all agents of bankers and banks ; and on all Insurance Companies or their agents ; and generally on all commerce, manufactures, callings, arts, trades, professions, which have been or which may be exercised in or introduced into the said City, whether the same be or be not mentioned therein ; and the workmen of all mechanical arts and trades exercised in the said City shall be divided into first and second classes by the person appointed by the said City Council to make the Roll of moveable property, and shall be assessed at five shillings per annum for those of the first class, and at one shilling and three pence for those of the second class ; and every person in the said City, practising the profession of a lawyer, or of a physician, or of a land Surveyor, or of a Notary, or any other liberal profession, shall be assessed at the sum of fifteen shillings annually ; and the said City Council may name a person or persons to make the roll of the persons and moveable property mentioned in the different parts of this section ;

Commutation for Road Work.

8. And the said Council shall also have power to fix the amount of personal commutation, that is to say, of the sum to be payable by every person liable to assist in keeping the streets and side-walks of the said City in repair, and to refuse the labour of such person in keeping the same in repair if the said Council thinks proper to charge itself therewith ; Provided always, that every such sum demanded for personal composition shall be equitably established in proportion to the work to be done, and that by arbitrators if the parties concerned require it.

Certain descriptions of real estate exempted from taxation.

LIX. The following properties shall be exempt from taxation in the City of Saint Hyacinthe :

All lands and property belonging to Her Majesty, Her Heirs or Successors, held by any public body or department, or by any person for the use of Her Majesty, Her Heirs and Successors ;

All Provincial property and buildings ;

Every place set apart for public worship, parsonage House and every cemetery ;

The Bishop's Residence and land adjoining thereto ;

Every public school-house and the lot on which it is built ;

Every educational establishment, and the lot on which it is built ;

All buildings, lands and properties occupied or possessed by Hospitals or other charitable establishment ;

Every Court House or District Gaol with the grounds attached thereto ;

Provided always, that this exemption shall not extend **Proviso.** to the lots or to the buildings erected on lots leased or occupied by tenants under the Government or the War Department in the said City ; and such lands belonging to the Government or to the War Department as shall be occupied by tenants, shall be valued and assessed in the same manner as other immoveable property in the said City, and the taxes thereon shall be paid by the said tenants or occupants.

LX. After the passing of this Act, every proprietor or agent **Penalty for granting false certificates, &c., of rent.** who shall wilfully grant a certificate or receipt for a less sum than the rent actually paid for the premises therein mentioned, or referred to, and every tenant who shall present such a certificate or receipt to the person appointed to make the roll of persons and of moveable property, or who shall make a false representation of the amount of rent paid by him, in order to diminish the amount of his assessment, shall be liable, on conviction thereof before the Mayor or a Justice of the Peace, to a fine of not less than five pounds currency, or to imprisonment for at least one calendar month, at the discretion of such Mayor or Justice of the Peace.

LXI. If any person neglects to pay the amount of the taxes **Mode of compelling payment of taxes.** for which he is assessed during a period of thirty days after the same shall have been demanded in the manner provided for by this Act, the said Secretary-Treasurer may, and he is hereby required to levy the same by means of a prosecution in the usual manner before a Justice or Justices of the Peace or any other Court having jurisdiction to the amount claimed : and if

eight days after judgment shall have been rendered in favor of the said Council by such Justice of the Peace or any such other Court in any suit for money brought by virtue of this Act, such person shall still refuse or neglect to pay his taxes, such Justice of the Peace or the Clerk of the said other Court may, and he is hereby required to issue on the demand of the said Secretary-Treasurer, a Writ of execution against the moveables of such person refusing or neglecting to pay his taxes; and the amount of such taxes shall be paid by the proper officer to the Secretary-Treasurer, after the costs of suit and of the seizure and Sale of such moveable effects, shall have been deducted.

Land may be sold for taxes in certain cases.

LXII. If the moveables of any person indebted to the said City Council for taxes are not sufficient to cover the amount claimed, such amount, or any balance remaining due, shall be levied by the sale of the land or lands which shall be charged with or answerable for the payment thereof to the said Council, in the manner hereinafter provided.

As to taxes payable by non-residents.

LXIII. In all cases in which the taxes due on land belonging to a person residing out of the said City, shall not be paid, such taxes may be levied, after due notice given in the manner hereinafter mentioned, by sale of the property or properties charged with such taxes.

Lists of lands liable for taxes to be published annually.

LXIV. On the first day of December in each year, the Secretary-Treasurer of the said City shall publish a list of all lots or pieces of land on which taxes are due, which cannot be levied by the sale of any moveable effects, shewing the amount due on each such lot or piece of land; and the said list shall be posted up in the Council Hall of the said City Council until the day of the adjudication of such pieces of land, and published once in each week in a newspaper of the locality, and twice altogether in the *Canada Gazette*, if there be no such newspaper, and the said list shall be followed by an advertisement announcing that the whole or a part of such pieces of land will be sold by auction and by public adjudication at a place and on a day and at an hour which shall be specified therein, such day being the fortieth lawful day from that on which the said list shall have been posted up.

Mode of selling land for taxes.

LXV. On the day and at the place and hour indicated in the said advertisement for the sale of such lands or lots, the Secretary-Treasurer of the said City shall make known with a loud voice the sum to be levied on such piece of land together with the amount of the costs of the sale; and the person who shall then offer to the said Secretary-Treasurer the said sum with the costs, or more if there is over-bidding, shall be considered as the lawful purchaser of such piece of land or part thereof, and the said Secretary-Treasurer shall decide upon the extent of such piece of land which it shall be necessary to sell in order to cover the amount claimed; and if the purchaser pay
the

the amount claimed the same day, the Secretary-Treasurer shall give him a certificate of such sale and adjudication under his signature and the seal of the said Council, and upon the delivery of such certificate such purchaser may take possession of the said lot as sold and described by the said Secretary-Treasurer.

LXVI. If the said purchaser do not pay the amount for which such lot or part of a lot shall have been adjudged to him on the very day of the sale, such adjudication shall be *ipso facto* null, and a new sale shall take place in the same manner as above mentioned, within eight days after such ineffectual adjudication, and the said sale shall be advertised once in a newspaper of the locality, and notice thereof shall be posted up in the Council Hall of the said Council during eight days; and if there be no newspaper, it shall only be posted up as aforesaid.

Provision for new sale in case of non-payment by first purchaser.

LXVII. If the biddings on such pieces of land adjudged as aforesaid produce a sum exceeding that which is claimed, the surplus shall remain in the hands of the said Secretary-Treasurer to form part of the funds of the said City until the said sum be claimed by the proprietor or proprietors of the land so sold.

Mode of proceeding when land sells for more than enough to pay the taxes.

LXVIII. If in the course of twelve calendar months, reckoning from the day of the said sale and adjudication, the original proprietor of the said lot, or any person duly authorized by him, pay to the Secretary-Treasurer the amount levied on the said lot, with twenty per cent in addition, he shall have a right to resume possession of the said lot or portion of a lot so sold, and the Secretary-Treasurer shall pay on demand to the purchaser thereof, or to his heirs or assigns, the amount received by him, deducting two and a-half per cent, for his fees and expenses, and the title of such purchaser to such lot or part of a lot shall become null and void from that moment.

Owner may redeem lot within twelve months on payment of price and 30 per cent. more.

LXIX. If at the expiration of twelve calendar months reckoning from the day of the said adjudication, the property or lot so adjudged be not redeemed as aforesaid, the Secretary-Treasurer shall, on the demand of the purchaser or his heirs or assigns, and on proof of the payment of all taxes due on such land, execute a Deed of Sale in due form conveying in the name of the said Mayor and City Council the property thus adjudged to the said purchaser or his representatives; and this Deed of Sale shall be a valid conveyance in law to all intents and purposes, and shall not only transfer to the purchaser all the rights of the original owner, but shall also have the effect of purging such lot or property, of all privileges and hypothecs with which it may be burthened.

If lot not redeemed, Deed of sale to be made after twelve months.

LXX. Every tax or assessment imposed by virtue of this Act on any of the properties or houses of the said City may be recovered either from the owner or from the tenant or occupant of such

Taxes to be recovered either from

owner or occupant. such property or house ; and if such tenant or occupant be not bound, by lease or other arrangement, to pay such tax or assessment, such tenant or occupant may and shall have a right to deduct the sum so paid by him for assessment as aforesaid from the rent which he shall be obliged to pay for the occupation of such property : Provided always, that when a judgment shall have been obtained, and an execution issued, either against the owner or against the occupant, that shall not prevent the party who shall have paid such assessments without having been bound by express agreement so to do, from taking proceedings against the other party, if the said sum so paid cannot otherwise be recovered.

Proviso.

City Council may remit taxes to poor persons. LXXI. The said Council shall have power to remit to poor persons in the said City, who shall have been taxed by virtue of this Act, all or part of their assessments in certain cases of loss by fire, long illness, or any other cause which the said Council shall deem reasonable and sufficient.

Debts due to City Council for taxes to be privileged debts. LXXII. All debts due to the said City Council in future for all taxes or assessments imposed on moveable or immoveable property in the said City, by virtue of this Act, shall be privileged debts, and shall be paid in preference to all other debts, and shall be allowed to the said City Council in all cases of distribution of moneys, in preference to all other creditors : Provided always, that this privilege shall be applied only to taxes due within three years, and no longer ; And provided also, that this privilege shall have its full and entire effect without its being necessary to have recourse to registration.

Proviso.

Proviso.

Ten per cent. per annum to be added to taxes in arrear. LXXIII. In all cases of non-payment of taxes imposed on any immoveable property in the said City, an augmentation of ten per cent on the amount of the assessments in arrear shall be added each year to such amount, and that, as long as such assessments shall not be paid.

Power to make By-laws for certain purposes. LXXIV. The said City Council shall have full power and authority from time to time to make, revise, alter and amend, and to enforce and put in execution such By-laws as it may deem proper, and which shall bind all persons, for the following purposes, to wit :

Interior economy. For the maintenance of peace and good order,—the improvement, cleansing and draining of streets, public places and lots whether vacant or occupied,—for the prevention and suppression of any nuisance whatever,—for the maintenance and preservation of the public health, and generally for all that relates to or concerns the interior economy and the government of the said City ;

Gambling. For restraining and prohibiting every kind of gambling in the said City, and preventing the keeping of gambling-houses, tennis-courts

tennis-courts or houses for debauchery of any description in the said City ;

For preventing and restraining all games with cards, games of chance, with or without betting, in any licensed or unlicensed hotel, eating-house, tavern or shop in the said City ;

Games of chance.

For preventing and prohibiting any riot or tumult, disturbance or disorderly assembly, and punishing the authors thereof ; and for giving power and authority to enter into all shops, taverns, hotels, and other houses or places of public entertainment, licensed or not licensed, in the said City ;

Riot or tumult.

For finding out and arresting on the spot, such persons as shall be found playing, either at cards, dice, or other games of hazard, or engaged in cock-fights or dog-fights, in such places, contrary to any By-law prohibiting such things, or making, causing or creating any tumult, riot, disturbance or disorder therein ;

Arrest of offenders.

For giving power and authority to visit and examine, at reasonable hours, the exterior or the interior of any house, land or building of any kind in the said City, for the purpose of ascertaining whether the By-laws passed by the said Council are regularly observed ; and for obliging all proprietors or occupants of houses, lands or buildings in the said City to admit any person authorized as aforesaid, for the purpose hereinbefore expressed ;

Domiciliary visits.

For restraining and punishing vagabonds, beggars, prostitutes and disorderly persons ;

Vagabonds, Prostitutes, &c.

For licensing and regulating or for prohibiting shows brought forward by common showmen and exhibitions of all kinds, and exhibitions of any natural or artificial curiosities, caravans, circuses, menageries and theatrical representations ;

Shows.

For prohibiting cock-fights and dog-fights, and all other cruel amusements in the said City ; and also for preventing the driving of vehicles at immoderate speed in the said City, and the infliction of barbarous and inhuman treatment upon horses or other animals ;

Cruelty to animals.

For prohibiting the flying of kites, and any other sport, practice or amusement in public streets or elsewhere, which may have the effect of frightening horses, or of annoying or disturbing persons passing in or along the streets of the said City, or of endangering property ;

Kite-flying in the streets, &c.

For obliging all persons to remove the snow, ice or filth from the side-walks and from the roofs of the buildings possessed or occupied by them, and for punishing them for failing to do so ;

Snow and ice.

For

- Obstruction of Streets.** For preventing and forbidding the obstruction of the streets, squares or side-walks by carriages, carts, sleighs, wheelbarrows, boxes, wood, or any other nuisance or material whatsoever;
- Selling in Streets.** For prohibiting or for licensing or regulating the selling or hawking of fruits, cakes, refreshments, jewellery and merchandise of all kinds in or along the streets, public places and side-walks of the said City ;
- Removing nuisances.** For obliging the proprietor or occupant of every grocery, cellar, candle or soap factory, tannery, stable, barn, privy, drain, garden, field, yard, passage, or vacant lot, or any other place that may be unwholesome or fetid, to cleanse and purify it, or even to remove it or cause it to disappear so far as may be necessary for the health, comfort and convenience of the inhabitants of the said City ;
- Drainage, &c., of vacant lots.** For compelling all owners or occupants of lots in the said City on which there shall be stagnant water to drain or raise such lots, so that the neighbors may not be incommoded, nor the public health compromised ; and in the event of the owners of such lots being unknown, and having no agent or representative in the said City, it shall be lawful for the said City Council to order the said lots to be drained or raised, or to cause them to be fenced and enclosed at the expense of the said City Council, if they are not so ; and the said City Council shall have the same power if such owners or occupants of such lots are too poor to drain, raise or fence them ; and in all these cases the sum expended by the said City Council in improving such lots shall remain charged upon such lots by special hypothec and by privilege in preference to any other debt whatever, and shall be recoverable in the same manner as the taxes due to the said Council ;
- Sum expended to be a charge on the lots.**
- Dead bodies, or carcases.** For preventing any person from bringing into or depositing or leaving within the limits of the said City any dead body or carcass, and for causing the same, together with any matter or thing on the point of becoming or liable to become unwholesome to be removed by the proprietor or occupant of any place where they may be found, and in default thereof, to authorize the removal or destruction of the same by some officer of the City, and to recover the expense of such removal or destruction from the persons refusing or neglecting to remove or destroy the said substance ;
- Interments.** For preventing interments within the limits of the said City, or for fixing the places where they may take place ; for compelling the disinterment of bodies interred in contravention of this provision ; provided always, that this clause shall not be construed to extend to prevent the interment of the bodies of Priests or Nuns or Protestant Clergymen in the Churches of the City ;

For prohibiting, if it is deemed necessary, or for regulating the erection, use or employment in the said City of steam engines or of manufactories of any kind which may be calculated to vitiate the air and incommodate the neighborhood, of which the said Council shall be the judges, or of shambles, dye-works or other manufactories or establishments, where works, operations or process are carried on which endanger or tend to put in jeopardy the public health or the public safety ; and the said City Council shall also have power to permit the erection, use or employment thereof, subject to such restrictions, limitations and conditions as the said City Council may deem necessary ;

Unwholesome
processes, or
manufactures.

For restraining and regulating the liberty allowed to animals of all kinds, and to authorize the detention thereof in public pounds, and the sale thereof for the penalty incurred, and the costs of prosecution, as well as the expenses of detention ;

Animals stray-
ing.

For regulating and preventing the allowing of dogs to go at large in the said City, and for authorizing the destruction of all dogs wandering at large in contravention of any by-law in the said City ;

Dogs.

For establishing a tariff of fines and dues which shall be paid to the public Pounds which are now kept, or which shall hereafter be established in the said City ;

Public Pounds.

For authorizing the seizure and confiscation of all grains, meat, flour, butter, potatoes, and all other vegetables, fruits, articles and effects brought into the said City, for sale or otherwise, on account of deficiency in measure, weight or quality, or for any other good and sufficient reason ; and for regulating the weighing and measuring of all cord wood, coal, salt, grains, lime and hay brought into or sold in the said City by strangers or by persons residing therein ; for determining in what manner and at what place these articles or any others shall be sold and delivered either by the quantity, or by bulk or by weight ; and for compelling all persons to conform in these matters to the regulations which the said Council may deem it advantageous to establish in future ;

Seizure of
light or da-
maged goods.

For establishing a market-place or market-places, or for enlarging the market-places that now exist, or those which shall be established in future, subject always to the payment of the damages that may be occasioned to individuals by the enlargement of such market-places with land taken from their respective properties ;

Market-
places.

For determining and regulating the duties of the Clerks of the Markets of the said City, or of all other persons whom the said Council may think it right to employ to superintend the said markets ; and for letting the stalls or places of sale in and around

Clerks of
markets : and
sums payable
for stalls, fees,
&c.

around the said markets ; and for determining and fixing the dues which shall be received from all persons who shall come to sell their goods or produce of any kind there, and for regulating the conduct of all such persons in the sale of their effects ; and for regulating the weighing and measuring, as the case may be, at the request of any party concerned, by the officers appointed for that purpose by the said City Council, and on payment of all fees which the said Council shall have thought fit to prescribe for so doing, of all produce whatsoever that may be offered for sale on the said markets ;

Vehicles in markets. For regulating and laying, and imposing dues upon all vehicles in which articles shall be exposed for sale, or which may take up places in the said markets ;

Sales of certain articles out of market. For preventing persons bringing goods of any kind, wood or materials, into the said City for selling or exposing them elsewhere than on the said markets ;

Hucksters. For restraining and regulating hucksters and persons buying articles brought into the said City, for the purpose of selling the same again, and for laying dues and taxes upon them in the prosecution of their traffic ;

Bakers. For regulating the bakers in the said City, and the persons in their service ;

Bread. For regulating the sale and the weight of the bread that may be sold or offered for sale in the said City, and for providing for the inspecting and weighing of all bread offered for sale, and for the seizure, forfeiture and confiscation, and also for the mode of disposing, after confiscation, of all such bread so offered for sale in contravention to the said regulations, or bread that may be unwholesome or too light ; and to this end to authorize officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of inspecting and weighing such bread, and to do any other act or thing that may be necessary, or that may be deemed advantageous to the public interest and safety for the attainment of such object or for causing such regulations to be enforced ;

Visiting Baker's shops to examine bread, &c.

Carters. For authorizing the granting of licenses to carters, and to the owners and drivers of public vehicles kept for hire in and for the said City, and also for the better guidance of the owners and drivers of such vehicles, and for the establishment of rules and regulations respecting public carts, chaises, calashes, carriages, or other vehicles kept for hire in and for the said City, as well as for establishing a tariff of prices for the same ; and for imposing a fine and penalty on any person who shall hire, engage, or employ carters in the said City, and who shall neglect or refuse to pay them for their services at the rates fixed in the said tariff ;

For regulating, cleaning, repairing, mending, altering, opening, widening, narrowing, straightening or discontinuing the streets, squares, lanes, highways, bridges, side-walks, crossings, drains and sewers, and all natural water courses in the said City; and for preventing their being incumbered in any way, and protecting them from encroachment and injury, and also for settling the direction of all natural water courses running through private property in the said City; and for regulating every thing on this subject, whether the said water courses be or be not covered. It shall also have power to regulate the mode of planting, rearing and preserving ornamental trees in the streets and public places of the said City;

Streets.

Water courses.

Shade trees.

For assessing the proprietors of lands situate on any of the streets of the said City, at such sums as shall be deemed necessary for the making or repairing of any common sewer in any of the streets of the said City, and that, in proportion to the assessed value of such land; and for regulating the mode of collecting and receiving such assessments; provided always, that the said Council shall not have power so to assess the owners of property in any street for the making of such sewers, unless the majority of the owners of property in such street have demanded such assessment;

Common Sewers.

Proviso.

For compelling the proprietors of all lands and immoveable property, in the said City, or their agents or representatives, to inclose such lands, and for prescribing the height and strength of the materials that shall be employed in so doing;

Enclosing lots.

For preventing the sale of any intoxicating drinks to any child, apprentice or domestic servant;

Sale of liquor to children, &c.

For regulating the conduct and certain duties of apprentices, domestic servants, and hired servants and journeymen in the said City, and also certain duties and obligations of masters and mistresses towards such servants and journeymen;

Apprentices, &c.

For regulating, arming, lodging, clothing and paying a police force in the said City, and for determining its duties;

Police.

For founding, establishing and regulating a City Gaol or place of detention in which to confine from time to time persons violating the regulations of the said Council, or guilty of vagrancy or other offences;

Town Gaol.

For assessing, over and above all the taxes specially established by this Act, all the citizens of the said City, for the purpose of defraying the expense of indemnities which the said Council may be bound to pay to persons in the said City, whose houses or other buildings shall have been destroyed or damaged by a riot or by tumultuous assemblies; and if the said Council neglect or refuse within three months next after such destruction or damage being so occasioned to any property in the said City,

Indemnity for damage done by mobs.

City,

City, to pay a reasonable indemnity, to be ascertained by *experts*, if one of the parties desire it, then the said Council shall be liable to be sued in any Court of Justice in this Province for the recovery of such damages ;

Projections in Streets.

For compelling all owners of houses in the said City to remove from the streets all encroachments or projections of any kind, such as mouldings, galleries, porches, posts, fences or any other obstacle whatever ;

Dangerous buildings.

For causing to be thrown down, demolished and taken away, when deemed necessary, all old walls or chimneys or dangerous buildings of any kind, threatening to fall down, and for determining the time when and manner in which such building shall be thrown down, demolished and taken away, and by whom the expense shall be borne ;

Width, &c., of Streets.

For regulating the width of the streets that shall be opened in future in the said City ; for regulating and altering the height or the levels of any streets, or of any side-walks in the said City ; Provided that if any person suffer actual damage by the widening, prolongation or alteration of level of any of the streets of the said City, such damage shall be paid for to such person at a valuation by *experts*, if either of the parties require it ;

Proviso.

Sweeping Streets.

For assessing, at the request of the majority of the citizens residing in any of the streets or public places of the said City, all the citizens residing in such street or public place at such sums as may be necessary to provide for the expense to be incurred for sweeping, watering and keeping clean such street or public place, and that, according to the assessed value of their properties ;

Water and Gas Works.

For providing, out of the funds of the said City, for a supply of water for the citizens of the said City, and for the lighting of the said City with gas, or in any other way ; and for obliging the owners of immovable property in the said City, to allow the necessary works for these purposes to be done upon their respective properties ; and for compelling all proprietors to allow the necessary pipes, lamps or posts to be attached to their houses ; Provided always, that in all these cases, the expense of such pipes, lamps and other necessary works shall be borne by the said Council ; and provided also, that the solidity of the buildings on or near which they shall be, shall be in no way affected thereby ;

Proviso.

Board of Health, contagious diseases, &c.

For establishing a board of health, and conferring upon it all the privileges, powers and authority required to enable it to discharge the duties which shall be assigned to it, or to acquire all useful information as to the course or the general effects of contagious

contagious and epidemic diseases ; or to make such regulations as such board of health may deem necessary for preserving the citizens from the inroads of any contagious or epidemic disease, or for diminishing the effects or the danger thereof ;

For regulating the way in which horses shall stand at rest, Horses.
or be tied in the streets or in open sheds in the said City ;

For preventing or regulating bathing and swimming in the Bathing.
River, within the limits of the said City ;

For regulating and preventing the firing of guns, pistols and Firing Guns,
other fire arms, and preventing the making of bonfires and the &c.
firing off of rockets and crackers ;

LXXV. For the better protection of the lives and properties By-laws for
of the inhabitants of the said City, and in order the more effect- protection from
ually to guard against danger from fire, the said City Council may make By-laws for the following purposes, that is to say : fire.

For regulating and making obligatory the construction of Coupe-feux in
coupe-feux in masonry ; masonry.

For regulating the construction, the dimensions and the form Chimnies.
of chimnies and their height above the roofs, or even in certain
cases, above the surrounding houses and buildings ; and by
whom the cost of the elevation of such chimnies shall be borne,
and within what time such chimnies shall be raised ;

For paying out of the funds of the said City, all such outlay Fire-engines.
as the said Council may deem necessary for the purchase of
fire-engines or any other apparatus designed for the same use,
or for adopting such means as shall seem to it most effectual
for preventing such accidents by fire, or for stopping the progress
of fire ;

For making, authorizing or causing to be made after every Inquiring into
fire in the said City, an inquiry in relation to the origin and cause of fire.
causes of such fire, and to this end the said Council, or any
Committee authorized by it to that effect, may summon wit-
nesses and compel them to appear, and may examine them on
oath, which oath shall be administered by any Member of the
Council or of such Committee ;

For regulating the manner in which chimnies shall be swept, Sweeping of
and at what periods in the year ; and for granting licenses to Chimnies.
such number of chimney sweepers as the said Council shall
think fit to employ ; and for compelling all owners, tenants or
occupants of houses in the said City to allow their chimnies to
be swept by such licensed chimney-sweepers ; and for fixing
the rates to be paid, either to the Council or to such licensed
chimney-sweepers, for such sweeping ; and for imposing a fine
of

of not less than five shillings nor more than fifty shillings on all persons whose chimnies shall have taken fire after their refusal to allow such chimnies to be swept ; which fine shall be recovered before the Mayor or any Magistrate residing in the said City ; and whenever a chimney which shall have so taken fire as aforesaid, shall be common to several houses, or to several households in the same house, the said Court shall have a right to impose the aforesaid fine wholly upon each house or upon each household, or to divide it between them, according to the degree of negligence which shall appear from the evidence given before such Court ;

**Ashes and
Lime.**

For regulating of the mode in which ashes and quick lime shall be kept in the said City, and for preventing all inhabitants of the said City from carrying fire in the streets without the necessary precautions, from making a fire in a street, from going from their houses to their out-houses and entering therein with lighted candles not enclosed in lanterns ; and for regulating the mode of keeping and of transporting gunpowder or any inflammable or dangerous substances ; and for regulating or preventing the keeping of smoke-houses and dangerous manufactures as being likely to cause or facilitate fires ; and finally, for making all the regulations they may think necessary for guarding against or diminishing dangers from fire ;

Persons present at fires.

For regulating the conduct of all persons present at any fire in the said City ; for compelling idle lookers-on to extinguish the fire or save the effects in danger ; and for compelling all the inhabitants of the said City to keep constantly on hand in their houses, ladders, fire-buckets, fire-poles and fire-hooks, in order the more easily to arrest the progress of fire ;

Gratuities for casualties at fires.

For defraying out of the funds of the said City, any expenditure which the said Council may deem it right to make in aiding or assisting any person employed by it, who shall have received any wound or contracted any serious illness at a fire in the said City, or in aiding or assisting the families of any of the persons so employed who shall have lost their lives at a fire and in giving or distributing rewards in money or otherwise to those who shall have been particularly useful or zealous at any fire in the said City ;

Pulling down houses.

For giving to such members of the Council and the Superior Officers of the Fire Department who shall be designated in such By-laws, power to cause to be demolished, thrown down or blown up during a fire any houses, buildings, out-houses or fences that may furnish fuel to the fire and endanger the other properties of the inhabitants of the City ;

Appointing Officers.

For nominating and appointing all the officers the said Council may deem to be required for causing the By-laws it may make in relation to dangers by fire to be put in execution ;
determining

determining their duties and privileges, and remunerating them, if it think proper, out of the funds of the said City ; and for regulating and establishing one or more companies of firemen ; and for authorizing the officers whom it shall think proper to name for this purpose to visit and inspect, at seasonable hours, the interior and exterior of every house or building of any kind in the said City for the purpose of ascertaining if the By-laws passed by the said Council, under the authority of this section, are regularly observed ; and for obliging all owners or occupants of houses in the said City to admit such officers for the purpose hereinbefore set forth ;

For imposing penalties upon the Members of fire Companies who shall fail to do their duty, not exceeding ten shillings currency, but which may be less ;

Fining Firemen.

And the said City Council may by a By-law for any one of the purposes for which the said Council is authorized by this Act to make any By-law, impose any fine which shall not be less than five shillings, nor more than five pounds currency, or imprisonment for a period not exceeding thirty days, or both, as it may deem expedient, for the putting in execution of the said By-laws ; Provided always, that the said City Council shall conform itself to the penalties mentioned in special clauses of this Act.

Fines for contravention of By-laws.

Proviso.

LXXVI. Before any By-law of the said City Council for the contravention of which any penalty shall be inflicted, can have effect, and be binding, such By-law shall be posted up in the Council Hall of the said Council for fifteen days after its passing, and shall be read on two consecutive Saturdays during the forenoon on the market or markets of the said City, or published during fifteen days in one Newspaper published in the said City. Provided always, that the By-laws which have been printed by order of the said Town Council before the passing of this Act, shall be in force until they are regularly rescinded and repealed ; Provided also, that all By-laws which shall be repugnant to any law in force in the country, or to any Act of the Legislature of this province, shall be null and of no effect.

Publication of By-laws.

Proviso.

Proviso.

LXXVII. If any person shall violate any By-law made by the said City Council, by virtue of this Act, such person shall, for every such offence be liable to the fine specified in any of the said By-laws or orders, with the costs allowed by the Justices of the Peace who shall try him for such offence, which shall be levied of the goods and effects of such offenders ; and if the proceeds of the sale of the goods and effects do not suffice to pay the fine and costs, or in default of such goods and effects, the offenders as aforesaid shall be liable to be imprisoned in the Common Gaol of the District or of the County, for a period which shall not exceed one month, or may be less at the discretion of the Court ; and no person shall be deemed an incompetent witness in any prosecution under this Act, by reason of such

Punishment for contravention of By-laws.

Witnesses.

Proviso.

such person being an inhabitant of the said City : Provided always that every prosecution or complaint for the violation of any order or By-law of the said City Council shall be made within thirty days after the commission of the offence.

Arrest of idle and disorderly persons.

LXXVIII. It shall be lawful for any constable, during the time he shall be on duty, to apprehend and arrest all idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any bad intent within the limits of the said City, and also every person who shall be found lying in any field, or in any lot, road, yard, or other place, or who shall be found sauntering and idle in any such place, and who shall not give a satisfactory explanation of his conduct ; and every such constable shall deliver such person to the custody of the constable who shall have charge of the police station or watch house of the said City, in order that such person may be safely kept until he can be brought before the Mayor or some other Magistrate, to be dealt with according to law.

Arrest of persons violating By-laws.

LXXIX. In addition to powers and authority hereinbefore conferred upon constables, it shall be lawful for any constable by day or by night to arrest on view any person violating any of the By-Laws of the said City Council ; and it shall also be lawful for every constable to arrest any such person violating any such By-Law, or immediately after the commission of the offence on good and sufficient information given, as to the nature of the offence, and as to the persons who have committed it ; and all persons so summarily arrested shall be safely kept until they can be brought before the Mayor or some other Magistrate to be dealt with according to law.

Penalty for violence to Constables, &c.

LXXX. Every person who shall assault, beat or violently resist a Constable or any Peace Officer, appointed by virtue of this Act, and in the execution of his duty, or who shall assist or incite any other person to assault, beat or violently resist such Officer or Constable, every such offender shall be liable on conviction thereof, before the Mayor or a Justice of the Peace, to a fine of from two to ten pounds currency, and to imprisonment for a period which shall not exceed two calendar months : Provided always, that it shall be lawful for the said City Council, or for any such Officer, to proceed, if the case is a serious one, by way of indictment against any such offender, but, nevertheless, that only one judicial proceeding be adopted.

Proviso.

LXXXI. It shall be lawful for the said City Council to order the Inspector of the said City, to notify those who may have made or who shall hereafter make encroachments on the streets or public places of the said City, by houses, fences, buildings, or obstructions of any kind, to remove such encroachments or obstructions, allowing a reasonable delay, which shall be specified by the said City Inspector, on giving his notice ; and

Removal of encroachments on Streets, &c.

and if such persons have not removed such encroachments or obstructions in the time specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him sufficient assistance ; and the said Council may allow to the said Inspector his reasonable outlay, and recover the same before the Court of the Magistrates of the said City, from such persons who shall have made such encroachment or obstruction.

LXXXII. The said City Council shall have power, so often as a house shall be found within the line of a street or public place in the said City, to prevent the owner of such house from re-building it on the lot occupied by the demolished house ; and it shall be lawful for the said Council to purchase such part of such lot as shall encroach on a street or to compel the owner of such lot to part with it for a sufficient indemnity ; and such indemnity shall be fixed by arbitrators, named respectively by the said Council and the owner whom it shall be sought to dispossess, if either of the parties desires it ; and the said arbitrators shall name a third in case of differing in opinion, and the said arbitrators after having been sworn by a Justice of the Peace, shall take cognizance of the contestation, and after visiting the said premises, shall settle the amount of the indemnity to be granted to such owner ; and the said arbitrators shall have the right to decide which of the parties shall pay the costs of the arbitration.

New houses to be built on line of street.

Indemnity to owners in certain cases.

LXXXIII. The said City Council shall have full and entire power to purchase and acquire, with the funds of the said City, any land and immoveable property whatever in the said City which it shall deem necessary, for the opening or widening of any street, public place or market-place, or for the erection of a public building, or for any object of public utility of what kind soever it may be.

Purchase of land to widen streets, &c.

LXXXIV. The said City Council shall have full power and authority to purchase real property in the said City and also out of and beyond the limits thereof, if it think proper so to do, for any purpose of public utility, and especially in order to establish a public Cemetery or public Cemeteries in or near the said City for the use and benefit of its inhabitants.

Purchase of land for Cemeteries, &c.

LXXXV. When the proprietor of a piece of land situate within the limits of the said City which the said City Council shall wish to purchase for any useful purpose, shall refuse to sell at a private sale, or when such proprietor shall be absent from the Province, or when such piece of land shall belong to minors, children yet unborn, idiots, lunatics, or married women, the said Council may apply to the Circuit Court for the County of St. Hyacinthe, or to any other Court for the appointment by the said Court of an arbitrator, to make, in conjunction with the arbitrator of the said Council, a valuation of the said piece

Valuation of land taken by the City for public purposes, by arbitrators in certain cases.

Council may take possession on depositing amount of award.

How money so deposited shall be dealt with.

of land, with power to the said arbitrators to name a third in case of differing in opinion; and when the said arbitrators shall have made their report to the said Council at a regular sitting, it shall be lawful for the said Council to take possession of the said piece of land, on depositing the price at which it shall have been valued by the said arbitrators in the hands of the Prothonotary of the Superior Court, or Clerk of the Circuit Court at Montreal, or at St. Hyacinthe, for the use of the person entitled to it; and if any such person entitled to such indemnity do not present himself within six months after the making of the deposit in the hand of such Prothonotary or Clerk so to claim the sum deposited, it shall be lawful for the said Prothonotary or Clerk, and he is hereby required, to return such sum to the Secretary-Treasurer of the said City, to be by him placed with the moneys of the said City, which sum shall bear interest at the rate of six per cent, and shall be payable by the said Council in capital and interest, to any person entitled thereto, within three months after a formal notification to pay such sum shall have been given to the Secretary-Treasurer of the said City.

Public Act.

LXXXVI. This Act shall be deemed and held to be a Public Act, and it shall be subject to the effect of Interpretation Act.

C A P . C X X X I I .

An Act to amend the Lower Canada Municipal and Road Act of 1855, and to erect St. Lambert into a distinct Municipality.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the place called St. Lambert, lying on the south side of the River St. Lawrence, immediately opposite the City of Montreal, is one of the first and oldest settlements in Lower Canada, and from its situation is rapidly increasing in extent, wealth and commerce, being the terminus of the Grand Trunk and the Champlain and St. Lawrence Railways and the outlet of the Victoria Bridge, and its wants cannot be supplied by the Lower Canada Municipal and Road Act of 1855, and by the School Municipality of Longueuil: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

New Municipality of St. Lambert constituted. Boundaries.

I. From and after the first day of July, one thousand eight hundred and fifty-seven, St. Lambert, bounded as follows, that is to say: on the west by the River St. Lawrence; on the south by the Seigneurial line between Laprairie and the Barony of Longueuil; and in depth by the public road called "Chemin de la Pinière," from the above mentioned Seigneurial line up to the road called "Chemin du Ruisseau St. Charles," and there bounded

bounded by the said "Chemin du Ruisseau St. Charles," up to its junction with the road called "Chemin de la Côte Noire;" and on the north by "la montée de la Côte Noire;" and on the east by the said road called "Chemin de la Côte Noire," up to the above junction with the road called "Chemin du Ruisseau St. Charles," and including in its boundaries the continuation of the several farms through which runs the said road "Chemin de la Côte Noire," which bounds this Municipality on the east,— shall, for the purposes of the Lower Canada Municipal and Road Act of 1855, and for School Municipal purposes, be detached from the parish of Longueuil, and shall be united into and form a separate Municipality, by the name of the Municipality of St. Lambert, in the County of Chambly.

II. The Council of the said Municipality shall be subject to the provisions of the said Lower Canada Municipal and Road Act of 1855, with respect to Local Councils, except where it may be otherwise provided by this Act; and the said Municipality and Council shall have all the powers of a Local Municipality and Village Council under this Act, and the election of Councillors and the sittings of the said Council shall be held within the limits aforesaid at St. Lambert; the quorum at all meetings of the said Council shall be five, and the Municipal Councillors shall be also School Commissioners, having and exercising all the powers and authority of School Commissioners under the school laws in force in Lower Canada; and the said Council shall be organized, and the election of its members shall be made as it is prescribed by the Municipal and Road Act of 1855, except where it is herein otherwise provided.

Council to have all the powers given by the Municipal and Road Act, &c.

III. The Electors, Mayor and Councillors shall be male inhabitants of the said Municipality, of the full age of twenty-one years, and proprietors of real estate situate within the said limits of St. Lambert, of the value of fifty pounds currency, or enjoying an annual net income derived from any profession, mechanical calling or trade, of one hundred and fifty pounds currency, or being tenants, lessees or occupants within the said Municipality, for at least six months previous to the election, paying an annual rent of ten pounds currency, and shall be subject to the performance of all the duties, and entitled to the exercise of all the privileges conferred and imposed by the provisions of the Municipal and Road Act of Lower Canada of 1855, and the school laws in force in Lower Canada, subject, nevertheless, to any amendments which the Legislature may make to the said laws, and in so far as such provisions may not be inconsistent with those of this Act.

Who shall be electors, &c., in St. Lambert.

IV. The said Municipality shall be organized and may exercise all its powers and functions although there may not be three hundred souls within its limits; and it shall be incumbent upon the Warden of the County of Chambly to organize the

The Municipality may be organized although it do

not contain
300 souls.

Council under the provisions of this Act, immediately after this Act has come in force.

Public Act.

V. This Act shall be a Public Act.

C A P . C X X X I I I .

An Act to divide the Township of Halifax into two separate Townships.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the Township of Halifax, in the County of Megantic, is divided by a range of Mountains, and it is therefore expedient to divide it into two Townships according to the said natural division thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Township of
North Halifax
constituted.

I. The lots numbers seventeen to twenty-eight both inclusive, in every range of the said Township of Halifax, shall, from and after the first day of January next, form a separate Township and local Municipality, under the name of the Township of North Halifax, and shall have all the rights, powers and privileges of a separate Township Municipality, under the Lower Canada Municipal and Road Act of 1855, and any Act amending it.

Township of
South Halifax

II. The remaining part of the Township of Halifax shall, on, from, and after the day last aforesaid, form a separate Township and local Municipality, under the name of the Township of South Halifax, with the rights, powers and privileges aforesaid.

Debts of present
Township how to
be paid.

III. The present debts and obligations of the former Township of Halifax shall be assumed by the two townships hereby constituted, and shall be chargeable upon them in equal proportions, each one half.

Public Act.

IV. This Act shall be deemed a Public Act.

C A P . C X X X I V .

An Act to alter the limits of the Township of Halifax, and the Parish of St. Norbert d'Arthabaska.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS Théophile Hébert, Joseph^e Champoux, David Varville, David Prince, Olivier Lambert, Cyrille Arsenau, Noel Hébert, Moyse Basil, Joseph Poulain, Charles Poisson, David LaBonté, Joseph Houle, and Pierre Champoux, proprietors

proprietors and occupants of the fourteenth range,—William Gosselin, Pierre Nolin, senior, Pierre Nolin, junior, Louis Gonzague Pélerin, Pierre Vignault, Xavier Roberge, Louis Roberge, Damase Roberge, and Julien Roberge, proprietors and occupants of the fifteenth range,—William Gosselin, Prospère Morin, David Bourque, and Jean Tardif, proprietors and occupants of the sixteenth range,—and the above mentioned William Gosselin, proprietor in the seventeenth range ; and also, the inhabitants of the part of the thirteenth range situate to the north of the river, in the Township of Arthabaska, have applied to the Legislature setting forth that they are exposed to great inconvenience from being comprised within the limits of the Township of Arthabaska, in the County of Arthabaska, inasmuch as they are separated therefrom by one of the branches of the River Nicolet (River du Loup), the sudden and frequent rising of which prevents them from maintaining a regular communication with the *chef-lieu* of the Township and County of Arthabaska to attend scholar, municipal, electoral and judicial business, and further, that the said fourteenth, fifteenth, sixteenth and seventeenth ranges of the Township of Arthabaska have been annexed, by a canonical decree, to the mission of Ste. Sophie, in the Township of Halifax, in the County of Megantic, and Diocese of Quebec, and have prayed that the lands they occupy, commonly called the “*Pointe d’Arthabaska*,” may be detached from the Township and County of Arthabaska, and be annexed to the Township of Halifax, in the County of Megantic ; And whereas Narcisse Ouellet, and other proprietors and occupiers of all the lots of land from number thirteen inclusively, to number twenty-eight inclusively, in the first range of lots of the Township of Halifax, have prayed to be annexed to the parish of St. Norbert d’Arthabaska : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. From and after the first day of January 1858, the fourteenth, fifteenth, sixteenth and seventeenth ranges of the Township of Arthabaska, comprehending that tract of land commonly called the “*Pointe d’Arthabaska*,” and that part of the thirteenth range of the same Township situate to the north of Rivière-du-Loup, shall be detached from the Township and County of Arthabaska, and be annexed to the Township of North Halifax, in the County of Megantic, for all parochial, municipal, electoral, judicial and registration purposes, in the same manner, to all intents and purposes, as though the above mentioned part of the Township of Arthabaska had always formed part of the said Township of Halifax, and County of Megantic.

La Pointe d’Arthabaska annexed to the Township of Halifax and County of Megantic.

II. From and after the first day of January, 1858, the lots of lands comprised from number thirteen inclusively, to number twenty-eight inclusively, in the first range of lots of the Township of Halifax, shall be separated from the said Township and County of Megantic, and shall be annexed to the parish of St. Norbert

Certain lots now in the Township of Halifax, to be annexed to St. Norbert d’Arthabaska after Norbert

1st January,
1858.

Norbert d'Arthabaska, in the County of Arthabaska, for all parochial, municipal, electoral, judicial and registration purposes, in the same manner, to all intents and purposes, as though the above mentioned part of the Township of Halifax had always formed part of the said parish of St. Norbert d'Arthabaska, and County of Arthabaska.

Cap. 133 to be construed subject to the provisions of this Act.

III. The Act passed during the present Session and intituled, *An Act to divide the Township of Halifax into two separate Townships*, shall be construed subject to the provisions of this Act, and notwithstanding any thing in the said Act contained, neither the Township of North Halifax nor the Township of South Halifax shall include any of the lots hereby annexed to the Parish of St. Norbert d'Arthabaska.

Act not to affect debts of the said Townships.

IV. This Act shall not have the effect of discharging the above mentioned parts of the Townships of Halifax and Arthabaska from any school or municipal debts which they may have contracted during the time they formed part of the Township of Halifax and Arthabaska, respectively.

Public Act.

V. This Act shall be deemed a Public Act.

C A P . C X X X V .

An Act to legalize certain proceedings of the Municipality of St. Norbert d'Arthabaska.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS Edward Germain Paradis, Mayor, and others, of the Parish of St. Norbert d'Arthabaska, have represented to the Legislature that the Municipal Council of the said Parish hath received from the Assessors of the Corporation an assessment roll which was not dated in accordance with all the formalities required by law; that the said Council had levied an assessment upon the rateable property of the said Municipality; that a large number of the rate-payers have hastened to pay the rate imposed by the collection roll based upon the said valuation, and that a certain number of others refuse to pay, and thereby place the Council in a position of difficulty, by withholding from them the means of meeting their engagements, and exposing them to the payment of considerable costs, and have prayed that the valuation roll homologated on the fourth day of the month of August, one thousand eight hundred and fifty-six, and the assessment levied and rate imposed in virtue of the Municipal and Road Act of 1855, by the Municipal Council of the Parish of St. Norbert d'Arthabaska, on the third day of November, one thousand eight hundred and fifty-six, should be legalized, and it is expedient to legalize the said valuation roll and the said assessment: Therefore, Her Majesty, by and with the advice

advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The valuation roll homologated on the fourth day of the month of August, one thousand eight hundred and fifty-six, and the rate imposed by the Municipal Council of St. Norbert d'Arthabaska, on the third day of November, one thousand eight hundred and fifty-six, in virtue of the Lower Canada Municipal and Road Act of 1855, are hereby declared to be legal, in the same manner, to all intents and purposes, as though they had been made and imposed in conformity with all the rules prescribed by the said Municipal and Road Act.

A certain Valuation Roll of the Council of St. Norbert, declared valid.

II. This Act shall be deemed a Public Act.

Public Act.

C A P . C X X X V I .

An Act to continue and confirm the separation of the Municipality of Ste. Julie de Somerset from St. Calixte de Somerset, and to divide the Township of Somerset into two separate Townships.

[Assented to 10th June, 1857.]

WHEREAS the north-east part of the Township of Somerset in the County of Megantic, hath long been separated for Municipal purposes from the remainder of the said Township, and hath elected a Council for the same, and it is expedient that the said Township should remain permanently divided : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

I. The lots numbers one to thirteen, all inclusive, in the first ten ranges of the said Township, shall continue separated from the remainder thereof as a local Municipality, and shall form a separate Township under the name of the Township of North Somerset, and shall have and shall be considered to have had, from the date of the passing of the " Lower Canada Municipal and Road Act of 1855," all the rights, powers and privileges of a separate Township, and the Council elected for the said north-east part under the name of the Council of Ste. Julie de Somerset, shall be held to have been and shall continue to be the lawful Council of such Township to all intents and purposes, as if the said lots and ranges had been constituted a Township by the said " Lower Canada Municipal and Road Act of 1855."

Township Municipality of North Somerset confirmed.

II. The remaining part of the said Township of Somerset shall, on, from and after the first day of January next, be a separate Township, under the name of the Township of South Somerset.

Remainder of Somerset to form a Township.

III. This Act shall be deemed a Public Act.

Public Act.

C A P .

C A P . C X X X V I I .

An Act to amend the Lower Canada Municipal and Road Act of 1855, and to erect St. Aubert into a separate Municipality.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is expedient to amend the Lower Canada Municipal and Road Act of 1855, by dividing the Parish St. Jean Port Joli, in the County of l'Islet, into two separate Municipalities : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Municipality of St. Aubert constituted.

I. From and after the first day of July in the year of our Lord one thousand eight hundred and fifty-seven, the present Municipality of St. Jean Port Joli shall be divided, and the Municipality of St. Jean Port Joli shall consist of the Parish of St. Jean Port Joli, as erected by Canonical Decree ; and the Parish of St. Aubert, as erected by Canonical Decree, in the present Municipality of St. Jean Port Joli, shall be constituted and form a new Municipality for all the purposes of the Lower Canada Municipal and Road Act of 1855, and the Act amending the same, under the name of the Municipality of St. Aubert.

First Election.

II. Within one month after the passing of this Act, an election of Councillors shall be held in the said Municipality hereby constituted, upon notice to that effect, to be given by the Mayor or three qualified electors of the present Municipality of St. Jean Port Joli, or by any Justice of the Peace therein ; and seven Councillors shall be elected to form the Council of the said Municipality of St. Aubert by the inhabitants thereof entitled to vote at such elections, in the manner prescribed by the said Lower Canada Municipal and Road Act ; and the said Council shall be subject to the provisions of the said Acts, with respect to Local Councils, and the said Municipality and Council shall be invested with all the powers by the said Acts conferred upon Local Municipalities and Councils.

Seven Councillors.

Powers and duties of the Council.

Public Act.

III. This Act shall be deemed a Public Act.

C A P . C X X X V I I I .

An Act to legalise the proceedings of the County Council of Kamouraska and the Local Council of St. Paschal.

[Assented to 10th June, 1857.]

WHEREAS doubts exist as to the validity of the proceedings of the County Council of Kamouraska and the Local Council of St. Paschal existing in virtue of the Municipal and Road Act of 1855, in consequence of the appointment by the Secretary of the said Councils, of a Deputy to replace him in his said capacity during his unavoidable absence, under the title of Deputy Secretary-Treasurer, or of Secretary-Treasurer *pro tempore*, inasmuch as, in consequence of the said appointment, the minutes of the proceedings of the said Councils, and the documents resulting therefrom, have been signed and countersigned by the Deputy Secretary-Treasurer and not by the Secretary-Treasurer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. The minutes of the proceedings of the said County Council of Kamouraska and of the said Local Council of St. Paschal, and the documents resulting therefrom, shall be and remain legal and valid to all intents and purposes, in like manner as if the said minutes and the said documents had been signed and countersigned by the Secretary-Treasurer himself.

Minutes and proceedings of the said Council confirmed.

II. This Act shall be deemed to be a Public Act.

Public Act.

C A P . C X X X I X .

An Act to make further Legislative provision for the partition of certain lands in the Townships of Bolton and Magog.

[Assented to 10th June, 1857.]

WHEREAS by Letters Patent, bearing date the nineteenth day of August, one thousand seven hundred and ninety-seven, five sevenths part of the Township of Bolton, (a portion of which now lies in the Township of Magog,) were granted to Nicholas Austin and others, associates as tenants in common; And whereas under the provisions of an Act passed in the Session held in tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to facilitate the partition of lands, tenements and hereditaments in certain cases in Lower Canada*, proceedings were adopted before the Court of Queen's Bench, and are still pending before the Superior Court for the District of Montreal, for the purpose of effecting a partition of the said lands, but

Preamble.

10, 11 V. c. 37.

but owing to the conflicting interests of the resident and non-resident proprietors, it hath been found impossible to effect a partition thereof by the means provided by the said Act ; And whereas inasmuch as the obstacles which prevent the partition of the said lands were an inevitable consequence of the unwise and improvident character of the said grant, the Government and Legislature of the Province are bound in justice and equity to repair the injury thereby inflicted upon the resident proprietors, by adopting more efficient means to secure them in their holdings and quiet their titles thereto : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

On notice and appointment of arbitrator by the party interested, arbitrator to be appointed on behalf of the Crown.

I. Whenever, at any time within six months from the passing of this Act, any non-resident proprietor of any undivided share or shares in the lands so granted as aforesaid, shall, by letter addressed by himself or his Attorney to the Provincial Secretary, declare that he desires to take advantage of the present Act, and to have the value of his interest in the said lands estimated, and shall appoint the person he proposes to act for him as his arbitrator (*arbitre*), the Commissioner of Crown Lands for the time being, or in his absence, the Attorney General for Lower Canada, shall appoint a fit and proper person to act as arbitrator (*arbitre*) on behalf of the Crown.

Appointment of third arbitrator.

II. The arbitrators (*arbitres*) so appointed shall, before proceeding further, appoint a third arbitrator (*tiers arbitre*), or if they cannot agree in their selection, a Judge of the Superior Court for the District of Montreal, shall, upon the application of either of the first named arbitrators, appoint a third ; the arbitrators (*arbitres*) so appointed shall proceed to value the undivided share of such non-resident proprietor in the said lands according to his titles and to principles of equity and justice ; and the decision of a majority of such three arbitrators shall be final ; and the said arbitrators, or a majority of them, shall address the report thereon, or a copy thereof duly certified, to the Commissioner of Crown Lands for the time being.

Valuation and Report.

Compensation in land to be granted upon the report of the arbitrators.

III. Upon receipt of any such report, and upon the sale and conveyance by such non-resident proprietor to Her Majesty, Her Heirs and Successors, of all his right, title and interest in the said lands, the Commissioner of Crown Lands, or in his absence, the Attorney General for Lower Canada, shall, in Her Majesty's name, grant, sell and convey in Her Majesty's name, to such non-resident proprietor, an extent of the ungranted lands of the Crown equivalent to the amount at which his share, title and interest in the said lands shall have been estimated by the said arbitrators in such report, or shall, at his option, deliver to him a certificate entitling him to purchase ungranted lands of the Crown lying in the said Township of Bolton or elsewhere, to an extent equivalent to such amount ; and so soon as the Crown shall have become possessed of all the undivided shares

Division of undivided shares

of each of the non-resident proprietors who have disputed or will persist in disputing the titles of the resident proprietors, the Governor shall appoint three fit and proper persons to enquire into and report upon the best and most equitable mode of dividing or partitioning the lands so granted as aforesaid, between the Crown and the resident proprietors, and of quieting the titles of such resident proprietors to their lawful holdings, with a view to effecting such object by further and final legislation.

acquired by the Crown.

IV. And in investigating the said titles, and in making such enquiry and report, the said Commissioners shall not be bound to follow the strict rules of law either as to the interpretation of the titles or as to the evidence which they may think proper to have adduced before them ; but they shall be governed in all matters connected with such investigation and report by broad principles of equity and justice, and by a due regard to the peculiar position in which the parties interested in the said lands so granted as aforesaid, have been placed.

Commissioners not bound by strict rules of law.

V. The Commissioners so to be appointed shall have the same powers as the Judges of the Superior Court, within their jurisdiction, to compel the appearance of witnesses and the production of all papers, plans and documents required for the purposes of this Act.

Powers of Commissioners under this Act.

VI. And the Governor shall, by Order in Council, from time to time, upon the report of the Attorney General for Lower Canada, order the Commissioner of Crown Lands to grant certificates for the purchase of Crown Lands, either in the said Township of Bolton or elsewhere, for the amount of taxable and duly taxed costs incurred by the parties to the proceedings now pending as aforesaid, as well as for the costs of the arbitrators and Commissioners to be appointed as hereinabove provided.

Governor in Council may award lands in compensation of costs.

VII. The term "non-resident proprietor" wherever it is used in this Act, whether in the singular or the plural number, shall apply only to persons who have not, either by themselves or their predecessors, cultivated or improved any portion of the land claimed by them.

Interpretation of certain expressions in this Act.

C A P . C X L .

An Act to amend the Act incorporating the Bar of Lower Canada.

[Assented to 10th June, 1857.]

WHEREAS the Bar of Lower Canada, Section of the District of Quebec, desire to possess a Library for the use of the members of the said section, and for that purpose it becomes necessary to increase the annual payment required to be

Preamble.

be

12 V. c. 46.

be made by the thirty-third section of the Act intituled, *An Act to incorporate the Bar of Lower Canada*, passed in the twelfth year of Her Majesty's Reign : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Yearly payment under Section 33, increased to £1 10s.

I. As regards the Bar of the Section of the District of Quebec only, in lieu of the sum of one pound currency mentioned in the said thirty-third section of the said Act, there shall be paid and payable one pound ten shillings currency, payment whereof may be enforced by the means and in the manner provided by the said Act.

Provision for further increase or decrease of such annual payment.

II. It shall be lawful for the said Section, at any meeting to be specially called for the purpose, to make and ordain from time to time a By-law or By-laws whereby the sum annually to be paid by the members of the said section respectively, may be augmented beyond the sum of one pound ten shillings currency, or reduced to a less sum ; and any sum so fixed upon shall be paid and payable by the members of the said section and recoverable in the manner and by the means provided by the said Act ; Provided always, that the alteration in the amount so to be paid shall apply to the year first succeeding such alteration.

Proviso.

Library Council to be appointed.

III. It shall be lawful for the Council of the said Section to appoint annually a Committee of not less than five, to be chosen from amongst the members of the said Section, whose duty it shall be to superintend and take charge of the Library belonging to the said Section, and to make rules pertaining to the management thereof.

All members of the section may use the Library, subject to rules to be made by the Council.

IV. All members of the Bar of the said Section paying the annual subscription, shall have the use of the Library and books of the said Section, subject only to such rules as the Council of the said Section and the said Committee may enact for the regulation of the said Library, and for the payment of the said subscription, and for enforcing the payment thereof, even by disqualifying any member from voting at any meeting of the said Section so long as any part of his annual subscription shall remain unpaid ; and the said Council is hereby authorized to make such rules and from time to time alter the same as to it may seem fit.

Public Act.

V. This Act shall be deemed a Public Act.

C A P . C X L I .

An Act to increase the Capital Stock of the Port Dalhousie and Thorold Railway Company, and to change the name of the Company.

[Assented to 27th May, 1857.]

WHEREAS the Port Dalhousie and Thorold Railway Company have petitioned for an amendment of their Act of Incorporation, to enable them to increase the Capital Stock of the Company, to change its name, and for certain other purposes to facilitate the objects of the Company, and it is expedient and necessary that the same should be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

I. The Capital Stock of the said Company may be increased by an amount not exceeding seventy-five thousand pounds currency, to be divided into shares as provided for by the fifth section of the Act incorporating the Company, in which said increase of capital may be included all shares previously taken with the view of forming a part of the Capital Stock for the extension of the said Railway, which may exceed the amount authorized to be taken under the provisions of the Act passed in the nineteenth year of Her Majesty's Reign, intituled, *An Act to extend the line of the Port Dalhousie and Thorold Railway Company*, and the remainder of such increase in the Capital Stock of the said Company may be taken and subscribed for in such manner as the Board of Directors shall by resolution determine, subject to the provisions of the Railway Clauses Consolidation Act.

Stock of the Company may be increased by a sum of £75,000, and in what manner.

19 V. c. 23.

II. The said Company is hereby authorized and empowered to acquire by agreement, from any person or persons, or body corporate, any quantity of land at each terminus of their Railway at Port Colbourne and Port Dalhousie, not exceeding twenty-five acres at each place, which may be necessary for the business of the Company, and to hold and use the same for the purposes of the Company.

Company may hold land to the extent of twenty-five acres at each terminus.

III. The thirteenth section of the original Act incorporating the Company, is hereby repealed ; and the said Company shall have the same rights with respect to crossings and inter-sections with other railways, as are conferred by the General Railway Clauses Consolidation Act upon all Railway Companies.

Section 13 of 16 V. c. 136 repealed, and Company to have the usual rights as to crossings, &c.

IV. The said Company shall have power to construct, own or employ, at the cost and charges of the said Company, or jointly

Company may own and employ jointly

ply vessels on
Lakes Erie,
Huron, St.
Clair, Michi-
gan, Superior
and Ontario.

jointly with any other persons or Companies, one or more steamers or sailing vessels, to ply for the transportation of passengers or freight between the termini of their Railway, and any other ports to which the navigable waters of Lakes Erie, St. Clair, Huron, Michigan, Superior and Ontario extend, and to fix and collect tolls and charges for the transportation of such passengers and freight in such vessels: Provided always, that the said Company shall at all times be bound to carry over the said Road passengers and freight coming in other vessels than those of the Company, on the same terms and conditions as those coming by the vessels of the said Company.

Proviso.

Name of the
Company
changed.

V The style, title and name of the Port Dalhousie and Thorold Extension Railway Company, shall from and after the passing of this Act be *The Welland Railway Company*; Provided always, and it is hereby declared and enacted, That neither the change made by this Act in the name of the said Company, nor any thing else herein contained, shall be construed to make the said Company a new Company, so as to cause any action, suit, contract or proceeding to which the said Company may be a party to abate or cease, but the same may be continued by or against the said Company by the name hereby assigned to it.

Proviso.

Directors may
open an agen-
cy in London,
in England, for
the transfer of
shares, &c.

VI. The Board of Directors of the said Company may appoint an agent or agents in the City of London, in England, with power to pay dividends, to open and keep Books of transfer for the shares of the said Company, and for the issue of scrip and stock certificates; and upon the establishment of such agency, shares may be transferred from the Canada office to the London office in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain may be entered upon the Books of the London office, and scrip certificates be issued for them, and the same shall be as binding on the Company as to all the rights of shareholders, as though the scrip certificates had been issued by the Secretary of the Company in Canada.

Public Act.

VII. This Act shall be deemed a Public Act.

C A P . C X L I I .

An Act to define the powers and confirm certain proceedings of the Champlain and St. Lawrence, and Montreal and New York Railroad Companies.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS the Company of Proprietors of the Champlain and St. Lawrence Railroad, and the Montreal and New York Railroad Company have respectively, by their Petitions made

made known, that at general meetings of the Shareholders in the respective companies, they have agreed to an union of their several interests, property and rights, and prayed to have such union confirmed, and that the corporate names of the said two companies be changed, and that they be one Corporation: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The said two Corporations of the Company of Proprietors of the Champlain and St. Lawrence Railroad and the said Montreal and New York Railroad Company, and the respective Shareholders therein, shall hereafter continue and subsist as one corporation or body politic, under the name of the " Montreal and Champlain Railroad Company," and which name shall be and subsist in lieu and instead of those heretofore appertaining to the said Companies, and by which they were formerly known and distinguished; but the said change of name shall not be construed in any way to abrogate any of the rights which the said two Companies respectively had or have as separate Corporations, nor, in any way, to affect any right or liability of either, or any suit, action or proceeding, pending at the time when this Act shall come into force, but the same shall be continued as if this Act had not been passed; but any new proceedings which might have been adopted against either of the said two Companies shall be had by the one name hereby assigned to the two Corporations.

The two companies united.

New corporate name.

Rights and liabilities of either not affected.

II. The said Corporation shall, by the name hereby assigned to it, continue to have all, each and every the rights, powers and authority, of every nature, kind and description whatsoever, and without any exception or reserve, heretofore vested in, conferred on, or given to either of the said two Companies, or which they might respectively have lawfully exercised under the corporate names they formerly possessed, respectively, by virtue of any Act either of the Legislature of Lower Canada or of this Province, subject always to the provisions of this Act, and shall continue to 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, pleading and being impleaded, in all Courts of law and equity, and other places, in all manner of actions, causes and matters whatsoever, and of exercising and enforcing in the said corporate name of the " Montreal and Champlain Railroad Company" each, all and every the rights, powers and privileges, matters and things, which either of the said two Companies could, at the time of the passing of this Act, have exercised or enforced, in its own name, and their real and personal estate of every description, shall belong and be transferred to and continued in the said Corporation, under the said name of the " Montreal and Champlain Railroad Company": Provided always, that the rights and remedy of all creditors of every class and

Corporate powers of the Company formed by the union of the two Companies.

Proviso : Rights of mort- and

gage creditors of either Company saved.

Separate liability of each Company's property for debts, &c., contracted before this Act.

Election of Directors of the united Companies.

Votes.

Qualification of Directors.

Present Directors named. They shall continue until the next election.

Failure of election provided against.

Quorum.

and degree, of either of the said two Companies, shall continue to exist unimpaired, and be in no way affected, interfered with, or lessened, by this Act or any thing herein contained, and all classes of bondholders bearing mortgage on any real estate of either Company shall continue to have, unimpaired, and be maintained in their several rights and privileges as much as if this Act had never been passed; but in respect of liability incurred for any torts, wrongs, or other things done by either Company before this Act shall come into effect, as contradistinguished from the separate obligations or debts contracted by either Company, the property, assets and effects, whether real or personal, of such separate Company existing and belonging to it at the time this Act shall come into effect, shall alone be held bound, and shall be liable to be attached, seized and taken; and each Company shall within one month from the passing of this Act prepare an Inventory, shewing minutely and fully the property, assets and effects belonging to it, so that the same may be distinguishable and susceptible of identification for all legal purposes whatever.

III. For the management of the affairs of the said Corporation and in lieu of the present two Boards of Direction, there shall be elected nine Directors by the Shareholders, at the general meeting of the said Corporation, which shall hereafter be held on the second Wednesday of February, annually, unless the same be a holiday, and in that case on the next succeeding day, at which meeting each shareholder shall, notwithstanding any thing in any of the Acts heretofore affecting the said Companies and regulating their meetings or mode of voting, be entitled to give one vote for every share owned by him or her, and the Directors so chosen shall be capable of serving for the ensuing twelve months; and at their first meeting after such election the Directors shall choose out of their number, a President and Vice-President, who shall hold their offices respectively during the same period: Provided always, that each Director shall be holder and proprietor in his own name of not less than twenty shares of the capital stock wholly paid up; and the present Directors, namely: William Molson, the Honorable John Molson, Thomas Ryan, William Dow, Charles S. Pierce, John Ostell, William Macdonald, the Honorable James Ferrier, and A. M. Delisle, shall remain in office until the next general annual meeting, and in case of any vacancies, the present as well as all future Directors, shall have power to fill up all such vacancies until the next annual meeting which shall follow such vacancy; And if it shall happen that an election shall not be made nor take effect on the day fixed, the Corporation shall not thereby be dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be called for that purpose, and the Directors in office when such failure of election shall take place, shall remain in office until such election shall be made; and the number of five Directors shall be requisite to constitute a quorum for the management of business.

IV. The said Directors shall appoint so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents and servants; may make any payments and enter into any contracts for the execution of the purposes of the said Corporation, and for all other matters necessary for the transaction of its affairs; may generally deal with, treat, purchase, lease, sell, mortgage, let, release, and dispose of, and exercise all acts of administration and ownership over the lands, tenements, property and effects of the said Corporation; may institute and defend in the name of the said Corporation all such suits at Law as may from time to time be instituted; may remove the officers, agents and servants of the said Corporation except as hereinafter provided; and they shall and may have power to do all things whatsoever, which may be necessary or requisite to carry out the objects of the Corporation, and to vest the property and funds, real and personal, of the said two companies in the Corporation hereby created; may appoint when special meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the Shareholders may call or require such special meetings to be called; and they shall have power to make By-laws for the government and control of the officers and servants of the said Corporation, respectively, and shall also have power to make and frame all other By-laws, Rules and Regulations for the management of the business of the said Corporation, in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time to alter, change, modify and repeal; which said By-laws, Rules and Regulations shall be submitted for approval, rejection or alteration, by the Stockholders at a general or special meeting to be called by the said Directors after at least one week's notice, and when so ratified and confirmed shall be put into writing and duly recorded in the minutes of the said Corporation, and be binding upon, and observed, and taken notice of by all members, officers and servants of the said Corporation; and any copy of the said By-laws, or any of them, purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the seal of the Corporation affixed to it, shall be received as *prima facie* evidence of such By-laws in all Courts in this Province.

Powers of the
Directors.

Power to
make By-laws.

To be subject
to approval by
Shareholders.

Proof of By-
laws.

V. And whereas certain persons residing along the line of the Railroad of the said Montreal and New York Railroad Company, in the Counties of Huntingdon, Napierville and Laprairie, have by their petitions to the Legislature represented that they would suffer injury and wrong if, as they fear, the running of trains on the said Railroad should be discontinued in consequence of the amalgamation of the said two Companies, and it is just and right that the prayers of such petitions should be granted; And whereas it is just that the residents along the said Champlain and St. Lawrence Railroad should not be subjected

Recital.

At least one passenger and one freight train to be run daily each day over the whole length of each Road.

Proviso: as to storms, snow-drifts, &c.

The two Companies declared to have had and to have power to enter into agreements for their union.

And to carry into effect existing agreements.

Directors may execute an instrument setting forth any such agreement.

Its effect.

to the same injury and damage: It is therefore enacted, that it is not and shall not be lawful for the said Montreal and Champlain Railroad Company to discontinue the employment and running of trains along the lines of the Railroads of the said late Montreal and New York Railroad Company, and of the said Champlain and St. Lawrence Railroad Company; and that at least one passenger and freight train shall be run each way over the whole of the said Railroads, on each and every day in the year, Sundays excepted, stopping at every station for the convenience and accommodation of the public in general and the residents along the lines of the said Railroads in particular: Provided always, that nothing in this section contained shall be construed to oblige the said Railroad Company to run trains along the said Railroad during the continuance of any violent snow storm or heavy fall of snow, or drifting of snow, or of any other unavoidable cause whereby the same is obstructed and rendered impassable, nor until a reasonable and sufficient time has elapsed for the removal of the said obstruction, which the said Company shall use all due and proper diligence to remove.

VI. And whereas doubts may exist in regard to the powers of the said two Companies heretofore assumed to be exercised by them; It is therefore declared and enacted, that the said two several Companies had and shall have power and authority to pass any resolution by and with the consent of a majority of the proprietors present at any general meeting, and to enter either heretofore or hereafter into any agreement for the purchase, sale or lease to and from each other of the entire stock and property, moveable and immovable of either of them, or any part thereof, and to amalgamate and unite with each other; and the said Corporation into which the said two Companies are hereby merged, shall have and is declared to have power and authority, through the Directors, to carry into effect and operation any agreement therefor in inception or contemplation by the said Companies respectively, and all the rights, powers and privileges of such separate Company shall be merged in and pass to the said Corporation so hereby created, and shall be held, used and applied by them in their own name to all intents and purpose as if the same had been granted originally to the present Corporation; And it shall be lawful for the Directors to execute, if they see fit, an instrument setting forth in detail all the terms and conditions under which the said two Companies united their interests, and defining and regulating the rights of the several shareholders in the said two Companies, and when approved of by a vote of two-thirds in amount of proprietors present at any general meeting, such instrument shall be binding to all intents and purposes whatsoever, and shall be recorded on the Company's books, and a copy thereof or extract therefrom, certified as aforesaid, shall be received as *prima facie* evidence in all Courts and places whatsoever.

VII. All Laws and Ordinances whether of the Legislature of this Province or of that part of it heretofore constituting the Province of Lower Canada, inconsistent with or repugnant to the provisions of this Act, are hereby repealed.

Inconsistent enactments repealed.

VIII. This Act shall be deemed a Public Act.

Public Act.

C A P . C X L I I I .

An Act to amend the Charter of the Ontario, Simcoe and Huron Railroad Union Company.

[Assented to 10th June, 1857.]

WHEREAS it is expedient and necessary to alter and amend the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to incorporate the Toronto, Simcoe and Lake Huron Union Railroad Company*, in order to afford a just and proper protection not only to the owners of lands adjoining the line of the Ontario, Simcoe and Huron Railroad Union Company's railway, and works connected therewith, but to all persons whatever from damage to their horses, cattle or other animals by the trains or engines on the said railway; And whereas the eighteenth section of the said Act does not sufficiently provide therefor, it is desirable and necessary to provide for the fencing and separation of the whole line of such railway from the neighboring lands: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

12 V. c. 196.

I. From and after the time when this Act shall come into force, the said eighteenth section of the said Act shall be repealed.

Sec. 18 of 12 V. c. 196, repealed.

II. From and after the time when this Act shall come into force, the clauses of the "Railway Clauses Consolidation Act" with respect to and entitled "Fences" shall be incorporated with the Acts incorporating the said Company; Provided always, that in every case in which the owner of any lands or other person or persons by the said Act authorized and capacitated to convey shall, in their arrangements with the said Company, have received or agreed to receive compensation for gates, stiles, bridges, arches or culverts instead of the same being erected or found by the said company, for the purpose of facilitating the passage to or from either side of the land severed or divided by the said railway, it shall not be lawful for any such owner or those claiming under him to pass, and they shall ever be prevented from passing or crossing the said railway from one part to the other part of their lands so severed and divided, otherwise than by a gate, stile, bridge, arch or culvert to be erected and maintained at the charge of such owners, under

Clauses of 14, 15 V. c. 51 relative to fences, incorporated with 12 V. c. 196.

Proviso: the owners of the lands to make the fences if they have received compensation therefor, or the Company.

the inspection and direction of and according to plans and specifications to be furnished and approved by the Engineer of the said Company.

City of Toronto and County of Simcoe each to nominate a Director so long as they hold a certain amount of Stock;

III. And whereas it is expedient to set at rest all doubts as to the right of the City of Toronto and the County of Simcoe each to nominate a Director in the said Company; Be it enacted, that so long as the City of Toronto shall hold stock to the amount of twenty-five thousand pounds, and upwards, the said City may annually on or before the day of the annual meeting of the Shareholders of the said Company for the election of Directors, nominate one of the Aldermen of the said City to be a Director of the said Company, in addition to the number of Directors authorized by the Acts incorporating the said Company, who shall have the same rights, powers and duties as any of the Directors of the Company, and so long as the County of Simcoe shall hold stock to the amount of twenty-five thousand pounds and upwards the said County of Simcoe may also annually on or before the day of the annual meeting of the Shareholders of the said Company for the election of Directors nominate one of the Councillors or such other person as they may see fit to be a Director of the said Company in addition to the number of Directors authorized by the Acts incorporating the said Company, who shall have the same rights, powers and duties as any of the Directors of the Company; Provided always that the said City shall not nor shall the said County be entitled in right of such stock to vote at any meeting of the said Company called for the election of Directors.

Public Act.

IV. This Act shall be deemed a Public Act.

C A P . C X L I V .

An Act to amend and extend the Charter of the Brockville and Ottawa Railway Company.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the Brockville and Ottawa Railway Company have by their Petition prayed for further amendments to their Act of Incorporation, and that the time for the construction of their Railway may be extended, and for other purposes, and it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company may construct a certain Branch Railway to which their powers shall extend.

I. The Brockville and Ottawa Railway Company shall have full power, and they are hereby authorized, to make and construct and to work and use a Branch Railway from such point on the main line of the Brockville and Ottawa Railway to a point near the station grounds and house of the Grand Trunk Railway Company

Company of Canada in Brockville as they shall find most suitable; and all the privileges, powers, rights and incidents vested in or appertaining to the Company with regard to their said Railway, and all the duties and obligations imposed upon them with regard to the same, by the Act incorporating the Company and the Acts amending the same, and all the provisions of the said Acts and of this Act, which are susceptible of such extension, shall extend and apply to and be in force with regard to such Branch Railway as fully and effectually as to the said Brockville and Ottawa Railway, to all intents and purposes, and the said Acts shall be construed, extend and have effect, as if the said Branch Railway had been mentioned and described in the said Act of Incorporation as part of the Railway and works which the Company were thereby empowered to construct; Provided that such Branch shall not cross or connect with the Grand Trunk Railway without the consent of the said Grand Trunk Railway Company of Canada.

Proviso.

II. And whereas it is necessary for the Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes, at convenient places along their line of Railway and Branches thereto, for supplying ballast, constructing and keeping in repair and for carrying on the business of the said Railway; And whereas such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found; And whereas the Company have been obliged to purchase certain pieces or lots of land on account of the deposits of gravel thereon, which the Company require for the construction of the said Railway; And whereas doubts may be entertained to what extent the Company may lawfully acquire and hold lands for such purposes as aforesaid: It is therefore enacted, that it has been and shall be lawful for the Company, and they are hereby authorized to purchase, have, hold, take, receive, use and enjoy, along the line and branches of the said Railway, or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it hath pleased or shall please Her Majesty or any person or persons or bodies politic to give, grant, sell or convey unto and to the use of or in trust for the Company, their successors and assigns; and it shall and may be lawful for the Company to establish stations or workshops on any of such lots or blocks of land, and from time to time by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood yards, station grounds, or work shops, or for effectually repairing, maintaining or using to the greatest advantage, the said Railway and other works connected therewith.

Company may purchase land for gravel pits, &c., detached from the line of their Railway.

III. The time limited to the Company for the completion of the said Railway from Brockville to Amprior at or near the mouth

Extension of time for completing the

works of the Company.

Proviso: if the said Company form part of the Quebec and Lake Huron Junction Company, they shall make a certain portion of the Railway under 19, 20 V. c. 112, in order to have their share of the public lands thereby granted.

mouth of the Madawaska River, and also a branch thereof from the Rideau at or near Smith's Falls, to the Town of Perth, and all other branches thereof, is hereby extended to three years from the time of the passing of this Act; Provided always, that if the said Brockville and Ottawa Railway Company form part of the Lake Huron, Ottawa and Quebec Junction Railway Company for that part of their road extending from Arnprior to Pembroke, then the said Brockville and Ottawa Railway Company shall build fifty miles or any portion thereof of their road from Arnprior upwards, on the same conditions as the other four Companies mentioned in the Act nineteenth and twentieth Victoria, Chapter one hundred and twelve, and shall have a share of the four millions of acres of land in the proportion which those fifty miles, or the proportion thereof above mentioned, bear to the three hundred and fifty-four miles, by making in the forest, in the same proportion as the other said four Companies, the remainder of the road extending to the Georgian Bay.

Recital.

Certain second class debentures issued by the Company confirmed.

IV. And whereas the Company have by their By-law authorized the issue of bonds or debentures of the Company limited to three hundred and fifty thousand pounds sterling, in the form given in the Schedule to this Act, marked A, (in the place and stead of bonds in the form heretofore used,) and which on their face purport to be debentures of a certain class, namely, second class debentures, limited in issue to three hundred and fifty thousand pounds sterling, and to be a second charge upon the road tolls, revenue, and other property of the Company, subject to the first charge in favor of certain Municipalities, and it is expedient to affirm the validity, negotiability and security of the said bonds or debentures of the Company, executed or to be hereafter executed in the form given in the said Schedule to this Act, to the extent of not exceeding three hundred and fifty thousand pounds sterling: It is therefore enacted, that the said bonds or debentures of the Company now or hereafter to be executed and issued by the Company in the form given in the said Schedule to this Act, marked A, to the extent of not exceeding three hundred and fifty thousand pounds sterling, shall be and are hereby declared to be valid and binding upon the Company according to the tenor and purport thereof respectively, and are and shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

Recital.

16 V. c. 22 cited.

V. And whereas under the provisions of the Act of this Province, passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, the several Municipalities hereinafter named have passed By-laws respectively authorizing the loan to the Company towards the construction of the said Railway, of the following amounts, that is to say: The Town Council of Brockville, one hundred thousand pounds currency; the Municipality

Municipality of the Township of Elizabethtown, fifty thousand pounds currency ; and the Municipal Council of the United Counties of Lanark and Renfrew, two hundred thousand pounds currency ; And whereas such loans were respectively authorized to be made upon condition that the Company should assume all the liabilities of the said Municipalities in respect thereof under the said Loan Fund Act, and should indemnify and save harmless the said Municipalities respectively in the premises, and that the railway, tolls, revenues and other property of the Company should stand mortgaged and pledged to the said Municipalities respectively, in preference to all other creditors ; And whereas a mortgage bearing date the seventh day of March, one thousand eight hundred and fifty-four, has been executed by the Company to the said several Municipalities, in common, purporting to give them the security hereinbefore named ; And whereas the right of way not having been acquired at the time of the execution of the said mortgage, doubts have arisen as to the sufficiency of the said security at law, and it is desirable and the wish of the Company to have affirmed the validity of said mortgage, as well as all subsequent mortgages given, and which may be given by the Company to the said Municipalities in common for the like purpose, and to have such security defined by Legislative enactment with a view of securing the said Municipalities respectively as fully as possible : It is therefore enacted, that the said intended Railway from Brockville to Pembroke, including the Perth branch and all the other branches thereof, and all the works of the said Company thereon, now or hereafter to be made, together with all lands acquired for ballast ground or on account of deposits of gravel thereon, and all stations, buildings, carriages, engines and other property attached to or to be attached to or belonging to the said intended Railway and branches, and all the revenues and tolls of the said intended Railway and branches, are hereby declared to be mortgaged and pledged to the said Municipalities respectively in preference to all other creditors (in such manner as that no one Municipality shall have preference or priority over another, but shall all share alike and in proportion to the amounts of their said loans respectively so authorized to be made as aforesaid, and in manner as provided by the said mortgages) for the redemption and repayment of the said loans respectively, according to the terms of the said By-laws and the provisions of the said Consolidated Municipal Loan Fund Act, and in accordance with the terms of the said mortgages ; and the said mortgages so made or to be made as aforesaid for securing the said loans, are hereby declared to be and shall be good, valid and obligatory upon the parties thereto executing the same, according to the tenor and purport thereof ; Provided that nothing in this section or in this Act contained shall be interpreted as affecting in any manner the rights and security of the Province, with respect to the loans made by the above named Municipalities to the Company under the Act firstly above recited in this section ;

Certain mortgages granted by the Company for securing loans by certain Municipalities confirmed.

Provided

Proviso.

Provided also, that the Act of this Province passed during the present Session relating to mortgages of personal property in Upper Canada, shall not apply to the said mortgages of the Company or to the property covered or to be covered by them.

Scrip may be issued for shares and the holders may vote thereon.

VI. Scrip for paid up shares of stock of the Company may be issued to bearer and may be transferred by delivery thereof; and all *bonâ fide* holders of scrip for paid up shares of stock of the Company shall be entitled to receive their share of the profits of the Company, and shall be entitled to vote in respect of the shares held by them, upon the scrip being produced, which shall then be registered in the name of such holders respectively in the books of the Company.

Interpretation.

VII. The expression "the Company" in this Act, shall always mean the Brockville and Ottawa Railway Company.

Public Act.

VIII. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

SCHEDULE A.

Capital, £1,000,000 stg. *Province of Canada.* Capital, £1,000,000 stg.
£100 stg. Brockville and Ottawa Railway Debenture. £100 stg.

No. TRANSFERABLE. No.

Issue limited to £350,000 Cy.

The Municipalities through which the road passes have loaned the Company £350,000 cy., being equal to £288,000 stg. This sum is repayable under the provisions of "The Consolidated Municipal Loan Fund Act for Upper Canada," which requires that beside interest, two per cent. per annum for twenty years shall be paid in liquidation and discharge of this claim, and which with interest is now provided for and being paid. Subject to this claim, the lands, tolls, revenues and other property of the Company are, under the provisions of "the Railway Clauses Consolidation Act" pledged and mortgaged for the due payment of these debentures limited in issue as above.

The Brockville and Ottawa Railway Company hereby promise to pay to or bearer, the sum of *one hundred* pounds sterling, twenty years from and after the first day of January, one thousand eight hundred and fifty-seven, likewise interest at the rate of six per cent. per annum, to be paid on the first days of January and July in each year, upon presentation of the proper coupons hereunto attached, at the office of _____ in London.

Signed and dated at Brockville, the _____ day
of _____, one thousand eight hundred and _____

Treasurer. (L. S.)

President.
C A P .

C A P . C X L V .

An Act to revive and amend a certain Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to incorporate the Port Whitby and Lake Huron Railway Company.*

[Assented to 10th June, 1857.]

WHEREAS it is deemed expedient and necessary to re- Preamble.
vive and amend a certain Act passed in the sixteenth 16 V. c. 105.
year of Her Majesty's Reign, and intituled, *An Act to incorpo-*
rate the Port Whitby and Lake Huron Railway Company :
Therefore, Her Majesty, by and with the advice and consent of
the Legislative Council and Assembly of Canada, enacts as
follows :

I. From and after the passing of this Act, the said above in 16 V. c. 105
part recited Act, and every matter or thing in any wise relating revived.
thereto, shall be and the same is hereby revived and in full
force and effect, save and except the following clauses or sec-
tions in the said above recited Act, and numbered respectively
one, five, six, seven, eight, eleven and twelve, which is and
are hereby repealed ; Provided always, that the said Company Proviso.
shall not be at liberty to construct their Railway through the
Townships of Brock and Thorah over any portion of the said
Townships lying to the east of a direct or air line drawn
between the Port of Whitby and the Port of Beaverton.

II. Nelson Gilbert Reynolds, Ezra Annes, Robert Hervey Certain persons to form the Corporation under the said Act.
Lawder, James Howe, Carleton Lynde, John Ham Perry,
James Dryden, George Currie, John Hall Thompson, Neil
McDougall, Daniel Greek Hewett, John B. Warren, Jonathan
Foot and Chester Draper, together with such person or
persons, corporations, municipalities and companies, as shall
under the provisions of this Act, and of the unrepealed parts
of the Act to which this is an amendment, become share-
holders in the Company hereinafter mentioned, shall be and
hereby are ordained, constituted and declared to be the body
corporate and politic, intended and referred to in the said
amended Act, by and under the name and style of the " Port Corporate name.
Whitby and Lake Huron Railway Company."

III. The said Nelson Gilbert Reynolds, Ezra Annes, Robert First Directors appointed.
Hervey Lawder, James Rowe, Carleton Lynde, John Ham
Perry, James Dryden, George Currie, John Hall Thompson,
Neil McDougall, Daniel Greek Hewett, John B. Warren, Jona-
than Foot and Chester Draper, shall be and are hereby consti-
tuted and appointed the first Directors of the said Company,
and shall hold their office until others shall under the provisions
of this Act, and of the Act to which this is an amendment,
(except

(except where the Act to which this Act is an amendment shall conflict with or shall have been repealed by this Act,) be elected by the shareholders, and until that time shall constitute the Board of Directors of the said Company, for carrying out the object and purposes of this Act and of the Act to which this is an amendment, with all the powers, privileges and immunities conferred on the Board of Directors of the said Company in this Act and in the Act to which this is an amendment.

Company may borrow money by mortgage, under certain restrictions.

IV. The said Company shall be and hereby are authorized and empowered to borrow money on the security of their property, by mortgage bonds of the Company, having not more than thirty years to run, and bearing interest at a rate of not more than six per cent. per annum, under the following conditions and restrictions, to wit :

Debt limited.

First—The bonded debt of the Company shall never exceed the amount of stock actually paid up and invested in the Company's property ;

Sinking Fund.

Second—A sufficient annual or semi-annual deposit from the next earnings of the Company, shall be made in a well secured sinking fund, for the liquidation of the bonded debt at maturity ; and no dividend on the Company's stock shall be declared or paid out until such deposit shall have been duly made ;

Certain accounts to be kept.

Third—The " Construction Account " of the Company, and all other charges to " Capital Stock," shall be closed for ever on each division of the road opened for public traffic, within twelve months from the date on which such division shall have been so opened, except with the sanction of a majority of the Stockholders, and of a majority of the Bondholders, and then to the extent only and for the express purpose for which such sanction shall have been given ;

Bonds to be convertible into Stock.

Fourth—All or any bonds of the Company shall be convertible at par into capital stock of the Company, at the option of the holders of the said bonds ;

Restrictions to be printed on bond.

Fifth—These conditions and restrictions shall be printed on the face of the Company's bonds, and shall be part and parcel of the Company's contract with the bondholders, and no other bonds or securities shall be issued by the Company bearing any mortgage on their property, nor shall any money be raised on mortgage of such property otherwise than on such bonds as aforesaid.

Capital Stock, amount and number of Shares.

V. The Capital Stock of the said Company shall not exceed in the whole the sum of four hundred thousand pounds currency, to be divided into sixteen 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 or Corporations

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 and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the said Railway and connected therewith, and all the rest and remainder of such money shall be applied towards completing and maintaining the said Railway and other purposes of this Act, and to no other purpose whatsoever ; Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the Common Stock thereof, it shall be lawful for the Municipality of any County, Town or Township on or near the line thereof, to pay out of the general funds of such Municipality any proportion of such Railway 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.

Proviso.

VI. When and so soon as One Hundred Thousand Pounds of the said Capital Stock shall have been subscribed, and ten per cent paid thereon into one of the chartered Banks of this Province, it shall be lawful for the said Directors or a majority of them to call a meeting of the holders of such shares at such place and time as they shall think proper, giving at least fifteen days' public notice of the same in one or more newspapers published in the County of Ontario, at which said General meeting the private shareholders having paid ten per cent on their stock subscribed for, shall either in person or by proxy choose six Directors, and the municipality or municipalities having also paid ten per cent on their stock subscribed for, shall choose seven Directors who shall together with the other Directors hold office until the first Monday in February following ; and the private shareholders who shall have paid up all calls on their stock shall in like manner elect six Directors at each annual general meeting of the stockholders ; and such Municipality or Municipalities as shall have taken stock in the said Company and paid ten per cent thereon as aforesaid previous to the first meeting of the shareholders according to the next preceding section of this Act, shall be entitled to elect at the said meeting and at every annual Meeting thereafter, provided all calls on their stock then made are paid up, seven persons to represent at the Board of Directors such Municipal Stock ; and for the purpose of electing such seven persons, the Stock subscribed by each Municipality shall be equally divided among the Members of the Council of each Municipality, who shall vote upon the same respectively in the same manner as the private shareholders ; and so much of Section nine of the Act hereby amended or of other part thereof, as fixes the number of Directors at nine, is hereby repealed ; and notwithstanding anything to the contrary in the Railway Clauses Consolidation Act, the Head of any Municipality holding Stock in the said Company, shall not be *ex officio* a Director of the Company, but such Head may, as may also any other member of the Council of such Municipality, be elected

First meeting of shareholders.

Election of Directors by private Shareholders and by municipalities holding Stock.

Municipal Stock to be divided for purpose of such election.

Inconsistent enactments repealed.

elected a Director, and shall be qualified as such whether he be or be not a private shareholder; and all Directors of the Company whether elected by private shareholders or by Councillors voting on the Stock held by their Municipalities, shall have equal powers, rights and liabilities.

As to municipal Directors.

VII. Any member of a Municipal Council elected a Director shall remain a Director until the next annual election and the election of his successor, although he may have ceased to be a member of such Municipal Council.

Time for annual general meeting changed.

VIII. So much of the ninth Section or of any part of the Act hereby amended as appoints the first Monday in June as the day for the annual general meeting of the said Company, and the election of Directors, is hereby repealed; and the said annual general meeting and election of Directors shall be held on the first Monday in February in each and every year after the first election of Directors.

Qualification of Directors.

IX. The persons qualified to be elected Directors to represent the private Stock of the said Company under this Act, shall be any shareholders holding Stock to the amount of two hundred and fifty pounds, who shall have paid up all calls on the same.

Proviso in case Directors not elected at time appointed.

X. If it shall happen at any time or times hereafter that an election of Directors should not be made on any day when, pursuant to this Act, it ought to have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of Directors in such manner and upon such notice as shall be provided by the By-laws of the Company; and until such election of new Directors, those who may be in office for the time being, shall be and continue to exercise all the rights and powers of Directors until such new election be made.

Directors may appoint agents.

XI. The Directors of the said Company may appoint such and so many agents in this Province or in any other part of Her Majesty's dominions, as to them shall seem expedient, and may, by any By-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves, or any of them, may lawfully do, perform and exercise, except the power of making By-laws; and all things done by such agent or agents, by virtue of the powers in him or them vested by any such By-laws, shall be as valid and effectual to all intents and purposes as if done by such Directors themselves; any thing in any part of this Act to the contrary notwithstanding.

Directors may issue scrip and share certificates.

XII. It shall and may be lawful for the Directors of the said Company for the time being to make, execute and deliver, all such scrip and share certificates, and all such bonds, debentures, mortgages,

mortgages, or other securities, as to the said Directors for the time being shall from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof.

XIII. In case the said sum of four hundred thousand pounds currency, hereinbefore authorized to be raised, shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said Company to raise and contribute among themselves by subscription in books to be opened by the Directors for that purpose, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing the said intended railway and its branches and other works or conveniences incidental or relative thereto, not exceeding the sum of two hundred and fifty thousand pounds aforesaid; and every subscriber towards raising such further or other sum of money, shall be a shareholder in the said undertaking, and have a like vote by himself, or herself, or his or her proxy, in respect of every share in the said additional sum so to be raised, and shall also be liable to such obligations and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised as part of the first sum of four hundred thousand pounds; any thing herein contained to the contrary notwithstanding.

Capital Stock may be increased, and in what manner, &c.

XIV. It shall be lawful for the Directors (if authorized by any general meeting of the shareholders to be called for that purpose) to enter into and make any arrangement with the Directors of any Railway Company now or hereafter to be chartered in any part of this Province, for the union, junction and amalgamation of the said Company with such other Railway Company, or for the purchase of the Railway of such other Company by mutual agreement with such Company; and the capital stock of any Companies so united shall become the capital stock of the Company formed by their union, and be controlled and managed as such, independently of all other increase of stock authorized by this Act.

Directors may unite Company with any other Company.

XV. It shall and may be lawful for the said Company to enter into any agreement with any person or persons or with any other Railway Company, either in this Province or in any Foreign State, for leasing the said Railway or any part thereof, or the use thereof, at any time or times, to such person or persons, or other Company, or for leasing or hiring out to such person or persons or other Company the said Railway and any locomotives, cars, carriages, tenders or other property, moveable and immoveable of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from any other Railway Company, any Railroad or part thereof

Company may lease the said Railway or part thereof, and make agreements with other Railway Companies.

or the use thereof, at any time or times, or for leasing or hiring from such other Railway Company, any Railroad, locomotives, cars, carriages, tenders or other property, moveable and immoveable, or for using either the whole or any part of the said Railway, or of the moveable and immoveable property of the said Company, or of the Railway or moveable and immoveable property or either of such other Company, in common by the two Companies, or, generally, to make any agreement or agreements with any person or persons, or with any such other Company, touching the use by any such person or persons, or by one or other or by both Companies, of the Railway or moveable and immoveable property of either or of both, or at any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor; and any such agreement or lease shall be valid and binding and shall be enforced by all Courts of Justice in this Province, according to the terms and tenor thereof; Provided always, that the act or acts of the Directors of the said Company sanctioned and approved by a majority of the votes of the Shareholders attending any Special General Meeting of the Shareholders of the said Company, called for that purpose, either in person or by proxy, shall be considered to be, and be to all intents and purposes, the act and acts of the Company under this section; and at such Special General Meeting, the said Shareholders may, by a majority of the votes of the Shareholders, attending such Special General Meeting, either in person or by proxy, delegate to the Directors of the said Company, or a quorum thereof, or a majority of such quorum, all and singular the powers by this section conferred, given and granted to the said Company, to be exercised in such manner as to the said Directors or quorum of them, or a majority of such quorum, shall seem meet, and as they shall direct and appoint; and the powers hereby conferred upon the said Company shall extend to any agreement for lease of the said Railway and undertaking, locomotives, cars, carriages and other property of the said Company, moveable and immoveable, heretofore entered into by the Directors of the said Railway Company, and which has been sanctioned and approved of by the Shareholders of the said Company, at a Special General Meeting of the Shareholders thereof called for that purpose, and any such agreement shall be binding on the said Company and the party with whom the same was entered into, and any lease granted or to be granted in pursuance of such agreement shall be valid and binding upon all the parties thereto; any thing to the contrary in this or any other Act of the Parliament of this Province notwithstanding.

Proviso :
Acts of Directors in this behalf must be with the sanction of the Shareholders.

Powers declared to extend to certain cases.

Company may unite with, or sell to Grand Trunk Railway Company.

XVI. The said Company shall have full power and authority to unite with the Grand Trunk Railway Company of Canada or to sell and convey to the Company last mentioned, all the property and rights acquired under this Act, according to
and

and under the provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to empower any Railway Company whose Railway forms part of the Main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the property and rights of any such Company, and to repeal certain Acts therein mentioned, incorporating Railway Companies*; and of another Act passed in the same year of Her Majesty's Reign, intituled, *An Act to extend the provisions of the Railway Companies Union Act, to Companies whose Railways intersect the Main Trunk Line, or touch places which the said Line also touches.*

Under 16 V. c.
39 and 76.

XVII. It shall be lawful for the said Company to construct a Line of Telegraph, Electric or otherwise, along their said Railway and its continuations and branches, or any of them, or any part or section thereof, from and to any point or points thereon, as to the said Company shall seem advisable; And the said Company shall have power to purchase, receive and hold, and convey such Real Estate as may be necessary for the business and operations of the said Telegraph Line, and may appoint such Officers and Agents and make such Rules and Regulations and By-laws as may be necessary or advisable in the transaction of the business thereof, not inconsistent with the laws of this Province; And the said Company shall have and are hereby invested with all the powers, rights and privileges, respecting such Telegraph Line, and the management thereof, as are now vested in Electric Telegraph Companies, under and by virtue of the fifth, sixth and eleventh sections of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to provide by one general law for the incorporation of Electric Telegraph Companies*; And the tenth and twelfth sections of the said Act shall apply to the said Line in like manner as if the said company had been an Association incorporated under the said last mentioned Act.

Company may
construct a
Telegraph
Line

Act 16 V. c.
10 to apply.

XVIII. And whereas it is expedient to construct at or near the terminus of the said Railway on Lake Huron a Harbour for the convenience of the public, and facilitating the traffic of the Railway; Therefore the said Company are hereby authorized and empowered to construct a Harbour at or near the Northern terminus of the said Railway on Lake Huron, which shall be accessible to, and fit, safe, and commodious for the reception of such description and burthen of Vessels as commonly navigate Lake Huron; And also to erect and build up such needful moles, piers, breakwaters, wharves, buildings, erections and constructions whatsoever as shall be necessary, useful and proper for the protection of such Harbour, and for the accommodation and convenience of Vessels entering, lying, loading and unloading within the same, and to alter, amend, repair, enlarge, deepen, and dredge the said Harbour from time to time as may be found expedient and necessary, and also to construct a Dry Dock or Railway calculated for refitting and repairing all shipping at such Harbour.

Company emp-
powered to
construct a
Harbour, &c.,
on Lake Hu-
ron.

Instalments
on Stock how
called in.

XIX. It shall and may be lawful for the Directors at any time to call upon the Shareholders for instalments upon each share which they or any of them may hold in the capital Stock of the said Company, in such proportions as the Directors may see fit, so as no such instalment shall exceed twelve and a half per cent. for every six months, giving at least one month's notice for each call, in such manner as they shall appoint.

Recital.

A certain
Road Com-
pany to be
allowed to
take Stock in
Company.

XX. And whereas the Port Whitby and Lake Scugog, Simcoe and Huron Road Company are willing and desirous to assist in the construction, making, and completing of the said Railway, and for such purpose to be allowed to take and subscribe for Stock in the said Railway Company, and to issue their Bonds for payment of said Stock; therefore the said Port Whitby and Lake Scugog, Simcoe and Huron Road Company shall have power and authority to take Stock in said Railway Company, and to issue their Bonds, payable within twenty years, provided the amount to be so issued do not exceed the sum of ten thousand pounds, and to advance to the said Port Whitby and Lake Huron Railway Company such sum or sums of money, and to become a party to, and sign, endorse, and guarantee such Bonds as may by the said Port Whitby Road Company be issued for the payment of their Stock, subject, however, to the same calls, rights and privileges as other Stockholders or Corporations who may have subscribed or taken Stock in the said Railway, and generally to do and perform all matters and things whatsoever, necessary or incidental in the promotion of the construction of the said Railway, or the carrying out of the provisions of this Act.

Charter of
Company to
date from pas-
sing of this
Act.

XXI. The charter of the said Port Whitby and Lake Huron Railway Company, granted by this Act and in the Act to which this is an amendment, shall bear date from the passing of this Act, and the period allowed for the commencing and completing their Railway shall be reckoned accordingly; Provided always that any claim or claims against the Company, or the intended Company referred to in the said Act, shall be and the same are hereby protected, such claim or claims to be ascertained by arbitration in the usual manner: this provision shall not be construed to render any of the Directors or Shareholders personally liable for any claim above referred to.

Proviso.

Public Act.

XXII. This Act shall be deemed a Public Act.

C A P . C X L V I .

An Act to explain an Act, intituled, *An Act to amend the Act incorporating the Hamilton and Toronto Railway Company.*

[Assented to 10th June, 1857.]

WHEREAS the wording of the first section of the Act passed in the eighteenth year of Her Majesty's Reign and intituled, *An Act to amend the Act incorporating the Hamilton and Toronto Railway Company*, is such as to have caused doubts to arise as to the meaning of the said Act, and it is expedient to declare and explain the meaning of the same in order to prevent injustice being done to persons intended to be protected by the said Act : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The words " private rights " in the said first section of the said Act, were intended to include and do include the rights whether possessory or reversionary which parties occupying, leasing or owning lands on the bank or banks of the River Humber, had to use the said River as a highway, or as a means of approach or access to or egress from the property so occupied, leased or owned by such parties, by vessels or otherwise howsoever.

II. All parties occupying, leasing or owning lands on or near to the bank or banks of the said River Humber, who shall be prevented by the erection of a permanent bridge by the said Company across the said River Humber, from approaching or gaining access to or egress from such lands by vessels or otherwise, or from using the said River as beneficially or amply as they had been entitled or accustomed to use the same before the erection of such bridge, and who shall give notice to the said Company within three months from the passing of this Act, of his, her or their claim or intention to make claim for compensation in consequence of the erection of such Bridge, shall be entitled to compensation from the said Company, and the said Company shall indemnify all such parties so injured or abridged in any way of the rights aforesaid, or hindered or prevented from using the said River in manner aforesaid ; and in case of disagreement between such parties and the said Company, as to the amount of such compensation, the same shall be ascertained and decided in the same manner as is provided for in regard to other claims for compensation against the said Company, in and by their Act of incorporation or the Act incorporated therewith.

III. This Act shall be deemed a Public Act.

Public Act.

CAP. CXLVII.

An Act to alter and amend the Act relating to the Galt and Guelph Railway, and to incorporate the Preston and Berlin Railway Company.

[Assented to 10th June, 1857.]

Preamble.
18 V. c. 70.

WHEREAS by an Act passed in the eighteenth year of the reign of Her present Majesty, intituled, *An Act to amend the Act to authorize the construction of a Railway from Galt to Guelph*, it is amongst other things enacted, that it should be lawful for the Galt and Guelph Railway Company, to construct an extension of their Railway from the Town of Guelph to Owen Sound, and also, an extension of their said Railway from the Village of Preston to the Town of Berlin; and the said Company were by the now reciting Act authorized to increase their capital from the sum of one hundred and forty thousand pounds to a sum not exceeding five hundred and fifty thousand pounds currency, and that the amounts of three hundred and fifty thousand pounds, and fifty thousand pounds might, if the said Company saw fit, be specially raised and applied for the construction of the respective extensions aforesaid, in the proportion of three hundred and fifty thousand pounds for the extension to Owen Sound, and one hundred thousand pounds for that to Berlin; And the said Company have by their petition set forth, that in pursuance of the provisions of the said Act, subscriptions have been obtained specially for the said extension to Berlin, to the amount required, and the works have been commenced and are being prosecuted to completion; and that under the provisions of the said Act, an arrangement has been made between the Galt and Guelph Railway Company and the Great Western Railway for working that portion of the line running from Galt to Guelph, and that it is desirable to disconnect the said extension from the said Railway, so as to form a separate line to be called the Preston and Berlin Railway; And have also by their petition set forth that it is desirable that power should be given to the City of Hamilton, which has subscribed for shares towards the said extension, to make the debentures issued under the By-law authorizing such subscriptions, payable either in sterling or currency, in Great Britain or elsewhere, and that the Company may in like manner be authorized to issue Bonds or Debentures payable in Great Britain or elsewhere, as the Directors may deem desirable; And whereas it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

A separate
Company con-

I. From and after the passing of this Act, the said extension from Preston to Berlin shall form and be a separate and distinct line

e to be called the Preston and Berlin Railway, and the several persons who have specially subscribed for stock towards the said extension, shall, with such others as shall or may become Shareholders therein, be a body corporate and legal entity in fact, by and under the name and style of the "Preston and Berlin Railway Company." Provided always, that the contract entered into by the Galt and Guelph Railway Company for constructing the said extension shall be binding and obligatory upon the Company hereby created, and no longer binding on the said Galt and Guelph Railway Company; the Capital Stock of the Company shall be one hundred and twenty-five thousand pounds, to be divided into five thousand shares of twenty-five pounds each, which sum shall be raised by the persons who have already specially subscribed to the said extension, together with such other persons and corporations as may become subscribers towards such Stock.

stituted for the extension from Preston to Berlin.

Proviso : as to a certain contract now existing.

Capital and shares.

4. The first General Meeting of Shareholders after the passing of this Act shall be held on the Third Monday in June next, in the City of Hamilton, at the Office of the Company, and at the said meeting seven persons, being each a subscriber for at least twenty shares, shall be chosen Directors of the Company, and shall hold their office until the next Annual Meeting of Shareholders and until others are elected in their stead; and the present Directors of the Galt and Guelph Railway Company shall remain in office as Directors of the Company hereby constituted, until such meeting and election.

First election of Directors, &c.

5. No call of money from the Shareholders shall exceed ten per cent., on the amount of their shares.

6. The several clauses of the General Railway Clauses Consolidation Act, with respect to "Powers," "General Meetings," "Directors, their Election and Duties," "Shares and their Transfer," shall be incorporated with this Act, and shall be deemed by the expression "this Act," whenever used therein.

Certain clauses of 14, 15 V. c. 51, incorporated with this Act.

7. All Bonds or Debentures and all interest warrants or coupons attached thereto, which shall be issued by the Company payable to bearer or to order, shall be assignable at law by delivery or indorsement, and may be sued on and enforced by the respective bearers and owners thereof, for the time being, in their own names.

Debentures assignable by delivery, &c.

8. It shall be lawful for the City Council of the City of Hamilton, by any resolution to be hereafter passed, to provide that the debentures authorized to be issued in payment of the stock subscribed by them towards the said Preston and Berlin Railway, shall be payable in sterling or otherwise, and at any place or places in this Province, in Great Britain, or elsewhere, as such City Council may see fit.

City of Hamilton Debentures may be payable in sterling, &c.

Company may make certain agreements with other Companies.

VII. It shall be lawful for the Company hereby created, the Great Western Railway or any other Railway Company make and enter into such arrangements or agreements as they shall think advisable (and from time to time to alter or vary the same, and again to enter into other or different ones) as well for the working and using of the said road and works of the said Great Western Railway Company, or any other Railway Company, as also for the leasing thereof to either of the said Companies, either before or after working the same, for any period that may be agreed on; and such agreements shall be legal and binding upon the respective Companies according to the true intent and meaning thereof.

Certain enactments to extend to the Company hereby constituted.

VIII. The powers conferred upon the Galt and Guelph Railway Company by the Acts incorporating the same, and the several Acts of Parliament amending the same, shall, so far as applicable, extend to the Company hereby created, and the provisions of the several Acts concerning the Great Western Railway Company which shall be in force at the time of the passing of this Act, and shall not be inconsistent with those contained or provide for matters provided for by this Act, shall be hereby incorporated with this Act, and shall extend and apply to the Company hereby constituted, and the Railway which they are constructing, as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the Company hereby created.

Recital.

IX. And whereas the City of Hamilton was authorized by the Acts of the Parliament of this Province, relating to the Great Western Railway, to subscribe for Stock in the Galt and Guelph Railway, and did in fact subscribe the sum of one thousand pounds towards the construction of the main line thereof, for which Debentures were issued and have gone into circulation; And whereas in the By-law authorizing such subscription, reference is made to the General Railway Act, as the authority for making such subscription and issuing such Debentures, and it is supposed that the provisions of the General Railway Clauses Act do not apply to the said Galt and Guelph Railway, and the City Council of the said City of Hamilton by their petition prayed that such debentures may be legal and inasmuch as the said Municipality was authorized to subscribe for the said Stock it is just and expedient to give effect to the prayer of such petition; Therefore, all Bonds or Debentures issued under the authority of the said By-law by the City of Hamilton, shall be held to be, and are hereby declared to be, good and valid in the law.

A certain By-law of the City of Hamilton confirmed.

Public Act.

X. The Interpretation Act shall apply to this Act, and shall be deemed a Public Act.

C A P . C X L V I I I .

Act to amend the Acts relating to the Stanstead, Shefford and Chambly Railroad Company.

[Assented to 10th June, 1857.]

WHEREAS the Stanstead, Shefford and Chambly Railroad Company have petitioned the Legislature for certain amendments in their Act of incorporation and the Act amending the same, for an extension of the time allowed by law for the redemption of ten per centum of the Capital Stock of the said Company, and for reduction of the Capital Stock of the Second and Third Branch Lines thereof, and it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.
16 V. c. 107.
18 V. c. 185.

Notwithstanding any thing contained in the sixth sub-section of the twenty-second section of the Act known as "The Railway Consolidation Act," or any thing contained in the Act incorporating "The Stanstead, Shefford and Chambly Railroad Company," the said Company shall not forfeit or lose and shall not be considered or dealt with as having forfeited or lost any powers, privileges or corporate rights secured to them by the Act of incorporation or by any Act amending the same, in reason of their not having within three years after the passing of their Act of incorporation, expended in the construction of the said Railroad for the construction whereof they obtained the Act of incorporation, ten per cent. on the amount of the Capital Stock of the said Company ; Provided, that ten per cent. of such Capital Stock shall be expended by the said Company in the construction of the said Railroad within two years after the passing of this Act, until which period (and for the period thereafter, if the aforesaid condition be fulfilled,) the said Company shall continue to use and enjoy all the powers, privileges and corporate powers conferred upon them by the Act of incorporation and by any of the Acts heretofore or hereafter to be passed amending such Act of incorporation.

Company allowed two years from the passing of this Act to expend 10 per cent. of their capital.

Notwithstanding any thing contained in the second section of the Act, intituled, *An Act to amend the Act incorporating the Stanstead, Shefford and Chambly Railroad Company and for other purposes*, so soon as the sum of seventy-five thousand pounds shall have been specifically subscribed on account of the Second Branch therein named, and ten per cent. thereon shall have been paid as in the said last recited Act required, the said Stanstead, Shefford and Chambly Railroad Company may proceed to the construction of the said Second Branch ; And so soon as fifty thousand pounds shall have been subscribed on account of the Third Branch therein named, and ten per cent. paid thereon as in the said last recited Act required, the said Company may proceed to the construction of the said Third Branch.

When the Company may proceed with their second Branch.
18 V. c. 185.

And with their third Branch.

II. This Act shall be deemed a Public Act.

Public Act.

C A P . C X L V I I .

An Act to alter and amend the Act relating to the Galt and Guelph Railway, and to incorporate the Preston and Berlin Railway Company.

[Assented to 10th June, 1857.]

Preamble.
18 V. c. 70.

WHEREAS by an Act passed in the eighteenth year of the reign of Her present Majesty, intituled, *An Act to amend the Act to authorize the construction of a Railway from Galt to Guelph*, it is amongst other things enacted, that it should be lawful for the Galt and Guelph Railway Company, to construct an extension of their Railway from the Town of Guelph to Owen Sound, and also, an extension of their said Railway from the Village of Preston to the Town of Berlin; and the said Company were by the now reciting Act authorized to increase their capital from the sum of one hundred and forty thousand pounds to a sum not exceeding five hundred and fifty thousand pounds currency, and that the amounts of three hundred and fifty thousand pounds, and fifty thousand pounds might, if the said Company saw fit, be specially raised and applied for the construction of the respective extensions aforesaid, in the proportion of three hundred and fifty thousand pounds for the extension to Owen Sound, and fifty thousand pounds for that to Berlin; And the said Company have by their petition set forth, that in pursuance of the provisions of the said Act, subscriptions have been obtained, specially for the said extension to Berlin, to the amount required, and the works have been commenced and are now being prosecuted to completion; and that under the provisions of the said Act, an arrangement has been made between the Galt and Guelph Railway Company and the Great Western Railway for working that portion of the line running from Galt to Guelph, and that it is desirable to disconnect the said extension from the said Railway, so as to form a separate line to be called the Preston and Berlin Railway; And have also by their petition set forth that it is desirable that power should be given to the City of Hamilton, which has subscribed for stock towards the said extension, to make the debentures issued under the By-law authorizing such subscriptions, payable either in sterling or currency, in Great Britain or elsewhere, and that the Company may in like manner be authorized to issue Bonds or Debentures payable in Great Britain or elsewhere, as the Directors may deem desirable; And whereas it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

A separate
Company con-

I. From and after the passing of this Act, the said extension from Preston to Berlin shall form and be a separate and distinct line

line to be called the Preston and Berlin Railway, and the several persons who have specially subscribed for stock towards building the said extension, shall, with such others as shall or may become Shareholders therein, be a body corporate and politic in fact, by and under the name and style of the "Preston and Berlin Railway Company:" Provided always, that the contract entered into by the Galt and Guelph Railway Company for constructing the said extension shall be binding and obligatory upon the Company hereby created, and no longer binding on the said Galt and Guelph Railway Company; the Capital Stock of the Company shall be one hundred and twenty-five thousand pounds, to be divided into five thousand shares of twenty-five pounds each, which sum shall be raised by the persons who have already specially subscribed to the said extension, together with such other persons and corporations as may become subscribers towards such Stock.

stituted for the extension from Preston to Berlin.

Proviso: as to a certain contract now existing.

Capital and shares.

II. The first General Meeting of Shareholders after the passing of this Act shall be held on the Third Monday in June next, in the City of Hamilton, at the Office of the Company, and at such meeting seven persons, being each a subscriber for at least twenty shares, shall be choosen Directors of the Company, to hold their office until the next Annual Meeting of Shareholders and until others are elected in their stead; and the present Directors of the Galt and Guelph Railway Company shall remain in office as Directors of the Company hereby constituted, until such meeting and election.

First election of Directors, &c.

III. No call of money from the Shareholders shall exceed ten per cent., on the amount of their shares.

Calls.

IV. The several clauses of the General Railway Clauses Consolidation Act, with respect to "Powers," "General Meetings," "Directors, their Election and Duties," "Shares and their Transfer," shall be incorporated with this Act, and shall be included by the expression "this Act," whenever used herein.

Certain clauses of 14, 15 V. c. 51, incorporated with this Act.

V. All Bonds or Debentures and all interest warrants or coupons attached thereto, which shall be issued by the Company payable to bearer or to order, shall be assignable at law by delivery or indorsement, and may be sued on and enforced by the respective bearers and owners thereof, for the time being, in their own names.

Debentures assignable by delivery, &c.

VI. It shall be lawful for the City Council of the City of Hamilton, by any resolution to be hereafter passed, to provide that the debentures authorized to be issued in payment of the Stock subscribed by them towards the said Preston and Berlin extension, shall be payable in sterling or otherwise, and at such place or places in this Province, in Great Britain, or elsewhere, as such City Council may see fit.

City of Hamilton Debentures may be payable in sterling, &c.

Company may make certain agreements with other Companies.

VII. It shall be lawful for the Company hereby created, and the Great Western Railway or any other Railway Company, to make and enter into such arrangements or agreements as they shall think advisable (and from time to time to alter or vacate the same, and again to enter into other or different ones,) as well for the working and using of the said road and works, by the said Great Western Railway Company, or any other Railway Company, as also for the leasing thereof to either of such Companies, either before or after working the same, for any period that may be agreed on; and such agreements shall be legal and binding upon the respective Companies, according to the true intent and meaning thereof.

Certain enactments to extend to the Company hereby constituted.

VIII. The powers conferred upon the Galt and Guelph Railway Company by the Acts incorporating the same, and the several Acts of Parliament amending the same, shall, so far as applicable, extend to the Company hereby created, and the provisions of the several Acts concerning the Great Western Railway Company which shall be in force at the time of the passing of this Act, and shall not be inconsistent with this Act or provide for matters provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the Company hereby constituted, and the Railway which they are constructing, as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the Company hereby created.

Recital.

IX. And whereas the City of Hamilton was authorized under the Acts of the Parliament of this Province, relating to the Great Western Railway, to subscribe for Stock in the Galt and Guelph Railway, and did in fact subscribe the sum of ten thousand pounds towards the construction of the main line thereof, for which Debentures were issued and have passed into circulation; And whereas in the By-law authorizing such subscription, reference is made to the General Railway Clauses Act, as the authority for making such subscription and issuing such Debentures, and it is supposed that the provisions of the General Railway Clauses Act do not apply to the said Galt and Guelph Railway, and the City Council of the said City have by their petition prayed that such debentures may be legalized; and inasmuch as the said Municipality was authorized to subscribe for the said Stock it is just and expedient to grant the prayer of such petition; Therefore, all Bonds or Debentures issued under the authority of the said By-law by the City of Hamilton, shall be held to be, and are hereby declared to be good and valid in the law.

A certain By-law of the City of Hamilton confirmed.

Public Act.

X. The Interpretation Act shall apply to this Act, which shall be deemed a Public Act.

C A P . C X L V I I I .

An Act to amend the Acts relating to the Stanstead,
Shefford and Chambly Railroad Company.

[Assented to 10th June, 1857.]

WHEREAS the Stanstead, Shefford and Chambly Railroad Company have petitioned the Legislature for certain amendments in their Act of incorporation and the Act amending the same, for an extension of the time allowed by law for the expenditure of ten per centum of the Capital Stock of the said Company, and for reduction of the Capital Stock of the Second and Third Branch Lines thereof, and it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. Notwithstanding any thing contained in the sixth sub-section of the twenty-second section of the Act known as "The Railway Clauses Consolidation Act," or any thing contained in the Act incorporating "The Stanstead, Shefford and Chambly Railroad Company," the said Company shall not forfeit or lose and shall not be considered or dealt with as having forfeited or lost any of the powers, privileges or corporate rights secured to them by their Act of incorporation or by any Act amending the same, by reason of their not having within three years after the passing of their Act of incorporation, expended in the construction of the Railroad for the construction whereof they obtained the said Act of incorporation, ten per cent. on the amount of the Capital Stock of the said Company; Provided, that ten per cent. of such Capital Stock shall be expended by the said Company in the construction of the said Railroad within two years after the passing of this Act, until which period (and for ever thereafter, if the aforesaid condition be fulfilled,) the said Company shall continue to use and enjoy all the powers, privileges and corporate powers conferred upon them by the said Act of incorporation and by any of the Acts heretofore or hereafter to be passed amending such Act of incorporation.

Preamble.

16 V. c. 107.

18 V. c. 185.

Company allowed two years from the passing of this Act to expend 10 per cent. of their capital.

II. Notwithstanding any thing contained in the second section of the Act, intituled, *An Act to amend the Act incorporating the Stanstead, Shefford and Chambly Railroad Company and for other purposes*, so soon as the sum of seventy-five thousand pounds shall have been specifically subscribed on account of the Second Branch therein named, and ten per cent. thereon paid as in the said last recited Act required, the said Stanstead, Shefford and Chambly Railroad Company may proceed to the construction of the said Second Branch; And so soon as fifty thousand pounds shall have been subscribed on account of the Third Branch therein named, and ten per cent. paid thereon as aforesaid, the said Company may proceed to the construction of such last mentioned Branch.

When the Company may proceed with their second Branch.

18 V. c. 185.

And with their third Branch.

III. This Act shall be deemed a Public Act.

Public Act.

C A P . C X L I X .

An Act to incorporate the St. Maurice Railway and Navigation Company.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS certain persons have petitioned that an Act may be passed authorizing the construction of a Railway from some point adjoining the Track of the North Shore Railway Company at or near Three-Rivers, hereafter to be selected, to the Grand Piles on the River St. Maurice where the Steam Navigation of that River commences, with power to run one or more Steamers on the navigable waters of that River above the said Grand Piles, and the right of carrying passengers and goods for hire ; And whereas a Railway so constructed on the said conditions would advance the colonization of the Valley of the St. Maurice, and render available the ungranted Lands of the Crown adjacent to the River St. Maurice : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Company incorporated.

I. Joseph Morrin, Andrew Stuart, Eugène Chinic, Joseph Hamel, Jean Baptiste Renaud, Charles Alleyn and Olivier Robitaille, The Honorable Joseph Cauchon, François Evan-turel, François Baby, George Honoré Simard, George Okill Stuart, Napoléon Casault, Jean Elie Thibaudeau, all of Quebec, Esquires, and Joseph Edouard Turcotte, Antoine Polette and Aimé Des Islets, of Three-Rivers, Esquires, Sir George Simpson, of Montreal, Knight, Jacques Olivier Bureau, of the County of Napierville, Esquire, and Louis Léon Lesieur Desaulniers, of the County of St. Maurice, Esquire, together with such other person or persons, Corporations and Municipalities as shall under the provisions of this Act, become Shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic by and under the name of the St. Maurice Railway and Steam Navigation Company.

Corporate name and powers.

Certain clauses of 14, 15 V. c. 51, incorporated with this Act.

II. The several clauses of the Railway Clauses Consolidation Act, 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," " Shares and their transfer," " Municipalities," " Shareholders," " Actions for indemnity and fines and penalties and their prosecution," " Working of the Railway," and " General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only

in

in so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act which are incorporated with this Act as aforesaid.

III. The Company hereby incorporated and their Servants and Agents shall have full power to lay out and construct a Railway between such point connecting with the line of the said Railway Company leading from Quebec to Montreal, in the Town of Three-Rivers, or on the East bank of the St. Maurice, as they shall select, and the place called the Grand Piles or wherever beyond that place the navigation of the River St. Maurice commences, with full powers to pass over any portion of the Country between the points aforesaid and to carry the said Railway through the Crown Lands lying between the same. The said Company shall also have full power and authority to build, purchase, hold, keep and run one or more steamers on the said River St. Maurice above the said Grand Piles on the navigable waters thereof, and shall be entitled to charge fares and freight for passengers and goods carried on board the same; Provided always that the Railway to be constructed under this Act shall have its terminus in the Town of Three-Rivers; and in case the said Railway shall be built on the east side of the River St. Maurice, such Railway may be extended to the confluence of the River St. Lawrence and St. Maurice, on the bank of the latter river.

Line of Railway described.

Power to run Steamers for freight and passengers.

Proviso.

IV. The Capital of the Company hereby incorporated shall be two hundred thousand pounds currency (with power to increase the same in the manner provided by the Railway Clauses Consolidation Act,) which said capital shall be raised in thirty-two thousand shares of six pounds five shillings each, and every such share shall entitle the proprietor on every occasion when the votes of the shareholders are to be given, to one vote for every such share.

Capital.

Increase.

Shares.

Votes.

V. From and after the passing of this Act, the said Joseph Morrin, Andrew Stuart, Eugène Chinic, Joseph Hamel, Jean Baptiste Renaud, Olivier Robitaille, The Honorable Joseph Cauchon, François Evanturel, François Baby, George Honoré Simard, George Okill Stuart, Napoléon Casault, Jean Elie Thibaudeau, Sir George Simpson, Knight, Jacques Olivier Bureau, Louis Léon Lesieur Desaulniers, John McDougall, Charles Alleyn, Joseph Edouard Turcotte and Antoine A. Polette, and George Baily Houliston, shall be Provisional Directors of the said Company for carrying into effect the object and purposes of this Act.

Provisional Directors named.

VI. Deeds and conveyances under this Act for the 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 circumstances

Form of conveyances to the Company.

Registration. and all Registrars are hereby required to register in their registry books such deeds on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed, and the said Company shall pay the Registrar therefor two shillings and six pence, and no more.

Vacancies among Provisional Directors, how supplied.

VII. It shall and may be lawful for the Provisional Directors for the time being of the said Company, or a majority of them, to supply the place or places of any of their number from time to time-dying or declining to act as such Provisional Director or Directors, out of the several subscribers for stock in their said Railway to the amount of one hundred and twenty-five pounds currency each during the period of their continuance in office; and such Provisional Directors, except as hereinafter provided, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and are hereby made subject unto the like restrictions, as the elective Directors of the said Company, upon their being elected by the Stockholders of the said Company as hereinafter provided, would under the provisions of the Railway Clauses Consolidation Act and of this Act become invested with or subject unto respectively.

Powers of Provisional Directors

First general meeting for election of Directors.

VIII. When and so soon as shares to an amount equivalent to fifty thousand pounds currency in the capital stock of the said Company shall be taken, and ten pounds per centum thereon shall have been paid into some one of the Chartered Banks of this Province, it shall and may be lawful for the Provisional Directors of the said Company for the time being to call a meeting, at the City of Quebec, of the subscribers for stock therein, and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company: Provided always, that if the said Provisional Directors shall neglect or omit to call such meeting, then the same may be called by any of the holders of shares in said Company holding among them not less than an amount equivalent to five thousand pounds currency; and of any meeting so called by the Provisional Directors, or by the shareholders as aforesaid, public notice for one month shall be given in at least two newspapers, one published in English and one in French, at Quebec, and in the English and French languages in one or two newspapers published in the Town of Three-Rivers, immediately preceding the time of such meeting; and at such general meeting the shareholders assembled, with such proxies as shall be present, shall choose nine persons to be Directors of the said Company being each a proprietor of shares therein to an amount not less than one hundred and twenty-five pounds currency, 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: in case of omission to call such meeting.

Election of Directors.

IX. The Directors so appointed or those appointed in their stead (at a meeting to be called for that purpose under the conditions aforesaid) in case of vacancy, shall remain in office for one year, or until such time as shall be appointed by any by-law of the Company, not exceeding the said term of a year; and the shareholders shall yearly in like manner at such time and place as shall be provided for by the by-laws, meet and elect 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 should appear to any ten or more of such shareholders holding together one thousand shares at least, that a Special General Meeting of the 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 such newspapers as are hereinbefore provided, 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 notice and proceed to the execution of the powers by this Act given to them with respect to the matter 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 principal or proxies less than five hundred shares) shall be as valid to all intents and purposes as if the same were done at Annual Meetings.

Term of office.

Annual general meetings.

Special general meetings.

Powers of special general meetings.

X. It shall and may be lawful for the Directors of the said Company for the time being, to make, execute and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages, or other securities, as to the said Directors for the time being shall from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof.

Directors to issue scrip for stock, bonds, &c.

XI. All bonds, debentures and other securities to be executed by the said Railway Company may be payable to bearer, and all such bonds, debentures or other securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their own names.

Bonds, &c., may be payable to bearer.

XII. Any meetings of the Directors of the said Company, at which not less than five of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Quorum of Directors.

XIII. Calls may be made by the Directors of the said company for the time being: Provided that no call to be made upon the subscribers for stock in the said Railway Company, shall

Calls.

proviso limiting calls.

shall exceed the sum of ten pounds per centum upon the amount subscribed for by the, respective shareholders in the said Company, and that the amount of any such calls in any one year shall not exceed fifty pounds per centum upon the Stock so subscribed ; Provided also, that upon the occasion of any person or Corporation becoming a subscriber for Stock in the said Company, it shall and may be lawful for the Provisional and other Directors of the said Company for the time being to demand and receive to and for the use of the said Company the sum of ten pounds per centum upon the amount so by such person or Corporation respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed, at the time of such person or corporation respectively subscribing for stock.

Proviso : ten per cent. to be paid on subscribing, &c.

One million and a half acres of waste lands to be granted to the Company on their completing the Railway and running the Steamers.

XIV. And in order to aid and encourage the said Railway and the navigation of the St. Maurice, Be it enacted, that one million five hundred thousand acres of the ungranted lands of the Crown in the neighbourhood of said River St. Maurice as close to the said Railway as may be, shall be and are hereby set aside for the purposes of this Act, and whenever the said Railway shall be actually completed in a good and permanent manner with Stations, rolling Stock and other appurtenances sufficient for the proper working thereof, then upon the report of some skilled engineer whom the Governor shall appoint for that purpose, and the approval of such report by the Governor in Council, and upon satisfactory evidence that the said Company is proprietor of one or more steamers suited for the navigation of the St. Maurice, on the said river, and on the Company giving a bond to the satisfaction of the Inspector General to run such steamer and to keep open the said Railway, there shall be granted to the said Company, by the Governor in Council, one million five hundred thousand acres of ungranted lands of the Crown lying as near as may be to the said Railway, and the said navigable waters of the St. Maurice ; and such grant shall be a free grant, and the Company shall have full power to alienate the lands so granted, and to deal with the same in such manner as they may think proper ; Provided always that such grant shall be of tracts of ten miles front by twenty in depth, alternating with other tracts to be reserved for Public Lands ; and the Directors of the said Company may, subject to the aforesaid conditions, pledge its interest in such lands as security for any sum necessary to construct the said Railway and works, or to build or purchase the said steamer or steamers.

Proviso : Grant to be of blocks alternating with lands reserved.

Company may unite with the North Shore Railway Company.

XV. The said North Shore Railway Company shall have the right of amalgamating with the said St. Maurice Railway and Steam Navigation Company, as one Company, within one year from the passing hereof ; and as far as the same shall be necessary to such union and to all proceedings previous or subsequent thereto, the provisions of the Acts passed in the sixteenth year of Her Majesty's Reign, and chaptered,

chaptered, respectively, thirty-nine and seventy-six, shall apply as fully as to the Railways and Railway Companies therein mentioned: Provided always, that whenever the Directors of the North Shore Railway Company shall (within one year from the passing of this Act) have decided to amalgamate that Company with the Saint Maurice Railway and Navigation Company, and two thirds of the votes of the shareholders of the said North Shore Railway Company present, in person or by proxies, at a general meeting called expressly for that purpose in the manner provided by the eighth Section of this Act, shall have ratified the above decision of the said Directors, then the said two Companies shall by virtue of such ratification be *ipso facto* amalgamated, without any action or assent on the part of the St. Maurice Railway and Steam Navigation Company, and shall become one and the same Corporation and Company, under the title of the North Shore and St. Maurice Railway and Navigation Company, and the Directors and Provisional Directors (if any) of the two Companies so amalgamated, shall be the Directors of the Company formed out of the said amalgamated Companies, until the then next election of Directors which shall be made on the day appointed for the then next general meeting of the North Shore Railway Company for the election of Directors, according to the provisions of the Act incorporating that Company: Provided further, that (in case of such amalgamation being decided upon) before such amalgamation shall be finally effected, any shareholders in the Company hereby incorporated who may refuse to consent to such amalgamation, shall first be repaid all moneys by them paid on their Stock, with interest, and shall thereupon cease to hold any Stock or interest therein; And the proceeds of the said Crown Lands if sold, or the rents, issues and profits thereof, if retained, shall be applied to the construction of the Railways of the said amalgamated Company and to no other purpose whatsoever, until the whole Railway line of the said amalgamated Company shall be completed.

Proviso: in case of amalgamation, shareholders who do not approve thereof may retire.

XVI. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes at convenient places along the line of Railway for constructing and keeping in repair and for carrying on the business of the said Railway, and as such gravel pits and deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found,—It is therefore enacted, that it shall be lawful for the said Company and they are hereby authorized, from time to time to purchase, have, hold, take, receive, use and enjoy, along the line of the said Railway or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty or any person or persons, or bodies politic, to give, grant, sell or convey unto, and to the use of or in any trust for the said Company, their

Company may acquire land off their Line of Railway for gravel pits for ballast, &c.

their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood-yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage, the said Railway and other works connected therewith.

Commencement and completion of works.

XVII. The said Railway shall be commenced within two years and completed within five years after the passing of this Act, and unless commenced and completed within the said several periods, all rights to the said grant of land shall cease, and it shall in either of such cases be lawful to pass an Act incorporating another Company to construct the said Railway from Three-Rivers to the navigable waters of the River St. Maurice as aforesaid.

Public Act.

XVIII. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

SCHEDULE A.

Know all men by these presents that I, *(insert the name of the wife also, if she is to release her dower, or for any other reason to join in the conveyance)* do hereby in consideration of _____ paid to me *(or, as the case may be)* by the St. Maurice Railway and Steam Navigation Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey, and confirm unto the said St. Maurice Railway and Steam Navigation Company, their successors and assigns, for ever, all that certain parcel or tract of land situate *(describe the land)* the same having been selected and laid out by the said Company for the purpose of their Railway; to have and to hold the said land and premises together with every thing appertaining thereto, to the said St. Maurice Railway and Steam Navigation Company, their successors and assigns for ever, *(if there be dower to be released, add)* and I, *(name the wife)* hereby release my dower in the premises.

Witness my hand *(or our hands)* and seal *(or Seals)* this
day of _____, one thousand eight hundred
and _____

A. B. (L. S.)
C. D. (L. S.)

Signed, sealed and delivered
in the presence of
O. K.

C A P . C L .

An Act to incorporate the Iberville, Brome, Shefford and Missisquoi Road Company.

[Assented to 10th June, 1857.]

WHEREAS the construction of a macadamised Road from Preamble.
the Village of St. Athanase, in the County of Iberville, opposite St. John's, in the County of St. John's, to the outlet of Brome Lake, in the County of Brome, and thence to south Stukeley, in the County of Shefford, would greatly improve the means of communication between the City of Montreal and the said Counties, and conduce materially to the welfare of the inhabitants residing along the line of such road, as well as to the prosperity of the surrounding country ; And whereas C. H. Jones, Ralph Arms, Wm. L. Dampier, William D. Jones. E. O. Brigham, P. C. Gilmour, Wm. McGinnis, Felix Côté, J. DeLagrave, Joseph Dacier, John Pearson, Henry LaRocque, R. B. McGinnis, Charles Lindsay, E. Bourgeois, F. X. Langelier, V. Titus, and others, have prayed to be incorporated with the powers requisite for making and maintaining such road : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The said C. H. Jones, Ralph Arms, William L. Dampier, William D. Jones, E. O. Brigham, P. C. Gilmour, W. McGinnis, Felix Côté, J. DeLagrave, Joseph Dacier, John Pearson, Henry LaRocque, R. B. McGinnis, Chas. Lindsay, E. Bourgeois, F. X. Langelier, and V. Titus, together with such person or persons, Corporations and Municipalities as shall, under the provisions of this Act, become shareholders in the said Company as 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 of the "Iberville, Brome, Shefford and Missisquoi Road Company." Certain persons incorporated.

II. The said Company and their servants or agents shall have full power to lay out and construct, make and finish a macadamized Road at their own costs and charges, from St. Athanase aforesaid to Jones' Mills, at the outlet of Brome Lake aforesaid, and thence to South Stukeley aforesaid. And empowered to construct a macadamized road.

III. Provided always, that the breadth of land to be taken by the said Company without the consent of the proprietor for the said road, shall not exceed sixty-six feet English, except that an additional piece of land, not exceeding one hundred and twenty feet square English, at each end of the Road, may be taken as a site for any toll-house to be erected by the Company. Limitation of breadth of land.

IV. The said Company shall have full power and authority to explore the ground or the country lying between the termini Power to explore country of

between ter-
mini, &c.

of the said Road, and to designate and establish, take, appropriate, have and hold, to and for the use of them and their successors, the requisite lands upon the line, and within the limits of the said Road, according to the provisions hereinafter contained for acquiring the same; and also to cut, make, and keep in repair upon such adjoining or neighboring lands, such ditches, drains and water courses as may be necessary for effectually draining and carrying off the water from the said road or work, making compensation therefor as hereinafter provided; and for the purpose aforesaid, the said Company and their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of any person or persons, body or bodies corporate or politic; and the said Company are also authorized to make ditches, drains, plats, bridges and other works on the said road and on the sides thereof; and to include in the said road any portion of any existing highway which they may deem expedient to adopt as part thereof; and the said road hereby authorized to be made shall be a public highway, to all intents and purposes of law.

Deeds and con-
veyances to
be in form of
schedule A.

V. All deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act may, in so far as the title to the said lands, or the circumstances of such parties making such conveyances shall admit, be made in the form given in the schedule of this Act marked A, in presence of any two or more witnesses; and for the due enregistration thereof, the said Company shall, at their own expense, furnish the Registrar of each county traversed by the said Road, with a book or books having a sufficient number of copies of the said form therein printed, one on each page, leaving the requisite blanks to suit the various cases of conveyance, such book or books being authenticated in the manner in which the ordinary registers of such Registrar are by law required to be authenticated; And such book or books shall by such Registrars be received and kept as, and shall be so many registers of their respective offices; and they shall therein enregister such deeds, upon production thereof and proof of their execution, by the oath of one credible witness, which oath they are hereby authorized to administer; And they shall certify such enregistration, and the date thereof, on each such deed, and the Company shall pay for such enregistration and certificate, upon each such deed the sum of *two shillings and six pence*, currency, and no more; and such enregistration shall be to all intents valid in law; and in the absence of the original of any such deed, copies thereof taken from such register, and duly certified by the Registrar having charge thereof, shall be held and treated as authentic copies of such deed; and such Registrar shall be entitled to a fee of *five shillings*, currency, and no more, for every such certified copy.

Directors to
manage affairs
of Company.

VI. The affairs, stock, property and concerns of the said Company shall be managed and conducted by seven Directors,

to be annually elected according to the provisions of this Act ; and upon every such election of Directors, the number of votes that each stockholder shall be entitled to shall be in proportion to the number of shares he may hold or be possessed of in the said Company, according to the following scale, that is to say : for one or two shares, one vote, for three shares, two votes, for six shares, three votes, for eight shares, five votes, and for ten or more shares, six votes, so that no Stockholder shall be entitled to give more than six votes, and the first Directors of the said Company shall be the said C. H. Jones, Robert Jones, E. O. Brigham, Wm. McGinnis, J. De Lagrave, Robert McCorkel, F. X. Langelier, who shall hold office as such, until others shall be named as hereinafter provided ; and they shall have power to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other Directors as hereinafter provided, and to lay out the said Road, and generally to do all such things as may be necessary and expedient for carrying out the provisions of this Act.

Votes at Elections of Directors.

VII. The Capital Stock of the said Company shall be the sum of Twenty-five Thousand Pounds, and shall be raised by the persons and corporations who may become Shareholders in such Stock ; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act ; and for making the surveys, plans and estimates connected with the said Road ; and all the remainder of the said money shall be applied to the making, completing, maintaining and working of the said Road, and to no other purpose whatever ; Provided always, that if at any time after the passing of this Act, the Directors shall be of opinion that the original Capital subscribed will not be sufficient to complete the said Road, 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 or by mortgage or hypothèque of the said Road and tolls to be collected thereon, a sufficient sum of money to complete the same.

Capital to be £25,000, and to what purposes to be applied.

Proviso : further sum may be raised by loan if required.

VIII. In the borrowing of money by way of loan, the debentures of the said Company may be in the form given in the Schedule of this Act, marked B, or in any other like form, and need not be passed before Notaries ; and the registration in the manner hereinafter set forth of any such debenture, in the form of the said Schedule, in the Registry Offices for the several Counties through which the Road shall run, shall perfect the hypothèque thereby created, and such hypothèque shall rank from the perfection of the registration of such debenture, respectively of the issuing thereof ; and every such debenture being enregistered and issued, shall be transferable by delivery, and binding to all intents against the said Company and all parties whatsoever, in favor of the bearer thereof, and shall hypothècate

Debentures for moneys borrowed to be in form of schedule B.

Registration thereof, &c.

hypothecate in his favor all the lands, buildings and real property whatsoever of the said Company, and all other the appurtenances thereto belonging.

Company to furnish books for enregistration of debentures.

IX. The said Company, in case of their requiring the enregistration of any debentures as aforesaid, shall at their own expense furnish the said Registrars with a book or books having a sufficient number of copies of the said form of debenture therein printed, one on each page, leaving the requisite blanks, and without any interest coupons thereto, such book or books authenticated in the manner in which the ordinary registers of such Registrars are by law required to be authenticated; and such book or books shall by the said Registrars be received and kept as, and shall be so many registers of the said office; and they shall therein enregister the said debentures upon production thereof; and they shall certify such enregistration and the date thereof, in each such debenture, and for such enregistration, and certificate upon each such debenture, they shall be entitled to a fee of one shilling and three pence currency, and no more.

Fee to Registrar.

Provision as to cancelled debentures.

X. If after such enregistration, any such debenture of the said Company shall be presented at any such Registry Office with the word "cancelled," and the signature to such word added of the President or Secretary of the said Company written across the face thereof, the said Registrar on receipt of a fee of one shilling and three pence in that behalf, and on proof of such signature by the oath of one credible witness, which oath he is hereby authorized to administer, shall forthwith make an entry in the margin of the register against the registry of such debenture, to the effect that the same has been cancelled, adding to such entry the date thereof, and his signature; and thereupon such debenture shall become and be held cancelled, and shall be filed and remain of record in such Registry Office.

First General meeting of shareholders.

XI. So soon as one fourth of the said Capital Stock shall have been subscribed, and forty per cent. paid thereon, it shall be lawful for the said Directors, or a majority of them, by public notice to be given at least thirty days previously in the *Canada Gazette*, and also at least fifteen days previously in at least one English and one French newspaper, published in the City of Montreal, and in one of the nearest Country papers, to call a first general meeting of the Shareholders at such time and place as they shall think proper, for the election of seven Directors, who shall remain in office until their successors are elected as hereinafter provided.

Holding of subsequent annual meetings.

XII. The annual general meetings of the said Company shall be held thereafter on the first Monday in the month of May, yearly, or on such other day as shall be appointed by any By-law of the said Company, and at such place and hour as by such

such By-law shall be appointed; and public notice thereof shall be given at least thirty days previously in the *Canada Gazette*, and also at least fifteen days previously in at least one English and one French newspaper published in the said City of Montreal; and at every such annual general meeting, the said private Stockholders shall elect seven Directors of the said Company to hold office until the next annual general meeting.

XIII. All elections of Directors by the said private Shareholders shall be by ballot; and the seven persons having the greatest number of votes at any election shall be declared elected; and if it shall happen that two or more have an equal number of votes, the said private Shareholders shall proceed to ballot anew until a choice shall be made; and no person shall be qualified to be elected such Director by the said private Shareholders unless he be a Shareholder holding Stock in the said Company to the amount of one hundred pounds, and have paid up all calls due on his Stock.

Elections of Directors to be by ballot.

XIV. From and after the said first general meeting of the said Company, the seven Directors so chosen as aforesaid, shall form the Board of Directors of the said Company; and if any vacancy shall occur among the said Directors by death, resignation or otherwise, the remaining members of the Board shall elect a qualified Shareholder to fill such vacancy until the next annual general meeting of the said Company.

Board of Directors.
Filling vacancies, &c.

XV. Four members of the Board of Directors of the said Company shall be a quorum thereof, for the transaction of business; and the said Board may employ one or more of their number as paid Director or Directors.

Quorum.

XVI. Each share in the said Company shall be five pounds, and shall be regarded as personal property, and shall be transferable upon the books of the said Company, in such manner as shall be provided by any By-law to be made by the said Directors in that behalf, and not otherwise, so far as regards the rights of the said Company, nor shall any transfer be made of any share on which any call remains due and unpaid; Provided always, that 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.

Shares to be £5.

Proviso: as to liability of shareholder for debts of the Company.

XVII. The Directors for the time being may make calls of the stock subscribed for, in such manner and at such intervals as may be provided by any By-law of the said Company; and the

Directors may make calls.

Suits for calls not paid.

said Company may in any Court having jurisdiction in matters of simple contract to the amount demanded, sue for, recover and receive of, or from any Stockholder in the said Company, the amount of any call or calls of stock which such Stockholder may neglect to pay, after such notice as shall have been provided by the By-laws of the Company; and in any such action it shall be sufficient to allege that the defendant is a Stockholder of the Company; and that a call or calls were made upon such stock in the manner required by the By-laws and were not paid, and to prove by any one witness, whether in the service of the Company or not, such facts as will support the said allegations, without alleging or proving the election or appointment of the Directors or any other special matter, and without naming such Directors in the declaration or other proceeding in the case.

Shares may be sold for non-payment of calls.

XVIII. If any call be made by the Directors upon the Stockholders, in the manner provided by the By-laws of the Company, shall not be paid in when due, the Directors, instead of suing for the same, may by resolution to that effect, sell the shares on which such calls are due and unpaid, and transfer the same to the purchaser as the owner thereof might have done, and after deducting all calls due, interests and costs of sale, they shall pay over the remainder of the proceeds of the sale to the owner of the shares sold.

Bodies politic, &c., may sell lands to Company.

XIX. It shall and may be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, communities, *graves de substitution*, guardians, curators, executors, administrators, and all other trustees or persons 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 or parties who are or shall be seized, possessed of, or interested in any lands or grounds which the said Company may require for the purposes of the said road; to contract for, sell and convey unto the said Company, all or any part of such lands or grounds so required by the Company for such purposes; and all contracts, agreements, sales, conveyances and assurances 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 any wise notwithstanding; and all bodies politic, corporate or collegiate, or communities, and all persons whatsoever, so conveying as aforesaid, are hereby indemnified for what he, she or they, or any of them, shall respectively do by virtue of or in pursuance of this Act.

Corporations that could not sell without this Act shall agree upon a fixed rent.

XX. Any body politic, community, corporation, or other party or parties whomsoever, who cannot in common course of law sell or alienate any lands or grounds so required by the said Company for the purposes of this Act, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum,

sum, to be paid for the lands or grounds so required by the said Company for the said road; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed, and all proceedings shall in that case be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained and to be paid by the said Company for the purchase of any lands, or for any part of the purchase money of any land which the vendor shall agree to leave in the hands of the said Company, and the said road and other works appertaining thereto, and the tolls levied and collected on the said road, 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.

XXI. Whenever there shall be more than one party proprietor of any land or property *par indivis*, any agreement made in good faith between the said Company and any party or parties proprietor, or being together proprietors of one third or more of such land or property, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors *par indivis* and the Company; and the proprietor or proprietors who have so agreed may deliver possession of such land or property to the said Company, or empower them to enter upon the same, as the case may be.

Agreements with the proprietors *par indivis*.

XXII. For the purposes of this Act the said Company shall cause a map or plan to be drawn up by a sworn surveyor of the route of the said road, and of the lands through which it is intended to pass; and also a book of reference for the said roads, in which shall be set forth a general description of the said lands and the names of the owners, occupiers or proprietors thereof, so far as they can be ascertained; which said map or plan and book of reference shall be certified by the Commissioner of Crown Lands, or his Deputy, and copies thereof deposited by him in the office of the Secretary of the Province, and of the Prothonotary of the Superior Court in the District of Montreal; and a copy thereof delivered to the said Company; and access may be had at all times to such copies, from which extracts may be obtained by any person whomsoever, at the rate of six pence currency for every hundred words; and the said copies of the said book so certified, or true copies thereof certified by the said Secretary of the Province, or by the said Prothonotary, shall be legal evidence in all Courts of Law and elsewhere.

Map or plan and book of reference to be drawn up and deposited.

XXIII. So soon as the map or plan and book of reference shall have been deposited as aforesaid, and notice of its being so deposited shall have been given during at least one calendar month, in both languages, in at least one newspaper published

The company to apply to owners of lands touching compensation.

in the locality nearest to the localities through which the said road is intended to pass, it shall be lawful for the said Company to apply to the several owners or parties hereby empowered, to sell or convey the lands through which their road is intended to be carried, or which may suffer damage from the making or constructing of such road, or the exercise of any of the powers granted to the said Company by this Act, and to agree with such owners or parties respectively, touching the compensation to be paid to them by the said Company for the purchase thereof, and for the respective damages, and to make such agreements and contracts 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 to such parties and the said Company shall seem expedient ; and in case of disagreement between the said Company and the said owners or parties, or any of them, then all questions which shall arise between them and the said Company, shall be settled as follows, that is to say :

Legal effect of map and book of reference.

The deposit of the map or plan and book of reference, and the notice of such deposit given as aforesaid, shall be deemed a general notice to all parties of the lands which will be required for the said Road ;

Notice to opposite party.

The Company shall serve a notice upon the opposite party, containing 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 that the Company are ready to pay some certain sum (or rent, as the case may be,) as compensation for such lands or for the damages arising from the exercise of such powers ; and the name of a person whom they appoint as their arbitrator, if their offer be not accepted ; and such notice shall be accompanied by the certificate of a sworn Surveyor, 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) is required for the said road, that he knows such land or the amount of damages to arise from the exercise of such powers, and that the sum so offered is in his opinion a fair compensation for such land and for such damages as aforesaid ; and in making the estimate for such compensation, such Surveyor shall, as shall also the arbitrators hereinafter mentioned, take into consideration and allow for the benefit to accrue to the party to whom compensation is to be made from the said road ; and in any case wherein the said Company shall have given and served the notice aforesaid, it shall be lawful for the said Company to desist from such notice, and afterwards to give new notice with regard to the same or other lands, to the same or any other party ; but the said Company shall in any such case be liable to the party first noticed for all damages or costs by him incurred in consequence of such first notice and desistment ; and no change of ownership after the said

Certificate of surveyor.

Company

Company shall have given and served the notice aforesaid shall affect the proceedings, but the party notified shall be still deemed the owner, except as to the payment of the sum awarded ;

If the opposite party be absent from the district in which the land is situate, (if the notice relate to the taking of land) or from the district in which the power sought to be exercised, is to be exercised, or be unknown to the said Company, then upon application either to any Justice of the Superior Court or Circuit Judge, having jurisdiction in such district, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the said Company that such opposite party is so absent, and that after diligent inquiry the party on whom the notice ought to be served cannot be ascertained, such Justice or Judge shall order a notice as aforesaid (but without the certificate) to be inserted at least three times during one calendar month in the *Canada Gazette* and in some other newspaper to be named by such Justice or Judge, and in either or both languages in the discretion of such Justice or Judge ;

As to absence of opposite party.

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 said Company that he accepts the sum offered by the said Company, or notify to them the name of a person whom he appoints as arbitrator, then any such Justice or Judge may, on the application of the said Company, appoint some sworn Surveyor to be sole arbitrator for determining the compensation to be paid by the said Company ;

As to non acceptance by party of company's offer, &c.

If the opposite party shall within the time aforesaid notify to the said Company the name of the person such party shall appoint as arbitrator, then the said two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, (of which fact the allegation of either of them shall be evidence) then any such Justice or Judge shall on the application of the said party or of the said Company (previous notice of at least one clear day having been given to the arbitrator of the other party) appoint a third arbitrator ;

Opposite party appointing an arbitrator.

The said arbitrators or sole arbitrator, being sworn before a Justice of the Peace, who is hereby empowered and required to administer such oath faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company, 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 done by such majority, except at a meeting held at a time and place of which the other arbitrator shall have had at least one clear day's notice, or to which some meeting at which the third arbitrator was present shall have been

Duties of arbitrators.

been adjourned; but no notice to the Company or opposite party shall be necessary; but they shall be held sufficiently notified through the arbitrator they shall have appointed or whose appointment they shall have required.

Costs; how paid.

Provided always, that the award given by any sole arbitrator shall never be for a less sum than that offered by the Company as aforesaid; and if in any case where three arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company; the costs of the arbitration shall be borne by the opposite party and deducted from the compensation, otherwise they shall be borne by the Company; and in either case they may, if not agreed upon, be taxed by any such Justice or Judge as aforesaid;

Arbitrators to have power to examine witnesses on oath.

The arbitrators or a majority of them, or the sole arbitrator may, in their discretion, 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, but this shall not prevent the arbitrators from acting and deciding upon their personal knowledge of the merits of the case, or from using such knowledge as they shall think just and right; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly;

Time within which award must be made.

The Justice or 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 any such Justice or Judge, (as it may be for reasonable cause shewn, on the application of such sole arbitrator or 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;

Arbitrator dying, &c.

If the arbitrator appointed by the said Company, or by the opposite party, or any third arbitrator, whether appointed by the two arbitrators or by any such Justice or Judge, shall die, or be or become disqualified or unable to act, then, on proof thereof to the satisfaction of any such Justice or Judge, such Justice or Judge shall authorize the Company, or the opposite party, or the two arbitrators, to appoint another person in the place of him who shall be so deceased, disqualified or unable to act, or shall himself appoint another person as third arbitrator as the case may require; but no recommencement or repetition of any prior proceedings shall be necessary;

Company may desist paying costs.

The Company may desist from any such notice as aforesaid, and afterwards give notice with regard to the same or other lands, to the same or to any other party; but they shall in any such

such case liable to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment;

It shall be no disqualification to the surveyor or other person offered or appointed as valuator or as arbitrator that he be employed by the Company or by the opposite party, or that he have previously expressed an opinion as to the amount of compensation; or that he be related or of kin to any member of the Company, provided he be not himself personally interested in the amount of such compensation; and no cause of disqualification shall be urged against any arbitrator appointed by any such Justice or Judge after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such Justice or 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 Justice or 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;

Arbitrators not disqualified by certain circumstances.

No award made as aforesaid shall be invalidated by 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; and the arbitrators shall have full power to award that any fences or ditches between the lands taken and other lands of the opposite party shall be made and maintained by the said Company, and in such manner as shall be mentioned in the award.

Award not avoided by want of form.

XXIV. Upon payment or legal tender of the compensation or annual rent so awarded or determined, or agreed upon by the parties themselves 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 shall vest in the said Company the power forthwith to take possession of the lands, or to receive the right or to do the thing for which such compensation or annual rent shall have been awarded; and if any resistance or forcible opposition shall be made by any person or party to their so doing, and such Justice or Judge, as aforesaid, may, on proof to his satisfaction that the requirements of this Act have been complied with, issue his warrant to any Sheriff or to any Bailiff or other proper person, to put the said Company in possession and to put down such resistance

Possession may be taken on payment, tender or deposit of sum awarded.

resistance or opposition, which such Sheriff or Bailiff or other proper person, taking with him sufficient assistance, shall accordingly do; and such warrant may also be issued by any such Justice or Judge (and shall be addressed and executed as aforesaid) on the application of the Company before any award or agreement shall have been made, upon the affidavit of any Engineer or Superintendent of Works in the employ of the Company, that the immediate possession of any land, or the power immediately to do any thing mentioned in the notice to the party interested, is necessary to the carrying on of the works of the said Company, and upon the said Company giving security to the satisfaction of such Justice or Judge in such sum as he shall direct (not being less than twice the sum mentioned in the certificate of the sworn surveyor) to pay or deposit the amount to be awarded as compensation in such case, with interest from the date of such warrant, and all costs within thirty days after the award shall have been made.

As to incumbrances, &c., upon lands purchased or taken.

XXV. The compensation awarded as aforesaid, or agreed upon by the said Company, and any party who might under this Act, validly convey the lands, or then in lawful possession thereof as proprietor, for any lands which might be lawfully taken under this Act, without the consent of the proprietor, shall stand in the stead of such land, and any claim to or mortgage, hypothec or incumbrance upon the said land or any portion thereof, shall as against the Company, be converted into a claim to the said compensation, or to a like proportion thereof, and if the amount of such compensation exceed twenty pounds 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 always, that if the Company shall have reason to fear any such claims, mortgages, hypothecs or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof, is 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 for them to pay such compensation into the hands of the Prothonotary of the Superior Court in 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, or to any part of the lands, or representing, or being the husbands of

Proviso: how the Company may free the land from incumbrances.

of any parties 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 forever bar all claims to the lands or any part thereof, (including dower not yet open) as well as all mortgages, hypothecs or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for securing of the rights of all parties interested as to right and justice, 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 said 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 interests to be returned to the Company, and if from any error, fault or neglect of the Company, it shall not be obtained until the six months are expired, the Court shall order the Company to pay to the proper party the interest for such further period as may be right; Provided always, that if the amount of the said compensation do not exceed twenty pounds, the same may be paid by the Company to the party in whose possession as proprietor the land was at the time the Company took possession thereof, or to any person who may lawfully receive money due to such party, and proof of such payment and the award shall be a sufficient title to the said Company, and shall for ever discharge them from all claims of any other party to such compensation or any part thereof, saving always the recourse of such other party against the party who shall have received such compensation.

Proviso: if the compensation do not exceed £20.

XXVI. If any land belonging to or in possession of any Tribe of Indians be taken, or any power shall be exercised with regard to such lands by the said Company, compensation shall be made to them therefor, in the same manner as is provided with respect to other parties; and whenever it shall be necessary that arbitrators be chosen for settling the amount of such compensation, the chief officer of the Indian Department shall name an arbitrator on behalf of the said Indians, and the amount awarded shall be paid to the said chief officer for the use of such Tribe.

Compensation for lands taken from Indians.

XXVII. It shall be lawful for the Directors of the said Company to elect one of their number to be the President, and to appoint such and so many officers and servants as they shall deem necessary for performing the duties required of them by the said Company, and in their discretion to take security from them or any of them for the due performance of his or their duty, and that he or they shall duly account for all moneys coming into his or their hands to the use of the said Company; and it shall be lawful for the said Directors to make such By-laws as they shall deem expedient for the good government of

Election of President, &c.

of the Company; such By-laws not to be inconsistent with the provisions of the present Act, and the same to alter, amend or repeal as they may deem necessary.

Tolls.

XXVIII. It shall and may be lawful for the President and Directors of the said Company, from time to time, to fix, regulate and receive the tolls and charges to be received from all persons passing and repassing with horses, carts, carriages and other vehicles, and for cattle driven upon, over and along the said road: Provided always, that so soon as one or more miles of the said road shall have been completed, tolls may be taken therefor.

Proviso.

By-laws relating to Tolls to be confirmed by Governor.

XXIX. No By-law, rule or regulation of the said Company, fixing, regulating or altering the rate of tolls or charges on the said road or affecting others than the members or officers of the said Company, shall have force or effect until it shall have been confirmed by the Governor in Council.

Tolls not to exceed certain rates.

XXX. The tolls hereby authorized to be levied by the said Company upon the said road, shall not for each time of passing, whether loaded or otherwise, exceed the rate of one penny half penny per mile (reckoning from the gate at which the toll is to be paid to the next gate in the direction in which the vehicle or animal on which it is to be paid may have come) for any vehicle drawn by two horses or other cattle, and for any vehicle drawn by more than two horses or other cattle, one half penny per mile for every additional one; for every vehicle drawn by one horse or other beast of burthen, one penny per mile; for each sheep or head of swine, one farthing per mile; and for every horse without its rider, and for every ox or cow, or other head of horned cattle, one half penny per mile; for every horse and rider, one half penny per mile: Provided always, that it shall be lawful for any individual to compound with the said Company at such reasonable rates as shall be determined upon by the said Company for passing over the said road.

Annual returns to the Legislature.

XXXI. It shall be the duty of the Directors of the said Company to report annually to the Legislature within the first fifteen days of each Session, under the oath of the Treasurer of the said Company, after the opening of the said road or any part thereof to the public, the cost of the said road, the amount of all money expended, the amount of their Capital Stock, and how much is paid in; the whole amount of stock expended on the said road, the amount received during the year for tolls, and from all other sources, stating each separately; the amount of dividends paid, and the amount expended for repairs, and the amount of debts due by the said Company, specifying the object for which such debts respectively were incurred; and the said Company shall also keep regular books of account in which shall be entered a correct statement of the assets, receipts and disbursements of the said Company, which shall be at all times open

open to the inspection and examination of any person or persons who may for that purpose be appointed by the Government; and every person so appointed shall have the right of taking copies or extracts from the same, and of requiring and receiving from the keeper or keepers of such books, and also from the President and each of the Directors of the said Company and all the other officers and servants thereof, all such information as to such books and the affairs of the said Company generally, as such person or inspector may deem necessary for the full and satisfactory investigation into and report upon the state of the affairs of the said Company, and the profits by them derived from the said road.

XXXII. The said road and all the materials which shall from time to time, be got or provided for constructing, building, maintaining or repairing the same, and all toll-houses, gates and other buildings constructed or acquired by and at the expense of the said Company acting under the provisions of this Act and used for their benefit and convenience, shall be vested in the said Company and their successors; the said Company shall have full power and authority to erect such number of toll-gates or side-bars, in, along or across the said road, and fix such tolls not exceeding the rates aforesaid, to be collected at each gate or bar, as they may deem fit and expedient, (which tolls may be altered from time to time as circumstances may require,) and to erect and maintain such toll-houses, toll-gates and other buildings and erections as may seem necessary and convenient for the due management of the said road: Provided always, that no toll shall be exacted for merely crossing the said road.

Road, &c., vested in the Company.

Proviso.

XXXIII. The said Company shall be bound and are hereby required to complete the said road from Jones' Bridge at St. Athanasie to Farnham, West, or thereabouts, within three years, and the remainder of the said road within five years from the day of the passing of this Act, in default whereof this Act, and every matter and thing therein contained, shall cease and be utterly null and void.

Road to be completed within a given time.

XXXIV. If any person or persons shall in any way injure, cut, break down or destroy any part of the said road as aforesaid, or any toll-gate or toll-house, building or other erection, in, upon or near the said road, and belonging to or used for the convenience of the said Company, under the provisions of this Act, every such person so offending, and being lawfully convicted thereof, shall be deemed guilty of a misdemeanor, and shall be punished by fine and imprisonment; and if any person or persons shall remove any earth, stone, plank, timber or other materials used or intended to be used in or upon the said road, for the construction, maintenance or repair thereof, shall drive any loaded wheel carriage or other loaded vehicle upon that part of any of the said road lying between the stones, plank or hard road and the ditch, further than may be necessary

Penalties for injuring or obstructing the Road, and works of the Company.

in passing any other vehicle or in turning off or upon the said road, or shall cause any injury or damage to be done to the posts, rails or fences, or shall haul or draw, or caused to be hauled or drawn, upon any part of the said road, any timber, stone or other thing which shall be carried principally or in part upon wheeled carriages or sleighs, so as to drag or trail upon the said road to the prejudice thereof, or if any person shall leave any waggon, cart or other carriage whatever upon the said road without some proper person in the sole custody or care thereof longer than may be necessary to load and unload the same, except in case of accident, and in cases of accident for any longer time than may be necessary to remove the same, or shall lay any timber, stones, rubbish or other thing whatever upon the said road, to the prejudice, interruption and danger or any person travelling thereon, or if any person shall, after having blocked or stopped any cart, waggon or other carriage in going up a hill or rising ground, cause to suffer or suffer to lie and remain on the said road, any stone or other thing with which such cart or carriage shall have been blocked or stopped, or if any person shall pull down, damage, injure or destroy any lamp or lamp posts, put up, erected or placed in or near the side of the said road or toll-houses erected thereon, or shall wilfully extinguish the light of any such lamp, or if any person shall wilfully pull down, break, injure or damage any table of tolls, put up or fixed at any toll-gate or bar on any part of the said road, or shall wilfully or designedly deface or obliterate any of the letters, figures or marks thereon, or on any finger post or any mile post or stone; or if any person shall throw any earth, rubbish or other matter or thing into any drain, ditch, culvert or other water course made for draining the said road, or if any person shall without permission, carry away any stones, gravel, sand or other materials, dirt or soil from any part of the said road, or dig any holes or ditches on the allowance for the same, or shall forcibly pass or attempt to pass by force any of the toll gates set up by the said Company, without having first paid the toll fixed by the Directors of the said Company to be received at any such gate, such person shall, upon conviction thereof, in a summary way before any Justice of the Peace in or near the place where the injury shall have been done, be sentenced to pay all damages sustained by the said Company, to be ascertained by the said Justice upon the hearing of the said complaint, and also to pay a fine of not more than two pounds ten shillings nor less than five shillings; such damages and fine to be paid either in money, or in the discretion of the said Justice, in labor to be performed upon the road under the direction of the said Company, and within a time to be limited by the said Justice, and in default thereof the offender shall be committed to the Common Gaol of the District where such offence shall have been committed, for any time not exceeding one month.

Recovery of
penalty and
damages.

XXXV. The fines and forfeitures authorized to be summarily imposed by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant or warrants of distress for that purpose, to be issued by the Justice before whom the conviction shall have been had ; and in case there shall be no goods or chattels to satisfy such warrant or warrants, such offender or offenders shall and may be committed to the Common Gaol of the District for any period not exceeding one month.

Fines may be levied by distress.

XXXVI. If any person or persons shall, after proceeding on the said road with any waggon, carriage or other vehicle, or animal liable to pay toll, turn off the said road into any other road, and shall enter the said road beyond any of the said gate or 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 ten shillings, which said sum shall be expended on the said road or towards the discharge of any debt due by the Company ; and any one Justice of the Peace for the District in which such part of the said road is situate, shall, on conviction of such offender, fine such offender in the said penalty, and shall cause the same to be levied as aforesaid.

Penalty for evading tolls.

XXXVII. If any person or persons occupying or possessing any enclosed land near any toll-house or toll-gates which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage or way thereon with any carriage or animal liable to the payment of toll, whereby such payment shall be evaded, every person or persons so offending, and also the person riding or driving any animal or carriage whereon such payment is evaded, being thereof convicted before any one Justice as aforesaid, shall, for every such offence, severally incur a penalty not exceeding twenty shillings, which shall be laid out in improving the said road.

Penalty for allowing persons to pass through lands to evade tolls.

XXXVIII. It shall be lawful for any Municipal Body corporate having jurisdiction within the locality through which the said road shall pass, to subscribe for, acquire, accept and hold, and to depart with and transfer stock in the said Company, and from time to time to direct the Mayor or other chief officer thereof, on behalf of such Municipality, to subscribe for such stock in the name of such Municipality, and to act for and on behalf of such Municipality in all matters relative to such stock, and the exercise of the rights of such Municipality as a Stockholder, and the Mayor or other chief officer shall, whether otherwise qualified or not, be deemed a Stockholder in the Company, and may vote and act as such, subject always to such rules and orders in relation to his authority as shall be made in that behalf by such Municipality by their By-laws or otherwise, but acting according to his discretion in cases not provided for by such Municipality ; and it shall be lawful for such

Municipalities may take stock.

Proviso.

such Municipality to pay for or to pay all instalments upon the stock they shall subscribe for and acquire out of any moneys belonging to such Municipality, and not specially appropriated to any other purpose, and to apply the moneys arising from the dividends or profits on the said stock or from the sale thereof, to any purpose to which unappropriated moneys belonging to such Municipality may lawfully be applied; Provided always, that no stock shall be subscribed for, acquired, accepted, and held, or departed with and transferred under this section by any Municipality unless, nor until a By-law to that effect shall have been approved by a majority of the qualified Electors of such Municipality in the manner and after the formalities required for the approval of By-laws by the Municipal Loan Fund Acts now in force in Lower Canada; and provided also, that when and so long as any Municipality shall hold Stock in the said Company to the extent of fifty shares or more, the Mayor or chief officer for the time being of such Municipality shall be *ex officio* a Director of such Company in addition to the seven Directors hereinbefore mentioned; but in that case such Mayor or chief officer shall not vote on behalf of such Municipality at any Election of Directors of such Company.

Municipalities may loan money.

XXXIX. It shall also be lawful for the Municipality of any locality through which the said road shall pass, to loan money to the said Company out of any moneys belonging to the Municipality and not appropriated to any other purpose, and to effect such loan upon such terms and conditions as may be agreed upon between the said Company and the Municipality making such loan, and to recover the money so loaned and to appropriate the money so recovered to the purposes of such Municipality.

Religious communities may hold stock and loan money.

XL. It shall be lawful for any religious community or Corporation to hold stock in the said Company, or to lend money to the said Company, any Act or law to the contrary notwithstanding, and to appoint a person or persons to vote for such Community or Corporation upon the shares so held, or to exercise any of its other rights as a member of the Corporation in such a manner as such community or Corporation and the Company may agree upon.

Her Majesty may purchase the Road after 21 years.

XLI. After twenty-one years from the time of completing the said road, it shall and may be lawful for Her Majesty to purchase the stock of the said Company at the current value thereof at the time of purchase, (to be ascertained by arbitrators to be appointed and to act in the manner hereinbefore provided in other cases, if the Company and the Governor cannot agree upon such value,) and to hold the same for the use and benefit of the Province; and the Governor in Council shall thenceforth stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised.

XLII.

XLII. In any action or suit brought by or against the said Company upon any contract or for any matter or thing whatsoever, any stockholder or any officer or servant of the Company shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of interest or of his being such servant or officer.

Stockholders,
servants, &c.,
competent
witnesses.

XLIII. If any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards; and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Limitation of
actions.

XLIV. In case of the service upon the said Company of any writ of *saisie-arret*, or the said Company being required to answer to interrogatories *sur faits et articles*, or to take the *serment decisoire* or *suppletore*, it shall be competent to any officer of the said Company, being thereto duly authorized by vote or resolution of the Directors thereof, to appear and make declaration to such writ or answers to such interrogatories, or take such oath, as the case may be, for the said Company; and such declaration, answers or oath, as the case may be, shall be taken as the declaration, answers or oath of the said Company, to all intents whatsoever; and the production and filing in Court by such officer, of a copy of such vote or resolution, certified by the Secretary of the said Company under its common seal, shall be conclusive evidence of his authorization, as in and by such copy set forth: and in case of any execution issuing against the said Company, whereupon the said road may be seized, the same may be sold at the Sheriff's office of any District within which any portion of the said road may be situated.

How answers
to interroga-
tories, &c.,
served on the
Company may
be given.

XLV. All persons, horses or carriages, going to or attending or returning from any funeral, or any person with horse or carriage going to or returning from Divine Service on the Lord's Day, or on any *fete d'obligation*, shall pass the gates on the said road free of toll; and all persons in the naval or military service of Her Majesty, or in the militia of this Province, on actual duty, travelling on the said road in discharge of such duty, with their horses and carriages, and all horses, carts, carriages or waggon in charge of any such persons, conveying any naval, military or militia stores belonging to Her Majesty, in the course of transport from one place to another for Her Majesty's service, and also all vehicles carrying manure and returning therefrom, shall pass the gates set up across the said road free of toll.

Exemptions
from toll.

XLVI. Nothing in this Act contained shall be construed to entitle the said Company to demand toll for the horses, cattle

Exemption in
favor of per-

some going from one part of a farm to another, &c.

or vehicles of any proprietor of land along the line of their road passing any of their gates in going to and fro between parts of the same farm or between two or more farms belonging to such proprietor, nor to oblige such proprietor to pay tolls for the same or make him liable to any penalty for evading payment of tolls under such circumstances.

As to roads intersected by this road.

XLVII. Whenever the said Road shall intersect a road constructed by any other chartered Company, no higher rate of toll shall be demanded from the persons travelling along the said last mentioned road, for the distance travelled between such intersection and either of its termini, than the rate per mile charged by the said Company for travelling along the entire length of their road so intersected.

Road to be kept in repair.

XLVIII. After the said road shall have been completed and tolls been taken thereon, it shall be the duty of the said Company to keep the same in good and sufficient repair, and in case the said road by the said Company be allowed to fall into decay and get out of repair, the said Company may be indicted at the Court of General Sessions of the Peace or Court of Superior Jurisdiction, within the District where the said road shall be so out of repair as aforesaid; and upon conviction, the Court before whom the prosecution shall be had, shall direct the said Company to make the necessary repairs, for the want whereof such prosecution shall have been commenced, within such time as to such Court shall seem reasonable; and that in default of such repairs being made in the manner and within the time prescribed by such judgment, the said Company shall be declared to be dissolved, and the said Road shall thenceforth be vested in Her Majesty, Her Heirs and Successors, to and for the use of the public, in like manner as any public and common highway or public work, and shall thenceforth be subject to all the laws affecting public highways and public works, and the powers of the said corporation shall thenceforth vest in the Governor in Council.

Penalty in case of default.

Company may become parties to promissory notes.

XLIX. The said Company shall have power to become a party to promissory notes and bills of exchange for sums not less than twenty-five pounds, currency; and any such promissory note made and endorsed, and any such bill of exchange drawn, accepted or endorsed by the President of the said Company, and countersigned by the Secretary and Treasurer thereof, under authority of a quorum of the Directors, 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 of the said Company, and countersigned by the Secretary and Treasurer thereof, shall be presumed to have been properly so made, drawn, accepted or endorsed, as the case may be, unless the contrary be shown; and it shall not be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the officers of the

the said Company, signing or countersigning the same, or such acceptance or endorsement thereof, be thereby subjected individually to any liability whatever; Provided always that nothing herein contained shall be held to authorize the said Company to issue any note or bill payable to bearer or intended to be circulated as money or as the notes of a Bank.

L. This Act shall be a Public Act.

Public Act.

SCHEDULE A.

Know all men by these presents, that I, (or we, as the case may be,) A. B., of in consideration of paid to me by the the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and confirm unto the said Company, their successors and assigns for ever, all that tract or parcel (or those tracts or parcels, as the case may be) of land situate, (here describe the lands,) the same having been selected and laid out by the said Company for the purposes of their Road; to have and to hold the said lands and premises, with all appurtenances thereto, to the said their successors and assigns for ever, (here add clause for release of dower, if any.)

Witness my hand and seal, (or our hands and seals, as the case may be,) this day of in the year of our Lord, one thousand eight hundred and

Signed, sealed and delivered in } A. B. [L. S.]
presence of

L. M.
N. O.

SCHEDULE B.

No. £ Sterling (or Currency, as the case may be.)

This Debenture witnesseth that the under authority of the Statute of the Province of Canada passed in the year of Her Majesty's Reign, intituled, are indebted to the bearer hereof in the sum of Sterling (or Currency, as the case may be,) as a loan to bear interest from the date of the issue hereof, at the rate of per centum per annum, payable half yearly on the day of and on the day of; which said sum of Sterling, (or Currency, as the case may be,) the said Company hereby bind and oblige themselves to pay on the day of in the year of our Lord, one thousand eight hundred and to the bearer hereof at, and also to pay the interest thereon, half yearly as aforesaid, to the bearer hereof, at the place aforesaid, on delivery of the coupons therefor, now forming part hereof.

And for the due payment of the said sum of money and interest, the said Company, under authority of the said Statute, do hereby hypothecate the real estate and appurtenances herein-after described, that is to say: The whole of the Road known as the _____ including all the lands, buildings and real property whatsoever of the said Company, and all the other appurtenances thereto belonging.

In testimony whereof, A. B., of _____ President of the said Company, hath hereto set his signature and affixed the common seal of the said Company, at _____ this _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

A. B. [L. S.]

Countersigned and entered.

C. D., Secretary.

I certify that this Debenture was duly presented for enregistration in the Registry Office for the _____ on the _____ day of _____ in the year of our Lord, one thousand eight hundred and _____ at _____ of the clock in the _____ noon, and is accordingly enregistered in the Register, for such debentures, marked _____ at page number _____

E. F., Registrar.

Issued to L. M., of _____ this _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

C. D., Secretary.

C A P . C L I .

An Act to incorporate the Fort Erie Railway Company.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS certain persons have petitioned that an Act may be passed authorizing the construction of a Railway from the Village of Fort Erie, in the Township of Bertie, in the County of Welland, to the Suspension Bridge below the Falls and to Port Robinson, branching off at any point which may be most convenient to connect with the "Erie and Ontario Railway," and with the "Port Dalhousie and Thorold Railway," in the same County; And whereas a Railway so constructed would tend to the improvement of the section of country through which it would pass: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

I. Duncan Macfarland, James Cummings, Alexander Douglas, William A. Thompson, Nelson Forsyth, George Hardison, James _____

James Stanton, William Wallace, Leonard M. Mathews, Daniel Lamberton, John W. Lewis, Richard Graham, John Frazer, M. P. P., Arthur Johnson and William Russell, Esquires, together with such other person or persons, corporations or municipalities, as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of the Fort Erie Railway Company.

Corporate name.

II. The several clauses of the Railway Clauses Consolidation Act, 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," " Shares and their Transfer," " Municipalities," " Shareholders," " Actions for Indemnity and Fines and Penalties and their prosecution," " Working of the Railway," and " General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as they may be inconsistent with the express enactments hereof; and the expression " this Act," when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act, which are incorporated with this Act as aforesaid.

Certain clauses of 14 & 15 Vict. ch. 51 incorporated with this Act.

III. The said Company and their servants and agents shall have power by virtue of this Act, to lay out, construct and complete a Railway between Fort Erie in the County of Welland and the Village of Chippewa, in the same County, with a branch from some point on the said road near the great bend of the Niagara River, in the Township of Willoughby to Port Robinson in the said County, with full power to pass over any portion of the intermediate country and to make such connections with the Erie and Ontario Railway and the Port Dalhousie and Thorold Railway, as provided for by the ninth section of the Railway Clauses Consolidation Act; Provided always, that the said Company shall be and are hereby authorized to lease, purchase or otherwise acquire from the Erie and Ontario Railroad Company, such portion of the track and property of the Company last mentioned, as lies between their depôt in the Town of Clifton, and the terminus of their Railroad in the Village of Chippewa.

Line of Railway described.

Proviso.

IV. Deeds or Conveyances under this Act, for the 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 parties who shall make such conveyances will admit, be made in the form given in the Schedule to this Act marked A, and all Registrars are hereby required to register

Form of Deeds conveying lands.

in their registry books such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed; the said Company are to pay the Registrar for so doing the sum of two shillings and six pence currency, and no more.

Provisional
Directors.

V. From and after the passing of this Act, the said Duncan Macfarland, James Cummings, Alexander Douglas, William A. Thomson, Nelson Forsyth, George Hardison, James Stanton, William Wallace, Leonard M. Mathews, Daniel Lamberton, John W. Lewis, Richard Graham, John Frazer, M. P. P., Arthur Johnson, William Russell, Esquires, and the Honorable W. H. Merritt, M. P. P., shall be Provisional Directors of the said Company for carrying into effect the object and purposes of this Act.

Vacancies
among them
how to be
filled.

VI. It shall and may be lawful for the Provisional Directors, for the time being, of the said Company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such Provisional Director or Directors, out of the several subscribers for stock in their said Railway, to the amount of at least two hundred pounds currency each, during the period of their continuance in office, and such Provisional Directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and are hereby made subject unto the like restrictions as the elected Directors of the said Company upon their being elected by the stockholders of the said Company, as hereinafter provided, would, under the provisions of the Railway Clauses Consolidation Act, and of this Act, become invested with or subject unto respectively.

First general
Meeting of
Shareholders.

VII. When and so soon as shares to an amount equivalent to fifty thousand pounds, provincial currency, in the capital stock of the said Company shall be taken, and ten pounds per centum thereon shall have been paid into some of the chartered Banks of this Province, it shall and may be lawful for the Provisional Directors of the said Company, for the time being, to call a meeting of the subscribers for stock in the said Company, (who have paid ten per centum thereon as aforesaid,) at the village of Fort Erie, or such other place along the line of the proposed Railway as may be deemed most convenient by the said Provisional Directors, for the purpose of electing Directors of the said Company: Provided always, that if the said Provisional Directors shall neglect or omit to call such meeting, then the same may be called by any five of the holders of shares in the said Company holding not less than two hundred and fifty pounds each, provincial currency: 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 some one newspaper published in the said County of Welland; And at such general meeting

Proviso.

Proviso.
Notice how to
be given.

meeting the shareholders assembled, with such proxies as shall be present, shall choose nine persons to be Directors of the said Company, being each a proprietor of shares in the said Company to an amount of not less than two hundred and fifty pounds provincial currency; and shall also proceed to pass such rules, regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act: Provided also, that such ten per cent. shall not be withdrawn from such Bank or otherwise applied, except for the purposes of such Railway, or upon the dissolution of the Company from any cause whatsoever.

Election of Directors.

By-laws.

Proviso.

VIII. The Directors so elected, or those appointed in their stead in case of vacancy, shall remain in office until the first Wednesday in June, one thousand eight hundred and fifty-nine, and on the said first Wednesday in June aforesaid, and on the first Wednesday in June in each year thereafter, or on such other day as may be appointed by any By-law of the Company, an annual general meeting of the shareholders shall be held at the office of the Company for the time being, to choose nine 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 should appear to any ten or more of such shareholders, holding together the amount of five thousand pounds, provincial currency of shares at the least, that a special general meeting of the shareholders is necessary to be held, it shall and may be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof in such newspaper as is hereinbefore provided, 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; and the shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given to them, with respect to the matter so specified only, and all such acts of the shareholders, or the majority of them, at such special meeting assembled, such majority not having, either as principals or proxies, less than one hundred shares, shall be as valid to all intents and purposes as if the same were done at an annual meeting.

Annual Election of Directors, and period of service of Directors.

Special general meetings how called, &c.

IX. For the purpose of making, constructing and maintaining the Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed, it shall and may be lawful for the Directors of the said Company for the time being, to raise in such manner by loan, subscription of stock, issuing of shares or otherwise as to the Directors of the said Company for the time being shall from time to time seem fit, the sum of one hundred and twenty-five thousand pounds provincial currency, such shares to be issued in sums of twenty-five pounds provincial currency each: Provided always, that the said capital sum may if necessary be increased

Capital Stock £125,000, and how to be raised,—

in shares of £25 each.
Proviso: Capital may be

increased, and how. increased from time to time in the manner provided by those clauses of the Railway Clauses Consolidation Act, which in and by the second section of this Act are expressed to be incorporated with this Act.

Directors empowered to issue scrip. X. It shall and may be lawful for the Directors for the time being of the said Company to make, execute and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages or other securities as to the said Directors for the time being shall from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company or for raising any part thereof.

One vote for each share. XI. Every holder of shares in the said Company shall be entitled on every occasion when the votes of the said Fort Erie Railway Company are to be given, to one vote for every share of twenty-five pounds currency which he holds.

Debentures, &c., may be payable to bearer. XII. All bonds, debentures and other securities to be executed by the said Railway Company may be payable to bearer (and in England to bearer in sterling money), and all such bonds, debentures or other securities of the said Company, and all dividends, interest, and warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

Calls how made, and amount at one time. Proviso. XIII. Calls may be made by the Directors of the said Company for the time being, provided that no call to be made upon the subscribers for stock in the said Railway Company shall exceed the sum of ten pounds per centum upon the amount subscribed for by the shareholders in the said Company: Provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional or other Directors of the said Company for the time being, to demand and receive to and for the use of the said Company, the sum of ten pounds per centum upon the amount so by such person or corporation respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed at the time of such person or corporation respectively subscribing for stock.

Company may purchase lots for gravel pits, stations, &c. XIV. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel as well as lands for stations and other purposes, at convenient places along their line of Railway, for constructing and keeping in repair, and for carrying on the business of the said Railway, and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land wherever such deposit may be found: It is therefore enacted, that it shall

shall be lawful for the said Company, and they are hereby authorized from time to time to purchase, have, hold, take, receive, use and enjoy along the line of the said Railway or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty or any person or persons or bodies politic to give, grant, sell or convey unto and to the use of or in trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any such lots or blocks of land, and from time to time by deed of bargain and sale or otherwise to grant, bargain, sell or convey any portion of such lands not necessary to be retained for gravel pits, sidings, branches, wood yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said Railway and other works connected therewith.

XV. The said Railway shall be commenced within three years and completed within seven years after the passing of this Act.

Commencement and completion of Railway.

XVI. The said Company hereby incorporated, and their servants and agents, shall have full power under and by virtue of this Act to purchase and hold such river frontage as may be required for their Railway on the Niagara river, and to build wharves or docks thereon, also to construct, build or purchase and hold such steam or other ferry boats as they may require to enable them to convey passengers and freight across the said Niagara river to such point or points on the American shore of the said river Niagara as may be requisite for the purposes of the said Railway, and as may be necessary to enable them to connect with the various Railways running through the State of New York, and they shall have power to dispose of the same if so inclined, or to charter any other steam or other vessel not being their own property to perform this service.

Company to have power to hold river frontage, &c.

XVII. The said Company are hereby empowered to unite with any other Railway Company whose Railway intersects that of the said Company or touches a place which their Railway also touches, and to such union the provisions of the Acts passed in the sixteenth year of Her Majesty's reign, and chaptered respectively thirty-nine and seventy-six, shall extend and apply.

Company to have power to unite with certain other Railway Companies.

XVIII. The number of Directors which shall form a quorum of the transaction of business may be regulated by the By-laws of the Company; and until such By-law shall be passed, a majority of the Directors shall form such quorum: Provided that the Directors may employ one of their number as a paid Director.

Quorum of Directors.

Proviso.

Directors may open an agency in London, in England, for the transfer of shares, &c.

XIX. The Board of Directors of the said Company may appoint an agent or agents in the City of London, in England, with power to open and keep books of transfer for the shares of the said Company, and for the issue of scrip and stock certificates; and upon the establishment of such agency, shares may be transferred from the Canada office to the London office in the names of the transferees, in the same manner as shares may be transferred in the former office, and vice versa; and shares hereafter taken and subscribed for in Great Britain may be entered upon the books of the London office, and scrip certificates be issued for them, and the same shall be as binding on the Company as to all the rights of shareholders as though the scrip certificates had been issued by the Secretary of the Company in Canada.

Public Act.

XX. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

SCHEDULE A.

Know all men by these presents that I (*insert the name of the wife also, if she is to release her dower or for any other reason to join in the conveyance*) do hereby in consideration of

paid to me (*or as the case may be*) by the Fort Erie Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Fort Erie Railway Company, their successors and assigns for ever, all that certain part or tract of land situate, lying and being (*describe the land*) the same having been selected and laid out by the said Company for the purpose of their Railway; to have and to hold the said land and premises together with every thing appertaining thereto, to the said Fort Erie Railway Company, their successors and assigns for ever (*if there be dower to be released, add*) and I (*name the wife*) hereby release my dower in the premises.

Witness my hand (*or our hands*) and seal (*or seals*), this
day of _____, one thousand eight
hundred and _____

(L. S.)

A. B.

(L. S.)

C. D.

Signed, sealed and delivered in the presence of O. K.

CAP. CLII.

An Act to incorporate the London and Lake Huron Railway Company.

[Assented to 10th June, 1857.]

WHEREAS the persons hereinafter named, and divers others, have petitioned that an Act may be passed authorizing the construction of a Railway from any point in the City of London to the waters of Lake Huron at or near Port Franks, on the mouth of the River Aux Sables; And whereas a Railroad so constructed would manifestly tend to open an extensive tract of fertile country and promote its general prosperity: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. Elijah Leonard, John Carling, David Glass, Marcus Holmes, John Birrell, Daniel Lester, Francis Smith, James Cousins, William McBride, Patrick Y. Norris, and John Wilson, together with such other person or persons, Corporations and Municipalities, as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted, and declared to be a body corporate and politic by and under the name of the "London and Lake Huron Railway Company."

Incorporation of Company.

Corporate name.

II. The several clauses of the Railway Clauses Consolidation Act, 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," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for indemnity, and fines and penalties, and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act, which are incorporated with this Act as aforesaid.

Certain clauses of 14 15, V. c. 51, incorporated with this Act.

III. The said Company, and their servants and agents, shall have full power under this Act to lay out, construct and complete a Railway between the City of London and the waters of Lake Huron, at or near Port Franks, with full power to pass over any portion of the Counties of Middlesex and Lambton, under the provisions of the ninth section of the Railway Clauses Consolidation Act.

Line of Railway defined.

IV.

Form and registration of deeds to the Company.

IV. Deeds and conveyances under this Act 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 parties making such conveyance will admit, be made in the form given in the Schedule to this Act, marked A, and all Registrars are hereby required to register in their Registry Books such Deeds, on the production thereof and proof of execution, without any Memorial, and to minute every such entry on the Deed; and the said Company are to pay the Registrar for so doing the sum of two shillings and six pence, and no more.

Fee.

Provisional Directors.

V. From and after the passing of this Act, the said Elijah Leonard, John Carling, Marcus Holmes, John Birrell, Daniel Lester, Francis Smith, James Cousins, William McBride, Patrick Y. Norris, John Wilson, and David Glass shall be Provisional Directors of the said Company, for carrying into effect the object and purposes of this Act.

Vacancies among them, how filled up.

VI. It shall and may be lawful for the Provisional Directors for the time being of the said Company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such Provisional Director or Directors, out of the several owners of Stock in their said Railway to the amount of at least two hundred and fifty pounds Provincial currency each, during the period of their continuance in office; and such Provisional Directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and they are hereby made subject to the like restrictions, as the elected Directors of the said Company, upon their being elected by the Stockholders of the said Company as hereinafter provided, would under the provisions of the Railway Clauses Consolidation Act, and of this Act, become invested with or subject to respectively.

Their powers and duties.

First general meeting and Election of Directors.

VII. When and so soon as shares to an amount equivalent to fifty thousand pounds provincial currency in the Capital Stock of the said Company shall be taken, and ten pounds per centum thereon shall have been paid in, it shall and may be lawful for the Provisional Directors of the said Company for the time being, to call a meeting at the City of London of the subscribers for Stock in the said Company and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company; Provided always, that if the said Provisional Directors 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 not less than an amount equivalent to five thousand pounds provincial currency; 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 some newspaper published in the City of London

Proviso.

Proviso: for notice of meeting.

London, and also in some one newspaper published in each of the Counties through which the said Railway shall pass, or in such of the said Counties as shall have a newspaper published therein respectively; and at such General Meeting of the Shareholders assembled, with such proxies as shall be present, shall choose eleven persons to be Directors of the said Company, being each a proprietor of shares in the said Company to an amount of not less than two hundred and fifty pounds provincial currency, and shall also proceed to pass such Rules, Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act.

Election of eleven Directors.

VIII. The Directors so elected or those appointed in their stead in case of vacancy, shall remain in office until the first Wednesday in June, one thousand eight hundred and fifty-eight; and on the said first Wednesday in June and on the first Wednesday in June in each year thereafter, or such other day as shall be appointed by any By-law, an annual general meeting of the Shareholders shall be held at the office of the Company for the time being, to choose eleven 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 should appear to any ten or more of such shareholders, holding together one thousand shares at least, that a special general meeting of the 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 such newspapers as are hereinbefore provided, 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; and the shareholders are hereby authorized to meet pursuant to such notice and proceed to the execution of the powers by this Act given to them, with respect to the matter so specified only, and all such Acts of the shareholders or the majority of them at any such special meeting 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 an annual meeting.

Term of office of first Directors.

Annual General Meeting.

Special General Meetings and powers thereof.

IX. For the purpose of making, constructing and maintaining the Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed, it shall and may be lawful for the Directors of the said Company for the time being to raise in such manner, by loan, subscription of stock, issuing of shares or otherwise, as to the Directors of the said Company for the time being shall from time to time seem fit, the sum of three hundred thousand pounds, provincial currency, such shares to be issued in sums of five pounds, provincial currency, each: Provided always, that the said capital sum may from time to time, if necessary, be increased in the manner provided for by those clauses of the Railway Clauses Consolidation Act which in and by the second section of this Act are incorporated with this Act.

Capital £300,000 and how to be raised.

Shares £5 each.

Proviso for increase of capital.

Directors to issue shares, scrip, &c.

X. It shall and may be lawful for the Directors of the said Company for the time being, to make, execute and deliver, all such scrip and share certificates, and all such bonds, debentures, mortgages or other securities, as to the said Directors for the time being shall from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof.

Proportion of votes to shares.

XI. Every proprietor of shares in the said Company shall be entitled on every occasion when the votes of the Members of the said Company are to be given, to one vote for every share of five pounds currency held by him.

Debentures &c., may be made payable to bearer.

XII. All bonds, debentures and other securities to be executed by the London and Lake Huron Railway Company, may be made payable to bearer; and all such bonds, debentures, or other securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

Quorum of Directors.

XIII. Any meeting of the Directors of the said Company at which not less than five of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Calls; Amount of limited.

XIV. Calls may be made by the Directors of the said Company for the time being: Provided that no call to be made upon the subscribers for stock in the said Railway Company shall exceed the sum of ten pounds per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such calls in any one year shall not exceed fifty pounds per centum upon the stock so subscribed: Provided also, that upon the occasion of any person or Corporation becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional or other Directors of the said Company for the time being, to demand and receive to and for the use of the said Company, the sum of ten pounds per centum upon the amount so by such person or Corporation respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed at the time of such person or Corporation respectively subscribing for stock.

Proviso: ten per cent. and calls then made to be paid on subscribing.

Recital.

XV. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes at convenient places along their line of Railway, for constructing and keeping in repair, and for carrying on the business of the said Railway; and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such

Company may purchase land

such deposits may be found, it is therefore enacted, that it shall be lawful for the said Company, and they are hereby authorized from time to time to purchase, have, hold, take, receive, use and enjoy along the line of the said Railway, or separated therefrom, and if separated therefrom then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty or any person or persons, or bodies politic, to give, grant, sell or convey unto, and to the use of, or in trust for the said Company, their successors and assigns; and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time by deed of bargain and sale, or otherwise, to grant, bargain, sell, or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, woodyards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said Railway and other works connected therewith.

for gravel pits, stations, &c.

And dispose thereof when not wanted.

XVI. The said Railway shall be commenced within two years and completed within seven years after the passing of this Act.

Commencement, &c., of Railway.

XVII. And whereas it may be the interest of the said Company hereafter to unite with the London and Port Stanley Company, or with some other Railway Company: Be it enacted, that it shall be lawful for the said London and Lake Huron Railway Company at any time hereafter to unite with and become merged in the London and Port Stanley, or with any other Railway Company whose Railway intersects that of the said Company, or touches any place which their Railway also touches, upon such terms and conditions as may be agreed upon between the Companies; and to any such Union and the proceedings preliminary thereto, and the effects thereof, all the provisions of the Acts passed in the sixteenth year of Her Majesty's Reign, and chaptered, respectively, thirty-nine and seventy-six (providing for the Union of Railway Companies,) shall extend and apply.

Company may unite with other Railway Companies.

Acts 16 V. cc. 39 and 76 to apply.

XVIII. All provisions of law inconsistent with this Act are and shall be repealed from the passing thereof.

Inconsistent enactments repealed.

XIX. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

Public Act.

SCHEDULE A.

Know all men by these presents that I, *(insert the name of wife also, if she is to release her dower, or for any other reason to join in the conveyance,)* do hereby, in consideration of paid to me *(or as the case may be)* by the London and Lake Huron Railway Company, the receipt whereof is hereby

hereby acknowledged, grant, bargain, sell, convey and confirm unto the said London and Lake Huron Railway Company, their successors and assigns for ever, all that certain parcel or tract of land situate (*describe the land*), the same having been selected and laid out by the said Company for the purposes of their Railway, to have and to hold the said land and premises, together with every thing appertaining thereto, to the said London and Lake Huron Railway Company, their successors and assigns for ever, (*if dower to be released, add*) and I (*name the wife*) release my dower in the premises.

Witness my (*or our*) hand (*or hands*) and seal (*or seals*), this day of _____, one thousand eight hundred and _____

A. B. [L. S.]
C. D. [L. S.]

Signed, sealed and delivered in the presence of
O. K.

C A P . C L I I I .

An Act to incorporate the Strathroy and Port Frank Railway Company.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the construction of a Railway from Strathroy, a Station on the London and Port Sarnia Branch of the Great Western Railroad, in the Township of Adelaide, in the County of Middlesex, to Port Frank, in the Township of Bosanquet, in the County of Lambton, at the mouth of the River Aux Sables on the waters of Lake Huron, or thereabouts, will greatly tend to the benefit of the Country intersected thereby and the Inhabitants thereof; And whereas divers persons have prayed for an Act of Incorporation: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company in incorporated.

I. The Honorable Malcolm Cameron, Joseph A. Woodruff, James Zimmerman, William M. Johnston, James Keefer, Timothy Cook, Neal Eastman, John Elliot, Murdo McLeay, James Menery, William Bray, Robert Rae, Jesse Kenward, and William Bettridge, together with such other person or persons, corporations and municipalities as shall, under the provisions of this Act, become Shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of "The Strathroy and Port Frank Railway Company."

Corporate name.

Certain provisions of 14 &

II. The several Clauses of the Railway Clauses Consolidation Act with respect to the first, second, third and fourth clauses thereof,

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," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for indemnity and fines and penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act, which are incorporated with this Act as aforesaid.

15 v. c. 51,
incorporated
with this Act.

III. The said Company and their servants and agents shall have full power under this Act to lay out and construct, make and finish a double or single Iron Railway or road at their own costs and charges, on and over any part of the country lying between Strathroy aforesaid and Port Frank aforesaid, or such other point on Lake Huron near to Port Frank as may be found most convenient; and the said Company and their servants and agents shall have full power under this Act to purchase and hold Lake frontage on Lake Huron, at the terminus thereon, and to build wharves or docks thereon, also to charter any steam or other vessel or vessels not being their own property to perform any service in connexion with the said Railway which from time to time may be considered expedient and necessary for the transportation of passengers or freight from the Port at the terminus of the Railway.

Line of Rail-
way to be con-
structed.

Power to pur-
chase Lake
frontage;

To build
wharves, &c ;

To charter
vessels.

IV. Deeds and conveyances under this Act for the 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 parties making such conveyance will admit, be made in the form given in the Schedule to this Act marked A, and all Registrars are hereby required to register in their Registry books such deeds, on the production thereof, and proof of execution, without any memorial, and to minute every such entry on the deed; the said Company are to pay the Registrar for so doing, the sum of two shillings and six pence, and no more.

Forms of con-
veyances to
Company.

Fee on regis-
tration.

V. The capital stock of the said Company shall not exceed in the whole the sum of two hundred and fifty thousand pounds currency, to be divided into ten 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 or Corporations or Municipalities through which the said Railway may pass or touch, (and such Municipalities are hereby authorized to subscribe to the capital stock of the said Company,

Capital Stock,
amount and
number of
shares.

Company, in any amount by a By-law to be passed to that effect,) as may become subscribers towards such stock ; and the said moneys so raised shall be applied in the first place, towards the payment and discharge of all fees and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the said Railway and connected therewith ; and all the rest and remainder of such moneys shall be applied towards completing and maintaining the said Railway and other purposes of this Act, and to no other purpose whatsoever ; Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the common stock thereof, it shall be lawful for the Municipality of any County, Town, or Township in or near the line thereof, to pay out of the general funds of such Municipality any proportion of such Railway 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.

To what purposes it may be applied.

Proviso : Municipalities may pay part of preliminary expenses.

First general meeting of Shareholders.

VI. When and so soon as fifty thousand pounds of the said capital stock shall have been subscribed for, it shall be lawful for the said Directors, or a majority of them, and they are hereby required to call a meeting of the holders of such shares, at such place and time as they shall think proper, giving at least fifteen days' public notice of the same in one or more newspapers published in the County of Middlesex, at which said General Meeting the shareholders, having paid ten per cent, on their stock subscribed for, shall, either in person or by proxy, choose nine Directors in the manner, and qualified as hereinafter mentioned, to be, together with the *ex officio* Directors, as provided by the said "Railway Clauses Consolidation Act," Directors of the said Company, and to hold office until the first Monday in October following ; And on the first Monday in October in each year, at the office of the Company, there shall be chosen by the shareholders nine Directors, in the manner hereinafter directed, and public notice of such annual election shall be given as aforesaid, and all elections for 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 a 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 the said Directors with the said *ex officio* Directors, shall form a Board of Directors, and a quorum of the Directors for the transaction of business may be fixed by the By-laws of the Company, and until such By-law shall be passed, a majority of the Directors shall form such quorum, and the said Directors may employ one of their number as a paid Director.

Notice.

Election of nine Directors.

Ballot.

Vacancy in Board, how filled.

Quorum to be fixed by By-laws.

Paid Director.

VII. The persons qualified to be elected Directors of the said Company under this Act, shall be any shareholders holding stock to the amount of two hundred and fifty pounds, who shall have paid up all calls on such stock. Qualification of Directors.

VIII. If it shall happen at any time or times hereafter, 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 Company shall not for that cause be deemed to be dissolved ; but it shall and may be lawful, on any other day, to hold and make an election of Directors, in such manner and upon such notice as shall be provided by the By-laws of the Company ; and until such election of new Directors, those who may be in office for the time being shall be and continue to exercise all the rights and powers of Directors until such new election be made. In case Directors are not elected at time appointed.

IX. It shall and may be lawful for the Directors of the said Company for the time being, to make, execute and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages, or other securities, as to the said Directors for the time being shall, from time to time, seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof. Directors to deliver scrip certificates, bonds, &c.

X. Every proprietor of shares in the said Company shall be entitled on every occasion when the votes of the members of the Company are to be given, to one vote for every share of twenty-five pounds currency held by him. One vote for each share.

XI. All bonds, debentures, and other securities to be executed by the Company hereby incorporated, may be made payable to bearer ; and all such bonds, debentures, or other securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names. Bonds, &c., may be payable to bearer and assignable by delivery.

XII. Calls may be made by the Directors of the said Company for the time being, provided that no call to be made upon the subscribers for stock in the said Railway Company shall exceed the sum of ten pounds per centum upon the amount subscribed for by the respective Shareholders in the said Company. Calls. No call to exceed 10 per cent.

XIII. The said Company may become parties to promissory notes and bills of exchange for sums not less than twenty-five pounds, and the same made or endorsed by the President or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of the Board of Directors, shall be binding on the said Company and shall not render the parties thereto Company may be parties to bills and notes.

Without seal.
Proviso.

thereto personally liable thereon, and the presumption that the authority of the Board of Directors precedes such making or endorsing shall in all cases prevail until the contrary shall be shewn, and the seal of the Company to such bills and notes shall never be necessary ; Provided that nothing in this section 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.

Equal rights
given to
aliens, and
British sub-
jects.

XIV. Any Shareholder in the Company hereby incorporated, whether a British subject or alien, or a resident in Canada or elsewhere, 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.

Period for
commencing
and complet-
ing Railway.

XV. The said Railway shall be commenced within two years and completed within five years after the passing of this Act.

Public Act.

XVI. This Act shall be deemed a Public Act.

SCHEDULE A.

Know all men by these presents that I, *(insert the name of the wife also, if she is to release her dower or for any other reason to join in the conveyance)* do hereby in consideration of *paid to me (or as the case may be)* by the Strathroy and Port Frank Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Company, their successors and assigns for ever, all that certain parcel or tract of land situate *(describe the land,)* the same having been selected and laid out by the said Company for the purposes of their Railway ; to have and to hold the said land and premises, together with every thing appertaining thereto to the said Company, their successors and assigns for ever. *(If there be dower to release, add.)* And I, *(name the wife)* hereby release my dower in the premises.

Witness my *(or our)* hand *(or hands)* and seal *(or seals)*, this
day of one thousand eight hundred
and

A. B. [L.S.]
B. C. [L.S.]

Signed, sealed and delivered }
in the presence of }
O. K.

C A P . C L I V .

An Act to incorporate the Eastwood and Berlin
Railway Company.

[Assented to 10th June, 1857.]

WHEREAS Henry Vansittart and others, residing in the Preamble
County of Oxford, have petitioned that an Act may be
passed authorizing the construction of a Railway from Eastwood
in the County of Oxford, to a point on the Buffalo and Lake
Huron Railway, and thence to a point on the Grand Trunk
Railway at the Town of Berlin, in the County of Waterloo; And
whereas a Railway so constructed would be productive of the
greatest advantages to the section of the country through which
it would pass: Therefore, Her Majesty, by and with the ad-
vice and consent of the Legislative Council and Assembly of
Canada, enacts as follows:

I. Donald Matheson, M.P.P., George Davidson, Sheriff of Certain persons incor-
the County of Waterloo, Henry Vansittart, Richard W. Bur-
rowes, and John George Vansittart, David S. Shoemaker, Henry
S. Huber, and Robert Ferrie, M. P. P., together with such per-
sons, corporations, municipalities and companies as shall, under
the provisions of this Act, become shareholders in the Company
hereinafter mentioned, shall be and are hereby ordained, con-
stituted and declared to be a body corporate and politic, in fact,
by and under the name and style of the "Eastwood and Corporate
Berlin Railway Company." name.

II. The several clauses of the Railway Clauses Consolidation Certain
Act with respect to the first, second, third and fourth clauses clauses of 14,
thereof, and also the several clauses of the said last mentioned 15 V. c. 51, to
Act with respect to "Interpretation," "Incorporation," "Pow-
ers," "Plans and Surveys," "Lands and their Valuation," apply to this
"Highways and Bridges," "Fences," "Tolls," "General
Meetings," "Directors, their election and duties," "Shares and
their transfer," "Municipalities," "Shareholders," "Actions
for Indemnity, and fines and penalties, and their prosecution,"
"Working of the Railway," and "General Provisions," shall
be incorporated with this Act, and shall accordingly apply to
the said Company and the said Railway, except only in so far
as it may be inconsistent with the express enactments hereof;
and the expression "this Act," when used herein, shall be
understood to include the provisions of the Railway Clauses
Consolidation Act which are incorporated with this Act as
aforesaid.

III. The said Company and their servants or agents shall Line of Rail-
have full power under this Act to lay out, construct, make and way defined.
finish, a double or single Iron Railway or a tramroad, at their
own costs and charges, to connect the village of Eastwood, in
the County of Oxford, with the line of the Buffalo and Lake
Huron

Huron Railway, and extending thence to some point on the line of the Grand Trunk Railway at the Town of Berlin, in the County of Waterloo, and to unite with the said Railways at the points of intersection, as provided by the ninth section of the Railway Clauses Consolidation Act.

Form of deeds and conveyances.

IV. Deeds and conveyances under this Act, for the 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 parties making such conveyance will admit, be made in the form given in the Schedule to this Act marked A; and all registrars are hereby required to register in their registry books such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed; the said Company are to pay the Registrar for so doing the sum of two shillings and six pence, and no more.

Provisional Directors.

V. From and after the passing of this Act, the said Donald Matheson, M.P.P., George Davidson, Henry Vansittart, Richard W. Burrows, and John George Vansittart, David S. Shoemaker, Henry S. Huber, and Robert Ferrie, M.P.P., Esquires, shall be Provisional Directors of the said Company for carrying into effect the object and purposes of this Act.

Vacancies among them, how filled.

VI. It shall and may be lawful for the Provisional Directors for the time being of the said Company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such Provisional Director or Directors, from among the several subscribers for stock in their said Railway to the amount of at least one hundred and fifty pounds provincial currency each, during the period of their continuance in office; and such Provisional Directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and they are hereby made subject unto the like restrictions, as the elected Directors of the said Company, upon their being elected by the stockholders of the said Company as hereinafter provided, would under the provisions of the Railway Clauses Consolidation Act and of this Act, become invested with or subject unto respectively.

Powers of Provisional Directors.

First general meeting of Shareholders.

VII. When and so soon as shares to an amount equivalent to twenty-five thousand pounds provincial currency, in the capital stock of the said Company, shall be taken, and ten pounds per centum thereon shall have been paid into some one of the chartered Banks of this Province, it shall and may be lawful for the Provisional Directors of the said Company for the time being, to call a meeting at the Village of Eastwood, or the Town of Berlin, of the subscribers for stock in the said Company, and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company:

Provided

Provided always, that if the said Provisional Directors 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 not less than an amount equivalent to two thousand pounds provincial currency: 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 some one or more newspapers published in the Village of Eastwood, or in the County of Oxford, and also in the Town of Berlin, or in the County of Waterloo: And at such general meeting the shareholders assembled, with such proxies as shall be present, shall choose seven persons to be Directors of the said Company, being each a proprietor of shares in the said Company to an amount of not less than one hundred and fifty pounds provincial currency; and shall also proceed to pass such rules, regulations and by-laws as shall seem to them fit, provided they be not inconsistent with this Act: Provided also, that such ten per cent. shall not be withdrawn from such Bank or otherwise applied, except for the purposes of such Railway, or upon the dissolution of the Company from any cause whatever.

Proviso.

Election of seven Directors.

By-laws.

Proviso.

VIII. The Directors so elected, or those appointed in their stead in case of vacancy, shall remain in office until the first Wednesday in June in the year next after that in which they shall have been elected; and on the said first Wednesday in June, in each year thereafter, or such other day as shall be appointed by any By-law, an annual general meeting of the shareholders shall be held at the office of the Company for the time being, to choose seven 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 should appear to any five or more of such shareholders, holding together two hundred shares at least, that a special general meeting of the shareholders is necessary to be held, it shall be lawful for such five or more of them to cause fifteen days' notice at least to be given thereof in such newspapers as are hereinbefore provided, 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; and the shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given to them, with respect to the matter so specified only; and all such acts of the shareholders or the majority of them at such special meeting assembled, (such majority not having either as principals or proxies less than two hundred shares,) shall be as valid to all intents and purposes as if the same were done at annual meetings.

Term of office of Directors.

Annual General Meetings.

Special General Meetings and their powers.

IX. For the purpose of making, constructing and maintaining the Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed,

Capital Stock and number of shares.

Proviso: for
increase of
Capital.

constructed, it shall and may be lawful for the Directors of the said Company for the time being, to raise in such manner, by loan, subscription of stock, issuing of shares or otherwise as to the Directors of the said Company for the time being shall from time to time seem fit, the sum of sixty thousand pounds provincial currency; such shares to be issued for sums of twenty-five pounds provincial currency each; Provided always, that the said capital sum may from time to time, if necessary, be increased in the manner provided for by those clauses of the Railway Clauses Consolidation Act, which in and by the second section of this Act are expressed to be incorporated with this Act.

Directors to
issue shares,
scrip, &c.

X. It shall and may be lawful for the Directors of the said Company for the time being, to make, execute, and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages or other securities, as to the said Directors for the time being shall from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof.

One vote for
each share.

XI. Every proprietor of shares in the said Company shall be entitled on every occasion when the votes of the Members of the Eastwood and Berlin Railway Company are to be given, to one vote for every share of twenty-five Pounds currency, held by him.

Debentures,
&c., may be
payable to
bearer.

XII. All bonds, debentures and other securities to be executed by the said Railway Company may be made payable to bearer; and all such bonds, debentures, or other securities of the said Company, and all dividends and interest warrants thereon, respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

Quorum of
Directors.

XIII. Any meeting of the Directors of the said Company at which not less than four of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Calls, how
made.

XIV. Calls may be made by the Directors of the said Company for the time being, provided that no call to be made upon the subscribers for stock in the said Railway Company shall exceed the sum of ten pounds per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such calls in any one year shall not exceed fifty pounds per centum upon the stock so subscribed: Provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional or other Directors of the said Company for the time being, to demand and

Proviso: ten
per cent. to be
paid down.

and receive to and for the use of the said Company, the sum of ten pounds per centum upon the amount so by such person or corporation respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed at the time of such person or corporation respectively subscribing for stock; and no stock on which the said ten per cent. shall not have been paid at the time of subscribing shall be held to be validly subscribed for.

XV. Every contract, policy, agreement, engagement, or bargain by the Company, or by any Agent or Agents of the Company duly appointed by By-law, and every Promissory Note made or endorsed, and every Bill of Exchange drawn, accepted or endorsed on behalf of the Company, by any such Agent or Agents, in general accordance with the powers to be devolved to and conferred on them respectively under the said By-laws, shall be binding upon the said Company; and in no case shall it be necessary to have the Seal of the Company affixed to any such contract, policy, agreement, engagement, bargain, Promissory Note or Bill of Exchange, or to prove that the same was entered into, made or done in strict pursuance of the By-law, nor shall the Agent be hereby subjected individually to any liability whatsoever; Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to the bearer thereof, or any Promissory Note intended to be circulated as money or as the note of a Bank.

Acts of agents to bind the Company.

Proviso.

XVI. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes, at convenient places along their line of Railway, for constructing and keeping in repair and for carrying on the business of the said Railway, and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such deposit may be found: It is therefore enacted, that it shall be lawful for the said Company, and they are hereby authorized from time to time to purchase, have, hold, take, receive, use and enjoy, along the line of the said Railway or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty or any person or persons or bodies politic, to give, grant, sell or convey unto and to the use of or in trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any such lots or blocks of land, and from time to time by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portion of such lands not necessary to be retained for gravel pits, sidings, branches, wood yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said Railway and other works connected therewith.

Company may purchase lands for gravel pits.

Commence-
ment and
completion of
Railway.

XVII. The said Railway shall be commenced within three years and completed within ten years after the passing of this Act.

Public Act.

XVIII. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

SCHEDULE A.

Know all men by these presents that I *(insert the name of the wife also, if she is to release her dower or for any other reason to join in the conveyance)* do hereby in consideration of *(or as the case may be)* paid to me by the Eastwood and Berlin Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Eastwood and Berlin Railway Company, their successors and assigns for ever, all that certain parcel or tract of land situate *(describe the land)*, the same having been selected and laid out by the said Company for the purposes of their Railway; to have and to hold the said land and premises together with everything appertaining thereto, to the said Eastwood and Berlin Railway Company, their successors and assigns for ever; *(if there be dower to be released, add)* and I *(name the wife)* hereby release my dower in the premises.

Witness my hand *(or our hands)* and seal *(or seals)*, this day of *(insert date)* one thousand eight hundred and *(insert year)*

A. B. (L. S.)

Signed, sealed and delivered }
in the presence of }
O. K.

C A P. C L V.

An Act to incorporate the Brantford and South Western Railway Company.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the persons hereinafter named and divers others have petitioned that an Act be passed to authorize the construction of a Railway from some point on the Great Southern Railway through the Town of Brantford to such point on the Great Western Railway as may be found most suitable and convenient; And whereas the construction of such Railway will conduce materially to the welfare of the inhabitants residing along the line, as well as to the prosperity of the surrounding country: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. Such person or persons, corporations and municipalities as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of "The Brantford and South Western Railway Company."

Company incorporated.

Corporate name.

II. The several clauses of the Railway Clauses Consolidation Act 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," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for Indemnity, and fines and penalties, and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as it may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the provisions of the Railway Clauses Consolidation Act which are incorporated with this Act as aforesaid.

Certain provisions of 14, 15 V., c. 61, incorporated with this Act.

III. The said Company and their servants and agents shall have full power under this Act to lay out and construct, make and finish, a double or single Iron Railway or road at their own cost and charges, on and over any part of the Country lying between the line of the Great Southern Railway and the Great Western Railway, passing through Brantford.

Line of the Railway.

IV. Deeds and conveyances under this Act, for the 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 parties making such conveyance will admit, be made in the form given in the Schedule to this Act marked A; and all registrars are hereby required to register in their registry books such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed; the said Company are to pay the Registrar for so doing the sum of two shillings and six pence, and no more.

Form of conveyances to the Company.

Fee for registering.

V. From and after the passing of this Act, George S. Wilkes, Gilbert Moore, Allen Cleghorn, James Barr, David Christie, M. H. Foley, Esquire, M. P. P., Joseph T. Kerby, George Southwick, Esquire, M. P. P., Oliver Blake, Esquire, and Thomas Perrin, Jr., shall be Provisional Directors of the said Company for carrying into effect the object and purposes of this Act.

Provisional Directors.

Filling vacancies among Provisional Directors.

Powers of Provisional Directors.

VI. It shall and may be lawful for the Provisional Directors for the time being of the said Company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such Provisional Director or Directors, out of the several owners of stock in their said Railway to the amount of at least two hundred and fifty pounds Provincial currency each, during the period of their continuance in office ; and such Provisional Directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and they are hereby made subject unto the like restrictions, as the elected Directors of the said Company, upon their being elected by the stockholders of the said Company as hereinafter provided, would under the provisions of the Railway Clauses Consolidation Act and of this Act, become invested with or subject unto respectively.

First general meeting for election of Directors : how called.

Proviso.

Proviso : how notice shall be given.

Election and qualification of Directors.

Proviso.

VII. When and so soon as shares to an amount equivalent to fifty thousand pounds provincial currency, in the capital stock of the said Company, shall be taken, and ten pounds per centum thereon shall have been paid into some one of the chartered Banks of this Province, it shall and may be lawful for the Provisional Directors of the said Company for the time being, to call a meeting at the Town of Brantford of the subscribers for stock in the said Company, and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company : Provided always, that if the said Provisional Directors 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 not less than an amount equivalent to five thousand pounds provincial currency : 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 some one newspaper published in the Town of Brantford, and also in some one newspaper published in each of the Counties through which the said Railway shall pass, or be intended to pass, or in such of the said Counties as shall have a newspaper published therein respectively ; And at such general meeting the shareholders assembled, with such proxies as shall be present, shall choose nine persons to be Directors of the said Company, being each a proprietor of shares in the said Company to an amount of not less than one hundred pounds provincial currency ; and shall also proceed to pass such rules, regulations and by-laws as shall seem to them fit, provided they be not inconsistent with this Act : Provided also that such ten per cent. shall not be withdrawn from such Bank or otherwise applied, except for the purposes of such Railway, or upon the dissolution of the Company from any cause whatever.

Term of office of the Directors.

VIII. The Directors so elected, or those appointed in their stead in case of vacancy, shall remain in office until
the

the first Wednesday in June, one thousand eight hundred and fifty-eight; and on the said first Wednesday in June, and on the first Wednesday in June in each year thereafter, or such other day as shall be appointed by any By-law, an annual general meeting of the shareholders shall be held at the office of the Company for the time being, to choose nine 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 should appear to any ten or more of such shareholders, holding together two hundred shares at least, that a special general meeting of the 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 such newspapers as are hereinbefore provided, 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; and the shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given to them, with respect to the matter so specified only; and all such acts of the shareholders or the majority of them at such special meeting assembled, (such majority not having either as principals or proxies less than two hundred shares,) shall be as valid to all intents and purposes as if the same were done at annual meetings.

Annual general meetings for election of Directors, &c.

Special general meetings.

Powers of special meetings.

IX. For the purpose of making, constructing and maintaining the Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed, it shall and may be lawful for the Directors of the said Company for the time being, to raise in such manner, by loan, subscription of stock, issuing of shares or otherwise as to the Directors of the said Company for the time being shall from time to time seem fit, the sum of one hundred thousand pounds provincial currency; such shares to be issued for sums of twenty-five pounds provincial currency each; Provided always, that the said capital sum may from time to time, if necessary, be increased in the manner provided for by those clauses of the Railway Clauses Consolidation Act, which in and by the second section of this Act are incorporated with this Act.

Capital £100,000, in Shares of £25.

Proviso for increase of capital.

X. It shall and may be lawful for the Directors of the said Company for the time being, to make, execute, and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages or other securities, as to the said Directors for the time being shall from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof.

Directors to deliver share certificates, &c.

XI. Every proprietor of shares in the said Company shall be entitled on every occasion when the votes of the Members of the Brantford and South Western Railway Company are to be given,

One vote for each share.

given, to one vote for every share of twenty-five Pounds currency, held by him.

Form of bonds and debentures, &c.

XII. All bonds, debentures and other securities to be executed by the Brantford and South Western Railway Company may be made payable to bearer; and all such bonds, debentures, or other securities of the said Company, and all dividends and interest warrants thereon, respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

Quorum of Directors.

XIII. Any meeting of the Directors of the said Company regularly summoned, at which not less than five of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Directors may make calls. Proviso.

XIV. Calls may be made by the Directors of the said Company for the time being, provided that no call to be made upon the subscribers for stock in the said Railway Company shall exceed the sum of ten pounds per centum upon the amount subscribed for by the respective shareholders in the said Company: Provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional and other Directors of the said Company for the time being, to demand and receive to and for the use of the said Company, the sum of ten pounds per centum upon the amount so by such person or corporation respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed at the time of such person or corporation respectively subscribing for stock.

Proviso: ten per cent to be paid on subscribing.

Power to take lands for certain purposes on the line of the Railway.

XV. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes, at convenient places along their line of Railway, for constructing and keeping in repair and for carrying on the business of the said Railway, and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such deposit may be found: It is therefore enacted, that it shall be lawful for the said Company, and they are hereby authorized from time to time to purchase, have, hold, take, receive, use and enjoy, along the line of the said Railway or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty or any person or persons or bodies politic, to give, grant, sell or convey unto and to the use of or in trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any such lots or blocks of land, and from time to time by deed of bargain and sale or otherwise,
to

to grant, bargain, sell or convey any portion of such lands not necessary to be retained for gravel pits, sidings, branches, wood yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said Railway and other works connected therewith.

XVI. It shall and may be lawful for the said Brantford and South Western Railway Company to unite or amalgamate with any Company whose Railway intersects that of the said Company or touches any place which their Railway also touches, upon such terms and conditions as may be agreed upon between the Companies; and to any such union and the proceedings preliminary thereto, and the effects thereof, all the provisions of the Acts passed in the sixteenth year of Her Majesty's Reign, and chaptered respectively thirty-nine and seventy-six, (providing for the union of Railway Companies) shall extend and apply.

Power to unite
with other
Railway Com-
panies.

XVII. The said Railway shall be commenced within three years and completed within six years after the passing of this Act.

Completion of
works.

XVIII. This Act shall be deemed and taken to be a Public Act.

Public Act.

SCHEDULE A.

Know all men by these presents that I *(insert the name of the wife also, if she is to release her dower or for any other reason to join in the conveyance)* do hereby in consideration of _____ paid to me *(or as the case may be)* by the Brantford and South Western Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Brantford and South Western Railway Company, their successors and assigns for ever, all that certain parcel or tract of land situate *(describe the land)* the same having been selected and laid out by the said Company for the purposes of their Railway; to have and to hold the said land and premises together with everything appertaining thereto, to the said Brantford and South Western Railway Company, their successors and assigns for ever; *(if her dower is to be released, add)* and I *(name of the wife)* hereby release my dower in the premises.

Witness my hand *(or our hands)* and seal *(or seals)*, this day of _____ one thousand eight hundred and _____

A. B. (L. S.)
C. D. (L. S.)

Signed, sealed and delivered }
in the presence of }
O. K }

C A P . C L V I .

An Act to incorporate the Toronto and Owen Sound Central Railway Company.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the construction of a Railway from the City of Toronto to the Town of Owen Sound, and thence to Lake Huron, would greatly tend to open an extensive tract of fertile country, and would promote its general prosperity, and the prosperity of the said City and Town; And whereas the persons hereinafter mentioned are desirous of associating themselves together as a Company for the purpose of constructing such Railway, and that they, their successors and assigns, shareholders in such Railway, may be incorporated and invested with such powers as may enable them effectually to carry out their undertaking, and it is expedient to accede to their request: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

I. The Honorable John Hillyard Cameron, of Toronto, M. P. P., John George Bowes, of Toronto, Esquire M. P. P., John W. Gamble, of the County of York, Esquire, M. P. P., Henry Howland, Esquire, J. A. Donaldson, of Weston, Esquire, John Harrington, Adam Wilson, James Beaty, Alexander Manning, E. F. Whittemore, Thomas Clarkson, and Francis H. Heward, of Toronto, Esquires, George Jackson, of Durham, Esquire, M. P. P., Robert E. Stephens, George Snider, and Thomas Lunn, of Owen Sound, Esquires, George Wright, of Brampton, Esquire, Jesse Ketchum, Junior, of Orangeville, Esquire, James C. Aikins, of the County of Peel, Esquire, M. P. P., Richard Carney, of Owen Sound, Esquire, William K. Flesher, of Artemesia, Esquire, and Thomas P. Merry, of Caledon, Esquire, together with such other person or persons, Corporations and Municipalities, as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic by and under the name of the "Toronto and Owen Sound Central Railway Company."

Corporate name.

Certain clauses of 14, 15 V. c. 51, incorporated with this Act.

II. The several clauses of the Railway Clauses Consolidation Act, 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," "Shares and their transfer," "Municipalities," "Shareholders," "Actions or indemnity, and fines and penalties, and their prosecution," "Working of the Railway," and "General Provisions,"

Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and to the said Railway, except only in so far as may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act, which are incorporated with this Act as aforesaid.

III. The said Company, and their servants and agents, shall have full power under this Act to lay out, construct and complete a Railway from the City of Toronto, or from some point on the line of the Grand Trunk Railway not farther west than Brampton, to the Town of Owen Sound, and to extend the same from the last mentioned Town to some point on Lake Huron, not further south than the port of Saugeen, with full power to pass over any portion of the Counties of York, Peel, Wellington, Simcoe, Grey and Bruce, and to unite with the Grand Trunk Railway at any point not farther west than Brampton, as provided by the ninth section of the Railway Clauses Consolidation Act.

Company to establish Railway from Toronto to Owen Sound.

IV. Deeds and conveyances under this Act 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 circumstances of the parties making such conveyance will admit, be made in the form given in the Schedule to this Act, marked A, and all Registrars are hereby required to register in their Registry Books, such Deeds on the production thereof and proof of execution, without any Memorial, and to minute every such entry on the Deed; and the said Company are to pay the Registrar for so doing the sum of two shillings and six pence, and no more.

Form of Deeds and conveyances.

V. From and after the passing of this Act, the said Honorable John Hillyard Cameron, John George Bowes, John W. Gamble, Henry Howland, J. A. Donaldson, John Harrington, Adam Wilson, James Beaty, Alexander Manning, E. F. Whittemore, Thomas Clarkson, Francis H. Heward, George Jackson, Robert E. Stephens, George Snider, Thomas Lunn, George Wright, Jesse Ketchum, James C. Aikins, of the County of Peel, Esquire, M. P. P., Richard Carney, of Owen Sound, Esquire, William K. Flesher, of Artemesia, Esquire, and Thomas P. Merry, the Mayor of Toronto for the time being, the Warden of the County of Grey for the time being, the Mayor of Owen Sound for the time being, and the Reeves for the time being of Chinguacousy, Brampton, Caledon, Owen Sound and Albion, shall be the Provisional Directors of the said Company, for carrying into effect the object and purposes of this Act.

Provisional Directors of Company.

VI. It shall and may be lawful for the Provisional Directors for the time being of the said Company, or a majority of them, to supply the place or places of any of their number from time to

Provisional Directors to supply place to

of those among them dying, &c.

Such Provisional Directors to have some rights as elected Directors.

to time dying or declining to act as such Provisional Director or Directors, out of the several subscribers for Stock in their said Railway to the amount of at least two hundred and fifty pounds currency each, during the period of their continuance in office; and such Provisional Directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and they are hereby made subject to the same restrictions, as the elected Directors of the said Company, upon their being elected by the Stockholders of the said Company as hereinafter provided, would under the provisions of the Railway Clauses Consolidation Act, and of this Act, become invested with or subject to respectively.

First meeting of Stockholders of Company.

VII. When and so soon as shares to an amount equivalent to three hundred thousand pounds provincial currency in the Capital Stock of the said Company shall be taken, and ten pounds per centum thereon shall have been paid in, which amount shall have been paid into some chartered Bank, and shall not be withdrawn or otherwise applied unless for the purposes of this Act, it shall and may be lawful for the Provisional Directors of the said Company for the time being, to call a meeting at the City of Toronto of the subscribers for Stock in the said Company and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company; Provided always, that if the said Provisional Directors shall neglect or omit to call such meeting, then the same may be called by any ten of the Shareholders in the said Company holding among them not less than an amount equivalent to five thousand pounds provincial currency; and provided also, that in either case public notice of the time and place of holding such meeting shall be given during one month in some newspaper published in the City of Toronto, and also in some one newspaper published in each of the Counties through which the said Railway shall pass, or be intended to pass, or in such of the said Counties as shall have a newspaper published therein; and at such General Meeting the Shareholders assembled, with such proxies as shall be present, shall choose eleven persons to be Directors of the said Company, being each a proprietor of shares in the said Company to an amount of not less than two hundred and fifty pounds currency, and shall also proceed to pass such Rules, Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act

Proviso.

Proviso.

Notice of meeting.

Election and qualification of Directors.

By-laws.

Eleven Directors to be appointed annually, and at what time.

VIII. The Directors so elected or those appointed in their stead in case of vacancy, shall remain in office until the first Wednesday in July next after such election; and on the said first Wednesday in July and on the first Wednesday in July in each year thereafter, or such other day as shall be appointed by any By-law, an annual general meeting of the Shareholders shall be held at the office of the Company for the time being, to choose eleven Directors in the room of those whose period of office shall

shall have expired, and generally to transact the business of the Company; but if at any time it should appear to any ten or more of such shareholders, holding together one thousand shares at least, that a special general meeting of the 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 such newspapers as are hereinbefore provided, 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; and the shareholders are hereby authorized to meet pursuant to such notice and proceed to the execution of the powers by this Act given to them, with respect to the matters so specified only, and all such acts of the shareholders or the majority of them at such special meeting assembled (such majority not having either as principals or proxies, less than one thousand shares) shall be valid to all intents and purposes as if the same were done at an annual meeting.

Special general meetings, how called, and their powers.

IX. For the purpose of making, constructing and maintaining the Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed, it shall and may be lawful for the Directors of the said Company for the time being to raise in such manner, by loan, subscription of stock, issuing of shares or otherwise, as to the Directors of the said Company for the time being shall from time to time seem fit, the sum of six hundred thousand pounds, provincial currency, such shares to be issued in sums of five pounds, provincial currency, each; Provided always, that the said capital sum may from time to time, if necessary, be increased in the manner provided for by those clauses of the Railway Clauses Consolidation Act which in and by the second section of this Act are expressed to be incorporated with this Act.

Directors authorized to raise a capital of £600,000 by subscription, loan, or otherwise.

In shares of £5.

Proviso: for increase of Capital

X. It shall and may be lawful for the Directors of the said Company for the time being, to make, execute and deliver, all such scrip and share certificates, and all such bonds, debentures, mortgages or other securities, as to the said Directors for the time being shall from time to time seem most expedient, for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof.

Directors may deliver scrip for shares,

XI. All bonds, debentures and other securities to be executed by the said Company, may be payable to bearer; and all such bonds, debentures, or other securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

Bonds, &c., may be made payable to bearer.

One vote for each share.

XII. Every proprietor of shares in the said Company shall be entitled on every occasion when the votes of the Members of the said Company are to be given, to one vote for every share of five pounds currency held by him.

Quorum of Directors.

XIII. Any meeting of the Directors of the said Company at which not less than five of the Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

How and for what amount calls may be made.

XIV. Calls may be made by the Directors of the said Company for the time being: Provided that no call to be made upon the subscribers for stock in the said Railway Company shall exceed the sum of ten pounds per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such calls in any one year shall not exceed fifty pounds per centum upon the stock so subscribed: Provided also, that upon the occasion of any person or Corporation becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional and other Directors of the said Company for the time being, to demand and receive to and for the use of the said Company, the sum of ten pounds per centum upon the amount so by such person or Corporation subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed at the time of such person or Corporation subscribing for stock.

Proviso: ten per cent. to be paid down.

Company may take and purchase gravel pits, &c.

XV. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes at convenient places along their line of Railway, for constructing and keeping in repair, and for carrying on the business of the said Railway; and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found, it is therefore enacted, that it shall be lawful for the said Company, and they are hereby authorized from time to time to purchase, have, hold, take, receive, use and enjoy along the line of the said Railway, or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty or any person or persons, body or bodies politic, to give, grant, sell or convey unto, and to the use of, or in trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time by deed of bargain and sale, or otherwise, to grant, bargain, sell, or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, woodyards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said Railway and other works connected therewith.

XVI. The said Railway shall be commenced within two years and completed within five years after the passing of this Act. Commencement and completion of road.

XVII. All provisions of law inconsistent with this Act are and shall be repealed from the passing thereof. Inconsistent enactments repealed.

XVIII. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act. Public Act.

SCHEDULE A.

Know all men by these presents that I, (insert the name of wife also, if she is to release her dower, or for any other reason to join in the conveyance,) do hereby, in consideration of paid to me (or as the case may be) by the Toronto and Owen Sound Central Railway Company; the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Toronto and Owen Sound Central Railway Company, their successors and assigns for ever, all that certain parcel or tract of land situate (describe the land), the same having been selected and laid out by the said Company for the purposes of their Railway; to have and to hold the said land and premises, together with every thing appertaining thereto, to the said Toronto and Owen Sound Central Railway Company, their successors and assigns for ever, (if dower to be released, add) and I (name the wife) release my dower in the premises.

Witness my (or our) hand (or hands) and seal (or seals), this day of _____, one thousand eight hundred and _____

A. B. [L. S.]
C. D. [L. S.]

Signed, sealed and delivered in the presence of
O. K.

C A P . C I V I I .

An Act to incorporate the St. Clair, Chatham and Rondeau Ship Canal Company.

[Assented to 10th June, 1857.]

WHEREAS Joseph Northwood and others, have petitioned to be incorporated for the purposes of this Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

I. Joseph Northwood, George Thomas, Archibald McKellar, William Eberts, the Honorable John Prince, M. L. C., John W. Keating, Thomas M. Taylor, Peter J. Flood, John Waddell, Certain persons incorporated.
Thomas

Corporate name, and general powers.

Thomas Cross, John S. Vosburgh, Alexander Knapp, Robert K. Payne, Rowley Pegly, George Duck the younger, James Burns, P. L. Sternberg, H. C. Walker, Hiram Niles, Charles Walker, George Steele, B. L. Sheppard, Arthur Hughes, O. H. O'Viat, W. J. Gordon, John McDowall, Robert Stuart Woods, or either of them, together with all such persons (subjects of Her Majesty, or others) as shall become Stockholders of the Company hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and by the name of the "St. Clair, Chatham and Rondeau Ship 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, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also, they and their successors by the same name of the St. Clair, Chatham and Rondeau Ship Canal Company, shall be in law capable of purchasing 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, selling, conveying or otherwise departing therewith for the benefit and on the account of the said Company, from time to time, as they shall deem expedient or necessary.

Power to hold lands, &c., and to construct a Canal, and at what place.

II. The Directors of the said Company shall have full power and authority to survey and explore the Country lying between the waters of the river St. Clair and Lake Erie, and to designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of an intended Canal, to commence at some point on the waters of the river St. Clair, and passing through or by way of the town of Chatham to connect the waters of the river St. Clair with those of Lake Erie, at the Rondeau harbour, and to build and erect the same with the necessary locks, dams, tow-paths, branches, feeders, basins, and tramways, and also, to select such sites for such warehouses and other erections as may be considered expedient by the said Directors, and to purchase and dispose of the same to and for the use and profit of the said Company; Provided that nothing hereinbefore contained shall be construed to extend to compel the owners of any mill seat which shall be in existence before the construction of the said Canal or any of its branches or feeders, to sell or convey the same to the said Company unless the same shall be in the line of the said Canal, or that the possession of the same shall be necessary to the construction of the said Canal or any of its branches or feeders; Provided also, that the owner or owners of any mill seat or mill seats, using any additional supply of water brought thereto by the said Canal or its branches or feeders, shall pay a reasonable compensation

Proviso: as to mill streams.

Proviso: as to additional water furnished to mills.

compensation therefor to the said Company, to be determined as hereinafter provided for, determining any damage done to property by the said Company.

III. It shall and may be lawful for the said Company, and they are hereby authorized and empowered, from and after the passing of this Act, to supply the said Canal, whilst making and when made, with water from all such brooks, springs, streams, water-courses, lakes, hollows or repositories of water as shall be found in making the said Canal, or within the distance of two thousand yards of the same or any part thereof, or any reservoir or reservoirs to be made for the supplying of the said Canal with water; and the said Company are hereby authorized and empowered to make all such reservoirs, and such and so many feeders, branches, aqueducts, tunnels and channels in connexion with and for the use of the said Canal, as to them shall seem necessary and proper: and for the purposes aforesaid, the said Company, their agents, servants and workmen, are hereby authorized and empowered to enter upon and into the lands and grounds of, or belonging to the Queen's Majesty, Her Heirs or Successors, or to any other person or persons, bodies corporate or politic, (except as hereinbefore mentioned,) and to survey and take lands of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the making of the said Canal and its appurtenances, and for the completion of the said water connexion and navigation according to the true intent and meaning of this Act, and all such other matters and conveniences as they shall think proper and necessary for making, preserving, improving, completing and using the said intended navigation, and also to bore, dig, trench, cut, remove, take, carry away, and lay soil, clay, stone, rubbish, trees, roots and stumps of trees, beds of gravel or sand, or any other matter or thing which may be dug or got in the making of the said Canal, or in deepening or improving the navigation of any river or rivers, lake or lakes, in connexion with, and forming part of the intended navigation, or out of any land of any person or persons adjoining or contiguous thereto, and which may be proper or convenient for carrying on the repairing of the said Canal or other the said works, or which may hinder or obstruct the making, completing and using the same, and the same to lay in or upon the boundaries of the said Canal or the rivers and lakes forming portions of the said navigation, or in and upon the land of any person or persons adjoining thereto; and also to make, build, erect and set up in and upon the said Canal, and at the points of entrance to the same or any part thereof or of the said intended navigation, or upon the land adjoining or near the same, such and so many wharves, quays, piers, landing places, bridges, tunnels, aqueducts, sluices, rivers, pens for water, tanks, reservoirs, drains, bridges and other ways, roads and works, as the said Company shall think requisite and convenient for the purposes of the said navigation; and also, from time

Company authorized to take measures to supply Canal with water.

To enter upon lands, and perform certain work, &c.

To erect wharves, &c.

time to time to alter, enlarge, amend and repair the said works or any of them, for conveying all manner of materials necessary for making, erecting, altering or repairing, widening or enlarging the said works or any part thereof, and also, to place, lay, work and manufacture the said materials, and erect such workshops, forges or other erections as they may deem necessary, upon the lands near to the said works; and to make, maintain and alter any places or passages over, under or through the said Canal or any of its branches or connexions, or other part of the said intended navigation; And also, to make, purchase, set up and appoint such tug or tow-boats, barges, vessels or rafts, for the use of the said navigation, as they shall see fit: also to erect and keep in repair any piers, arches or other works, in, upon and across, any rivers, brooks or lakes, for making, using, maintaining and repairing the said Canal, and other the rivers and navigable waters, forming part of the said intended navigation, and the towing-paths and other conveniences connected therewith; And also, to construct, make and do all other works, matters and things whatsoever, which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Canal and the said intended navigation in pursuance of and within the true meaning of this Act; they, the said Company, doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction, in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of such lands, hereditaments and tenements.

Workshops,
&c.

To have Tow-
boats, &c.

Repairs to
works

General
power to do
all things re-
quisite for the
Canal and
works.

All owners
may convey to
Company.

IV. After any land or ground shall be set out and ascertained to be necessary for the purposes of the said navigation or other purposes herein mentioned, it shall be lawful for all owners, whether individuals or bodies corporate or politic, or trustees or lessees, or other party or parties holding any right, title, interest or claim to any of such lands or grounds, to contract for, sell and convey to the said Company, all or any part of such land or ground which shall, from time to time, be set out and ascertained as aforesaid; and all such contracts, agreements, sales and conveyances shall be valid and effectual in law, to all intents or purposes, notwithstanding any law, statute or usage to the contrary, and the amount of the purchase moneys to be paid for such lands or grounds respectively, shall be ascertained by arbitration as hereinafter mentioned, unless in such cases as the owner or owners may agree thereupon without the intervention of any third party.

Directors may
agree for pur-
chases, or
compensation
for damages.

V. The Directors of the said Company may contract, compound, compromise, settle and agree with the owners or occupiers respectively, of any land through or upon which they may determine to cut and construct the said Canal or other works hereby authorized, either for the purchase of so much of the land as they shall require for the purposes, uses or profit of the Company, or for damages which he, she or they shall or may be

be entitled to recover from the said Company, in consequence of any of the works hereby authorized, being constructed in or upon his or their respective lands ; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, the amount of the purchase moneys for the land and tenements purposed to be purchased, or the amount of damages to be paid to them as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned.

VI. In each and every case where any dispute shall arise between the said Directors and any other person or persons whomsoever, touching any purchase, sale or damage, or the money to be paid in respect thereof, and in each and every case where, under the provisions of this Act, any purchase, sale or damage, or the money to be paid in respect of the same are directed to be ascertained and determined by arbitration, the same shall be referred to, ascertained and determined by three indifferent persons, one of whom shall be chosen by the owner or occupier of the land, or other person or persons interested, who shall disagree with the said Directors in respect to the compensation or purchase money to be paid him, her or them respectively, pursuant to the provisions of this Act ; one other of the arbitrators shall be chosen by the said Directors, and the third shall be chosen by the two persons to be so named as aforesaid, and such three persons shall be the arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, and the award of such three persons, or any two of them, shall be final ; and the said arbitrators so appointed are hereby required to attend at some convenient place on or near the line of the said Canal, to be appointed by the said Directors, within eight days after notice in writing shall be given them by the said Directors for that purpose, then and there to arbitrate, award and determine such matters as shall be submitted to their consideration by the parties interested ; and each of the said arbitrators shall be sworn before one of Her Majesty's Justices of the Peace for the said district, for that purpose, any of whom may be required to attend the said meeting, for that purpose, well and truly to assess the damages between the parties according to the best of his judgment ; Provided, that no arbitrator shall be compellable to attend such meeting who originally resides more than twenty-five miles from the place of meeting ; Provided also, that if the owner or owners, or other person or persons interested in any of the land required for carrying out the purposes of this Act, shall neglect or refuse to appoint an arbitrator, upon being notified to do so by the Directors aforesaid, by writing a letter to that effect, addressed to him, her or them, at his or their last, or then present residence, and by publication of such notice for one month in one or more local newspapers of the District in which the land is situated, then and in that case, after the expiration

Disputes to be settled by arbitration.

How the arbitrators shall be appointed.

To be sworn.

Proviso.

Proviso : if the owner, &c, neglects to appoint his arbitrator.

Proviso :
Award may be
set aside by
Superior
Courts.

Further Pro-
viso.

Company to
cause survey
to be made
and a book of
reference to
be prepared,
and copies
registered.

Fees for copies
therefrom.

Bridges over
canal.

expiration of thirty days from the time of such notice being fully completed, the Judge of the County Court within which the lands are situate shall act as arbitrator for such party or parties so refusing or neglecting, and the said Judge shall, with the other two arbitrators, as hereinbefore provided, proceed to adjudge and determine the damages or purchase money, or other matter or thing submitted to their judgment, according to the provisions of this Act ; And provided further, that either party dissatisfied with the said award may apply to any of the Superior Courts of Law or Equity during the Term next after the publication of such award, to set it aside, for any cause for which an award would be set aside as between party and party ; and any of the said Courts shall have cognizance thereof, although the submission do not provide for its being made a Rule of Court ; And provided further, that in all arbitrations under this Act, the arbitrators shall take into consideration the benefit conferred on the property on which they are arbitrating, as well as the damage done to any particular portion thereof.

VII. For the purposes of this Act, the said Company shall and may, by some Provincial Land Surveyor in the Province, and by an Engineer by them appointed, cause to be taken and made, surveys and levels of the said lands through which the said intended Canal is to be carried, together with a map or plan of such intended Canal, and the course and direction thereof, and of the said lands through which the same is to pass, and also a book of reference of the said Canal, 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 the same can be ascertained, and in which shall be contained every thing that is necessary for the right understanding of such map or plan, copies of which said map or plan and book of reference shall, on the completion of such survey, map and book of reference, be deposited by the said Company in the offices of the respective Registrars for the several Counties through which the said Canal or any part thereof shall pass, and also in the office of the Secretary of this Province ; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts from or copies thereof as occasion shall require, paying to the said Secretary of this Province, or to the said respective Registrars, at the rate of six pence current money of this Province, for every one hundred words ; and the said copies of the said map or plan and book of reference so deposited, or a true copy or copies thereof, certified by the Secretary of the Province, or by one of the said Registrars for the said respective counties, shall severally be, and they are hereby declared to be good evidence in the Courts of Law and elsewhere.

VIII. Whenever any highway or public road shall be cut through by the said Canal, or any of its branches, the said Company shall, within one month thereafter cause to be constructed

a secure and sufficient bridge over the same with proper approaches not exceeding a grade of one foot in twenty feet so as to establish the communication between the several parts of such highway, under a penalty of five pounds per day for every day after the expiring of the said time, during which the Company shall neglect to construct the said bridge: Provided always Proviso. that in the mean time some temporary means of passing along the said highway shall be constructed or provided.

IX. If any person or persons shall maliciously or wilfully break, injure, throw down or destroy any bank, lock gate, sluice, or any other work, machine, or device belonging or pertaining to the said Company, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent the carrying into execution the completing and supporting the said Canal and navigation, or any of its branches, feeders, or other connections or works belonging to the said Company, every such person or persons so offending shall forfeit and pay to the said Company the full value of the damage so done, including loss or inconvenience occasioned by such obstruction, proved by the oath of two or more credible witnesses to have been done; such damages, with costs of suit in that behalf incurred, to be recovered in any Court in this Province having competent jurisdiction, and such wilful and malicious act shall be a misdemeanor, and the party or parties committing the same shall, and may be indicted and tried for a misdemeanor in any Court of competent jurisdiction, and on conviction thereof may be committed to the Common Gaol for any time not exceeding twelve months, at the discretion of the Court before whom such offenders shall have been convicted. Punishment of persons wilfully injuring works, &c., on canal.

X. If any person shall obstruct or impede the navigation of the said Canal, or other portion of the said intended navigation, by the introduction of any timber or boats, or vessels, contrary to the rules and regulations laid down for the government of the same to be made by the said Directors, and shall not immediately, upon notice given to the owner or person in charge of such timber, boat or vessel so obstructing the navigation, remove the same, every such owner or person in charge of such timber, raft, boat or vessel so obstructing or impeding the navigation as aforesaid, shall forfeit and pay a sum not exceeding five pounds currency, for every hour during which the said obstruction shall continue; and it shall be lawful for the Company or their servants to cause such obstruction to be removed, and to cause every such boat, vessel or raft as shall be so over laden as to cause obstruction, to be detained and unloaded, so as to prevent or remove such obstruction, and to recover the cost of so doing from the owner or person in charge of the same, and to seize and detain such vessel, boat or raft, and the cargo thereof, or any part of the cargo or furniture of such vessel, boat or raft, until the charges occasioned by such unloading or removal, or both, shall be paid or satisfied: And if any vessel, Punishment of persons obstructing or impeding navigation, &c.
Company may remove obstructions, &c.
Sunken rafts or vessels.
boat

boat or raft shall be sunk in any part of the said intended navigation, and the owners shall neglect or refuse to weigh and remove the same forthwith, the said Company may cause the same to be weighed and removed, and retain the same until all charges necessarily incurred in so doing shall be paid or satisfied, and all such charges may be recovered in any Court of competent jurisdiction from the owners or persons in charge of such vessel, boat or raft.

Provision in case of accidents requiring immediate repair.

XI. In case of any accident requiring immediate repair on the said canal, or any part of the said navigation, the said Company, their Agent, or workmen, may enter upon the adjoining land (not being an orchard or garden) without any previous treaty with the owners or occupiers thereof; and dig for, work, get and carry away and use, all such gravel, stone, earth, clay, or other materials as may be necessary for the repair of the accident aforesaid, doing as little damage as may be to such land, and making compensation therefor, and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration as hereinbefore provided: Provided however that if any action or suit shall be brought against the said Company for any matter or thing done in pursuance of this Act, such action or suit shall be brought within twelve calendar months after the fact committed, and not afterwards.

Proviso.

Ponds and basins for lying up and repairs.

XII. The said Company may open, cut and erect such ponds and basins for the lying up and turning of vessels, boats or rafts, using the said Canal or navigation, and at such portions of the navigation as they shall deem expedient, and they may also build and erect such dry docks, slips and machinery connected therewith for the hauling out and repairing of vessels, as they shall think proper, and may let the same on such terms as they shall deem expedient, or carry on the business of the same by their servants or agents, as the said Company or the Directors thereof shall decide from time to time.

Works, when to be begun and when completed.

XIII. The said Company, in order to entitle themselves to the benefit and privileges conferred upon them by this Act, shall commence the said work within three years, and they are hereby required to complete the said navigation within six years from the passing hereof, that is to say, to open a channel of water communication from some point on the River St. Clair to the waters of the Rondeau, on Lake Erie, so as to be navigable for vessel drawing twelve feet water; otherwise this Act and every thing herein contained shall be null and void to all intents and purposes.

Draught to be marked on all vessels passing the canal.

XIV. Every vessel of whatsoever kind using the said canal, shall have her draught of water legibly marked in figures not less than six inches long, from one foot to her greatest draught, upon the stem and stern posts, and any wilful misstatement of such figures, so as to mislead the officers of the canal as to any vessel's

vessel's true draught, shall be punishable as a misdemeanor on the part of the owner and master of such vessel, and the said Directors may detain any such vessel upon which incorrect figures of draught shall be found, until the same are corrected at the expense of her owner.

XV. And for preventing disputes touching the tonnage of vessels navigating the said canal, every owner or master of every boat, barge, raft or vessel, navigating the said canal, or other part of the said navigation, shall permit the same to be gauged and measured, and for refusing to permit the same, shall forfeit and pay the sum of five pounds, and it shall be lawful for the person appointed for that purpose by the said Directors, to gauge and measure all vessels using the said navigation, and his decision shall be final in respect to the tolls to be paid thereon, and he may mark the tonnage or measurement on every vessel habitually using the said canal, and such measure so marked by him shall always be evidence respecting the tonnage, in all questions respecting the tolls or dues to be paid to the said Company by virtue hereof.

Vessels to be gauged and measured.

XVI. The said Company may hold all such lands, hereditaments and tenements as may at any time be granted to them by Her Majesty the Queen, Her Heirs or Successors, necessary for the works.

Company may hold certain real estate.

XVII. The Capital Stock of the said Company shall be one million pounds currency, or the equivalent in sterling, (exclusive of any real estate which the said Company may have or hold by virtue of this Act,) to be held in forty thousand shares of twenty-five pounds each; and the shares of the said Capital Stock shall, after the first instalment thereon shall have been paid, be transferable by the respective persons subscribing or holding the same, to any other person or persons; and such transfer shall be registered in a book or books to be kept by the said Company for that purpose.

Capital stock and number and value of shares.

Transfers.

XVIII. All persons, subjects of Her Majesty, or others, may subscribe for any number of shares, not exceeding in the first instance five hundred shares, the amount whereof shall be payable to the said Company, in the manner hereinafter mentioned, that is to say, five per cent. on each share so subscribed shall be payable to the said Company immediately after the Stockholders shall have elected the Directors as hereinafter mentioned, and the remainder by instalments of not more than ten per centum, at such period as the President and Directors shall, from time to time direct for the payment thereof, provided that no instalment shall be called in at a shorter period than ninety days from the next preceding instalment, nor until public notice shall have been given as hereinafter mentioned, with respect to notice of meetings to be holden under this Act, for at least thirty days previous to the day on which such instalment shall be made

Who may subscribe for shares; five per cent to be paid down.

Proviso.

Proviso

made payable ; Provided always, that if any Stockholder or Stockholders shall neglect or refuse to pay the said Company, the instalment due upon any share or shares held by him, her or them, at the time required by law, such share or shares, with the amount previously paid thereon, shall be forfeited, and the said Directors shall sell such share or shares by public auction, after having given thirty days' notice of such intended sale to such Stockholder or respective Stockholders, and the proceeds thereof, with the amount previously paid thereon, shall be accounted for and applied in the same manner as the other funds of the Company ; Provided always, that such purchaser or purchasers shall pay all instalments which shall be due upon such shares, over and above the purchase money thereof, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such share or shares so to be purchased as aforesaid.

Proviso.

Directors may appoint agents ; and vest certain powers in them.

XIX. The Directors of the said Company may appoint such and so many agents in this Province, or in any other part of Her Majesty's Dominions or elsewhere, as to them shall seem expedient, and may, by any By-law to be made for such purpose empower and authorize any such agent or agents to do and perform any act or thing or to exercise any powers which the Directors themselves or any of them may lawfully do, perform or exercise, except the power of making By-laws ; and all things done by such agent or agents by virtue of the powers in him vested by any such By-law, shall be as valid and effectual to all intents and purposes as if done by such Directors themselves ; any thing in any part of this Act to the contrary notwithstanding.

Municipalities interested may take stock or loan money.

XX. Notwithstanding any thing contained in the foregoing section, any of the Municipalities interested in the said works 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 endorse 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 any engagement so contracted, and for the like purpose to issue debentures payable either in currency or sterling, and at such places either within or without this Province, and at such time and for such sum respectively, not less than five pounds currency, and bearing or not bearing interest as such Municipality may think fit ; and any such debenture issued, endorsed or guaranteed shall be valid and binding upon such Municipality, if signed or endorsed, and countersigned by such officer or person, and in such manner and form as shall be directed by any By-law of such Municipality, 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.

And issue debentures.

XXI. No Municipality 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 with the consent first had of a majority of the qualified rate-payers 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, and also put up in at least four of the most public places in each Municipality.

By-laws for taking stock &c., must be approved by rate-payers.

XXII. The Mayor, Warden or Reeve, being the Head of such Municipality, 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 this Act, and shall have the same rights, powers and duties as any of the Directors of the Company.

Head of Municipality holding stock to be an *ex officio* Director.

XXIII. If the whole number of shares shall not be subscribed within two years after the passing of this Act, it shall and may be lawful for any former subscriber to increase his, her or their former subscription.

Any person may increase subscription after a certain period.

XXIV. So soon as fifty thousand pounds of the Capital Stock shall have been subscribed, and ten per cent. thereon shall have been paid into some one or more of the Chartered Banks of this Province, or into some branch or agency of such Bank or Banks, it shall and may be lawful for the subscribers or any of them, to call a meeting, pursuant to directions hereinafter contained, for the purpose of proceeding to elect Directors as hereinafter mentioned, and such election shall then and there be made by a majority of the subscribers present in person or by proxy, and the persons then chosen shall remain in office as Directors, and be capable of serving until the first Monday in May succeeding their election; and until the aforesaid fifty thousand pounds of Stock shall be subscribed, the following persons shall be Provisional Directors of the said Company: Joseph Northwood, George Thomas, Archibald McKellar, William Eberts, John S. Vosburgh, Alexander Knapp, Robert K. Payne, Rowley Pegley, George Duck the younger, James Burns, P. S. Sternberg, H. C. Walker, Hiram Niles, Charles Walker, George Steele, B. L. Shepard, Arthur Hughes, O. H. O'Viat, W. J. Gordon, the Honorable John Prince, M. L. C., John W. Keating, Thomas M. Taylor, Alexander Rock Robertson, Peter J. Flood, John Waddell, Thomas Cross, John McDowall, and Robert Stuart Woods; Provided always, that the parties hereinbefore named or a majority of them, shall cause books of subscription to be opened in the Town of Chatham and in such other places as they may, from time to time appoint, until the meeting of Shareholders hereinafter provided

First meeting for election of Directors.

Provisional Directors named.

Proviso: Books of subscription to be opened, and where.

Rights of subscribers.

provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose it shall be their duty, and they are hereby required to give public notice in one or more newspapers published in the said Town and other places, as they or a majority of them may think proper, of the time and places at which such books will be opened and ready for receiving subscriptions as aforesaid, the persons authorized by them to receive such subscriptions, and the Chartered Bank or Banks into which the same shall be paid, and the time hereinafter limited for such payment; and every person whose name shall be written in such books as a subscriber to the said undertaking, and who shall have paid, within ten days after the closing of the said books into the Bank or Banks aforesaid, or any branches or agencies thereof, ten per centum on the amount of stock subscribed for, to the credit of the said Company, shall thereupon become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company; Provided also, and it is hereby enacted, that such ten per cent. shall not be withdrawn from the said Bank or Banks, or otherwise applied except for the purposes of the said Company.

Proviso.

Duties of Directors.

XXV. The chief duties of the Directors so chosen shall be, in the first place, to provide for and pay the preliminary expenses of the undertaking, procure and provide means for the payment for accurate and detailed surveys, specifications, plans and estimates of the work to be done, in order to complete the intended navigation as contemplated by this Act; also to cause to be advertised for, and receive tenders for the whole or any part of the proposed work, and generally to do all things authorized by the said Company to be done by virtue of this Act; also to issue to the parties, persons or bodies who may have contributed towards the payment of the preliminary expenses, stock certificates of the Company for the amount of their respective contributions.

Company may borrow money and issue debentures.

XXVI. The said Company may from time to time lawfully borrow, either in this Province or elsewhere, such sum or sums of money, not exceeding at any time the subscribed and paid-up capital of the Company, as they may find expedient, and to make the bonds, debentures or other securities they shall think fit for the sums so borrowed, payable either in currency or in sterling, and at such place or places within or without this Province, as they may deem advisable, and may mortgage or pledge the lands, tolls, revenues or other property of the said Company for the due payment of the said sums and the interest thereon, and the said Company may issue debentures in sums of not more than twenty-five pounds currency, at not less than twelve months, provided the whole debt, including such debentures, does not at any time exceed the subscribed capital.

XXVII. Each proprietor of shares 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 to one vote for each share; Provided always, that all proprietors of shares, whether resident in this Province or not, may vote by proxy, if he, she or they shall see provided that such proxy do produce from his constituent or constituents a notice in writing in the words or to the effect following, that is to say:

Number of votes in proportion to shares.

Proviso: as to proxies.

I, _____, of _____, one of the proprietors of the St. Clair, Chatham and Rondeau Ship Canal Company, do hereby nominate, constitute and appoint _____, of _____, to be my proxy, in my name, and in my absence to vote or give my assent or dissent to any business, matter or thing relating to the said undertaking, that shall be mentioned or proposed at any meeting of the proprietors of the said undertaking, or any of them, in such manner as he the said _____ shall think fit, according to his opinion and judgment for the benefit of the said undertaking, or any thing appertaining thereto.

Form of appointment by proxy.

In witness whereof, I have hereunto set my hand and seal, the _____ day of _____, in the year one thousand eight hundred and _____.

Such vote or votes, by proxy, shall be as valid as if such principals had voted in person; and whatever question, election or proper officers, matters or things, shall be proposed, discussed or considered in any public meeting of the proprietors to be held in virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all resolutions and acts of any such majority shall bind the said company, and be deemed the decision and acts of the said company; Provided always, that no proprietor who shall not be a natural-born subject of Her Majesty, or a subject of Her Majesty naturalized under an Act of the British Parliament, or Act of the Parliament of this Province, shall be elected President or Treasurer of the said Company.

Votes by proxy valid. Majority of votes to decide all questions.

Proviso as to aliens.

XXVIII. No shareholder in the said Company shall be in any manner whatsoever liable or charged for any debt or demand made by the said Company, beyond the payment or the extent of his or their share in the capital of the said Company not repaid up.

Liability of shareholders limited.

XXIX. The affairs of said Company shall be managed by a Board of seven Directors, who shall elect from among themselves a President and Vice-President; the said Directors may be subjects of Her Majesty or otherwise; Provided always, no person shall be eligible to the offices of President, Secretary or Treasurer of the said Company, except subjects of Her Majesty, by birth or naturalization; the said Directors shall be elected

Board of Directors, President, &c.

Proviso.

Annual election

Rights of
subscribers.

provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose it shall be their duty, and they are hereby required to give public notice in one or more newspapers published in the said Town and other places, as they or a majority of them may think proper, of the time and places at which such books will be opened and ready for receiving subscriptions as aforesaid, the persons authorized by them to receive such subscriptions, and the Chartered Bank or Banks into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment; and every person whose name shall be written in such books as a subscriber to the said undertaking, and who shall have paid, within ten days after the closing of the said books into the Bank or Banks aforesaid, or any branches or agencies thereof, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company; Provided also, and it is hereby enacted, that such ten per cent. shall not be withdrawn from the said Bank or Banks, or otherwise applied except for the purposes of the said Company.

Proviso.

Duties of Directors.

XXV. The chief duties of the Directors so chosen shall be, in the first place, to provide for and pay the preliminary expenses of the undertaking, procure and provide means for the payment for accurate and detailed surveys, specifications, plans and estimates of the work to be done, in order to complete the intended navigation as contemplated by this Act; also to ask, advertise for, and receive tenders for the whole or any part of the proposed work, and generally to do all things authorized by the said Company to be done by virtue of this Act; also to issue to the parties, persons or bodies who may have contributed towards the payment of the preliminary expenses, stock certificates of the Company for the amount of their respective contributions.

Company may borrow money and issue debentures.

XXVI. The said Company may from time to time lawfully borrow, either in this Province or elsewhere, such sum or sums of money, not exceeding at any time the subscribed and paid up capital of the Company, as they may find expedient, and may make the bonds, debentures or other securities they shall grant for the sums so borrowed, payable either in currency or in sterling, and at such place or places within or without this Province, as they may deem advisable, and may mortgage or pledge the lands, tolls, revenues or other property of the said Company, for the due payment of the said sums and the interest thereon; and the said Company may issue debentures in sums of not less than twenty-five pounds currency, at not less than twelve months, provided the whole debt, including such debentures, does not at any time exceed the subscribed capital.

XXVII. Each proprietor of shares 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 to one vote for each share; Provided always, that all proprietors of shares, whether resident in this Province or not, may vote by proxy, if he, she or they shall see fit, provided that such proxy do produce from his constituent or constituents a notice in writing in the words or to the effect following, that is to say :

Number of votes in proportion to shares.
Proviso : as to proxies.

“ I, _____, of _____, one of the proprietors of the St. Clair, Chatham and Rondeau Ship Canal Company, do hereby nominate, constitute and appoint _____, of _____, to be my proxy, in my name, and in my absence to vote or give my assent or dissent to any business, matter or thing relating to the said undertaking, that shall be mentioned or proposed at any meeting of the proprietors of the said undertaking, or any of them, in such manner as he the said _____ shall think fit, according to his opinion and judgment for the benefit of the said undertaking, or any thing appertaining thereto.
“ In witness whereof, I have hereunto set my hand and seal, the _____ day of _____, in the year one thousand eight hundred and _____.”

Form of appointment by proxy.

And such vote or votes, by proxy, shall be as valid as if such principals had voted in person; and whatever question, election of proper officers, matters or things, shall be proposed, discussed or considered in any public meeting of the proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company, and be deemed the decision and acts of the said Company; Provided always, that no proprietor who shall not be a natural-born subject of Her Majesty, or a subject of Her Majesty naturalized under an Act of the British Parliament, or an Act of the Parliament of this Province, shall be elected President or Treasurer of the said Company.

Votes by proxy valid.
Majority of votes to decide all questions.

Proviso as to aliens.

XXVIII. No shareholder in the said Company shall be in any manner whatsoever liable or charged for any debt or demand due by the said Company, beyond the payment or the extent of his, her or their share in the capital of the said Company not paid up.

Liability of shareholders limited.

XXIX. The affairs of said Company shall be managed by a Board of seven Directors, who shall elect from among themselves a President and Vice-President; the said Directors may be subjects of Her Majesty or otherwise; Provided always, no person shall be eligible to the offices of President, Secretary or Treasurer of the said Company, except subjects of Her Majesty, by birth or naturalization; the said Directors shall be elected

Board of Directors, President, &c.
Proviso.
Annual election

tion of Directors.

Elections to be by ballot, &c.

on the first Monday in October in every year, at a meeting of Stockholders, to be held in the Town of Chatham, and the said election shall be made by such Stockholders as shall be present at such meeting in 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, (except as hereinbefore or after provided), and if two or more persons shall have an equal number of votes, in such manner, that more than seven shall, by a plurality of votes appear to be chosen Directors, a second ballot shall be held to determine which of the said persons having an equal number of votes, shall be Director or Directors.

Term of office of Directors.

Period of annual election.

Special general meetings; and their powers.

Proviso: filling occasional vacancies.

Directors to elect a President.

XXX. The Directors so chosen or those appointed in their stead in case of vacancy, shall remain in office until the first Monday in the month of October next following their election, and on the said first Monday in October, and on the first Monday in October 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 seven Directors for the ensuing year; but if at any time it shall appear to any ten or more of such proprietors holding together two hundred shares at least, that for more effectually putting this Act in execution, a special general meeting of proprietors 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 the said notice the time and place and the reason and intention of such special meeting respectively; and the proprietors 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 proprietors, or the majority of them at such special meetings assembled, such majority not having either as principal or proxies less than two hundred shares, shall be as valid to all intents and purposes as if the same were done at annual meetings; Provided always, that it shall and may be lawful for the said Directors, in case of the death or absence, resignation or removal of any person elected a Director to manage the affairs of the said Company, in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die or be absent, resign or be removed as aforesaid, any thing in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors.

XXXI. The Directors shall, at their first (or at some other) meeting after the day appointed for the Annual General Meeting in each year, elect one of their members by ballot to be the President of the said Company, who shall always (when present) be

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 the said Directors may in like manner elect a Vice-President who shall act as Chairman in the absence of the President.

XXXII. Any meeting of the said Directors, at which not less than five Directors shall be present, shall be a *quorum*, and shall be competent to use and exercise all and any of the powers thereby veyed in the said Directors ; Provided always, that no one Director, though he may be a proprietor of many shares, shall have more than one vote at any meeting of the Directors, except the President and Vice-President when acting as Chairman, or any temporary Chairman who, in case of the absence of the President and Vice-President, may be chosen by the Directors present, either of whom, when presiding at a meeting of the Directors shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before ; And provided also, that such Directors shall, from time to time be subject to the examination and control of the said annual and special meetings of the said proprietors as aforesaid, and shall pay due obedience to all By-laws of the said Company and to such orders and directions in and about the premises as they shall, from time to time receive from the said proprietors at such annual or special meetings ; such orders and directions not being contrary to the special directions or provisions in this Act contained ; 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 : as to vote of President, &c.

Proviso : Directors to obey By-laws, &c.

Proviso : Quorum may act.

XXXIII. Provided always, That no person holding any office, place or employment or being concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen a Director or of holding the office of Director or Provisional Director.

Certain persons may not be Directors.

XXXIV. Every such annual meeting shall have power to appoint not exceeding three Auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers and other officer or officers to be by the said Directors appointed, or by any other person or persons whatsoever, and employed by or concerned for or under them in and about the said undertaking, and to that end the said Auditors shall have power to adjourn themselves over from time to time and from place to place, as shall be thought convenient by them ; and the said Directors chosen under the authority of this Act, shall have power, from time to time to make such call or calls of money from the stockholders of the said Canal and other works, to defray the expenses of or to carry on the same as they, from time to time may find wanting and necessary for these purposes, except as before provided ; and such Directors shall have full power and authority

Auditors to be appointed ; their duties.

Directors to make calls, contracts, &c.

authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, and to affix or authorize any person to affix the common seal of the Company to any Act, Deed, By-law, Notice or other Document whatsoever; and any such Act, Deed, By-law, Notice or other document, bearing the common seal of the Company, and signed by the President or Vice-President shall be deemed the act of the Directors of the said Company, nor shall the authority of the signor of any document purporting to be so signed and sealed, to sign and affix the said seal thereto, be liable to be called in question by any party except the Company.

What shall be deeds, &c., of the Company.

How instalments shall be paid in.

XXXV. The owner or owners of one or more shares in the said undertaking, shall pay his, her or their shares and proportion of the moneys to be called for as aforesaid, to such person or persons and at such time and place, as the said Directors shall, from time to time appoint and direct, of which thirty days' notice at least shall be given in two newspapers as aforesaid, or in such other manner as the said proprietors or their successors shall by any By-law direct or appoint.

Removal of Directors, and filling vacancies among them.

XXXVI. The said Company shall always have power and authority at any general meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to remove any other officer or officers under them, to revoke, alter, amend or change any of the By-laws or Orders prescribed with regard to their proceedings amongst themselves (the method of calling general meetings, and their time and place of assembling, and manner of voting and appointing Directors only excepted,) and shall have power to make such new Rules, By-laws and Orders for the good government of the said Company, and their servants, agents or workmen, for the good and orderly making and using the said Canal, and all other works connected therewith or belonging thereto, as hereby authorized, and for the well-governing of all persons whatever travelling upon or using the said Canal and other works, or transporting any goods, wares, merchandize or other commodities thereon, which said By-laws and Orders shall be put into writing under the common seal of the said Company, and shall be kept in the office of the Company, and a printed or written copy of so much of them as relate to or affect any party other than the members or servants of the Company, shall be affixed openly in all and every of the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the said By-laws and Orders so made and published as aforesaid

Power to make By-laws, and for what purposes.

aforesaid shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same; and any copy of the said By-laws, or any of them, certified as correct by the President, or some person authorized by the Directors to give such certificate, and bearing the common seal of the said Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court without further proof.

Proof of By-laws.

XXXVII. All sales of the shares in the said undertaking shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require :

Sales of shares.

I, A. B., in consideration of the sum of paid by C. D., of do hereby bargain, sell, and transfer to the said C. D., share (or shares) of the stock of the St. Clair, Chatham and Rondeau Ship Canal Company; to hold to him the said C. D., his 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 hereof; and I, the said C. D., do hereby agree to accept the said share (or shares) subject to the same rules, orders and conditions.

Form of transfer.

Witness our hands and seals, this day of
in the year one thousand eight

Provided always that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

Proviso.

XXXVIII. It shall and may be lawful to and for the said Directors, and they are hereby authorized from time to time, to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of their respective offices as the Directors shall think proper; and such Clerk shall, in a proper book or books, enter and keep a true and perfect account of the names and places of abode of the several Stockholders of the said Company, and of the several persons who shall, from time to time, become owners or proprietors of, or entitled to any share or shares therein, and of the other acts, proceedings, and transactions of the said Company, and of the Directors for the time being, by virtue of and under the authority of this Act; And the said Directors shall have power by By-law to fix and regulate the tolls to be taken upon the said Canal, but no such 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.

Officers of Company, and their duties.

Tolls how to be fixed.

Annual account and balance-sheet.

XXXIX. The said Company or the Directors of the said Company 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 said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the use of the said Company by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditures of the said Company or the said Directors: And at the General Meetings of the proprietors of the said 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 proprietors in the Joint Stock of the said Company, as such meeting or meetings 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, 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.

Dividends.

Proviso.

Fractions in distance or weight how reckoned.

XL. In all cases where there shall be a fraction in the distance which vessels, rafts, goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said navigation, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile; and in all cases where there shall be the fraction of a ton, in the weight of any such goods, wares, merchandize, and other commodities, a proportion of the said rates shall be demanded and taken by the said Company of proprietors to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Company may have agents, and exercise powers through them.

XLI. Every matter or thing which the said Company are authorized or empowered to do or suffer, shall be interpreted to mean that the said Company shall be empowered to do and suffer all such acts, matters and things by their duly appointed agents, servants and workmen, whether the same be specially mentioned or not; and in all cases wherein the said Canal is mentioned in this Act, the same shall apply to all branches, feeders, reservoirs and rivers or parts of rivers which shall be made part or parcel of the navigation thereof, or of the supplying of the same with water.

Company to carry mails, &c., when required.

XLII. The said Company shall at all times, when thereunto required by the Post Master General of this Province, the Commander of the Forces, or any person having the superintendance or command of any Police Force, carry Her Majesty's
Mails,

Mails, 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, on the said Canal, on such terms and conditions, and under such regulations as the Governor or Person administering the Government shall, in Council, appoint and declare.

XLIII. The said Company shall and are hereby required and directed to take sufficient security by one or more bond or bonds, in a sufficient penalty or penalties from their Treasurer, Receiver and Collector for the time being, of the moneys to be raised by virtue of this Act, for the faithful execution, by such Treasurer, Receiver and Collector of his and their office and offices respectively.

Company to take security from their Treasurer.

XLIV. If any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants in such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their action or suit, after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases by law.

Limitation of actions, for things done in pursuance of this Act.

XLV. Any contravention of this Act by the said Company or any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punished accordingly, but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act, and the privileges hereby conferred on them, if, by the provisions thereof, or by law, the same be forfeited by such contravention.

Contraventions of this Act, how punishable.

XLVI. 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.

Her Majesty's rights saved, &c.

XLVII.

Her Majesty may assume the works, on certain conditions.

XLVII. At any time after the making and completing the said Canal it shall be lawful for Her Majesty, Her Heirs and Successors to assume the possession and property of the same and of all and every the works and dependencies thereto belonging, upon paying to the said Company, their heirs, executors, administrators and assigns the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards making and completing the said Canal, together with such other sums as will amount to ten per centum upon the moneys so advanced and paid, as a full indemnification to such Company, and the said Canal shall, from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall thenceforth be substituted in the place and stead of the said Company, their heirs and assigns, for all the purposes of this Act in so far as regards the said Canal.

Effect of such assumption.

Public Act.

XLVIII. This Act shall be deemed and taken to be a Public Act.

C A P . C L V I I I .

An Act to incorporate the Fort Erie Ship Canal Company.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the construction of a Ship Canal around the rapids of the Niagara River, at or near the village of Waterloo or Fort Erie, in the Township of Bertie, would be of great advantage to the public, and the persons hereinafter named, (amongst others,) have petitioned for an Act of Incorporation for facilitating that object: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

I. William Wallace, John Douglas, James Stanton, Philip Dorsheimer, George Hardison, William A Thomson, John Frazer, David Christie, Thomas Mayne Daly, James S. Wadsworth, James Wadsworth, Otis F. Presbrey, Cyrus P. Lee, Theodore D. Barton, John R. Lee; and all such other person or persons as shall, under the provisions of this Act become subscribers to or proprietors in the Company hereby intended to be incorporated, shall be and are hereby united into a Company, for constructing, maintaining, working, and managing a Ship Canal around the rapids of Niagara River, at or near the village of Waterloo, commonly called The Fort Erie Rapids, in the said Township of Bertie, according to the rules, orders, and directions of this Act, and shall, for that purpose be a body corporate and politic, by the name of the "Fort Erie Ship Canal Company;" And the said Company shall be and they are hereby authorized and empowered, from and after the passing of

Corporate name and powers.

of this Act, by themselves, their agents, officers, workmen and servants, to make and complete the Canal aforesaid, and to purchase, acquire and hold such real estate as is hereinafter mentioned, and from time to time to sell, alienate and dispose thereof, and to acquire other in lieu thereof, as may be requisite for the object aforesaid.

II. The Capital of the said Company shall be one hundred and twenty-five thousand pounds, divided into five thousand shares of twenty-five pounds each, with power from time to time to increase the said Capital Stock to two hundred and fifty thousand pounds; such shares as aforesaid shall be and the same are hereby vested in the shareholders, and their respective heirs, executors, administrators and assigns, to their proper use and behoof, proportionately to the sums subscribed and paid by each of the said shareholders respectively; According to the same proportion each of the said shareholders respectively shall be entitled to have, receive and take their proportions respectively, in the net profits and income that may arise or accrue therefrom; And the said shareholders respectively, may sell, transfer, give or alienate the shares held by them respectively, whensoever they respectively consider fit, subject, however, to the By-laws of the said Company, to be made by the Directors hereinafter mentioned, and as hereinafter provided; and the said shares shall be deemed personal estate, notwithstanding the conversion of any portion of the said Capital Stock into land; and no shareholder shall be liable for the payment of any debt or obligation due by the said Corporation beyond the unpaid amount of the shares held by him in the same.

Capital stock of Company to be £125,000.

Power to increase stock to £250,000.

Shares \$100 each.

Shareholders may sell and transfer shares.

Shareholder not liable for more stock than held by him.

Voting by proxy.

Majority of votes to decide questions.

Books of subscription to be opened in Fort Erie, Brantford, Stratford and Toronto.

Public notice thereof to be given in one or more newspapers.

III. At all meetings of the said Corporation, each shareholder may vote by proxy, duly appointed in writing, or in person, and shall be entitled to one vote for each share held by him in his own name, or in the names or name of the person or persons of whom he may be the heir at law, or the proper legal executor, administrator, or legatee, for at least one calendar month previous to the day of election; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of such votes.

IV. The persons hereinbefore named, or the majority of them, shall cause books of subscription to be opened in the village of Fort Erie aforesaid, in the Towns of Brantford and Stratford, and in the City of Toronto, for thirty days and afterwards, in such other places as they may, from time to time appoint, until the meeting of the shareholders hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for this purpose it shall be their duty, and they are hereby required to give public notice in one or more newspapers, published in the County of Welland, in the Town of Brantford, and in the said City of Toronto respectively, as they or a majority of them may think proper,

Who shall be considered a Shareholder.

proper, at the time and places at which such books will be opened, and ready for receiving subscriptions as aforesaid, the persons authorized by them to receive subscriptions, and a chartered Bank or Banks into which the ten per cent. thereon is to be paid at the time hereafter limited for such payment; and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid, within ten days after the closing of the said books, into the Bank or Banks aforesaid, or any of the branches or agencies thereon, ten per centum on the amount of Stock so subscribed for, to the credit of the said Company, shall thereby become a shareholder of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said Corporation; and such ten per centum shall not be withdrawn from the said Bank or Banks, or otherwise applied, except for the purposes of the said Company, or upon the dissolution thereof, for any cause whatsoever; Provided further, that if the total amount of subscriptions within the thirty days limited as aforesaid, shall exceed the said sum of one hundred and twenty-five thousand pounds, then in such case the shares of each subscriber or subscribers shall be as near as may be proportionably reduced by the persons hereinbefore named, or a majority of them, until the total number of shares shall be brought down to five thousand shares.

Proviso: for allotment of shares in case of excess of subscription.

General meeting of Shareholders.

V. So soon as the sum of thirty-one thousand two hundred and fifty pounds, of the Capital Stock of the said Company, shall have been subscribed, and the ten per centum paid as aforesaid, it shall be the duty of the said persons hereinbefore named, or a majority of them, to call a general meeting of the shareholders, for the purpose of putting this Act into effect; which said meeting shall be held at the village of Fort Erie aforesaid, and at least ten days' previous notice thereof shall be given, which said notice shall be considered duly given by one or more publications thereof, in one or more newspapers published in the County of Welland, the Town of Brantford, and the City of Toronto respectively, at which said general meeting the shareholders shall choose nine Directors, in the manner, and qualified as hereinafter mentioned, who shall hold office until the first annual general meeting for the election of Directors, and until others are appointed in their stead.

Ten days' notice thereof to be given.

Nine Directors to be appointed.

Annual general meeting to be held in July, in each year.

VI. In each year after the said meeting hereinbefore provided for the first election of Directors, the annual general meeting of the said shareholders shall be held on the first Tuesday in July in each year, at the said village of Fort Erie, at such hour and place as the said Directors may appoint; and public notice shall be given thereof, according to the time and manner provided in the next foregoing section of this Act.

Board of Directors to be elected.

VII. At such first and at every subsequent annual general meeting of the said Shareholders hereinbefore directed, the said Shareholders

Shareholders or a majority of them there present, either by proxy or in person, by vote according to the said number of shares, shall choose nine persons then being Shareholders in the said Corporation, which persons, so chosen, shall be the Board of Directors to manage, direct and carry on the affairs and business of the said Corporation for one year next following such annual meeting, or until another Board of Directors shall be appointed, and particularly such matters and things as are by this Act hereinafter directed and authorized to be done by such Directors and as shall, from time to time be ordered by such annual or other general meetings of the said Shareholders, and shall have power to name and appoint from the members of the said Committee a President, Vice-President, Treasurer and Secretary; And at any meetings of the said Board duly held, any five members of such Board shall be a quorum and may exercise the powers of the said Board: Provided always, that such President or Vice-President, in the absence of the President, to be chosen as aforesaid, in addition to his own vote shall have a casting vote in case of an equal division of votes at the meetings of the aforesaid Directors: Provided always, that such Board shall, from time to time make reports of their proceedings to and be subject to examination and control of the said general meetings of the Shareholders, and shall pay obedience to all such orders and directions in and about the premises as shall, from time to time be ordered and directed by the said Shareholders at any such general meetings, such orders and directions not being contrary to the provisions of this Act or to the laws of this Province: Provided also, that the Directors who are to be chosen at the first meeting of the said Shareholders shall be a Board for the purposes aforesaid until the said first annual general meeting, and shall have the like powers and exercise all or any of the powers vested by this Act in the said Board to be chosen at such first or other general annual meeting; Provided also, further, that the members of any such Board at any time going out of office may be re-elected: Provided also, further, that security may be taken from any of the office bearers of the said Company for the due fulfilment of their duties; And provided also, further, that any Stockholder in the said Company, whether a British subject or an alien or a resident in Canada or elsewhere, shall have an equal right to hold Stock in the said Company and to vote on the same and to be eligible to office in the said Company.

Directors to hold office for one year, &c.

President, Vice President, &c.

Quorum.

Proviso: President to have casting vote:

Proviso: Board of Directors to make reports at annual meetings of Shareholders.

Proviso: Directors appointed at first meeting of Shareholders to have same powers as other Directors.

Proviso: Security from persons holding office.

Proviso: Any Stockholder, whether British Subject or alien, may hold stock, &c.

VIII. The failure to hold the first annual general meeting or any other meeting, or to elect such Board of Directors, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any special meeting to be called as the said Directors may appoint for that purpose, and until such election of a new Board, those who may be in office for the time being shall be and continue in office and exercise all the rights and powers thereof until such new election be made as hereinbefore provided.

Failure of first annual meeting not to dissolve Corporation.

Special meeting to be held in such case.

Board to have full power to conduct business of Corporation.

IX. The said Board shall have and be invested with full power and authority to conduct, manage, oversee and transact all and singular the concerns, affairs and business of the said Corporation, and all matters and things whatever in anywise relating to or concerning the same, and amongst other things :

Appointment of engineers, agents and servants.

Firstly. To appoint and employ and remove all such engineers, agent or agents, servant or servants of the said Corporation, as they may find from time to time expedient or necessary, and to regulate the duties and fix the salaries and wages of such agents and servants and all the necessary expenditure for the management and working of the said Corporation ;

Form of certificates of shares.

Secondly. To regulate the form of certificates of shares and all matters relating to their transfer;

Choosing site for construction of said canal.

Thirdly. To choose and acquire for and in the name of the said Corporation the requisite site for the construction of the said canal and its dependencies, and to enter into the necessary arrangements and agreements for the construction of the same, and, during, upon and after its construction to have the entire management and disposition thereof ;

To order payment of money.

Fourthly. To order the payment of any sum of money, they may deem necessary for the purposes of this Act ;

To contract loans of money not exceeding \$50,000.

To give mortgages, &c.

Fifthly. To contract a loan or loans for or in the name of the said Corporation, not exceeding in the whole at any one time the sum of fifty thousand dollars, upon such terms or at such rate of interest less than, equal to or greater than the legal rate as may be agreed upon, and to pledge and mortgage the real and personal property of the said Corporation for the payment of any such loan or interest ;

To make calls from Shareholders, and sue for the same if not paid

Sixthly. To make such calls of money from the several Shareholders for the time being upon the shares subscribed for by them respectively, as the said Board shall find necessary, and in the name of the said Corporation to sue for, recover and get in all such calls, and to cause and declare such shares to be forfeited to the said Corporation in case of non-payment of any such call, and in such way as they shall see fit to prescribe by any By-law, and an action of debt may be brought to recover any money due on any such call, and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one share or more, as the case may be, in the Capital Stock of the said Corporation, and is indebted to the said Corporation in the sum to which the call or calls amount (as the case may be, stating the number and amount of such calls,) whereby an action hath accrued to the said Corporation to recover the same from such defendant by virtue of this Act, and it shall be sufficient to maintain such action, to prove by any one witness that the defendant, at the time of making any such

Form of such suits.

One witness sufficient to

such

such call was a Shareholder in the number of shares alleged, and that any call sued for was made and notice thereof given in conformity with any such By-law prescribing such call, and it shall not be necessary to prove the appointment of the said Board or any other matter whatsoever ;

prove that defendant was a shareholder.

Seventhly. To make the necessary By-laws in reference to the powers and duties imposed and conferred upon the said Board by this Act, and generally, for the government and management of the said Corporation, subject always to the provisions of this Act and the laws of this Province, with power to the said Board to vary, alter, repeal or revise any of the said By-laws ; Provided always, nevertheless, that all such By-laws, rules or orders, and any such variation, alteration or repeal thereof may be reviewed or disallowed at any general meeting of the said Shareholders.

To make By-laws.

Proviso.

X. The said Board shall and may call and convene special and general meetings of the Shareholders, whenever it shall be necessary, and so often as shall be required, upon the requisition of at least five Shareholders, and shall give the public notice hereinbefore mentioned of the holding of any such special general meeting, and shall, at each annual general meeting or at any special meeting to be called for the purpose, submit to the Shareholders a clear and detailed statement of the affairs and accounts of the said Corporation, whereupon at such meeting the same shall be examined and audited, and if any dividend upon the Capital Stock is thereupon to be made, the same shall, at such meeting thereby be declared.

Board may call special meetings of shareholders.

Statement of affairs of Corporation to be submitted to shareholders at general meeting.

XI. In the absence of the President and Vice-President at any meeting thereof, it shall be in the power of the members present to elect from among themselves a Chairman for the time being, who, in addition to his own vote, shall also, in case of an equal division of votes, have a casting vote at such meeting, and in the event of the death, resignation, continued absence, incapacity or disqualification of any member of the said Board, the Shareholders shall, at a meeting to be called for that purpose as hereinbefore provided, choose a Shareholder instead and in place of such member, and such Shareholder so chosen shall form part of the said Board until the then next annual election.

Chairman to be appointed in absence of President or Vice-President.

Chairman pro tem. to have casting vote.

XII. The said Corporation is hereby empowered to purchase, receive and hold such real estate and hereditaments as may be necessary and convenient in accomplishing the object for which this charter is granted and in creating and establishing mill sites and water power in connection therewith, and may, by their surveyors and engineers, ascertain, set and enter upon such sites and locations as may be requisite for the purposes aforesaid, and take possession of the same ; And after any lands or hereditaments shall be set out and ascertained to be requisite for

Company may purchase real estate for purposes of charter, from parties who could not otherwise sell.

for making and completing the said canal and for other purposes herein mentioned, it shall and may be lawful for all bodies politic, corporate or collegiate, and for all guardians and other trustees whomsoever, not only for and on behalf of themselves, their heirs, successors and assigns, but also for and on behalf of those whom they shall represent, whether infants, idiots, lunatics, *femes-coverts*, and for all other persons who are or shall be possessed of or interested in the same, to contract for, sell and convey unto the said Company all or any part of such lands which shall, from time to time be so set out and ascertained as aforesaid, and all such contracts, agreements, sales and conveyances shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute or usage to the contrary notwithstanding; and in case of disagreement, the amount of the purchase moneys to be paid for such lands or hereditaments respectively, shall be ascertained by arbitration in manner hereinafter mentioned, and the Directors of the said Company shall be and they are hereby empowered to contract, compound, compromise, settle and agree with such bodies, guardians, trustees, owners or occupiers respectively of any land, through or upon which they may determine to cut or construct the said intended canal and the appurtenances thereof, or any construction contemplated by this Act to be cut, erected, constructed or built, either for the absolute purchase of so much of the said land as they may require for the purposes of the said Company, or for the damages which he, she or they shall or may be entitled to recover from the said Company in consequence of the said intended canal, with its appurtenances or other constructions or erections being cut or constructed in, upon or adjacent to his, her or their respective lands, and in case of any disagreement between the said Directors and any such bodies, guardians, trustees, owners or occupiers respectively as aforesaid, the amount of the purchase moneys for the lands and tenements proposed to be purchased, or the amount of damages to be paid to them as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned.

Arbitration
in certain
cases, &c.

In case of disagreement arbitrators may be appointed.

XIII. In each and every case where any dispute shall arise between the said Directors and any other person or persons whomsoever, touching any purchase, sale or damages, or the money to be paid in respect thereof, and in each and every case where, under the provisions of this Act, any purchase, sale or damages, or the money to be paid in respect thereof, are directed to be ascertained and determined by arbitration, the same shall be referred to and ascertained and determined by three indifferent persons, to be chosen as herein is mentioned, that is to say: one of such persons by any such bodies, guardians, trustees, owners or occupiers respectively of the lands, or other the person or persons interested, who shall disagree with the said Directors in respect of the purchase money or compensation to be paid to him, her or them respectively, pursuant to the provisions of this Act; one other of such persons by

Three arbitrators to be named.

By whom arbitrators to be appointed.

by the said Directors, and the other of such persons shall be chosen by the said two persons to be so named as aforesaid, and in case the said two persons shall not agree within ten days after their appointment in the choice of such third person, then such third person as arbitrator shall be named by the Judge of the County Court of the County of Welland, upon the application of either of the said two persons so named as aforesaid, and such three persons shall be the arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, and the award of such three persons or any two of them shall be final, and the said arbitrators shall and they are hereby required to attend at some convenient place in the vicinity of the route of the said intended canal, to be appointed by the said Directors, within eight days after notice in writing shall be given them by the said Directors for that purpose, then and there to arbitrate, award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested ; and each of the said arbitrators shall be sworn by some one of Her Majesty's Justices of the Peace in and for the said County, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment ; and any award made under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitrators as hereinbefore provided.

Award of Arbitrators to be final.

Arbitrators to be sworn before a Justice of the Peace.

Setting aside award.

XIV. When and so often as it shall be necessary to cut into any highway in order to conduct the said canal through the same, the said Company shall, within four months after such cut, cause to be constructed a secure, sufficient and commodious bridge for the passing of carriages, in order to establish the communication between the several parts of such highways, under the penalty of five pounds currency for each and every day after the expiration of the said time which the said Company shall neglect to construct such bridge as aforesaid.

Bridges, &c., to be constructed by Company.

Penalty for neglecting so to do.

XV. The said canal which the said Company is hereby authorized and empowered to construct shall be a Ship Canal, to overcome the said rapids in the Niagara River, near Fort Erie aforesaid, and shall be of sufficient size for the passage of vessels of the largest class navigating the Lakes for freighting purposes, and shall be so constructed with one or more Locks, and shall have safe and easy entrances at each end thereof, with proper piers, light-houses, and all other the appurtenances that may be reasonably required for a canal sufficient for the purposes aforesaid ; And the said canal shall commence at some safe and convenient point above the said rapids, and shall re-enter the Niagara River at a similar safe and convenient point below the said rapids.

Canal to be a Ship canal, with proper accessories.

Canal to commence at point above rapids.

Board of Directors to enter into contracts for lease or purchase of water powers, or mill sites.

Proviso.

To be commenced within five and completed within ten years.

Her Majesty may assume possession of works of Company at any time upon paying full value of said canal, and ten per centum thereon.

Proviso :
Plan of works to be approved by Governor in Council.

Interpretation.

XVI. The Board of Directors of the said Company is hereby empowered, from time to time to enter into all such contracts or agreements with any person or persons whomsoever for the lease, use, hire or purchase of any water power or mill site to be created or acquired by the said Company in the course of the construction of the said canal as to such Board may seem expedient: Provided, however, that nothing in this Act contained shall be construed to extend to authorize the said Company to injure any mills within the limits or upon the line of the said intended canal by diverting the water therefrom or lessening the fall or supply thereof without the consent of the owner or owners thereof.

XVII. If the said canal shall not be commenced within five years and completed within ten years from the passing of this Act the said Corporation shall thenceforth cease.

XVIII. At any time previous to the commencement of the works or during their progress or after the final completion of the said canal, it shall be lawful for Her Majesty, her heirs and successors to assume the possession and property of the same and of all and every the works and dependencies thereto belonging, upon paying to the said Company, their heirs, executors, administrators and assigns the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing the said canal, together with such other sums as will amount to ten per centum upon the moneys so advanced and paid, as a full indemnification to such Company, and the said canal shall, from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall thenceforth be substituted in the place and stead of the said Company, their heirs and assigns, for all the purposes of this Act in so far as regards the said canal; Provided always, that before commencing the works of the said canal, or taking possession of any part of the beach or land covered with water or other public property, the Company shall obtain the consent of the Governor in Council, who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any public property as aforesaid; nor shall the works be commenced until the plan thereof in all its details by which the public convenience and the facility of navigation can be effected, shall have been submitted to and approved by the Governor in Council, and the Company shall abide strictly by the plans so approved, and shall not deviate therefrom except by the express consent of the Governor in Council to such deviation.

XIX. The Interpretation Act shall apply to this Act, and it shall be deemed a Public Act.

C A P . C L I X .

An Act to incorporate the Ontario Bank.

[Assented to 27th May, 1857.]

WHEREAS the Honorable John Simpson, Edward J. Bur-
 ton, John Milne, Charles S. Bates, John Burk, George
 H. Low, David Fisher, Alexander McIntyre, Robert Squair,
 Alphonzo Hinds, John McClung, F. F. McArthur, John Reed,
 William McMurtry, Peter Murdoch, James McFeeters, George
 McDougall, Samuel Rorke, Henry J. Boswell, Silas B. Fair-
 banks, Francis Y. Cowle, Thomas N. Gibbs, Henry Starnes and
 Donald Bethune, the younger, have by their petition prayed
 that they and their legal representatives might be incorporated
 for the purpose of establishing a Bank in the Village of Bow-
 manville; And whereas it would be conducive to the general
 prosperity of the country thereabouts, and greatly facilitate
 and promote the agricultural and commercial growth of the
 said locality; And whereas it is but just that the said persons
 and others who see fit to associate themselves should be
 incorporated for the said purpose: Therefore, Her Majesty, by
 and with the advice and consent of the Legislative Council
 and Assembly of Canada, enacts as follows:

Preamble.

I. The several persons hereinbefore named, and such other
 persons as may become Shareholders in the Company to be by
 this Act created, and their assigns, shall be and they are hereby
 created, constituted and declared to be a Corporation, body
 corporate and politic, by the name of the "Ontario Bank,"
 and shall continue such Corporation and shall have perpetual
 succession under a corporate seal, with power to alter and
 change the same at pleasure, and may sue and be sued, im-
 plead or be impleaded in all Courts of Law as other Corpor-
 ations may do; and shall have power to acquire and hold, real
 and immoveable estate for the management of their business,
 not exceeding the yearly value of Three Thousand Pounds
 Currency, and may sell, alienate or exchange the same, and
 acquire other instead, and may, when duly organized as herein-
 after provided, make, ordain and establish, such rules, regu-
 lations and by-laws, as to them shall seem meet and necessary
 for the due and proper administration of their affairs and the
 management of the said Bank, (such by-laws, rules and regula-
 tions not being inconsistent with this Act or contrary to the
 laws of this Province :) Provided, however, that such by-laws,
 rules and regulations, shall be submitted for approval to the
 Stockholders or Shareholders in the said Bank, at their regular
 annual meetings.

Corporate
name and
powers.Real estate
limited.

By-laws.

Proviso.

II. The Capital Stock of the said Bank (the words "the said
 Bank" meaning throughout this Act the Corporation aforesaid)
 shall be Two Hundred and Fifty Thousand Pounds Currency,
 divided

Capital £250,
000 in shares
of £10 each.

divided into shares of Ten Pounds Currency, or Forty Dollars, which shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns.

First meeting
for election of
Directors.

Directors to
serve until
June, 1858.

Proviso.

III. As soon as the sum of One Hundred Thousand Pounds of the said Capital Stock shall have been subscribed, and Twenty-Five Thousand Pounds actually paid in thereupon, it shall and may be lawful for the subscribers, or a majority of them, to call a meeting at some place to be named, in Bowmanville, for the purpose of proceeding to the election of the number of Directors for the said Bank hereinafter mentioned, and such election shall then and there be made by a majority of shares voted upon, in the manner hereinafter described in respect of the annual election of Directors, and the persons then and there chosen shall be the first Directors, and shall be capable of serving until the first Monday of June, which will be in the year of our Lord one thousand eight hundred and fifty-eight; Provided always, that no such meeting of the said subscribers shall take place until a notice specifying the objects of such meeting, is published in one or more newspapers published in Bowmanville, at least twenty days previous to such time of meeting.

Instalments
on shares.

Proviso : ten
per cent pay-
able on sub-
scribing.

Proviso : at
what time the
bank may
commence
business.

Proviso :
within what
times the full
Capital shall
be paid up.

IV. The shares of the Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places, as the said Directors shall appoint; and executors, administrators and curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same; Provided always, that no share or shares shall be held to be lawfully subscribed for unless a sum equal to at least ten pounds per centum on the amount subscribed for be actually paid at the time of subscribing; Provided further, that it shall not be lawful for the subscribers to the Capital Stock hereby authorized to be raised, to commence the business of Banking until a sum not less than Twenty-Five Thousand Pounds shall have been duly paid in by such subscribers; Provided further, that the remainder of the said Capital Stock shall be subscribed and paid up as follows, that is to say, the sum of Twenty-Five Thousand Pounds within eighteen months; the further sum of Fifty Thousand Pounds within three years; the further sum of Fifty Thousand Pounds within four years; and the further sum of One Hundred Thousand Pounds within five years after the said Bank shall have so commenced the business of Banking under penalty of forfeiture of their Charter.

Subscribers
may pay in
full, &c.,

V. If any person or persons subscribing for shares of the Capital Stock of the said Bank shall also be willing to pay up at the time of subscribing the full amount of the shares subscribed for, it shall and may be lawful for the Directors of the Bank, and at any time within the period hereinbefore limited for

for subscribing for such stock, to admit and receive such subscriptions and full payment or payment of any number of instalments.

VI. If any Shareholder or Shareholders shall refuse or neglect to pay any instalment upon his, her or their shares of the said Capital Stock at the time or times required by the Directors as aforesaid, such Shareholder or Shareholders shall incur a forfeiture to the use of the said Bank of a sum of money equal to ten pounds per centum on the amount of such shares ; and moreover, it shall be lawful for the Directors of the said Bank (without any previous formality other than thirty days' public notice of their intention) to sell at public auction the said shares or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred on the whole ; and the President with the Vice-President, or the Cashier of the said Bank, shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer being accepted shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of the stock thereby transferred ; Provided always, that nothing in this section contained shall be held to debar the Directors or Shareholders at a general meeting from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalments as aforesaid.

Forfeiture for non-payment of calls.

Sales of Shares on which calls are not paid.

Proviso.

VII. The chief place or seat of business of the said Bank shall be in Bowmanville, but it shall and may be lawful for the Directors of the Bank to open and establish in other places, Towns and Cities in this Province, Branches or Agencies, or Offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said Directors shall from time to time seem meet, not being repugnant to any law of this Province, to this Act, or to the by-laws of the said Bank.

Chief place of business.

Branches.

VIII. For the management of the affairs of the said Bank, there shall be seven Directors annually elected by the Shareholders of the Capital Stock thereof, at a general meeting of them to be held annually on the first Monday in June in each year following the first election, as hereinbefore mentioned ; at which meetings the Shareholders shall vote according to the scale or rule of votes hereinafter established ; and the Directors elected by a majority of votes given in conformity to such rule or scale, shall be capable of serving as Directors for the ensuing twelve months ; and at their first meeting after such election the Directors shall choose out of their number a President and a Vice-President, who shall hold their offices respectively during the same period ; and in case of a vacancy occurring in the said

Seven Directors to be elected annually by a majority of votes.

President and Vice-President.

Vacancies
how filled.

number of seven Directors, the remaining Directors shall fill the same by election from among the Shareholders, and such Director so elected shall be capable of serving as a Director until the next annual general meeting of the Shareholders; and if the vacancy occurring in the said number of seven Directors shall also cause the vacancy of the office of President or of Vice-President, the Directors at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected to be President or Vice-President shall fill the office to which he shall be so chosen or elected until the next general annual meeting of the Shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name of not less than fifty shares of Capital Stock of the said Bank wholly paid up, and shall be a natural-born or naturalized subject of Her Majesty; And provided also, that it shall be lawful for the Shareholders at any annual meeting to pass a by-law directing that four of the Directors in office at the period of such annual election shall be re-elected for the next ensuing twelve months.

Proviso.

Proviso.

Proviso if any
election
should fail.

IX. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said corporation shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be called for that purpose; and the Directors in office when such failure of election shall take place shall remain in office until such election shall be made.

Who may in-
spect the
Bank Books.

X. The books, correspondence and funds of the said Bank shall at all times be subject to the inspection of the Directors, but no shareholder not being a Director shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the said Bank.

Quorum of
Directors.

XI. At all meetings of the Directors of the said Bank not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence one of the Directors present to be chosen *pro tempore* shall preside; and the President, Vice-President or President *pro tempore* so presiding, shall vote as a Director only.

President to
vote as a Di-
rector only.

Directors to
make By-laws
for certain
purposes.

XII. It shall and may be lawful for the Directors of the said Bank from time to time to make and enact By-laws, Rules and Regulations (the same not being repugnant to this Act or to the Laws of this Province,) for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same and others to make and enact in their stead; Provided always, that no By-Law, Rule or Regulation so made by the Directors shall have force or effect until the same shall, after six weeks'

Proviso.

weeks' public notice have been confirmed by the shareholders at an annual general meeting, or at a special general meeting called for that purpose.

XIII. The shareholders may, by a By-law appropriate a sum of money for the remuneration of the services of the President and Directors as such, and the President and Directors may annually apportion the same among themselves as they may think fit : No Director shall act as a Private Banker.

Payment of President and Directors.

Proviso.

XIV. The Directors of the said Bank shall have power to appoint a Cashier, Assistant Cashier and Secretary, and Clerks and servants under them, and such other officers as shall be necessary for conducting the business of the said Bank, and to allow reasonable compensation for their services respectively, and shall also be capable of exercising such powers and authority for the well governing and ordering of the affairs of the Corporation, as shall be prescribed by the By-laws thereof ; Provided always, that before permitting any Cashier, Assistant Cashier, Officer, Clerk or servant of the Bank to enter upon the duties of his office, the Directors shall require him to give bond with sureties to the satisfaction of the Directors, that is to say : Every Cashier in a sum not less than five thousand pounds currency, every Assistant Cashier in the sum of three thousand pounds currency, and every other officer, clerk or servant in such sum of money as the Directors shall consider adequate to the trust reposed in him, with condition for good and faithful behaviour.

Directors to appoint Bank Officers and Servants.

Proviso ; security to be taken from each.

Amount.

XV. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the said Bank as to them shall appear advisable, and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give thirty days' public notice previously ; Provided always, that such dividends shall not in any manner lessen or impair the Capital Stock of the said Bank.

Directors to make dividends.

Proviso.

XVI. The general meetings of the Shareholders of the said Bank to be held annually as aforesaid, in Bowmanville, for the purpose of electing Directors in the manner hereinbefore provided, shall be general meetings also for all other general purposes touching the affairs and the management of the affairs of the said Bank ; and at each of the said annual general meetings the Directors shall exhibit a full and clear statement of the affairs of the Bank.

Statement of affairs of Bank to be exhibited at yearly meetings, which shall be for general purposes.

XVII. The number of votes which the shareholders of the said Bank shall respectively be entitled to give at their meetings shall be according to the following scale, that is to say : for one share and not more than two, one vote ; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares ; for every four shares above ten and not exceeding thirty,

Scale of voting at General meetings.

Vote by proxy:

Proviso.

Proviso as to Joint Stock-holders.

Voters must be British subjects.

thirty, one vote, making ten votes for every thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and no shareholder shall be entitled to give a greater number of votes than twenty; and it shall be lawful for absent shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank; Provided always, that a share or shares of the capital stock of the said Bank which shall have been held for a less period than three calendar months immediately prior to any meeting of the shareholders, shall not entitle the holder or holders to vote at such meeting either in person or by proxy: Provided also, that where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by Letter of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly: And, provided also, that no shareholder who shall not be a natural-born or naturalized subject of Her Majesty, or who shall be a subject or citizen of any Foreign Prince or State, shall either in person or by proxy, vote at any meeting whatever of the shareholders of the said Bank, or shall assist in calling any meeting of the shareholders; any thing in this Act to the contrary notwithstanding.

Bank Officers not to vote.

XVIII. No Cashier, Assistant Cashier, Bank Clerk or other officer of the Bank, shall vote either in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose.

Special General Meetings, how called, &c.

Six weeks' notice to be given.

If the object be the removal of a Director, &c.

XIX. Any number, not less than twenty, of the shareholders of the said Bank, who together shall be proprietors of at least one hundred shares of the paid up Capital Stock of the said Bank, by themselves or their proxies, or the Directors of the said Bank, or any four of them, shall respectively have power at any time to call a Special General Meeting of the shareholders of the said Bank, to be held at their usual place of meeting in Bowmanville, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any such Special General Meeting be to consider of the proposed removal of the President or of a Director or Directors of the Corporation for mal-administration or other specified and apparently just cause, then and in any such case the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall be first published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore

hereinbefore provided in the case of a vacancy occurring in the office of President or Vice-President), who shall choose or elect a Director to serve as such President or Vice-President during the time such suspension shall continue to be undecided upon.

XX. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate, and shall be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the said Bank, or at any of its Branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall from time to time prescribe ; but no assignment or transfer shall be valid and effectual unless it be made and registered in a Book or Books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due or contracted, and not then due by him, her or them to the Bank, which may exceed in amount the remaining stock (if any) belonging to such person or persons ; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable ; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Bank an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due or contracted, but not then due, by the original holder or holders of the said shares to the Bank, shall have been discharged as aforesaid,) the President, or Vice-President, or Cashier of the Corporation shall execute the transfer of the share or shares so sold to the purchaser, and such transfer being duly executed, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares ; any law or usage to the contrary notwithstanding.

Shares to be personal estate.

Transfers of Shares must be registered in the Bank Books.

Shares sold under execution.

Bank's lien upon Shares.

XXI. Shares in the capital stock of the said Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively transferable and payable at the Chief Office of the said Bank in Bowmanville ; and to that end the Directors may from time to time make such rules and regulations and prescribe such forms, and appoint such agent or agents as they may deem necessary ; Provided always, that at no time shall more than one half of the whole capital stock be registered in the book to be kept for that purpose in the United Kingdom.

Shares may be transferred and dividends paid in the United Kingdom.

Proviso.

XXII. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of

By what declaration, &c., the trans-

of

mission of Shares, otherwise than by regular transfer shall be authenticated.

of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration shall distinctly state the manner in which, and the party to whom, such share shall have been so transmitted, and shall be by such party made and signed; and every such declaration shall be, by the party making and signing the same, acknowledged before a Justice of a Court of Record, or before the Mayor, Provost or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and acknowledged shall be left with the Cashier, or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share as the holder thereof; Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share in the Bank which shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited Representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul, or Vice-Consul or other accredited Representative; And provided also, that nothing in this Act contained shall be held to debar the directors, cashier, or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso: as to declarations made in foreign parts.

Proviso.

If the transmission be by marriage of a female Shareholder.

XXIII. If the transmission of any share of the said Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders.

Transmission of Shares by will or intestacy

XXIV. If the transmission of any share or shares in the Capital Stock of the said Bank be by decease of any Shareholder, the production to the Directors and deposit with them

of any probate of the will of the deceased Shareholder, or of letters of administration of his estate granted by any Court in this Province having power to grant such probate or letters of administration, or by any prerogative, diocesan, or peculiar court or authority in England, Wales, Ireland, India, or any other British colony, or of any testament, testamentary, or testament dative expedite in Scotland, or if the deceased Shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the Directors of any probate of his will or letters of administration of his property, or other document of like import granted by any Court or authority having the requisite power in such matters, shall be sufficient justification and authority to the Directors, for paying any dividend or transferring or authorizing the transfer of any share in pursuance of, and in conformity to such probate, letters of administration or other such document as aforesaid.

XXV. The said Bank shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any of the shares of its stock shall be subject; and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt; any law or usage to the contrary notwithstanding.

Bank not bound to see to trusts to which Shares are subject.

XXVI. It shall be the duty of the Directors of the said Bank to invest, as speedily as the Debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Province, payable within the same, or secured upon the Consolidated Municipal Loan Fund, one-tenth part of the whole paid up capital of the said Bank, and to make a return of the numbers and amount of such debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank to the Inspector General in the month of January in each year, under the penalty of the forfeiture of the Charter of the said Bank in default of such investment and return.

Bank to invest one tenth of its paid up Capital in provincial or municipal loan fund Debentures. Return to be made.

XXVII. The said Bank shall not either directly or indirectly hold any lands or tenements (save and except such as by the first section of this Act it is specially authorized to acquire and hold), or any ships or other vessels, or any share or shares of the Capital Stock of the said Bank, or of any other Bank in this Province; nor shall the said Bank either directly or indirectly lend money or make advances upon the security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any

Bank not to hold real property except as in section 1.

any

Nor exercise any but banking business.

Proviso: may hold mortgages &c., as additional security.

Discounts to Directors limited to one twentieth of the whole.

Bank may retain discounts, &c.

May charge a premium in certain cases.

May charge notes, &c., against the deposit accounts of certain parties thereto.

Certain Bonds, &c., of the Bank to be assignable by indorsement.

any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the said Bank, or of any goods, wares or merchandize; nor shall the said Bank either directly or indirectly raise loans of money, or deal in the buying, selling, or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking: Provided always, that the said Bank may take and hold mortgages and *hypothèques* on real estate, and on ships, vessels, and other personal property in this Province, by way of additional security for debts contracted to the Bank in the course of its dealings, and also for such purpose may purchase and take any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said Bank.

XXVIII. The aggregate amount of discounts and advances made by the said Bank upon commercial paper or securities bearing the name of any Director of the said Bank, or the name of any copartnership or firm in which any Director of the said Bank shall be partner, shall not at any one time exceed one-twentieth of the total amount of discounts or advances made by the Bank at the same time.

XXIX. The Bank may allow and pay interest not exceeding the legal rate in this Province, upon money deposited in the Bank; and in discounting promissory notes, bills, or other negotiable securities or papers, may receive or retain the discount thereon at the time of discounting or negotiating the same, and when notes, bills, or other negotiable securities or papers are *bond fide* payable at a place within the Province different from that at which they are discounted, the Bank may also, in addition to the discount, receive or retain an amount not exceeding one half per centum on the amount of each such note, bill, or other negotiable security or paper: and the Bank may charge any note or bill held by and made payable at the Bank, against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof; any law, statute or usage to the contrary notwithstanding.

XXX. The bonds, obligations and bills obligatory or of credit of the said Bank, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier or Assistant Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereon, in his, her or

or their own name or names; and signification of any assignment by indorsement shall not be necessary, any law, custom or usage to the contrary notwithstanding; and bills or notes of the said Bank, signed by the President, Vice-President, Cashier or other officer appointed by the Directors of the said Bank to sign the same, promising the payment of money to any person or persons, his or their order, or to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory upon it in the like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity: Provided always, that nothing in this Act shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time any Cashier, Assistant Cashier or Officer of the Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of any branch or office of discount and deposit of the said Bank to sign the bills or notes of the Corporation intended for general circulation and payable to order or to bearer on demand.

Bills and notes valid though not under seal.

Proviso: Directors may authorize any Officers to sign notes.

XXXI. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may from time to time be adopted by the Bank, instead of being subscribed in the hand-writing of each person or persons respectively; And whereas doubts might arise respecting the validity of such notes: Be it therefore further declared and enacted, that all bank notes and bills of the "Ontario Bank" whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose, by or with the authority of the Bank, shall be and be taken to be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper hand-writing of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills within the meaning of all laws and statutes whatever; and shall and may be described as bank notes or bills in all indictments and civil or criminal proceedings whatsoever; any law, statute or usage to the contrary notwithstanding.

Recital.

Signature to Bank notes may be impressed by machinery.

XXXII. The notes or bills of the Bank made payable to order or bearer, and intended for general circulation, whether the same shall issue from the chief seat or place of business of the said Bank in Bowmanville, or from any of its branches, shall be payable on demand in specie at the place where they bear date.

Bank notes payable at place of date.

XXXIII. A suspension by the said Bank either at its chief place or seat of business in Bowmanville aforesaid, or at any

Suspension of payment for of

sixty days to
forfeit char-
ter.

of its branches or offices of discount and deposit at any other place in this Province, of payment on demand in specie of the notes or bills of the said Bank, payable there on demand, shall, if the time of suspension extend to sixty days consecutively or at intervals, within any twelve consecutive months, operate as, and be a forfeiture of its charter, and of all and every the privileges granted to it by this or any other Act.

Total amount
of Bank notes
limited.

XXXIV. The total amount of the bank notes and bills of the Bank, of all values in circulation at any one time, shall never exceed the aggregate amount of the paid up capital stock of the Bank, and the gold and silver coin, and bullion and debentures, or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province, on hand; and of the bank notes and bills in circulation at any one time, not more than one-fifth of the said aggregate amount shall be in bank notes or bills under the nominal value of one pound currency each; but no bank note, or bill of the bank under the nominal value of five shillings shall be issued or put in circulation.

And of those
under £1.

None under
five shillings.

Total liabilities
of the
Bank limited.

XXXV. The total amount of the debts which the said bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of its capital stock paid in, and the deposits made in the bank in specie and government securities for money; and in case of excess, or in case the total amount of the bills or notes of the said Bank payable to order or to bearer on demand, and intended for general circulation, shall at any time exceed the amount hereinbefore limited, the said Bank shall forfeit its charter and all the privileges granted to it by this or any other Act, and the Directors under whose administration the excess shall happen shall be liable jointly and severally for the same, in their private capacity, as well to the shareholders as to the holders of the bonds, bills and notes of the said Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators, or curators of them or any of them, and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt the said Bank, or its lands, tenements, goods or chattels from being also liable for such excess: Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published in Bowmanville, such Director may thereby and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding; Provided always, that such

Forfeiture of
Charter for
excess under
this or the
next preced-
ing section;
and liability
of Directors.

Proviso; how
Directors may
avoid such
liability.

Proviso.

such justification shall not exonerate any Director from his liability as a shareholder.

XXXVI. In the event of the property and assets of the said Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of its stock in their private or natural capacities shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their respective shares, that is to say, the liability and responsibility of each shareholder to the creditors of the said Bank shall be limited to a sum of money equal in amount to his stock therein, over and above any instalment or instalments which may be unpaid on such stock, for which he shall also remain liable and shall pay up: Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the said Bank hereinbefore mentioned and declared.

Limitation of liability of Shareholders in case of insolvency of the Bank.

Proviso.

XXXVII. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the Shareholders thereof, at their annual general meeting, the Directors shall make up and publish on the first Monday in each and every month, statements of the assets and liabilities of the said Bank in the form of the schedule A hereunto annexed, shewing under the heads specified in the said form the average amount of the notes of the said Bank in circulation, and other liabilities at the termination of the month to which the statement shall refer, and the average amount of specie and other assets that at the same times were available to meet the same; and it shall be the duty of the Directors to submit to the Governor of this Province, if required, a copy of such monthly statements, and if by him required to verify all or any part of the said statements, the said Directors shall verify the same by the production of the weekly or monthly balance-sheets from which the said statements shall have been compiled; And furthermore, the said Directors shall, from time to time, when required, furnish to the said Governor of this Province such further reasonable information respecting the state and proceedings of the said Bank and of the several branches and offices of discount and deposit thereof, as such Governor of this Province may reasonably see fit to call for: Provided always, that the weekly or monthly balance-sheets and the further information that shall be so produced and given, shall be held by the said Governor of this Province as being produced and given in strict confidence, that he shall not divulge any part of the contents of the said weekly or monthly balance-sheets or of the information that shall be so given: And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private accounts or account of any person or persons whatever having dealings with the said Bank.

Statement of Officers to be published monthly.

Copy to Governor.

Governor may require further information.

Proviso: such further information to be confidential.

Proviso: private accounts not to be disclosed.

Bank not to
lend money to
any foreign
State, &c.

XXXVIII. It shall not be lawful for the said Bank at any time whatever, directly or indirectly, to advance or lend to or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money; And if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages granted to it, by this or any other Act, shall cease and determine.

Public notices
how to be
given.

XXXIX. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in Bowmanville, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette, for the publication of official documents and notices emanating from the Civil Government of this Province, if any such Gazette be then published.

Embezzle-
ment, &c., by
Bank Officers
to be felony.

XL. If any cashier, assistant cashier, manager, clerk or servant of the said Bank shall secrete, embezzle, or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note or any security for money, or any moneys or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank or belonging to any other person or persons, body or bodies politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the said cashier, assistant cashier, manager, clerk or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Punishment
overtwo years'
imprisonment
in Peniten-
tiary.

XLI. Every person convicted of felony under this Act shall be punished by imprisonment at hard labour in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other Gaol or place of confinement for any less term than two years in the discretion of the Court before which he shall be convicted.

Power to
search for
forged notes
or machinery.
used for forg-
ing.

XLII. It shall and may be lawful to and for any Justice of the Peace, on complaint made before him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is, or are or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same, or any part thereof, by warrant under the hand of such Justice to cause the dwelling house, room, workshop or out-house or other building, yard, garden or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses or other tools, instruments or materials shall be found in the custody

How dealt
with if found.

custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever, discovering the same, to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District (or if more convenient of the adjoining County or District) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid in some Court of Justice proper, for the determination thereof, and the same after being so produced in evidence shall, by order of the Court be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

XLIII. 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, or of any person or persons, or of any body or bodies politic or corporate, except in so far as the same may be specially derogated from or affected by the provisions of this Act. Saving of rights of Crown, &c.

XLIV. This Act shall be held and taken to be a Public Act, and shall be known as the "Charter of the Ontario Bank," and the Interpretation Act shall apply thereto. Public Act, &c.

XLV. This Act shall be and remain in force until the first day of January, which will be in the year of our Lord one thousand eight hundred and seventy, and from that time until the then next Session of the Parliament of this Province, and no longer. Duration of this Act.

SCHEDULE A

Referred to in the Thirty-seventh Section of the foregoing Act.

Return of the Average Amount of Liabilities and Assets of the Ontario Bank, during the period from the first

to one thousand eight hundred and

LIABILITIES.

Promissory Notes in circulation not bearing interest..	£
Bills of Exchange in circulation not bearing interest..	£
Bills and Notes in circulation bearing interest.....	£
Balances due to other Banks.....	£
Cash deposits, not bearing interest.....	£
Cash deposits, bearing interest.....	£

Total average Liabilities.....£

ASSETS.

ASSETS.

Coin and Bullion	£
Landed or other property of the Bank	£
Government Securities.....	£
Promissory Notes or Bills of other Banks	£
Balances due from other Banks.....	£
Notes and Bills discounted.....	£
Other Debts due to the Bank, not included under the foregoing heads.....	£
Total average Assets.....	£

C A P . C L X .

An Act to alter and amend the Act incorporating the Bank of Toronto.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS the Corporation now called and known as "The Bank of Toronto," was created and constituted by and under the Act of the Legislature of this Province, passed in the eighteenth year of Her Majesty's Reign, chaptered two hundred and five, intituled, *An Act to incorporate the Bank of Toronto*; And whereas the said Corporation hath, by its petition prayed that the said Act may be altered and amended, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Former Act cited, 18 Vict. c. 205.

Inconsistent provisions of said Act repealed.

I. So much of the Act hereinbefore cited as may be inconsistent with or repugnant to the provisions of this Act, or as makes any provision in any matter provided for by this Act, other than such as is hereby made, shall be and is hereby repealed.

Same corporate name continued. Act not to affect any pending suit, &c.

II. The Corporation hereinafter mentioned, shall continue to be called and known as "The Bank of Toronto," which shall be the corporate name thereof, and this Act shall not be construed to make the said Corporation a new Corporation, or in any way to affect any right or liability thereof, or any suit, action, or proceeding pending at the time when this Act shall come into force.

Corporation continued. Powers.

III. The said Corporation shall, during the time this Act shall remain in force, continue to have all, each and every of the rights, powers and authority, in and by the said Act cited, conferred upon or vested in it, subject always to the provisions of this Act, and shall have a common seal, with power to break, renew, change and alter the same at pleasure, and shall be capable of suing and being sued, pleading and being impleaded,

in all Courts of Law and Equity and other places, in all manner of actions, causes and matters whatsoever; and for the convenient management of its business, but for no other purpose, shall and may purchase, acquire and hold real and immoveable estate and property not exceeding the yearly value of two thousand five hundred pounds currency, and may sell, alienate and dispose of the same, and purchase, acquire and hold other in their stead, not exceeding in the whole the yearly value aforesaid.

Limitation of real estate.

IV. The capital stock of the said Bank (the words "the said Bank" meaning throughout this Act the Corporation aforesaid), shall be five hundred thousand pounds currency, divided into shares of twenty-five pounds currency, or one hundred dollars each; and so many of the said shares as may be unsubscribed for when this Act shall come into force, may be subscribed for, either within or without this Province, in such proportions or numbers, and at such times and places, and under such regulations, and at such rates of premium to be paid by the subscribers over and above the amount of the shares, as the Directors of the said Bank shall from time to time establish; and the shares so subscribed for shall be paid in by such instalments and at such times and places as the said Directors shall from time to time appoint; and executors, administrators and curators paying instalments upon shares of deceased Shareholders, shall be and are hereby respectively indemnified for paying, and are required to pay the same; Provided always, that no share shall be held to be lawfully subscribed for, unless the premium, if any, which shall have been fixed by the Directors, and at least ten per centum on the amount of such share, be paid at the time of subscribing; And provided also, that no part of the Capital Stock of the said Bank unsubscribed for at the time when this Act shall come into force, shall be subscribed for after the end of five years from that time; and the whole of the stock subscribed for shall be called in before the thirty-first day of December, one thousand eight hundred and sixty-two; And provided further, that it shall not be obligatory upon the said Bank to raise a larger amount of the Capital Stock hereby allowed than two hundred thousand pounds, but the number of the shares to be hereafter subscribed for, may at any time be limited by a By-law of the said Bank to an amount not less than the last named sum, in such manner as the Shareholders shall deem most advantageous for the interests of the Bank.

Capital Stock £500,000.

Shares £25 each.

As to shares now subscribed for.

Instalments.

Proviso: as to Premium.

Time for subscribing limited.

Bank not bound to raise the full capital.

V. If any person or party subscribing for shares of the Capital Stock of the said Bank, shall also be willing to pay up at the time of subscribing, the full amount of the shares subscribed for, together with such premium thereon as aforesaid, it shall and may be lawful for the Directors of the said Bank, and at any time within the period hereinbefore limited for subscribing for such Stock, to admit and receive such subscriptions and full

Subscribers may pay in full, &c.

As to premium.

full payment, or payment of any number of instalments, together with such premium ; and, in every case, the premium so received on any stock subscribed for, shall be carried to the account of the ordinary profits of the said Bank.

Forfeiture for non-payment of calls.

VI. If any Shareholder or Shareholders shall refuse or neglect to pay any Instalment upon his, her or their shares of the said Capital Stock at the time or times regulated by the Directors as aforesaid, such Shareholder or Shareholders shall incur a forfeiture to the use of the said Bank of a sum of money equal to ten pounds per centum on the amount of such shares ; and moreover, it shall be lawful for the Directors of the said Bank (without any previous formality other than thirty days' public notice of their intention) to sell at public auction the said shares or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred upon the whole ; and the President with the Vice-President or Cashier of the said Bank shall execute the transfer, to the purchaser of the shares of stock so sold, and such transfer being accepted shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred.

Sale of shares on which calls are not paid.

Chief place of business.

VII. The chief place or seat of business of the said Bank shall be in the City of Toronto, but it shall and may be lawful for the Directors of the said Bank to open and establish in other Cities, Towns and places in this Province, Branches or Agencies, or Offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said directors shall from time to time seem meet, and shall not be repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Branches.

Seven Directors to be elected annually.

VIII. For the management of the affairs of the said Bank, there shall continue to be seven Directors annually elected by the Shareholders of the Capital Stock thereof, at a general meeting to be held annually on the third Wednesday in July in each year, (except when that day shall be a legal holiday, and then on the next day which shall not be a legal holiday,) beginning in the month of July, in the year of our Lord, one thousand eight hundred and fifty-seven ; at which meeting the Shareholders shall vote according to the rule or scale of votes hereinafter established ; and the Directors elected by a majority of votes given in conformity to such rule or scale, shall be capable of serving as Directors for the ensuing twelve months ; and at their first meeting after such election the Directors shall choose out of their number a President and a Vice-President, who shall hold their offices respectively during the same period ; and in case of a vacancy occurring in the said number

By a majority of votes.

President and Vice President.

number of seven Directors, the remaining Directors shall fill the same by election from among the Shareholders, and each Director so elected shall be capable of serving as a Director until the next annual general meeting of the Shareholders; and if the vacancy occurring in the said number of seven Directors shall also cause the vacancy of the office of President or Vice-President, the Directors at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected to be President or Vice-President, shall fill the office to which he shall be so chosen or elected until the next general annual meeting of the Shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name and for his own separate use, of not less than twenty shares of the Capital Stock of the said Bank, and also shall be a natural-born or naturalized subject of Her Majesty, and shall reside within this Province; Provided also, that if any Director shall permanently move out of this Province, his office shall be considered as vacant.

Vacancies how filled.

Qualifications of Directors.

Proviso.

IX. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said Corporation shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the Shareholders to be called for that purpose; and the Directors in office when such failure of election shall take place, shall remain in office until such election shall be made.

Failure of election, not to dissolve Corporation, &c.

X. The books, correspondence and funds of the said Bank shall at all times be subject to the inspection of the Directors, but no Shareholder not being a Director shall inspect or be allowed to inspect the account or accounts of any person.

Who may inspect the Bank's Books.

XI. At all meetings of the Directors of the said Bank not less than five of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence, one of the Directors present to be chosen *pro tempore*, shall preside; and the President, Vice-President or President *pro tempore* so presiding, shall vote as a Director only.

Quorum of Directors.

Chairman: and how he shall vote.

XII. The Shareholders of the said Bank who, at the time this Act shall come into force shall be Directors thereof, shall be and continue to be Directors thereof until the first election of Directors under this Act, and shall then go out of office; and the said Directors shall, until the first election under this Act, have, in all respects the rights, duties and powers assigned to the Directors of the said Bank by this Act, and be governed by its provisions as if elected under it.

Present Directors continued.

Powers.

XIII. It shall and may be lawful for the Directors of the said Bank, from time to time to make and enact By-laws, Rules and Regulations

Directors to make By-laws.

Regulations (the same not being repugnant to this Act or to the Laws of this Province,) for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same and others to make and enact in their stead ; Provided always, that no By-law, Rule or Regulation so made by the Directors shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the Shareholders at an annual general meeting, or at a special general meeting called for that purpose ; And provided also, that the By-laws of the said Bank in force at the time when this Act shall come into force, in so far as they are not repugnant to this Act or to law, shall continue to be the By-laws thereof until others shall have been made and enacted and confirmed as provided for by this section.

Proviso.

Notice.

Proviso as to existing By-laws.

Payment of President and Directors.

Proviso.

Directors to appoint Bank officers, &c.

Security to be required, and to what amount.

Directors to make dividends.

Proviso.

Statement of affairs to be exhibited at yearly meetings.

XIV. The Shareholders may, by a By-law, appropriate a sum of money for the remuneration of the services of the President and Directors as such, and the President and Directors may annually apportion the same among themselves as they may think fit : No Director shall act as a private Banker.

XV. The Directors of the said Bank shall have power to appoint a Cashier, Assistant Cashier and Secretary, and Clerks and servants under them, and such other officers as shall be necessary, for conducting the business of the Bank, and to allow reasonable compensation for their services respectively, and shall also be capable of exercising such powers and authority for the well governing and ordering of the affairs of the said Corporation, as shall be prescribed by the By-laws thereof : Provided always, that before permitting any Cashier, Assistant Cashier, Officer, Clerk or servant of the Bank to enter upon the duties of his office, the Directors shall require him to give bond with sureties to the satisfaction of the Directors, that is to say : every Cashier in a sum not less than five thousand pounds currency, every Assistant Cashier in the sum of three thousand pounds currency, and every other officer, clerk or servant in such sum of money as the Directors shall consider adequate to the trust to be reposed in him, with condition for good and lawful behaviour.

XVI. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the said Bank as to them shall appear advisable ; and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously : Provided always, that such dividends shall not in any manner lessen or impair the Capital Stock of the said Bank.

XVII. The general meetings of the Shareholders of the said Bank to be held annually as aforesaid, in the City of Toronto, for the purpose of electing Directors in the manner hereinbefore provided, shall be general meetings also for all other general purposes

purposes touching the affairs and the management of the affairs of the said Bank ; and at each of the said annual general meetings the Directors shall exhibit a full and clear statement of the affairs of the Bank.

XVIII. The number of votes which the Shareholders of the said Bank shall respectively be entitled to give at their meetings, shall be according to the following scale, that is to say : one vote for one share ; and it shall be lawful for absent Shareholders to give their votes by proxy, such proxy being also a Shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank : Provided always, that a share or shares of the Capital Stock of the said Bank which shall have been held for a less period than thirty days immediately prior to any meeting of the Shareholders, shall not entitle the holder or holders to vote at such meeting, either in person or by proxy : Provided also, that where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by Letter of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly : And provided also, that at all meetings of the Shareholders, the majority of those present shall elect a Chairman, who shall have a vote as a Shareholder, and in the event of a tie on any question, shall also have a casting vote ; and all questions proposed for the consideration, or put to the vote of the Shareholders, shall be determined by ballot, and shall be decided by a majority of votes according to the scale above set forth ; And, provided also, that no Shareholder who shall not be a natural-born or naturalized subject of Her Majesty, or who shall be a subject or citizen of any Foreign Prince or State, shall either in person or by proxy, vote at any meeting whatever of the Shareholders of the said Bank, or shall assist in calling any meeting of the Shareholders ; any thing in this Act to the contrary notwithstanding.

Scale of voting at general meetings.

Vote by proxy.

Limitation of vote by proxy.

Share must be held certain time before voted on.

Joint Shareholders.

Chairman to be elected, &c.

All voters must be British subjects.

XIX. No Cashier, Assistant Cashier, Bank Clerk or other officer of the Bank, shall vote either in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose.

Bank officers not to vote.

XX. Any number, not less than twenty, of the Shareholders of the said Bank, who together shall be proprietors of at least five hundred shares of the Capital Stock of the said Bank, by themselves or their proxies, or the Directors of the said Bank, or any five of them, shall respectively have power at any time to call a Special General Meeting of the Shareholders of the said Bank, to be held at their usual place of meeting in the City of Toronto, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting ; and if the object of any such Special General Meeting be

Special general meetings how called, &c.

Case of Re-
to

removal of Director, &c.

to consider of the proposed removal of the President or Vice-President, or of a Director or Directors of the Corporation for mal-administration or other specified and apparently just cause, then and in any such case the person or persons whom it shall be proposed to remove, shall, from the day on which the notice shall be first published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President or Vice-President), who shall choose or elect a Director to serve as such President or Vice-President during the time such suspension shall continue or be undecided upon.

Shares to be personalty, and transmissible as such.

XXI. The shares of the Capital Stock of the said Bank shall be held and adjudged to be personal estate, and shall be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the said Bank, or at any of its Branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall from time to time prescribe; but no assignment or transfer shall be valid and effectual unless it be made and registered in a Book or Books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts and liabilities contracted by him, her or them to the Bank, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable; and when any share or shares of the said Capital Stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed, shall, within thirty days after the sale, leave with the Cashier of the Bank an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts and liabilities contracted by the original holder or holders of the said shares to the Bank, shall have been discharged as aforesaid, or shall have been secured to the satisfaction of the Directors,) the President, or Vice-President, or Cashier of the Corporation shall execute the transfer of the share or shares so sold to the purchaser, and such transfer being duly accepted, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares; any law or usage to the contrary notwithstanding.

How transferable.

Shares sold under execution.

Debts to the Bank to be first paid.

Shares may be transferred and dividends paid in the United Kingdom.

XXII. The shares in the Capital Stock of the said Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively transferable and payable at the Chief Office of the said Bank in the City of Toronto; and to that end, the Directors may, from time to time, make such rules

rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary ; Provided always, that at no time shall more than one half of the whole capital stock be registered in the book to be kept for that purpose in the United Kingdom. Proviso.

XXIII. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of any female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require ; and every such declaration shall distinctly state the manner in which, and the party to whom such share shall have been so transmitted, and shall be by such party made and signed ; and every such declaration shall be, by the party making and signing the same, acknowledged before a Judge or Justice of a Court of Record, or before the Mayor, Provost or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed ; and every such declaration so signed and acknowledged shall be left with the Cashier or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders ; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share as the holder thereof ; Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, which shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited Representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul, or Vice-Consul or other accredited Representative ; And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier, or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration. Transmission of interest in consequence of death, &c.
How to be certified by the Bank.
As to declaration made in foreign parts.

XXIV. If the transmission of any share of the said Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share ; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or Act of Curatorship, or an official extract therefrom, Proviso.
As to transmission of shares by marriage, will or intestacy.

therefrom, shall, together with such declaration, be produced and left with the Cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders.

Probate of Will or letters of administration to be sufficient authority to the Directors for paying dividends, &c.

XXV. If the transmission of any share or shares in the Capital Stock of the said Bank be by decease of any Shareholder, the production to the Directors and deposit with them of any probate of the will of the deceased Shareholder, or of letters of administration of his estate granted by any Court in this Province having power to grant such probate or letters of administration, or by any prerogative, diocesan or peculiar court or authority in England, Wales, Ireland or any other British Colony, or of any testament, testamentary or testamentative expedite in Scotland, or if the deceased Shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the Directors of any probate of his will or letters of administration of his property, or other document of like import, granted by any Court or authority having the requisite power in such matters, shall be sufficient justification and authority to the Directors, for paying any dividend or transferring or authorizing the transfer of any share in pursuance of and in conformity to such probate, letters of administration or other such document as aforesaid.

Bank not bound to see to Trusts to which shares are subject.

XXVI. The said Bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any of the shares of its stock may be subjected; and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties shall, from time to time, be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank shall have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt; any law or usage to the contrary notwithstanding.

Bank to invest one-tenth of its paid up capital in Provincial or Consolidated Loan Fund Debentures.

XXVII. It shall be the duty of the Directors of the said Bank to invest, as speedily as the Debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Province, payable within the same, or secured upon the Consolidated Municipal Loan Fund, one tenth part of the whole paid up capital of the said Bank, and to make a return of the numbers and amount of such debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank, to the Inspector General in the month of January in each year, under the penalty of the forfeiture of the Charter of the said Bank in default of such investment and return.

XXVIII. The said Bank shall not either directly or indirectly hold any lands or tenements (save and except such as by the third section of this Act it is specially authorized to acquire and hold), or any ships or other vessels, or any share or shares of the Capital Stock of the said Bank, or of any other Bank in this Province; nor shall the said Bank either directly or indirectly lend money or make advances upon the security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security of any share or shares of the Capital Stock of the said Bank, or of any goods, wares or merchandize; nor shall the said Bank either directly or indirectly raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking: Provided always, that the said Bank may take and hold mortgages and *hypothèques* on real estate, and on ships, vessels and other personal property in this Province, by way of additional security for debts contracted to the Bank in the course of its dealings, and also for such purposes may purchase and take any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said Bank.

Bank not to hold real property except as mentioned in section 5.

Nor exercise any but Banking business.

May hold mortgages as additional security.

XXIX. The aggregate amount of discounts and advances made by the said Bank upon commercial paper or securities bearing the name of any Director of the said Bank, or the name of any copartnership or firm in which any Director of the said Bank shall be a partner, shall not at any time exceed one twentieth of the total amount of its discounts or advances made by the Bank at the same time.

Discounts to directors limited to one twentieth of the whole.

XXX. The Bank may allow and pay interest not exceeding the legal rate in this Province, upon money deposited in the Bank; and in discounting promissory notes, bills or other negotiable securities or paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and when notes, bills or other negotiable securities or paper are *bond fide* payable at a place within the Province different from that at which they are discounted, the Bank may also, in addition to the discount, receive or retain an amount not exceeding one half per centum on the amount of every such note, bill or other negotiable security or paper, to defray the expenses of agency and exchange attending the collection of every such note, bill or other negotiable security or paper; and the Bank may charge any note or bill held by and made payable at the Bank, against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof; any law, statute or usage to the contrary notwithstanding.

Bank may retain discount.

And charge premium.

May charge notes, &c., against deposit accounts in certain cases.

Certain bonds
&c., of Bank
assignable by
indorsement.

XXXI. The bonds, obligations and bills obligatory or of credit of the said Bank, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier (or Assistant Cashier) thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereon, in his, her or their own name or names; and signification of any assignment by indorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills or notes of the said Bank, signed by the President, Vice-President, Cashier or other officer appointed by the Directors of the said Bank to sign the same, promising the payment of money to any person or persons, his or their order, or to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory upon it in the like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity: Provided always, that nothing in this Act shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time any Cashier, Assistant Cashier or Officer of the Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of any branch or office of discount and deposit of the said Bank, to sign the bills or notes of the Corporation intended for general circulation, and payable to order or to bearer on demand.

Bills and notes
valid tho' not
under seal.

Directors may
authorize any
Officer to sign
notes.

Signing notes,
&c., by ma-
chinery.

XXXII. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may from time to time be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively; And whereas doubts might arise respecting the validity of such notes: Be it therefore further declared and enacted, that all bank notes and bills of the Bank of Toronto, whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose, by or with the authority of the Bank, shall be and be taken to be good and valid to all intents and purposes, and be considered in criminal as well as civil proceedings as if such notes and bills had been subscribed in the proper hand-writing of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills in all indictments and civil or criminal proceedings whatsoever; any law, statute or usage to the contrary notwithstanding.

XXXIII. The notes or bills of the Bank made payable to order or bearer, and intended for general circulation, whether the same shall issue from the chief seat or place of business of the said Bank in the City of Toronto, or from any of its branches, shall be payable on demand in specie at the place where they bear date.

Bank notes to be payable at place of date.

XXXIV. A suspension by the said Bank (either at its chief place or seat of business in the said City of Toronto, or at any of its branches or offices of discount and deposit at any other place in this Province,) of payment on demand in specie of the notes or bills of the said Bank, payable there on demand, shall, if the time of suspension extend to sixty days, consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of its charter, and of all and every the privileges granted to it by this or any other Act.

Suspension of payment for 60 days to forfeit charter.

XXXV. The total amount of bank notes and bills of the Bank, of all values in circulation at any one time, shall never exceed the aggregate amount of the paid up capital stock of the Bank, and the gold and silver coin and bullion and debentures or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province, on hand; and the bank notes and bills in circulation shall be of whatever value the Directors may think fit to issue the same; but no bank note or bill of the bank under the nominal value of five shillings shall be issued or put in circulation: Provided that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to encourage the issue by the chartered Banks of this Province of notes secured in the manner provided by the general Banking law*, shall be and are hereby declared to be applicable to this Act.

Total amount of Bank notes limited.

No bank note to be less than 5 shillings.

Act 16 V. c. 162, applicable to this Act.

XXXVI. The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of its Capital Stock paid in, and the deposits made in the bank in specie and government securities for money; and in case of excess, or in case the total amount of the bills or notes of the said Bank payable to order or to bearer on demand, and intended for general circulation, shall at any time exceed the amount hereinbefore limited, the said Bank shall forfeit its charter and all the privileges granted to it by this or any other Act, and the Directors under whose administration the excess shall happen, shall be liable, jointly and severally, for the same, in their private capacity, as well to the shareholders as to the holders of the bonds, bills and notes of the said Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators or curators of them, or any of them, and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt

Total liabilities of Bank limited.

Forfeiture of charter for excess under this or the next preceding section; and liability of Directors.

Proviso: How Director may avoid such liability.

exempt the said Bank, or its lands, tenements, goods or chattels from being also liable for such excess: Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt, do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank his protest against the same, and do within eight days thereafter publish such protest, in at least two newspapers published in the City of Toronto, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding: Provided always, that such publication shall not exonerate any Director from his liability as a shareholder.

Proviso.

Limitation of liability of shareholders in case of solvency of Bank.

XXXVII. In the event of the property and assets of the said Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of its stock in their private or natural capacities shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their respective shares, that is to say, the liability and responsibility of each shareholder to the creditors of the said Bank, shall be limited to a sum of money equal in amount to his stock therein, over and above any instalment or instalments which may be unpaid on such stock, for which he shall also remain liable and shall pay up: Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the said Bank hereinbefore mentioned and declared.

Proviso.

Monthly statements of affairs to be published.

XXXVIII. Besides the detailed statement of the said Bank, hereinbefore required to be laid before the Shareholders thereof, at their annual general meeting, the Directors shall make up and publish within the first three weeks of every month, statements of the assets and liabilities of the said Bank in the form of the schedule A hereunto annexed, shewing under the heads specified in the said form, the average amount of the notes of the said Bank in circulation, and other liabilities at the termination of the month to which the statement shall refer, and the average amount of specie and other assets that at the same times were available to meet the same; and it shall be the duty of the Directors to submit to the Governor of this Province, if required, a copy of such monthly statements, and if by him required to verify all or any part of the said statements, the said Directors shall verify the same, by the production of the weekly or monthly balance-sheets from which the said statements shall have been compiled; And furthermore, the said Directors shall, from time to time, when required, furnish to the said Governor of this Province, such further reasonable information respecting the state and proceedings of the said Bank and of the general branches and offices of discount and deposit

Copy to the Governor.

Governor may require further information.

deposit thereof, as such Governor of this Province may reasonably see fit to call for : Provided always, that the weekly or monthly balance-sheets and the further information that shall be so produced and given, shall be held by the said Governor of this Province, as being produced and given in strict confidence, that he shall not divulge any part of the contents of the said weekly or monthly balance-sheet or of the information that shall be so given : And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private dealings or accounts of any person or persons whatever having dealings with the said Bank.

Such information to be confidential.

Private accounts not to be disclosed.

XXXIX. It shall not be lawful for the said Bank at any time whatever, directly or indirectly, to advance or lend to or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money ; and if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages granted to it, by this or any other Act, shall cease and determine.

Bank not to lend money to a foreign state.

Penalty.

XL. The several public notices by this Act required to be given, shall be given by advertisements in one or more of the newspapers published in the City of Toronto, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette, for the publication of official documents and notices emanating from the Civil Government of this Province, if any such Gazette be then published.

Public notices how to be given.

XLI. If any cashier, assistant cashier, manager, clerk or servant of the said Bank, shall secrete, embezzle or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note or any security for money, or any moneys or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank or belonging to any other person or persons, body or bodies politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the cashier, assistant cashier, manager, clerk or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Punishment for embezzlement by bank officers.

XLII. Every person convicted of felony under this Act, shall be punished by imprisonment at hard labour in the Provincial Penitentiary, for any term not less than two years, or by imprisonment in any other Gaol or place of confinement for any less term than two years, in the discretion of the Court before which he shall be convicted.

Imprisonment over 2 years to be in Penitentiary.

XLIII. It shall and may be lawful to and for any Justice of the Peace, on complaint made before him, upon the oath of one credible person, that there is just cause to suspect that any one

Power to search for forged notes, &c.

or

How dealt
with if found.

or more person or persons is, or are or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same, or any part thereof, by warrant under the hand of such Justice to cause the dwelling-house, room, workshop or out-house or other building, yard, garden or other place belonging to such suspected person, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses or other tools, instruments or materials shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District (or if more convenient, of the adjoining County or District) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid, in some Court of Justice proper for the determination thereof, and the same after being so produced in evidence shall, by order of the Court, be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

Saving of
right of the
Crown, &c.

XLIV. 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, or of any person or persons, or of any body or bodies politic or corporate, except in so far as the same may be specially derogated from or affected by the provisions of this Act.

Public Act.

XLV. This Act shall be held and taken to be a Public Act, and shall be judicially taken notice of, and have the effect of a Public Act without being specially pleaded, and shall be known as the Charter of the Bank of Toronto, and the Interpretation Act shall apply thereto.

Interpreta-
tion.

Duration of
this Act.

XLVI. This Act, and so much of the Act mentioned in the preamble, as is not repealed by this Act, shall be and remain in force until the First day of January, which will be in the year of our Lord, one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer.

Commence-
ment of this
Act.

XLVII. The foregoing sections of this Act shall have force and effect upon, from and after the First day of July, in the year

year of our Lord, one thousand eight hundred and fifty-seven, and not before, and the said sections only shall be understood or intended by the words "this Act" whenever in any of them the time when this Act shall be in force is mentioned.

SCHEDULE A

Referred to in the Thirty-eighth Section of the foregoing Act.

Return of the Average Amount of Liabilities and Assets of the Bank of Toronto, during the period from the first to one thousand eight hundred and

LIABILITIES.

Promissory Notes in circulation not bearing interest....	£
Bills of Exchange in circulation not bearing interest....	£
Bills and Notes in circulation bearing interest.....	£
Balances due to other Banks.....	£
Cash deposits, not bearing interest.....	£
Cash deposits, bearing interest.....	£

Total average Liabilities.....£

ASSETS.

Coin and Bullion.....	£
Landed or other property of the Bank.....	£
Government Securities.....	£
Promissory Notes or Bills of other Banks.....	£
Balances due from other Banks.....	£
Notes and Bills discounted.....	£
Other Debts due to the Bank, not included under the foregoing heads.....	£

Total average Assets..... £

C A F . C L X I .

An Act to amend the Charter of the Colonial Bank of Canada.

[Assented to 10th June, 1857.]

WHEREAS the Colonial Bank of Canada have, by their Petition prayed for certain amendments to their Charter, the better to enable them to go into operation, and it is expedient to grant the prayer of the said Petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. The fifth, ninth, eleventh, seventeenth and thirtieth sections and the proviso to the thirty-sixth section of the Act of incorporation of 19 and 20 Certain parts of 19 and 20 incorporation

Vict., c. 123,
repealed.

incorporation of the said Bank, passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, and generally all such parts of the said Act as may be inconsistent with or repugnant to the provisions of this Act, or make provision for any matter provided for by this Act, other than such as is hereby made, shall be and are hereby repealed.

Forfeiture for
non-payment
of calls.

II. If any Shareholder or Shareholders, shall refuse or neglect to pay any instalment upon his, her or their shares of the said Capital Stock, at the time or times required by the Directors, pursuant to the said Act of incorporation, such Shareholder or Shareholders, shall incur a forfeiture to the use of the said Bank, of a sum of money equal to ten pounds per centum on the amount of such shares; and moreover, it shall be lawful for the Directors of the said Bank, (without any previous formality other than thirty days' public notice of their intention) to sell at public auction the said shares or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares and the amount of forfeitures incurred upon the whole; and the President, with the Vice-President or the Cashier of the said Bank, shall execute the transfer to the purchaser of the shares of Stock so sold, and such transfer being accepted, shall be as valid and effectual in law, as if the same had been executed by the original holders of the shares of Stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the Directors or Shareholders, at a general meeting, from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalment as aforesaid; Provided further, that no shareholder who is in arrears on the calls upon the Stock, lawfully made, shall be entitled to vote at the General Meeting for the election of Directors.

Sale of shares
on which calls
are not paid.

Proviso : for-
feiture may
be released.

Proviso :
shareholder
in arrear not
to vote.

Five Directors
to be elected
annually ;

III. The stock, property, affairs and concerns of the said Bank shall continue to be managed and conducted by five Directors, one of whom shall be the President, who, excepting as is in the said Act of incorporation provided for, shall hold their offices for one year, which Directors shall be Stockholders residing in the Province, and be elected on the first Wednesday of May in every year, after such first election, at such time of the day and at such place in the City of Toronto aforesaid, as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors as herein provided, previous to the time of holding the said election; and the said election shall be held and made by such of the said Stockholders of the said Bank as shall attend for that purpose in their own proper person, or by proxy resident within this Province; and all elections for Directors shall be by ballot, and the said proxies shall only be capable of being held by and voted upon by Shareholders then present; and the five persons who shall

have

have the greatest number of votes at any election shall be the Directors ; and if it shall happen at any election, that two or more persons have an equal number of votes, in such a manner that a greater number of persons than five shall, by a plurality of votes, appear to be chosen as Directors, then the Directors who shall have had a greater number of votes, or the majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of five ; and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot two of their number to be their President and Vice-President : Provided always, that Stockholders not residing within the Province of Canada shall be ineligible, and if any Director shall move out of this Province, his office shall be considered as vacant ; and if any vacancy or vacancies should at any time happen amongst the said Directors, by death, resignation, disqualification or removal, during the current year of office, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by the remaining Directors, or the majority of them, electing in such place or places a Shareholder or Shareholders eligible for such office ; Provided always, that no person shall be eligible to be or continue as Director unless he shall hold in his name, and for his own use, stock in the said Bank to the amount of twenty shares ; Provided also, that no Director of the said Bank shall act as a Private Banker ; Provided further, that the provision in case of failure of an election of Directors, contained in the sixth section of the said Act of incorporation, shall apply to this Act, as if the same had been incorporated herewith.

By a majority of votes.

President and Vice-President.

Proviso : certain persons not eligible

Vacancies how filled.

Proviso.

Proviso.

Proviso.

IV. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the said Bank as to them shall appear advisable, and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously ; Provided always, that such dividends shall not in any manner lessen or impair the Capital Stock of the said Bank.

Directors to make dividends.

Proviso.

V. The Directors, including the said President and Vice-President, shall be entitled to such emolument for their services as may be fixed by any order or resolution passed at the usual annual meeting of Shareholders ; and at all meetings of the said Directors not less than three of them shall constitute a Board or quorum for the transaction of business, and at the said meetings, the President, or in his absence, the Vice-President, or in their absence one of the Directors present to be chosen *pro tempore*, shall preside, and the President, Vice-President or President *pro tempore* so presiding, shall vote as a Director, and if there be an equal division on any question, shall also have a casting vote.

Quorum of Directors, and their remuneration.

Casting vote of President.

Information given under 19 and 20 Vic. c. 123, to be confidential.

VI. Any further or special information produced and given to the Governor of the Province, under the twenty-seventh section of the said Act of incorporation shall be held by the said Governor as being produced and given in strict confidence that he shall not divulge any part of the said information.

Public notices how to be given.

VII. The several public notices by this Act and by the said Act of incorporation required to be given, shall be given by advertisement, in one or more of the newspapers published in the City of Toronto, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette for the publication of official documents and notices emanating from the Civil Government of this Province, if any such Gazette be then published.

Bank not to hold real property, except as in section 1.

VIII. The said Bank shall not either directly or indirectly hold any lands or tenements (save and except such as by the said Act of incorporation, it is specially authorized to acquire and hold), or any ships or other vessels, or any share or shares of the Capital Stock of the said Bank, or of any other Bank in this Province; nor shall the said Bank either directly or indirectly lend money or make advances upon the security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security of any share or shares of the Capital Stock of the said Bank, or of any goods, wares or merchandize; nor shall the said Bank either directly or indirectly raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking; Provided always, that the said Bank may take and hold mortgages and hypothecs on real estate, and ships, vessels and other personal property in this Province by way of additional security for debts contracted to the Bank in the course of its dealings, and also, for such purposes, may purchase and take any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said Bank.

Nor to exercise any but banking business.

Proviso: may hold mortgages as additional security.

Punishment of embezzlement &c., by Bank Officers.

IX. If any Cashier, Assistant Cashier, Manager, Clerk or servant of the said Bank, shall secrete, embezzle or abscond with any Bond, Obligation, Bill obligatory or of credit, or other Bill or Note, or any security for money, or any moneys or effects, intrusted to him as such Cashier, Assistant Cashier, Manager, Clerk or Servant, whether the same belong to the said Bank, or belonging to any other person or persons, body or bodies politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the Cashier, Assistant Cashier, Manager, Clerk or Servant, so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

X. Every person convicted of felony under this Act shall be punished by imprisonment at hard labor in the Provincial Penitentiary, for any term not less than two years, or by imprisonment in any other Gaol or place of confinement for any less term than two years, in the discretion of the Court before which he shall be convicted.

Imprisonment over two years to be in Penitentiary.

XI. It shall be lawful to and for any Justice of the Peace, on complaint made before him, upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are, or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same or any part thereof, by warrant under the hand of such Justice, to cause the dwelling house, room, work-shop, or out-house or other building, yard, garden, or other place, belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses, or other tools, instruments or materials shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses, or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District (or if more convenient, of the adjoining County or District) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid, in some Court of Justice proper for the determination thereof, and the same, after being so produced in evidence, shall by order of the Court be defaced or destroyed, or otherwise disposed of as such Court shall direct.

Power to search for forged notes or machinery used for forging.

How dealt with if found.

XII. This Act shall be deemed a Public Act.

Public Act.

C A P . C L X I I .

An Act to incorporate the "International Bank of Canada."

[Assented to 10th June, 1857.]

WHEREAS William Fitch, Calvin Phelps, Richard Miller, John Brown, Archibald Thompson, Richard Martin, Agnew P. Farrell, Witson C. Moore, John C. Kirkpatrick, John

Preamble.

John Scott, and others, have by their petition prayed, that they and their legal representatives might be incorporated for the purpose of establishing a Bank in the Town of Cayuga, in the County of Haldimand; And whereas it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.
Corporate name and general powers.
Real property limited.
May make By-laws.
Proviso.

I. The several persons hereinbefore named, and such other persons as may become Shareholders in the Company to be by this Act created, and their assigns, shall be and they are hereby created, constituted and declared to be a Corporation, body corporate and politic, by the name of the "International Bank of Canada," and shall continue such Corporation, and shall have perpetual succession and a Corporate Seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law, as other Corporations may do, and shall have the power to acquire and hold real and immovable estate for the management of their business, not exceeding the yearly value of two thousand pounds currency, and may sell, alienate or exchange the same, and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such Rules, Regulations and By-laws as to them shall seem meet and necessary for the due and proper administration of their affairs, and the due management of the said Bank, such By-laws, Rules, and Regulations not being inconsistent with this Act, or contrary to the laws of this Province; Provided, however, that such Rules, Regulations and By-laws shall be submitted for approval to the Stockholders or Shareholders in the said Bank, at their regular Annual Meetings.

Capital £250,000 in shares of £25 each.

II. The Capital Stock of the said Bank hereby incorporated shall be two hundred and fifty thousand pounds, current money of this Province, divided into ten thousand shares of twenty-five pounds currency each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns.

Stock books may be opened.
At Cayuga and elsewhere.

III. For the purpose of raising the amount of the said Capital Stock, it shall be lawful for the persons hereby incorporated, or for any number of them not less than five, to cause Stock Books to be opened, after giving four weeks' public notice in two newspapers in the County of Haldimand, upon which Stock Books, shall and may be received the signatures and subscriptions of such persons or parties as desire to become Shareholders in the said Bank; and such Books shall be opened at Cayuga and elsewhere, at the discretion of the persons opening the same, and shall be kept open so long as may be necessary; and so soon as fifty thousand pounds of the said Capital Stock shall have been subscribed upon the said Stock Books, and ten thousand pounds paid thereon, a public meeting shall

shall be called of subscribers after two weeks' notice as hereinbefore provided, at such time and place as such notice shall indicate; and at such meeting the Shareholders shall proceed to elect seven Directors, having the requisite stock qualification, who shall from thenceforward manage the affairs of the said Bank, shall take charge of the Stock Books hereinabove referred to, and shall continue in office until the second Monday in January next thereafter, and until their successors in office shall be duly elected, and the said election shall be had in the same manner as the Annual Elections hereinafter provided for, as respects the regulating of votes according to the number of shares subscribed for.

First meeting for election of directors.

IV. The shares of Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint; and Executors, Administrators and Curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same; Provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal at least to ten pounds per centum on the amount subscribed for, be actually paid at the time of subscribing; Provided further, that it shall not be lawful for the Subscribers to the Capital Stock aforesaid, to commence the business of Banking, until a sum not less than twenty-five thousand pounds shall have been paid in by them; Provided further, that the said Capital Stock shall be subscribed for and paid up as follows, that is to say; the sum of fifty thousand pounds within three years; the further sum of fifty thousand pounds within four years; and the further sum of one hundred and fifty thousand pounds within five years after the said Bank shall have so commenced the business of Banking, under penalty of forfeiture of their charter.

Shares to be paid in by instalments.

Proviso: ten per cent to be paid on subscribing.

Proviso. The remainder to be paid within a certain time

V. If any Shareholder or Shareholders shall refuse or neglect to pay any or either of the instalments upon his, her or their shares of the said Capital Stock at the time or times required by public notice as aforesaid, such Shareholder or Shareholders shall incur a forfeiture to the use of the said Bank, of a sum of money equal to ten pounds per centum on the amount of such shares; and moreover, it shall be lawful for the Directors of the said Bank (without any previous formality other than thirty days' of public notice of their intention) to sell at public auction the said shares or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeiture incurred upon the whole; and the President or the Vice-President or Cashier of the said Bank shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer, being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares

Shareholders neglecting to pay instalments to forfeit ten per cent on account of shares.

Shares may be sold to pay instalments.

Proviso : for-
feiture may be
remitted.

shares of stock thereby transferred ; Provided always, that nothing in this section contained shall be held to debar the Directors or Shareholders at a general meeting from limiting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid.

Chief places of
business to be
in Cayuga.

Branches else-
where.

VI. The chief place or seat of business of the said Bank shall be in Cayuga aforesaid, but it shall and may be lawful for the Directors of the Bank to open and establish in other Cities, Towns and places in this Province, Branches or Offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said Directors shall, from time to time seem meet, and shall not be repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Affairs to be
managed by
seven direc-
tors, to be e-
lected yearly
by votes of
Shareholders.

President and
Vice-presi-
dent.

Vacancies
how filled.

Proviso :
Qualifications
of directors.

VII. For the management of the affairs of the said Bank, there shall be seven Directors, who shall be annually elected by the Shareholders of the Capital Stock of the Bank at a general meeting of them to be held annually on the second Monday in January ; at which meeting the Shareholders shall vote according to the rule or scale of votes hereinafter established ; and the Directors elected by a majority of votes given in conformity to such rule or scale, shall be capable of serving as Directors for the ensuing twelve months ; and at their first meeting to be held immediately after such election, shall choose out of their number a President and a Vice-President, who shall hold their offices respectively during the same period ; and in case of vacancy occurring in the said number of Directors, the remaining Directors shall fill the same by election from among the Shareholders, and the Director so elected shall be capable of serving as a Director until the next annual general meeting of the Shareholders ; and if the vacancy occurring in the said number of Directors shall also cause the vacancy of the office of President or of Vice-President, the Directors, at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected shall fill the office to which he shall be so chosen or elected, until the next general annual meeting of the Shareholders ; Provided always, that each of the Directors shall be the holder and proprietor in his own name of not less than twenty shares of the Capital Stock of the said Bank, and shall be a subject of Her Majesty.

Corporation
not dissolved
by failure of
election.

VIII. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the corporation hereby constituted shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election, at a general meeting of the shareholders to be duly called for that purpose.

IX. The books, correspondence and funds of the Bank shall, at all times be subject to the inspection of the Directors, but no shareholder not being a Director shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the Bank.

Books, &c., of corporation to be subject to inspection of directors.

X. At all meetings of the Directors of the said Bank, not less than five of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence one of the Directors present to be chosen *pro tempore*, shall preside; and the President, Vice-President or President *pro tempore* so presiding, shall vote as a Director only.

Four directors to constitute a quorum.

President &c., to vote only as a director.

XI. Until the first general election of Directors under this Act, the said William Fitch, Calvin Phelps, Richard Miller, John Brown, Archibald Thompson, Richard Graham, Richard Martin, Agnew P. Farrell, and Witson C. Moore, shall be the Provisional Directors, and such Provisional Directors shall elect the President, and the Vice President, and shall continue in office until the next annual general meeting; Provided always, that they shall be re-eligible to any of the said offices, and shall, until such first general election have in all respects the rights, duties and powers assigned to the President, Vice-President and Directors of the said Bank by this Act, and be governed by its provisions as if elected under it.

First Directors appointed.

President, &c.

Provido they shall be re-eligible

XII. It shall and may be lawful for the Directors of the said Bank, from time to time to make and enact By-laws, Rules and Regulations (the same not being repugnant to this Act or to the Laws of this Province,) for the proper management of the affairs of the said Bank, and from time to time to alter or repeal the same and others to make and enact in their stead; Provided always, that no By-law, Rule or Regulation so made by the Directors shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the shareholders at an annual general meeting, or at a special general meeting called for that purpose.

Directors may make by-laws, &c.

Provido: by-laws subject to confirmation by shareholders.

XIII. The shareholders may, by a By-law, appropriate a sum of money for the remuneration of the services of the President and Directors as such, and the President and Directors may annually apportion the same among themselves as they may think fit: No Director shall act as a private Banker.

Payment of President and Directors.

Provido.

XIV. The Directors of the said Bank shall have power to appoint such Cashiers, Officers, Clerks and Servants under them as shall be necessary for conducting the business of the Bank, and to allow reasonable compensation for their services respectively, and shall also be capable of exercising such power and authority for the well governing and ordering of

Directors may appoint cashiers and officers.

Other powers.

Proviso :
Security from
officers.

of the affairs of the Bank, as shall be prescribed by the By-laws thereof ; Provided always, that before permitting any Cashier, Officer, Clerk or Servant of the Bank to enter upon the duties of his office, the Directors shall require every such Cashier, Officer, Clerk or Servant, to give bond, to the satisfaction of the Directors, in such sum of money as the Directors consider adequate to the trust to be reposed, with condition for good and faithful behaviour.

Directors to
make half-
yearly divi-
dends.

XV. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the Bank as to them shall appear advisable ; and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously ; Provided always, that no such dividends shall in any manner lessen or impair the Capital Stock of the Bank.

Proviso.

Annual meet-
ing of Stock-
holders, for
election of
directors.

XVI. A general Meeting of the Shareholders of the Bank shall be held in Cayuga aforesaid, on the second Monday in the month of January, in every year during the continuance of this Act, for the purpose of electing Directors in the manner hereinafter provided, and for all other general purposes touching the affairs and the management of the affairs of the Bank ; and at each of the said Annual General Meetings the Directors shall submit a full and clear statement of the affairs of the Bank, containing, on the one part, the amount of Capital Stock paid in, the amount of notes of the Bank in circulation, the net profits in hand, the balances due to other Banks and Institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest ; and, on the other part, the amount of current coins and gold and silver bullion in the vaults of the Bank, the value of buildings and other real estate belonging to the Bank, the balances due to the Bank from other Banks or Institutions, and the amount of debts owing to the Bank, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages and hypothecs, and other securities ; thus exhibiting on the one hand the liabilities of, or debts due by the Bank, and on the other hand, the assets and resources thereof ; and the said statement shall also exhibit the rate and amount of the then last dividend declared by the Directors, the amount of profits reserved at the time of declaring such dividend, and the amount of debts of the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

Statement of
affairs to be
made.

Its form and
contents.

Ratio of votes
in proportion
to number of
shares.

XVII. The number of votes which the shareholders of the said Bank shall respectively be entitled to give at their meetings, shall be one vote for every share ; and it shall be lawful for absent Shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established

Proxies.

established by a By-law, and which authority shall be lodged in the Bank: Provided always, that a share or shares of the capital stock of the said Bank, that shall have been held for a less period than three calendar months immediately prior to any meeting of the shareholders except the first meeting, shall not entitle the holder or holders to vote at such meeting, either in person or by proxy: Provided also, that where two or more persons are joint holders of shares, it shall be lawful that only one of such joint holders shall be empowered, by letters of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly: And provided also, and it is hereby enacted, that no shareholder who shall not be a natural-born or naturalized subject of Her Majesty, or who shall be a subject of any Foreign Prince or State, shall either in person or by proxy, vote at any meeting whatever of the shareholders of the said Bank, or shall assist in calling any meeting of the shareholders; any thing in this Act to the contrary notwithstanding.

Proviso :
Shares must have been held a certain time.

Proviso, as to joint-holders.

Proviso :
Voter must be a British subject.

XVIII. No Cashier, Bank Clerk or other officer of the Bank, shall vote either in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose.

Officers to have no vote at any election of directors.

XIX. Any number, not less than twenty, of the shareholders of the said Bank, who, together, shall be proprietors of at least five hundred shares of the paid up Capital Stock of the Bank, by themselves or proxies, or the Directors of the Bank, or any four of them, shall respectively have power at any time to call a Special General Meeting of the shareholders of the Bank, to be held at their usual place of meeting in Cayuga, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any such Special General Meeting be to consider of the proposed removal of the President or Vice President, or of a Director or Directors of the Bank, for mal-administration or other specified and apparently just cause, then and in such cases the person or persons whom it shall be proposed to remove, shall, from the day on which the notice shall first be published, be suspended from the duties of his or their office or offices, and if it be the President or Vice President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President), who shall choose or elect a Director to serve as such President or Vice President during the time such suspension shall continue to be undecided upon.

Special meeting may be called by twenty shareholders.

Notice.

Suspension from office of directors, &c., whose removal is the subject of such meeting.

XX. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate, and be transmissible accordingly, and shall be assignable and transferable at the Bank according to the form of Schedule A annexed to this Act; but no assignment or transfer shall be valid and

Stock to be deemed personal estate. Assignments, manner of effecting.

and

and effectual, unless it be made and registered in a Book or Books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them to the Bank, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Bank, an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due by the original holder or holders of the said shares to the Bank, shall have been discharged as aforesaid,) the President, or Vice President, or Cashier of the Bank, shall execute the transfer of the share or shares so sold, to the purchaser, and such transfer being duly accepted, shall be to all intents and purposes as valid and effectual in law, as if it had been executed by the original holder or holders of the said shares; any law or usage to the contrary notwithstanding.

Parts of shares not assignable.

Sale of shares under seizure, and transfer to purchaser.

Bank may retain discount.

And charge premium in certain cases.

May charge notes, &c., against deposit accounts in certain cases.

In what business only the Bank shall engage, and what species of property it may hold.

XXI. The Bank may allow and pay interest not exceeding the legal rate in this Province, upon money deposited in the Bank; and in discounting promissory notes, bills, or other negotiable securities on paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and when notes, bills, or other negotiable securities or paper are *bonâ fide* payable at a place within the Province, different from that at which they are discounted, the Bank may also, in addition to the discount, receive or retain an amount not exceeding one half per centum on the amount of every such note, bill, or other negotiable security or paper, to defray the expenses of agency and exchange attending the collection of every such note, bill, or other negotiable security or paper; and the Bank may charge any note or bill held by and made payable at the Bank, against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof; any law, statute or usage to the contrary notwithstanding.

XXII. The said Bank shall not either directly or indirectly hold any lands or tenements (save and except such as by the first section of this Act they are specially authorized to acquire and hold), or any ships or other vessels, or any share or shares of the Capital Stock of the same, nor in any other Bank in this Province; nor shall the said Bank either directly or indirectly lend money or make advances upon security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the Bank, or of any

any goods, wares or merchandize; nor shall the said Bank either directly or indirectly raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking: Provided always, that the said Bank may purchase, take and hold mortgages and hypothecs and assignments of mortgages and hypothecs on real and personal property in this Province, by way of additional security for debts contracted to the Bank in the course of their dealings.

Proviso; bank may take mortgages in the course of its business.

XXIII. The aggregate amount of discounts and advances made by the said Bank upon commercial paper or securities bearing the name of any Director or Officer, or the copartnership name or firm of any Director of the said Bank, shall not at any one time exceed one twentieth of the total amount of discounts or advances made by the Bank at the same time.

Amount of discounts, &c., on security of directors or officers limited.

XXIV. The bonds, obligations and bills obligatory and of credit of the said Bank, under its common seal, and signed by the President or Vice President, and countersigned by a Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereupon, in his, her or their own name or names; and signification of any such assignment by indorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills or notes of the Bank, signed by the President, or Vice President, and countersigned by a Cashier thereof, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the Bank, shall be binding and obligatory upon the same, in the like manner and with the like force and effect as they would be upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons: Provided always, that nothing in this Act contained shall be held to debar the Directors of the Bank from authorizing or deputing from time to time any Cashier or Officer of the Bank, or any Director other than the President or the Vice President, or any Cashier, Manager or local Director of a branch or office of discount and deposit of the said Bank, to sign, and any Cashier, Accountant or Book Keeper of the said Bank or of any branch or office of discount and deposit thereof, to countersign the Bills or Notes of the said Bank intended for general circulation and payable to order or to bearer on demand.

Bonds, &c., of corporation may be assigned by endorsement.

Though not under seal.

Proviso: officers may be deputed to sign bank notes.

Signing notes
&c., by ma-
chinery.

XXV And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may, from time to time be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively; And whereas doubts might arise respecting the validity of such notes: Be it therefore further declared and enacted, that all bank notes and bills of the International Bank of Canada whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose by or with the authority of the Bank, shall be and be taken to be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper hand-writing of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills in all indictments and civil or criminal proceedings whatsoever; any law, statute or usage to the contrary notwithstanding.

Notes to bear
date and pay-
able at the
place of issue.

XXVI. The notes or bills of the said Bank made payable to order or to bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the Bank or from any of its branches, shall bear date at the place of issue, and not elsewhere, and shall be payable on demand in specie at the same place of issue.

Suspension
for sixty days
to effect a for-
feiture of
charter.

XXVII. A suspension by the said Bank (either at the chief place or seat of business, or at any of their branches or offices of discount and deposit at any other places in this Province,) of payment on demand in specie of the notes or bills of the said Bank, payable on demand, shall, if the time of suspension extend to sixty days, consecutively or at intervals, within any twelve consecutive months, operate as, and be a forfeiture of this Act of incorporation and all and every the privileges hereby granted.

Total amount
of notes under
£1 issued not
to exceed one
fifth of capital
stock paid in.

Proviso; no
note to be un-
der five shil-
lings.

Proviso: 16
Vict. cap. 162
to apply to
this bank.

XXVIII. The total amount of notes or bills of the said Bank, being for a less sum than one pound, current money of Canada, each, that shall be or may have been issued and put in circulation, shall not exceed at any one time one fifth of the amount of the Capital Stock of the Bank then paid in; Provided always, that no note under the nominal value of five shillings shall, at any time be issued or put into circulation by the Bank, nor shall any further limitation by the Legislature of the total amount of notes to be issued or re-issued by the said Bank, be held to be any infringement upon the privileges hereby granted; Provided further, that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to encourage the issue by the chartered Banks of this Province, of notes secured in the manner provided by the general Banking*

Banking law, shall be and are hereby declared to be applicable to the Bank established under this Act.

XXIX. The total amount of the debts which the said Bank shall at any time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the capital stock paid in, and the deposits made in the bank in specie and government securities for money; and at no one period after the passing of this Act shall the notes or bills payable on demand and to bearer exceed the amount of the actually paid up Capital Stock of the Corporation, and the gold and silver coin and bullion and debentures or other securities reckoned at par, issued or guaranteed by the government under the authority of the legislature of this province, on hand, and in case of excess, the said Bank shall forfeit this Act of incorporation and all the privileges hereby granted; and the Directors under whose administration the excess shall happen shall be liable jointly and severally for the same, in their private capacities, as well to the shareholders as to the holders of the bonds, bills and notes of the Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators or curators of them or any of them, and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt the Bank, or their lands, tenements, goods or chattels from being also liable for such excess: Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director, absent at the time of contracting any such excess of debt do, within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of proceedings of the Bank, his protest against the same, and do, within eight days thereafter publish such protest in at least one newspaper published in the County of Haldimand, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding: And provided always, that such publication shall not exonerate any Director from his liability as a shareholder.

Total liabilities of bank limited, and total amount of its bank notes.

Penalty for excess, and liability of directors.

Proviso: Director may avoid liability by protest and publication.

Proviso.

XXX. In the event of the property and assets of the Bank hereby constituted becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of the Bank in their private or natural capacities shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of Capital Stock held by them, that is to say; that the liability and responsibility of each shareholder shall be limited to the amount of his or her share or shares of the said Capital Stock and a sum of money equal in amount thereto; Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the Bank hereinbefore mentioned and declared.

Liability of shareholders defined and limited.

Proviso.

Monthly statements of affairs of the bank to be made and published.

Copy to Governor.

How verified.

Governor may require further information.

Proviso: such information to be confidential.

Proviso: private accounts not to be made known.

Bank not to lend money to foreign powers.

How notices under this Act shall be published.

XXXI. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the shareholders thereof, at their annual general meeting, the Directors shall make up and publish on the first day of each month, in every year, statements of the assets and liabilities of the Bank in the form of the schedule B hereunto annexed, shewing under the heads specified in the said form, the average of the amount of the notes of the Bank in circulation and other liabilities, at the termination of each month, and the average amount of specie and other assets which at the same time were available to meet the same; and it shall also be the duty of the Directors to submit to the Governor of this Province, a copy of each of such monthly statements, and if by him required to verify all or any part of the said statement, the said Directors shall verify the same, by the production of the monthly balance-sheet from which the said statement shall have been compiled; And furthermore, the said Directors shall, from time to time, when required, furnish to the said Governor of this Province, such further information respecting the state and proceedings of the Bank and of the several branches and offices of discount and deposit thereof, as such Governor of this Province may reasonably see fit to call for: Provided always, that the monthly balance-sheet and the further information that shall be so produced and given, shall be held by the said Governor of this Province, as being produced and given in strict confidence, that he shall not divulge any part of the contents of the said monthly balance-sheet or of the information that shall be so given: And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private account or accounts of any person or persons whatever, having dealings with the Bank.

XXXII. It shall not be lawful for the Bank at any time whatever, directly or indirectly, to advance or lend to or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money; And if such unlawful advance or loan be made, then and from thenceforth the said corporation hereby constituted shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted, shall cease and determine: any thing in this Act to the contrary notwithstanding.

XXXIII. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in the County of Cayuga, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette, for the publication of official documents and notices emanating from the Civil Government of this Province.

XXXIV. Shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively made transferable and payable at the Bank in the Town of Cuyaga; and to that end, the Directors may, from time to time make such rules and regulations and prescribe such forms and appoint such agent or agents, as they may deem necessary.

Transfer to shares in the United Kingdom.

XXXV. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration or other instrument so signed, made and acknowledged, shall be left at the Bank with the Cashier or other Officer or Agent of the Bank, who shall, thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share or shares as the holder thereof; Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited Representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or other accredited Representative; And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier, or other officer or agent of the Bank, from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Provision for proving the transmission of shares otherwise than by regular transfer.

Proviso: as to authentication of such proof.

Proviso: as to further evidence.

XXXVI. If the transmission of any share in the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or of Tutorship or Curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier or other officer or agent of the Bank, who shall then enter the name of the party entitled under such transmission in the Register of Shareholders.

If the change of ownership be by marriage of a female shareholder, or by will, &c.

Mode of obtaining decision of the Court as to title to shares when the Bank entertains reasonable doubt.

XXXVII. Whenever the interest in any share or shares of the Capital Stock of the said Bank shall be transmitted by the death of any Shareholder or otherwise, or whenever the ownership of, or legal right of possession in any such share or shares, shall change by any lawful means other than by transfer according to the provisions of this Act, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, then and in such case it shall be lawful for the said Bank to make and file, in the Court of Chancery for Upper Canada, a declaration and petition in writing addressed to the Chancellor of the Court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the Books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom; Provided always, that notice of such petition shall be given to the party claiming such shares, who shall, upon the filing of such petition establish his right to the several shares referred to in such petition; and all other proceedings in such cases shall be the same as those observed in cases pending before the said Court of Chancery; Provided also, that the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Proviso.

Proviso.

Bank not bound to see to execution of trust to which shares may be subject.

XXXVIII. The Bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any of the shares of the Bank may be subject; and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall, from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank shall have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt; any law or usage to the contrary notwithstanding.

One tenth of paid up capital to be invested in debentures of certain kinds.

XXXIX. It shall be the duty of the Directors of the said Bank to invest, as speedily as the Debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Province, payable within the same, or of the Consolidated Municipal Loan Fund, one tenth part of the whole paid up capital of the said Bank, and to make a return of the numbers and amount of such debentures,

debentures, verified by the oaths and signatures of the President or Chief Cashier or Manager of the said Bank, to the Inspector General, in the month of January of each year, under the penalty of the forfeiture of the Charter of the said Bank in default of such investment and return: Provided always, that the said Directors shall not commence the ordinary business of Banking, until the sum of ten thousand pounds shall have been invested in such Debentures: Provided always, that the said Bank shall not be bound to invest any portion of its Capital in Debentures under the provisions of this section, unless it shall have availed itself of the power to increase its Capital Stock to an amount exceeding one hundred thousand pounds.

Return to be made..

Proviso.

Not unless capital be increased to a certain amount.

XL. If any cashier, assistant cashier, manager, clerk or servant of the said Bank shall secrete, embezzle, or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note or any security for money, or any moneys or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belonging to any other person or persons, body or bodies politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the cashier, assistant cashier, manager, clerk or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Punishment of embezzlement &c., by Bank Officers.

XLI. Every person convicted of felony under this Act shall be punished by imprisonment at hard labour in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other Gaol or place of confinement for any less term than two years, in the discretion of the Court before which he shall be convicted.

Imprisonment over two years to be in Penitentiary.

XLII. It shall and may be lawful to and for any Justice of the Peace, on complaint made before him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same, or any part thereof, by warrant under the hand of such Justice to cause the dwelling house, room, workshop or out-house or other building, yard, garden or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses or other tools, instruments or materials shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize, and he or they are hereby authorized and

Power to search for forged notes or machinery used for forging.

How dealt with if found.

and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District (or if more convenient, of the adjoining County or District) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid, in some Court of Justice proper for the determination thereof, and the same, after being so produced in evidence shall, by order of the Court, be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

Duration of
this Act.

XLIII. This Act shall be and remain in force until the first day of June, which will be in the year of our Lord, one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer.

Public Act.

XLIV. This Act shall be deemed a Public Act.

SCHEDULE A

Referred to in the Twentieth Section of the foregoing Act.

For value received from _____, I, (or we,) of _____, do hereby assign and transfer unto the said _____ shares, (on each of which has been paid _____ pounds _____ shillings, currency, amounting to the sum of _____ pounds _____ shillings,) in the Capital Stock of the International Bank of Canada, subject to the rules and regulations of the said Bank.

Witness my (or our) hand (or hands) at the said Bank, this
day of _____, one thousand eight hundred and

(Signatures.)

I (or we) do hereby accept the foregoing assignment of shares in the Stock of the International Bank of Canada, assigned to me (or us) as above mentioned, at the Bank, this
day of _____, one thousand eight hundred and

(Signatures.)

SCHEDULE B

Referred to in the Thirty-first Section of the foregoing Act.

Return of the Average Amount of Liabilities and Assets of the International Bank of Canada, during the period from the first to , of one thousand eight hundred and

LIABILITIES.

Promissory Notes in circulation not bearing interest..	£
Bills of Exchange in circulation not bearing interest..	£
Bills and Notes in circulation bearing interest.....	£
Balances due to other Banks.....	£
Cash deposits, not bearing interest.....	£
Cash deposits, bearing interest.....	£
 Total average Liabilities.....	 £

ASSETS.

Coin and Bullion.....	£
Landed or other property of the Bank.....	£
Government Securities.....	£
Promissory Notes or Bills of other Banks.....	£
Balances due from other Banks,.....	£
Notes and Bills discounted,.....	£
Other Debts due to the Bank, not included under the foregoing heads.....	£
 Total average Assets.....	 £

C A P . C L X I I I .

An Act to alter and amend the Act incorporating the Niagara District Bank.

[Assented to 10th June, 1857.]

WHEREAS the Corporation now called and known as the Niagara District Bank, constituted under and by virtue of the Act of the Legislature of this Province, passed in the eighteenth year of Her Majesty's Reign, chaptered two hundred and four, hath, by its petition, prayed for certain alterations and amendments to the said Act, and it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.
18 V. c. 204.

I. So much of the Act hereinbefore cited, as may be inconsistent with or repugnant to the provisions of this Act, or as makes any provision in any matter provided for by this Act, other

Inconsistent enactments repealed.

other than such as is hereby made, shall be and is hereby repealed.

Within what periods the Capital of the Bank shall be paid up.

II. For and notwithstanding any thing in the second section of the said recited Act, the second instalment of fifty thousand pounds therein mentioned as payable within four years from the passing of the said recited Act, shall be subscribed and paid up within three years from the passing of this Act, and the remaining sum of one hundred thousand pounds therein stated as payable within five years from the passing of the said recited Act, shall be subscribed for and paid up within four years from the passing of this Act, making in all the chartered capital of two hundred and fifty thousand pounds; in default whereof the privileges granted by this and the said recited Act shall cease and be forfeited.

Persons subscribing may be allowed to pay up at once, &c.

III. If any person or party, subscribing for shares of the capital stock of the said Bank, shall also be willing to pay up at the time of subscribing, the full amount of the shares subscribed for, together with such premium thereon as is fixed by the fifth section of the said Act, it shall and may be lawful for the Directors of the said Bank, and at any time within the period hereinbefore limited for subscribing for such stock, to admit and receive such subscriptions and full payment, or payment of any number of instalments, together with such premium; and in every case, the premium so received on any stock subscribed for, shall be carried to the account of the ordinary profits of the said Bank.

Shares to be personalty, and how transferable.

IV. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate, and shall be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the said Bank, or at any of its branches which the Directors shall from time to time appoint for that purpose, and according to such form as the Directors shall from time to time prescribe; but no assignment shall be valid and effectual, unless it shall be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same, shall previously discharge all debts and liabilities contracted by him, her or them to the Bank, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share, or other than a whole share, shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the sheriff by whom the writ shall have been executed, shall, within thirty days after the sale, leave with the Cashier of the Bank an attested copy of the writ, with the certificate of such sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts and liabilities contracted, although not yet due, by the original holder or holders of the said shares of the said Bank, shall have

All liabilities to the Bank to be paid before transfer.

Provision when shares are taken in execution.

have been discharged as aforesaid, or shall have been secured to the satisfaction of the Directors) the President or Vice-President, or Cashier of the Corporation, shall execute the transfer of the share or shares so sold to the purchaser, and such transfer being duly accepted, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares, any law or usage to the contrary notwithstanding.

V. The said Bank shall not, either directly or indirectly, hold any lands and tenements, (save and except such as by the first section of the said recited Act it is specially authorized to acquire and hold,) or any ships or other vessels, or any share or shares of the capital stock of the said Bank, or of any other Bank in this Province; nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security, mortgage, or hypothecation of any lands or tenements, or of any ships or other vessels, nor upon the security of any share or shares of the capital stock of the said Bank, or of any goods, wares or merchandize, or engage, or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes, negotiable securities, and in such trade generally as legitimately appertains to the business of Banking; Provided always, that the said Bank may take and hold mortgages and hypothèques on real estate, and on ships, vessels, and other personal property in this Province, by way of additional security for debts contracted to the Bank in the course of its dealings, and also for such purposes, may purchase and take any outstanding mortgages, judgments or other charges, upon the real or personal property of any debtor of the said Bank.

In what only the business of the Bank shall consist.

Proviso:
May take mortgages, &c., as collateral security.

VI. The Bank may allow and pay interest, not exceeding the legal rate in this Province, upon money deposited in this Bank; and in discounting promissory notes, bills or other negotiable securities or paper, may receive or retain the discount thereon, at the time of discounting or negotiating the same; and where notes, bills or negotiable securities or papers are *bonâ fide* payable at a place within the Province, different from that at which they are discounted, the Bank may also, in addition to the discount, receive or retain an amount not exceeding one half per centum, on the amount of every such note, bill or other negotiable security or paper, to defray the expenses of agency and exchange attending the collection of every such note, bill or other negotiable security or paper; and the Bank may charge any note or bill held by, and made payable at the Bank, against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof, any law, statute or usage to the contrary notwithstanding.

Bank may pay interest and deduct discount from notes.

May make a charge on bills, &c., payable at another place; and charge certain notes, &c., to deposit accounts.

VII. The notes or bills of the said Bank, made payable to order or to bearer, and intended for general circulation, whether

Where the notes of the

Bank shall be payable.

the same shall issue from the chief seat or place of business, of the said Bank, in the Town of St. Catharines, or from any of its branches, shall be payable on demand, in specie, at the place where they bear date.

Recital.

VIII. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign Bank bills and notes on behalf of the Bank, should be impressed by machinery in such form as may from time to time be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively; And whereas doubts might arise respecting the validity of such notes: Be it therefore further enacted and declared, that all Bank notes and bills of the Niagara District Bank, whereon the name or names of any person or persons intrusted or authorized to sign such bills or notes on behalf of the said Bank, shall or may become impressed by machinery provided for that purpose, by or with the authority of the Bank, shall be and be taken to be good and valid to all intents and purposes as if such bills and notes had been subscribed in the proper hand-writing of the person or persons intrusted and authorized by the said Bank to sign the same respectively, and shall be deemed and taken to be Bank bills or notes in all indictments and civil or criminal proceedings whatsoever, any law, statute or usage to the contrary notwithstanding.

Bank-notes may be signed by machinery.

Total amount of Bank-notes limited.

IX. The total amount of Bank notes and bills of the Bank, of all values, in circulation at any one time, shall never exceed the aggregate amount of the paid up capital stock of the Bank, and the gold and silver coin and bullion and debentures or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province, on hand; and the Bank notes and bills in circulation shall be of whatever value the Directors may think fit to issue the same; but no Bank note or bill of the Bank under the nominal value of five shillings, shall be issued or put in circulation: Provided that the several provisions of an Act passed in the sixteenth year of Her Majesty's reign, intituled, *An Act to encourage the issue by the chartered Banks of this Province of notes secured in the manner provided by the general Banking law*, shall be and are hereby declared to be applicable to this Act.

No note under five shillings.

Proviso.

16 V. c. 162.

Bank Officers guilty of embezzlement, &c., to be guilty of felony.

X. If any Cashier, Assistant Cashier, Manager, Clerk or Servant of the said Bank, shall secrete, embezzle or abscond with, any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any money or effects, intrusted to him as such Cashier, Assistant Cashier, Manager, Clerk or Servant, whether the same belong to the said Bank, or belonging to any other person or persons, body or bodies politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the Cashier, Assistant Cashier, Manager, Clerk or Servant so offending and being thereof convicted in due form of law, shall be deemed guilty of felony

XI.

XI. Every person convicted of felony under this Act, shall be punished by imprisonment at hard labour in the Provincial Penitentiary, for any term not less than two years, or by imprisonment in any other Gaol or place of confinement, for any term less than two years, in the discretion of the Court before whom he shall be convicted.

Felony under this Act, how punishable.

XII. It shall and may be lawful to and for any Justice of the Peace, on complaint made before him on the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses, or other instruments, tools or materials, for making or counterfeiting the same or any part thereof, by warrant under the hand of such Justice, to cause the dwelling-house, room, workshop or outhouse, or other building, yard, garden or other place, belonging to such suspected person, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses, or other tools, instruments or materials shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District (or if more convenient, of the adjoining County or District) in which the same shall be seized, and shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid in some Court of Justice proper for the determination thereof, and the same after being so produced in evidence, shall, by order of the Court, be defaced or destroyed, or otherwise disposed of as such Court shall direct.

Search may be made for counterfeit notes, or tools or materials for making them, &c.

How the same shall be dealt with if found.

XIII. This Act, and so much of the said Act mentioned in the preamble, as is not repealed by this Act, shall be and remain in force until the first day of January, which will be in the year of Our Lord one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer.

Duration of this Act and the Act amended.

XIV. The foregoing sections of this Act shall have force and effect upon, from and after the First day of July, in the year of Our Lord, one thousand eight hundred and fifty-seven, and not before; and the said sections only shall be understood or intended by the word "this Act," whenever in any of them the time when this Act shall be in force is mentioned.

Commencement of this Act.

C A P . C L X I V .

An Act to incorporate the "Bank of Brantford."

[Assented to 10th June, 1857.]

Preamble.

WHEREAS John Aston Wilkes, Abraham Cook, Allen Good, George Samuel Wilkes, Henry Yardington, Charles Whitlaw, P. C. VanBrocklin, and others, have by their petition prayed, that they and their legal representatives might be incorporated for the purpose of establishing a Bank in the Town of Brantford; And whereas it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

I. The several persons hereinbefore named, and such other persons as may become Shareholders in the Company to be by this Act created, and their assigns, shall be and they are hereby created, constituted and declared to be a Corporation, body corporate and politic, by the name of the "Bank of Brantford," and shall continue such Corporation, and shall have perpetual succession and a Corporate Seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law, as other Corporations may do, and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of two thousand pounds currency, and may sell, alienate or exchange the same, and acquire other instead, and may, when duly organized as herein-after provided, make, ordain and establish such Rules, Regulations and By-laws as to them shall seem meet and necessary for the due and proper administration of their affairs, and the due management of the said Bank, such By-laws, Rules and Regulations not being inconsistent with this Act, or contrary to the laws of this Province; Provided, however, that such Rules, Regulations and By-laws shall be submitted for approval to the Stockholders or Shareholders in the said Bank, at their regular Annual Meetings.

Corporate name and general powers.

Real property limited.

May make By-laws.

Proviso.

Capital, £250,000, in shares of £25 each.

II. The Capital Stock of the said Bank hereby incorporated shall be two hundred and fifty thousand pounds, current money of this Province, divided into ten thousand shares of twenty-five pounds currency each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns.

Stock books may be opened

III. For the purpose of raising the amount of the said Capital Stock, it shall be lawful for the persons hereby incorporated, or for any number of them not less than five, to cause Stock Books to be opened, after giving four weeks' public notice in two newspapers in the County of Brant, upon which Stock Books

Books shall and may be received the signatures and subscriptions of such persons or parties as desire to become Shareholders in the said Bank ; and such Books shall be opened at Brantford and elsewhere, at the discretion of the persons opening the same, and shall be kept open so long as may be necessary ; and so soon as fifty thousand pounds of the said Capital Stock shall have been subscribed upon the said Stock Books, and ten thousand pounds paid thereon, a public meeting shall be called of subscribers after two weeks' notice as hereinbefore provided, at such time and place as such notice shall indicate ; and at such meeting the Shareholders shall proceed to elect seven Directors, having the requisite stock qualification, who shall from thenceforward manage the affairs of the said Bank, shall take charge of the Stock Books hereinabove referred to, and shall continue in office until the second Monday in January next thereafter, and until their successors in office shall be duly elected, and the said election shall be had in the same manner as the Annual Elections hereinafter provided for, as respects the regulating of votes according to the number of shares subscribed for.

At Brantford
and elsewhere.

First meeting
for election of
directors.

IV. The shares of Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint ; and Executors, Administrators and Curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same ; Provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal at least to ten pounds per centum on the amount subscribed for, be actually paid at the time of subscribing ; Provided further, that it shall not be lawful for the Subscribers to the Capital Stock aforesaid, to commence the business of Banking, until a sum not less than twenty-five thousand pounds shall have been paid in by them ; Provided further, that the said Capital Stock shall be subscribed for and paid up as follows, that is to say ; the sum of fifty thousand pounds within three years ; the further sum of fifty thousand pounds within four years ; and the further sum of one hundred and fifty thousand pounds within five years after the said Bank shall have so commenced the business of Banking, under penalty of forfeiture of their charter.

Shares to be
paid in by in-
stalments.

Proviso : ten
per cent. to be
paid on sub-
scribing.

When the
Bank may
commence
business.

The remain-
der to be paid
within a cer-
tain time.

V. If any Shareholder or Shareholders shall refuse or neglect to pay any or either of the instalments upon his, her or their shares of the said Capital Stock at the time or times required by public notice as aforesaid, such Shareholder or Shareholders shall incur a forfeiture to the use of the said Bank of a sum of money equal to ten pounds per centum on the amount of such shares ; and moreover, it shall be lawful for the Directors of the said Bank (without any previous formality other than thirty days of public notice of their intention) to sell at public auction the said shares or so many of the said shares as shall, after deducting the

Shareholders
neglecting to
pay instal-
ments to for-
feit ten per
cent. on ac-
count of
shares.

Shares may
be sold to pay
instalments.

the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeiture incurred upon the whole; and the President or the Vice-President or Cashier of the said Bank shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer being accepted shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the Directors or Shareholders at a general meeting from limiting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid.

Proviso: forfeiture may be remitted.

Chief place of business to be in Brantford.

Branches elsewhere.

VI. The chief place or seat of business of the said Bank shall be in Brantford aforesaid, but it shall and may be lawful for the Directors of the Bank to open and establish in other Cities, Towns and places in this Province, Branches or Offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said Directors shall from time to time seem meet, and shall not be repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Affairs to be managed by seven directors, to be elected yearly by votes of Shareholders.

President and Vice-President.

Vacancies how filled.

Proviso: Qualification of directors.

VII. For the management of the affairs of the said Bank, there shall be seven Directors who shall be annually elected by the Shareholders of the Capital Stock of the Bank at a general meeting of them to be held annually on the second Monday in January; at which meeting the Shareholders shall vote according to the rule or scale of votes, hereinafter established; and the Directors elected by a majority of votes given in conformity to such rule or scale, shall be capable of serving as Directors for the ensuing twelve months; and at their first meeting to be held immediately after such election, shall choose out of their number a President and a Vice-President, who shall hold their offices respectively during the same period; and in case of vacancy occurring in the said number of Directors, the remaining Directors shall fill the same by election from among the Shareholders, and the Director so elected shall be capable of serving as a Director until the next annual general meeting of the Shareholders; and if the vacancy occurring in the said number of Directors shall also cause the vacancy of the office of President or of Vice-President, the Directors at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected shall fill the office to which he shall be so chosen or elected until the next general annual meeting of the Shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name of not less than twenty shares of the Capital Stock of the said Bank, and shall be a subject of Her Majesty.

VIII. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the corporation hereby constituted shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be duly called for that purpose.

Corporation not dissolved by failure of election.

IX. The books, correspondence and funds of the Bank shall at all times be subject to the inspection of the Directors, but no shareholder not being a Director shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the Bank.

Books, &c., of corporation to be subject to inspection of directors.

X. At all meetings of the Directors of the said Bank not less than five of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence one of the Directors present to be chosen *pro tempore*, shall preside; and the President, Vice-President or President *pro tempore* so presiding, shall vote as a Director only.

Five directors to constitute a quorum.

President, &c., to vote as a Director only.

First Directors.

XI. Until the first general election of Directors under this Act, the said John Aston Wilkes, Abraham Cook, Allen Good, George Samuel Wilkes, Henry Yardington, Charles Whitlaw, and P. C. VanBrocklin shall be the Provisional Directors, and the said John A. Wilkes shall be the President, and the said Abraham Cook the Vice-President, and shall then go out of office; Provided always, that they shall be re-eligible to any of the said offices, and shall until such first general election have in all respects the rights, duties and powers assigned to the President, Vice-President and Directors of the said Bank by this Act, and be governed by its provisions as if elected under it.

Proviso: They shall be re-eligible.

XII. It shall and may be lawful for the Directors of the said Bank, from time to time to make and enact By-laws, Rules and Regulations (the same not being repugnant to this Act or to the Laws of this Province), for the proper management of the affairs of the said Bank, and from time to time to alter or repeal the same and others to make and enact in their stead; Provided always, that no By-law, Rule or Regulation so made by the Directors shall have force or effect until the same shall, after six weeks' public notice have been confirmed by the Shareholders at an annual general meeting, or at a special general meeting called for that purpose.

Directors may make By-laws, &c.

Proviso: By-laws subject to confirmation by shareholders.

XIII. The Shareholders may, by a By-law, appropriate a sum of money for the remuneration of the services of the President and Directors as such, and the President and Directors may annually apportion the same among themselves as they may think fit: No Director shall act as a private Banker.

Payment of President and Directors.

Directors may
appoint cash-
iers and off-
cers.

Other powers.

Proviso :
Security from
officers

XIV. The Directors of the said Bank shall have power to appoint such Cashiers, Officers, Clerks and Servants under them as shall be necessary for conducting the business of the Bank, and to allow reasonable compensation for their services respectively, and shall also be capable of exercising such power and authority for the well governing and ordering of the affairs of the Bank, as shall be prescribed by the By-laws thereof; Provided always, that before permitting any Cashier, Officer, Clerk or Servant of the Bank to enter upon the duties of his office, the Directors shall require every such Cashier, Officer, Clerk or Servant, to give bond, to the satisfaction of the Directors, in such sum of money as the Directors consider adequate to the trust to be reposed, with condition for good and faithful behaviour.

Directors to
make half-
yearly divi-
dends.

Proviso.

XV. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the Bank as to them shall appear advisable; and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously; Provided always, that no such dividends shall in any manner lessen or impair the Capital Stock of the Bank.

Annual meet-
ing of Stock-
holders, for
election of
directors.

Statement of
affairs to be
made.

Its form and
contents.

XVI. A general meeting of the Shareholders of the Bank shall be held in Brantford aforesaid, on the second Monday in the month of January, in every year during the continuance of this Act, for the purpose of electing Directors in the manner hereinafter provided, and for all other general purposes touching the affairs and the management of the affairs of the Bank; and at each of the said Annual General Meetings the Directors shall submit a full and clear statement of the affairs of the Bank, containing, on the one part, the amount of Capital Stock paid in, the amount of notes of the Bank in circulation, the net profits in hand, the balances due to other Banks and Institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest; and, on the other part, the amount of current coins and gold and silver bullion in the vaults of the Bank, the value of buildings and other real estate belonging to the Bank, the balances due to the Bank from other Banks or Institutions, and the amount of debts owing to the Bank, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages and hypothecs, and other securities; thus exhibiting on the one hand the liabilities of, or debts due by the Bank, and on the other hand, the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the then last dividend declared by the Directors, the amount of profits reserved at the time of declaring such dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

XVII. The number of votes which the Shareholders of the said Bank shall respectively be entitled to give at their meetings, shall be one vote for every share ; and it shall be lawful for absent Shareholders to give their votes by proxy, such proxy being also a Shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank : Provided always, that a share or shares of the Capital Stock of the said Bank, that shall have been held for a less period than three calendar months immediately prior to any meeting of the Shareholders except the first meeting, shall not entitle the holder or holders to vote at such meeting, either in person or by proxy : Provided also, that where two or more persons are joint-holders of shares, it shall be lawful that only one of such joint-holders shall be empowered by Letters of Attorney from the other joint-holder or holders, or a majority of them, to represent the said shares and vote accordingly : And provided also, and it is hereby enacted, that no Shareholder who shall not be a natural-born or naturalized subject of Her Majesty, or who shall be a subject of any Foreign Prince or State, shall either in person or by proxy, vote at any meeting whatever of the Shareholders of the said Bank, or shall assist in calling any meeting of the Shareholders ; any thing in this Act to the contrary notwithstanding.

Ratio of votes in proportion to number of shares.

Proxies.

Proviso : Shares must have been held a certain time.

Proviso : as to joint-holders.

Proviso : Voter must be a British subject.

XVIII. No Cashier, Bank Clerk or other officer of the Bank, shall vote either in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose.

Officers to have no vote at any election of Directors.

XIX. Any number, not less than twenty, of the Shareholders of the said Bank, who together shall be proprietors of at least five hundred shares of the paid up Capital Stock of the Bank, by themselves or proxies, or the Directors of the Bank, or any four of them, shall respectively have power at any time to call a Special General Meeting of the Shareholders of the Bank, to be held at their usual place of meeting in Brantford, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting ; and if the object of any such Special General Meeting be to consider of the proposed removal of the President or Vice-President, or of a Director or Directors of the Bank, for mal-administration or other specified and apparently just cause, then and in such cases the person or persons whom it shall be proposed to remove, shall, from the day on which the notice shall first be published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President), who shall choose or elect a Director to serve as such President or Vice-President during the time such suspension shall continue to be undecided upon.

Special meeting may be called by twenty shareholders.

Notice.

Suspension from office of officers whose removal is the subject of such meeting.

Stock to be deemed personal estate.

Assignments, manner of effecting.

Parts of shares not assignable.

Sale of shares under seizure, and transfer to purchaser.

XX. The shares of the capital Stock of the said Bank shall be held and adjudged to be personal estate, and be transmissible accordingly, and shall be assignable and transferable at the Bank according to the form of Schedule A annexed to this Act; but no assignment or transfer shall be valid and effectual unless it be made and registered in a Book or Books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them to the Bank, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Bank an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due by the original holder or holders of the said shares to the Bank shall have been discharged as aforesaid,) the President, or Vice-President, or Cashier of the Bank, shall execute the transfer of the share or shares so sold, to the purchaser, and such transfer being duly accepted, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said shares; any law or usage to the contrary notwithstanding.

Bank may retain discount.

And charge premium in certain cases.

May charge notes, &c., against deposit accounts in certain cases.

XXI. The Bank may allow and pay interest not exceeding the legal rate in this Province, upon money deposited in the Bank; and in discounting promissory notes, bills or other negotiable securities on paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and when notes, bills or other negotiable securities or paper are *bona fide* payable at a place within the Province different from that at which they are discounted, the Bank may also, in addition to the discount, receive or retain an amount not exceeding one half per centum on the amount of every such note, bill or other negotiable security or paper, to defray the expenses of agency and exchange attending the collection of every such note, bill or other negotiable security or paper; and the Bank may charge any note or bill held by and made payable at the Bank, against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof; any law, statute or usage to the contrary notwithstanding.

In what business only the Bank shall engage, and what species of property it may hold.

XXII. The said Bank shall not either directly or indirectly hold any lands or tenements (save and except such as by the first section of this Act they are specially authorized to acquire and hold), or any ships or other vessels, or any share or shares of the Capital Stock of the same, nor in any other Bank in this Province; nor shall the said Bank either directly or indirectly

lend money or make advances upon the security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the Bank, or of any goods, wares or merchandize; nor shall the said Bank either directly or indirectly raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking; Provided always, that the said Bank may purchase, take and hold mortgages and hypothecs and assignments of mortgages and hypothecs on real and personal property in this Province, by way of additional security for debts contracted to the Bank in the course of their dealings.

Proviso :
Bank may take mortgages in the course of its business.

XXIII. The aggregate amount of discounts and advances made by the said Bank upon commercial paper or securities bearing the name of any Director or Officer, or the copartnership name or firm of any Director of the said Bank, shall not at any time exceed one twentieth of the total amount of discounts or advances made by the Bank at the same time.

Amount of discounts, &c., on security of directors or officers limited.

XXIV. The bonds, obligations and bills obligatory or of credit of the said Bank, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereupon, in his, her or their own name or names; and signification of any such assignment by indorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills or notes of the Bank, signed by the President or Vice-President, and countersigned by a Cashier thereof, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the Bank, shall be binding and obligatory upon the same, in the like manner and with the like force and effect as they would be upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons: Provided always, that nothing in this Act contained shall be held to debar the Directors of the Bank from authorizing or deputing from time to time any Cashier or Officer of the Bank, or any Director other than the President or the Vice-President, or any Cashier, Manager or local Director of a branch or office of discount and deposit of the said Bank, to sign, and any Cashier,

Bonds, &c., of corporation may be assigned by endorsement.

Proviso : officers may be deputed to sign bank notes.

Accountant

Accountant or Book-keeper of the said Bank, or of any branch or office of discount and deposit thereof, to countersign, the Bills or Notes of the said Bank intended for general circulation and payable to order or to bearer on demand.

Signing notes,
&c., by ma-
chinery.

XXV. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may from time to time be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively; And whereas doubts might arise respecting the validity of such notes: Be it therefore further declared and enacted, that all bank notes and bills of the Bank of Brantford whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose by or with the authority of the Bank, shall be and be taken to be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper hand-writing of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills in all indictments and civil or criminal proceedings whatsoever; any law, statute or usage to the contrary notwithstanding.

Notes to bear
date and pay-
able at the
place of issue.

XXVI. The notes or bills of the said Bank made payable to order or to bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the Bank or from any of its branches, shall bear date at the place of issue, and not elsewhere, and shall be payable on demand in specie at the same place of issue.

Suspension for
sixty days to
effect a for-
feiture of
charter.

XXVII. A suspension by the said Bank (either at the chief place or seat of business, or at any of their branches or offices of discount and deposit at any other places in this Province) of payment on demand in specie of the notes or bills of the said Bank, payable on demand, shall, if the time of suspension extend to sixty days, consecutively or at intervals, within any twelve consecutive months, operate as, and be a forfeiture of this Act of incorporation and all and every the privileges hereby granted.

Total amount
of notes under
£1 issued, not
to exceed one
fifth of capital
stock paid in.

Provide: no
note to be un-
der five shil-
lings

XXVIII. The total amount of notes and bills of the said Bank, being for a less sum than one pound, current money of Canada, each, that shall be or may have been issued and put in circulation, shall not exceed at any one time one fifth of the amount of the Capital Stock of the Bank then paid in; Provided always, that no note under the nominal value of five shillings shall at any time be issued or put in circulation by the Bank, nor shall any further limitation by the Legislature of the total amount of notes to be issued or re-issued by the said Bank, be

held to be any infringement upon the privileges hereby granted ; Provided further, that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intitled, *An Act to encourage the issue by the chartered Banks of this Province of notes secured in the manner provided by the general Banking law*, shall be and are hereby declared to be applicable to the Bank established under this Act.

Proviso: 16 V. c. 162, to apply to this Bank.

XXIX. The total amount of the debts which the said Bank shall at any time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the capital stock paid in, and the deposits made in the bank in specie and government securities for money ; and at no one period after the passing of this Act shall notes or calls payable on demand and to bearer exceed the amount of the actually paid up Capital Stock of the Corporation, and in case of excess, the said Bank shall forfeit this Act of incorporation and all the privileges hereby granted ; and the Directors under whose administration the excess shall happen shall be liable jointly and severally for the same, in their private capacities, as well to the Shareholders as to the holders of the bonds, bills and notes of the Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators or curators of them or any of them, and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt the Bank, or their lands, tenements, goods or chattels from being also liable for such excess : Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register or proceedings of the Bank, his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published in the County of Brant, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding : Provided always, that such publication shall not exonerate any Director from his liability as a Shareholder.

Total liabilities of Bank limited, and total amount of its Bank notes.

Penalty for excess, and liability of Directors.

Proviso : Director may avoid liability by protest and publication.

Proviso.

XXX. In the event of the property and assets of the Bank hereby incorporated becoming insufficient to liquidate the liabilities and engagements or debts thereof, the Shareholders of the Bank in their private or natural capacities shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of Capital Stock held by them, that is to say ; that the liability and responsibility of each Shareholder shall be limited to the amount of his or her share or shares of the said Capital Stock and a sum of money equal in amount thereon ; Provided always, that nothing in this section contained shall be construed to

Liability of Shareholders defined and limited.

Proviso.

to alter or diminish the additional liabilities of the Directors of the Bank hereinbefore mentioned and declared.

Monthly statement of affairs of the Bank to be made and published.

XXXI. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the shareholders thereof, at their annual general meeting, the Directors shall make up and publish on the first day of each month, in every year, statements of the assets and liabilities of the Bank in the form of the Schedule B hereunto annexed, shewing under the heads specified in the said form, the average of the amount of the notes of the Bank in circulation and other liabilities, at the termination of each month, and the average amount of specie and other assets which at the same time were available to meet the same ; and it shall also be the duty of the Directors to submit to the Governor of this Province, a copy of each of such monthly statements, and if by him required to verify all or any part of the said statement, the said Directors shall verify the same, by the production of the monthly balance-sheet from which the said statement shall have been compiled ; And furthermore, the said Directors shall, from time to time, when required, furnish to the said Governor of this Province, such further information respecting the state and proceedings of the Bank and of the several branches and offices of discount and deposit thereof, as such Governor of this Province may reasonably see fit to call for : Provided always, that the monthly balance-sheet and the further information that shall be so produced and given, shall be held by the said Governor of this Province, as being produced and given in strict confidence, that he shall not divulge any part of the contents of the said monthly balance-sheet or of the information that shall be so given : And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private account or accounts of any person or persons whatever having dealings with the Bank.

Copy to the Governor.

How verified.

Governor may require further information.

Proviso.

Proviso : as to private accounts.

Bank not to lend money to foreign powers.

XXXII. It shall not be lawful for the Bank at any time whatever, directly or indirectly, to advance or lend to or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money ; And if such unlawful advance or loan be made, then and from thenceforth the said corporation hereby constituted shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted, shall cease and determine ; any thing in this Act to the contrary notwithstanding.

How notices under this Act shall be published.

XXXIII. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in the County of Brant, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette, for the publication of official documents and notices emanating from the Civil Government of this Province.

XXXIV. Shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively made transferable and payable at the Bank in the Town of Brantford; and to that end, the Directors may from time to time make such rules and regulations and prescribe such forms and appoint such agent or agents, as they may deem necessary.

Transfer of shares in the United Kingdom.

XXXV. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration or other instrument so signed, made and acknowledged, shall be left at the Bank with the Cashier or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share as the holder thereof; Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited Representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or other accredited Representative; And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier, or other officer or agent of the Bank, from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Provision for proving the transmission of shares otherwise than by regular transfer.

Proviso: as to authentication of such proof.

Proviso: as to further evidence.

XXXVI. If the transmission of any share in the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or of Tutorship or Curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier or other officer or agent of the Bank, who shall then enter the name of the party entitled under such transmission in the Register of Shareholders.

If the change of ownership be by marriage of a female Shareholder, or by will, &c.

Mode of obtaining decision of the Court as to title to shares when the Bank entertains reasonable doubt.

XXXVII. Whenever the interest in any share or shares of the Capital Stock of the said Bank shall be transmitted by the death of any Shareholder or otherwise, or whenever the ownership of, or legal right of possession in any such share or shares, shall change by any lawful means other than by transfer according to the provisions of this Act, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, then and in such case it shall be lawful for the said Bank to make and file, in the Court of Chancery for Upper Canada, a declaration and petition in writing addressed to the Chancellor of the Court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the Books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom; Provided always, that notice of such petition shall be given to the party claiming such shares, who shall, upon the filing of such petition establish his right to the several shares referred to in such petition; and all other proceedings in such cases shall be the same as those observed in cases pending before the said Court of Chancery; Provided also, that the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Proviso.

Proviso.

Bank not bound to see to execution of trust to which shares may be subject.

XXXVIII. The Bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any of the shares of the Bank may be subject; and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank shall have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt; any law or usage to the contrary notwithstanding.

One tenth of paid up capital to be invested in debentures of certain kinds.

XXXIX. It shall be the duty of the Directors of the said Bank to invest, as speedily as the Debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Province, payable within the same, or of the Consolidated Municipal Loan Fund, one tenth part of the whole paid up capital of the said Bank, and to make a return of the numbers and amount of such debentures,

debentures, verified by the oaths and signatures of the President or Chief Cashier or Manager of the said Bank, to the Inspector General, in the month of January of each year, under the penalty of the forfeiture of the Charter of the said Bank in default of such investment and return : Provided always, that the said Directors shall not commence the ordinary business of Banking, until the sum of ten thousand pounds shall have been invested on such Debentures.

Return to be made.

Proviso.

XL. If any cashier, assistant cashier, manager, clerk or servant of the said Bank shall secrete, embezzle, or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note or any security for money, or any moneys or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belonging to any other person or persons, body or bodies politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the cashier, assistant cashier, manager, clerk or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Punishment of embezzlement, &c., by Bank Officers.

XLI. Every person convicted of felony under this Act shall be punished by imprisonment at hard labour in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other Gaol or place of confinement for any less term than two years, in the discretion of the Court before which he shall be convicted.

Imprisonment over two years to be in Penitentiary.

XLII. It shall and may be lawful to and for any Justice of the Peace, on complaint made before him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same, or any part thereof, by warrant under the hand of such Justice, to cause the dwelling house, room, workshop or out-house or other building, yard, garden or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched ; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses or other tools, instruments or materials shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District

Power to search for forged notes or machinery used for forging.

How dealt with if found.

District (or if more convenient, of the adjoining County or District) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid in some Court of Justice proper for the determination thereof, and the same, after being so produced in evidence shall, by order of the Court, be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

Duration of Act.

XLIII. This Act shall be and remain in force until the first day of June, which will be in the year of our Lord, one thousand eight hundred and seventy, and from that time, until the end of the then next Session of the Parliament of this Province, and no longer.

Public Act.

XLIV. This Act shall be deemed a Public Act.

SCHEDULE A

Referred to in the Twentieth Section of the foregoing Act.

For value received from _____, I, (or we,) of _____, do hereby assign and transfer unto the said _____ shares, (on each of which has been paid _____ pounds _____ shillings, currency, amounting to the sum of _____ pounds _____ shillings,) in the Capital Stock of the Bank of Brantford, subject to the rules and regulations of the said Bank.

Witness my (or our) hand (or hands), at the said Bank, this day of _____, one thousand eight hundred and _____

(Signatures.)

I (or we) do hereby accept the foregoing assignment of shares in the Stock of the Bank of Brantford, assigned to me (or us) as above mentioned, at the Bank, this _____ day of _____, one thousand eight hundred and _____

(Signatures.)

SCHEDULE B

Referred to in the Thirty-first Section of the foregoing Act.

Return of the Average Amount of Liabilities and Assets of the Bank of Brantford, during the period from the first to _____, of one thousand eight hundred and _____

LIABILITIES.

Promissory Notes in circulation not bearing interest..	£
Bills of Exchange in circulation not bearing interest..	£
Bills and Notes in circulation bearing interest.. £
	Balances

Balances due to other Banks.....	£
Cash deposits not bearing interest.....	£
Cash deposits bearing interest.....	£
Total average Liabilities....	£

ASSETS.

Coin and Bullion.....	£
Landed or other property of the Bank.....	£
Government Securities.....	£
Promissory Notes or Bills of other Banks.....	£
Balances due from other Banks.....	£
Notes and Bills discounted	£
Other Debts due to the Bank, not included under the foregoing heads.....	£
Total average Assets....	£

C A P. C L X V .

An Act for amending the Act for incorporating and granting certain powers to the Canadian Loan and Investment Company.

[Assented to 10th June, 1857.]

WHEREAS an Act was passed in the Session of Parliament holden in the nineteenth and twentieth years of the reign of Her present Majesty, Queen Victoria, intituled, *An Act for incorporating and granting certain powers to the Canadian Loan and Investment Company*; And whereas by the thirtieth section of the said Act, it is 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 five pounds per centum per annum, as the Shareholders paying such sum in advance and the Company shall agree upon; And whereas in the seventieth section of the said Act, was contained a provision that such persons should be the first Directors, Auditors and other officers of the said Company, as should be named in a Royal Charter of incorporation, or in an Act of the Parliament of the United Kingdom of Great Britain and Ireland, for granting to the said Company the powers and authorities in Great Britain necessary for carrying on and accomplishing the undertaking authorized by that Act, and that the election of future Directors and Officers, and

Preamble.

19, 20 V. c.
126.

and also the times, place and mode of calling and holding general or extraordinary or other meetings of the said Company, and of the Directors of the said Company, should, save and except so far as they were therein specially provided for, be subject to and regulated by such rules, regulations and provisions, and that the said general or extraordinary or other meetings of the said Company, and of the Directors and other Officers of the said Company, should have such powers, privileges and authorities as might be set forth and directed by such Royal Charter of Incorporation, or by such Act of the Imperial Parliament of Great Britain as thereinbefore mentioned; provided that such powers, privileges or authorities were not contrary to or inconsistent with the provisions of the said Act; And whereas it is expedient that the thirtieth and seventieth sections of the said recited Act should be amended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Rat interest on sums paid in advance of calls, to be such as the Company and the advancee shall agree upon.

I. The said 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 as the Shareholders paying such sum in advance and the Company shall agree upon.

First appointment of Directors, Auditors, &c., of the Company, may be regulated either by a memorandum or articles of Association under the English Joint Stock Companies' Act; or in the way pointed out in the recited Act.

II. Such persons shall be the first Directors, Auditors and other Officers of the said Company as shall be named in or appointed by or under the provisions of a Royal Charter of Incorporation, or an Act of the Parliament of the United Kingdom of Great Britain and Ireland, for granting to the said Company the powers and authorities in Great Britain, necessary for carrying on and accomplishing the undertaking authorized by the said recited Act, or as shall be named in or appointed by a Memorandum of Association or Articles of Association registered under the provisions of the Act of Parliament of the United Kingdom of Great Britain, intituled, *The Joint Stock Companies' Act*, 1856, such Memorandum or Articles being registered for the purpose of granting to the said Company, under the title of *The Canadian Loan and Investment Company*, the powers and authorities in Great Britain necessary for carrying on and accomplishing the undertaking authorized by the said recited Act; and the election of future Directors and Officers, and also the time, place and mode of calling and holding general or extraordinary or other meetings of the said Company, and of the Directors and other Officers of the said Company, and the proceedings at such general or extraordinary or other meetings of the said Company, and of the Directors of the said Company, shall, save and except so far as they are herein specially provided for, be subject to and regulated by such

such rules, regulations and provisions, and the said general or extraordinary or other meetings of the said Company, and of the Directors and other Officers of the said Company, shall have such powers, privileges and authorities as may be set forth and directed by such Royal Charter of Incorporation Act of the Imperial Parliament of Great Britain, or Memorandum or Articles of Association as above mentioned: Provided always that three of the Directors of the said company shall be resident in Canada, and that Stockholders of the said company resident in Canada, shall at all times be entitled to vote either in person or by proxy at all meetings of the Company in Canada or elsewhere, and shall have sufficient notice of all such meetings given to them for that purpose.

Proviso: three Directors to be resident in Canada, and Canadian Shareholders to vote by proxy, &c.

III. And it shall be lawful for the said Company to be invested with and exercise any further powers to the extent and in the manner provided by the sixth section of the Act incorporating the said Company hereinbefore mentioned, which may be given or granted to the said Company, by a Royal Charter of Incorporation, or lawfully exercised by Companies incorporated, or carrying on business under the Act of Parliament of Great Britain and Ireland, intituled, *The Joint Stock Companies' Act, 1856.*

Company may have such further powers given by the said Joint Stock Companies' Act.

IV. This Act shall be deemed a Public Act.

Public Act.

C A P . C L X V I .

An Act to incorporate the Western Canada Loan Company.

[Assented to 10th June, 1857.]

WHEREAS William Paterson MacLaren, Daniel Charles Gunn, Messrs. Kerr, Brown and Company, Messrs. John and James Turner, Dennis Moore, Hugh C. Baker, John Young, John Brown and Edward Cartwright Thomas, have, by their petition prayed the Legislature of this Province, to be incorporated for the purpose of introducing into and investing capital in that part of this Province which formerly constituted Upper Canada, upon sufficient real or personal securities, and it is expedient to accede to their request, and to invest them with powers to borrow money on the security of their subscribed capital, and such other privileges and immunities as are necessary for the accomplishment of their undertaking: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. The said petitioners, and all and every such other person and persons, body or bodies politic, corporate or collegiate, as shall, from time to time be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be united

Certain persons incorporated.

Corporate
name.

united into a Company, and shall be a body politic and corporate by and under the name and style of the "Western Canada Loan Company," and by that name shall have perpetual succession, and a common seal, and by that name shall sue and be sued, plead and be impleaded in all courts of law and equity whatsoever.

Certain powers granted to said Company.

II. It shall be lawful for the said Company to lay out and invest their capital, in the first place in paying and discharging all expenses incurred in applying for and obtaining this Act, and the preliminary expenses attending the establishment of the said Company, and the remainder, or so much thereof as may, from time to time be deemed necessary for and towards carrying out the objects of this undertaking as hereinafter mentioned, that is to say, from time to time, and at any time to lend and advance money by way of loan or otherwise, on real or immovable estate in this Province, to be secured by such real security, or both real and personal, and upon such terms and conditions, and at such rate of interest not exceeding eight per cent. per annum as to the said Company shall appear satisfactory, and to do all acts that may be necessary for advancing such money, and for recovering and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions annexed to such advances, or any forfeitures consequent on the non-payment thereof, and to give all necessary and proper receipts, acquittances and discharges for the same absolutely or partially, and for all and every or any of the purposes aforesaid, to lay out and apply the capital and property of the Company, or any part thereof, or any of the moneys hereby authorized to be raised by the Company in addition to their capital for the time being, and to do, authorize and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes or any of them.

Rate of interest they may take.

Further powers.

Lending money to Government, Municipalities, &c.

III. It shall be lawful for the said Company to lend and advance money to the Government of this Province, for any purposes whatsoever, or to any district, county, parish, township, city, town or village Municipality in this Province, or to any board, trustees, commissioners or other person or persons having the care of or making or executing any public works in the said Province, or to any other person or persons whomsoever, and at such rate of interest not exceeding eight per cent. per annum as may be agreed upon in any such case, and to take and accept from such Government, Municipality, Board, Trustees, Commissioners or other person or persons, such assignment, grant, demise, obligation or security of or upon any public revenues or property of this Province, or upon any rates, tolls, charges or assessments within this Province, or such other security for the repayment of the money so to be advanced, and also for the interest thereof, as to the said Company shall appear satisfactory, and which shall be good, valid and effectual for the purposes expressed

expressed therein, and shall and may be enforced for the benefit of the said Company, and to do all acts that may be necessary for the advancing of such money, and recovering and obtaining payment thereof, and for enforcing the payment of all interest accruing therefrom, or of any conditions annexed to such advances, or any forfeitures consequent on the non-payment thereof, or any part thereof, and to give the necessary or proper receipts, acquittances and discharges for the same, and to do, assent to and exercise all acts whatsoever, requisite or expedient to be done in regard to the said purposes.

IV. If, at any time, any person or any Municipal or other Corporation in this Province or elsewhere, shall be desirous of taking shares in the Capital Stock of the said Company, or otherwise promoting the success of their undertaking by loans of money or securities for money at interest, it shall be lawful for them respectively so to do, in the like manner and with the same rights and privileges in respect thereof as private individuals may do under or by 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.

Corporations may take stock in or lend money to the Company.

V. All conveyances to be made by the Company under or by virtue of this Act, may be made according to the forms in the Schedule A to this Act annexed, or as near thereto as the circumstances will admit; and every Mortgage and Bond for securing money borrowed from the Company shall be by deed, under seal, wherein the consideration shall be duly stated, and may be according to the form in the Schedule B to this Act annexed, or as near as the circumstances will admit.

Forms of conveyance and mortgage to the Company.

VI. The said Company may, and are hereby empowered to demand and receive in advance from any person or party or from the Government aforesaid, or from any Municipality, Board, Trustee or Commissioners, or other person or persons, the half-yearly interest from time to time accruing on any loans granted by the said Company under and by virtue of this Act; any law or statute of this Province, or of the late Provinces of Lower or Upper Canada, notwithstanding.

Company may receive half year's interest in advance.

VII. The Capital of the said Company shall, in the first instance not exceed five hundred thousand pounds, and shall be divided into twenty thousand shares, each of the amount of twenty-five pounds, with power to increase the said Capital to seven hundred and fifty thousand pounds, to be divided into a proportionate number of shares according to the amount of such increased capital, and such shares shall be numbered in arithmetical progression, beginning with number one, and be respectively distinguished by the numbers affixed to them.

Capital.

Power to increase it.

VIII. All shares in the undertaking shall be personal estate, and transmissible as such.

Shares to be personally, &c.

IX.

Register of Shareholders to be kept.

Contents thereof.

To be open to Shareholders.

IX. 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 or parties being Shareholders of the Company, and their several places of abode, the number of shares to which such Shareholders shall be respectively entitled, distinguishing each share by its number, and the amount of the subscriptions paid on such shares, and such book shall be authenticated by the Common Seal of the Company being affixed thereto, and every Shareholder, or if such Shareholder be a Corporation, the Clerk or Agent of such Corporation, may, at all convenient times peruse such book gratis, and may require a copy thereof, or of any part thereof.

Certificates of Stock to be issued.

X. On demand of the holder of any share, the Company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder, and such certificate shall specify the number of shares to which such shareholder is entitled, and the same may be according to the form in the Schedule C to this Act annexed, or to the like effect, and such certificate shall be admitted in all Courts as evidence of the title of such Shareholder to the share therein specified; nevertheless, the want of such certificate shall not prevent the holder of any shares from disposing thereof.

Certificates worn out may be replaced by new ones.

XI. If any such certificate be worn out or damaged, then upon the same being produced at some meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another similar certificate shall be given to the person or party in whom the property of such certificate and of the share therein mentioned shall be at the time vested, or if such certificate be lost or destroyed, then, upon proof thereof to the satisfaction of the Directors of the Company, a similar certificate shall be given to the person or party entitled to the certificate so lost or destroyed, and in either case, a due entry of the substituted certificate shall be made by the Secretary in the Register of Shareholders, and for every certificate so given or exchanged, the Secretary may demand any sum not exceeding five shillings.

How the transfer of shares may be effected.

Registry of transfer.

XII. Subject to the regulations herein contained, every Shareholder may sell or transfer his shares or any of them, by deed according to the form in Schedule D to this Act annexed, or to the like effect, and the same (when duly executed) shall be delivered to the Secretary, and be kept by him, and the Secretary shall enter a memorial thereof in a Book to be called "The Register of Transfers," and shall endorse such entry on the transfer, and on the request and at the option of the purchasers of any share, a new certificate shall be granted in the manner aforementioned, and an endorsement of such transfer shall be made on the certificate of such share and new certificate, and such endorsement, being signed by the Chairman of the Company

Company and countersigned by the Secretary, shall be considered in every respect the same as a new certificate, and until such transfer shall have been so delivered to the Secretary as aforesaid, the seller of such share shall remain liable for all the future calls, and the purchasers of the shares shall not be entitled to receive any share in the profits of the said undertaking, or to vote in respect of such share : Provided always, that any Shareholder desirous of transferring any shares in the Company to any person willing to hold the same, shall give notice thereof in writing to the Directors of the Company, and shall describe therein the name and residence of such intended holder and the number of such shares, or such notice may be given by such intended holder, and the Directors shall proceed without delay to take such notice into consideration, and shall, under the hands of two of them and of the Secretary, certify in writing to the person giving such notice, the approbation or otherwise of the Directors of such proposed transfer, and no such intended holder shall be admitted or registered as a Shareholder unless he shall be so approved, and shall have complied with the regulations and provisions of the Company relating to persons acquiring shares in the Company.

Proviso : consent of the Directors to be obtained.

XIII. No Shareholder shall be entitled to transfer any share until he shall have paid all calls for the time being due on every share held by him.

All calls must be first paid.

XIV. No Assignee of any Bankrupt or insolvent Shareholder shall become a Member of the Company, in respect of shares possessed by the said Bankrupt or insolvent, and vested in such Assignee but not assigned, but he shall sell and dispose of such shares in the manner and subject to the provisions herein contained with respect to the sale and transfer of shares.

Assignee of Bankrupt Shareholder not to be a member of Company as such.

XV. Such Assignee shall be entitled to receive all dividends upon such shares as shall become due and remain unpaid thereon before his title to the said shares shall have accrued, but no dividend which shall become due after his title shall have so accrued shall be payable to or demandable by him, but shall, until some person shall become a Shareholder in respect of the same shares, remain in suspense, and shall not be paid until such new Shareholder shall have complied with the regulations and provisions of the Company in regard to the sale and transfer of shares, and thereupon such new Shareholder shall be entitled to such last mentioned dividend, and every transfer shall carry with it the profits, interests and shares of Capital and surplus or reserve or contingent funds, in respect of the shares transferred, so as to close all the rights and interests of the party making such transfer in respect of such transferred shares.

Rights of Assignee of Bankrupt.

Effect of transfer.

XVI. If the interest in any share shall become transmitted in consequence of the death or bankruptcy or insolvency of any Shareholder, or in consequence of the marriage of a female Shareholder,

Mode of authenticating transmission of shares

otherwise than
by regular
transfer.

Shareholder, or by any other legal means than by a transfer according to the provisions of this Act, the same shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors shall require, and every such declaration shall distinctly state the manner in which, and the party to whom such share shall have been so transmitted, and shall be made and signed, and shall be by such party acknowledged before a Judge or Justice of a Court of Record, or the Mayor, Provost, or Chief Magistrate of a City, Town, Borough, County, or other place, or before a Notary Public, by whom the same shall be signed, and such declaration shall be left with the Secretary, and thereupon he shall enter the name of the person entitled under such transmission in the Register Book of the Shareholders of the Company, and until such transmission shall have been so authenticated, no person or party, claiming by virtue of such transmission shall be entitled to receive any share of the profits of the Company nor to vote in respect of any such share as the holder thereof: Provided always, that every such declaration which shall be made in any country out of the dominions of Her Majesty, shall be further authenticated by the British Consul or Vice-Consul, or other accredited representative of the British Government in the country wherein such declaration shall be made, or shall be made directly before such Consul or Vice-Consul or Representative: And further provided, also, that nothing in this Act contained shall prevent the Directors or Secretary from requiring corroborative evidence of any fact alleged in any such declaration.

Proviso: if
made out of
Her Majesty's
Dominions.

Proviso.

Transmission
by marriage,
bequest, &c.

XVII. If such transmission be by virtue of the marriage of a female Shareholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, or by the vacancy or renunciation of any estate or succession, the Probate of the Will or Letters of Administration, or an official extract therefrom, or sufficient proof of inheritance of the claimant, or an authentic copy of the Curatorship to such vacant or renounced estate or succession, and the proceedings therefor as the case may be, shall, together with such declaration, be produced to the Secretary, and upon such production in either of the cases aforesaid, the Secretary shall make an entry of the declaration in the said Register of Transfers.

As to shares
held by several
persons
jointly.

XVIII. With respect to any share to which several persons may be jointly entitled, all notices directed to be given to the Shareholders shall be given to such of the said persons whose name shall stand first in the Register of Shareholders, and notice so given shall be sufficient notice to all the proprietors of such share, unless any such joint proprietor shall, by writing, under his hand, request such notice to be given to any other or all such joint proprietors.

XIX. If any money shall 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.

As to shares belonging to infants, idiots, &c.

XX. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject, and the receipt of the party in whose name any such share shall stand in the books of the Company, shall, from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then be subject, and whether or not the Company have had notice of such trusts, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to trusts.

XXI. 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 days' notice at the least be given of each call, and that no call shall exceed the amount of two pounds per share, and that successive calls be not made at less than the interval of three months, and that the aggregate amount of calls made in one year do not exceed the amount of eight pounds per share; and every Shareholder shall be liable to pay the amount of 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.

Calls for instalments on stock.

Proviso.

Shareholders must pay.

XXII. If before or on the day appointed for payment, any Shareholder do not pay the amount of any call to which he may be liable, then such Shareholder shall be liable to pay interest on the same at the rate of six pounds per centum per annum, from the day appointed for the payment thereof to the time of actual payment.

Calls not paid to bear interest.

XXIII. The Company may, if they think fit, receive from any of the Shareholders willing to advance the same, all or any part of the moneys due upon their respective shares beyond the sums actually called for, and upon the principal moneys so paid in advance, or so much thereof as, from time to time, shall exceed the amount of the calls made upon the said shares, the Company may pay interest at such rate, as the Shareholder paying such sum in advance and the Company shall agree upon.

Company may allow interest on money paid in advance of calls.

XXIV. 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 of Law or Equity having competent jurisdiction, and may recover the same with interest at the rate

Calls may be recovered by suit.

rate of six per centum per annum from the day on which such call may have been made payable.

What only
need be alleg-
ed in such
suit.

XXV. 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 arrears 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 Company by virtue of this Act.

What only
need be prov-
ed on the trial.

XXVI. On the trial of such action, it shall be sufficient to prove that the defendant, at the time of making such call, was a holder of one share or more in the Company, and that such call, was in fact made, and such notice thereof given as is directed by this Act, and it shall not be necessary to prove the appointment of the Directors who made such call nor any other matter whatsoever, and thereupon the Company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear, 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 the sum of eight pounds in one year had been made.

Evidence of
party being a
Shareholder.

XXVII. The production of the Register Book of Shareholders of the Company, or a certified extract therefrom under the signature of the Secretary of the Company, shall be evidence of such Defendant being a Shareholder and of the number and amount of his shares, and of the sums paid in respect thereof.

Forfeiture of
shares for non
payment of
calls.

XXVIII. If the holder of any share fail to pay a call payable by him in respect thereof, together with the interest that shall have accrued thereon, the Directors, at any time after the expiration of one month from the day appointed for payment of such call, may declare such share forfeited, and that, whether the Company have sued for the amount of such call or not.

How such for-
feiture shall be
declared and
carried out.

XXIX. Such declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share, until such declaration have been confirmed at some General Meeting of the Company, to be held after the expiration of five 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 share so forfeited to be sold or otherwise disposed of, and after such confirmation the
Directors

Directors may sell the forfeited shares and either separately or together in lots as to them may seem fit.

XXX. 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, or before any Commissioner appointed to take affidavits, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated, and such declaration and 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 said shares so purchased by him as aforesaid, subject to the provisions of this Act, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to any such sale.

How forfeited shares shall be conveyed to the purchaser.

XXXI. 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.

No more shares to be sold than will pay calls in arrear.

Application of any surplus.

XXXII. If the payment of such arrears of calls and interest and expenses be made before any shares 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.

As to payment before sale of forfeited shares.

XXXIII. No Shareholder of the Company shall be liable for or charged with the payment of any debt or demand due from the Company, beyond the extent of his shares in the capital of the Company not then paid up.

Liability of Shareholders limited.

XXXIV. If any execution either at law or in equity, shall have been issued, sued or taken out against the lands, property

Execution for debts of Company

pany, against Shareholders in certain cases and to a certain extent.

Proviso.

or effects of the Company, and if there cannot be found sufficient whereon to levy such execution, then such execution may be issued according to the practice of the Court in which the action, suit or other proceeding shall have been brought or instituted, against any of the Shareholders of the Company, to the extent of their shares respectively in the Capital of the Company, not then paid up; Provided always, that, for the purpose of ascertaining the names of the Shareholders and the amount of the capital remaining to be paid upon their respective shares, it shall be lawful for any person entitled to any such execution, at all reasonable times, to inspect the Register Book of Shareholders without fee.

Re-imbusement of Shareholder in certain cases.

XXXV. If by means of any such execution, any Shareholder shall have paid any sum of money beyond the amount then due from him in respect of calls already made, and for interest thereon, if any, and all costs and expenses in respect thereof, he shall forthwith be reimbursed such additional sum by the Directors out of the funds of the Company.

Forms of deeds by the Company.

XXXVI. Every mortgage and bond for securing money borrowed by the Company shall be by deed under the common seal of the Company, wherein the consideration shall be truly stated, and may be according to the form in the Schedule E, to this Act annexed, or to the like effect.

Mortgagees of the Company to have no preference over each other.

XXXVII. The respective mortgagees shall be entitled, one with another to their respective proportions of the rents, lands and premises comprised in such mortgages and of the future calls payable by the Shareholders of the Company, according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced with interest, without any preference one above another or above the bond creditors of the Company, by reason of priority of the date of registration, or anterior or privileged title of any such mortgagee or of the meeting at which the same was authorized or on any other account whatsoever.

How obligees in bonds shall be paid.

XXXVIII. The respective obligees in such bonds, shall, proportionally, according to the moneys secured thereby, be entitled to be paid out of the property or effects of the Company, and of the future calls payable by the Shareholders of the Company, the respective sums in such Bonds mentioned and thereby intended to be secured without any preference one above another, or above the mortgagees of the Company, by reason of priority of date of any such bond, or of the meeting at which the same was authorized, or otherwise howsoever.

Register of mortgages to be kept by Secretary.

XXXIX. A Register of mortgages and bonds shall be kept by the Secretary, and within thirty days after the date of any such mortgage or bond, an entry or memorial, specifying the number

number and the date thereof and the names of the parties thereto, with their proper additions, shall be made in such Register, and such Register may be perused at all reasonable times by any of the Shareholders or by any mortgagee or bond creditor of the Company, or by any person interested in any such mortgage or bond without fee or reward.

XL. From time to time any person or party entitled to any such mortgage or bond, may transfer his right and interest therein, to any other person by deed, wherein the consideration shall be truly stated, and every such transfer may be according to the form in the Schedule G, to this Act annexed, or to the like effect.

Parties entitled to mortgages may transfer interest therein.

XLI. Within thirty days after the date of every such transfer, it shall be produced to the Secretary, and thereupon, the Secretary shall cause an entry or memorial thereof to be made in the same manner as in the case of the original mortgage, and after such entry, every such transfer shall entitle the transferee, his executors, administrators or assigns, to the full benefit of the original mortgage or bond in all respects, and no party, having made such transfer shall have power to make void, release or discharge the mortgage or bond so transferred, or any money thereby secured.

Formalities upon transfer.

XLII. The interest of the money borrowed upon any such mortgage or bond, shall be payable and paid half yearly to the several parties entitled thereto, and in preference to any dividends payable to the Shareholders of the Company.

Interest payable half-yearly upon mortgages.

XLIII. The Company may, if they think proper, fix a period for the repayment of the principal money so borrowed, with the interest thereon, and in such case, the Company shall cause the period to be inserted in the mortgage or bond, and upon the expiration of such period the principal sum, together with the arrears of interest thereon, shall be paid to the party entitled to such mortgage or bond.

Period may be fixed for payment of money borrowed.

XLIV. If no time be fixed in the mortgage or bond for the payment of the money so borrowed, the party entitled to the mortgage or bond, may, at the expiration, or at any time after the expiration of twelve months from the date of such mortgage or bond, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months' previous notice for that purpose; and the Company may, at all times pay off the money borrowed, or any part thereof, on giving the like notice, and such notice, if given by a mortgagee or bond creditor, shall be by writing delivered to the Secretary, and if given by the Company, shall be by writing given, either personally to such mortgagee or bond creditor, or left at his last known place of abode in this province, or if such mortgagee or bond creditor be unknown or cannot be found, such

In case no time for payment be fixed.

notice shall be given by advertisement in the *Canada Gazette* or *London Gazette*, and in some other newspaper as herein-after mentioned and at the expiration of the said notice, when given by the Company, interest shall cease to be payable on the money secured by such mortgage or bond, unless on demand of such money the Company shall fail to pay the same pursuant to such notice.

Delay for payment of interest.

XLV. If any interest on any mortgage or bond shall, for thirty days after the same shall have become due, and demand thereof shall have been made in writing, remain unpaid, the mortgagee or bond creditor may either sue for the interest so in arrear by action of debt in any Court of competent jurisdiction, or he may require the appointment of a Receiver, by an application to be made as hereinafter provided.

In case of non-payment, mortgagee may sue.

XLVI. If the principal money and interest thereon be not paid within six months after the same shall have become payable, and after demand thereof in writing, the mortgagee or bond creditor may sue for the same in any Court of competent jurisdiction, or if his debt amount to the sum of five thousand pounds, he may alone, or if his debt do not amount to the sum of five thousand pounds, he may, in conjunction with other mortgagees or bond creditors, whose debts, being so in arrear after demand as aforesaid shall, together with his, amount to the sum of ten thousand pounds, require the appointment of such receiver by an application to be made as hereinafter provided.

Formalities upon application for appointment of Receiver.

XLVII. Every such application for such Receiver, in the cases aforesaid, shall be by Petition in writing, and be made to any of the Superior Courts or to any Judge or Judges of the said Courts, and on any such application so made after due service of notice thereof upon the Company, according to the practice of the Court where the application is made, and after hearing the parties and being satisfied of the truth thereof by the affidavits of the Petitioner or by such other evidence as shall be adduced in support of such Petition, and which evidence, the Judge or Court may order to be adduced, it shall be lawful for such Judges or Courts, by order in writing, to appoint some person to receive the whole or a competent part of the sums liable to the payment of such interest or such principal and interest, as the case may be, until such interest, or until such principal and interest, as the case may be, together with costs, including the charges of receiving the sums aforesaid, be fully paid, and upon such appointment being made, all such sums of money as aforesaid shall be paid to and received by the person so to be appointed, and the money so to be received shall be so much money received by or to the use of the person and party to whom such interest or such principal and interest, or as the case may be, shall be then due, and on whose behalf such receiver shall have been appointed, and after such interest

interest and cost, or such principal, interest and cost have been so received, the power of such receiver shall cease.

XLVIII. No party shall in right of any mortgage be deemed a Shareholder, or be capable of acting or voting as such at any meeting of the Company.

No person to be a Shareholder in right of mortgage.

XLIX. At all reasonable times the books of account of the Company shall be open to the inspection of the respective mortgagees and bond creditors thereof, with liberty to take extracts therefrom without fee or reward.

Books of Company open to mortgagees.

L. At all meetings of the Company, every Shareholder shall be entitled to one vote for every five shares held by him, and no Shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then payable upon all the shares held by him.

Scale of votes.

LI. Such votes may be given either personally or by proxy, the holders of such proxies being Shareholders, authorized by writing according to the form of Schedule H., to this Act annexed, or in form to the like effect, under the hand of the Shareholder nominating such proxy, or if such Shareholder be a Corporation, then under their common seal or the signature of their presiding officer, and countersigned by the Secretary or Treasurer of such Corporation, and every proposition at any such meeting shall be determined by show of hands, or upon demand of any proprietor after such show of hands, by the majority of the votes of the parties present, including proxies, the Chairman of the meeting being entitled to vote, not only as a principal or proxy, but to have a casting vote if there be an equality of votes.

Votes may be given by proxy.

LII. No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the Clerk or Secretary of the Company, five clear days before the holding of the meeting at which such proxy is to be used, and no person shall, at any one meeting represent as proxy more than thirty Shareholders.

Formalities relating to proxies.

LIII. If several persons be jointly entitled to a share, the person whose name stands first on the Register of Shareholders, as one of the holders of such share, shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof, and on all occasions the vote of such first named Shareholder alone, either in person or by proxy, shall be allowed as the vote in respect of such share, and no proof of the concurrence of the other holders thereof shall be required.

In case of parties holding one share conjointly.

LIV. If any Shareholder be a person voluntarily interdicted, or a Lunatic or Idiot, such person, Lunatic or Idiot, may vote by himself or by his Curator or Committee, as the case may be, and if any Shareholder be a minor he may vote by his tutor,

Lunatics, &c., may vote by curator, &c.

sub-tutor or guardians, or any one of his guardians, and every such vote may be given either in person or by proxy.

Chief place of business.

LV. The chief place of business of the said Company shall be at the City of Hamilton, but the said Company shall, from time to time, and at all times hereafter have power and authority, and they are hereby authorized to establish such and so many agencies in any part or portion of this Province or in England, and under such regulations for the management thereof, and to remove the same, as to the Directors of the said Company may seem expedient.

Provisional Directors.

LVI. The business and affairs of the said Company shall be conducted and managed by a Board of Directors, to be appointed by the Shareholders as hereinafter provided, which Board shall consist of qualified Shareholders, and which Board in the first instance and provisionally and until the first General Annual Meeting of the Company, shall consist of William Paterson MacLaren, Archibald Kerr, John Brown, Hugh C. Baker, Daniel Charles Dunn, Alexander Carpenter, John Ferrie and George William Burton, all of the City of Hamilton, Esquires, who shall remain in office until the first Monday of September, one thousand eight hundred and fifty-seven, and shall then go out of office, being eligible for re-election, and shall then be replaced by nine Directors, to be elected by the Shareholders, who shall attend either in their own persons or by proxy, and three of the said Directors shall go out of office by rotation in each year, being however eligible for re-election as Directors, and the election of Directors in place of those so retiring from office shall be held at the first Annual General Meeting of the Company, by the Shareholders who shall either attend in their own persons or by proxy, and all elections of Directors shall be by ballot, and the persons having the greatest number of votes at any such election shall be Directors, and if two or more shall have an equal number of votes, in such manner that more than two shall appear to be chosen, then another ballot shall be taken, until it shall be determined which of the said two or more shall have a majority of votes, and the Directors shall choose their Chairman: Provided always, that five Directors shall be a quorum for the transaction of business; Provided also, that the Directors to be elected under the provisions of this Act, shall be holders of not less than twenty shares in the said Company.

First election of Directors.

Annual retirement of Directors.

Proviso.

Proviso.

Annual general meetings of the Company.

LVII. The first Annual General Meeting shall be held in the said City of Hamilton, on the first Monday in September, one thousand eight hundred and fifty-seven, or the next following day, not being a statutory holiday, or any other day to be appointed by the By-law, and the said Meeting shall be held on the same day in every successive year thereafter in the said City, and at the said first Annual General Meeting the Shareholders, present as aforesaid, shall then determine the mode and manner in

in which the first and the other three Directors shall retire, and in which they shall be then and in future elected, and the notice of all subsequent General Annual Meetings for the election of Directors shall contain the names of the three retiring Directors: Provided always, that the retirement of the three first Directors shall be determined by ballot among themselves. Proviso.

LVIII. The Directors shall have and exercise the powers, privileges and authorities set forth and invested in them by this Act, and they shall be subject to and be governed by such rules, regulations and provisions as are herein contained with respect thereto, and by the By-laws to be made for the management of the said Company, and the Directors shall and may lawfully exercise all the powers of the Company, except as to such matters as are directed by this Act to be transacted by a general meeting of the Company; they may call any general, special or other meetings of the Company or of the Directors, which they may deem necessary; they may use and affix or cause to be used and affixed the seal of the Company to any document or paper which, in their judgment, may require the same; they may make and enforce the calls upon the shares of the respective Shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments, loans and advances as they may deem expedient, which are or shall, at any time be authorized to be made by or on the behalf of the Company, and enter into all contracts for the execution of the purposes of the Company, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of 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, as if the same lands, property and effects were held and owned according to the tenure and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age; they may do and authorize, assent to or adopt all acts required for the due exercise of any further powers and authorities which may hereafter be at any time granted to the Company by the Legislature of this Province, or for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said Legislature, in giving such further powers and authorities, or in altering or repealing the same, respectively, or any of them; but all the powers shall be exercised in accordance with and subject to the provisions of this Act in that behalf, and also to the control and regulation of any general meeting specially convened for that purpose, but not so as to render invalid any act done by the Directors, prior to any resolution passed by such general meeting: Provided always, that all real estate acquired and held by the said Company in virtue of this Act, except such as is necessary for the use and occupation of the Company and the purposes thereof, shall be sold and realized at public auction by the Powers, duties and authorities of Directors.

Proviso: as to real estate acquired by Company.

the

the Company at any period not later than one year from the acquisition of such real estate.

Directors may vote by proxy.

LIX. The Directors of the said Company may vote by proxy, such proxies being themselves Directors, and appointed in the following form, or to the like effect :

“ I hereby appoint _____ of _____, Esquire, one of the Directors of the Western Canada Loan Company, to be my proxy as Director of the said Company, and as such proxy to vote for me at all meetings of the Directors of the said Company, and generally to do all that I could myself do as a Director, if personally present at such meeting.

Signature.”

But no Director shall act as proxy for more than three other Directors.

Certain powers vested in Shareholders at general meetings.

LX. The following powers of the Company, that is to say, the choice and removal of the Directors, Auditors and Treasurer, unless in the event of being thereby specially authorized, the determination as to the remuneration of the Directors and of the Auditors, and the declaration of dividends, shall be exercised at a General Meeting of the Company.

Minutes, &c., of proceedings to be kept in books for the purpose.

LXI. 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 kept under the superintendence of the Directors, and every such entry shall be signed by the Chairman of the meeting, at which the matter in respect of which such entry is made was moved or dismissed, at or previously to the next meeting of the Company or Directors, as the case may be, and a copy of such entry so signed, shall be received as evidence in all Courts, and before all Judges, Justices and others, without proof of such respective meeting having been duly convened, or of the persons making or entering such orders or proceedings being Shareholders or Directors, respectively, or by the signature of the Chairman, all 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.

Acts of Directors to be valid though parties to them be not qualified to act.

LXII. All acts done by any meeting of the 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.

LXIII. Every Agent, Officer or person employed by the Company shall, from time to time, when required by the Directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand, of all moneys received by him on behalf of the Company, with the vouchers and receipts for payments made by them, and such accounts shall state how, and to whom and for what purpose such moneys shall have been disposed of, and every such Agent, Officer or person shall pay to the Directors or to any person appointed by them to receive the same, all moneys which shall appear to be owing from him upon the balance of such accounts.

Employés of Company to render accounts when required by Directors.

LXIV. The Company shall not make any dividend whereby their Capital Stock may be in any degree reduced.

Dividends no to reduce Capital Stock.

LXV. Before apportioning the profits aforesaid, the Directors may, if they think fit, set aside thereout, such sum as they may think proper to meet contingencies, or for enlarging or improving the estate of the Company, or any part thereof, or promoting the objects and purposes for which they are incorporated, and may divide the balance only among the proprietors.

Before apportioning profits, Directors may reserve a share for contingencies.

LXVI. No dividend shall be paid in respect of any share, until all calls then due, in respect of that or any other share held by the person to whom such dividend may be payable, shall have been paid.

Calls to be paid before dividends received.

LXVII. It shall be lawful for the Company, from time to time to appoint such and so many Officers, Solicitors and Agents, either in this Province or elsewhere, and so many servants as they deem expedient for the management of the affairs of the Company, and to allow to them such salaries and allowances as may be agreed upon between them and the Company, and to make such By-laws as they may think fit for the purpose of regulating the conduct of the Officers, Solicitors, Agents and Servants of the Company, and for providing for the due management of the affairs of the Company in all respects whatsoever, and from time to time to alter and repeal any such By-laws and make others, provided such By-laws be not repugnant to the laws of this Province, or to the provisions of this Act, and such By-laws shall be reduced into writing, and shall have affixed thereto the Common Seal of the Company, and a copy of such By-laws shall be given to every officer and servant of the Company, and any copy or extract therefrom, certified under the signature of the Secretary, shall be evidence in all Courts of Justice in this Province of such By-laws or extract from them, and that the same were duly made, and are in force; and in any action or proceeding at Law, Criminal or Civil, or in Equity, it shall not be necessary to give any evidence to prove the Seal of the Company, and all documents purporting to be sealed with the Seal of the

Company may appoint officers, solicitors, &c.

Company,

Company, shall be taken to have been duly sealed, with the Seal of the Company.

What shall be deemed sufficient notice to Shareholders.

LXVIII. With respect to any notice required to be served by the Company upon the Shareholders, it shall be sufficient to transmit the same by Post, directed according to the registered address or other known address of the Shareholder, within such period as to admit of its being delivered in the due course of delivery, within the period (if any) prescribed for the giving of such notice, and in proving such service, it shall be sufficient to prove that such notice was properly directed, and that it was so put into the Post Office.

Notices to be given by advertisement.

LXIX. All notices required by this Act to be given by advertisement in a newspaper, shall be signed by the Chairman of the meeting at which such notice shall be directed to be given, or by the Secretary or other officer of the Company, and shall be advertised in the *Canada Gazette*, published by authority in this Province, and in such other newspapers published in the Province as the Directors shall order, unless otherwise specially provided by this Act, and the same shall, thereupon be deemed and considered the same as personal notices.

Document signed by one Director or the Secretary, to be deemed authentic.

LXX. Every summons, demand of notice or other such document requiring authentication by the Company, may be signed by one Director or by the Secretary of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Amends may be offered before action brought for any thing done in pursuance of this Act.

LXXI. If before action brought, any party having committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act, or by virtue of any power or authority given, make tender of sufficient amends to the party injured, such party shall not recover in any action brought on account of such irregularity, trespass or other wrongful proceeding, and if no such tender shall have been made, it shall be lawful for the Defendant, by leave of the Court where such action shall be pending at any time before issue joined, to pay into Court such sum of money as he shall think fit, and, thereupon such proceedings shall be had as in other cases where Defendants are allowed to pay money into Court.

Provisional or elected Directors may apply for Royal Charter or Register Memorandum under Imperial Joint Stock Companies' Act, &c.

LXXII. If it shall, at any time be deemed desirable to obtain a Royal Charter of Incorporation or an Act of the Parliament of the limited Kingdom of Great Britain and Ireland for granting to the said Company the powers and authorities in Great Britain necessary for carrying on and accomplishing the undertaking authorized by this Act, or to register a Memorandum of Association or Articles of Association under the provisions of the Act of the Parliament of the United Kingdom, intituled, "The Joint Stock Companies' Act of 1856," such Memorandum or Articles being registered for the purpose of granting

granting to the said Company, under the title in this Act mentioned, the powers and authorities in Great Britain, necessary for carrying on and accomplishing the undertaking authorized by this Act, it shall be competent for the Provisional Directors in this Act named or any Board of Directors to be elected under this Act, to apply for such Charter or Act of Incorporation or to register such Memorandum or Articles of Association as aforesaid, and the election of future Directors and other officers and also the time, place and mode of calling and holding general or extraordinary or other meetings of the said Company and of the Directors of the said Company shall, save and except so far as they are herein specially provided for, be subject to and regulated by such rules, regulations and provisions; and the said general, extraordinary and other meetings of the Company, and of the Directors and other Officers of the Company, shall have such powers, privileges and authorities as may be set forth and directed by such Royal Charter, Act of the Imperial Parliament or such Memorandum or Articles of Association as above mentioned: And it shall be lawful for the said Company to be invested with and exercise any further powers, not inconsistent with this Act, which may be given or granted by such Royal Charter or Imperial Act or which may be lawfully exercised by Companies incorporated or carrying on business under the Joint Stock Companies' Act of 1856, and to do all acts necessary for the exercise of such powers in the same manner and to the same extent, as if the same had been given and authorized by this Act, and in such case it shall be lawful for the said Company, in furtherance and execution of the powers so given to it and in doing the acts so authorized, to apply and deal with the property and capital for the time being of the said Company and the moneys hereafter authorized to be raised by the said Company, in the same manner and to the same extent, as if such dealings with and application of such property, capital and moneys had been expressly authorized among the purposes for which the said Company was incorporated, and the said Company shall be bound and required to do all such acts and to exercise all such further powers as may at any time be authorized or given to it by such authority as aforesaid, in such manner and subject to all such limitations, conditions and provisions as may be prescribed and provided by the Charter or Act of Parliament, whereby such powers shall be given or such acts authorized, and such limitations, provisions and conditions shall have effect in the same manner and to the same extent, as if prescribed and provided by the present or any other Act of the Legislature of this Province.

Company may exercise powers given by Royal Charter or by the said Joint Stock Companies' Act.

LXXIII. The said Company shall, at all times furnish to the Governor of this Province, such information and particulars in such form, and attested in such manner as the said Governor shall require, and such portion of such information as the Governor shall think proper, shall be published for the information of the Public.

When this Act shall go into operation.

LXXIV.

Public Act.

LXXIV. This Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

SCHEDULES

Referred to by the foregoing Act.

SCHEDULE A.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the Reign of Queen Victoria, intituled, (*here insert the title of this Act*) the Western Canada Loan Company, in consideration of the sum of _____ to us paid by A. B., of _____, do hereby grant to the said A. B., his heirs and assigns all (*describing the premises to be conveyed*;) together with all ways, rights and appurtenances thereto belonging; and all such estate, right, title and interest in and to the same as we the said Company are or shall become possessed of, or are by the said Act empowered to convey. To hold the said premises to the said A. B., his heirs and assigns for ever.

Given under the Common Seal, this _____ day of _____ in the year of our Lord

SCHEDULE B.

Form of Mortgage Deed.

By virtue of an Act of the Legislature of Canada passed in the _____ year of the Reign of Queen Victoria, intituled, (*here insert the title of this Act*), I, A. B., of _____ in consideration of the sum of _____ paid to me by the Western Canada Loan Company, do hereby, pursuant to the said Act, convey to the said Company, their successors and assigns, all (*describing the real or personal property to be conveyed*;) and all such estate, right, title and interest in and to the same as I am or shall become possessed of. To hold the same to the said Company, their successors and assigns for ever, subject to redemption on payment to the said Company, their successors or assigns, of the said sum of _____ on the _____ day of _____ with interest from the same at the rate of _____ for every hundred pounds by the year, payable half yearly on the _____ day of _____ and _____ day of _____ in every year (*add any special power that may be agreed on*.)

In witness whereof, I have hereunto set my hand and seal, the _____ day of _____, in the year of our Lord

FORM OF BOND.

By virtue of an Act of the Legislature of Canada passed in the _____ year of the Reign of Queen Victoria, intituled, (*here*

(*here insert the title of this Act*) I, A. B., of _____ in consideration of the sum of _____ to me in hand paid by the Western Canada Loan Company, am held and firmly bound to the said Company, their successors and assigns, in the penal sum of _____ pounds, to be paid to the said Company, their successors or assigns.

The condition of the above obligation is such, that if the said A. B., his heirs, executors or administrators shall pay to the said Company, their successors or assigns on the day of _____ which will be in the year _____, the principal sum of _____, together with interest for the same, at the rate of _____ per centum per annum, payable half yearly on the _____ day of _____ and _____ day of _____, then the above written obligation is to become void, otherwise to remain in full force and virtue.

In witness whereof, I have hereunto set my hand and seal, the _____ day of _____ in the year of our Lord _____

SCHEDULE C.

Form of Certificate of Shares.

Western Canada Loan Company
Number _____

These are to certify that A. B. is a proprietor of the Share Number _____ of the Western Canada Loan Company, subject to the rules, regulations and orders of the said Company, and that the said A. B., his executors, administrators (*or successors*) and assigns is and are entitled to the profits and advantages of such share.

Given under the common seal of the Company, the _____ day of _____ in the year of our Lord _____

SCHEDULE D.

Form of Transfer of Shares.

I, _____, of _____, in consideration of the sum of _____ paid to me by _____, of _____, do hereby assign and transfer to the said _____ share (*or shares, as the case may be*) numbered _____, of and in the undertaking called the "Western Canada Loan Company," to hold unto the said _____, his executors, administrators and assigns (*or successors and assigns*), subject to the same condition as I hold the same immediately before the execution hereof; and I, the said _____, do hereby agree to accept and take the said share (*or shares*) subject to the same conditions.

As witness our hands and seals, the _____ day of _____
SCHEDULE

SCHEDULE E.

Form of Mortgage of Deed.

By virtue of an Act passed in the Session of Parliament held in the _____ year of the Reign of Queen Victoria, intituled, (*here set forth the title of the Act,*) the Western Canada Loan Company, in consideration of the sum of _____ to us paid by A. B., of _____, do assign unto the said A. B., his executors, administrators and assigns (*here describe the property, profits, calls, capital or other security upon which the money shall have been agreed to be advanced*), and all estate, right, title and interest of the said Company, of, in, and to the same, and power to make and enforce payment of all or any of the calls here assigned or entitled so to be. To hold unto the said A. B., his executors, administrators and assigns, until the said sum of _____, together with the interest for the same _____ after the rate of _____ for every one hundred pounds for a year shall be fully paid and satisfied.

Given under our common Seal, this _____ day of _____ in the year of our Lord _____.

SCHEDULE F.

Form of Bond.

The Western Canada Loan Company
Bond Number _____

By virtue of an Act passed by the Legislature of Canada in the _____ year of the Reign of Queen Victoria, intituled (*here insert the title of this Act*), the Western Canada Loan Company, in consideration of the sum of _____ pounds, to us in hand paid by A. B., of _____, do bind ourselves and our successors unto the said A. B.; his executors, administrators and assigns, in the penal sum of _____ pounds.

The condition of this obligation is such, that if the said Company shall pay unto the said A. B., his executors, administrators and assigns, on the _____ day of _____ which will be in the year of our Lord, _____ the principal sum of _____ pounds, together with interest on the same, at the rate of _____ per centum per annum, payable half yearly on the day of _____, and the _____ day of _____, then the above written obligation is to become void, otherwise to remain in full force.

Given under our common seal, this _____ day of _____

SCHEDULE G.

Form of Transfer of Mortgage or Bond.

I, A. B., of _____, in consideration of the sum of _____ paid by _____ of _____, do hereby transfer a certain Mortgage (or Bond) number _____ made by the Western Canada Loan Company to _____, bearing date the day of _____, for securing the sum of _____ and interest, and all my right, estate and interest in and to the possessions, profits, calls and property (*as the case may be*) thereby assigned, together with all covenants and other securities granted or entered into by, or on the behalf of the said Company in respect thereof.

Dated this _____ day of _____, in the year of our Lord

SCHEDULE H.

Form of Proxy.

A. B., of _____, one of the Shareholders of the Western Canada Loan Company, doth hereby appoint C. D., of _____ to be proxy of the said A. B., in his absence to vote in his name upon any matter relating to the undertaking, proposed at the meeting of the Shareholders of the Company, to be held on the _____ day of _____ next, in such manner as the said C. D., doth think proper.

In witness whereof, the said A. B. doth hereunto set his hand (*or if the Corporation, say, the Common Seal of the Corporation*) the _____ day of _____

CAP. CLXVII.

An Act to amend the Act incorporating the Western Assurance Company.

[Assented to 27th May, 1857.]

WHEREAS it is desirable to amend the Act passed in the _____ Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to incorporate the Western Assurance Company*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

14, 15, Vic. c. 162.

1. The twelfth section of the said Act shall be and the same is hereby repealed, and the following substituted for it: "A General Meeting of the Stockholders of the said Company shall be held at the Office of the said Company in the City of Toronto,

Sec. 12 repealed, and new Section substituted.

on

General Meeting for election of Directors.

on such day in each year as a majority of the said Directors shall appoint after giving thirty days' notice thereof, and the Stockholders present at such Meeting in person or by proxy, shall proceed to elect by ballot nine qualified Stockholders to serve as Directors for the term of one year; the present Directors of the said Company or those appointed or elected in their stead in case of vacancy, as in the said Act provided for, shall remain in office until the twenty-first day of December, one thousand eight hundred and fifty-seven; Provided always, that nothing herein contained shall be held to render any of the retiring Directors who shall be duly qualified, ineligible for re-election."

Proviso.

Sec. 17 amended, and quorum of Directors altered.

II. So much of the seventeenth section of the said Acts as prescribes that three or more of the said Directors shall form a quorum for the transaction of business, is hereby altered and amended, so as to extend the same to five or more of the Directors the quorum for the transaction of business.

Inconsistent enactments repealed.

III. So much of the Act cited in the preamble of this Act as shall be found inconsistent with the provisions of this Act shall be and the same is hereby repealed.

Public Act.

IV. This Act shall be deemed a Public Act.

C A P . C L X V I I I .

An Act to incorporate the North Western Steam Navigation Company of Canada.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the trade now carried on between and upon the Great Lakes situate to the westward and north-westward of Lake Ontario, is of great and growing importance, and it is advisable that facilities should be afforded for extending the same, and for the direction thereof through this Province, to the benefit among others of any present or future railway companies, and carrying trade of this Province, by the incorporation of a Company with the powers and authorities and in manner hereinafter contained; And whereas the persons hereinafter mentioned have petitioned the Legislature of this Province praying that they may be incorporated with such other persons as may become associated with them as a company under the name and style of the North Western Steam Navigation Company of Canada, for the purpose of constructing, chartering, owning and navigating on such Lakes, steamboats, propellers and other vessels, and therewith carrying on business by carriage of freight and passengers and of forwarding from such lakes, and procuring to be forwarded thereto and therefrom, freight and passengers, and it is proper to grant the prayer of the said petitioners as hereinafter provided: Therefore, Her Majesty, by

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

I. John Hutchison, Angus Morrison, Lewis Moffatt, E. F. Whittemore, Thomas Dick, J. Gordon Brown, J. G. Worts, George Wilson and Alfred Brunel, together with such person or persons as shall, under the provisions of this Act become proprietors of any share or shares of stock in the Company hereby authorized to be formed, and their several and respective heirs, executors, administrators and assigns being proprietors of any share or shares of the said stock of the said Company, are and shall be a Company for the purposes and with the powers and authorities hereinafter expressed, and shall, for that purpose be one body politic and corporate, by the style and title of the "North Western Steam Navigation Company of Canada," and by that name shall sue and be sued, implead and be impleaded in all Courts whether at law or in equity, and shall have perpetual succession, with a Common Seal which may be by them changed or varied at their pleasure.

Incorporation of the Company.

Corporate name and general powers.

II. The said Company may and they are hereby authorized and empowered from and after the passing of this Act, to construct, acquire, charter and maintain and navigate on Lakes Huron, Michigan and Superior, or either of them, and the waters, bays, navigable connections and rivers thereof, any steam or other vessels for the purposes of carriage or forwarding, on such terms as the said Company may deem advisable for their pecuniary profit or otherwise, of goods, freight or passengers on and between such lakes, waters, bays, connections and rivers thereof, and any ports thereof, now or hereafter to be constructed or opened, situate within this Province, or any State of the United States of America ; and to carry and forward on such terms and conditions as to reward therefor, pecuniary profit or otherwise, as to the said Company may seem advisable, on and between such lakes or any of them, and on the waters, bays, navigable connections and rivers thereof, and between, to or from any such ports thereof, any goods, chattels, freight or passengers whatever, and to contract under such terms as to pecuniary profit therefor to the said Company or otherwise, as to the said Company may seem advisable, with any bodies, politic or corporate, now or hereafter to be incorporated, owners or shippers of goods, passengers or other persons whomsoever, for the forwarding or carriage by them the said Company, or by any such bodies, carriers or persons, or by any other body and bodies, politic or corporate, now or hereafter to be incorporated, public carrier or any person or persons whomsoever, of any goods, chattels, freight or passengers whatever, at any time or times at or after the time or times of making any such contract or contracts as the said Company may require, to or from any such ports, and to or from any intermediate locality lying between any place whence goods, freight or passengers may be required to be carried or forwarded and any such port, or lying between any

Company may own or charter and navigate steam or other vessels on certain waters.

May contract for freight, &c.

Such contracts may be enforced.

Power to insure.

Further powers for carrying on business, selling or mortgaging property, &c.

any such port and the ultimate place of destination, of such goods, freight or passengers; and any contract made in pursuance of the powers herein contained by and between the said Company and any other body politic or corporate, now or hereafter to be incorporated and empowered to carry as aforesaid, public carriers, owners, shippers or persons aforesaid, shall be mutually binding between the parties thereto, and be capable of being enforced according to the terms thereof; and to insure any property of the said Company, or which may have been trusted to their charge for any purpose against loss to the said Company by perils of navigation, accidents by fire, or otherwise, as to the said Company may seem expedient, and to carry on and transact all such business and do all such matters and things as may be incidental to the carrying out the objects of the said Company, or the powers and authorities herein contained or necessary or expedient to the more effectual or profitable prosecution thereof, and to sell, mortgage or dispose of the stock or property of the said Company, or any part thereof, from time to time, when and as may be deemed expedient, and to enter into any contracts or arrangement with any bodies politic or corporate, or other persons whomsoever for the joint or better execution of such objects, powers or authorities or otherwise, for the benefit of the said Company.

Power to acquire wharves, docks, &c.

III. It shall be lawful for the said Company to purchase, rent, take, hold, make and enjoy to them and their successors, such lands, wharves, docks, warehouses, offices and other buildings as they may find necessary or convenient for the purposes of the said Company, but not for any other purpose, and to sell, let, mortgage or dispose of the same when not wanted for the purposes of the said Company, and others to purchase and acquire in their stead; Provided always, that the value of such lands, wharves, docks, warehouses, offices and other buildings within this Province at the time when the said Company shall enter into possession thereof, shall not exceed in the whole the sum of one hundred thousand pounds.

Proviso: value of real property limited.

Capital £250,000 sterling.

IV. It shall be lawful for the members of the said Company, to raise and contribute among themselves at any time, and from time to time, the sum of Two Hundred and Fifty Thousand Pounds, Sterling money of Great Britain and Ireland, and the sums so raised shall be the Capital Stock of the said Company, which shall be divided and held in shares of ten pounds each of money aforesaid, and the said shares may, after the first instalment thereon shall have been paid, subject however to and on such terms and conditions, and at such places as may be prescribed by any By-laws to be made by the Directors of the said Company, in regard to transfers of shares, be transferred by the respective persons subscribing for or holding the same to any other person or persons, and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said Company; Provided always, that no Shareholder

Shares £10 each.

Transfers of Stock.

Shareholder shall be entitled to transfer any share until he shall have paid all calls for the time being due on every share held by him; And provided always, also, that until fifty thousand pounds of such Capital Stock shall be subscribed the said Company shall not commence business under this Act, but may nevertheless take any step or proceedings hereunder, that may be in any manner incidental to or requisite to the subscription of stock, making calls therefor, and enforcing payment or forfeiture thereof, and any By-laws may be made under any powers herein contained in relation to such stock, calls, subscription, payment and forfeiture.

Proviso: as to transfers.

Proviso: Company not to commence business until £50,000, is subscribed.

V. The payment of the said shares of stock shall be made by the sum of ten per cent. for each share on allocation thereof, and the residue by instalments in such sums and at such times as the Directors of the said Company may from time to time determine until the entire payment of the said stock; Provided that no such instalment shall exceed five per cent. nor become payable in less than thirty days next after notice of call therefor to be published in the *Canada Gazette*.

Calling in Stock.

Proviso.

VI. The business and affairs of the said Company shall be conducted and managed, and its powers exercised by seven Directors to be appointed by the Shareholders at the annual meetings of the Company by the Shareholders there present or by proxy as hereinafter provided, and which Board of Directors in the first instance and until others shall, under the provisions of this Act, be elected by the Shareholders as hereinafter provided, shall consist of the said E. F. Whitemore, Lewis Moffat, Angus Morrison, Thomas Dick, J. Gordon Brown, John Hutchison and Alfred Brunel, a majority of which Directors or of those to be appointed as aforesaid, shall constitute a quorum for transaction of business.

Seven Directors.

First Directors named.

Quorum.

VII. The Directors of the said Company shall have full power and authority to make, prescribe, alter, amend, repeal and re-enact all such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the Company, the acquirement, management and disposition of its stock, property, estate and effects, and of its affairs and business, but for such purposes a majority of the whole body of the Directors shall be present and assisting, and the said Directors shall have power in manner aforesaid, to make, prescribe, alter, amend, repeal or re-enact by-laws, rules, regulations and ordinances touching the following matters:

Directors to make By-laws, and for what purposes.

1. The mode and places in which the Capital Stock or shares thereof, may be subscribed for, or taken or transferred whether within this Province or otherwise;

Subscriptions.

**Calls ;
Increase or
conversion of
Stock.**

2. The calling up and payment from time to time of the Capital of the said Company, and of the increase thereof, and of the calls thereof, as hereinafter provided, and the conversion of the shares thereof, into Stock ;

**Shares certifi-
cates and
transfers.**

3. The issue of the certificates to the respective Shareholders of the said Company of their shares or stock therein, and the registration thereof, and of the addresses of the Shareholders for the purposes of the Company, and the mode of transfer of the said shares and the places either within or without this Province, where transfers may be made, and the terms and conditions whereon the same may be made ;

**Forfeiture for
non-payment
of calls.**

4. The forfeiture or sale of shares or stock for non payment of calls or other liability of the shareholders : Provided always, that such forfeiture shall not be held to be conclusive against such liable shareholders, until after the actual sale of the shares declared to be forfeited, or the enforcement of the judgment for the payment of the calls in arrear as the case may be ;

**Set off against
Shareholders.**

5. The set off of all debts due to the said Company from any of the shareholders against such shares and stock and dividends or payments to which they may be entitled, which set off is hereby empowered to be made ;

**Transfer of
Stock.**

6. The transfer of shares or stock and the mode thereof, and the places either within or without this Province, where the same may be made, and the approval and control by the Directors of such transfer, and of the proposed transferees, and as to the remedies against transferees, and the terms and conditions whereon such transfers may be made ;

Dividends.

7. The Declaration and payment of profits of the said Company, and dividends in respect thereof ;

Reserve Fund.

8. The formation and maintenance of a Sinking or Reserve Fund ;

**Payment, &c.,
of Officers.**

9. The remuneration of the Directors and the appointment, removal and remuneration of all such Managers, Agents, Officers, Clerks, or servants of the Company, as they shall deem necessary for carrying on the business of the said Company, and the security, if any, to be taken from such parties respectively for the due performance of their respective duties, and also the indemnity of such parties, and the election, removal and re-election of a Chairman of the said Company ;

**Meetings of
the Company.**

10. The calling of General, Special or other Meetings of the said Company and Directors in this Province or elsewhere, and the mode of taking votes and regulating proxies of Shareholders ;

11. The making and entering into Deeds, Bills, Notes, Making deeds, Agreements, Contracts, Charter parties, Policies of Insurance, notes, &c. and other documents and engagements to bind the Company, and whether under the seal of the Company or not ;

12. The borrowing or advancing of money, for promoting Borrowing or the purposes and interest of the Company, and the securities to lending money be given by or to the said Company for the same ;

13. The keeping of minutes of the proceedings, and the Minutes of accounts of the said Company, and making the same con- proceedings. clusive and binding on the Shareholders, and rectifying any errors which may be made therein ;

14. The audit of accounts and appointment of Auditors ; Audit.

15. The giving of Notices by or to the Company ; Notices.

16. The dissolution and winding up of the Company. Dissolution.

VIII. All such By-laws, Rules, Regulations and Ordinances shall be valid and have effect in the same way as if the same had been contained and enacted in this Act, until the same are altered or repealed by a majority of the Directors or by the majority in value of Shareholders, voting at an Annual or other Special or General Meeting, to whom power is hereby given so to alter or repeal the same. Force of By-laws—they may be altered.

IX. A copy of all such By-laws as aforesaid or of any one or more of them, sealed with the Seal of the Company, shall be evidence in all Courts of Law or Equity of such By-laws or By-law, and that the same were or was duly made and are or is in force ; and in any action or proceeding at Law or in Equity between the Company and any Shareholder, it shall not be necessary to give any evidence to prove the Seal of the Company, and all documents purporting to be sealed with the Seal of the Company shall be taken to have been duly sealed with the Seal of the Company. Proof of By-laws, and of Seal of Company.

X. The Directors of the said Company shall and may from time to time issue to each of the Shareholders respectively, certificates under the Common Seal of the Company, of the number of shares to which he is entitled, and each person, body politic or corporate, to whom any share or shares shall be assigned or who may become holders thereof, or subscribers, for any share or shares, shall sign or give an acknowledgment in writing of his or their having taken such share or shares, which acknowledgment shall be kept by the Directors, and shall be conclusive evidence of acceptance of such share or shares, and that the person or bodies aforesaid, signing it, has taken upon himself or have taken upon themselves the liability of Shareholders in respect to such share or shares. Certificates of acceptance of shares, &c.

Enforcing payment of calls instead of forfeiture.

Suits for calls, and what only need be alleged and proved therein.

Proviso.

Application of Capital limited to certain purposes.

Company not bound to see to trusts.

Proof of transmission of shares otherwise than by regular transfer.

XI. In case the said Directors shall deem it more expedient in any case to enforce the payment of any unpaid instalment than to forfeit or sell the said shares therefor, it shall or may be lawful for the Company to sue for and recover the same from such Shareholder with interest thereon in any action 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 call in arrear may amount, and to maintain such action it shall be sufficient that the signature of the defendant to such acknowledgment as hereinbefore mentioned or the corporate Seal thereto of any corporate body who may be defendant shall be proved, and that the calls in arrear have been made: and a certificate under the Seal of the Company or signed by any one or more of the Directors shall be sufficient evidence of the calls having been duly made and being in arrear and the amount due in respect thereof; Provided that nothing herein contained shall in any way affect the right of the said Company to forfeit the shares of any Shareholders for non-payment of calls or subscriptions, whether after or before such judgment for recovery thereof.

XII. The Capital Stock of the said Company is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and the preliminary expenses attending the establishment of the said Company, and all the rest, residue and remainder of such money, for and towards carrying out the objects of this undertaking, and the other purposes of the Company, and to no other use, intent or purpose whatsoever.

XIII. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject, and the receipt of the party in whose name any such share shall stand in the Books of the Company shall, from time to time, be a discharge to the Company for any dividend or other sum of money payable in respect to such share, notwithstanding any trusts to which such share may then be subject, and whether or not the Company have had notice of such trusts, and the Company shall not be bound to see to the application of money paid upon such receipt.

XIV. When any share shall have become transmitted in consequence of the bankruptcy or insolvency of any Shareholder, the assignee of such Shareholder shall not be entitled, and in case of such transmission in consequence of the death or marriage of a female Shareholder, the executors or administrators, tutors, curators or husband as the case may be, of such Shareholder shall not, except so far as may be otherwise provided by

By-laws,

By-laws, be entitled to receive any of the profits of the Company, or to vote in respect of such shares as the holders thereof, but nevertheless, after the production of such declaration or other evidence of such transmission as may be required in that behalf by any By-law of the Company, such assignees, executors, administrators, tutors, curators or husband, as the case may be, shall have power to transfer the share or shares so transmitted in the same manner and subject to the same regulations as any other transfer is to be made.

XV. The chief place of business of the said Company shall be at the City of Toronto, and the Directors of the said Company may from time to time, and at all times hereafter, establish such and so many agencies and under such regulations for the management thereof, and the removal of the same, as to them shall seem proper.

Chief place of business.

Agencies.

XVI. So soon after the passing of this Act, as fifty thousand pounds of the said Stock shall have been subscribed for, and five per cent paid up thereon, and on the first Monday in February in each year thereafter, there shall be a meeting of holders of shares in the Company, at the City of Toronto, whereat, amongst other matters to be there settled, shall be chosen annually, seven Directors in manner hereinafter mentioned; and all elections of Directors shall be by ballot, and the seven persons who shall have the greatest number of votes shall be Directors; and if it shall happen that two or more persons have an equal number of votes, the Shareholders shall determine the election of such parties having such equal number by another or other votes till a choice is made; and if a vacancy shall at any time happen among the Directors by death, resignation or otherwise, such vacancy shall be filled up by some other person, to be chosen by a majority of the Directors; and the said seven Directors shall form the Board of Directors, and shall hold office until the appointment of others in their lieu and stead, and any Director shall be eligible for re-election as Director, and a majority of the Directors shall form a quorum; Provided always, that no person shall be qualified to act or be elected or appointed as Director, unless he hold at least twenty shares in the Stock of the said Company, and shall have paid up all calls on such shares, and non-residence within this Province shall not disqualify any person from becoming a Director, but a majority of the Directors shall be resident within this Province; And in case it shall happen that an election of Directors should not be made on any day or time when, pursuant to this Act, it ought to have been made, the said Company shall not be deemed to be dissolved, but the Directors for the time being shall hold office and exercise all the powers and authorities of Directors till the appointment of others in their lieu and stead, which appointment may be made as aforesaid at any general meeting of Shareholders, either on the first Monday of such month

First general meeting of Shareholders, and annual meetings.

Election of Directors.

Ties.

Vacancies, how filled.

Proviso: qualification of Directors.

Corporation not dissolved by failure to elect.

Provision in such case.

aforesaid

aforsaid next ensuing, and in the next year after such default in election shall have been made, or at such earlier day as the Directors for the time being may appoint, by any By-law to be made for that purpose, at least sixty days prior to the day to be appointed, of which By-law and the day and place thereby appointed, public notice shall be given for at least fifty days in some two or more newspapers to be published in the said City of Toronto; and any such meeting may be adjourned at such meeting to any other time.

Question to be determined by majority of votes.

XVII. Except in so far as it is herein otherwise provided, all transactions, questions and matters to be determined at any General Meeting of the Company, or at any Meeting of the Directors, shall be determined by the majority of the votes of the Shareholders or Directors, as the case may be, present and assisting at such meeting either in person or by proxy, and in case of any equality of votes at any such meeting, unless otherwise herein provided for, the Chairman of such meeting shall have a casting vote; Provided always that no Director shall be entitled to vote by proxy: And provided always, that Stockholders shall be entitled to the number of votes proportioned to the number of shares which he or they shall have held in his or their name at least one month prior to the time of voting, according to the following rates, that is to say: one vote for each share up to fifty inclusive, one vote more for every two other shares above fifty exclusive, and up to one hundred inclusive, one vote more for every other three shares above one hundred exclusive, up to two hundred inclusive, and one vote more for every other four shares above two hundred; Provided always, also, that no vote shall be given on any shares whereon any call may be overdue and unpaid.

Proviso.

Proviso: proportion of votes to shares.

Proviso.

Appointment of Agents in the United Kingdom or elsewhere.

XVIII. The Directors of the said Company may act as Directors in this Province or in the United Kingdom or United States of America, and shall and may appoint one or more Agents in this Province or elsewhere, and for such time and on such terms as to them shall seem expedient: and the Directors may by any By-law to be made for such purpose, empower and authorize any such Agent or Agents to do and perform any act or thing, or to exercise any powers which the Directors themselves or any of them may lawfully do, perform and exercise, except the power of making By-laws, and all things done by any such Agent by virtue of the powers in him vested by such By-law, shall be valid and effectual to all intents and purposes as if done by such Directors themselves, any thing in this Act to the contrary notwithstanding.

Acts not invalidated by certain defects.

XIX. All acts done by any person or persons acting as Directors, shall, notwithstanding there may have been some defect in the appointment of any such person or persons, or that they or any of them were unqualified, be as valid as if every such person or persons had been duly appointed and was qualified to be a Director.

XX. If at any time any Municipal or other Corporation, civil or ecclesiastical, body politic, corporate or collegiate or community in this Province, or any where, shall be desirous of taking shares of the Capital Stock of the said Company, or otherwise promoting the success of their undertaking by loans of money or securities for money at interest, it shall be lawful for them respectively so to do in like manner and with the same rights and privileges in respect thereof, both as to voting and otherwise, as private individuals may do under or by 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.

Corporations may be Stockholders in, or aid the Company.

XXI. The Shareholders shall not as such be held liable for any claim, engagement, loss or payment, or for injury, transaction, matter or thing relating to or connected with the said Company, or the liabilities, acts or defaults of the said Company beyond the past contributions to the said Company, and the sums if any, remaining, due to complete the amount of their subscriptions to the Company.

Liability of Shareholders limited.

XXII. The shares in the Capital Stock of the said Company shall be deemed personal estate, and shall be transferable as such.

Stock to be personalty.

XXIII. Suits at law and in equity may be prosecuted and maintained between the said Company and any Shareholder thereof ; and no Shareholder of the Company, not being in his private capacity a party to such suit, shall be incompetent as a witness in such suit nor in any other suit by and against the Company, nor shall any Shareholder be an incompetent witness by reason of being a Shareholder.

Company may sue Shareholders, &c.

Shareholders may be witnesses.

XXIV. If after making trial of the proposed connection with the Ontario, Simcoe and Huron Railway at Collingwood, it shall be deemed advisable, at a special meeting of the Shareholders to be called for the purpose, (one month's notice of such meeting to be given to each Shareholder,) to connect with some other line of Railway terminating at the Shore of Lake Huron, it shall and may be lawful for the Company to place their Vessels in connection with such other line ; upon condition, however, that payment be first made to the Shareholders residing in the County of Simcoe, of the amount of their paid up shares, and interest at the rate of six per cent., or such proportion thereof as may have been paid in, together with interest as aforesaid, upon each instalment from the day of payment thereof.

The Company may, on certain conditions, transfer their connection with the Ontario and Simcoe Railway, to some other Company.

XXV. This Act shall be deemed a Public Act.

Public Act.

C A P . C L X I X .

An Act to incorporate the Canadian Inland Steam Navigation Company.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS Ira Gould, John Frothingham, James Mitchell, Alexander Morris, William Workman, John G. Mackenzie, Thomas Cramp, William B. Lambe and Henry Starnes, have petitioned the Legislature of this Province, praying that they may be incorporated with such other persons as shall become associated with them as a Company under the style of the "Canadian Inland Steam Navigation Company," for the purpose, among other things, of building steam vessels and using them for the transportation of freight and passengers between the ports on the River St. Lawrence, and the ports on the several Lakes connecting with the River St. Lawrence, and any or all of them, and *vice versa*, and for such other purposes of inland navigation as to the said Company may seem expedient, and it is proper to grant the prayer of the said petitioners as hereinafter provided : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Company incorporated.

I. The said Ira Gould, John Frothingham, James Mitchell, Alexander Morris, William Workman, John G. Mackenzie, Thomas Cramp, William B. Lambe and Henry Starnes, together with such person or persons as shall be and become Stockholders in the said Company, and their respective heirs, executors, administrators, curators and assigns, shall be a body politic and corporate, by the name of the "Canadian Inland Steam Navigation Company," with all and every the incidents and privileges to such Corporation belonging, for and during the period of twenty years from the passing of this Act.

Corporate name to continue—

For 20 years.

Purposes for which the Company is incorporated.

II. It shall be lawful for the Company to construct, acquire, charter, navigate and maintain steam-vessels for the carrying and conveyance of goods and passengers, or other traffic, between the ports of Canada and the ports on the lakes connected with the River St. Lawrence, and any or all of them, and *vice versa*, and steam or other vessels for all business and purposes connected therewith, and the profitable prosecution thereof, with power to sell, charter or dispose of the said vessels, or any of them, or grant or consent to bottomry or other bonds on the same, or mortgage the stock of the Company or any part thereof, when and as they may deem expedient ; and to make contracts and agreements with any person or Corporation whatsoever, for the purposes aforesaid, or otherwise for the benefit of the Company.

Power to hold real property.

III. It shall be lawful for the said Company to purchase, rent, take, hold and enjoy, to them and their successors, as well in this Province as in such other places where it shall be deemed expedient

expedient for the purposes of the said Company, either in the name of the said Company, or in the name of the Trustees for the said Company, such lands, docks, wharves, warehouses, offices and other buildings as they may find necessary or convenient for the purposes of the said Company, but not for any other purpose ; and to sell, mortgage, lease or dispose of the same when not wanted for the purposes of the said Company, and others to purchase or acquire in their stead ; Provided always, that the yearly value of such lands, wharves, docks, warehouses, offices and other buildings, within the Province of Canada, at the time when the said Company shall enter into possession thereof, shall not exceed in the whole the sum of Five Thousand Pounds currency.

Proviso :
value limited.

IV. The Capital Stock of the said Company, to be raised amongst the Shareholders, shall be Fifty Thousand Pounds currency, in two hundred shares of two hundred and fifty pounds currency each, with power at any Annual General Meeting of the Company, to increase the same to four hundred shares or one hundred thousand pounds currency ; and stock books for the same shall be opened as hereinafter provided.

Capital and
how it may
be increased.

Stock Books.

V. The Directors of the said Company may call in the Capital Stock of the same, in such sums as they may see fit, provided no larger sum than twenty per cent. of the amount subscribed shall be payable at one time, and that at least one month shall elapse between each payment.

Calls on Stock

VI. The business and affairs of the said Company shall be conducted and managed and its powers exercised by a Board of nine Directors, to be annually elected by the Shareholders, and who shall severally be Shareholders to an amount of one thousand pounds currency of the said stock, and who shall be elected at the Annual General Meetings of the said Company, by the Shareholders then present, in person or by proxy, as hereinafter provided, and which Board, in the first instance, and until the first General Annual Meeting of the Company as hereinafter provided, shall consist of the said Ira Gould, John Frothingham, James Mitchell, William Workman, John G. Mackenzie, Thomas Cramp, William B. Lambe, Henry Starnes and Hugh Allan.

Board of Di-
rectors consti-
tuted.

VII. It shall be lawful for the Company at an Annual Meeting, or Special General Meeting, convened for the purpose, to make By-laws, rules and regulations for the conduct and management of the business affairs, real estate, vessels, stock, property and effects of the Company, and the same to amend, alter, repeal and re-enact, as shall be deemed needful and proper ; but a majority of the Directors shall be present therefor and assisting at the same ; and the said By-laws, rules and regulations shall, among other things, particularly apply to and affect the following matters :

By-laws, how
to be made,
and for what
purposes.

- Stock Books.** 1. The opening of stock books for the subscription to the capital stock of the said Company in Montreal or elsewhere, whether in Canada or in any other country ; the calling up and payment from time to time of the capital stock of the said Company, and of the increase thereof, and of the calls thereon as hereinbefore provided, and the conversion of the shares thereof into stock ;
- Calls.**
- Conversion of shares into stock.**
- Stock Certificates.** 2. The issue of certificates to the respective Shareholders of the said Company of their shares or stock therein and the registration thereof, and of the addresses of the Shareholders for the purposes of the Company ;
- Forfeiture, &c., for non-payment of calls.** 3. The forfeiture or sale of shares or stock for non-payment of calls or other liability of the Shareholders ; Provided always, that such forfeiture shall not be held to be conclusive against such liable Shareholder, until after the actual sale of the shares declared to be forfeited, or the enforcement of the judgment for the payment of the calls in arrear, as the case may be ;
- Proviso.**
- Setting off debts to Company from Stockholders.** 4. The set-off of all debts due to the said Company from the Shareholders against such shares or stock and dividends or payments to w :
- Transfer of stock.** 5. The transfer of shares or stock, and the approval and control by the Directors of such transfer and of the proposed transferees, and as to the remedy against transferees ;
- Dividends.** 6. The declaration and payment of profits of the said Company, and dividends in respect thereof ;
- Sinking Fund.** 7. The formation and maintenance of a sinking or reserve fund ;
- Removal and remuneration of officers.** 8. The removal and remuneration of the Directors and of all such Managers, Agents, Officers, Clerks or Servants of the Company as they shall deem necessary for carrying on the business of the said Company, and the security, if any, to be taken from such parties respectively for the due performance of their respective duties, and also the indemnity of such parties ;
- Meetings.** 9. The calling of general, special or other meetings of the Company and Directors in this Province or elsewhere, and the quorum and the business to be transacted thereat respectively, and the number of votes which Shareholders shall have in respect of shares held by them, and the mode of taking votes and regulating proxies of Directors and Shareholders ;
- Quorum,**
- Votes, Proxies.**
- Executing deeds, bills, &c.** 10. The making and entering into deeds, bills, notes, agreements, contracts, charter parties and other documents and engagements to bind the Company, whether by the Directors or their agents as may be deemed expedient ;

11. The borrowing or advancing of money for promoting the purposes and interests of the Company, and the securities to be given by or to the said Company for the same ;

Borrowing or lending money.

12. The keeping of minutes of the proceedings and the accounts of the said Company, and making the same conclusive and binding on the Shareholders, and rectifying any errors which may be therein ;

Minutes and accounts.

13. The auditing accounts and appointment of Auditors ;

Audit.

14. The imposing of penalties against Shareholders, officers and servants of the Company, to an amount not exceeding five pounds for each offence ;

Recovering penalties.

15. Provided the said By-laws, rules and regulations are not contrary to the present Act nor the Laws of this Province.

Proviso.

VIII. The Directors of the said Company shall, from time to time, issue to each of the Shareholders respectively, certificates under the Seal of the Company, of the number of shares to which he is entitled, and he shall then be the legal owner of such shares, and invested with all the rights, and subject to all the liabilities of a Shareholder in respect of such shares, and each person to whom any share or shares shall be assigned, shall sign an acknowledgment of his having taken such share or shares, which acknowledgment shall be kept by the Directors, and shall be conclusive evidence of such acceptance, and that the person signing it has taken upon himself the liability aforesaid.

Certificates of shares, and acceptance by Stockholders.

IX. In case the said Directors shall deem it more expedient in any case to enforce the payment of any unpaid instalment than to forfeit or sell the said shares 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 in any Court having civil jurisdiction to the amount claimed ;

Calls may be recovered by action, and how.

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 such acknowledgment as hereinbefore mentioned, shall be proved, and that the calls in arrear have been made, and a certificate under the seal of the Company, or sealed by any one or more of the Directors, shall be sufficient evidence of the calls having been duly made and being in arrear, and the amount due in respect thereof : Provided that nothing herein

What only need be alleged and proved.

contained shall in any way affect the right of the said Company to forfeit the shares of any Shareholder for non-payment of calls or subscriptions, whether after or before such judgment for recovery thereof.

Proviso.

To what purposes the capital shall be applied.

X. The capital stock, and increase thereof, of the said Company, is hereby directed and appointed to be laid out and applied, in the first place, for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and the preliminary expenses attending the establishment of the said Company, and all the rest, residue and remainder of such money, for and towards carrying out the objects of this undertaking, and the other purposes of the Company, and to no other use, intent or purpose whatsoever.

Company not bound to see to trusts, to which shares may be subject.

XI. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject, and the receipt of the party, in whose name any such share shall stand in the books of the Company, shall, from time to time, be a discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Company have had notice of such trust; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Case of transmission of stock otherwise than by regular transfer, provided for.

XII. When any share shall have become transmitted in consequence of the bankruptcy or insolvency of any Shareholder, the assignee of such Shareholder shall not be entitled, and in case of such transmission in consequence of the death or marriage of a female Shareholder, the executors or administrators, tutors, curators or husband, as the case may be, of such Shareholder, shall not, except so far as otherwise provided by By-laws, be entitled to receive any profits of the Company, or to vote in respect of such share, as the holders thereof; but, nevertheless, after the production of such declaration or other evidence of such transmission as may be required in that behalf by any By-law of the Company, such assignees, executors, or administrators, tutors, curators, or husband, as the case may be, shall have the power to transfer the share or shares so transmitted, in the same manner, and subject to the same regulations as any other transfer is to be made.

Quorum of Directors.

XIII. At all meetings of the said Directors, and of those hereafter elected by the Shareholders, three shall be a quorum, and capable of exercising all the powers of the said Directors.

Annual general meetings.

XIV. The Annual General Meeting of the said Company shall be held in the office of the Company, in the city of Montreal, on the first Monday in February in each year, for the purpose of electing Directors, and for transacting the general business of the Company; at this meeting, the President of the Company, or, in his absence, the Vice-President, and in the absence of both, then one of the Directors, shall take the chair; and Shareholders may appear in person or by proxy, provided the

Chairman.

the holder of such proxy be a shareholder in the Company; and each share in the Company shall give one vote, and if on any question there be an equality of votes, the Chairman shall have the casting vote.

Votes and proxies.

XV. The Directors elected at the annual meeting aforesaid, shall assemble within one month of their election, and shall then elect from amongst themselves, by a majority of votes of those present, a President and a Vice President; the President, or in his absence, the Vice President, may call meetings of the Directors as often as occasion may require.

Election of President, &c.

He may call meetings of Directors.

XVI. The Directors of the said Company may act as Directors in this Province, or elsewhere, and shall and may appoint one or more agents in this Province or elsewhere, and for such time, and on such terms as to them shall seem expedient, and the Directors may, by any By-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves, or any of them, may lawfully do, perform and exercise, except the power of making By-laws; and all things done by any such agent by virtue of the powers in him vested by such By-law, shall be valid and effectual to all intents and purposes as if done by such Directors themselves; any thing in this Act to the contrary notwithstanding.

Directors may exercise their powers out of Canada, or by agents.

Exception.

Acts of agents to be valid.

XVII. The Directors aforesaid shall have the power, if they think fit, to receive and take into the stock of the said Company, such Steamers as may have already been built or acquired by individual Shareholders, for the purposes of this Company.

Steamers may be taken as stock.

XVIII. The Directors of the Company shall take the said Steamers at their cost, or at such valuation as shall be put upon them by persons mutually chosen to decide the same, and such valuation shall be credited to the Shareholders, as payment made on account of their stock, but no Shareholder shall be entitled to claim, from the Directors, any money payment for such Steamers so taken into stock of the Company, unless by special agreement to that effect.

How the steamers shall be valued.

XIX. If any Writ of *Saisie-Arrêt* or attachment shall be served upon the said Company, it shall be lawful for the President, or for the Secretary or the Treasurer thereof, or any agent, to be appointed as hereinbefore provided, in any such case, to appear in obedience to the said Writ to make the declaration by law required, according to the exigence of such case, which said declaration, or the declaration of the said President, shall be taken and received in all Courts of Justice in Lower Canada as the declaration of the Company.

Answers upon writs of *Saisie*, &c.

XX. Every contract, agreement, engagement, or bargain by the Company, or by any one or more of the Directors on behalf of

Contracts, &c. may be valid.

ly executed without the corporate seal of the Company.

of the Company, or by any agent or agents of the Company, and every promissory note made or endorsed, and every bill of exchange drawn, accepted, or endorsed by such Director or Directors on behalf of the Company, or by any such agent or agents, in general accordance with the powers to be devolved to and conferred on them respectively under the said By-laws, shall be binding upon the said Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, promissory note, or bill of exchange, or to prove that the same was entered into, made, or done in strict pursuance of the By-laws: Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as notes of a bank.

Proviso: Company not to issue Bank notes.

Corporations empowered to take Stock in the Company;

XXI. If at any time any Municipal or other corporation, civil or ecclesiastical, body politic, corporate, or collegiate, or community in this Province or elsewhere, shall be desirous of taking shares of the capital stock of the said Company, or otherwise promoting the success of their undertaking 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 by 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.

Notwithstanding any thing in their charter, &c.

Non-liability of Shareholders.

XXII. The Shareholders shall not as such be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing related to or in connection with the said Company, or the liabilities, acts or defaults of the said Company, beyond the amount of their respective shares or the unpaid portion thereof.

Stock to be personalty.

XXIII. The shares and the capital stock of the said Company shall be deemed personal estate, and shall be transferable as such.

Suits by or against Shareholders.

XXIV. Suits at law and in equity may be prosecuted and maintained between the said Company and any Shareholder thereof, and no Shareholder of the Company not being in his private capacity a party to such suit, shall be incompetent as a witness in such suit.

Public Act.

XXV. This Act shall be deemed a Public Act.

C A P . C L X X .

An Act to incorporate certain persons under the name of the "Richelieu Company."

[Assented to 27th May, 1857.]

WHEREAS Pierre Edouard Leclerc, Louis Marchand, N. B. Desmarteau, Ephrem Hudon, Victor Hudon, Joseph Lévi, Jacques Félix Sincennes, Joseph Boulanget, and William MacNaughton, have by their humble petition represented that an association was formed in the City of Montreal, in the year one thousand eight hundred and forty-eight, under the name and style of the "Richelieu Company," in and to which, with other persons, they had become Shareholders and subscribers, with the view of promoting the public interest, by providing the advantages of steam navigation for the inhabitants of the Districts of Montreal, Three-Rivers and Quebec, and of the intermediate ports, and to enable them to derive that benefit which the construction of the wharves and landing places already or hereafter to be constructed by them, along the route taken by their steamboats, offers to the inhabitants of this Province for the convenience of commerce and travellers generally, between Montreal, Three-Rivers, Quebec, and the intermediate ports and other places ; that the capital of the said Company is limited to the sum of seventy-five thousand pounds currency, divided into three thousand shares of twenty-five pounds currency each ; And whereas the object of the said Company is to facilitate and promote the inland navigation of the Province, and to enable them to avoid certain technical inconveniences, the said Company have prayed to be incorporated : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. Pierre Edouard Leclerc, Louis Marchand, N. B. Desmarteau, Ephrem Hudon, Victor Hudon, Joseph Lévi, Jacques Félix Sincennes, Joseph Boulanget, William MacNaughton, and all other persons who may now be or hereafter become subscribers or Stockholders in the said Company, and all or any other person or persons, bodies politic and corporate, who as executors, administrators, successors or assigns, or by any other lawful title, may hold any part, share, or interest in the Capital Stock of the said Company, and their executors, administrators successors and assigns, shall be and they are hereby constituted a body politic and corporate, for the purposes mentioned in the preamble of this Act, under the name and style of the "Richelieu Company," and shall by that name have perpetual succession and a Common Seal, and by the same name be capable of suing and being sued in all Courts of Justice in this Province. The said Company may make, establish, and put into execution, alter or repeal, all By-laws, rules, ordinances and regulations, the same not being contrary to the Laws of this

Certain persons incorporated.

Corporate name and general powers.

Power to make By-laws.

this

Transfer of rights and liabilities of present Company.

this Province, nor to the provisions of this Act, as may appear to them necessary or expedient for the management of the business of the said Company: all the moveable and immoveable property, rights and actions belonging to the said "Richelieu Company," shall be and they are hereby transferred to the said Corporation, and from and after the passing of this Act, the said Corporation shall be the proprietor thereof, and of all other moveable property and effects which the said Corporation may hereafter acquire, and all the debts and obligations of the said "Richelieu Company" shall be acquitted and performed by the said Corporation: Provided always, that no By-law, Ordinance, Rule or Regulation shall be in force until the same shall have been approved of by a majority of the Directors hereinafter mentioned or their successors, authorized to that effect at the annual general meeting of the Stockholders of the said Company.

Proviso.

Capital of the Company, shares: when it may commence business.

II. The Capital of the said Company is hereby limited to the sum of seventy-five thousand pounds, divided into three thousand shares of twenty-five pounds currency each, and the said Company shall not avail itself of this Act until the Capital subscribed and paid for, shall amount to at least twenty thousand pounds.

Corporation may hold real estate.

III. The said Corporation under the name of the "Richelieu Company," may also acquire and hold real estate for the construction of wharves and the erection of warehouses and offices, and for such other necessary purposes in connection therewith as the said Company may deem expedient, at the different ports and places at which the steamboats belonging to the said Company shall touch, and may at any time sell, exchange and dispose of the same and purchase other property for the same purposes: Provided always, that the said Company shall not at any time possess real estate, the total value of which shall exceed the sum of five thousand pounds currency.

Proviso: value limited.

Election of Directors.

IV. The superintendence, control and management of the affairs of the said Company, shall be vested in nine Directors, five of whom shall be a quorum, which said Directors shall be Stockholders in the said Company, and shall be elected between the first and twentieth days of February in each year, upon the day and at the hour and place which shall be appointed by a majority of the Directors, and notice whereof shall be given in one or more newspapers published in the City of Montreal at least ten days previous to the said election; and the said election shall be had and made by the Shareholders of the said Company present at the said meeting, and all elections of Directors shall be by ballot or by open vote as may be prescribed by the By-laws of the said Company: The Directors elected shall choose out of their number a President, and it shall be the duty of the said President to preside at all meetings of

Notice of election.

resident how ascertained.

of the Stockholders or Directors ; the President may vote at all meetings of the Directors, and in case of an equal division of votes, he shall also have a casting vote ; any vacancy among the Directors occasioned by death, resignation or absence from the Province, shall be filled by such person or persons as the remaining Directors or a majority of them may appoint, and it shall be lawful for the Stockholders at any meeting specially called for that purpose, to remove all or any of the said Directors, and to appoint others in their stead, in the same manner as the annual election of Directors is hereby provided for.

How to vote.

Vacancies,
how filled.Removal of
Directors.

V. Each Stockholder shall be entitled to a number of votes proportionate to the number of shares which he, she or they shall have held in his, her or their name at least one month previous to the time of voting in the proportion following, to wit : one vote for each share, two votes for four shares, three votes for eight shares, four votes for twelve shares, and five votes for each Stockholder who shall hold more than twelve shares ; and all questions brought before the Stockholders at any general or special meeting, shall be decided by a majority of such votes of the Shareholders then present, subject in case of an equality of votes to the casting or double vote of the President.

Scale of votes.

Majority to
decide ques-
tions.

VI. The President or any two or more Directors may at any time, and from time to time, call a meeting or meetings of the Stockholders either for general or special purposes, and any six Stockholders may at any time call special meetings of the Company, upon giving at least ten days' notice by advertisement in one or more newspapers published in the City of Montreal, or by sending a written or printed notice to each Stockholder by post or otherwise ; and every advertisement or notice calling a special meeting shall specify distinctly the purpose or purposes for which such meeting is called, and no other matter or business shall be discussed, concluded upon or settled at such meeting.

Meetings of
Stockholders,
how to be
called, &c.

VII. If at any time it shall happen that an election of Directors shall not be made when on any day pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election in the same manner as the annual election of Directors is herein provided for.

In case of
failure to elect
Directors.

VIII. The Stockholders shall not be liable as such beyond the amount of their subscribed stock or the sum unpaid thereon.

Limited liabi-
lity of Share-
holders.

IX. It shall be the duty of the Directors to make such yearly dividends of the profits of the said Company as to them or a majority

Yearly divi-
dends and

statement of
affairs of Com-
pany.

majority of them shall appear advisable ; and an exact and particular statement shall be annually made of their affairs, debts, credits, profits and losses, such statement to appear on the books of the Company, and to be open to the perusal of any Stockholder, and a copy thereof, certified by the oath of the President or two of the Directors, shall be transmitted annually to the three branches of the Provincial Legislature, which oath any Judge, Commissioner or Justice of the Peace is hereby authorized to administer.

Transfer of
shares.

X. The shares of the said capital stock shall be transferable, and may from time to time be transferred by the respective holders and owners thereof, according to the form prescribed by Schedule A hereunto annexed : Provided always, that the transferor shall always be held personally liable to the said Company for all or any part of the shares by him subscribed, and which shall be found to be due and owing by him at the time of such transfer.

Proviso.

Present Di-
rectors to re-
main until
first meeting.

XI. The present members of the Committee of the said "Richelieu Company," and the President thereof, shall continue in office as Directors until the next annual and general meeting of the Stockholders ; and the Directors to be elected annually shall continue in office until the appointment of their successors, as provided by this Act.

Service of pro-
cess.

XII. Any service of process made at the office of the Company in the City of Montreal, and in case the Company should have no such office, then upon the President of the said Company, shall be held and deemed to be good and sufficient service by all Courts of Justice in this Province.

Public Act.

XIII. This Act shall be deemed a Public Act.

SCHEDULE A

Referred to in the foregoing Act.

For value received from _____ of _____ I (or we) do hereby assign and transfer to _____ of _____ shares (on each of which has been paid _____ pounds shillings, currency) in the Capital Stock of the "Richelieu Company," the office of which is at Montreal, subject to the rules and regulations of the said Company, hereby obliging myself to fulfil the conditions imposed by the proviso contained in the tenth section of the Act of Incorporation of the said Company.

In testimony whereof, I (or we) have signed these presents at the office of the said Company, this _____ day of _____ one thousand eight hundred and _____

(Signature of the Transferor, or of his Attorney.)

Witness :

I (or we) do hereby accept the foregoing assignment of shares in the Capital Stock of the "Richelieu Company" assigned to me (or us) as above mentioned, this day of _____, one thousand eight hundred and _____

(Signature of the Transferee or of his Attorney.)

Witness :

C A P . C L X X I .

An Act to incorporate certain persons under the name of the "De Salaberry Navigation Company of Montreal."

[Assented to 10th June, 1857.]

WHEREAS L. Renaud, J. B. Renaud, C. Fitzpatrick, J. Keith, J. L. Cassidy, L. Marchand and D. S. Ramsay, have by their petition represented, that an association was formed in January last, in the City of Montreal, under the name and style of the "De Salaberry Navigation Company of Montreal," in and to which they with other persons are stockholders and subscribers, with a view of promoting the public interest, by providing for the inhabitants of the shores of the St. Lawrence between Cornwall, Beauharnois and Montreal, and the intermediate ports, and for the convenience of commerce and travellers generally, the advantage of steam navigation, and for the use of the wharves and landing places now or hereafter to be constructed by them along the route taken by their steamboats; and for the purposes aforesaid the said Company now have in course of construction a steamboat to be called the "Salaberry," and which will be ready for service at the opening of the approaching season of navigation between the ports hereinbefore mentioned; that the capital of the said Company is at present four thousand five hundred pounds currency, divided into three hundred and sixty shares, of twelve pounds ten shillings currency each, with power to increase the same to the sum of fifteen thousand pounds currency, in shares of the same amount, for the purchase or construction of new steamboats, and for the erection of such wharves and landing places as the said Company may deem requisite, and for the greater accommodation of the inhabitants of the ports or places that may be touched at by the boats of the said Company; And whereas the said Company might be placed in a position obliging them to sue or be sued in the transaction of their business; And whereas the said Company has for its object the facilitating and promotion of the navigation of this Province, and with the view of attaining their purpose with greater facility, the said Company have prayed to be incorporated: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

Corporate name and general powers.

By-laws may be made.

Transfer of rights and liabilities of the present Company.

Proviso.

Corporation may hold real estate.

Proviso: value limited.

I. L. Renaud, J. B. Renaud, C. Fitzpatrick, J. Keith, J. L. Cassidy, L. Marchand and D. S. Ramsay, and all other persons who may now or hereafter become subscribers or stockholders in the said Company, and all or any other person or persons, bodies politic and corporate, who as executors, administrators, successors or assigns, or by any other lawful title, may hold any part, share or interest in the Capital Stock of the said Company, and their executors, administrators, successors and assigns, shall be and they are hereby constituted a body politic and corporate, under the name and style of the "De Salaberry Navigation Company of Montreal," and shall by that name have perpetual succession and a Common Seal, and by the same name be capable of suing and being sued in all Courts of Justice in this Province: The said Company shall be empowered, if they shall hereafter think proper so to do, to change the service of the ports mentioned in the preamble to this Act, and cause their steamboats to call at other ports, either solely or at the same time as the others, upon the St. Lawrence and the Lakes, and whether Canadian or American ports: The said Company may make, establish and put into execution, alter or repeal all by-laws, rules, ordinances and regulations, the same not being contrary to the Laws of this Province, nor to the provisions of this Act, as may appear to them necessary and expedient for the management of the business of the said Company: All the moveable and immoveable property, rights and actions belonging to the said De Salaberry Navigation Company of Montreal, shall be and they are hereby transferred to the said Corporation, and from and after the passing of this Act, the said Corporation shall be the proprietor thereof, and of all other moveable property and effects which the said Corporation may hereafter acquire; and all the debts and obligations of the said De Salaberry Navigation Company of Montreal shall be acquitted and performed by the said Corporation: Provided always, that no By-law, Ordinance, Rule or Regulation shall be in force until the same shall have been approved of by a majority of the Directors hereinafter mentioned, or their successors, authorized to that effect at the annual general meeting of the Stockholders of the said Company.

II. The said Corporation under the name of the "De Salaberry Navigation Company of Montreal," may also acquire and hold real estate for the construction of wharves and the erection of warehouses and offices, and for such other purposes as the said Company may deem expedient, at the different ports and places at which the steamboats belonging to the said Company shall touch, and may at any time sell, exchange and dispose of the same and purchase other property for the same purposes; Provided always, that the said Company shall not at any time possess real estate, the total value of which shall exceed the sum of five thousand pounds currency.

III. The superintendence, control and management of the affairs of the said Company, shall be vested in seven Directors, four of whom shall be a quorum, which said Directors shall be Stockholders in the said Company, and shall be elected between the first and twentieth days of February in each year, upon the day and at the hour and place which shall be appointed by a majority of the Directors, and notice whereof shall be given in one or more newspapers published in the City of Montreal, at least ten days previous to the said election ; and the said election shall be had and made by the Shareholders of the said Company present at the said meeting, and all elections of Directors shall be by ballot or by open vote as may be prescribed by the By-laws of the said Company ; the Directors elected shall choose out of their number a President, and it shall be the duty of the said President to preside at all meetings of the Stockholders or Directors ; the President may vote at all meetings of the Directors, and in case of an equal division of votes, he shall also have a casting vote ; any vacancy among the Directors occasioned by death, resignation or absence from the Province, shall be filled by such person or persons as the remaining Directors or a majority of them may appoint, and it shall be lawful for the Stockholders at any meeting specially called for that purpose, to remove all or any of the said Directors, and to appoint others in their stead, in the same manner as at the annual election of Directors is hereby provided for.

Election of Directors.

Notice.

President and how he shall vote.

Filling vacancies.

Removal of Directors.

IV. Each Stockholder shall be entitled to one vote for each share which he, she or they shall have held in his, her or their name, at least one month previous to the time of voting ; and all questions brought before the Stockholders at any general or special meeting, shall be decided by a majority of such votes given by the Stockholders then present, and in case of an equality of votes, by the casting vote of the President.

One vote for each share.

Casting vote.

V. The President or any two or more Directors may at any time, and from time to time, call a meeting or meetings of the Stockholders, either for general or special purposes ; and any six Stockholders may at any time call special meetings of the Company, upon giving at least ten days' notice by advertisement, in one or more newspapers published in the City of Montreal, or by sending a written or printed notice to each Stockholder, by post or otherwise ; and every advertisement or notice calling a special meeting, shall specify distinctly the purpose or purposes for which such meeting is called, and no other matter or business shall be discussed, concluded upon or settled at such meeting.

Special general meetings : how called, &c.

VI. If at any time it shall happen that an election of Directors shall not be made, when on any day pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election in the same

Provision in case of failure of any election.

same manner as the annual election of Directors is herein directed to be made.

Limited liability of Stockholders.

VII. The Stockholders shall not be liable as such beyond the amount which may be due by them upon their Stock.

Yearly statement and dividends.

VIII. It shall be the duty of the Directors to make such yearly dividends of the profits of the said Company, as to them or a majority of them shall appear advisable; and an exact and particular statement shall be annually made of their affairs, debts, credits, profits and losses, such statement to appear on the books of the Company, and to be open to the perusal of any Stockholder, and a copy thereof, certified by the oath of the President or two of the Directors, shall be transmitted annually to the three branches of the Provincial Legislature, and any Judge, Commissioner or Justice of the Peace, is hereby authorized to administer the requisite oath.

Transfer of shares.

IX. The shares of the said capital stock shall be transferable, and may from time to time be transferred by the respective holders and owners thereof, according to the form given in Schedule A hereunto annexed; Provided always, that the transferor shall always be held personally liable to the said Company for all or any part of the shares by him subscribed, and which shall be found to be due and owing by him at the time of such transfer.

Proviso.

Present Directors continued until others are elected.

X. The present members of the Committee of the said Company and the President thereof, shall continue in office as Directors until the next annual and general meeting of all the Stockholders, and the Directors to be elected annually shall continue in office until the appointment of their successors, as provided by this Act.

Service on the Company.

XI. Any service of process made at the office of the Company in the City of Montreal, (and in case the Company should have no such office, then upon the President of the Company,) shall be held and deemed to be good and sufficient service by all Courts of Justice in this Province.

Public Act.

XII. This Act shall be deemed to be a Public Act.

SCHEDULE A

Referred to in the foregoing Act.

For value received from _____ of _____, I
(or we) do hereby assign and transfer to _____ of _____
shares (on each of which has been paid _____ pounds
shillings currency,) in the Capital Stock of the
De Salaberry Navigation Company of Montreal, the office of
which is at Montreal, subject to the rules and regulations of
the

the said Company, hereby obliging myself to fulfil the conditions imposed by the proviso contained in the ninth section of the Act of Incorporation of the said Company.

In testimony whereof, I (*or we*) have signed these presents at the office of the said Company, this _____ day of _____, one thousand eight hundred and _____.

(Signature of the Transferor, or of his Attorney.)

Witness.

I (*or we*) do hereby accept the foregoing assignment of shares in the Capital Stock of the De Salaberry Navigation Company of Montreal, assigned to me (*or us*) as above mentioned, this _____ day of _____, one thousand eight hundred and _____.

(Signature of the Transferee, or of his Attorney.)

Witness.

C A P . C L X X I I .

An Act to incorporate the Toronto Island Bridge Company.

[Assented to 10th June, 1857.]

WHEREAS it is desirable to make a Bridge communication across the Don River, at the Eastern end of the City of Toronto to the Island, and the persons hereinafter named (amongst others) have petitioned for an Act of Incorporation for facilitating that object: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. Francis Heward, William Botsford Jarvis, John Beverly Robnson, junior, William Rees, James Hallinan, John Ewart, Alexander Leith, Dalrymple Crawford, and all such other person or persons as shall under the provisions of this Act become subscribers to or proprietors in the Company hereby intended to be incorporated shall be and are hereby united into a Company for constructing, maintaining, working and managing a Draw-Bridge across the navigable Don River from some point at or near Ashbridge's Bay, at the Eastern end of the City of Toronto, to the Island, and a Bridge across the small Don stream, at or near the same place, and to connect the same points by a Road, of the width of sixty-six feet, passing over the said Bridges and along the said Island, to be made by the said Company, according to the rules, orders and directions of this Act, and shall for that purpose be a body corporate and politic by the name of "The Toronto Island Bridge Company;" and the said Company shall be and they are hereby authorized and empowered Company incorporated, and for what purposes.
Corporate name, &c.
from

from and after the passing of this Act, by themselves, their agents, officers, workmen and servants, to make and complete the Bridges aforesaid, for the passage of persons on foot and in carriages.

**Capital ;
Shares.**

II. The Capital of the said Company shall be Two thousand pounds, divided into four hundred shares of five pounds each ; such shares as aforesaid shall be and the same are hereby vested in the shareholders and their respective heirs, executors, administrators and assigns as personal estate ; and such shareholders respectively may sell, transfer, give or alienate the shares held by them respectively, whensoever they think fit ; and such capital may be increased to five thousand pounds.

Transfers.

**Increase of
Capital.**

Voting.

III. At all meetings of the said Corporation each shareholder may vote by proxy, duly appointed in writing, or in person, and shall be entitled to one vote for each share.

**Opening
books of sub-
scription.**

Notice.

**Ten per cent.
to be paid
down.**

**Money so paid
not to be with-
drawn, &c.**

**Proviso : allot-
ment of shares.**

**First general
meeting.**

IV. The persons hereinbefore named, or the majority of them, shall cause books of subscription to be opened in the City of Toronto aforesaid, for thirty days, until the meeting of the shareholders hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking, and for this purpose it shall be their duty and they are hereby required to give public notice in one newspaper published in the said City of Toronto, as they or a majority of them may think proper, of the time and place at which such books will be opened and ready for receiving subscriptions as aforesaid, the persons authorized by them to receive subscriptions, and a chartered Bank into which the ten per cent. thereon is to be paid at the time hereinafter limited for such payment ; and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid within ten days after the closing of the said books into the Bank aforesaid ten per centum on the amount of Stock so subscribed for to the credit of the said Company, shall thereby become a shareholder of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Corporation ; and such ten per centum shall not be withdrawn from the said Bank or otherwise applied, except for the purposes of the said Company or upon the dissolution thereof for any cause whatsoever : Provided always, that if the total amount of subscriptions, within the thirty days limited as aforesaid, shall exceed the said sum of Two thousand pounds, then in such case the shares of each subscriber or shareholder shall be as near as may be, proportionably reduced by the persons hereinbefore named or a majority of them, until the total number of shares shall be brought down to four hundred shares.

V. So soon as the Capital Stock of the said Company shall have been subscribed and the ten per cent. paid as aforesaid, it shall

shall be the duty of the said persons hereinbefore named, or a majority of them, to call a general meeting of the shareholders, for the purpose of putting this Act into effect; which said meeting shall be held at the City of Toronto aforesaid, and eight days previous notice thereof shall be given in a newspaper published in Toronto; at which said general meeting the shareholders shall choose eight Directors in the manner and qualified as hereinafter mentioned, who shall hold office until the first annual general meeting for the election of Directors, and until others are appointed in their stead.

Election of
Directors, &c.

VI. In each year after the said meeting hereinbefore provided for the first election of Directors, the annual general meeting of the said shareholders shall be held on the first Monday in May, in each year, at the said City of Toronto, at such time and place as the Directors may appoint; and public notice shall be given thereof by notice inserted once at least eight days previous to each said meeting in some newspaper published in the said City of Toronto.

Annual general
meetings
and election.

Notice.

VII. At such first, and at every subsequent annual general meeting of the said shareholders hereinbefore directed, the said shareholders, or a majority of them there present, either by proxy or in person, by vote, according to the said number of shares, shall choose eight persons then being shareholders in the said Corporation, which persons so chosen shall be the Board of Directors to manage, direct, and carry on the affairs and business of the said Corporation for one year next following such annual meeting, or until another Board of Directors shall be appointed, and particularly such matters and things as are by this Act hereinafter directed and authorized to be done by such Directors, and as shall from time to time be ordered by such annual or other general meetings of the said shareholders; and shall have power to name and appoint from the members of the said Committee, a President, Vice President, Treasurer, and Secretary: And at any meetings of the said Committee duly held, any three members of such Board shall be a quorum, and may exercise the powers of the said Board: Provided always, that such President, or Vice President in the absence of the President, to be chosen as aforesaid, in addition to his own vote, shall have a casting vote in case of an equal division of votes, at the meetings of the aforesaid Committee: Provided always, that such Board shall, from time to time, make reports of their proceedings to, and be subject to examination and control of, the said general meetings of the shareholders, and shall pay obedience to all such orders and directions in and about the premises as shall, from time to time, be ordered and directed by the said shareholders at any such general meetings, such orders and directions not being contrary to the provisions of this Act or to the laws of this Province: Provided also, that the Directors who are to be chosen at the first meeting of the said shareholders shall be a Board for the purposes aforesaid, until the said first annual general meeting, and shall

Voting at general
meetings: proxies,
&c.

Eight Directors,
and their
powers.

Quorum.

Proviso.

Proviso.

Proviso.

shall have the like powers, and exercise all or any of the powers vested by this Act in the said Board to be chosen at such first or other general annual meeting : Provided also further, that the members of any such Board at any time going out of office may be re-elected ; Provided also further, that security may be taken from any of the office-bearers of the said Company for the due fulfilment of their duties ; And provided also, further, that any stockholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have an equal right to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company ; and no person shall be qualified as Director unless he shall hold four shares.

Proviso.
Proviso.
Proviso.
Aliens may vote, &c.

Provision in case of failure of any election. VIII. The failure to hold the first annual general meeting or any other meeting, or to elect such Board of Directors, shall not dissolve the said Corporation ; but such failure or omission shall and may be supplied by and at any special meeting to be called as the said Directors may appoint for that purpose ; and until such election of a new Board, those who may be in office for the time being shall be and continue in office, and exercise all the rights and powers thereof until such new election be made as hereinbefore provided.

Powers of the Directors. IX. The said Board shall have and be invested with full power and authority to conduct, manage and oversee, and transact all and singular the concerns, affairs and business of the said Corporation, and all matters and things whatever in any wise relating to or concerning the same, and amongst other things—

Servants' and Officers' of the Company. Firstly—To appoint and employ and remove all such engineers, agents or agent, servant or servants, of the said Corporation, as they may find from time to time expedient or necessary, and to regulate the duties and fix the salaries and wages of such agents and servants, and all the necessary expenditure for the management and working of the said Corporation ;

Share certificates, &c. Secondly—To regulate the form of certificates of shares and all matters relating to their transfer ;

Acquiring site for bridge, &c. Thirdly—To choose and acquire for and in the name of the said Corporation, the requisite sites for the construction of the said Bridges and their dependencies, and to enter into the necessary arrangements and agreements for the construction of the same, and during, upon, and after their construction, to have the entire management and disposition thereof, and to fix and determine by By-law the amount of tolls to be paid for passing the said Bridges ; Provided, that the amount of tolls shall not exceed in any case the amounts named in the Schedule A hereto annexed, which shall be a part of this Bill ; Provided further, that foot passengers shall pass free of toll ;

Fourthly

Fourthly—To order the payment of any sum of money they may deem necessary for the purposes of this Act ;

Payments of money.

Fifthly—To make such calls of money for the time being upon the shares subscribed for by them respectively as the said Board shall find necessary, and in the name of the said Corporation to sue for, recover and get in all such calls, and to cause and declare such shares forfeited to the said Corporation in case of non-payment of any such call, and in such way as they shall see fit to prescribe by any By-law ;

Calls on stock and forfeiture for non-payment.

Sixthly—To make the necessary By-laws in reference to the powers and duties imposed and conferred upon the said Board by this Act, and generally for the government and management of the said Corporation, subject always to the provisions of this Act and of the laws of this Province ; with power to the said Board to vary, alter, repeal or revive any of the said By-laws ; Provided always, nevertheless, that all such By-laws, rules or orders, and any such variation, alteration, or repeal thereof may be reviewed or disallowed at any general meeting of the said shareholders.

By-laws.

Proviso.

X. The said Board shall and may call and convene special and general meetings of the shareholders whenever it shall be necessary, and so often as shall be required, upon the requisition of at least five shareholders, and shall give the public notice hereinbefore mentioned of the holding of any such special general meeting, and shall at each annual general meeting, or at any special meeting to be called for the purpose, submit to the shareholders a clear and detailed statement of the affairs and accounts of the said Corporation, whereupon at such meeting the same shall be examined and audited, and if any dividend upon the capital stock is thereupon to be made, the same shall at such meeting thereby be declared.

Calling meetings of Stockholders, &c.

Statement of affairs of Company.

XI. In the absence of the President and Vice-President, at any meeting thereof, it shall be in the power of the members present to elect from among themselves a Chairman for the time being, who, in addition to his own vote, shall also in case of an equal division of votes, have a casting vote at such meeting, and in the event of the death, resignation, continued absence, incapacity, or disqualification of any member of the said Board, the shareholders shall, at a meeting to be called for that purpose, as hereinbefore provided, choose a shareholder instead and in place of such member, and such shareholder so chosen shall form part of the said Board until their next annual election.

Chairman pro tem. in absence of President ; vacancies among Directors, &c.

XII. The said Draw Bridge shall be so constructed as not materially to affect the navigation of the Don River ; the said bridge on the said navigable river shall have one draw of ample width to give free and unobstructed passage to all vessels navigating the said river ; such draw shall at all times be tended and

Construction of the Draw Bridge.

Proviso. and moved at the expense of the said Company, so as not to hinder unnecessarily the passage of any vessel ; Provided that the said Company shall, prior to proceeding with the construction of the said Bridge and the other Bridge hereby authorized to be built, submit the Plans thereof to the Mayor or Engineer of the Corporation of the City of Toronto, for his approval.

Toll gates, &c. XIII. Whenever the said Draw Bridge is completed the said Company may erect such gates and fixtures to guard the entrance of such Bridge as the said Directors may deem proper, and may make such By-laws, rules and regulations, not inconsistent with the provisions of this Act, in relation to the use of said Bridge, its machinery, appurtenances and approaches, and also as to the Bridge on the smaller stream, as the Directors may think proper.

By-laws as to Draw Bridge.

Punishment of persons passing without paying toll, &c., or damaging the works.

XIV. If any person shall force or attempt to force any gate or guard of the said Bridge, or the approaches thereto, without having paid the established toll or compensation for passing the same, such person shall forfeit and pay to the said Company five times the amount of such toll as compensation, to be recovered by information and summary conviction thereupon, before any Justice of the Peace in and for the City of Toronto, according to the form of the several Statutes in relation to summary convictions before Justices of the Peace ; and if any person shall wilfully do, or cause to be done, any act or acts whatsoever, whereby the said Bridge, its lights, works, machinery, fixtures or other appurtenances thereto, or any part thereof, or any work or approach appertaining thereto shall be obstructed, impaired, weakened, destroyed or injured, the person so offending shall forfeit to the said Corporation treble the damages sustained by means of such offence or injury, to be recovered in the name of the said Company, with costs of suit, by any proper action for that purpose, and shall moreover be guilty of a misdemeanor, and be punished by fine or imprisonment, or both, by any Court or Justice having cognizance of the offence.

Application of receipts from Bridges.

XV. The receipts of the tolls of the said Bridges shall be applied, after payment of working expenses and interest at six per cent. to the shareholders, to form a sinking fund, with which to redeem the subscriptions of the Stockholders, and when such fund shall be sufficient for such redemption, the Stockholders shall be paid off and the Bridges and appurtenances shall thereupon become the property of the Corporation of the City of Toronto, to be ever after used as bridges by the public free from any toll whatever ; Provided always, that if at any time previously to such redemption the Corporation of the City of Toronto shall desire to assume the property of the said Company in the said Bridges and Road, they shall have the right to do so upon paying the actual expenditure upon and cost of the same incurred by the said Company, including the preliminary expenses, first deducting

Proviso.

Corporation of Toronto may take the works on certain conditions.

deducting the amount of the sinking fund therefrom; and upon payment of that amount, the rights and privileges of the Company shall cease, and all the rights of the Charter and the property acquired by the Company thereunder shall become the property of the Corporation of the said City, to be for ever used by the public free from any toll whatever.

XVI. The said Bridges shall be completed within two years from the passing of this Act. Period for completing works.

XVII. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act. Public Act.

SCHEDULE A.

For each passage to and from the Island—

Horsemen, each.....two pence;

Cabs, each.....four pence;

Private Carriages, each..seven pence half-penny.

C A P . C L X X I I I .

An Act to extend the powers of the St. Clair and Rond Eau Plank Road Company.

[Assented to 10th June, 1857.]

WHEREAS the St. Clair and Rond Eau Plank Road Company have at great cost and outlay constructed a gravel and Plank Road which has opened up for the purposes of settlement a large tract of fertile country, thereby assisting in its development; And whereas the said Company have by their petition represented, that without an extension of their powers it will be impossible for them to complete the said road according to their original design, namely—the construction of a road extending across the peninsula between the waters of the Rond Eau on Lake Erie, and those of the River St. Clair; and have prayed for an extension of their privileges: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble

I. The said St. Clair and Rond Eau Plank Road Company, in addition to the privileges conferred upon them by the Act under which they are incorporated, shall have power to purchase from the Government of this Province, at such prices as may be agreed upon between the Government and the said Company, (and which prices the Governor in Council is hereby authorized to fix,) and from any person or persons, bodies corporate or politic, upon such terms as may be mutually agreed upon between the said Company and the said parties, all such lands,

Company empowered to take lands for termini, bridges or ferries.

lands, property and estate as are and may be required for the necessary uses of the road, its termini at either end, for the construction or purchase of Bridges over any of the navigable streams over which the road passes, or the establishment and management of ferries over the same.

Public Act. II. This Act shall be deemed a Public Act.

C A P . C L X X I V .

An Act to incorporate certain persons under the name of the *St. Lawrence Warehouse, Dock and Wharfage Company*.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is desirable for the benefit of this Province generally, and specially for the Shipping interest, that additional facilities be afforded in the Harbor of Quebec, for the mooring, shelter, loading and unloading of Vessels; And whereas the persons hereinafter mentioned, have by Petition prayed to be incorporated for the purpose of creating such additional Harbor accommodation, and for other purposes hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Names of persons incorporated.

I. William Chapman, Esquire, Edward Ladd Betts, Esquire, Sir Samuel Morton Peto, Baronet, of the City of London, in England, George Beswick, of the City of Quebec, Merchant, Henry Chapman, of the City of Montreal, Merchant, François Baby, of the City of Quebec, Esquire, Edward Berry, of the City of Kingston, Merchant, Thomas Clarkson, of the City of Toronto, Esquire, John Edward Wilkin, Her Majesty's Consul, at the City of Chicago, and every such person or persons, body and bodies politic and corporate, as shall under the authority of this Act, be associated with them and their several and respective successors, executors, administrators and assigns, as Stockholders in the Corporation hereby created, shall be a body politic and corporate by the name of the *St. Lawrence Warehouse, Dock and Wharfage Company*, and by that name shall and may have perpetual succession, and a common seal, with power to break and alter the same, and by that name shall and may sue and be sued, implead and be impleaded in all Courts of Law or Equity in the Province; and the said Corporation shall have their principal place of business within the limits hereinafter mentioned, but may open such office or offices at such places, either in this Province or elsewhere, as may be found necessary or convenient for the purpose of their business.

Corporate name and powers.

Common Seal.

Places of business.

II. The said Company is hereby authorized and empowered at its own cost and charges to construct a Harbor, wharf or wharves, with a wet dock, dry dock, marine railway, and railway sidings, turn-tables and stations, regulated for the loading, discharging and sheltering of all vessels, shipping and craft, propelled by steam, sail or otherwise, on the south shore of the River St. Lawrence, in the Harbor of Quebec, at the place called "Chapman's Cove," Seigniory of Lauzon, in the County of Levis, which said harbor, wharf or wharves and docks shall be accessible to, and safe and commodious, for the reception of such sail, steam or other vessels, as now navigate the Atlantic, as well as for vessels engaged in the inland trade of this country, and also to erect and build such necessary moles, piers, breakwaters, wharves and booms, or other erections or constructions whatever, as shall be useful or proper, for the purposes aforesaid, and the protection of the harbors, wharves, docks or booms, and for the accommodation and convenience of vessels entering, lying, loading or unloading, repairing or fitting up in the same; and to alter and amend, and repair and enlarge the harbor, wharf or wharves, docks, railway and railway sidings as aforesaid, as may, from time to time, be found necessary or expedient, and also to erect and build sheds, stores and warehouses for the reception and storage of goods, wares and merchandize, free of duty or in bond or otherwise.

Company may construct a harbor, wharves, &c.

Situation of works and their nature.

Repairs of wharves, piers, &c.

III. It shall be lawful for the said Corporation, from time to time, to purchase, and to have and hold, such lands and tenements, and real and immoveable property, as may be necessary for carrying on the business of the said Corporation, provided the portion of the capital of the Company appropriated to the purchase of real property, do not at any time exceed one hundred thousand pounds currency, and it shall be lawful for the said Corporation to sell, lease or otherwise dispose of the said property and estate, from time to time, as they may see fit.

Corporation may hold real property purchased from private individuals to extent of £100,000;

And dispose thereof.

IV. It shall be lawful for the said Corporation to purchase and hold stock or shares in any line or Company of steam or other vessels navigating the ocean, or the inland waters of this continent, and the same to sell or dispose of as they may think fit; and from time to time, to make advances on goods stored in the store or warehouses of the said Corporation; to receive, take and hold, security or securities of any kind or nature, for such advances, and for any debt or debts which may at any time become due to the said Corporation; and to charge a commission on such advances, not exceeding two and a half per centum on the amount of such advances; for which advances and commissions the said Corporation shall have a lien upon such goods, and power to sell the same, if such advances and commissions are not repaid according to the agreements made

Buying and selling stock in certain companies;

Making advances on goods consigned to company

Transferable receipts for goods.

made in respect thereto. And it shall also be lawful for the said Corporation to issue certificates of goods received, or warehouse receipts therefor, on the production of which by the holder thereof, and on compliance by him with the terms thereof, the said Corporation shall be compellable to deliver such goods, and not otherwise; and such warehouse receipts shall be transferable by endorsement, either special or in blank; and such endorsement shall transfer all right of property and possession of such goods to the endorsee or holder of such warehouse receipts, as fully and completely as if a sale and delivery of the goods mentioned therein had been made in the ordinary way; and on delivery of such goods by the said Corporation, in good faith, to a person in possession of such warehouse receipts, the said Corporation shall be free from all further liability in respect thereof.

Until the election of Directors, the affairs of the company to be managed by trustees.

V. The stock, real estate, property, affairs and concerns of the said Company, shall, until the election of Directors, as hereinafter mentioned, be vested in the said George Beswick and Henry Chapman, as Trustees of the said Company, until the first election of Directors thereof, with power to such Trustees to open books for the subscription of stock therein, and generally to exercise the usual functions of Provisional Directors until such first election; and such first election of Directors shall be made at a General Meeting of the Stockholders of the said Company to be held for that purpose at the City of Quebec, within sixty days after one fifth of the Capital Stock of the said Company, shall have been subscribed for, and after such notice thereof shall have been given, as is hereinafter required for Special General Meetings of Stockholders in the said Company; And at such Meeting, five Directors shall be elected to hold office until the first Wednesday in the month of March then next following; and after such first election, the stock, real estate, property, affairs and concerns of the said Company shall be managed and conducted by five Directors to be annually elected by the Stockholders at a meeting of stockholders to be held for that purpose, on the first Wednesday of the said month of March, in each year; notice of which Annual Meeting shall be given at least sixty days previous to the day fixed for holding the same, in the manner hereinafter mentioned; and no person shall be a Director of the said Company, unless he be the proprietor of at least ten shares of stock therein.

First meeting for election of Directors.

Annual elections.

Notice of meetings for election.

Mode of Election.

VI. Such meeting shall be held, and the said election made by such of the Stockholders of the said Company as shall attend for that purpose, in their own proper persons or by proxy; and all elections for such Directors shall be by ballot, and the five persons who shall have the greatest number of votes, at any such election, shall be Directors; and if it shall happen at any such election that two or more persons shall have an equal number of votes, in such manner that a greater number of persons

persons than five shall, by a majority of votes, appear to be chosen directors, then the said Stockholders hereinbefore authorized to hold such election, shall proceed to ascertain by ballot which of the said persons so having an equal number of votes, shall be a Director or Directors, to complete the whole number of five ; and if any vacancy shall at any time happen among the Directors, by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year in which it may happen, and until the then next Annual Meeting for the election of Directors, by a person to be elected by the Stockholders in manner aforesaid, at a Special General Meeting thereof duly called for that purpose.

To be made by ballot.

Vacancy in direction how filled up.

VII. In case it shall at any time happen that an election of Directors shall not be made on any day, when, pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any subsequent day, to make and hold an election of Directors, in such manner as shall have been regulated by the By-laws of the said Corporation ; and the previous Directors shall, in every case, hold office until the election of their successors.

Case of failure of any election provided for.

VIII. Special General Meetings of the Stockholders may be convened on the requisition of any two Directors, or of a Shareholder or Stockholders possessing fifty shares of the stock of the said Corporation, after sixty days' notice of such meeting ; and such notice, and notice of the Annual Meetings of the said Corporation, shall be held to be validly given, if inserted three times as an advertisement, in any two newspapers published in the city of Quebec ; the first of which insertions shall be at least sixty days previous to the day fixed for such meeting.

Special meetings when and how to be called.

IX. The Directors for the time being, or the major part of them, shall from time to time, have power to make such By-laws, rules and regulations as to them shall appear needful and proper, for the purposes of this Act, to wit :

Directors to make By-laws and for what purposes.

For the direction, conduct and government of the said Corporation, and of its property, real and personal, and its improvement and regulation throughout the year ;

Government of the corporation, and its property.

For the preventing injury thereto, and encroachments and incumbrances thereon, and the removal of the same ;

For preventing injury thereto.

For the appointment, regulation and removal of the officers, clerks and servants of the said Corporation, and the election and remuneration of the Directors thereof ;

Appointment and removal of clerks and servants.

- Penalties.** For the imposition of penalties, not exceeding five pounds currency, for any breach of the said By-laws, or of the provisions of this Act ;
- Transfer of shares.** For regulating the transfer of shares in the capital stock of the said Company ;
- Lien of goods.** For the regulating and fixing the nature and extent of the lien of the said Corporation on goods and commodities, landed, shipped, stored or conveyed within the aforesaid limits—which lien may be either general or special ;
- Contracts with the Company.** For regulating the mode in which all contracts to be entered into by the said Corporation of whatever nature, may be executed on behalf of the said Corporation ;
- General purposes.** And finally, for the doing of every thing necessary to carry out the provisions of this Act according to their intent and spirit ; Provided always, that such By-laws shall have no force or effect until sanctioned by a majority of stockholders present in person or by proxy at any Annual or other General Meeting ; and a certificate purporting to be signed by the Secretary of the said Corporation, and under the seal of the said Corporation, shall be *prima facie* evidence of such By-laws, and of their having been sanctioned and posted up as herein required, in all or any Courts or Court of Justice in this Province.
- Proviso: By-laws to be sanctioned by shareholders.**
- Copies of By-laws to be posted up on works, &c.** X. Printed copies of such By-laws, certified by the Secretary, shall be posted up in a conspicuous position in the offices of the said Corporation, and until they have been so posted up, such By-laws shall have no force or effect whatever.
- The president to be elected.** XI. It shall be lawful for the Directors to elect one of their members to be President of the said Corporation, and to appoint such officers, managers, clerks and servants, with such emoluments as they may see fit, and in their discretion to take such security from such officers, managers, clerks and servants, or any of them, as the said Directors may deem necessary.
- Security to be given by officers.**
- Further powers of Directors.** XII. The said Directors may make any payments and enter into any contracts for the purposes of the said Corporation, and for all matters necessary for the transaction of its affairs ; may generally deal with, treat, purchase, loan, sell, mortgage, let, release, and dispose of, and exercise all acts of ownership over the lands, tenements, property and effects of the said Corporation, may institute and defend in the name of the said Corporation, all suits at law ; may from time to time displace the officers, agents, clerks and servants of the said Corporation, except as hereinafter provided, and shall have power to collect and receive all charges subject to which goods or commodities may come into their possession ; and on payment of such
- Actions generally.**
- Dismissing Officers.**
- Collection of charges, dues, &c., on goods.**

such back charges, shall have the same lien for the amount thereof, upon such goods or commodities as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession.; and shall and may have power to do all things whatever which may be necessary or requisite to carry out the objects of this Corporation.

XIII. It shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable ; and once in each year an exact and particular statement shall be rendered by them of the state of the affairs, debts, credits, profits and losses of the said Corporation, and such statements shall appear on the books, and be open for the perusal of any stockholder upon request, at least one month before the Annual Meeting of the said Company.

Declaring dividends annually, and statement of accounts.

XIV. It shall be lawful for the said Corporation to levy upon all vessels or rafts entering, departing from, or being anchored or otherwise moored, fastened, or lying within the limits of the property of the Company, and upon all goods landed or shipped, carried or deposited, or stored therein, such wharfage and such storage rates, and such other rates or tolls, not exceeding those limited in the schedule hereunto annexed, as the Directors may, from time to time, fix and establish as hereinafter provided, and the said rates and dues shall be levied as follows :

Power to levy rates upon vessels.

1. On seagoing vessels : The tonnage dues, or moorage rates thereon, shall be levied from the master or person in charge thereof, and the wharfage rates on goods landed or shipped, shall be levied from the consignee, shipper, owner or agent thereof ;

By whom payable, on sea going vessels.

2. On all other vessels : The tonnage dues thereon, as well as the wharfage rates upon the cargoes, shall be paid by the master or person in charge thereof, saving to him such recourse as he may have by law against any other person for the recovery of the sums so paid ; Provided however, that it shall be lawful for the said Corporation to demand and recover the said wharfage rates from the owners or consignees of such vessels, or from the owners, consignees or agents of ships, or shippers of such cargoes, if they see fit to do so ; and in the event of goods lying unclaimed on the wharves, or in the warehouses of the said Corporation, for a period of ninety days, such goods may be sold by public auction after three weekly advertisements thereof shall have been published in any newspaper in the city of Quebec, and the said Corporation shall account for the proceeds thereof to the owner thereof on demand, first deducting all their lawful charges thereon ; and if such goods be of a perishable nature, they may be sold within a shorter period, provided cause for such sale be shewn by affidavit before any Justice of the Peace for the district of Quebec, and

On other vessels.

Proviso : may be recovered from owners or consignees.

Unclaimed goods how to be dealt with.

an order for such sale procured from such Justice who is hereby authorized to grant the same.

Company may levy tolls and rates not exceeding those in the Schedule.]

XV. It shall be lawful for the Directors, from time to time, to ask, demand and receive, from all owners or masters of vessels, or persons in charge thereof, from owners, consignees or agents of all rafts, wares, goods or other merchandize, rates, tolls, dues and duties for moorages of rafts, vessels or boats propelled by steam, sail or otherwise, which may, from time to time, enter or depart from the said Harbour, within the said limits, or which may be lying or anchored or otherwise moored or fastened therein, and upon all goods, wares and merchandizes landed, shipped, carried or deposited or stored therein, not exceeding those limited in the Schedule hereunto annexed.

Seizure of vessels and goods for non-payment of dues

XVI. In case of non-payment of the said dues or tolls or part thereof, or of any other charge which, under this Act the said Corporation may lawfully make, it shall be lawful for the said Corporation to seize forthwith before judgment, any vessel or goods whatsoever upon which such dues or other charges may be owing, and to detain the same at the risk, cost and charges of the owner, until the sum due and the charges incurred for the seizure and detention of the same be paid in full; and in the event of such rates, dues or other charges, remaining due for forty days after such seizure, such vessel or goods may be sold by the said Corporation by public auction, after the publication in any newspaper in the said city of Quebec, of three weekly advertisements of such sale; and the said Corporation shall thereafter, on demand, account to the owner of such vessel or goods, for the proceeds of such sale, first deducting the rates or tolls due, and all their other legal charges.

Sale of vessel or goods, if tolls are not paid.

Masters of vessels required to make certain reports.

XVII. It shall be lawful for the said Corporation to require from the master or person in charge of every vessel in the said harbor, a report in writing, signed and certified by him, of his vessel's cargo inwards, and her draft of water, such report to be made before he shall break bulk; also of her outward cargo and draft of water before his vessel shall leave the harbor, and such other particulars as may be necessary to carry out the provisions of this Act; and in case of refusal or neglect to make such reports, or any of them, it shall be lawful for the said Corporation to seize and detain such vessel at the risk, cost and charges of the Master, Owner or person in charge thereof, until the aforesaid requirements are complied with; Provided always, that nothing herein contained shall prevent the said Corporation from making such mutual agreement with the Masters, Owners or Agents of steamboats and other vessels, with respect to making such reports, and with respect to the payment of all harbor and other dues, as may be considered expedient; And provided also, that nothing herein contained shall be construed to prevent the said Corporation from commuting with such Masters, Owners or Agents of steamboats and other vessels, for all

Proviso: Corporation may agree with Masters of Steamboat, &c.

Proviso: For further agreement.

all rates and dues accruing thereon, on such terms and conditions, and for such sum or sums of money, and for such periods as to the said Corporation may seem fit and expedient.

XVIII. If any injury shall be done to any of the wharves, piers or other works in the said harbor, constructed or to be constructed, by any vessels, or by the carelessness or wantonness of the crew thereof, while in the execution of their duty, or of the orders of their superior officers, it shall be lawful for the said Corporation to seize such vessel and detain her until the injury so done shall have been repaired by the Master or crew; or until security shall have been given by the said Master to pay such amount for the injury and costs, as may be awarded in any suit which may be brought against him for the same; and he is hereby declared to be liable to the said Corporation for any such injury.

Vessels may be seized for injury done to wharves, &c.

XIX. All dues and penalties imposed by this Act, or by any By-law made under the authority thereof, and all rates, tolls and dues authorized to be levied under and by virtue of this Act, may be recovered by civil action or proceeding at the suit of the said Corporation, before any Court of competent Jurisdiction.

Recovery of Harbour dues and penalties.

XX. The seizure of any raft or vessel which, under and by virtue of this Act the said Corporation may make for the purpose of enforcing the provisions thereof, may be effected upon the order of any Magistrate for the District of Quebec, which order such Magistrate is hereby authorized and required to give, upon the application of the said Corporation or its authorized agent, on the institution of any action before such Magistrate, for any cause rendering such raft or vessel liable to seizure, and on the affidavit of any one credible person that the cause of such action alleged in the declaration, complaint or information, before such Magistrate, is well founded in fact; and such order may and shall be executed by any constable, bailiff or other person, whom the said Corporation may choose to entrust with the execution thereof; and the said constable, bailiff or other person is hereby authorized and empowered to take all necessary means, and to demand all necessary aid, to enable him to execute the same.

Magistrate required to give an order for seizure of vessels, &c., when so requested by the company or its agent.

XXI. The capital stock of the Company shall be fifty thousand pounds, current money of this Province, to be held in two thousand shares of twenty-five pounds each, and the shares of the said capital stock shall be transferable upon the books of the said Company, in such manner, and subject to such restrictions as shall be fixed by the By-laws of the said Company; Provided always, that no person to whom shall be allotted any stock in the said Corporation, shall be exempted from liability to the creditors thereof, or from payment of any calls thereon, by reason of any transfer which he may make of such stock, until

Capital Stock of Company £50,000 in 2000 shares of £25 each.

Proviso: liability of shareholders until stock is paid up.

until the whole amount of the stock so allotted to him be paid in full by the holder thereof; and the stock, property and effects of the said Company shall be deemed moveable personal estate, notwithstanding the conversion of the funds, or any part thereof, into real estate.

In certain cases Directors to have power to issue paid up stock.

XXII. The Directors shall have power to issue paid-up stock in the said Company, in payment of the price of real estate acquired for the purposes of this Act; and such paid-up stock shall be free from all calls whatsoever, and from all claims and demands on the part of the said Company, or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the said Company, and paid by the holder thereof in full.

Percentage payable on subscribing: A notice of 60 days on calls upon stock to be given.

XXIII. Every person subscribing for shares of the capital stock of the said Company, shall, at the time of such subscription, pay to the Treasurer or to such other person as may be appointed by the said Trustees, or by the Directors, to receive the same, the sum of five pounds currency per share on account of such subscription, without which payment such subscription shall not be valid; and subsequent calls upon the capital stock of the said Company may be made, from time to time, by the Directors for the time being; of which calls, sixty days' notice shall be given to the stockholders, by an advertisement, three times inserted in some newspaper published in the City of Quebec; Provided always, that no such call upon the amount subscribed for shall be made within fifteen days of any previous call, nor exceed ten per centum on the whole capital, nor become payable in less than sixty days after notice thereof has been given; Provided also, that the said Directors shall not commence the construction of the said harbor, wharves, docks or railway, until ten per centum upon the capital stock of the said Company shall have been paid in.

Proviso: calls to be made within fifteen days apart, &c.

Proviso: when the work may be commenced.

Shareholders refusing any calls upon stock to forfeit calls previously paid, and shares to be sold.

Proviso: Purchaser to pay the company the amount due them in addition to the price of the shares.

Sixty days' notice of forfeiture to be given.

XXIV. If any stockholder shall neglect or refuse to pay any such call or calls as shall be lawfully made as aforesaid, upon any shares, such stockholder so refusing or neglecting shall forfeit such shares, with any amount which shall have previously been paid thereon, and the said shares may be sold by the said Directors; and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other moneys of the said Company; Provided always, that the purchaser shall pay the said Company the amount of the calls due thereon, in addition to the price of the shares so purchased by him, immediately after the sale, and before he shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid; and shall hold the shares so purchased, subject to all future calls thereon; Provided also, that sixty days' notice of the sale of such forfeited shares shall be given, in the same manner as is hereinbefore provided for notice of calls, and that the instalments *due* and

and the costs incurred in advertising the sale, may be received in redemption of any such forfeited shares, at any time before the day appointed for the sale thereof; And provided also, that nothing herein contained shall prevent the said Company from proceeding against any defaulter before any court of Justice having cognizance thereof, to compel the payment of any call or calls in arrear, if they should see fit so to do.

Proviso.

XXV. It shall be lawful for the said Corporation, from time to time, to borrow either in this Province or elsewhere, from any person or persons, or Company, willing to lend the same, all such sum or sums of money, not exceeding in all, at any one time, one half the paid up capital stock of the said Company, as they may find expedient; and to make the bonds, debentures or other securities they shall grant for the sums so borrowed, payable either in currency or in sterling and in sums of not less than one hundred pounds, with interest, and at such place or places, within or without this Province, as they may deem advisable; and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple endorsement, or otherwise, and such bonds or debentures shall, upon enregistration in the registry office of the county wherein the said harbor and works are situate, constitute and be, a mortgage and *hypothèque*, ranking according to the date of such enregistration, by special privilege, upon all the property, real and personal, of the said Company, including the revenues, rates, tolls, dues and duties thereof.

The Company shall have power to borrow any sum or sums of money not exceeding at one time, one half the paid up stock.

XXVI. At all meetings of the stockholders held in pursuance of this Act, whether the same be annual or special, every stockholder shall be entitled to as many votes as he shall have shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings, shall be finally determined by the majority of the votes of the stockholders present in person, or by proxy, except in any case or cases otherwise provided for by this Act; And provided also, that no person shall be entitled to vote as proxy at any meeting, unless he shall be a stockholder in the said Corporation, and produce written authority as such proxy.

Proportion of votes to shares.

May vote by proxy.

Majority to decide.

Proviso.

XXVII. No Stockholder 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 remaining unpaid of his, her or their subscribed share or shares in the capital stock of the said Corporation.

Beyond what extent stockholders shall not be liable.

XXVIII. If at any future period the said sum of fifty thousand pounds shall be found insufficient for the purposes of this Act, it shall be lawful for the said Company to increase their capital stock by a further sum not exceeding two hundred thousand pounds currency, subscribed either among themselves or by the admission

Issue of new stock, in certain shares, in case of increase of stock.

Proviso. admission of new Stockholders, such new stock being divided into shares of twenty-five pounds each; Provided always, that such increase be decided upon and ordered by a majority of the stockholders in value in the said Company, present in person, or by proxy, at a meeting held for the purpose.

Interpretation Clause.

XXIX. All words herein, importing the singular number, or the masculine gender only shall extend to more than one person, party or thing, and to females as well as males; and the word "stockholders" shall include the heirs, executors, administrators, curators, legatees or assigns of said stockholders, 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; and whenever power is by this Act given to do any thing, power shall be intended also to do all things which may be necessary to the doing of such things; and generally, all words and clauses herein, shall receive such liberal and fair construction as will best answer the carrying into effect of this Act according to its true intent and spirit: The words "By-laws," "vessels," "goods," and "dues," in the provisions of this Act, shall severally be construed to mean and shall mean as follows: the word "By-laws," shall include and mean, all By-laws, rules, orders and regulations made by the said Corporation; the words "vessel," or "vessels," shall mean and include all ships, vessels, boats, barges, steamboats, scows, rafts and floating craft, whatsoever; the word "goods," shall mean and include all merchandize, produce, animals, articles and things whatsoever landed from a vessel, or deposited on the wharves for the purpose of being shipped or otherwise; the word "dues," shall mean and include rates, tolls, duties and dues whatsoever imposed under this Act.

This Act not to affect the rights of Her Majesty, &c.

XXX. 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.

Public Act.

XXXI. This Act shall be deemed a Public Act, and as such, judicially noticed by all Judges, Justices, and others whom it may concern, without being specially pleaded.

SCHEDULE.

FOR MOORING.

Vessels under 100 tons.....	per day.....	2s. 6d.	per 100 tons.
“ “ 200 “	do.	2s. 0d.	“ 100 “
“ over 200 and under 700 tons...	do.	1s. 6d.	“ 100 “
“ 700 tons and upwards.....	do.	1s. 3d.	“ 100 “
Steamboats and Propellers.....	do.	5s. 0d.	“ 100 “
Ocean Steamers.....	do.	2s. 6d.	“ 100 “

FOR DISCHARGING AND LOADING.

BY STEAM CRANE OR OTHER MACHINERY.	Discharging at Wharf.		Loading from Wharf.		Wharfage, that is, use of Wharf while goods are being landed or loaded.	Discharging or loading to include Wharfage and Moorage of Vessel and all expenses.
	s.	d.	s.	d.		
Flour or other produce reduced to weight of Flour, per barrel.....	0	1	0	1	0 0½	0 3
Grain, Salt, &c., per bushel.....	0	0½	0	0½	0 0½	0 1
Merchandise and other Goods, per ton of 2,000 lbs.....	1	3	1	3	0 6	2 6

FOR FORWARDING.

To include one month's Storage, effecting Insurance when ordered, Cartages, Receiving and Delivering, passing Custom House Entries, Securing Freights, Shipping by Steam Crane, forwarding Shipping Documents, Cooperage, Marking, &c., &c.

Flour and produce, reduced to weight of Flour, per barrel.....	£0	0	9
Grain, Salt, &c., per bushel.....	0	0	2½
Merchandise and other Goods per ton of 2000 lbs.....	0	7	6

FOR WAREHOUSING.

IN WAREHOUSE.	First Month.		Succeeding Months.	
	s.	d.	s.	d.
Flour and Meal, per barrel.....	0	2	0	1
Pork and Beef, per “	0	3	0	1½
Ashes, per “	0	4	0	2
Butter, Lard, per keg.....	0	1½	0	0½
Grain, per bushel.....	0	1½	0	0½
Salt, per “	0	1½	0	0½
Liquors, Wines and Oils, per 100 gallons.....	2	6	0	6
Iron, per ton of 2000 lbs.....	7	6	1	8
Merchandise and other Goods, per ton of 2000 lbs.	5	0	1	8
IN OPEN SHEDS.				
Coals and Coke, per chaldron.....	1	3	0	2
Pig Iron and Iron Rails, per ton of 2000 lbs.....	3	6	1	0
Bricks, per Mille.....	1	6	1	6

BOOMAGE AND STORAGE OF TIMBER.

RECEIVING.	For	
	Landing	Piling.
Staves—Standard, per Mille.....	10s.	10s.
“ West India, per Mille.....	3s. 4d.	3s. 4d.
“ Barrel, per Mille.....	2s. 6d.	2s. 6d.
Deals,—per stand. hrd.....	2s. 6d.	2s. 6d.
Lathwood,—per Cord.....	2s.	2s.
Oars and Handspikes, per 100 pcs.....	3s. 9d.	3s. 9d.
DELIVERING.	From the	
	Bank.	Crib.
Hardwood, per Ton.	2s.	1s. 6d.
Pine—Red, per Ton.....	1s. 8d.	1s. 3d.
“ White, per Ton.....	1s. 3d.	1s.
Deals, per stand. hrd.....	6s. 9d.	5s.
Staves—Standard, per Mille.....	21s.	16s. 6d.
“ West India, per Mille.....	7s.	5s.
“ Barrel, per Mille.....	5s.	4s.
Lathwood, per Cord.....	3s.	3s.
Oars and Handspikes, per 100 pcs.....	8s. 9d.	8s. 9d.

TIMBER WHEN IN RAFT OR HALF RAFT.

	First Month	Second Month	Third Month	Fourth Month	Fifth Month	Sixth Month	
Hard Wood, per 1,000 feet.....	$\frac{1}{4}$	$\frac{1}{2}$	$\frac{3}{4}$	2	$\frac{3}{2}$	$\frac{5}{4}$	Full Tariff Rates.
Pine Red, “ “	$\frac{1}{4}$	$\frac{1}{2}$	$\frac{3}{4}$	2	$\frac{3}{2}$	$\frac{5}{4}$	
“ White, “ “	$\frac{1}{4}$	$\frac{1}{2}$	$\frac{3}{4}$	2	$\frac{3}{2}$	$\frac{5}{4}$	

N. B.—When Rafts remain in after the 1st day of December, they will become subject to Ground Rent, and the full Tariff Scale will apply to them when delivered.

GROUND RENTS.

	Hardwood.	Fine.
Timber in Raft.....	9d. per Ton,	6d. per Ton.
“ Moulinette.....	6d. “ “	4d. “ “
Staves Standard, per Mille.....		8s. 9d.
“ West India, per Mille.....		3s.
“ Barrel, per Mille.....		2s.
Deals, per stand. hrd.....		2s.
Lathwood, per Cord.....		1s. 6d.
Oars and Handspikes, per 100 pcs.....		2s.

N. B.—These charges will be due and payable on the 1st day of December of each year.

C A P . C L X X V .

An Act to amend the Acts incorporating the Montreal Telegraph Company, and to extend the powers of the said Company, and to authorize the establishment of a Transatlantic line of Telegraph by the said Company.

[Assented to 27th May, 1857.]

WHEREAS the Montreal Telegraph Company was constituted a body corporate and politic by the name aforesaid, in and by the provisions of an Act passed in the tenth and eleventh years of the Reign of Her Majesty, intituled, *An Act to incorporate the Montreal Telegraph Company*; And whereas by the Act passed in the eighteenth year of the Reign of Her Majesty, intituled, *An Act to amend the Act incorporating the Montreal Telegraph Company*, the powers of the said Company were extended and certain facilities granted to the said Company, and inasmuch as the operations of the said Company have been beneficial to the Province, and the said Company is desirous and willing greatly to extend the facilities for telegraphic intercourse enjoyed by the people of Canada, not only between themselves, but also to afford the means of such communication with Britain, and in order to do so have by their petition prayed, that increased powers may be granted to them; And whereas it is expedient to accede to their prayer and enable them to accomplish the end sought to be obtained: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The said Company may, in addition to the present lines of the Company and the extensions, continuations and branches thereof, made or to be made in pursuance of the said Acts, establish, construct, purchase, hire, keep in order and work any line or lines of magnetic, electric or other telegraph or means of telegraphic communication in any part of the Province of Canada or places under its jurisdiction or between any two or more points therein, and any island, province, country or place in or near the Continent of America, or in or near the Continent of Europe or in the Atlantic Ocean.

II. The said Company may also establish, construct, purchase, hire, keep in order and work any line or lines of telegraph from or near the City of Quebec, either by land or water, following the bed of the River St. Lawrence or otherwise or by both or either of them, to the most easterly point of the Labrador Coast or to the Island of Belle-Isle, and with power and right to touch land, should a subaqueous and submarine route be adopted or be partly so, for the purposes and uses of the Company, or for the purposes of opening and maintaining stations thereof at all such point or points, place or places in any part of the Province

Preamble.

10, 11 V. c. 83.

18 V. c. 207.

Company may establish a communication with continents of America and Europe.

Company may also establish lines from Quebec to Labrador, Belle-Isle, or between the continents of America and Europe, and make connection with any line in United Kingdom.

Province of Canada, or places under its jurisdiction or between any two or more points therein, or between any point or points therein, and any island, province, country or place in or near the Continent of America, or in or near the Continent of Europe, or in the Gulf of St. Lawrence or in the Atlantic Ocean, and with full power and authority to make such connection with the line of any Telegraphic Company or Companies in any portion of the United Kingdom of Great Britain and Ireland, and any such arrangement for working the same as to the said Company or its Directors shall appear fitting: Provided the said Company shall within two years complete the extension of their line to the Atlantic Coast, and that they shall begin their line across the Atlantic within three years and finish it within six years from the passing of this Act, otherwise the privilege granted by this Act of establishing a transatlantic line shall lapse.

Proviso: period for certain extension limited.

They may maintain their lines along or across highways, &c., and take materials from Crown Lands with the consent of Government.

III. The said Company may erect or maintain their said lines of telegraph along the side of or across any public highways, bridges, water-courses or other such places, provided they do not interfere with the public right of travelling thereon, or may enter upon any lands or places, and survey and set off such parts thereof as may be necessary for the said lines of telegraph, and may take from any part of the ungranted and unoccupied Crown Lands of this Province, having first obtained the consent of the Crown, any posts or building materials necessary to make or repair the lines or any buildings in connection therewith; and in case of disagreement between the Company and any owner or occupier of lands which the Company may take for the purposes aforesaid, or in respect to any damage done to the same by constructing the lines through or upon the same, the Company and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision on the matter in difference, of any two of them in writing shall be final; and if the said owner or occupier, or the agent of the said Company shall neglect or refuse to choose an arbitrator within four days after notice in writing, and upon proof of personal service to him from the opposite party, or if such two arbitrators, when duly chosen, shall disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Provincial Secretary, for the time being, to nominate any such arbitrator, or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided: Provided always, that nothing herein contained shall be construed to confer on the said Company the right of building a bridge over any navigable water.

Proviso: not to build bridges over navigable water.

Wires to be imported free for certain purposes.

IV. All wires and materials required for constructing, repairing or working the said Company's main or branch lines of the Atlantic Telegraph, or for connecting them or any of them with any Island, Province or Country, shall and may be imported free.

V. And whereas the stock of the said Company was originally fifteen thousand pounds, current money of Canada, divided into one thousand five hundred shares, of ten pounds each, and was thereafter by a majority of the stockholders increased to the sum of seventy thousand pounds currency, in virtue of the powers conferred by the said Act, and a further increase is necessary, the Capital Stock of the said Company shall be the sum of five hundred thousand pounds currency, divided into shares of ten pounds currency each.

Capital Stock
increased to
£500,000.

VI. It shall and may be lawful for the Directors of the said Company for the time being, to open or cause to be opened, stock books for the subscription of parties desiring to become shareholders in the capital stock of the said Company, in as many and such places in the United Kingdom of Great Britain and Ireland and elsewhere, as they shall think fit, and to make such shares payable in such manner as the Directors shall see fit, and further to issue shares for stock subscribed in England or elsewhere, in such amounts respectively of sterling money of Great Britain as to such Directors shall from time to time seem fit, and to make the dividends thereon payable in like sterling money in England, or elsewhere, at such place or places as to such Directors shall from time to time seem fit, and from time to time to appoint agents of the said Company in England or elsewhere, and to delegate to such agents such powers as to the Directors of the said Company shall from time to time seem fit, and to make such rules and regulations as to the Directors of the said Company shall from time to time seem fit, as to the issuing of such shares in England or elsewhere, and as to the mode, time, place or places of such transfer of such shares, and as to the mode, time and place of paying the dividends from time to time to accrue thereon, and otherwise as shall be deemed requisite or beneficial, for giving full effect to the powers hereby vested in the Directors of the said Company in respect of issuing such shares in England or elsewhere; and it shall also be lawful for the said Directors under a By-law so to be enacted by them, to fix the amount of the shares in the Capital Stock of the Company, at the sums of fifty pounds sterling or currency respectively, and they shall have power to consolidate and convert the present shares into shares of fifty pounds sterling or currency, by uniting together such number of shares of ten pounds currency each, as may be requisite to make a share of fifty pounds sterling or currency respectively, at the option of the shareholders.

Books may be
opened in
Great Britain,
elsewhere, &c.

And to make
dividends pay-
able there, ap-
point Agents,
&c.

Nominal va-
lue of shares.

VII. For and notwithstanding any thing in the fourth section of the said first mentioned Act contained, and without prejudice to any of its remedial or other provisions, if any person shall wilfully or maliciously obstruct or damage any such telegraphic line of the Company, or works, buildings, machinery or other property connected therewith, he shall be guilty of misdemeanor, and shall be punished by imprisonment, for a period

Penalty for
damaging Te-
legraph, &c.

not exceeding one year, and by a fine not exceeding two hundred pounds.

Recital.

18 V. c. 207.

19, 20 V. c. 83.

VIII. And whereas the said Act eighteenth Victoria, Chapter two hundred and seven, amending the said Act of Incorporation, amongst other things enacts and provides, that nothing therein contained should authorize the said Company to purchase any parallel Line of Telegraph; And whereas it was afterwards provided in and by the Act passed in the nineteenth year of the Reign of Her Majesty, intituled, *An Act to authorize William Weller to hold and convey the Canada Grand Trunk Telegraph Line*, that any Telegraph Company, already or thereafter incorporated, should have power to purchase the said Telegraph Line; And whereas under the said authority, the Montreal Telegraph Company have bought the said line, as the same is fully described in the preamble to the said last cited Act, including all the branch lines of the same, with all the instruments, batteries, materials and property of every description to the said William Weller belonging; And whereas in order to ensure the establishment of a continuous Line of Telegraph in communication between Halifax and Quebec, the British North American Electric Telegraph Association were, by their Act of Incorporation, authorized to arrange with any Company to be formed in Canada to unite their several interests; And whereas the said Company with that view, with the sanction of the stockholders therein, and moreover under the authority of the Act in this section first cited, have sold, and the Montreal Telegraph Company have, to wit: on the sixteenth day of August last, acquired the Electric Telegraph Line of the said British North American Electric Telegraph Association and all and every their property, moveable and immoveable, and powers, rights, privileges and appurtenances, and are working the said lines; And whereas the said lines may, to a certain extent or for a certain portion of them, and each of them, be considered parallel lines, and it is desirable to remove doubts as to the right of the said Company so to act: It is hereby declared that notwithstanding the aforementioned proviso, the said Montreal Telegraph Company shall be held to have had full power and authority to purchase, and they are hereby empowered and authorized, subject however to the provisions of the respective deeds of agreement and purchase thereof, to hold, keep up, and work, repair, re-erect and maintain the said two several Lines of Telegraph with all and every the instruments, batteries, and materials used in working the same, and their appurtenances and branch lines, and the same at their pleasure to lease or depart with, and may further construct branch lines thereto, and amalgamate the said lines and branches with the other lines of the Company, and the said Company is moreover invested with all the powers, rights and privileges to the said Companies belonging of whatever nature, and is empowered and authorized to use, invoke, enjoy and employ the same as fully and effectually as either of the said Companies could themselves

The said Company declared to have had power to purchase and use the Canada Grand Trunk Telegraph line and apparatus, and the purchase thereof by them confirmed.

themselves do or have done ; and moreover, such Company shall have, enjoy and exercise, with respect thereto, all the powers, rights and privileges conferred upon the said Company, in regard to other lines and property of like description by their Act of Incorporation, and the Acts amending the same : Provided always, that the said first proviso to the third section of the said Act hereinbefore cited, amending the Act of Incorporation of the said Montreal Telegraph Company, is hereby repealed.

Proviso.

Section 3 of
10, 11 V. c.
83, repealed.

IX. This Act shall be deemed a Public Act.

Public Act.

C A P . C L X X V I .

An Act to incorporate the Sherbrooke Manufacturing Company.

[Assented to 27th May, 1857.]

WHEREAS Alexander Tilloch Galt, Edward Hale, R. W. Heneker, John Moore, Henry Machin, Thomas Wily and Thomas Galt, have by their Petition to the Legislature represented, that they are desirous of commencing and carrying on the business of manufacturing Cotton Goods, in the Town of Sherbrooke, and that an Act incorporating them as a Company is necessary to enable them advantageously to conduct and manage the said business ; And whereas the said undertaking will tend to develop the capabilities and advance the interests of the Province : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

I. The said Edward Hale, R. W. Heneker, John Moore, Henry Machin, Thomas Wily, with Charles Brooks, Albert P. Ball and William Ritchie, or such of them, and all such other persons as shall become Shareholders in the said Company, shall be and are hereby ordained, constituted and appointed to be a body corporate and politic in law, in fact and in name, for the purpose aforesaid, by the style and title of the "Sherbrooke Manufacturing Company," and shall by that name be authorized and empowered to carry on at the Town of Sherbrooke, the business of manufacturing and working Cotton in all its branches, and to establish and carry on works for making printed cotton goods, and shall for such purposes be authorized to purchase, hold and use such land and water power as may be necessary for properly carrying on such business, and also to erect and maintain the necessary mills and buildings, machinery and appurtenances therefor.

Company in-
corporated.Name and busi-
ness of Com-
pany.

II. The Capital Stock of the Company incorporated by this Act, shall not exceed the amount of fifty thousand pounds, unless increased in the manner hereinafter provided, and shall be composed of shares of twenty-five pounds each ; but it shall

Capital
£50,000.

be

May commence business with £10,000.

be lawful for the said Company to commence business and to exercise any of the powers given by this Act, so soon as the sum of ten thousand pounds of the stock of the Company shall have been subscribed, and twenty-five per centum paid in thereon; and any shares remaining unsubscribed for at the time of the first election of Directors, shall be disposed of thereafter in such manner as the Stockholders shall at any general meeting determine.

First Directors appointed.

III. The said Edward Hale, R. W. Heneker, John Moore, Charles Brooks and Albert P. Ball, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall, under the provisions of this Act, be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, with power to open Stock Books and make calls on the shares subscribed in such Books, and shall call a meeting of subscribers for the election of Directors in manner hereinafter provided.

To open subscription Books, &c.

Opening Stock book and allotting shares.

IV. The said Directors are hereby empowered to take all necessary measures for opening the Stock Books, for the subscription of parties desirous to become Shareholders in the said Company, and to determine and allot to parties subscribing for stock in the said Company, the number of shares (if any) that parties so subscribing may have and hold in the Capital Stock aforesaid; and the said Directors shall cause an entry to be made in the records of their proceedings and in the Stockholders' Book, of the Stock so allotted and assigned to parties subscribing as aforesaid, and the Secretary of the said Company shall notify the respective parties, in writing, of such allocation and assignment; and upon such entries being made, the rights and liabilities of such Shareholders shall accrue in respect of his, her or their particular interest in the said Company.

Directors and annual election of Directors.

V. The stock, property and concerns of the said Company shall be managed by a Board of five Directors, who shall respectively be stockholders in the said Company, holding at least five shares each in their own names respectively, and who shall be annually elected by the Stockholders on the second Monday in July in each year, and notice of the time and place of holding such election shall be published not less than ten days previous thereto, in one of the newspapers published in the Town of Sherbrooke, and the election shall be made by such of the Stockholders as shall attend for that purpose, either in person or by proxy; and if such election shall not be held on the day so appointed, it shall be the duty of the Directors to cause such election to be held within thirty days after the day so appointed, when such election shall take place at a time and place to be notified by the Directors in one of the newspapers published in the said town, at which such election shall be made in manner hereinbefore appointed; and all acts of

Failure of any election how remedied.

Directors

Directors of the said Company shall be valid and binding, as against the said Company, until their successors shall be elected ; and it shall be the duty of the Directors to submit to such annual meeting of the Stockholders, a Report, stating the amount of the Capital of the said Company, and the proportion thereof actually paid in, and the amount of the existing debts of the Company, which Report shall be signed by the Chairman or President, and a majority of the Directors of the said Company, and a copy thereof subscribed as aforesaid, shall, within fourteen days from the date of such annual meeting, be transmitted to the Secretary of the Province.

Annual Report of Directors to Stockholders.

VI. All elections of Directors shall be by ballot, and each Stockholder shall be entitled to as many votes as he owns shares of Stock in the said Company, and the persons receiving the greatest number of votes shall be Directors ; and when any vacancy shall happen amongst the Directors by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided by the By-laws of the Company.

Election to be by ballot.

Vacancies, how filled.

VII. The said Company shall have a Chairman or President, who shall be elected by the Directors from among themselves, and also such subordinate officers as the Company by its By-laws may require, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their respective offices, as the Company by its By-laws may provide.

President and Officers.

Security from Officers.

VIII. It shall be lawful for the Directors of the said Company to call in and demand from the Stockholders thereof respectively, all sums of money by them subscribed, at such time and in such payments or instalments as such Directors shall deem proper ; and if any Stockholder or Stockholders shall, after notice of such call or demand shall have been personally served, or after notice thereof shall have been published for six successive weeks, in any of the newspapers published at the town of Sherbrooke, refuse or neglect to pay to the said Directors or the Secretary of the said Company, the amount of such call upon the share or shares held by him, then such share or shares shall or may if so decided at any Meeting of the Stockholders, become forfeited to the Company, together with the amount or amounts paid thereon, and such forfeited share or shares may be disposed of as the Directors for the time being may think fit, in any manner whatsoever for the benefit of the Company, or the same may become vested in and for the benefit of the said Company, as the Directors may determine, or the amount of such call may be sued for and recovered by the Company, as hereinafter provided.

Directors to make calls on Stock.

Notice.

Forfeiture for non-payment of calls.

Or amount may be recovered.

IX. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter,

What only it shall be ne-

necessary to allege and prove in any suit for calls.

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 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 amount of each of such calls, whereby an action hath accrued to the said Company; and on the trial it shall only be necessary to prove that the Defendant was owner of certain shares, and the call or calls thereon, and the notice required by this Act, and no other fact or thing whatsoever.

Directors to make By-laws for certain purposes.

X. The Directors of the said Company shall have power, from time to time, to make such By-laws as they shall deem proper for the determination of the quorum of Directors—for the management and disposition of the stock and business affairs of the said Company—for the appointment of officers; and for prescribing their powers and duties, and those of all artificers and servants that may be employed—for carrying on all kinds of business within the objects and purposes of the said Company—and for carrying into effect all of the powers vested in the Company by this Act—and to amend or repeal any such By-laws, and make others in their stead; and any copy of such By-laws, or any of them, purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the corporate seal of the said Company affixed to it, shall be received as *prima facie* evidence of such By-law or By-laws in all Courts of Law or Equity in this Province; the said Company may purchase and sell all raw materials and things required for carrying on the business aforesaid, and all goods manufactured by the Company, and may appoint agents within and without the Province for such purchase and sale; and the said Company may become parties to Bills of Exchange or Promissory Notes, without affixing their corporate seal to the same, provided they shall be signed, made, accepted or indorsed in such manner as shall be prescribed by the By-laws of the Company.

Proof of By-laws.

Company may appoint agents for sale of goods, &c., and be a party to bills and notes.

Stock to be personalty and how transferable.

XI. The Stock of the said Company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the By-laws of the Company; but no share shall be transferable until all previous calls thereon shall have been fully paid in, or it shall have been declared forfeited for the non-payment of calls thereon; and it shall not be lawful for the said Company to use any of its funds in the purchase of any stock in any other Company.

Company may borrow money to a certain amount;

XII. It shall be lawful for the said Company, from time to time, to borrow, either in this Province or elsewhere, all such sum or sums of money (not exceeding in all at any time an amount equal to the paid up capital of the Company), as they may find expedient, and to make the bonds, debentures or other securities they shall grant for the sums so borrowed, payable either

either in currency or in sterling, with interest, and at such place or places within or without this Province, as they may deem advisable, and such bonds or other securities may be made payable to bearer, or transferable by simple indorsement or otherwise, and may be in such form as the Directors for the time being may see fit; and the said Directors may hypothecate, mortgage or pledge the lands, revenues and other property of the said Company, for the due payment of the said sums and the interest thereon; Provided that no such bond or debenture shall be issued by the Company for any amount less than one hundred pounds currency.

And issue Debentures.

And mortgage property.

Proviso.

XIII. Each Stockholder of the said Company shall only be severally and individually liable to the creditors thereof, to the amount of the stock held by him, and remaining unpaid, for all the debts and contracts made by such Company.

Liability of Stockholders limited.

XIV. It shall be the duty of the Directors of the said Company to cause a book to be kept by the Treasurer or Clerk thereof, containing in alphabetical order, the names of all persons who are or have been Stockholders of the said Company, and shewing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares, and also a statement of all the existing debts and liabilities of the said Company, and of the amount of its stock actually paid in; which book shall, during the usual business hours of the day, on every day, except Sundays and obligatory holidays, be open for the inspection of Stockholders of the Company and their personal representatives, at the office of the said Company, in the said Town of Sherbrooke.

List of Shareholders, &c., to be kept open to Shareholders.

XV. It shall be lawful for a majority of the Stockholders of the said Company present at any Annual General Meeting thereof, to determine that the Capital of the Company be increased to any amount, not exceeding in the whole one hundred and twenty-five thousand pounds, and such capital may then be so increased, either by subscription among the then Stockholders, or the admission of new Stockholders, or otherwise, as such majority shall determine; and the Directors of the Company for the time shall, and may then open Stock Books, allot shares, receive subscriptions, make calls and recover the amount, or dispose of the shares on which they shall be unpaid, and may otherwise deal with, and with respect to such new Stock, and the subscribers for and holders thereof, as hereinbefore provided, with regard to the original Stock of the Company and the holders thereof; and the holders and subscribers for new Stock shall have the like rights and liabilities in respect thereof, as the holders of and subscribers for the original Stock in respect thereof; and such increase may be made either at one time and meeting to the amount above mentioned, or at two or more times or meetings, for part thereof at each, so as the whole amount aforesaid be never exceeded.

Increase of Capital provided for.

B. A. Land
Company may
lend money to
the Company.
Company may
purchase
lands from
the said B. A.
Land Compa-
ny.

XVI. It shall be lawful for the British American Land Company to subscribe for and hold shares in the said Company.

XVII. It shall be lawful for the said Company to acquire of the British American Land Company, in payment of stock taken by the said last mentioned Company, any lands within the limits of the Town of Sherbrooke, at such valuation as shall be agreed upon between the Directors of both Companies, and to hypothecate, hold, sell, lease or otherwise dispose of the same, or any part thereof, for the benefit of the said Manufacturing Company.

Interpretation
Act.

XVIII. The Statute of this Province passed in the twelfth year of Her Majesty's Reign, chapter tenth, and known, cited and referred to as "The Interpretation Act," shall, so far as it can be made applicable, apply to this Act.

Public Act.

XIX. This Act shall be deemed a Public Act.

C A P . C L X X V I I .

An Act to incorporate the Toronto Pressed Brick Company.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS John Hillyard Cameron, Frederick W. Cumberland, John Worthington, Thomas C. Bramley, and others, have by their Petition to the Legislature, represented that they have expended large sums of money in the purchase of machinery for the manufacture of Pressed Brick, and that as a further considerable addition of capital is necessary, an Act incorporating them as a Company will enable them advantageously to conduct and manage the said business: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company in-
corporated.

I. The persons aforesaid, or such of them, and all such other persons as shall become shareholders in the said Company, shall be and are hereby ordained, constituted and appointed to be a body corporate and politic in law, in fact and in name, for the purpose aforesaid, by the style and title of the "Toronto Pressed Brick Company," and shall by that name be authorized and empowered to carry on the business of manufacturing pressed and other bricks, and to establish and carry on works for making such bricks, and shall for such purposes be authorized to purchase, hold, and use such land and such water power as may be necessary for properly carrying on such business, and also to erect and maintain the necessary buildings, machinery and appurtenances therefor.

Name and bu-
siness of Com-
pany.

Power to hold
land, &c.

Capital
£50,000.

II. The Capital Stock of the Company incorporated by this Act, shall not exceed the amount of Thirty Thousand Pounds, unless

unless increased in the manner hereinafter provided, and shall be composed of shares of ten pounds each ; but it shall be lawful for the said Company to commence business and to exercise any of the powers given by this Act, so soon as the sum of ten thousand pounds of the stock of the Company shall have been subscribed and paid ; and any shares remaining unsubscribed for at the time of the first election of Directors, shall be disposed of thereafter in such manner as the Stockholders shall at any general meeting determine.

May commence business with £10,000.

III. The said John Hillyard Cameron, Frederick W. Cumberland and John Worthington, shall be, and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall, under the provisions of this Act, be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, with power to open Stock Books and make calls on the shares subscribed in such Books, and shall call a meeting of subscribers for the election of Directors in manner hereinafter provided.

First Directors.

IV. The said Directors are hereby empowered to take all necessary measures for opening the Stock Books, for the subscription of parties desirous to become Shareholders in the said Company, and to determine and allot to parties subscribing for stock in the said Company, the number of shares (if any) that parties so subscribing may have and hold in the Capital Stock aforesaid ; and the said Directors shall cause an entry to be made in the records of their proceedings and in the Stockholders' Book, of the Stock so allotted and assigned to parties subscribing as aforesaid, and the Secretary of the said Company shall notify the respective parties, in writing, of such allocation and assignment, and upon such entries being made the rights and liabilities of such Shareholders shall accrue in respect of his, her or their particular interest in the said Company.

Opening Stock book and allotting shares.

V. The stock, property and concerns of the said Company shall be managed by a Board of not less than three, nor more than five Directors, who shall respectively be Stockholders in the said Company, and who shall be annually elected by the Stockholders on the second Monday in January in each year, or such other day as may, by any By-law of the Directors be from time to time fixed, and notice of the time and place of holding such election shall be published, not less than ten days previous thereto, in one of the newspapers published in the City of Toronto, and the election shall be made by such of the Stockholders as shall attend for that purpose, either in person or by proxy ; and if such election shall not be held on the day so appointed, it shall be the duty of the Directors to cause such election to be held within thirty days after the day so appointed, when such election shall take place, at a time and place

Directors and annual election of Directors.

Failure of any election how remedied.

Annual Report of Directors to Stockholders.

place to be notified by the Directors, in one of the newspapers published in the said city, at which such election shall be made in manner hereinbefore appointed; and all acts of Directors of the said Company shall be valid and binding, as against the said Company, until their successors shall be elected; and it shall be the duty of the Directors to submit to such annual meeting of the Stockholders a Report, stating the amount of the Capital of the said Company, and the proportion thereof actually paid in, and the amount of the existing debts of the Company, which Report shall be signed by the Chairman or President, and a majority of the Directors of the said Company.

Elections to be by ballot.
Vacancies, how filled.

VI. All elections of Directors shall be by ballot, and each Stockholder shall be entitled to as many votes as he owns shares of Stock in the said Company; and the persons receiving the greatest number of votes shall be Directors, and when any vacancy shall happen amongst the Directors by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided by the By-laws of the Company.

President and Officers.

VII. The said Company shall have a Chairman or President, who shall be elected by the Directors from among themselves, and also such subordinate officers as the Company by its By-laws may require, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their respective offices, as the Company by its By-laws may provide.

Directors to make calls on Stock.

Notice.

Forfeiture for non-payment of calls.

Or amount may be recovered.

VIII. It shall be lawful for the Directors of the said Company to call in and demand from the Stockholders thereof respectively, all sums of money by them subscribed, at such time and in such payments or instalments as such Directors shall deem proper; and if any Stockholder or Stockholders shall, after notice of such call or demand shall have been personally served, or after notice thereof shall have been published for six successive weeks in any of the newspapers published in the City of Toronto, refuse or neglect to pay to the said Directors or the Secretary of the said Company, the amount of such call upon the share or shares held by him, then such share or shares shall or may, at the option of the said Directors, become forfeited to the Company, together with the amount or amounts paid thereon, and such forfeited share or shares may be disposed of as the Directors for the time being, may think fit, in any manner whatsoever for the benefit of the Company, or the same may become vested in and for the benefit of the said Company, as the Directors may determine, or the amount of such call may be sued for and recovered by the Company, as hereinafter provided.

IX. 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 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 amount of each of such calls, whereby an action hath accrued to the said Company; and on the trial it shall only be necessary to prove that the Defendant was owner of certain shares, and the call or calls thereon, and the notice required by this Act, and no other fact or thing whatsoever.

What only it shall be necessary to allege and prove in any suit for calls.

X. The Directors of the said Company shall have power, from time to time, to make such By-laws as they shall deem proper, for the determination of the number and quorum of Directors—for the management and disposition of the stock and business affairs of the said Company—for the appointment of officers, and for prescribing their powers and duties, and those of all artificers and servants that may be employed—for carrying on all kinds of business within the objects and purposes of the said Company—and for carrying into effect all of the powers vested in the Company by this Act—and to amend or repeal any such By-laws and make others in their stead; and any copy of such By-laws, or any of them, purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the corporate seal of the said Company affixed to it, shall be received as *prima facie* evidence of such By-law or By-laws in all Courts of Law or Equity in this Province: the said Company may purchase and sell all materials and things required for carrying on the business aforesaid, and manufactured by the Company, and may appoint agents within and without the Province for such purchase and sale; and the said Company may become parties to Bills of Exchange or Promissory Notes, without affixing their corporate seal to the same, provided they shall be signed, made, accepted or indorsed, in such manner as shall be prescribed by the By-Laws of the Company.

Directors to make By-laws for certain purposes.

Proof of By-laws.

Company may appoint Agents for sale of goods, &c., and be a party to bills and notes.

XI. The Stock of the said Company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the By-laws of the Company; but no share shall be transferable until all previous calls thereon shall have been fully paid in, or it shall have been declared forfeited for the non-payment of calls thereon; and it shall not be lawful for the said Company to use any of its funds in the purchase of any stock in any other Company.

Stock to be personalty and how transferable.

XII. It shall be lawful for the said Company, from time to time, to borrow, either in this Province or elsewhere, all such sum or sums of money (not exceeding in all at any time an amount equal to one half of the capital of the Company as hereinbefore authorized)

Company may borrow money to a certain amount;

And issue De-
bentures.

authorized) as they may find expedient, and to make the bonds, debentures, or other securities they shall grant for the sums so borrowed, payable either in currency or in sterling, with interest, and at such place or places within or without this Province, as they may deem advisable; and such bonds or other securities may be made payable to bearer, or transferable by simple indorsement or otherwise, and may be in such form as the Directors, for the time being, may see fit; and the said Directors may mortgage or pledge the lands, revenues and other property of the said Company, for the due payment of the said sums and the interest thereon; Provided that no such bond or debenture shall be issued by the Company for any amount less than one hundred pounds currency.

And mortgage
property.

Proviso.

Liability of
Stockholders
limited.

XIII. Each Stockholder of the said Company shall be severally and individually liable to the creditors thereof to the amount of the stock held by him and remaining unpaid, for all the debts and contracts made by such Company.

List of Share-
holders, &c.,
to be kept
open to Share-
holders;

XIV. It shall be the duty of the Directors of the said Company to cause a book to be kept by the Treasurer or Clerk thereof, containing in alphabetical order the names of all persons who are or have been Stockholders of the said Company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares, and also a statement of all the existing debts and liabilities of the said Company, and of the amount of its stock actually paid in; which book shall, during the usual business hours of the day, be open for the inspection of Stockholders of the Company and their personal representatives, at the office of the said Company.

Increase of
Capital pro-
vided for.

XV. It shall be lawful for a majority of the Stockholders of the said Company present at any Annual General Meeting thereof, to determine that the Capital of the Company be increased to any amount not exceeding in the whole seventy-five thousand pounds, and such capital may then be so increased, either by subscription among the then Stockholders, or the admission of new Stockholders, or otherwise, as such majority shall determine; and the Directors of the Company for the time, shall and may then open Stock Books, allot shares, receive subscriptions, make calls and recover the amount, or forfeit and dispose of the shares on which they shall be unpaid, and may otherwise deal with, and with respect to such new Stock, and the subscribers for and holders thereof, as hereinbefore provided, with regard to the original Stock of the Company and holders thereof; and the holders and subscribers for new Stock shall have the like rights and liabilities in respect thereof, as the holders of and subscribers for the original Stock in respect thereof; and such increase may be made either at one time and meeting to the amount above mentioned, or at two or
more

more times or meetings, for part thereof at each, so as the whole amount aforesaid be never exceeded.

XVI. The Statute of this Province passed in the twelfth year of Her Majesty's Reign, chapter tenth, and known, cited and referred to as "The Interpretation Act," shall, so far as it can be made applicable, apply to this Act. Interpretation Act to apply.

XVII. This Act shall be deemed a Public Act.

Public Act.

CAP. CLXXVIII.

An Act to incorporate the Montreal Steam Elevating and Warehousing Company.

[Assented to 27th May, 1857.]

WHEREAS it is of great importance in this Province that facilities should be afforded for the weighing, transshipment and storage of grain, with the least delay and expense ; And whereas from the peculiar position of the harbor and wharves at Montreal, permanent buildings cannot be erected for that purpose, but the business must be carried on by means of machinery placed on vessels, which can be moved from place to place ; And whereas the several persons hereinafter named have by their Petition prayed to be incorporated with the powers hereinafter mentioned, and it is expedient to grant the prayer of such Petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

I. John G. Mackenzie, Charles James Cusack, Theodore Hart, Charles Geddes, William Dow, Augustus Heward, Andrew Shaw, David Torrance, Thomas Cramp, John Esdaile, Robert Esdaile, George Binmore, John Brodie, Alfred Hooker, George E. Jacques, John Henderson, Solomon J. Holcomb, Henry Jones, James D. Black, James Mitchell, John Mitchell, Haviland L. Routh, F. L. B. Noad, John Kershaw, Honorable George Moffatt, John O. Moffatt, James Greenshields, George Moffatt, junior, Honorable James Leslie, Henry Starnes, S. L. Jones, Edward Leslie, Honorable Louis Renaud, James Burns, William Rae, Hanbury MacDougall, John MacPherson, and such and so many other persons as may have become 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 "Montreal Steam Elevating and Warehousing Company," and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, in all Courts and places whatsoever, and shall have uninterrupted succession and a common seal, which may be by them changed or varied at their pleasure. Company incorporated.
Corporate name and general powers.

II.

Capital Stock. II. The Capital Stock of the said Company shall consist of two hundred and forty shares, of the nominal value of twenty-five pounds each ; and it shall be in the power of the shareholders at any general meeting, by a vote of the majority in value of all Stock issued, to increase such Capital by the further sum of fourteen thousand pounds, to be divided into five hundred and sixty shares of twenty-five pounds each : and all such Capital shall, when subscribed for, be called in, and the subscribers shall be bound to pay the same in and by such instalments and at such times as the Directors from time to time shall see fit to direct and appoint.

Liability of Shareholders limited. III. 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, her or their subscribed share or shares in the Capital Stock of the said Corporation, which may remain unpaid to the said Corporation.

Business of the Company. IV. The business of the said Company shall consist in the construction and purchase, acquisition and use of such and so many vessels, machines, barges, lighters and other property and craft as may be necessary to enable them to elevate, weigh, measure and store grain, produce or other merchandise, and it shall be lawful for them to purchase, lease, own and to have all real and personal property which may be necessary for carrying on the business of the said Company, provided the sum vested in real property do not at one time exceed six thousand pounds ; and it shall be lawful for the said Company to sell, lease, deal with and otherwise dispose of the said property as they see fit, and from time to time to purchase and deal with other property which they may acquire.

Real property limited. V. The shares in the Stock of the said Corporation shall be assignable and may be sold and transferred in such form and on such conditions as may be prescribed by the By-laws to be passed ; and by any such assignment the party accepting the same shall thenceforth become a member of the said Corporation, in respect of such share or shares, in the place of the party so transferring the same ; but no such transfer shall be valid or effectual until all calls or instalments called for or due on the shares purporting to be transferred, and all debts or moneys due to the said Corporation thereon, shall have been fully paid up and discharged ; and a copy of such transfer extracted from the proper book of entry, and purporting to be signed by the Clerk or other officer of the said Company, duly authorized thereto, shall be sufficient *prima facie* evidence of every such transfer, in all Courts in this Province.

Condition. VI. For managing the affairs of the said Corporation, there shall be, from time to time, elected out of the members of the said Corporation, five persons, being each a proprietor of the

Proof of assignment.

Five Directors to be elected yearly.

less than five shares of the said Capital Stock, to be Directors of the said Corporation, for ordering, managing and directing the affairs of the said Corporation ; and any three Directors shall form a quorum of the Board, and any majority of such quorum may exercise all the powers of the Directors ; and whenever any vacancy shall happen among the Directors by death, resignation or removal out of the Province, such vacancy shall be filled up until the next General Meeting of the shareholders, in such manner as may be prescribed by any By-law of the Corporation ; and the Directors, with the consent of the majority of the stockholders present at any General or Special Meeting, shall have full powers to dispose of any part of the property in Stock of the said Corporation, on such terms and conditions and to such parties as they may think best ; and they shall also have full power to make such calls for money from the several shareholders, for the time being, as is hereinbefore provided for, and to sue for, recover and get in all such calls, whether already made or hereafter to be made, and if they think proper to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such way as they shall see fit to prescribe by any By-law ; the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Corporation, to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or by any two Directors), and countersigned by the Clerk or Secretary, shall be held to be the act or deed of the Corporation ; they may appoint such and so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents and servants ; may make all payments and enter into any contracts for building, purchasing, hiring or acquiring vessels, machinery or other means of stowing, conveying, elevating or weighing grain or other merchandize or produce, and for all other matters necessary for the transaction of its affairs ; and may enter into all contracts for insuring and protecting such vessels, machinery, produce and all other property, whether real or personal, in covering or protecting which they may have an interest ; may generally deal with, treat, purchase, lease, sell, mortgage, let, release and dispose of and exercise all acts of ownership over the vessels, steamers, lands, tenements, property and effects of the said Corporation ; may institute and defend in the name of the said Corporation, all suits at law or in equity ; may from time to time displace the officers, agents and servants of the said Corporation ; and they shall and may have power to do all things whatsoever, which may be necessary or requisite to carry out the objects of the Corporation ; they may appoint when Special Meetings of the shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the shareholders may call or require such Special Meetings to be called ; and they

Quorum.

Vacancies.

Powers of the
Directors, as
to—Calls and for-
feitures for
non-payment ;

Common Seal ;

Agents and
Officers ;

Contracts ;

Dealing with
property ;Suits at law,
&c ;Removing
Officers ;General meet-
ings ;

By-laws ;

they shall have power to make By-laws for the government and control of the officers and servants of the said Corporation respectively, and to regulate the number of Directors who shall annually retire, and shall also have power to make and frame all other By-laws, Rules and Regulations for the management of the business of the said Corporation, in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time, to alter, change, modify and repeal, which said By-laws, Rules and Regulations shall be submitted for approval, rejection or alteration by the stockholders, at the next General Meeting after they shall have been passed, or at a Special Meeting to be called by the said Directors, and when and as so ratified and confirmed, shall be put into writing and duly recorded in the minutes of the said Corporation, and be binding upon and observed and taken notice of by all members of the said Corporation; and any copy of the said By-laws, or any of them, purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the seal of the Corporation affixed to it, shall be received as *prima facie* evidence of such By-laws in all Courts in this Province.

Approval of By-laws.

Proof of By-laws.

First general meeting.

Election of Directors.

First Directors named.

First President.

Provision in case of failure of any election.

VII. 'The first general meeting of the shareholders of the said Corporation shall be held at the office of the said Corporation, in the City of Montreal, on the second Monday in December, one thousand eight hundred and fifty-seven, and at such time and place, and on the like day in every year thereafter, the said shareholders shall elect fit and qualified persons to be Directors of the said Company, in the place and stead of those who, by the rules of the Company, shall then retire; and until such first election, and until they shall respectively retire as aforesaid, the following persons, to wit, John Esdaile, Andrew Shaw, George E. Jacques, Charles J. Cusack, and the survivors or survivor of them, shall and are hereby declared to be and are constituted Directors of the said Corporation; and John Esdaile shall, until such day, be the President of the said Corporation, and they shall have and exercise all and every the powers, and shall be subject to all and every the clauses, conditions, liability and restrictions imposed on the Directors to be chosen under this Act.

VIII. The failure to hold the said first and general meeting or any other meeting, or to elect such Directors or President, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any meeting to be called, as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint; and until such election of new Directors, those who may be in office for the time being, shall be and continue in office, and exercise all the rights and powers thereof, until such new election be made as hereinbefore provided.

IX. It shall not be lawful for the said Corporation to commence or proceed with their operations under this Act, unless they shall have first paid up the sum of twenty-five per cent. on the amount of their capital stock of six thousand pounds.

When the Company may commence operations.

X. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

Public Act.

C A P . C L X X I X .

An Act to amend the Charter of the Marmora Foundry Company, and to change its name to the Marmora Iron Company.

[Assented to 10th June, 1857.]

WHEREAS the Marmora Foundry Company are desirous of changing their corporate name; And whereas, also, they are desirous of extending their works and also of assisting in building a tram-road or railway from their works and mines to some point on the line of the Grand Trunk Railway of Canada, and also connecting with the waters of Lake Ontario or the Bay of Quinte, and it is proper to permit the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. From and after the passing of this Act, the corporate name of the said Corporation shall be the "Marmora Iron Company," which shall be the corporate name thereof instead of the Marmora Foundry Company; but neither such change of name nor any thing in this Act shall be construed to make the said Corporation a new Corporation or in any way affect any right or liability thereof, or any suit, action or proceeding, pending at the time this Act shall come into force; and the name of the "Marmora Iron Company" shall be substituted as of course for its former name in any subsequent record, document or writing in any such action, suit or proceeding; and all and every the rules, by-laws, contracts, powers of Attorney and delegations heretofore given in such former name shall to all intents and for all purposes be taken as made in the name by this Act given to the Company.

Name of the Company changed.

Not to affect any pending suit or acquired right.

II. The said Corporation shall by the name hereby assigned to it, have all the rights, powers and authority in and by the Act passed in the Provincial Parliament in the sixteenth year of Her Majesty's Reign, and chaptered two hundred and fifty-three, in addition to the powers hereby conferred, and shall have and continue to have perpetual succession and a common seal, with power to break, renew, change and alter the same at pleasure, and by such new name, shall be capable of suing and being sued, pleading and being impleaded in all courts of law or equity and other places, in all manner of action and actions, causes and matters whatsoever.

Corporate rights continued by new name.

Company
may borrow
£20,000 ster-
ling, and issue
mortgage
bonds.

III. The said Company shall have power and they are hereby authorized to issue mortgage bonds to the amount of twenty thousand pounds of sterling money, no one of such bonds to be for a less sum than one hundred pounds of sterling money; and the said mortgage bonds may be in such form and payable at such dates and places as the Directors shall by By-law fix and determine; and the said bonds shall bear interest and shall have interest coupons attached, and the said bonds and the said coupons shall be payable to bearer and shall be transferable by delivery, and the owner and holder of any such bond or coupon respectively may sue for or take any proceedings in his own name, for enforcing payment of the said bond and coupon respectively.

Bonds to be a
first mort-
gage.

How to be
registered.

IV. The said bonds shall form a first mortgage on the real estate of the said Company over and above said Company's liability to a personal action thereon; Provided that before any such bonds are issued the Directors shall by By-law fix the amount of such issue, (the whole amount to be issued not to exceed the said sum of twenty thousand pounds, sterling money), the forms of the bonds and the coupons to be attached, the officer by whom they shall be signed, and dates and places at which they shall respectively be payable, and that they shall cause a copy of such By-law, under the seal of the Company, to be registered in the Registry office of the County of Hastings, the County in which the furnaces of the said Company are situate, and that the registration of such By-law shall, from the date of such registration, bind the lands of the Company in the said County or in any adjoining County in the same manner as the registration of a common mortgage between party and party, and that they shall be so bound to the respective holders of the said bonds for the amount of bonds by the holders respectively held.

Their effect
when so re-
gistered.

Company may
take stock in
certain Rail-
ways;

V. The said Company shall have power and are hereby authorized to take stock in any tram-road or railway connecting their work or ore beds with some point on the Grand Trunk Railway of Canada, for the construction of which a company may be incorporated, or connecting with the waters of Lake Ontario or the Bay of Quinte.

And may
raise and sell
stone, &c.

VI. The said Company may, in addition to the business mentioned in the said Act sixteenth Victoria, chapter two hundred and fifty-three, take up and sell ores, lithographic stone, or marble, or any other mineral found on their land.

Public Act.

VII. The Interpretation Act shall apply to this Act, which shall be deemed a Public Act.

C A P . C L X X X .

An Act to authorize G. S. Wilkes to construct a Dam on the Grand River at Holmedale.

[Assented to 10th June, 1857.]

WHEREAS it is expedient to encourage the construction of Water Powers for manufacturing purposes ; And whereas George Samuel Wilkes, of Brantford, has petitioned the Legislature of this Province to grant him power to construct a dam across the Grand River upon his property at Holmedale, and to use the waters of the said Grand River for Hydraulic purposes, and it is expedient to grant his prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. It shall and may be lawful for the said George Samuel Wilkes, his heirs and assigns, to erect, build, construct and maintain a dam, of wood, stone or other material or materials, upon and across the Grand River at Holmedale aforesaid, and to raise the water thereby, and to use and discharge the water of the said Grand River by means of the Hydraulic Canal now constructed upon the said property, for any manufacturing purpose whatever, and to dispose of the same : Provided that all private rights either in the lands adjoining the said river or in the flow of the water thereto, shall remain and continue as if this Act had not been passed.

Preamble.

G. S. Wilkes may build a Dam across the Grand River at a certain place.

Proviso.

II. The said George Samuel Wilkes, his heirs and assigns, shall be held to possess and be beneficially interested in the said dam and water power, so that he or they may be enabled to institute and sustain, and it shall be lawful for him or them to institute and sustain any action or actions at law or in equity against any person or persons who may break down, destroy, or injure in any way or manner the said dam and water power ; Provided always, that nothing in this Act contained shall exempt the said George Samuel Wilkes, his heirs and assigns, from providing a slide or slides, or other conveniences, for the transmission of timber or logs over the said dam as required by law.

He may maintain actions, &c.

Proviso : as to Slides.

III. This Act shall be deemed a Public Act.

Public Act.

C A P . C L X X X I .

An Act to incorporate the Toronto Horticultural Society.

[Assented to 10th June, 1857.]

WHEREAS it is desirable to encourage and promote Horticulture, and with that object to incorporate within the City of Toronto a Society of persons to be called the Toronto Horticultural

Preamble.

Horticultural

Horticultural Society: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- Society incorporated.** I. The Honorable Samuel Bealey Harrison, the Honorable Joseph C. Morrison, and Messieurs George W. Allan, J. D. Humphries, George Buckland, Adam Wilson, E. C. Jones, Frederick W. Jarvis, F. W. Coate, George Leslie, J. Fleming, John Gray, George Lewis, W. Gordon, J. A. Simmers, George Sootheran, Robert Beard and George Duggan, Junior, together with all such other persons as shall become members thereof as hereinafter mentioned, shall be and are hereby declared to be a body politic and corporate under the name of the Toronto Horticultural Society.
- Corporate name.**
- Directors and Officers of the Society.** II. The business and affairs of the said Society shall be managed and conducted within the City of Toronto by a President, two Vice-Presidents, two Secretaries, a Treasurer, and not less than eleven Directors, who shall be annually elected by the members at such time and place as shall be directed by the By-Laws of the Society, and seven Directors shall form a quorum with full power for the transaction of all business under this Act.
- Quorum.**
- Certain corporate powers in addition to those given by 12 V. c. 10.** III. The said Society, in addition to the powers conferred upon them by the twenty-fourth sub-section of the fifth section of the Interpretation Act, shall have power to purchase, acquire, lease, hold, take, possess and enjoy lands and real estate situate within the City of Toronto not exceeding ten acres, for the purposes and uses of the said Society, with power to erect Halls, Offices and other buildings, and to improve, ornament, and cultivate the same, and from time to time to alienate, mortgage, charge, demise or lease the said lands or real estate, or parts thereof for the advancement and promotion of Horticultural pursuits and interests, but for no other purpose or object.
- Who shall be Members.** IV. Any person paying a sum not exceeding the sum of One hundred pounds and not less than the sum of Five pounds, shall, in the discretion of a majority of the Directors present, be eligible as a member of such Society; Provided always that the liability of each member of such Society shall be limited to the amount of his subscription thereto.
- Proviso.**
- Society may make By-laws for certain purposes.** V. The said Toronto Horticultural Society shall have power and authority to make and pass By-laws for the following purposes: To fix the times and places for the meetings of the said Society; for collecting and enforcing payment of such fees, tolls or charges as the Directors may from time to time fix to be paid by the visitors and others for the privilege of limited enjoyment of the Walks, Gardens, and advantages of the premises of the Society, or using or visiting the same or part or parts thereof; said toll, fees, and charges to be devoted to the general purposes

purposes of the Society and defraying the expenses and disbursements of the same.

VI. Any failure to hold an Annual or other meeting under this Act, or to elect the said Officers or Directors, shall not operate as a dissolution of the said Society, but such meeting may be held and such Directors or Managers appointed on any other day in such manner as shall be provided for by the By-laws of the Society. Provision in case of failure of any election.

VII. This Act shall be a Public Act, and the Interpretation Public Act shall apply thereto.

C A P . C L X X X I I .

An Act to incorporate certain persons under the name of the Joliette Mining Company.

[Assented to 10th June, 1857.]

WHEREAS Maxime Gravelle, Pierre Gravelle, Jean Baptiste Gravelle, and Pierre Gravelle, Junior, have by their petition represented that they have commenced the getting out of copper ore, in the Parish and Township of St. Ambroise de Kildare, in the County of Joliette, in the District of Montreal, in this Province, and that for that purpose they have erected and prepared buildings and Machinery for mining, which have proved insufficient for the purpose, and which require to be enlarged and increased, and with the view of obtaining the funds required to render their operations profitable to themselves and the public, they have prayed to be incorporated: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

I. Maxime Gravelle, Pierre Gravelle, Jean Baptiste Gravelle and Pierre Gravelle, Junior, and such and so many other persons as may have become 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 "Joliette Mining Company," and by that name shall sue and may sue and be sued, plead and be impleaded, answer and be answered unto, in all Courts and places whatsoever, and shall have uninterrupted succession and a common seal, which may be by them changed or varied at their pleasure. Company incorporated. Corporate name and powers.

II. The Capital Stock of the said Company shall consist of two hundred shares, of the nominal value of ten pounds each, and it shall be in the power of the shareholders at any general meeting, by a vote of the majority in value of all Stock issued, to increase such Capital by a further equal sum, to be divided in similar shares of ten pounds each; and all such Capital shall, when subscribed for, be called in, and the subscribers shall Capital Stock. Increase thereof. Calls.

shall be bound to pay the same in and by such instalments and at such times as the Directors from time to time shall see fit to direct and appoint.

Liability of Shareholders limited.

III. 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, her or their subscribed share or shares in the Capital Stock of the said Corporation, which may remain unpaid to the said Corporation.

Business of the Company.

Real property limited.

IV. The business of the said Company shall consist in the construction and purchase, acquisition and use of such machinery as may be required to excavate, mine and wash the ore ; and it shall be lawful for the said Company to purchase, lease, own, and to have all real and personal property which may be necessary for attaining the purposes of the said Company, provided the sum vested in real property do not at one time exceed six thousand pounds ; and it shall be lawful for the said Company to sell, lease, deal with, and otherwise dispose of the said property as they see fit, and from time to time to purchase and deal with other property which they may acquire.

Assignment of shares.

Condition.

Proof of assignment.

V. The shares in the stock of the said Corporation shall be assignable and may be sold and transferred in such form and on such conditions as may be prescribed by the By-laws to be passed, and by any such assignment the party accepting the same shall thenceforth become a member of the said Corporation, in respect of such share or shares, in the place of the party so transferring the same ; but no such transfer shall be valid or effectual until all calls or instalments called for or due on the shares purporting to be transferred, and all debts or moneys due to the said Corporation thereon, shall have been fully paid up and discharged ; and a copy of such transfer extracted from the proper book of entry, and purporting to be signed by the Clerk or other officer of the said Company, duly authorized thereto, shall be sufficient *prima facie* evidence of every such transfer, in all Courts in this Province.

Five Directors to be elected yearly.

Quorum.

Vacancies.

Powers of the

VI. For managing the affairs of the said Corporation, there shall be from time to time elected out of the members of the said Corporation five persons, being each a proprietor of not less than five shares of the said Capital Stock, to be Directors of the said Corporation, for ordering, managing and directing the affairs of the said Corporation, and any three Directors shall form a quorum of the Board, and any majority of such quorum may exercise all the powers of the Directors ; and whenever any vacancy shall happen among the Directors by death, resignation or removal out of the Province, such vacancy shall be filled up until the next general meeting of the Shareholders, in such manner as may be prescribed by any By-law of the Corporation ; and the Directors, with the consent of the majority of

of the Stockholders present at any General or Special Meeting, shall have full power to dispose of any part of the property in Stock of the said Corporation, on such terms and conditions and to such parties as they may think best, and they shall also have full power to make such calls for money from the several Shareholders for the time being as is hereinbefore provided for, and to sue for, recover and get in all such calls, whether already made or hereafter to be made, and if they think proper, to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such ways as they shall see fit to prescribe by any By-law ; the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Corporation to any documents which in their judgment may require the same, and any Act or Deed bearing such seal and signed by the President (or by any two Directors,) and countersigned by the Clerk or Secretary, shall be held to be the act or deed of the Corporation ; they may appoint such and so many agents, officers and servants of the said corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents and servants ; may make all payments and enter into any contracts for the purchase of machinery or other instruments necessary for excavating, extracting and washing the ore, and for all other matters necessary for the transaction of its affairs ; and may enter into all contracts for insuring and protecting such machinery, produce, and all other property, whether real or personal, in covering and protecting which they may have an interest ; may generally deal with, treat, purchase, lease, sell, mortgage, let, release, and dispose of and exercise all acts of ownership over the lands, tenements, property and effects of the said Corporation ; may institute and defend in the name of the said Corporation all suits at law or in equity ; may from time to time displace the officers, agents and servants of the said Corporation ; and they shall and may have power to do all things whatsoever which may be necessary or requisite to carry out the objects of the Corporation ; they may appoint when Special Meetings of the shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the shareholders may call or require such Special Meetings to be called ; and they shall have power to make By-laws for the government and control of the officers and servants of the said Corporation respectively, and to regulate the number of Directors who shall annually retire, and shall also have power to make and frame all other By-laws, Rules and Regulations, for the management of the business of the said Corporation in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time, to alter, change, modify and repeal, which said By-laws, Rules and Regulations shall be submitted for approval, rejection or alteration, by the stockholders, at the next General Meeting after they shall have been passed, or at a Special Meeting to be called by the said Directors, and when and as so ratified

Directors, as to—

Calls ;

Common Seal ;

Agents and Officers ;

Contracts ;

Dealing with property ;

Suits at law, &c ;

Removing Officers ;

General meetings ;

By-laws ;

Approval of By-laws.

and confirmed shall be put into writing and duly recorded in the minutes of the said Corporation, and be binding upon and observed and taken notice of by all members of the said Corporation; and any copy of the said By-laws, or any of them, purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the seal of the Corporation affixed to it, shall be received as *prima facie*, evidence of such By-laws in all Courts in this Province.

Proof of By-laws.

First general meeting.

Election of Directors.

First Directors named.

First President.

VII. The first general meeting of the shareholders of the said Corporation shall be held at the office of the said Corporation in the Village of Industry, on the second Monday in December, one thousand eight hundred and fifty-seven; and at such time and place, and on the like day in every year thereafter, the said shareholders shall elect fit and qualified persons to be Directors of the said Company, in the place and stead of those who, by the rules of the Company, shall then retire; and until such first election, and until they shall respectively retire as aforesaid, the following persons, to wit, Maxime Gravelle, Pierre Gravelle, Jean Baptiste Gravelle, and Pierre Gravelle, Junior, and the survivors or survivor of them, shall and are hereby declared to be and are constituted Directors of the said Corporation; and Maxime Gravelle shall, until such day, be the President of the said Corporation, and they shall have and exercise all and every the powers, and shall be subject to all and every the clauses, conditions, liability and restrictions, imposed on the Directors to be chosen under this Act.

Provision in case of failure of any election.

VIII. The failure to hold the said first general meeting, or any other meeting, or to elect such Directors or President, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any meeting to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint; and until such election of new Directors, those who may be in office for the time being shall be and continue in office, and exercise all the rights and power thereof, until such new election be made as hereinbefore provided.

When the Company may commence operations.

IX. It shall be lawful for the said Corporation to commence their operations, under this Act, with the amount of their present capital stock.

Public Act.

X. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

C A P . C L X X X I I I .

An Act to amend the Act incorporating the Literary Institute of Sherbrooke.

[Assented to 27th May, 1857.]

WHEREAS the Literary Institute of Sherbrooke hath Preamble.
 prayed that the name of the said Institute be changed,
 and it is expedient to grant the prayer of the said petition :
 Therefore, Her Majesty, by and with the advice and consent of
 the Legislative Council and Assembly of Canada, enacts as
 follows :

I. The Corporation established by the Act of the eighteenth Name of the
 Institution
 changed.
 year of Her Majesty's Reign, chapter 238, under the name of
 the Literary Institute of Sherbrooke, shall hereafter be known
 by the name of the *College of Sherbrooke*, and under that name
 shall enjoy all the powers, privileges and advantages hereto-
 fore enjoyed by the said Corporation under its former name, to
 all intents as if the name hereby given to it were the designa-
 tion originally assigned to it in the Act hereby amended.

II. This Act shall be deemed a Public Act.

Public Act.

C A P . C L X X X I V .

An Act to incorporate Belleville Seminary.

[Assented to 27th May, 1857.]

WHEREAS the religious community in this Province de- Preamble.
 nominated *The Methodist Episcopal Church in Canada*,
 have, by the voluntary contributions of themselves and their
 friends, constituted and established in the Township of Thurlow,
 near the Town of Belleville, in this Province, an Institution
 of Learning called the *Belleville Seminary*, designed to teach a
 system of classical, scientific and commercial instruction free
 from sectarian tenets and religious tests, while its moral govern-
 ment is based on christian principles as revealed in the Holy
 Scriptures ; And whereas the said religious community in
 their administration, order and discipline, have certain Courts
 called respectively "Quarterly," "Annual," and "General
 Conferences," in which certain prerogatives and powers are
 vested for the government of the whole body, the last named
 whereof being the Supreme Assembly, is composed and con-
 stituted according to the following rule, as recorded in the
 journals thereof, viz : "The General Conference shall be com-
 posed of one member for every two of each annual conference,
 to be appointed either by seniority or choice, at the discretion
 of each Annual Conference ; such representatives shall have
 travelled at least four years and be ordained elders at the time
 of

of their appointment." "That in case the delegates be obtained by election instead of seniority, it be by ballot; one of the general superintendents shall preside in the General Conference; but in case no general Superintendent be present, the General Conference shall choose a President *pro tem.*;" which General Conference of the said Church consists at the present time of the undermentioned persons, viz: James Richardson, John Baily, W. D. Hughson, G. P. Harris, J. C. Tufford, J. Wood, S. L. Karr, R. B. Cook, E. Bristol, B. Brown, L. P. Smith, T. Webster, A. Jones, S. Dunnett, I. B. Richardson, G. Abbs, W. F. Lowe, A. L. Thurstan, E. Lounsbury, C. W. Fraser, G. Bennett, J. Curts, W. Pirrite, E. Bartram, D. Griffin, H. Dockham, J. Foster, O. Collamore, S. Stewart, E. Draper, W. Brown, D. Wilson, S. Young, A. Lane, J. H. Johnson, J. Gardiner, A. Wright, D. Pomroy, B. Smith, J. G. Bull, J. Hill, N. H. Howard, S. W. LaDu, G. Jones, G. I. Betts, E. Orser, J. A. Rogers and T. Lewis, Philander Smith, being the General Superintendent or Bishop; And the design of the founders of the said institution is to have it placed under the control and management of the General Conference of the said Church in Canada, constituted according to the above cited rule, or to any other rule which it may subsequently from time to time enact or adopt in regard to its own constitution or formation; And whereas it is expedient for the more effectual management of the said Institution of Learning, and for the better attainment of the laudable purpose contemplated in its erection, that it should be invested with corporate powers by the provision and sanction of the Legislature of the Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation
formed.

I. The undermentioned persons, viz: Samuel Gilbert, Caleb Gilbert, Robert Bird and Elias VanDewaters, of the Township of Sidney, County of Hastings, John Cummer, of Waterdown, and John Rymal, of Ancaster, in the County of Wentworth, Nathan Jacobs, of London, County of Middlesex, Philip Carman, of Matilda, County of Dundas, John Campbell, of Brooklin, County of Ontario, Samuel Osborne, of Sophiasburg, County of Prince Edward, and Peter Fisher, of Nelson, County of Halton, being the present Board of Trustees, and their associates and successors to be appointed as hereinafter provided, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name of the *Belleville Seminary*, and by that name shall have perpetual succession and a common seal, with power to break, alter or renew the same at their discretion; and shall by the same name have power to sue and be sued, implead and be impleaded, answer and be answered unto in any and every Court holding Jurisdiction in this Province, as well for the collecting of all sums due on any subscription for the erecting and completing of the said Institution, whether such subscriptions were made payable to themselves,

Corporate
name and ge-
neral corpo-
rate powers.

themselves, the said Trustees, or to other persons, for the said Seminary, and it shall be the duty of any individual whatever having in his possession any Subscription Book, Notes or other papers intended for the benefit of the said Seminary, to deliver the same to the said Trustees on their demand, as for the fulfilling of all contracts and debts heretofore made by any of the aforesaid Trustees, or any parties in their name or on their behalf, or which may be made in the future improvement and management thereof, and the tuition connected therewith; and by the same name shall be able and capable in law to take, purchase and hold by any legal title whatsoever, all such lands, tenements, possessions and property, real and personal, as may be necessary for the actual use and occupation of the said Seminary, and to accept and hold, within the limit hereinafter prescribed, for the benefit of the said Seminary, any gifts or bequests of property real or personal, and to sell and alienate any property so given or bequeathed, and to apply the proceeds of such sale or sales in the manner prescribed in such rules or regulations for the benefit of the said Seminary; Provided always, that no real estate not required for the actual use and occupation of the said Seminary shall at any time be held by the said corporation for a longer period than two years; and that any such real estate not sold and alienated within two years from the time when the same is received by the said corporation, shall revert to the party from whom the same came to the corporation, or to his or her heirs or devisees; Provided also, that no money arising from the sale of any property, derived by gift or bequest, shall be invested in real estate, but shall be applied first to the liquidation of any debt due upon the buildings and grounds occupied for the said Seminary, and then to the general purposes of the corporation; And provided also, that in case sufficient means shall not be received by the said Trustees for the liquidation of the debts now due, then it shall be lawful for the said corporation to mortgage or sell and alienate any portion or all of the real estate held by the said corporation, and to apply the proceeds to the liquidation of the debts in this proviso mentioned.

Proviso: as to real estate.

Proviso: as to investment of money.

Proviso.

Corporation may mortgage property in certain cases.

II. It shall and may be lawful for the said General Conference from time to time and at all times hereafter, at any of its meetings, whether general or special, called and held in accordance with the constitution and by-laws thereof, to supersede at their discretion when the good of the institution may appear to require it, any of the said Trustees and their successors by appointing others or other in their or his place; and also to supply any vacancy in said corporation caused by the death, resignation or removal from the Province of any of the aforesaid Trustees or their successors; and the certificate of the persons for the time being exercising the offices of President and Secretary of the said General Conference shall be conclusive proof of the due appointment of any new Trustees or Trustee as aforesaid, unless and until it shall be declared by some competent

General conference may supersede any of the Trustees and appoint others.

Evidence of appointment.

competent Court of Justice, that such certificate was not correctly given or properly obtained; Provided always, that no ecclesiastic shall at any time be appointed to or hold the office of Trustee; And provided further, that it shall not be lawful to remove any of the present Trustees, until they shall first be relieved from all personal responsibility on account of any debt incurred by them in purchasing property and erecting buildings for the said Seminary.

Board of Management constituted.

III. And in order to provide for the good government and efficient management of the said Institution, it shall and may be lawful for the annual Conferences of the said Church, at each of their annual meetings, to nominate and appoint suitable persons to the number of six, each annual Conference to appoint an equal number, so as to make in the whole the number of six, who, in conjunction with a Bishop or General Superintendent of the said Church, shall be associated with the aforesaid Trustees or their successors, and with them form a Joint Board, to be called the "Board of Management," at which a Bishop shall preside, but in case no Bishop shall be present, then a Chairman shall be chosen from among themselves; the functions of the said Joint Board of Management shall be to determine and manage from time to time the number, order and duties of the several Professors and Teachers in the said Seminary, and also of the other officers and servants thereof; and to appoint and remove as occasion may require such Professors and Teachers and officers and servants respectively, or to prescribe the mode of their appointment and removal; and to determine the amount of their respective salaries, allowances and fees, and when and how the same shall be paid; and to devise the ways and means, for raising the funds required for completing and sustaining the said Institution in all its departments for the future; and also to enact, alter or repeal from time to time such rules and regulations as they may see proper for the government of the said Institution, the terms and conditions of tuition, and for the general management thereof; any seven members of the said Joint Board of management, including the Bishop or other presiding officer, shall be a quorum for transacting business; and it shall be the duty of the said Joint Board to cause an abstract of the Treasurer's account, and an outline of the state and prospects of the said Institution to be laid before each annual Conference of the said Church at each of its annual meetings, for the information of the members thereof; the first meeting of the said Joint Board, as well as all its special meetings, shall be called by the senior General Superintendent or Bishop of the said Church for the time being, or by any two members thereof; but the time and place for holding all the regular meetings of the said Joint Board, after the first, shall be fixed by the Board; Provided always, that if at any time the office of Bishop or General Superintendent shall be vacant, or any vacancy shall exist in the said Joint Board by any reason whatever, the then existing

Functions of such Board.

Making By-laws.

Accounts.

First meeting of Board.

Proviso: in case of the vacancy of the office of Bishop, &c.

members of the said Joint Board, there being not less than ten in number, holding their offices according to the provisions of this Act, shall have full power to do and perform all and every act and thing which it may be lawful for the said Joint Board to do and perform if there were no such vacancy.

IV. This Act shall be deemed a Public Act.

Public Act:

C A P . C L X X X V .

An Act to incorporate a Grammar School at Frelighsburg, to be called the Frelighsburg Grammar School.

[Assented to 27th May, 1857.]

WHEREAS the Municipal Councillors, Justices of the Peace and other inhabitants of the Parish of St. Armand East, have by their petition prayed that a Grammar School may be incorporated in the Village of Frelighsburg, and it is expedient to incorporate and establish the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. Daniel Westover and Asa Westover, of the Township of Durham, Ambrose Spencer and Peleg Spencer, of St. Armand East, Esquires, Jane Freligh, and the Rector for the time being of the said Parish of St. Armand East, in communion with the United Church of England and Ireland, and their successors in office, shall be and are hereby constituted a body politic and corporate under the name of the "Frelighsburg Grammar School," and shall by that name have perpetual succession and a common Seal, with power to alter, renew or change such Seal at pleasure, and power to sue and be sued in all Courts of Law or Equity; and shall have power at all times hereafter to purchase, acquire, hold, possess and enjoy such lands and tenements as may be necessary for the actual use and occupation of the said Grammar School, and the same to sell, alienate and dispose of, and others in their stead to purchase and acquire and hold for the uses and purposes aforesaid.

The Corporation constituted.

Corporate name and powers.

As to real property.

II. The said Jane Freligh, Daniel Westover, Asa Westover, Ambrose Spencer, Peleg Spencer, and the said Rector for the time being, and their successors in office, shall be Trustees of the said Grammar School, and shall have the control, management and government thereof, as well in regard to the employment and payment of competent teachers, as the receipt, investment, and management of the revenues and property pertaining thereto, and may from time to time employ any secretaries, clerks, or other useful or necessary servants; and shall also have power to make rules and regulations not contrary to Law, or to the provisions of this Act, for the government and management of the said Corporation, and the affairs and property thereof,

Trustees of the Corporation, their powers, &c.

By-laws.

Chairman.

thereof, and for all purposes relating to the well-being and interests of the said Corporation, and to the proceedings of the said Trustees in the execution of their duties, including the power from time to time to elect one of their number to be Chairman of the said Trustees, and in default of the time or manner of such election being regulated, and until regulated by By-law, a Chairman may from time to time be elected, at any meeting of the said Trustees, or of a majority of them; and such By-law may, by the said Trustees, or a majority of them, be from time to time amended, altered or repealed, as may be deemed expedient; and all acts and doings of a majority of the said Trustees, shall be of the same force and effect, as if all of them had joined in such acts or doings.

Amending
By-laws.Majority may
act.Vacancies,
how filled.

III. In case of any vacancy occurring in the number of the said Trustees, by absence from the Province, death, resignation or otherwise, such vacancy or vacancies shall and may be filled up from time to time by the remaining members of the said Corporation within six months after the occurrence of the said vacancy or vacancies; and should no appointment be made by the said remaining members to fill up the said vacancy or vacancies, then on representation thereof to the Governor of this Province by any one or more of the said remaining Trustees, then and in that case it shall be lawful for the Governor to nominate and appoint a person or persons fit and proper to fill such vacancy or vacancies.

Governor may
appoint in de-
fault of Trust-
tees.

Public Act.

IV. This Act shall be deemed a Public Act.

C A P . C L X X X V I .

An Act to incorporate the Church of England Male Orphan Asylum of Quebec.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS there hath for many years existed in the City of Quebec an Institution known as the Male Orphan Asylum in connection with the Church of England, founded and supported by voluntary contributions, for the reception, maintenance and education, and establishment in life, of destitute male orphan children, which Institution has been and is under the management and direction of the Rector and Church Wardens of the Parish of Quebec, as constituted for the purposes of the United Church of England and Ireland; And whereas the said Rector and Church Wardens have prayed that in order to enable them more effectually to carry out the objects of the said Institution they may be incorporated as the Managers thereof, with the usual powers of bodies incorporated for like purposes, which prayer it is expedient to grant: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I.

I. The Rector for the time then being, or in case of vacancy of the office, the Incumbent doing the duty of Rector, of the Parish of Quebec, as constituted for the purposes of the United Church of England and Ireland, and the Church Wardens of the said Parish, for the time then being, shall be and are hereby constituted a body corporate and politic for the purposes of this Act, by the name of the "Managers of the Church of England Male Orphan Asylum of Quebec," and by that name they and their successors in the offices aforesaid, shall have perpetual succession and a common seal, with the other powers of corporate bodies under the Interpretation Act, and may, for the purposes of the said Institution, acquire and hold real and personal estate, and may dispose of, and alienate the same and acquire and hold other property instead thereof, for the purposes aforesaid; Provided the said real property shall be such only as shall be required for the actual use and occupation of the said Institution only.

Corporation constituted.

General powers and name.

Real property limited.

II. All and every the property and effects belonging to or held for the said Institution, whether held by the Rector and Church Wardens of the said Parish, or by any other person or party for the purposes or for the use of the said Institution, and all debts and claims due to the said Institution or to any person or persons for it, shall, after the passing of this Act, and by virtue thereof, be transferred to and vested in the Corporation hereby created for the purposes and use of the said Institution, and the said Corporation shall be liable for all debts due by or claims against the said Institution, or by or against any person acting for it; and all such property and effects, whether vested in the said Corporation by this Act or hereafter acquired, shall be applied only to the uses and purposes of the said Institution as mentioned in the Preamble, and to no other use or purpose whatever.

Property and liability of the present Institution transferred to the Corporation.

III. The said Corporation shall have full power and authority, from time to time to make by-laws, rules and regulations, not contrary to this Act nor to the Laws of Lower Canada, for the government of the said Institution, and of the Officers, Servants and others connected therewith, and the children received therein, and may, from time to time repeal or alter the same and make others in their stead; and shall also have full power and authority to appoint and remove the Officers, Servants and persons employed in or about the said Institution, and to apprentice or bind out to any healthy trade, business or occupation, the children received into the said Institution, and shall have and may exercise over and with respect to them such powers as their parents, if living, would have and might exercise.

Power to make By-laws and appoint Servants, &c.

And to bind out children.

IV. The by-laws, rules and regulations of the said Institution in force at the time of the passing of this Act, and not contrary thereto, or to the Laws of Lower Canada, shall be the by-laws, rules

Present By-laws continued until altered.

rules and regulations thereof, until repealed or altered under this Act.

Report to the annual Easter meeting of the Pewholders of the Cathedral.

V. The said Corporation shall, once in every year, in such manner as may be appointed by the by-laws of the Institution, report to the Easter Meeting of the Pewholders of the Cathedral used as the Parish Church or of the Parish Church if such separate Church should be established, to be held at the building occupied by it, and shall then and there submit to the said Easter Meeting a detailed statement of the receipts and expenditure of the Corporation, since the then last Annual Meeting, and the Easter Meeting may appoint one or more Auditors to examine and report upon the said accounts and the vouchers accompanying the same.

Returns to the Legislature.

VI. The said Corporation shall yearly make to the Governor of this Province, a return of the real property held by it, showing its description and value, and shall at all times, when thereunto required by the Governor, or either Branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure, for such period and with such details as the Governor, or either Branch of the Legislature, may require.

Public Act.

VII. This Act shall be deemed a Public Act.

C A P . C L X X X V I I .

An Act to incorporate the Sisters of our Lady of Loretto, in the Diocese of Toronto.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS an Association of Religious Ladies hath existed for several years in the Diocese of Toronto, in Upper Canada, under the name of "The Sisters of our Lady of Loretto," who have formed an institution for the instruction and education of young persons of the female sex, and have instructed and educated a great number of young persons gratuitously, and others at very moderate rates; And whereas the said Ladies have by their Petition prayed, that the said Association may be incorporated, and in consideration of the great benefits which must arise from the said Association, it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain Ladies incorporated.

I. The Mother, Ellen Dease, in religion called Reverend Mother or Superioress, Anne Maria Murray, in religion called Sister M. J. Joachim, Kate Cullahan, in religion called M. J. Purification, Elizabeth Macnamara, in religion called Mary Joseph

Joseph, and such other persons as shall, under the provisions of this Act, become members of the said Association, shall be and are hereby declared to be a body politic and corporate, in deed and in name, by the name of "The Sisters of our Lady of Loretto, for the Diocese of Toronto, in Upper Canada," 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 actual use and occupation only of the said Corporation, any lands, tenements and hereditaments, and real and immoveable property and estate, situate, lying and being within the City of Toronto, or elsewhere in this Province, and the same to sell, alienate and dispose of, whensoever the said Corporation may deem it proper so to do ; 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 Equity 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 and be sued, implead and be impleaded, answer and be answered unto, in any manner whatsoever ; and the Mother Superioress and her Council, for the time being, shall have power and authority to make and establish such rules, orders and regulations, not being contrary to this Act, nor to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the 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 such rules, orders and regulations, or any of them, or those of the said Institution in force at the time of the passing of this Act, and shall and may do, execute and perform all and singular other, the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto, subject, nevertheless, to the rules, regulations, stipulations and provisions hereinafter prescribed and established.

Corporate name and general powers.

Real property.

Suing and being sued.

By-laws.

Amending By-laws.

II. Provided always, that the rents, revenues, issues and profits of all property held by the said Corporation, shall be appropriated and applied solely to the maintenance of the members of the Corporation, the construction and repairs of the buildings requisite for the purposes of the said Corporation, and to the advancement of education, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Proviso : as to application of revenue.

III. All and every the estate and property belonging to or hereafter to be acquired by the members of the said Association as such, and all debts, claims and rights whatsoever due to them

Estate belonging to the present Association.

tion vested in Corporation. them in that quality, shall be and are hereby vested in the Corporation hereby established, and the rules, orders and regulations now made or to be made for the management of the said Association, not being inconsistent with this Act, or with the law of the land, shall be and continue to be the rules, orders and regulations of the said Corporation, until altered or repealed in the manner herein provided.

Superiresses and Council may appoint certain Officers and Servants.

IV. The aforesaid Mother Superiress and Council of the said Corporation, for the time being, shall have power to appoint such attorney or attorneys, administrator or administrators of the property of the Corporation, and such officers and teachers and servants of the said Corporation, as shall be necessary for the well-conducting of the business and affairs thereof, and to allow to them such compensation for their services respectively, as shall be reasonable and proper; and all officers so appointed shall be capable of exercising such other powers and authority for the well-governing and ordering of the affairs of the said Corporation, as shall be prescribed by the rules, orders and regulations of the said Corporation.

Powers of Officers.

Annual statement of real property.

V. It shall be the duty of the said Corporation to lay before each branch of the Provincial Legislature, within thirty days after the beginning of each session, a detailed statement of the real or immoveable property or estate held by virtue of this Act.

Public Act.

VI. This Act shall be deemed to be a Public Act, and the Interpretation Act shall apply to it.

C A P . C L X X X V I I I .

An Act to amend the Act incorporating the Montreal St. Patrick's Orphan Asylum.

[Assented to 27th May, 1857.]

Preamble.

18 V. c. 235.

FOR the avoidance of doubts under the Act passed in the eighteenth year of Her Majesty's Reign, intituled: *An Act to incorporate the Director and Trustees of the Montreal St. Patrick's Orphan Asylum*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

How the Director may be appointed and removed.

I. The Director of the corporation created by the Act mentioned in the Preamble of this Act, shall, from time to time be appointed by the Roman Catholic parish priest of the parish of Montreal, who may remove any such Director and appoint another in his stead; but the present Director shall remain in office until his decease or his removal as aforesaid.

II. Notwithstanding any thing in the eighth section of the said Act, the By-laws, orders and regulations, made or to be made by the said Corporation, shall extend and apply solely to the temporal administration of the institution.

By-laws to apply only to temporal matters.

III. This Act shall be deemed a Public Act.

Public Act.

C A P . C L X X X I X .

An Act to amend the Act relating to Savings' Banks as it concerns the "Caisse d'Economie Notre Dame de Québec."

[Assented to 27th May, 1857.]

WHEREAS under the provisions of the Act passed in the Session 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 doubtful whether such institutions can legally acquire and hold real property; And whereas, also, it is unlawful for any Director or Directors, Trustee or Trustees, or other persons having direction in the management of any Savings' Bank established under the said Act, directly or indirectly to have any salary, allowance, profit or benefit whatever from the deposits made therein, or the produce thereof, beyond their actual expenditure for the purposes of such Institution; And whereas it is expedient to amend the said Act in these respects as regards the "Caisse d'Economie Notre Dame de Québec" established under the provisions of the said Act, in the City of Quebec: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

4, 5 V. c. 32.

I. It shall and may be lawful for the "Caisse d'Economie Notre Dame de Québec," now established in the said City of Quebec, under the Act above mentioned, to acquire, hold and possess real property, within the limits of the said City of Quebec, provided the real property so to be acquired be only such as shall be requisite for the transaction of its business; and all such real property shall vest in the Directors or Trustees for the time being of the said Institution, in the same manner as is already provided in respect to personal property belonging to the same; and the dispositions of the said Act, applicable to such personal property, shall extend to, govern and be applicable to all such real property to be acquired under the provisions of this Act; and in case of its being deemed desirable for the interest of the institution to sell or convey the whole or a part of such immoveable property, it shall be lawful for the Directors or Trustees of the said Institution, or the major part of them, (not being less than two thirds,) and they are hereby empowered to sell and to convey or assign the same, subject to such rules and regulations as may from time to time be made

Caisse d'Economie Notre Dame de Québec may hold real property for its occupation, subject to certain conditions.

May sell the same and acquire other property, and how.

Proviso. by the said Institution, transcribed and deposited in the manner prescribed by the second section of the Act aforesaid; Provided always, that no sale of the said real property of the Institution shall be made or shall be valid until the resolution of the Directors to that effect shall have been submitted to and approved by the Governor in Council.

First Director may be paid for his services. II. It shall be lawful for the Directors or Trustees of the said "Caisse d'Economie Notre Dame de Québec" to give and grant to the President or first Director or Trustee of that Institution, as a remuneration for his services, any sum or sums of money not exceeding two hundred and fifty pounds currency, per annum, out of the profits on the funds deposited in their hands as such Directors or Trustees; any thing in the said Act relative to Savings' Banks to the contrary notwithstanding.

Public Act. III. This Act shall be deemed a Public Act.

C A P . C X C .

An Act to enable the Trustees of Glebe Lot number twenty-nine, in the second Concession of the Township of Edwardsburgh, to sell and convey the East half of said Lot, originally granted in trust as an Endowment or Glebe for the Presbyterian Church in the Town of Brockville in connection with the Church of Scotland, and for other purposes.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS the Minister, Trustees and other members of St. John's Church in the Town of Brockville in connection with the Church of Scotland, have by their petition to the Legislature represented that by an Indenture bearing date the first day of June, in the year of Our Lord One Thousand Eight Hundred and Forty-six, Two Hundred Acres of Land, being Lot number twenty-nine in the second Concession of the Township of Edwardsburgh, was granted by the Crown as an Endowment or Glebe for the said Church, with power to the Trustees therein named or their successors, to sell and convey any part or parts of the said parcel or tract of Land not exceeding on the whole one half thereof, and to apply the proceeds to or towards the erection of a Church in the said town of Brockville for the use of the said congregation in connection with the Church of Scotland; that the said Trustees, by virtue of the powers in them vested, did sell and convey the West half of the said Lot for the purpose aforesaid; and that, owing to the distance of the said lot from Brockville, the congregation of St. John's Church have not, nor are they likely to derive any benefit from the same; And whereas the Trustees of the said Glebe Lot further represent that they are desirous to sell and dispose of the

the above mentioned property, namely the East half of lot number twenty-nine in the second concession of the Township of Edwardsburgh, mentioned and more particularly described in the said Indenture of the first day of June, one thousand eight hundred and forty-six, and to appropriate the proceeds of the sale to the purchase of a lot of ground in, or near, the town of Brockville, for the purpose of erecting thereon a manse or parsonage, or to apply the proceeds to the erection of a manse or parsonage upon the lot of ground now occupied by the Church, as may seem most expedient: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. It shall and may be lawful for the Trustees of the said Glebe Lot and their successors, or a majority of them, to sell, alienate and convey by a good and sufficient title under their signature, all or any portion of the said East half of lot number twenty-nine in the second Concession of the Township of Edwardsburgh, granted to them by the Crown and now remaining unsold, to any other party and apply the proceeds thereof towards the purchase of a lot of ground in or near Brockville, for the purpose of erecting a manse or parsonage on the same, or towards the erection of a manse or parsonage on the lot now occupied by St. John's Church in the said town of Brockville, as to the said Trustees or a majority of them shall appear most expedient.

Trustees of the said Glebe Lot empowered to sell the same or part of it.

Application of the proceeds.

II. This Act shall be deemed a Public Act.

Public Act.

C A P . C X C I .

An Act to amend the Act incorporating the Minister and Trustees of St. Andrew's Church, Montreal.

[Assented to 27th May, 1857.]

WHEREAS it is expedient to amend the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to incorporate the Minister and Trustees of St. Andrew's Church, Montreal*, and among other things to provide for the annual election of Trustees of the said Church, for which amendments the Minister and proprietors of the said Church have petitioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.
12 V. c. 164.

I. On the twenty-fifth day of December next after the passing of this Act, all the Trustees of the property of the said St. Andrew's Church, save the Minister or Clergyman for the time being of the said Church, shall go out of office, and shall cease to be Trustees for any purpose whatsoever connected with the property or affairs of the said Church, but shall not, from the

All the Trustees to retire on Christmas day next.

To be re-eligible. fact of having previously been Trustees, be disqualified from re-election, in the manner hereinafter mentioned, nor shall any Trustee who may be hereafter elected, from the fact of having been such Trustee, be disqualified from re-election, after his term of office shall have expired.

Annual meeting to be held on Christmas day.

Proceedings at such meeting.

Powers of meeting.

II. An annual general meeting of proprietors of pews in the said Church shall be held on the twenty-fifth day of the month of December in each year, save when it falls on a Sunday, in which case it shall be held on the Monday following, in the building now used by them for Divine Worship, in the City of Montreal, known as the St. Andrew's Church, at the hour of eleven, unless any other special time or place should be at any time appointed by the Trustees for that purpose, in which case such annual general meeting shall be held at such time and place as may, from time to time be so appointed for that purpose ; and such annual general meeting shall be presided over in the manner directed by the seventh section of the Act above cited ; and besides the powers of election hereinafter specified, such meeting shall and may exercise all the powers that proprietors could heretofore exercise, at any meeting held pursuant to the above cited Act, and shall be competent for the transaction of business generally.

Number of Trustees to be seven, including the Minister.

Quorum.

III. Notwithstanding anything in the aforesaid Act contained, the number of Trustees for holding the property of the said Church and for the powers held by the present Trustees, shall be seven, including the Minister or Clergyman for the time being, who shall always be *ex officio* a Trustee, whereof four shall be a quorum for the transaction of all kinds of business, of which Trustees, the six, exclusive of the Clergyman, shall be elected at the first annual meeting which shall take place next after the passing of this Act.

Order in which the Trustees shall retire from Office ; two every year.

What minute only need be made of the

IV. Of the six Trustees who shall be elected, at the first general annual meeting next after the passing of this Act, two shall be out of office in succession, each following year, at the time of the holding of the annual general meeting, beginning with those of the six Trustees who shall have the smallest number of votes, and ending with the two who have had the largest number ; and in case of any difference arising as to the rotation in which the said six Trustees, so to be first elected, shall go out of office, it shall be determined among themselves by vote, or in default thereof by the proprietors at the next annual general meeting ; and after all the said six Trustees so to be first elected shall have gone out of office, those who shall be subsequently elected shall go out of office in rotation according to their seniority of election ; and Trustees going out of office shall be replaced by Trustees elected at the meeting taking place at the respective times they shall so go out of office ; and no instrument need be hereafter made or executed declaratory of any such election, nor need any enregistration thereof be made

made at the Prothonotary's office or elsewhere, save an entry thereof in the minutes of the meeting at which the election takes place, and such election shall be valid and effectual to all intents and purposes notwithstanding any thing contained in the ninth section of the above cited Act, or in any other Act or Law.

election of
Trustees.

V. Should there be any failure to hold any such annual meeting, or should any vacancy occur previous to any of the annual general meetings, then Trustees may be elected, or such vacancies filled up, either at the next annual general meeting, or by a meeting of proprietors to be called pursuant to the provisions of the seventh section of the Act above cited; and in case of any failure to elect Trustees as hereinbefore directed, those who should have gone out of office but for such failure, shall remain in office, and be to all intents and purposes Trustees, until their successors shall have been elected.

Filling vacancies among
Trustees, &c.

VI. This Act shall be deemed a Public Act.

Public Act.

C A P . C X C I I .

An Act to authorize the Trustees for the Congregation of Saint Andrew's Church in the Town of Guelph, adhering to the Presbyterian Church of Canada in connection with the Church of Scotland, to sell certain lands held by them in trust for such Congregation.

[Assented to 27th May, 1857.]

WHEREAS the Trustees for the congregation of Saint Andrew's Church in the Town of Guelph, adhering to the Presbyterian Church of Canada in connection with the Church of Scotland, represent that certain lands, composed of the following parcels, namely: Lots twenty-three to thirty-nine both inclusive in the first range, lots twelve to twenty both inclusive, in the second range, lots fourteen to twenty both inclusive in the third range, and lots fifteen to twenty-one both inclusive in the fourth range, all in Division A of the Township of Guelph in the County of Wellington, were granted to such Trustees by the Canada Company, the said lands being the parcels of land described in the Grant thereof from the Canada Company to such Trustees, bearing date the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and forty-eight; And whereas the said Trustees and certain members of the said congregation have by their petition to Parliament set forth certain reasons, from which it appears that it would be advantageous to the said congregation that the said Trustees should have power to sell the said lands, and the said petitioners have prayed that such power be granted to the said Trustees: Therefore, Her Majesty, by and with the advice and

Preamble.

consent of the Legislative Council and Assembly of Canada, enacts as follows :

The said Trustees may sell the said lands or part of them, &c.

I. The said Trustees or their successors in office are hereby authorized to sell from time to time, by private contract or public sale, either for cash or on credit, the whole or such part or parts of the said lands as such Trustees may deem it necessary to sell, to raise a fund towards the erection of a Church in the said Town of Guelph for the use of the said congregation, and for the general purposes of the said Church, and such Trustees are hereby authorized to take security on real property for such portion or portions of the purchase money for the said lands as may remain unpaid at the time of such sale or sales being effected.

Application of the purchase money.

II. The said Trustees or their successors are hereby authorized to apply a portion of the purchase money arising from such sale or sales (such portion not to exceed two thousand five hundred pounds) towards the erection of a Church for the said congregation in the Town of Guelph; the balance of such purchase money the said Trustees or their successors are hereby authorized to invest in Government securities or securities on real property, (with power to the Trustees to call in and re-invest in the like securities) for the purpose of creating a fund for the support of the Minister of the said Church, and for the general purposes of the said Church.

Public Act.

III. This Act shall be deemed a Public Act.

C A P . C X C I I I .

An Act to authorize the Trustees of the Presbyterian Society of Hamilton to sell and convey certain Church property held by them.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS Calvin McQuesten, James P. Dickerman, and James Osborne, the present Trustees of the Hamilton Presbyterian Society, have, by their Petition to the Legislature represented, that by a Deed of Conveyance made in pursuance of an Act of the Parliament of the late Province of Upper Canada, passed in the ninth year of the reign of His late Majesty King George the Fourth, intituled, *An Act for the relief of the Religious Societies therein named*, and bearing date the fifth day of August in the year of our Lord one thousand eight hundred and thirty-three, one Nathaniel Hughson, of the then Town and now City of Hamilton, in the County of Wentworth, did convey to Francis Leonard, John Binkley, and Lucius Winchester, as Trustees for the Religious Congregation or Society of Presbyterians commonly called the "Hamilton Presbyterian Society," a certain piece of land known as Town Lot number

9 G. 4, c. 2.

number Nine in the third range of the then Town of Hamilton, now City of Hamilton, for the site of a Church for the use of the said Congregation, which Lot is bounded on the east side by Mountain Street, and contains about one quarter of an acre of land, and that subsequently a Church was built thereon and used by the said congregation as a house of worship, until the year one thousand eight hundred and thirty-eight, during which year many of the members of the said congregation removed from this country and those who remained united themselves to other Presbyterian Congregations in the then Town of Hamilton; and further, that the said site is not well adapted for the purpose for which it was obtained, and is not required therefor; And whereas the said Petitioners represent that they are desirous to sell and dispose of the said lands and to apply the proceeds towards the payment of the expense of erecting the McNab Street Presbyterian Church, now being built on the corner of McNab and Hunter Streets, in the City of Hamilton, for the use of the Congregation thereof, and have prayed to be authorized so to do: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. It shall and may be lawful for the said Trustees of the said Hamilton Presbyterian Society or their successors in office or a majority of them, to sell, alienate and convey in fee simple by a good and sufficient title or titles, under their hands and seals, all or any portion of the said Lot of ground described in the Preamble of this Act, and to apply the proceeds thereof towards the payment of the expense of erecting the said McNab Street Presbyterian Church.

Trustees empowered to sell the land mentioned in the Preamble.

II. The purchaser or purchasers of the said lands shall not be required to see to the proper application of the money paid by him or them for the same, and the receipt of the said Trustees for the time being, or a majority of them, shall be a valid discharge to such purchaser or purchasers.

Purchaser not bound to see to trust.

III. No conveyance under this Act shall affect the rights of any party claiming adversely to the title of the said Nathaniel Hughson, or holding any lawful incumbrance on the said piece of land.

Conveyance not to affect claims of certain parties.

IV. This Act shall be deemed a Public Act.

Public Act.

C A P . C X C I V .

An Act to authorize the Ministers of the Church of the denomination known as "The Church of the Order of the Countess of Huntingdon's Connexion," in Lower Canada, to solemnize Matrimony and to keep Registers of Marriages, Baptisms and Burials, and for other purposes therein mentioned.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS divers members of the religious society or denomination of Christians, known as "The Church of the Order of the Countess of Huntingdon's Connexion," resident in Lower Canada, have by their petition to the Legislature, prayed that the Ministers and Pastors thereof, may be authorized to keep in due form of Law, Registers of all Baptisms, Marriages and Burials, which shall by such Ministers or Pastors respectively be performed; and it is expedient to grant the prayer of the said petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Ministers of the said denomination resident in Lower Canada may keep Registers, &c.

I. It shall and may be lawful for any regularly ordained Minister or Pastor for the time being of any Congregation of the said "Church of the Order of the Countess of Huntingdon's Connexion," in Lower Canada, to have and keep Registers of Baptisms, Marriages and Burials, subject always to the penalties of law in this behalf provided according to the laws of Lower Canada; and the said Registers, the necessary formalities as by law already provided in Lower Canada aforesaid, in relation to Registers of like nature, being observed, shall to all intents and purposes have the same effect in law as if the same had been kept by any Minister or Clergyman in Lower Canada now authorized to keep Registers; any law to the contrary notwithstanding.

Proviso: they must be British subjects, or take the Oath of Allegiance; and must prove their Ordination, &c.

II. Provided that no such Minister or Pastor not being a British subject by birth or naturalization, shall be entitled to the benefits hereby granted, unless he shall have taken the oath of allegiance before a Judge of the Superior Court in the district in which he shall reside, which said oath the said Judges are authorized and required to administer, and the same to certify in duplicate, under their signature, whereof one copy shall be filed in the office of the Prothonotary of the said Court, the cost of which filing shall not exceed five shillings, and the other copy shall remain in the possession of the said Minister; nor unless such Minister or Pastor shall, at the time of taking such oath, produce to the Judge the certificate of his ordination, and of his call to become such Minister or Pastor by the said Congregation or legally attested copies of such documents
respectively;

respectively ; And provided also, that the Registers which shall be so kept and the several entries therein, according to the laws of Lower Canada aforesaid, as well as authentic copies of such entries, shall, to all intents and purposes be good and available in law, as if the said Registers had been kept pursuant to any Act, Statute or Law of or in Lower Canada in relation to Registers of Births, Baptisms or Burials.

Proviso.

III. That the duplicate of the Registers to be kept by such Minister or Pastor, shall be the property of the Congregation ; and whenever the connexion between any such Minister or Pastor and the said Congregation shall cease, such Registers shall be deposited with the Trustees thereof, to be kept by the successor of such Minister or Pastor for the use of the said Congregation.

Duplicate Registers to belong to the Congregation.

IV. The said Ministers or Pastors shall, in all respects comply with, and be governed by the Acts, Statutes and Laws at present in force in Lower Canada, in the keeping of the said Registers, and shall in case of disobedience to the requirements thereof, be liable to the penalties in like cases thereby imposed, which penalties shall be paid, recoverable, applied and accounted for in the same manner as the penalties imposed by them are therein directed to be recovered, paid, applied and accounted for.

Ministers to conform to the Laws of Lower Canada.

V. This Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

Public Act.

C A P . C X C V .

An Act to confirm certain Sales and Assurances made by the Executors and Trustees of the Will and Codicil of James Macaulay, deceased, and the partition, division, and appropriation made by the said Executors and Trustees, and others, parties to a certain Indenture bearing date the tenth day of July, in the year of our Lord, one thousand, eight hundred and thirty.

[Assented to 27th May, 1857.]

WHEREAS the Honorable James B. Macaulay, of the City of Toronto, Esquire ; Peter Diehl, of the same place, Esquire, and Ann, his wife ; John Crookshank, of the City of Kingston, Esquire, and Sarah Hayter, his wife ; John Beverley Robinson, of the City of Toronto, Esquire, and Mary Jane, his wife ; John W. Gamble, of the Township of Vaughan, Esquire ; Ann B. Gamble, of the same place, Spinster ; Thomas Ross, of the City of Toronto, Esquire, and Maria S. his wife ; Matthew Vankoughnet, of the City of Toronto, Esquire, and Elizabeth H. his wife ; George H. Boyd, of the City

Preamble.

Recital of the Will, &c.

City

City of Toronto, Esquire, and Mary Shivers, his wife ; William Greycy, of the Township of Vaughan, Esquire, and Elizabeth, his wife ; Ann Gee Macaulay, of Rede-Court, in the parish of Strood, in England, widow ; A. Jesse Macaulay, of the same place, Spinster ; Sarah S. Macaulay, of the same place, Spinster, and J. Jeremy Macaulay, and George Macaulay, of the same place, Esquire, have presented their Petition, stating in substance (amongst other things), That James Macaulay, in his lifetime of the Township of York, (now part of the City of Toronto), Esquire, deceased, was seized in fee of certain real estate, in Upper Canada, including the front halves of Park Lots Nos. nine and ten, in the first Concession from the Bay, in the Township of York, containing about one hundred acres of land, and now composing a portion of the Ward of St. John, in the City of Toronto aforesaid ; That the said James Macaulay, deceased, was first married to Elizabeth Tuck Hayter, who died in the year one thousand eight hundred and nine, leaving issue of their marriage four sons and four daughters her surviving, named respectively, John Simcoe, James Buchanan, George, Elizabeth, Mary, Allan, Ann, and Sarah ; that the said James Macaulay, deceased, was afterwards married to Rachel Crookshank, but had no issue of such second marriage ; that the said James Macaulay, at the time of his said second marriage, and until the time of his death, resided upon the aforesaid front half of Park Lot number nine, and after such second marriage, caused the front parts of the said Lots numbers nine and ten to be surveyed and laid off in building lots with allowance for streets, being the whole width of the said Lots fronting on Queen Street (formerly called Lot Street) about twenty chains, by six chains in depth, and containing about twelve acres of land, and to which tract he gave the name of "Teraulay :—" That the said James Macaulay (having sold and conveyed some of the said building lots, and having contracted for the sale of others, not conveyed by reason of the non-payment of the purchase money in full, and others of the said building lots remaining unsold, but open to sale as purchase might offer), by a certain Indenture bearing date the twenty-ninth day of May, one thousand eight hundred and twenty-one, and made between the said James Macaulay, of the one part, and George Crookshank, and James B. Macaulay of the other part, after reciting among other things the *seizin* of the said James Macaulay of the front halves of the aforesaid Lots numbered nine and ten, and that the sum of six hundred pounds of the moneys of his said wife Rachel, had been then lately expended out of her separate estate as therein expressed in and about the erection of the dwelling house then lately erected on the said Lot number nine, and in which they then lived ; also, that the said James Macaulay had issue by his former wife, four daughters, (being those above named) and that in consideration of the premises and of the natural love and affection of the said James Macaulay towards his said wife Rachel, and his said daughters, he was desirous of making provision for their

their maintenance, and also, of charging the lands above mentioned with the aforesaid sum of six hundred pounds to the sole use and benefit of his said wife Rachel; the said James Macaulay in consideration of the premises aforesaid, and the sum of five pounds, granted, bargained, sold, aliened, released and confirmed unto the said George Crookshank and James B. Macaulay, and their Heirs, a certain portion of the front halves of the said Park Lots numbers nine and ten, being the fifty acres thereof immediately adjoining on the north the aforesaid tract of twelve acres called "Teraulay," and therein more particularly described, together with all houses, &c., *habendum* to the said George Crookshank and James B. Macaulay, their Heirs and Assigns for ever, but to the uses, upon the trusts and for the several ends, intents and purposes, and under and subject to the several provisos, limitations, declarations and agreements therein expressed and declared concerning the same, that is to say: to the use of the said James Macaulay for life, with remainder to the said Trustees to preserve contingent remainders, with remainder to the use of his said wife Rachel, and his said daughters, Mary, Ann, and Sarah (the said Elizabeth being married and provided for) or such of them as should remain sole and unmarried, as joint tenants during the life or widowhood of the said Rachel, and then to the use of the said Trustees to preserve, &c., and from and after the decease of the survivor of them the said James Macaulay and Rachel, his wife, to the use of all and every such child or children of the body of the said James Macaulay upon the body of the said Elizabeth Tuck Hayter his former wife begotten, &c., as the said James Macaulay by Deed or Will or any Codicil thereto, should direct, limit or appoint, and in default thereof, to the use of his said daughters Elizabeth, Mary, Ann, and Sarah, as tenants in common and to their several and respective Heirs, &c., and in default of any of them surviving, then to the use of the said James Macaulay, his Heirs and Assigns for ever; and that for securing the said Rachel the said six hundred pounds, it was declared that it should be lawful for the said Trustees (and they were declared Trustees for that purpose) at any time during the continuance of the said Trusts, to sell and dispose of, limit, appoint, and convey so much of the said lands, and the fee simple thereof to any person or persons either in one or several parcels, and for such price as to them should seem reasonable (other than the aforesaid messuage or dwelling house), as should be sufficient to raise six hundred pounds, with power to give receipts, &c., and to pay the said six hundred pounds to the said Rachel, with a covenant from the said James Macaulay to concur in sales or conveyances, and with proviso that, if the said James Macaulay should, by Will or otherwise, make more ample provision for the raising and appropriating the said six hundred pounds, then all things therein relating thereto should cease and determine; that no part of the lands comprised in that deed, or of the residue of the said Park Lots numbers nine and ten (except as aforesaid) was sold during the lifetime of the

the

Trustees, in the year one thousand eight hundred and twenty-seven, in order to raise the aforesaid sum of six hundred pounds for the said Rachel, the widow aforesaid, did, under and by virtue, and in pursuance of the aforesaid Indenture of Trust and Will, sell and convey to the several purchasers thereof, in fee simple, twenty-four acres of land, part of the front halves of the said Park Lots numbers nine and ten, being twelve chains on Yonge Street, commencing at the distance of twenty-eight chains from the south-east angle of the said Park Lot number nine, and extending thence twelve chains along the west side of Yonge Street aforesaid, by the whole width of the said Park Lots numbers nine and ten, from Yonge Street to the west side of number ten, on the limit between the said Part Lot number ten and Park Lot number eleven, adjoining it on the west, and in the Deeds of Conveyance thereof more particularly described, and thereout paid the said Rachel, and discharged the aforesaid sum of six hundred pounds: that by an Indenture bearing date the fourth day of October, one thousand eight hundred and twenty-nine, between the aforesaid daughter Ann, of the first part, the aforesaid George Crookshank and James B. Macaulay and Christopher A. Hagerman, of the second part, and Peter Diehl, of the third part, after reciting the intended marriage of the said Ann with the said Peter Diehl, &c., the said Ann granted, &c., all her real estate (including) all and singular, the portion, part or share of the said park lots numbers nine and ten, to which she then was or should thereafter be entitled in reversion, remainder or otherwise under and by virtue of the aforesaid Will, unto the parties thereto of the second part, to hold the same by the said parties of the second part upon the trusts, &c., therein declared of and concerning the same; and (among other things) with the assent of the said Ann to lease or absolutely sell and dispose of the whole or any part thereof, with provision for the change of Trustees should it be desired or become necessary. That afterwards by a certain other Indenture bearing date the tenth day of July, one thousand eight hundred and thirty, and made between the aforesaid George Crookshank and James B. Macaulay, of the first part; the aforesaid Widow Rachel, of the second part; Christopher Alexander Hagerman and Elizabeth, his wife, (she being one of the aforesaid daughters), of the third part; John W. Gamble, and Mary, his wife, (she being another of the aforesaid daughters), of the fourth part; Peter Diehl and Ann his wife, (she being one other of the aforesaid daughters), of the fifth part; Sarah, (another of the aforesaid daughters), of the sixth part; and the said James B. Macaulay, of the seventh part; after reciting the *seizin* of the said testator, James Macaulay, in his lifetime, of the aforesaid front halves of park lots numbers nine and ten, that he had laid off the front twelve acres in building lots, and had sold some of them leaving the residue open to sale as purchasers might offer; reciting also the Indenture of trust bearing date the twenty-ninth of May, one thousand eight hundred and twenty-

one,—and the last will and testament and codicil thereto of the said James Macaulay,—the sale by the Trustees aforesaid of the twenty-four acres as aforesaid, to raise the six hundred pounds aforesaid,—also, that the said six hundred pounds having been so raised, the residue of the aforesaid park lots (exclusive of the twelve acres of the front thereof laid off in town lots as aforesaid, the twenty acres reserved as appurtenant to the dwelling house, and the ten acres devised to the said James B. Macaulay as aforesaid), was by the said will directed to be divided between the four daughters of the said James Macaulay as aforesaid, being in all thirty-four acres ; reciting also, that since his death, two of his said daughters, namely, Mary and Ann, had become married, and that Sarah, the youngest of his aforesaid daughters remained sole and unmarried, but was of the full age of twenty-one years, and that the said Sarah then resided with the said Widow Rachel, in the aforesaid dwelling house, on the aforesaid lot number nine ; also, that both of them, the said Rachel and Sarah were willing and desirous that a division or partition of the said thirty-four acres should forthwith take place—the dwelling house aforesaid and twenty acres appurtenant nevertheless remaining to the use of the said Rachel and Sarah respectively, according to the terms of the aforesaid Indenture of trust and will ; reciting also, that all parties were satisfied that it was intended by the said James Macaulay, deceased, that his said son, James B. Macaulay, should have been devised five acres off the rear ends of each of the front halves of the said park lots numbers nine and ten, adjoining the Elmsley farm, (which farm was composed of the rear or north halves of the same park lots numbers nine and ten), and not ten acres off lot number ten exclusively, and that the parties interested were desirous of rectifying the inadvertence accordingly ; also, that it was mutually and interchangeably agreed that the following division should take place, namely : that Elizabeth Hagerman should receive and take, as her full share and portion, eight acres of the said thirty-four acres off the south-west corner of the said park lots adjoining the aforesaid town plot of Teraulay, being five chains seventy links in front or width, by fourteen chains in depth ; that the said Mary Gamble should receive and take, as her full share and portion, eight acres of the said thirty-four acres next adjoining on the south the aforesaid tract of twenty-four acres, sold to raise the six hundred pounds as aforesaid, being four chains on Yonge street, by the whole width of the said park lots numbers nine and ten, of twenty chains ; that the said Ann Diehl should receive and take, as her full share and portion, ten acres of the said thirty-four acres next adjoining on the north the aforesaid tract of twenty-four acres, being five chains on Yonge street, by the whole width of the said park lots numbers nine and ten, of twenty chains ; and that the said Sarah should receive and take, as her full share and portion, eight acres of the said thirty-four acres next adjoining on the south the eight acres to be received and taken by the said

Mary

Mary as aforesaid, being four chains on Yonge street, by the whole width of the said park lots numbers nine and ten, of twenty chains,—and thus leaving as appurtenant to the aforesaid dwelling house, fourteen chains in front on Yonge street, by fourteen chains and thirty links in depth, and bounded on the east by Yonge street, on the south by Teraulay aforesaid, on the west by the tract to be received by the said Elizabeth as aforesaid, and on the north by the tract to be received by the said Sarah as aforesaid; also, that the said James B. Macaulay should receive and take as his ten acres, five acres off the rear of the front halves of the said park lots numbers nine and ten as aforesaid, and relinquish all claims to the southerly five acres of the ten acres of the front half of the said park lot number ten, next adjoining the Elmsley farm aforesaid; all which several parcels of land were in the said Indenture particularly described; and after reciting also the concurrence of all parties in such division, &c., they did mutually and interchangeably grant, bargain, sell, assign, apportion, partition, divide and dispose of the aforesaid thirty-four acres of land, and other the premises to be thereby settled and disposed of as aforesaid, and all right, title and interest of, in and to the same in possession, reversion or remainder; *habendum* to the heirs and assigns for ever, of each respectively, of, in and to the share or portion so apportioned and assigned as aforesaid; which said partition and division was further shown by reference to the said diagram or plan of the front halves of the said park lots to the said petition annexed; that it was the wish and desire of the parties beneficially interested in the lands so divided, partitioned and apportioned as aforesaid, that each should hold the share or part so apportioned and assigned to each respectively, in fee simple, and to convert the supposed estates tail of the said Elizabeth, Mary, Ann and Sarah, into estates in fee simple, so far as within their power, under and by virtue of the Indenture last aforesaid, which said Indenture was executed before the passing of the Statute of Upper Canada, passed in the second year of the Reign of His late Majesty King William the Fourth, chapter thirty-five, for the partition of real estate, and before the Statute of Canada, passed in the ninth year of Her Majesty's Reign, chapter eleven, for the substitution of more simple modes of assurance in lieu of fines and recoveries; and that the Courts exercising jurisdiction in Upper Canada, in the year one thousand eight hundred and thirty, did not afford the necessary facilities for enabling married women to levy fines or suffer recoveries to bar entails, according to the law of England at that period; but that the said Indenture was executed and acknowledged by such of the parties thereto as were *femes-coverts* in conformity with the then existing law of Upper Canada, for disposing of and parting with their Real Estate by married women; and that the parties interested had ever since desired and considered the arrangement aforesaid as vesting in them respectively in fee simple absolute the several shares or portions assigned to them as aforesaid,

aforesaid, and that it was the wish and desire of all such parties that such should be the effect thereof; and that the parties respectively, their heirs and assigns, had ever since possessed and enjoyed the shares or portions so assigned and apportioned, without any claim, hindrance or denial to the contrary; that the said Allan Macaulay, after the death of his said father, having complied with the conditions in the said Will contained, as respected his profession and residence with relation to the dwelling house, and twenty acres appurtenant devised to him as aforesaid, the same became vested in him accordingly; and that he afterwards died intestate and without issue, whereupon his eldest brother, John Simcoe Macaulay, became his heir-at-law, and succeeded to the inheritance thereof in fee; and that to confirm the said John Simcoe Macaulay in the said Estate and inheritance, his sisters jointly with their husbands, afterwards, for valuable considerations, released and confirmed the same unto the said John Simcoe Macaulay, his heirs and assigns for ever; that the said Elizabeth Hagerman and Mary Gamble have since departed this life leaving issue, and their respective husbands them surviving, but that the husband of the former had since died; that the said Elizabeth left one son named James Talbot, who left Upper Canada of full age, in the year one thousand eight hundred and forty-nine, and two daughters named Elizabeth and Mary Jane, of whom the former was afterwards, married, and died under coverture, leaving issue one only child, a son, not yet of the full age of majority; and the latter (Mary Jane) is now the wife of John Beverley Robinson, Esquire, parties signing the said Petition; that the said Mary Gamble, deceased, left four daughters but no son; that one of the said daughters afterwards died intestate and without issue, and that the other three are Elizabeth, wife of William Greyc, Esquire, Mary Shivers, wife of George W. Boyd, Esquire, and Ann, of full age and unmarried, and all of whom are parties signing the said Petition; that the said Park Lots numbers nine and ten, now form a large part of the Ward of St. John, in the said City of Toronto; that the several persons whose names were subscribed to the said Petition, were desirous, for their own sakes and for the repose of all persons interested in the premises, that the family arrangements above mentioned should be confirmed, and the validity thereof be established according to the design and import thereof, as before explained; and also, that the several Deeds made and executed by the aforesaid Executors and Trustees as aforesaid, should be likewise confirmed by Act of Parliament, so that all persons respectively interested in the premises aforesaid, might be severally, mutually and reciprocally bound according to such deeds, and the said Indenture of the tenth July, one thousand eight hundred and thirty, and that all persons holding from or under the Executors, Trustees or Devises of the said James Macaulay, deceased, or any of them, or the said John Simcoe Macaulay respectively, may be finally and incontrovertibly secured in the Estate or interest which may have been

been bargained for, sold or conveyed to them or any of them, or intended so to be, according to the import, true intent and meaning of such bargains, sales or conveyances respectively, and as if the said Elizabeth, Mary, Ann and Sarah, the four daughters aforesaid had been vested with and were seized of indefeasible Estates in fee simple of and in the several parcels or tracts of land so partitioned, apportioned or assigned to them respectively, by the terms of the said Indenture of the tenth July, one thousand eight hundred and thirty : Wherefore, (a great many years having elapsed since the transactions and arrangements aforesaid took place, and were concluded,) the Petitioners humbly prayed that an Act might be passed to ratify and confirm the various Sales and Deeds of Conveyance made by the Executors and Trustees aforesaid, as before explained, and to ratify and confirm in fee simple, the division and partition of the residue of the aforesaid Estate, under the aforesaid Indenture, bearing date the tenth of July, one thousand eight hundred and thirty, and the Estate of the said John Simcoe Macaulay, his heirs and assigns, in and to the aforesaid dwelling house, and twenty acres appurtenant as aforesaid ; And whereas it is expedient to grant the prayer of the said Petitioners : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts, as follows :

Certain conveyances and assurances in the Preamble mentioned, ratified and confirmed.

I. The several and respective sales and deeds of conveyance or assurance, made, executed and delivered by the Trustees, George Crookshank and James B. Macaulay, and in the Preamble of this Act mentioned, of certain parcels, tracts or portions of the front halves of the Park Lots numbers nine and ten in the Preamble of this Act also mentioned, expressed or intended to be made, executed and delivered under and in execution of the powers or trusts expressed or contained in the Indenture, bearing date the twenty-ninth of May, one thousand eight hundred and twenty-one, or in the Will or Codicil in the Preamble of this Act, also severally mentioned, or in any or either of them, are hereby ratified and confirmed, and declared to be valid and effectual to pass, transfer and convey the lands, tenements and hereditaments, estates and interests, which they severally and respectively purport to pass, transfer and convey, according to the import, true intent and meaning thereof, and valid and effectual to bind all persons beneficially entitled to any Estate or interest therein or thereto in possession, reversion or remainder, vested, contingent, executory or otherwise howsoever, under or by virtue of the said last mentioned Indenture of Trust, or under the said Will or Codicil, or any or either of them, or by descent from the Testator, James Macaulay, being of full age, and petitioning for or consenting to the passing of this Act, or hereafter assenting hereto under hand and seal.

A certain partition under

II. The division, partition and apportionment of the residue of the aforesaid Estate, or front halves of Park Lots numbers nine

nine and ten aforesaid, under the Indenture bearing date the tenth day of July, one thousand eight hundred and thirty, in the Preamble of this Act also mentioned, is and are hereby ratified and confirmed, and declared to be valid and effectual to bar all entails and to pass and vest estates in fee simple, to and in the parties severally and respectively mentioned and interested therein, of, in and to the parcels or portions of land to them severally and respectively apportioned, partitioned or assigned, according to the intent of the said Indenture, and the prayer of the said Petition in the Preamble of this Act recited ; and that the same shall be valid and effectual to bind all persons, their heirs and assigns, beneficially entitled or who might be hereafter beneficially entitled to any interest in possession, reversion or remainder, vested, contingent or executory or otherwise howsoever, under the said Indenture of Trust, bearing date the twenty-ninth May, one thousand eight hundred and twenty-one, or the said Will or Codicil, or any or either of them, or by descent from the said Testator, James Macaulay.

an Indenture in the Preamble mentioned, ratified and confirmed and declared valid to bar entails and vest fee simple estates in parties interested.

III. The said descent from his brother Allan to and upon John Simcoe Macaulay, and the deed of release, and confirmation from the daughters of James Macaulay, deceased, and their husbands, to the said John Simcoe Macaulay, his heirs and assigns, of the dwelling house and twenty acres of land appurtenant, in the preamble of this Act also severally mentioned, did impart confer *seizin* in fee simple upon and unto the said John Simcoe Macaulay, his heirs and assigns for ever, of, in, to and out of the said dwelling house and twenty acres of land appurtenant as aforesaid ; and shall be valid and effectual to bind all persons who might be otherwise beneficially entitled to any interest, vested, contingent, or executory or otherwise, under the said Indenture of trust of the twenty-ninth May, one thousand eight hundred and twenty-one, or under the said Will or Codicil, or any or either of them, or by descent from the said Testator, James Macaulay ; and shall be valid and effectual to support all and every the Sale or Sales, Deeds, Conveyances and Assurances thereof, or of any part thereof, made by the said John Simcoe Macaulay, since the death of his aforesaid brother, Allan Macaulay.

Seizin of certain property declared to have been conferred upon J. S. Macaulay by descent from his brother, and a certain Deed of Release from his sisters and their husbands.

IV. Nothing in this Act contained shall affect or be construed to affect the operation of any Statute of Limitations, upon or in relation to the lands, tenements, hereditaments and premises in the Preamble to this Act and in this Act mentioned or referred to, or to any portion, share or part thereof, or as they or either of them may apply or extend to any person or persons entitled to, possessed of, or interested in the same, or in any part or parcel thereof, in possession, reversion or remainder, or otherwise howsoever.

Statute of Limitations not affected by this Act.

V. This Act shall be deemed a Public Act.

Public Act.

CAP. CXCVI.

An Act to enable James Carlton Grant and others to confirm the Sale of certain Lands in the Town and Township of Hope, in the County of Durham, late of Reuben Pitkin Grant, deceased, and to execute conveyances of the same, notwithstanding their disability.

[Assented to 27th May, 1857.]

Preamble.

Will, &c., recited.

WHEREAS Reuben Pitkin Grant, late of the Town of Port Hope, deceased, departed this life on or about the Third day of September, one thousand eight hundred and thirty-four, having first made and published his last Will and Testament in writing, duly executed and attested in such manner as is by law required for the bequest of Personal Estate, but which is sufficient for the devise of Real Estate, and which Will bears date on or about the Twenty-third day of December, one thousand eight hundred and fifty-three, and is, so far as the same relates to the Lands hereinafter mentioned, in the words and figures or to the purport and effect following, that is to say: "I will and positively order all my debts to be first paid, and next I will and positively order, that my dear and loving wife Elizabeth may have free and full controul of all my remaining wordly effects and estate, through and during her natural life, and at her decease to be equally divided amongst my children, but in case of her marriage, then, I order that, at that period my dear wife shall share equally with my children; And further, I do constitute and appoint James Grant, of Port Hope, and Isaac B. Ostrom, of Bowmanville, to be joint Executors together with my loving Wife Elizabeth, to see to the legal and proper execution of this my last Will and Testament"; And whereas the Personal Estate of the said Reuben Pitkin Grant was not sufficient for payment of his debts, and the said James Grant, Isaac B. Ostrom and Elizabeth Grant, under the express supposition that they were empowered to dispose of the said Testator's real estate, for the purpose of the payment of his debts, and disposed of certain parts thereof, being the several lands hereinafter mentioned and set forth in the Schedule to this Act marked A, comprising sixty-three acres and seventeen one hundred and seven hundred and eighty-nine pounds twelve shillings and six pence, and they also sold and disposed of certain other parts thereof, being the several lands mentioned and set forth in the Schedule hereto annexed marked B, comprising a Building in the Town of Port Hope, to one John Knatchbull Roche, Esquire, at or for the price or sum of one hundred and thirty pounds ten shillings, and by an Indenture of Bargain and Sale bearing date on or about the Ninth day of July now last past, and made between the said James Grant, Isaac B. Ostrom and Elizabeth

Elizabeth

Elizabeth Grant, by the name of Betsey Grant, and therein described as Executors and Executrix and Trustees, under the last Will and Testament of the said Reuben Grant, of the first part, and the said George Tate of the second part, in consideration of the sum of seven hundred and eighty-nine pounds twelve shillings and six pence, to them paid by the said George Tate, the receipt whereof is thereby acknowledged, all and singular the said lands and hereditaments comprised in the said Schedule marked A, were or were intended to be duly conveyed and assured by them the said James Grant, Isaac Brock Ostrom and Elizabeth Grant, unto and to the use of the said George Tate, his heirs and assigns for ever, and by a certain Deed Poll or Instrument in writing under the hands and seals of the said James Grant, Elizabeth Grant and Isaac Brock Ostrom, and bearing date on or about the Second day of October, in the year one thousand eight hundred and fifty-five, in consideration of the sum of one hundred and thirty-seven pounds ten shillings to them paid by the said John Knatchbull Roche, the receipt whereof is thereby acknowledged all and singular the said lands and hereditaments comprised in the said Schedule marked B, were or were intended to be duly conveyed and assured by them the said James Grant, Elizabeth Grant and Isaac Brock Ostrom, unto and to the use of the said John Knatchbull Roche, his heirs and assigns for ever; And whereas the said James Grant, Isaac Brock Ostrom and Elizabeth Grant duly applied the said several sums of seven hundred and eighty-nine pounds twelve shillings and six pence, and one hundred and thirty-seven pounds ten shillings, amounting together to the sum of nine hundred and twenty-seven pounds two shillings and six pence, in payment and discharge of debts due and owing by the said Testator at his decease, and particularly in or towards the payment and discharge of a certain Mortgage debt or sum of three hundred pounds, due and owing and charged on part of the said premises to or in favor of one Henry Ruttan, of a certain debt or sum of one hundred and fifty pounds, due and owing from the said Testator to one Leonard Soper, and of a certain other Mortgage debt or sum of four hundred pounds due and owing and charged on other part of the real estate of the said Testator to or in favor of the Trust and Loan Company of Upper Canada; And whereas by Indenture bearing date the Twenty-fourth day of February, one thousand eight hundred and fifty-seven, and made between the said Elizabeth Grant, Isaac Brock Ostrom and Mary, his wife, Charles Monteer and Eliza, his wife, Emily Grant and Jane Grant, of the one part; and the said George Tate, of the other part: they the said Elizabeth Grant, Mary Ostrom, Eliza Monteer, Emily Grant, and Jane Grant, being the widow and four daughters of the said Testator who had attained the age of twenty-one years, with their respective husbands, concurred in conveying their estate and interest of and in the lands and hereditaments comprised in the said Schedule A, unto the said George Tate, his heirs and assigns, and they are ready

and willing to join in a like conveyance to the said John Knatchbull Roche of the lands and hereditaments comprised in Schedule B, but James Carlton Grant, Reuben Carroll Grant, and Egerton Ryerson Grant being the sons of the said Testator, and being infants under the age of twenty-one years, that is to say, the said James Carlton Grant, being of the age of twenty years, the said Reuben Carroll Grant of the age of eighteen years, and the said Egerton Ryerson Grant of the age of fifteen years, are incapable of corroborating and confirming the said respective sales; And whereas the sales of the said lands have respectively been made upon terms most advantageous to the estate of the said Testator, and large expenses have been saved to the said estate by means thereof; And whereas the said James Carlton Grant, Reuben Carroll Grant, and Egerton Ryerson Grant, the said infants, are desirous of confirming the said sales, but being respectively infants, as aforesaid, are incapable of so doing: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Devises empowered to confirm the title of G. Tate and J. Knatchbull to certain lands, although such Devises may be under age.

I. From and after the passing of this Act, it shall and may be lawful for the said James Carlton Grant, Reuben Carroll Grant, and Egerton Ryerson Grant, Devises as aforesaid, to convey and assure to the said George Tate and John Knatchbull Roche respectively, and their respective heirs and assigns, the respective shares and interests of them the said James Carlton Grant, Reuben Carroll Grant and Egerton Ryerson Grant, of and in the said several tracts or parcels of land so purchased or agreed to be purchased by them the said George Tate and John Knatchbull Roche, and so conveyed or intended to be or to have been conveyed to them as aforesaid, and to confirm and corroborate the said sale and purchase of the same respectively; and such conveyances and confirmations respectively, so to be had and made as aforesaid, shall be and the same are hereby declared to be as good and effectual in law to all intents and purposes whatsoever, as if the said James Carlton Grant, Reuben Carroll Grant, and Egerton Ryerson Grant, were respectively at the time of making the same of the full age of twenty-one years, any law, custom or usage to the contrary thereof in any wise notwithstanding.

Purchase money paid by Tate and Knatchbull to be part of personal estate of R. P. Grant.

II. The said several sums of seven hundred and eighty-nine pounds twelve shillings and six pence, and one hundred and thirty-seven pounds ten shillings, the respective purchase or consideration moneys so paid by the said George Tate and John Knatchbull Roche respectively, for the said several tracts or parcels of land as aforesaid, shall be had and taken, and are hereby declared respectively to be the full and actual value of the said tracts or parcels of land so conveyed and assured and hereby authorized and empowered to be sold and conveyed as aforesaid, and shall be taken to be parcel of the personal estate of the said Reuben Pitkin Grant, and accounted for as such by the said Executors in the administration of such personal estate.

SCHEDULE

SCHEDULE A.

All and singular those certain parcels or tracts of land and premises situate, lying and being in the Township of Hope, in the County of Durham, of the said Province, being composed of Lot No. 21, in the broken front and the south part of Lot No. 21, in the first concession of the said Township of Hope, and which said parcel or tract of land is butted and bounded, or may be otherwise known as follows: Commencing on the shore of Lake Ontario, at the intersection of the Eastern limit of said Lot No. 21, with the waters of said Lake; thence, northerly, along the Eastern limit of said Lot No. 21, in the broken front, and Lot No. 21 in the first Concession, thirty-five chains and fifty links, more or less, to the Southern limit of Elizabeth Street; thence, westerly, along the southern limit of Elizabeth street, to its intersection with the Western limit of Lot No. 21, in the first Concession aforesaid; thence, southerly, along the Western limit of Lot No. 21, in the first Concession and broken front aforesaid, to the waters of Lake Ontario; thence, easterly, along the shore and waters of Lake Ontario, to the place of beginning; save and except the following lots and parcels of land which are reserved by the said Indenture of the ninth day of July, one thousand eight hundred and fifty-six, viz: Lot No. 27, in Block L, on the east side of Hope Street; Lots Nos. 5, 7, 8, 9, 10, 11, 12, 13, 14 and 15, in Block L, on the east side of Hope Street aforesaid; Lots Nos. 14 and 15 in Block K., on the west side of Hope Street; Lots Nos. 1 and 2 in Block G., on the south side of Major Street; Lot No. 3 in Block D., on the north side of Major Street; Lot No. 2 in Block L.; Lots Nos. 1, 2, 3, 4 and 5 in Block K., south of James Street; Lots Nos. 8, 9, 10 and 11 in Block C., south side of Elizabeth Street; Lots Nos. 1, 2, 4, 5, 6, 7 and 8, in Block D., between Elizabeth and Major Streets, the same being sub-divisions of Lot No. 21, in the first Concession of the said Township of Hope, reference being had to the plan of Survey of John Knatchbull Roche, Provincial Land Surveyor, containing by admeasurement, exclusive of the above reservations, 63 acres and $\frac{17}{100}$ of an acre, save and except any lands theretofore sold by one Joseph Major to James Charles.

SCHEDULE B.

All that certain parcel or tract of land and premises, situate in the said Town of Port Hope, being composed of Building Lot No. 4, on the south side of Ridout Street, the same being a sub-division of Lot No. 8, in the first Concession of the Township of Hope; together with all and singular the hereditaments and appurtenances whatsoever to the same belonging or appertaining.

C A P. C X C V I I.

An Act to appoint Trustees to the estate of the late Charles Bowman.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS Robert Taylor Raynes, Captain in the Twenty-third Royal Welsh Fusileers, and Elizabeth Raynes his wife, daughter of the late Charles Bowman, formerly of the City of Montreal, merchant, deceased, and Henry Starnes, of the City of Montreal, Esquire, and the Honorable John Simpson, of Bowmanville, in the County of Durham, guardians of Victoria Sophia Bowman, also a daughter of the said Charles Bowman, an infant under the age of twenty-one years, have presented their petition stating amongst other things that the said Charles Bowman departed this life on or about the fifteenth day of January, in the year of Our Lord one thousand eight hundred and forty-eight, seized in fee of considerable real estate lying within Upper Canada, and having first made and published his last Will and Testament executed according to law so as to pass real estate by devise within Upper Canada, and which said last Will and Testament bears date on the twenty-seventh day of September, in the year of Our Lord one thousand eight hundred and forty-seven, by which will the said Charles Bowman limited the real estate aforesaid to certain of his children therein named without any power to sell or alienate the same; That the said Charles Bowman had, during his lifetime, sold certain lands in Upper Canada to different persons but had made no sufficient conveyances thereof and had given no one power by his said Will to make such conveyances; That a large tract of land so devised by the Will of the said Charles Bowman lies in the Village of Bowmanville, and it is essential for the wants of the Village and it would be beneficial to the devisees of the same, if power were given to some trustworthy persons to sell and convey a portion thereof and invest the proceeds of such sales for the benefit of those entitled to take under the said Will; and that some lands in Upper Canada, without the Village of Bowmanville, should be sold for the benefit of the said devisees; And whereas it is expedient to grant the prayer of the said petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Trustees appointed for certain purposes relative to said estate.

I. The said Henry Starnes, of the City of Montreal, Esquire, the Honorable John Simpson, of Bowmanville, in the County of Durham, John Burk, of the same place, merchant, and Robert Armour, of the same place, Esquire, and the survivors and survivor of them and their successors to be appointed as hereinafter mentioned, are and is hereby declared to be Trustees for the said Robert Taylor Raynes and Elizabeth Raynes, his wife and

and their children, and the said Victoria Sophia Bowman, of their portion of the said estate of the late Charles Bowman for the following purposes and no other, namely :

1st. To make good and sufficient conveyances of such lands of the said Charles Bowman as were sold during the lifetime of the said Charles Bowman, and for which no conveyances were given, to such person or persons as are legally entitled thereto, their heirs and assigns for ever :

Conveying property sold by Bowman.

2nd. To sell and dispose of all the lands left by the said Charles Bowman in Upper Canada, other than the lands in Bowmanville, and not more than fifty acres of such lands as lie in the Village of Bowmanville, of such parts or portions thereof as to the said Trustees jointly shall seem best, (except the mills and appurtenances thereto pertaining, together with at least ten acres required for the use of the said mills, which shall in no case be sold,) and to give proper conveyances thereof (provided that no sale shall be made by auction and not more than half an acre shall be sold to any one person, and that no sale by the said Trustees to any one of themselves shall in any case be good,) and to receive the consideration money for such sales, and in case of sales on time, to take mortgages and invest the consideration money in good and sufficient securities until the parties entitled thereto shall be of legal age.

Selling a portion of the other real property.

3rd. To hold all such moneys as have arisen or shall arise from any sale or sales made by the said Charles Bowman in his lifetime, or by the said Trustees herein mentioned, under this Act, to and for the uses and purposes of the said Will, and for the benefit and advantage of the devisees entitled to the said lands thereunder.

Applying purchase money to purposes of Will.

II. At any time or times hereafter, in every case of the decease, incapacity or unwillingness to act or resignation of any of the Trustees respectively appointed by this Act, it shall be lawful to and for the Judge of the County Court of the United Counties of Northumberland and Durham, or one of the Judges of one of the Superior Courts at Toronto, on the written application of the devisees or a majority of them, or his or her guardians, to appoint and substitute a new Trustee or Trustees respectively in the room and place of such Trustee or Trustees respectively so dying or becoming unable or unwilling to act or resigning as aforesaid, the said Judge to appoint by writing under his hand the person or persons named by the said devisees or the majority of them, by themselves or their guardian or guardians, and such new Trustee or Trustees so appointed shall have the same powers for all purposes whatsoever in the matters of their respective trusts as if expressly named and appointed in and by this Act.

Appointment of new Trustees in case of death, &c.

III. This Act shall be deemed a Public Act.

Public Act.

C A P .

C A P . C X C V I I I .

An Act to secure to and confer upon Edwin Marcus Chaffee, an inhabitant of this Province, the civil and political rights of a natural-born British Subject.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS Edwin Marcus Chaffee, late of Providence, in the State of Rhode Island, one of the United States of America, and now of Montreal, in this Province, manufacturer, hath by his petition represented, that he hath resided during a large portion of the last three years at Montreal aforesaid, and is now desirous of becoming a naturalized subject of Her Majesty, and hath prayed to be so naturalized: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

E. M. Chaffee naturalized.

I. The said Edwin Marcus Chaffee shall be deemed, adjudged and taken to be a subject of Her Majesty to all intents, constructions and purposes whatsoever, as if he had been born in this Province; Provided always, that in order to entitle himself to the benefit of this Act, the said Edwin Marcus Chaffee shall take and subscribe, before the Clerk of the Peace of the District of Montreal, (who is hereby authorized and directed to administer the same,) the oath of Allegiance to Her Majesty, Her Heirs and Successors, and that such oath so taken and subscribed shall be kept by the said Clerk of the Peace among the records of his office.

Proviso: he shall take the Oath of Naturalization.

Public Act.

II. This Act shall be taken to be a Public Act.

C A P . C X C I X .

An Act to vest in James Barnum a certain Road Allowance in the Township of Haldimand, in the County of Northumberland.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS a public travelled road has been opened through the North half of Lot number twenty-six, in the first Concession of the Township of Haldimand, the property of James Barnum, and the said James Barnum hath prayed that the portion of the original allowance for road lying to the North of the point where the said travelled road diverges from the said original allowance for road, along the West side of the said North half of the said Lot, may be vested in him, and it is expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I.

I. So much of the said original allowance for road as lies to the North of the point where the said travelled road diverges therefrom, and along the West side of the North half of Lot number twenty-six, in the first Concession of the Township of Haldimand, shall be and the same is hereby vested in the said James Barnum, his heirs and assigns for ever.

The said Road Allowance vested in J. Barnum.

II. The said travelled road across the North half of the said Lot number twenty-six, shall be deemed to be, and the same is hereby declared, a public highway.

The present road to be a highway.

III. This Act shall be deemed a Public Act.

Public Act.

C A P . C C .

An Act to vest a certain Allowance for Road in the Township of Whitby, in Jonathan Foote and William Thorne.

[Assented to 10th June, 1857.]

WHEREAS Jonathan Foote is the owner in fee of lot number twenty-five, and the south-west part of lot number twenty-four, adjoining the side line Road between lots twenty-four and twenty-five, in the sixth concession of the township of Whitby, in the County of Ontario, and William Thorne is the owner of the north half of lot number twenty-four, in the sixth concession of the township before named ; and inasmuch as the original allowance of road between lots twenty-four and twenty-five in the sixth concession, is not required, and the Municipal Council of the said Township of Whitby have, by their petition, prayed that the said original allowance may be vested in the said Jonathan Foote and William Thorne : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

I. The east half of the said allowance for road, so far as it adjoins the north half of lot twenty-four in the sixth concession of the township of Whitby, shall be vested in William Thorne, his heirs and assigns for ever ; and the remainder of the said road allowance between lots twenty-four and twenty-five in the sixth concession of the said township, shall be vested in Jonathan Foote, his heirs and assigns for ever : Provided the said William Thorne and Jonathan Foote pay to the Municipality of the township of Whitby, value for the land they may receive respectively under this Act, but not otherwise ; and the said Municipality shall apply the sum thus obtained, for general township purposes.

Part of the said Allowance vested in W. Thorne and J. Foote.

On condition that they pay the value thereof to the Township.

II. This Act shall be deemed a Public Act.

Public Act.

C A P. C C I.

An Act to vest in John Macara a certain portion of an Allowance for Road in the Township of London.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS a portion of the original allowance for road from London to Port Sarnia, passing between lots seventeen in the fourth, and seventeen in the fifth concession of the Township of London, presented obstacles to its use as a public highway, and for the greater convenience of the public the said road was altered by taking it through lot seventeen in the fourth concession of the said Township, whereby a portion of the said lot seventeen in the fourth concession was severed and detached from the other part of said lot; And whereas the road passing through the said lot seventeen in the fourth concession has for about fifteen years been used, and is now used, as a part of the public highway, and the said portion of the old road allowance has, since the opening of the new road, been entirely abandoned by the public, but the owner of the said lot seventeen in the fourth concession, never received any compensation for the land taken for the said new road; And whereas John Macara is the owner in fee of the whole of that part of lot seventeen in the fifth concession, situated immediately to the north of the said original allowance for road, and is also the owner in fee of that part of lot seventeen in the fourth concession which was severed and detached from the other part of said lot, for the purpose of forming the said new road; And whereas the said John Macara hath petitioned the Legislature to vest in him so much of the said original allowance as lies between the point where the said new road diverges from the said original allowance for road and passes through the said lot seventeen in the fourth concession, and the point where the said new road rejoins the said original allowance for road; And whereas it is reasonable and proper to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Part of the old Road Allowance between lots 17 in the 4th and 5th Concessions vested in John Macara.

I. That part of the said original allowance for road between the point where the said new road diverges from the said original allowance and passes through the said lot seventeen in the fourth concession of the Township of London, and the point where the said new road rejoins the original allowance for road between the said lots seventeen in the fourth and in the fifth concession of the said Township, shall be and the same is hereby vested in the said John Macara, his heirs and assigns for ever; and the said new road passing through the said lot seventeen in the fourth concession of the said Township, is hereby declared a public highway, in place of the said portion of the old allowance for road.

Public Act.

II. This Act shall be deemed a Public Act.

C A P.

C A P. C C I I.

An Act to vest in John Mutrie a Road Allowance in the Township of Nichol, County of Wellington.

[Assented to 27th May, 1857.]

WHEREAS the original allowance for road between lots numbers five and six in the ninth Concession of the Township of Nichol, in the County of Wellington, hath never been used as a road, and from the marshy nature of the ground cannot be so used, and another road in lieu of the said original allowance has been granted by John Mutrie, through lot number six, in the said ninth Concession of the Township of Nichol aforesaid, which said new road is opened up and travelled by the public ; And whereas the Municipality of the Township of Nichol is willing to adopt the said new road and consents that the original allowance for road between lots numbers five and six in the said ninth Concession of the Township of Nichol be vested in John Mutrie as compensation for the new road granted by him as aforesaid : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

I. For and notwithstanding any thing in any Act of the Parliament of Upper Canada or Canada contained, the Road allowance between lots numbers five and six in the said ninth Concession of the Township of Nichol aforesaid, shall be and is hereby vested in John Mutrie, his heirs and assigns for ever ; and the said road so granted by the said John Mutrie is hereby declared a public highway.

A certain Road Allowance vested in John Mutrie. Road granted by him to be a Public Road.

II. This Act shall be deemed a Public Act.

Public Act.

C A P. C C I I I.

An Act to vest in Wollaston F. Pym a certain Road Allowance in the Township of Haldimand, in the County of Northumberland.

[Assented to 27th May, 1857.]

WHEREAS a certain road has been opened and is now travelled through and across lot number fourteen in the first concession of the Township of Haldimand ; And whereas Wollaston F. Pym hath represented that he is the owner of all that part of the lot lying west of the said road, and has prayed that the original allowance for road between the said lot and the adjoining lot on the west and lying to the north of the point where the said road diverges from the said original allowance for road, shall be vested in him, and it is expedient to grant such

Preamble.

such

such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Part of Allowance vested in W. F. Pym, or certain other parties.

I. So much of the said original allowance for road as lies to the north of the point where the said travelled road diverges therefrom, shall be and the same is hereby vested in the said Wollaston F. Pym, or other the respective owner or owners in fee, for the time being, of so much of the said lot number fourteen as may abut on the said part of the said allowance, or any portion thereof respectively, his and their heirs and assigns for ever.

Travelled road to be the highway.

II. The said travelled road shall be and is hereby declared to be a public highway.

Public Act.

III. This Act shall be deemed a Public Act.

C A P . C C I V .

An Act to vest a certain Road Allowance in the Township of Brantford in Frederick T. Wilkes.

[Assented to 27th May, 1857.]

Preamble.

WHEREAS Frederick Thomas Wilkes, late of Brantford, now of Derby in the County of Grey, is the grantee of the Crown and present owner of the west part of lot number two, in the Eagle's Nest in the Township of Brantford, lying on the left bank of the Grand River, and the allowance for road along the said left bank has never been opened, and has been so far abraded by the waters of the Grand River as to be thereby rendered unfit for the purpose of a road; And whereas the said Frederick T. Wilkes has opened a road parallel to the said allowance, which is more direct and convenient for the inhabitants and owners of the adjoining lands, and it is therefore just that the said Road allowance should be vested in the said Frederick T. Wilkes: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Road Allowance vested in F. T. Wilkes, and present Road declared highway.

I. The original allowance for a road between the west part of lot number two in the Eagle's Nest, Township of Brantford, and the Grand River, including the left bank of the Grand River to the edge of the same, shall be and the same is hereby vested in the said Frederick T. Wilkes, his heirs and assigns for ever, and the said road so granted by the said Frederick T. Wilkes, shall be a public highway.

Public Act.

II. This Act shall be deemed a Public Act.

C A P. C C V.

An Act for closing up certain Road Allowances in the Township of Thorold, and to vest the same in parties herein mentioned.

[Assented to 27th May, 1857.]

WHEREAS the Municipal Council of the Township of Thorold, in the County of Welland, have represented by their Petition, as follows: That of the unopened Road Allowance in the said Township, running from Chippewa Creek to the Township Line between Thorold and Grantham, and dividing lots fifty-two and fifty-three, the part running from the Saint John's and Thorold Road, runs through the garden and orchard of John Swayze on the said lots, and if opened would occasion him very serious damage, and that there are already taken from those lots, two other roads, serving in lieu of such unopened Road Allowance; and have further represented that the unopened Road Allowance in the said Township of Thorold, running between lots thirty-three and fifty-one, thirty-four and fifty-two, thirty-five and fifty-three, would, if opened, occasion considerable damage to the property of Tice Lamphore, on the said lot thirty-five, passing, as in such case it would, through his dwelling-house, out-buildings and orchard, and that the old travelled road called the Beaverdams and Thorold and the Beaverdams and Hamilton Road answers the same purpose, as the said last mentioned unopened road would if opened; and have further represented that roads are already opened out of lots fifty-one and fifty-two and fifty-three aforesaid, which answer the same purpose as the said unopened Road Allowance would if opened, and that buildings have been erected, orchards planted, a burying-ground and village lots laid out on the said unopened Road Allowance, under the impression that the same never would be opened; And whereas the said Municipal Council have by their said Petition prayed, that that part of the original Road Allowance from the said Saint John's and Thorold Road to the Beaverdams and Hamilton Road, between said lots fifty-two and fifty-three, being on the Road Allowance from Chippewa Creek to the Township Line between Thorold and Grantham aforesaid, and that part of the original Road Allowance running between the said lots thirty-three and fifty-one, thirty-four and fifty-two, and thirty-five and fifty-three, may be permanently closed, and that such original Road Allowances may be vested in the parties who have given a more advantageous road in lieu thereof; And whereas Duncan McFarland and many others of the inhabitants of the said Township, have also by their Petition joined in the representations of the said Municipal Council and in the prayer thereof, and it is just and expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I.

Parts of Original Road Allowance vested in several parties respectively. Present roads declared highways.

I. That part of the said original Road Allowance from the Saint John's and Thorold Road to the Beaverdams and Hamilton Road, between the said lots fifty-two and fifty-three, shall be and is hereby vested in John Swayze, of the Township of Thorold aforesaid, Farmer, his heirs and assigns for ever; that part of the said original Road Allowance running east and west between lots thirty-three and fifty-one aforesaid, shall be and is hereby vested in Oran Thaol, of Thorold aforesaid, Farmer, his heirs and assigns for ever; that part of the said original Road Allowance running between lots thirty-four and fifty-two aforesaid, shall be and is hereby vested in Wellington Smith, of Thorold aforesaid, Farmer, his heirs and assigns for ever; and that part of the said original allowance running between the said lots thirty-five and fifty-three, shall be and is hereby vested in Mathias Lampman, of Thorold aforesaid, Farmer, his heirs and assigns for ever; and the said opened and travelled roads are, and each of them is hereby declared to have been duly established as public highways respectively.

Public Act.

II. This Act shall be deemed a Public Act.

C A P. C C V I.

An Act to vest a certain allowance for road in the Township of Oxford, in John Christie.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS a certain road has been opened and is now travelled through, and across the property of John Christie, consisting of lot number sixteen in the fourth concession, and part of lot number sixteen in the fifth concession of the Township of Oxford, in the County of Grenville, which said road has existed since the first settlement of the country, and has ever since continued to be the public road, in consequence of the impossibility of making use of the original allowance for road between the fourth and fifth concessions of the said Township, and the said John Christie has prayed that the said original allowance for road between lots number sixteen in the fourth and fifth concessions of the said Township of Oxford, be vested in him in compensation for the new road granted by him as aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The said Allowances for road vested in John Christie.

I. The original road allowance between lots number sixteen in the fourth concession and number sixteen in the fifth concession of the Township of Oxford, in the County of Grenville, shall be and is hereby vested in John Christie, his heirs and assigns for ever; and the road opened and existing as aforesaid through and upon the property of the said John Christie, is hereby

hereby declared a public highway in lieu of the said original allowance.

II. This Act shall be deemed a Public Act.

Public Act.

C A P . C C V I I .

An Act to vest a certain allowance for Road in the Township of Winchester in the County of Dundas, in John Pliny Crysler and George Hummel, the elder.

[Assented to 10th June, 1857.]

WHEREAS a certain Road has been opened and is now travelled through the fourth Concession of the Township of Winchester, and was taken from the west side of the east half of Lot number eighteen in the Fourth Concession; And whereas John Pliny Crysler is owner of that part of the east half of lot eighteen north of Petite Nation River, and George Hummel is owner of that part of the said east half of lot south of Petite Nation River, and the said John Pliny Crysler and George Hummel have prayed that the original allowance for road between lots eighteen and nineteen may be vested in them as follows: that part north of the Petite Nation River in him the said John Pliny Crysler, and that part south of the Petite Nation River in him the said George Hummel, and it is expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. So much of the said original allowance for road between lots eighteen and nineteen, in the Fourth Concession of the Township of Winchester, as lies north of Petite Nation River, shall be and the same is hereby vested in fee simple in the said John Pliny Crysler, his heirs and assigns or other the now owner or owners of that part of the said east half of the said lot eighteen, north of the said Petite Nation River, abutting on the said original road allowance, for ever; and all that part of the original allowance for road between the said lots eighteen and nineteen in the Fourth Concession aforesaid, which lies south of the Petite Nation River, shall be and the same is hereby vested in fee simple in the said George Hummel, the elder, his heirs and assigns or other the now owner or owners of that part of the said east half of the said lot eighteen, south of the said Petite Nation River, abutting on the said original road allowance, for ever.

The said Road Allowance vested in J. P. Crysler and G. Hummel.

II. The said travelled road on the west side of the east half of lot number eighteen in the Fourth Concession of the Township of Winchester, shall be deemed to be, and the same is hereby declared a public highway.

The present road to be the highway.

III. This Act shall be deemed a Public Act.

Public Act.

C A P .

C A P . C C V I I I .

An Act to vest a certain Road Allowance in the Township of Whitby, in John W. Gamble, Esquire.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS John W. Gamble, of the Township of Vaughan, Esquire, has prayed that a certain Road allowance upon his property in the Township of Whitby, be granted to him in lieu of other roads laid out and opened by him thereon: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The said Road Allowance vested in J. W. Gamble.

I. So much of the original allowance for road between lots numbers twelve and thirteen in the third Concession of the Township of Whitby, as lies north of the said third Concession line for a distance of seventy chains, shall be and the same is hereby vested in the said John W. Gamble, his heirs and assigns for ever, upon his paying such sum of money therefor as shall be agreed upon by the Municipality of the said Township.

Roads opened by him to be highways.

II. The said roads so laid out and opened by the said John W. Gamble, shall be and the same are hereby declared to be public highways.

Public Act.

III. This Act shall be deemed a Public Act.

C A P . C C I X .

An Act to vest certain Road Allowances in the Township of Whitby, in Thomas N. Gibbs, Esquire

[Assented to 10th June, 1857.]

Preamble.

WHEREAS Thomas N. Gibbs, of the Township of Whitby, Esquire, has prayed that certain Road Allowances adjoining his property, in the Township of Whitby, be granted to him in lieu of other roads laid out and opened by him thereon: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The said Road Allowances vested in Thomas N. Gibbs.

I. So much of the original allowance for road between Lots numbers twelve and thirteen, in the Second Concession of the Township of Whitby as lies south of the Third Concession line, for a distance of thirty-nine chains and seventy-nine links; and also the original road allowance between Lots numbers eight and nine in the Sixth Concession of the said Township of Whitby, shall be and the same are hereby vested in the said Thomas N. Gibbs, his heirs and assigns for ever.

II. The said roads so laid out and opened by the said Thomas N. Gibbs, shall be and the same are hereby declared to be public highways. Roads opened by him to be highways.

III. This Act shall be deemed a Public Act.

Public Act.

C A P. C C X .

An Act to vest in John Shaw a certain allowance for road in the Township of Wilberforce.

[Assented to 10th June, 1857.]

WHEREAS the Municipal Council of the united Townships of Wilberforce, Grattan and Frazer, have by their petition prayed, that the allowance for road between lots numbers five and six, in the sixteenth and seventeenth Concessions of the Township of Wilberforce, may be vested in John Shaw, of the said Township, in lieu of an allowance for road given to the said Municipality, running parallel to the said side line through the property of the said John Shaw; And whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

I. The allowance for road between lots numbers five and six, in the sixteenth and seventeenth Concessions of the Township of Wilberforce is hereby vested in the said John Shaw, his heirs and assigns for ever. The said Road Allowance vested in J. Shaw.

II. This Act shall be deemed a Public Act.

Public Act.

C A P. C C X I .

An Act to vest in Charles Coxwell Small, Esquire, certain Road Allowances in the Township of Pickering.

[Assented to 10th June, 1857.]

WHEREAS all that portion of the public highway or road allowance in the third range of the Township of Pickering, in the County of Ontario, lying north of the Kingston Road between lots numbers thirty-four and thirty-five to within the distance of about eleven chains from the front of the first concession of the said Township,—also that other portion of the said road allowance lying north of the Kingston Road between the third range of the said Township of Pickering and the second concession of the Township of Scarborough, known as the Town Line Road Allowance,—pass through a very rough and uneven piece of ground, traversed by two deep ravines, Preamble.

ravines, forming the bed of the two rivers known as the Big and Little Rouge, and a tongue of land of about ten chains in width between the said ravines crosses the allowances, known as the Hog's Back, and the said allowances for road have never been used as such, and, from the position and nature of the ground, cannot be so used; And whereas other roads to the east and west of the said allowances have been opened and are used and substituted for the said allowances, across lots numbers thirty-four and thirty-five in the third range of the said Township of Pickering, and also across lot number one in the second concession of the Township of Scarborough, the property of Charles Coxwell Small, Esquire: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Present travelled roads declared high-ways.

I. The roads so laid out through and across the said lots number one in the second concession of the Township of Scarborough and lots numbers thirty-four and thirty-three in the third range of the Township of Pickering, the property of the said Charles Coxwell Small, Esquire, and now travelled as a public highway, shall be and remain as a public highway; and the said original road allowances lying north of the Kingston road between lots numbers thirty-four and thirty-five in the said third range of the Township of Pickering, to the intersection of the road dedicated to the public crossing the said lots thirty-three and thirty-four, as also that portion of Town line road allowance between the third range of lots in the Township of Pickering and the second concession of the Township of Scarborough lying north of the Kingston road, shall be and the same are hereby vested in the said Charles Coxwell Small, Esquire, his heirs and assigns for ever.

And Road Allowances vested in C. C. Small.

Proviso: C. C. Small to file a Survey Plan.

II. Provided the said Charles Coxwell Small, at his own costs, shall cause the Roads so granted by him to be properly surveyed, and lodge a Report and Plan of such Survey with the Township Clerk of the Township in which the road or roads may be situate, within six months after the passing of this Act, the said Roads to be one chain wide.

Public Act.

III. This Act shall be deemed a Public Act.

C A P . C C X I I .

An Act to vest in Josiah D. Wellington a certain allowance for road in the Township of Brighton.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the Municipal Council of the United Counties of Northumberland and Durham, have by their petition prayed, that portion of the original allowance for road between concessions

concessions A and B, of the Township of Brighton, in rear of that part of lot number thirty-three in the broken concession B of the Township of Brighton, owned by one Josiah D. Wellington, may be vested in the said Josiah D. Wellington, his heirs and assigns for ever, and have in their said petition set forth, that the said Josiah D. Wellington has agreed to give the said Municipal Council a free conveyance of that portion of his said land taken for a gravelled road, lately constructed by the said Municipal Council and passing through his said land, in case the said part of the said allowance for road shall be vested in him in fee, and that the said part of the original allowance for road is, from the hilly nature of the ground, wholly unfit for the purposes of a road, and on account of the construction of the said gravelled road and on account of there being a public highway at a short distance to the north of the said allowance for road, both of which are used as substitutes therefor, the same is not required by the public for a road; And whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. That part of the original allowance for road between concessions A and B, of the Township of Brighton, in rear of that part of lot number thirty-three in broken concession B, of the said Township of Brighton, owned by Josiah D. Wellington, is hereby vested in the said Josiah D. Wellington, his heirs and assigns for ever, subject however to the provisions of any general Act that may be passed during the present Session of Parliament, for the sale of road allowances.

The said Road Allowance vested in J. D. Wellington, &c.

Proviso.

II. This Act shall be deemed a Public Act.

Public Act.

C A P . C C X I I I .

An Act to vest a certain Road Allowance in the Township of Brantford, in George S. Wilkes.

[Assented to 10th June, 1857.]

WHEREAS George Samuel Wilkes, of the Town of Brantford, has prayed that a certain Road Allowance upon his property in the Township of Brantford, known as Holmedale, be granted to him in lieu of other roads laid out and opened by him thereon: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. So much of the original allowance for road between the western limit of the Smith and Kerby tract, and the lands granted by the Crown to the late John Charles Digby, as lies south of Chestnut Street, shall be and the same is hereby vested in the said George Samuel Wilkes, his heirs and assigns for ever.

The said Road Allowance vested in G. S. Wilkes.

II. This Act shall be deemed a Public Act.

Public Act.

CAP. CCXIV.

An Act to authorize the Ministers of the Church of the denomination known as "The Methodist Episcopal Church in Canada," to solemnize Matrimony, and to keep Registers of Marriages, Baptisms and Burials in Lower Canada, and for other purposes therein mentioned.

[Assented to 10th June, 1851.]

Preamble.

WHEREAS divers members of the religious Society of the denomination of Christians known as the "Methodist Episcopal Church in Canada," have by their petition to the Legislature, prayed that the Ministers and Pastors thereof may be authorized to keep in due form of Law, Registers of all Baptisms, Marriages and Burials, which shall by such Ministers or Pastors respectively be performed in Lower Canada, and it is expedient to grant the prayer of the said petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Ministers of the said Church to keep Registers

I. It shall and may be lawful for any regularly ordained Minister or Pastor for the time being of any Circuit or Mission of the said "Methodist Episcopal Church in Canada" to have and keep registers of baptisms, marriages and burials, subject always to the penalties of law in this behalf provided, according to the laws of Lower Canada; and the said registers, the necessary formalities as by law already provided in Lower Canada aforesaid, in relation to registers of like nature, being observed, shall to all intents and purposes have the same effect in law as if the same had been kept by any Minister or Clergyman in Lower Canada now authorized to keep registers; and in law to the contrary notwithstanding.

Ministers to take Oath of Allegiance, &c.

II. Provided that no such Minister or Pastor shall be entitled to the benefits hereby granted, unless he shall have taken the oath of allegiance before one of Her Majesty's Justices of the Peace in the District in which he shall reside, which said oath any such Justice is authorized and required to administer, and the same to certify in duplicate, under his signature, whereof one copy shall be filed in the office of the Registrar of the District, the cost of which filing shall not exceed five shillings; and the other copy shall remain in the possession of the said Minister; nor unless such Minister or Pastor shall, at the time of taking such oath, produce to the Justice the certificate of his ordination, or legally attested copies of such documents respectively; And provided also, that the registers which shall be so kept and the several entries therein, according to the laws of Lower Canada aforesaid, as well as authentic copies of such entries, shall, to all intents and purposes, be good and available

Legal effect of Registers or copies thereof.

in law, as if the said registers had been kept pursuant to any Act, Statute or Law of or in Lower Canada in relation to registers of baptisms, marriages or deaths.

III. The duplicate of the Registers to be kept by such Minister or Pastor, shall be the property of the Circuit or Mission ; and whenever the connexion between any such Minister or Pastor and the said Circuit or Mission shall cease, such Registers shall be deposited with the Recording Steward thereof, to be kept by the successor of such Minister or Pastor for the use of the said Circuit or Mission.

Custody of duplicate Registers.

IV. The said Ministers or Pastors shall, in all respects, comply with and be governed by the Acts, Statutes, and Laws at present in force in Lower Canada, in the keeping of the said registers, and shall in case of disobedience to the requirements thereof, be liable to the penalties in like cases thereby imposed, which penalties shall be paid, recoverable, applied and accounted for in the same manner as the penalties imposed by them are therein directed to be paid, applied and accounted for.

Laws of Lower Canada in this behalf to be observed.

V. This Act shall be a Public Act, and the Interpretation Act shall apply thereto.

Public Act.

C A P . C C X V .

An Act to amend the Act to provide for the division of the Common of Maskinongé.

[Assented to 10th June, 1857.]

WHEREAS certain persons interested in the Common of Maskinongé have by their petition represented, that the powers conferred by the fifth and sixth sections of the Act passed in the sixteenth year of Her Majesty's reign, intituled, *An Act to divide the Common of Maskinongé among the co-proprietors thereof*, upon the Judge of the Superior Court who is to make an examination of the titles produced by the parties claiming to have rights in the said Common, and to give judgment, are insufficient for the purpose, and for the purposes of justice it is expedient to extend them ; And whereas some of the parties interested in the said Common may not have been aware of the publication of the notice required by the fifth section of the said Act : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

16 V. c. 237.

I. It shall be lawful for all and every of the Co-proprietors of the said Common who may not have exhibited their deeds of concession, judgments, or other titles establishing their respective rights in the said Common at the Office of the Commissioner under the provisions of the said Act, to file the same at the

Parties who have not filed their claims under the said Act, may file them during a certain time.

the Office of the Clerk of the Circuit Court for the Three-Rivers Circuit within one month from and after the passing of this Act.

Legal effect of titles so filed as aforesaid.

II. All titles filed as aforesaid in pursuance of this Act shall be dealt with in every respect, and the parties filing the same shall have the same rights and be in the same position as if they had been transmitted to a Judge of the Superior Court of Lower Canada in the town of Three-Rivers by the Commissioner under the provisions of the said Act.

Titles for uncontested claims to be admitted as of course.

III. The Judge, whose duty it shall be to examine the titles exhibited to the Commissioner elected in virtue of the said Act hereby amended, or filed in pursuance of this Act, and to pronounce judgment thereupon, may, without further examination, declare valid those titles which shall serve as the foundation of uncontested claims, and thereupon allow such claims.

Powers of the Judge as to contested cases.

IV. With respect to contested titles and claims, it shall be lawful for the said Judge to permit the parties to such contestation to plead in writing, produce titles, documents and papers, examine witnesses upon oath, appoint and swear one or more *experts* or arbitrators, hear the parties, who may be interrogated upon *faits et articles*, upon *serment décisoire* or *serment judiciaire*, if deemed expedient, and allow costs in the matter, all the proceedings to be in every respect similar to those in ordinary actions; and the said costs shall be recoverable by process of execution upon a writ to be issued out of the Court having jurisdiction therein, as in any ordinary case.

Judge may make orders, &c., in such cases.

V. It shall be lawful for the said Judge to make such orders and to render such interlocutory judgments, to regulate the pleadings and procedure as he shall deem expedient for the purposes of justice.

Public Act.

VI. This Act shall be deemed a Public Act.

C A P. C C X V I.

An Act to amend the Act to enable the inhabitants of the Parish of St. François du Lac better to regulate the Common of St. François.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is expedient to provide for the division of the Common of St. François du Lac among the co-proprietors thereof, in accordance with their respective rights therein, so that each one may be enabled separately to enjoy or dispose of his share in the said common, and for that purpose to grant more ample powers to the Chairman and Trustees of the said Common appointed in virtue of the Act of 1853, intituled, *An Act*

Act to enable the inhabitants of the Parish of St. François du Lac, better to regulate the Common of St. François; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. It shall be the duty of the said Trustees, as soon as possible after the passing of this Act, to ascertain and determine by such means as they shall deem expedient, the exact number of the co-proprietors of the said common, and to establish the exact interest held by each such co-proprietor therein.

Number of co-proprietors to be ascertained.

II. The said Chairman and Trustees shall then proceed to nominate and appoint a sworn surveyor whose duty it shall be to make a plan of the said Common and to subdivide and apportion it as equally with reference to superficial area as possible, into as many lots as there shall be shares in the said Common, reserving such extent thereof for roads and thoroughfares as may be necessary for the use and convenience of the said co-proprietors: Provided always, that the boundaries and limits of the said Common as they are at present established and determined shall be the limits and boundaries of the said Common for all the purposes of this Act.

Common to be divided into lots equal in number to shares.

Proviso.

III. Upon the completion of the said survey and the subdivision of the said common into lots, the said Chairman and Trustees shall call a meeting of the co-proprietors of the said Common, due notice whereof shall be given by advertisement posted up at the church doors of the Parishes of St. Thomas de Pierreville and St. François du Lac, upon two consecutive Sundays, and by public notice on two consecutive Sundays immediately after Divine Service in the Forenoon at the doors of the churches aforesaid; and a majority of the said co-proprietors present at such meeting shall proceed to appoint two disinterested persons to act as arbitrators, whose duty it shall be to estimate and determine the value of each lot respectively, into which the said Common shall have been so divided.

Appointment of Arbitrators to fix value of lots.

IV. In case the said arbitrators shall not be able to agree, they may appoint a third, and their report, or that of any two of them, shall be final.

Third Arbitrator in case of difference.

V. The report of the said arbitrators shall set forth the separate value of each lot respectively, and the average value of all the lots in the said Common as calculated upon the separate value of each lot; the said report duly certified and sworn to before a Magistrate shall be delivered to the said Chairman and Trustees, and thereupon it shall be their duty to give public notice in the manner hereinbefore provided, that on a certain day, at a certain place and hour to be stated in such notice, they will proceed in the presence of such of the said co-proprietors as may be present at such meeting, to determine by lot what lot or lots in the said Common shall thereafter belong to each

What the Report of the Arbitrators shall contain.

Distribution of the portions by lot.

each of the said co-proprietors respectively, without favour or partiality, according to the general practice in like cases in Lower Canada, subject, however, to the following condition, that is to say, that such of the co-proprietors as shall by lot become the owners of lots the estimated value of which shall exceed the average value of all the lots, shall be bound to pay the excess over the average value, into the hands of the said Chairman and Trustees, and it shall be the duty of the said Chairman and Trustees to pay out of the said moneys to those of the co-proprietors the value of whose lots shall be less than the average value, the difference between the value of their lots respectively and the said average value.

Procès-verbal of proceedings duly certified to be a valid title to lots.

VI. Upon the completion of the said division in the manner and subject to the conditions hereinbefore provided, the said Chairman and Trustees shall prepare a *procès-verbal* of the whole duly certified before witnesses, which shall be deposited in the office of a notary residing in one of the aforesaid Parishes, and the said *procès-verbal* shall for ever thereafter be a good and valid title to each of the said co-proprietors, for each share of the said common which shall be described in the said *procès-verbal* as having fallen to his share or lot; Provided, however, that any person who shall deem himself aggrieved by such division, or may be desirous of contesting the right or title of any of the said co-proprietors to their property in the said Common, may take proceedings and be heard in the matter before any Judge of the Superior Court for Lower Canada, or of the Circuit Court for the Circuit of Yamaska, and the Judge shall have full power, in a summary way and out of Court, to hear witnesses and the parties, order pleadings in writing and the production of papers, appoint *arbitres* and *experts*, and determine any matter or cause arising out of any proceedings taken under this Act.

Proviso: appeal given.

Expenses of division provided for.

VII. It shall be the duty of the said Chairman and Trustees to cause a just and exact apportionment to be made, determining the amount of the sum or sums which each of the proprietors shall be bound to pay, in order to the levying of the moneys which may be due to the surveyor employed by the said Chairman and Trustees for the purposes of this Act, and to defray the expenses incurred in and about the passing of this Act, and for arbitration and all other necessary expenses which the said Chairman and Trustees may incur in the execution of their duties in conformity with this Act, and all other just and lawful expenses whatsoever incurred in carrying this Act into effect.

Co-proprietors to pay in accordance with apportionment.

VIII. The said co-proprietors shall pay to the said Chairman and Trustees at any time after the *procès-verbal* of the distribution of the lots shall have been prepared and deposited as aforesaid, the amount which each of the said proprietors shall be bound to pay, in accordance with the apportionment which shall have been made as aforesaid.

IX.

IK. In case any of the co-proprietors or parties interested shall refuse or neglect to pay any of the moneys which may become due to the said Chairman and Trustees under and by virtue of this Act, the said Chairman and Trustees shall be authorized to take proceedings before any Justice of the peace for the District residing in the County of Yamaska, for recovering the same, and such justice is hereby authorized to take cognizance of such proceedings and to give judgment therein, in a summary manner, and to issue his warrant for levying the amount recovered, with costs.

In case of their refusal or neglect.

X. Nothing herein contained shall be construed to affect the rights of Her Majesty, Her Heirs and Successors; or of any body corporate or politic, or of any person, such only excepted as are herein mentioned.

Rights of Her Majesty, &c., reserved.

XI. So much of the Act hereinbefore cited as is inconsistent with this Act shall be and the same is hereby repealed.

Inconsistent enactments repealed.

XII. This Act shall be deemed a Public Act.

Public Act.

C A P. C C X V I I .

An Act to incorporate the Canadian Literary Institute of Woodstock.

[Assented to 10th June, 1857.]

WHEREAS it has been represented to the Legislature of this Province, that divers inhabitants of the said Province have used their efforts to establish an Educational Institution in connection with that denomination of Christians called Regular Baptists, in the Town of Woodstock, in this Province; And whereas it would tend greatly to advance and extend the usefulness of the said Institution and to promote the object of the projectors thereof, that it should be incorporated: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. There shall be, and there is hereby constituted and established, at the Town of Woodstock, a body politic and corporate, under the name and style of the "Canadian Literary Institute," which corporation shall consist of fifteen Trustees, two thirds of whom shall belong to the denomination of Christians called Regular Baptists, and five of whom shall go out of office annually, in rotation, and their places shall be supplied in manner hereafter mentioned; and that Archibald Burch, of Woodstock, Esquire, Edward Topping, of Woodstock, Esquire, John Hatch, of Woodstock, Esquire, Reverend T. L. Davidson, of Brantford, M. A., Abram Carrol, of Oxford, Esquire, James Kintrea, of Woodstock, Esquire, William Winter, of Brantford, Esquire, H. J. Barber, of Townsend, Esquire, the Reverend William

Corporation established. Corporate name and constitution.

First Trustees.

William Wilkinson, A.M., of Lobo, the Reverend R. A. Fyfe, of Toronto, Ed. V. Bodwell, J. P., of Mount Elgin, Reid Baker, of Waterdown, Esquire, Oliver Mabee, of Vittoria, Esquire, Jordan Charles, of Woodstock, Esquire, and Rowley Kilbourne, of Beamsville, Esquire, shall be and are hereby appointed and declared to be the first fifteen Trustees of the said Institution, and shall be and are hereby constituted one body politic and corporate by the name of the "Trustees of the Canadian Literary Institute," and shall by the same name and for the purposes aforesaid, have perpetual succession to be kept up in manner hereinafter directed, and shall have a common seal, with power to break, alter, and renew the same at their discretion, and may by the same name sue and be sued, implead and be impleaded, answer and be answered in any and every court of this Province; and the said Trustees and their successors shall have full power to make and establish such and so many rules and orders and regulations (not being contrary to the laws of this Province 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 Institution, and for the superintendence, advantage, and improvement of all the property, real or personal, which may belong to the said Corporation, and they shall be able and capable in law to take, purchase and hold, by any legal title whatsoever, all such land, tenements, possessions and property, real and personal, as may be necessary for the actual use and occupation of the Institution, and to accept and hold within the limits hereinafter prescribed, for the benefit of the said Institution, any gifts or bequests, or property, real or personal, to sell and alienate any property so given or bequeathed, and to apply the proceeds of such sale or sales for the use and benefit of the said Institution; Provided always, that no real estate not required for the use and occupation of the said Institution, shall at any time be held by it for a longer period than two years, and that any such real estate not sold and alienated within two years of the time when the same is received by the said Corporation, shall revert to the party from whom the same came to the Corporation, or to his or her heirs or devisees; Provided also, that no money arising from the sale of any property derived by gift or bequest, shall be invested in real estate, but shall be used or invested for the benefit of the Institution.

General corporate powers

Real property.

Proviso: as to real estate.

Proviso: as to investments.

May appoint an Attorney, &c.

Proviso: as to By-laws.

II. 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 by a vote of at least three-fifths in number of the said Trustees or their successors as aforesaid.

III. For making provision for filling up vacancies in the places of Trustees dying, resigning, or going out of office, and for transacting other business of the same, there shall be holden in each year an annual meeting of the subscribers or contributors to the said Institution ; and the first of such annual meetings shall be holden at the Town of Woodstock, on the third Thursday in December, in the year of our Lord one thousand eight hundred and fifty-seven, and each subsequent annual meeting shall be holden on the Thursday next before the twenty-fifth of December in each succeeding year.

Annual meetings of subscribers.

First meeting.

Subsequent meetings.

IV. At the annual meeting to be holden on the third Thursday in December, one thousand eight hundred and fifty-seven, and every subsequent annual meeting, five of the said Trustees shall go out of office until the whole of the Trustees appointed by this Act shall have gone out of office, and at each of such annual meetings as last aforesaid, five Trustees shall be elected by ballot by the subscribers, and shall hold office for three years from the time of their appointment ; Provided always, that no person shall be eligible to vote at such elections who shall not have subscribed five pounds at least to the funds of the said Institution ; and the Board of Trustees so elected and filled up shall, by a majority, elect a Secretary, Treasurer, Principal, and Teachers to the said Institution ; Provided always, that the Treasurer shall, before entering on this duty as such, find good and sufficient security to the satisfaction of the said Trustees, for the due performance of the trusts reposed in him ; Provided always, that no act in the premises shall be done at any such annual or other meeting of the subscribers, unless such act shall be agreed to by a vote of two-thirds of the subscribers present at such meeting.

Retirement of Trustees and election of others.

Proviso : who may vote.

Proviso.

Proviso.

V. All 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 Institute, and to no other object, institution or establishment whatever.

Application of revenues of the Corporation.

VI. 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 Teachers employed in the various branches of instruction, the number of Scholars under instruction, and the course of instruction pursued.

Return to be made to the Governor when required.

VII. This Act shall be deemed a Public Act.

Public Act.

CAP. CCXVIII.

An Act to amend the Act of Upper Canada, enabling the Presbyterian Congregation of York to purchase ground for a Church and Burying-ground.

[Assented to 10th June, 1857.]

Preamble.

4 G. 4. c. 34.

WHEREAS under and by virtue of an Act passed by the Parliament of Upper Canada, in the fourth year of the reign of His Majesty King George the Fourth, intituled, *An Act to enable the Presbyterian Congregation of York to purchase one or more parcels of ground, sufficient for the erection of a Church and Burying ground*, Jesse Ketchum, by deed dated the nineteenth day of April, in the year one thousand eight hundred and twenty-seven, conveyed, or purported to convey, the land therein described, to certain persons therein named as Trustees of the said congregation and their successors; And whereas the said Trustees had obtained a grant from the Crown of half an acre of Land on Duchess Street, in the City of Toronto, by Patent dated the Fifteenth day of April, one thousand eight hundred and twenty-five; And whereas the said Trustees took possession of the said land under the said deeds; And whereas in the year one thousand eight hundred and forty-four, another Presbyterian congregation of Toronto joined the said Presbyterian congregation with its Minister, so as thenceforth and still to form one Presbyterian congregation, under the name of the Congregation of Knox's Church, Toronto, and as such congregation erected a church and made other improvements on the said land; And whereas doubts having arisen as to the validity of the said deed of eighteen hundred and twenty-seven, the said Jesse Ketchum, by Indenture, dated the twenty-fifth day of April, in the year one thousand eight hundred and fifty-six, conveyed and confirmed the said land therein mentioned to certain persons therein named, being Trustees of the congregation of Knox's Church aforesaid, and their successors; And whereas the mode of electing such Trustees, referred to in the said recited Act, is indefinite and has led to difficulties; And whereas the congregation of Knox's Church aforesaid have petitioned the Legislature to amend the said recited Act, and it is just to comply with the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Mode in which the Trustees of Knox's Church shall hereafter be elected.

I. From and after the passing of this Act, the mode of choosing Trustees in the said recited Act mentioned, shall be and the same is hereby repealed; and in lieu thereof, the Trustees of the congregation of Knox's Church aforesaid, to the number of five, and being such members and seat-holders as hereinafter mentioned, shall, at all times hereafter, be chosen by the members whose names shall appear on the Session-roll of the congregation

congregation of Knox's Church aforesaid, and who shall be seat-holders in the said Church, or by a majority of such members present at any meeting when such Trustees or Trustee shall be elected,—each such member to be entitled to give only one vote for each Trustee to be chosen at such election : Provided always, that such election shall take place at the Annual Meeting of the congregation of Knox's Church aforesaid, or at any Special Meeting thereof, called, by at least eight days' notice, read from the pulpit or precentor's desk of the said Church, immediately after Divine Service in the forenoon, and specifying the object or objects of such meeting.

Proviso : at what meetings elections shall be had.

II. The said land shall henceforth be held by the present Trustees of the congregation of Knox's Church aforesaid, and their successors to be elected in manner hereinbefore enacted, for the benefit of the congregation of Knox's Church aforesaid, upon the trusts in the said deeds mentioned, and subject to the provisions of the several statutes of the Parliament of Canada hereinafter mentioned, so far as such provisions are consistent with this Act, that is to say : an Act intituled, *An Act to amend certain Acts for the Relief of Religious Societies*, passed in the twelfth year of Her Majesty's reign, chapter ninety-one ; also, an Act, intituled, *An Act to authorize the Trustees holding Land upon which Churches are erected in Upper Canada, to mortgage the same to pay off the debts due by such Churches*, passed in the thirteenth and fourteenth years of Her Majesty's reign, chapter seventy-eight ; also, an Act, intituled, *An Act to authorize the Sale or Lease of Lands in Upper Canada, held in trust for the use of Congregations or Religious Bodies*, passed in the eighteenth year of Her Majesty's reign, chapter one hundred and nineteen.

How the Trustees shall hold the land ; certain Acts to apply.

12 V. c. 91.

13, 14 V. c. 78.

18 V. c. 119.

III. The said Trustees shall retire from office annually on the day of the Annual General Meeting of the congregation of Knox's Church aforesaid, but shall be eligible for re-election in manner aforesaid ; and in case of delay or failure to hold such Annual General Meeting, or to elect or re-elect such Trustee or Trustees as aforesaid, then the Trustees last elected as aforesaid, or the survivors or survivor of them, shall continue to be the Trustees or Trustee under this Act until their or his successor or successors shall be duly elected in manner aforesaid ; and in case of any lapse of time intervening by reason of the death of such Trustees or Trustee as aforesaid, or any other cause that may occasion a defect or failure of such Trustees or Trustee as aforesaid, then the legal estate in the said land shall vest in, and the rights and duties of such Trustees as aforesaid shall accrue to the first Trustee or Trustees duly elected in manner aforesaid, and shall be deemed to have so accrued at the time of the death of the last surviving Trustee.

Annual election of Trustees.

Failure provided against.

And so of any defect of Trustees.

IV. This Act shall be deemed a Public Act.

Public Act.

C A P . C C X I X .

An Act to constitute the Rector and Churchwardens of the Parish of Quebec, a Corporation for the management of the Finlay Asylum at Quebec.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the late Miss Margaret Finlay, of Quebec, who departed this life in the year one thousand eight hundred and forty-nine, did, by her last will and testament, bequeath to the right Reverend George Jehosaphat Mountain, D. D., Lord Bishop of Quebec, the sum of two hundred pounds currency, to be at his absolute disposal for the benefit of the poor belonging to the communion of the Church of England in Quebec, which sum, by subsequent accumulation, has enabled him, the said Bishop, to acquire a property in the City of Quebec, with a wooden house thereon erected, designed, with the aid of further funds which shall for such purpose be available, to form the commencement of an asylum for the aged and infirm, or otherwise disabled persons and distressed widows, being of the communion of the Church of England aforesaid, for ever, under the name and title of the "Finlay Asylum of Quebec;" And whereas it is expedient that provision should be made by law for the due and efficient management of the said asylum, in connexion with the parochial authorities of the Church of England in Quebec: Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Corporation established, and governing body constituted.

I. The said Asylum shall be a corporate institution for the purposes mentioned in the Preamble of this Act, and the body corporate governing the same shall be the Rector and Churchwardens of the parish of Quebec according to the rites of the said Church of England, to wit, the Right Reverend George Jehosaphat Mountain, D. D., aforesaid, Rector, William Godfrey Wurtele, and Edward Poston, Esquires, Churchwardens of the said parish, and the successors of the same in their respective offices: And the said body corporate shall, under the said name of the "Finlay Asylum of Quebec," be able and capable in law to sue and be sued, implead and be impleaded, and shall have the other corporate powers vested in corporations by the Interpretation Act, and shall have power from time to time to make such By-laws and Regulations for the better government of the said Asylum as shall be required or seem beneficial, and to alter or repeal the same and make others in their stead; Provided always, that the same be not contrary to the laws of the Province of Canada, nor to this Act; and shall also have power to hold, for the benefit of the said Asylum, property, moveable or immoveable: Provided always, that the real property to be held at any time by the said Corporation shall be

Corporate powers.

Proviso.

Proviso: as to real property.

be such only as shall be required for the actual use and occupation of the Corporation, for the purposes hereinbefore mentioned, and that all the property of the said Corporation, real or personal, shall be applied solely to the purposes aforesaid, and to no other use or purpose whatever.

All property to be applied solely to the purposes aforesaid.

Public Act.

II. This Act shall be deemed a Public Act.

C A P . C C X X .

An Act to enable the Trustees of the First Free Will Baptist Church in Hatley, to receive a legacy bequeathed to the said Church.

[Assented to 10th June, 1857.]

WHEREAS Chester Heard, Zebina Young, John Ramsdell, L. P. Harvey, and others, members of the First Free Will Baptist Church in Hatley, have by their petition to the Legislature represented, that the said Church hath become entitled to receive the annual interest accruing upon a certain portion of the estate of one Taylor Little bequeathed to them by his last will and testament, but the said Church hath no power to demand and receive such annual interest accruing in their favor, and it is expedient to enable them to do so: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble,

I. It shall be lawful for the First Free Will Baptist Church in Hatley, to demand and receive of the Executors of the last Will and Testament of Taylor Little, in his lifetime a member of the said Church, now deceased, or of the heirs or other representatives of the said Taylor Little of whom demand can legally be made, any sum or sums of money accruing from year to year as interest upon any portion of the estate of the said Taylor Little, bequeathed to the said Church by his said last Will and Testament, and to sue for and recover the same, and grant lawful receipts and acquittances for the same; and for the purposes hereof, three Trustees of the said Church, to be appointed as hereinafter provided, shall represent the said Church, and shall have and are hereby invested with, corporate powers under the corporate name of "A. B. C. D. and E. F. (specifying the names of such Trustees) Trustees of the First Free Will Baptist Church in Hatley."

The said Church empowered to receive the Little legacy through Trustees.

Trustees incorporated.

II. The Trustees of the said Church shall be appointed by the majority of votes of the members of the said Church present at any meeting of the members of the Church, at its usual place of assembling, of which at least eight days' notice shall have been given by public oral announcement at the ordinary meeting of the Church and congregation on Sunday, or by a written notice

Mode of electing the first Trustees.

notice posted at the door of the Church, or other ordinary place of meeting, specifying the time and place, and purpose of such meeting; and it shall be lawful for the said Church from time to time to remove such Trustees and elect others, or re-elect the same, or one or more of them, in the same manner and after the same notice as is required upon the choice of the first Trustees as above mentioned.

Public Act. III. This Act shall be deemed a Public Act.

C A P. C C X X I.

An Act to enable the Incumbent and Churchwardens of the Mission of the Church of England at Georgina to dispose of certain lands belonging to the said Mission.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the Reverend William Ritchie, Incumbent, and Thomas Sibbald and James Treat, Churchwardens, of the Mission of the Church of England in the Township of Georgina, in the County of York, have by their Petition represented, that there are two Lots set apart as Glebes for the said Mission, that is to say, part of Lot number sixteen in the Lake Concession of the Township of North Gwillimbury, in the said County, and part of lot number seven in the Eighth Concession of the said Township of Georgina; that the former (number sixteen) is deeded to the said Incumbent and his successors in trust for the maintenance of the Incumbent for the time being; that to them it appears desirable that for the better management of the land it be in one plot, and that an opportunity offers of exchanging the Lot in the Township of North Gwillimbury, containing about forty-five acres, more or less, for land adjoining the site of the Parsonage built on the said lot number seven in the Eighth Concession of the said Township of Georgina, containing about sixteen acres, and have prayed that power may be given to the said Trustee to effect the exchange; And whereas the said Petitioners have in and by their said Petition further prayed that inasmuch as it may be found expedient to dispose of a portion of the land thus to be acquired, power may be granted to sell a certain portion of it, in Park Lots, the proceeds of such Sale to be invested in behoof of the same Trust; And whereas it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incumbent of the Mission empowered to exchange certain lands.

I. The Incumbent for the time being of the Mission of the Church of England in the said Township of Georgina, with the consent of the Vestry of the said Mission first had and obtained at a Special Meeting of the said Vestry to be called for that purpose,

purpose, shall have full power and authority, and he is hereby authorized and empowered to exchange the said Lot number sixteen in the Lake Concession of the said Township of North Gwillimbury, for such land adjoining the site of the Parsonage built on the said Lot number seven in the Eighth Concession of the said Township of Georgina, as it may be deemed advisable to accept in exchange for the same.

II. It shall be lawful for the Incumbent for the time being of the said Mission, with the consent aforesaid first had and obtained as aforesaid, and he is hereby authorized and empowered from time to time by deed to grant, bargain, sell, and convey in fee simple such part or parts of the land so to be taken in exchange as aforesaid, as it may be deemed advisable to sell and dispose of for the benefit and behoof of the said Trust, and to such persons or parties as may be disposed to purchase the same, and for such sums and considerations and upon such conditions as it may be deemed advisable to accept for the same respectively.

And to dispose of lands received in exchange.

III. The said Incumbent for the time being shall and he is hereby required to invest the proceeds of any and all such sale and sales in such public securities or otherwise as may from time to time by the Vestry of the said Mission be deemed best and most advisable for the benefit and behoof of the said Trust.

How the proceeds shall be invested.

IV. The receipt for the purchase money contained in any such Deed of Bargain and Sale as aforesaid shall be an absolute discharge for the same to the purchaser or purchasers, who shall be in no way bound to see to the application, or answerable for the misapplication or non-application of the same, or any part thereof.

Receipt of Incumbent to discharge the purchaser.

C A P. C C X X I I .

An Act to enable the Trustees of a certain School Lot in the Town of Prescott to sell the said Lot, and for other purposes.

[Assented to 10th June, 1857.]

WHEREAS Alpheus Jones, Justus S. Merwin, John Patton, William J. Scott, Hamilton Dibble Jessup, Samuel Crane, The Reverend Robert Boyd, The Reverend Robert Blakey and Alfred Hooker, the Trustees of the school lot fronting on the north side of King street, in the Town of Prescott, have, by their petition to the Legislature, represented that the late Mrs. Susannah Jessup, of the said Town of Prescott, in the County of Grenville, did, by an indenture bearing date the twenty-eighth day of June in the year of Our Lord, one thousand eight hundred and thirty-two, convey to Alpheus Jones, Justus S. Merwin, John Patton, William James Scott, Hamilton Dibble Jessup, Samuel Crane, Rice Honeywell, The

Preamble.

Reverend

Reverend Robert Boyd, and the Reverend Robert Blakey, and to their successors in office, in trust for ever, for a Public School, the parcel of ground fronting on the north side of the King's highway, now known as King street, and the west side of West street, in the Town of Prescott aforesaid; And whereas the said Trustees further represent, that doubts have arisen as to the validity of the said conveyance of the said Susannah Jessup, and they desire that the said conveyance may be declared a legal conveyance for the purposes therein mentioned; And whereas the Trustees of the said school lot further represent, that the said school lot, from its location on the principal business street of the said Town of Prescott, is not suitable for the purposes of a school, and they are desirous to sell and dispose of the above mentioned property, namely, the school lot butted and bounded as follows: commencing at the south-west angle of the said lot; thence, south fifty-three degrees west, one hundred and thirty-two feet; thence, north thirty-seven degrees west, one hundred and ninety-eight feet; thence, north fifty-three degrees east, one hundred and thirty-two feet; thence, south thirty-seven degrees east, one hundred and ninety-eight feet, to the King's highway and place of beginning—described in the said indenture of conveyance, dated twenty-eighth day of June, in the year of Our Lord, one thousand eight hundred and thirty-two, and to appropriate the proceeds of the sale to the purchase of a lot of ground in the said Town of Prescott, in a more suitable location, for the purpose of erecting thereon a school house and buildings: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The conveyance to the Trustees confirmed; and they may sell the lot and purchase another.

I. The said indenture of the said Susannah Jessup, bearing date the twenty-eighth day of June, in the year of Our Lord, one thousand eight hundred and thirty-two, shall be and is hereby declared to be a valid conveyance, in fee, for the purposes therein mentioned; And it shall and may be lawful for the Trustees of the said school lot, and their successors, or a majority of them, to sell, alienate and convey, by a good and sufficient title under their hands and seals, the said school lot, and apply the proceeds thereof towards the purchase of a lot of ground in the said Town of Prescott, and for the purpose of erecting thereon a school house and buildings for the purposes of the said school.

Public Act.

II. This Act shall be deemed a Public Act.

C A P . C C X X I I I .

An Act to enable the Trustees of the Toronto General Hospital, to raise a further loan of money.

[Assented to 10th June, 1857.]

WHEREAS the trustees of the Toronto General Hospital Preamble.
under and by virtue of the provisions of sixteenth Victoria, chapter two hundred and twenty, have borrowed for the purposes of the Hospital, the sum of ten thousand pounds currency, and require for such purposes the further sum of six thousand pounds, and it is expedient to authorize them to raise the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. It shall be lawful for the said Trustees and they are hereby authorized to borrow for the purposes of the said Hospital, the further sum of six thousand pounds currency, and to issue a debenture or debentures for the raising of such loan in such sum or sums of money, at such rate of interest and for such period or periods, as the said Trustees may find expedient: Trustees may borrow £6,000 on debentures.
Provided always, that no such debenture shall be issued for Proviso.
a longer period than twenty years, or for a sum under one hundred pounds.

II. Every debenture issued by the said Trustees by virtue of this Act, shall have the same force and effect, and be a lien Lien for such debentures.
upon all the real estate held by the said Trustees on behalf of the said Hospital, in the same manner as and next after the debenture heretofore issued by the said Trustees under the previous Act hereinbefore mentioned.

III. This Act shall be deemed a Public Act.

Public Act.

C A P . C C X X I V .

An Act to vest certain real estate of the late Thomas Benson in the hands of Trustees.

[Assented to 10th June, 1857.]

WHEREAS the widow and children of the late Thomas Preamble.
Benson, in his lifetime of the Town of Port Hope in the County of Durham in this Province, deceased, have by their petition represented, that the said Thomas Benson was killed in the accident that occurred at the Desjardins Canal Bridge on the Great Western Railway, on the twelfth day of March now last past; that the said Thomas Benson departed this life intestate; that at the time of his decease the said Thomas Benson

Benson was seized in fee of an undivided fifth part of the lands following, that is to say: the south-east quarter and the north half of lot number four, and the north half and a part of the south half of lot number five, in the fourth concession of the Township of Emily in the County of Victoria, as tenant in common with Nesbit Kirchhoffer, Thomas Curtis Clarke, John Smart, James Smith, and John Shuter Smith, all of Port Hope aforesaid, Esquires, and also of an undivided third part of a part of Town plot number sixty-six in the Town of Port Hope aforesaid, as tenant in common with Thomas Rodman Merritt, of the Town of Saint Catharines, Esquire, and the said John Smart; that the said respective lands were purchased and acquired by the said Thomas Benson and the respective parties above named with the view and intention of laying the same out into lots, and selling the same; and that in pursuance of such intention a plan had been made and printed of the lands firstly above mentioned, preparatory to a sale thereof or of a portion of the same, by auction; and not only had a similar plan been made of the property secondly above mentioned, but a sale by auction of a portion of the lots into which the same had been subdivided had actually taken place; And whereas the said Petitioners have further represented, that their interests and those of the other parties jointly interested in the said lands would be best promoted by executing and carrying out the said intended sales, but that in consequence of the death of the said Thomas Benson intestate, and the minority of four of his children and their consequent legal incapacity to execute conveyances, such disposition of the said property cannot at present be legally or advantageously made, and have prayed that an Act may be passed to transfer the estate and interest of the said late Thomas Benson, (or of the said petitioners, his children, as his heirs in the said respective lands as tenants in common as aforesaid) to, and to vest the same in James Rae Benson, of the said Town of Saint Catharines, Esquire, and the said Thomas Rodman Merritt, as Trustees, to hold the same for the purposes and objects above mentioned, for the benefit of the said petitioners, the children of the said late Thomas Benson, with power to sell and dispose of the same and to join in any sales or conveyances of the same lands that may be made, and to hold the proceeds arising from the same for the benefit of the said petitioners, the children of the said Thomas Benson, according to their several and respective interests in the same, and also to make partition of the same lands and after such partition to sell and dispose of and convey that portion of the same that may be designated as the share of the said Thomas Benson, or of the said petitioners as his representatives; And whereas the said Nesbit Kirchhoffer, Thomas Curtis Clarke, John Smart, James Smith, John Shuter Smith, and Thomas Rodman Merritt, have by their petition set forth the same facts, and prayed that the prayer of the petition of the widow and children of the said late Thomas Benson in this behalf may be granted, and that an Act may be passed to transfer the estate and interest held by the said

Thomas

Thomas Benson in the said respective lands to, and to vest the same in the said James Rae Benson and Thomas Rodman Merritt as Trustees as aforesaid, and it is expedient to grant the prayers of the said several petitions as hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. All the estate, right, title, interest, property, claim and demand whatsoever of the children of the said late Thomas Benson, who are at the time of the passing of this Act under the age of twenty-one years, in or to the lands following, that is to say: the south-east quarter and the north half of lot number four, and the north half and a part of the south half of lot number five, in the fourth concession of the Township of Emily, in the County of Victoria, held by the said late Thomas Benson in his lifetime as tenant in common with the said Nesbit Kirchoffer, Thomas Curtis Clarke, John Smart, James Smith, and John Shuter Smith, and in or to a part of Town plot number sixty-six in the said Town of Port Hope, held by the said late Thomas Benson, in his lifetime as tenant in common with the said John Smart and Thomas Rodman Merritt, is hereby transferred to and vested in the said James Rae Benson, and Thomas Rodman Merritt, both of the Town of Saint Catharines, Esquires, and the survivor of them, and their successors to be appointed as hereinafter mentioned, as Trustees for the benefit of the children of the said late Thomas Benson, who at the time of the passing of this Act are under age as aforesaid, with power to join in any sales or conveyances of the same lands that may be made by the other tenants in common thereof, and also to join with the other co-heirs of the said late Thomas Benson, who at the time of the passing of this Act are of full age in selling and disposing of and conveying the interest of the said Thomas Benson or his heirs in the said lands to the said other tenants or to any or either of them, or in making partition of the same lands, and after such partition to join as aforesaid in selling and disposing of and conveying that portion of the same that may be designated as the share of the said late Thomas Benson or his representatives, and to hold the proceeds arising and accruing to them the said James Rae Benson and Thomas Rodman Merritt, as such Trustees as aforesaid, from such sales as aforesaid, for the benefit of the children of the said late Thomas Benson, who are at the time of the passing of this Act under the age of twenty-one years as aforesaid, according to their several and respective shares in his inheritance.

Estate of
Thomas Benson in certain
lands, vested
in Trustees.

Powers of the
Trustees.

II. Any sale or conveyance of the said lands, or any of them, or of any part thereof, duly made and executed by the said Trustees in conjunction with the other co-heirs of the said late Thomas Benson and the other tenants in common thereof respectively, or in conjunction with the said heirs only, shall be as good, valid and effectual, to all intents and purposes whatever,

Sales by Trustees declared
valid.

as

as if the said late Thomas Benson were living and had made or joined in so making and executing the same as aforesaid instead of the said Trustees and co-heirs; and the *bona fide* payment to the said Trustees, either alone or in conjunction with others as aforesaid, of the price or purchase money or of any part or portion of the price or purchase money of the said lands or any of them or of any part thereof, and the receipt of the said Trustees for any sum or sums of money so paid, shall effectually discharge the person paying the same from seeing to the application or being answerable for the misapplication thereof.

Appointment of new Trustees in case of death, &c., as appointed in this Act.

III. In case of the death, removal from the Province, resignation, incapacity, or unwillingness to act, of either or both of the said Trustees, before the complete fulfilment of the trust hereby created, it shall be lawful for the Judge of the County Court of the United Counties of Durham and Northumberland, or for any one of the Judges of either of the Superior Courts at Toronto, on the written application of any one of the heirs of the said late Thomas Benson, or of any one of the other tenants in common of the said lands as aforesaid, to nominate and appoint some fit and proper person or persons to be trustee or trustees in lieu and stead of the said trustee or trustees so dying, removing from the Province, resigning, or becoming unwilling to act as aforesaid, and so from time to time to replace any such trustee or trustees so nominated and appointed as aforesaid, and such trustee or trustees so from time to time nominated and appointed as aforesaid, shall have the same power to all intents and purposes as if expressly named and appointed in and by this Act.

Public Act.

IV. This Act shall be deemed a Public Act.

C A P. C C X X V.

An Act to enable the surviving Executor of the late John McIntosh, Esquire, to lease certain real property in Toronto.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS the late John McIntosh, in his lifetime of the City of Toronto, in and by his last will and testament, duly executed on the nineteenth day of July, one thousand eight hundred and forty-nine, devised to his two sons James McIntosh and Charles McIntosh (then and now being minors) their heirs and assigns, or the survivor of them when they attain the age of twenty-five years, all and singular that certain parcel or tract of land on the corner of Yonge street and Queen street in the said City of Toronto) purchased from the Honourable George Cruikshank and James B. Macaulay, Executors of the late Dr. Macaulay, containing about a quarter of an acre, together with all houses and buildings thereon, to have and to hold the same share and share alike for ever, but subject to the conditions

conditions thereafter named; and the Testator subsequently in his said will declared it to be his will and pleasure that his wife Helen McIntosh should, during her natural life, receive for herself and the support of his family the rents and profits arising from the said property, and that if any of the property which the Testator had insured and of which he had left the rents and profits to his wife during her natural life, should be destroyed by fire, then his Executors should have power to lease the land or any part thereof, as they might think best for the support of his wife and family, and he thereby authorized them to do so, for any term not exceeding forty-two years, the insurance money to be invested on landed security for the good of the legatees, and that if his said two sons James and Charles McIntosh should die without lawful issue before they inherited the property that he had devised to them, their share should go to the survivor of the Testator's children living at that time; And whereas the said Testator died seized of the property above described, and the said Will was duly proved and administration granted to the said Helen McIntosh and to Thomas Elliot of the Township of Scarborough, in the County of York, gentleman, the Executors appointed by the said Testator in his said Will, and the house and buildings on the said property were thereafter destroyed by fire, being then insured, and the insurance money was invested as directed by the Testator; And whereas the said Helen McIntosh is now deceased, and the said Thomas Elliot, the sole surviving Executor under the said Will, hath represented by his petition to the Legislature, that it would be greatly for the interest of the said devisees James McIntosh and Charles McIntosh that the said lot of land should be leased for a shorter term than forty-two years, but renewable on such conditions as he and the lessee might agree upon and insert in the lease, but that he finds that he has no power so to lease the said land and to bind the future owners thereof to such renewal, and the said land has for want of such power lain for some years unproductive, and subject to heavy taxes; and he hath therefore prayed that he may be empowered to make such lease and to carry out the intentions of the said Testator: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The said Thomas Elliot, as such executor as aforesaid, shall have full power and authority to make and grant a lease or leases of the lot of land mentioned in the preamble, or of any part or parts thereof, for the term of forty-two years, or for any less term, for the purpose of building upon or improving the same, or otherwise, on such terms and conditions as he shall deem best for the interest of the said devisees, and of the future owners of the said land, and to provide in such lease or leases for the payment of the value of any buildings or improvements that may be erected or made on the demised premises during any such lease or leases, or any renewal thereof, and the mode of ascertaining such value by arbitration or otherwise; and every such lease or leases

T. Elliot empowered to lease the property; and to make the lease renewable—provided the periods do not in the whole exceed 42 years.

leases shall enure to the benefit of the devisees or other owners of the demised premises holding through or under the said Will, or through the said Testator, and they shall have full power to make entries, maintain and prosecute actions and suits at law or equity for breach of any condition covenant or agreement in such lease on the part of the lessee or lessees; and every such lease, and any covenant or agreement inserted therein for the payment of the value of such buildings or improvements, or the mode of ascertaining such value, or for the renewal of any such lease or leases, or for further assurance, shall be valid and binding upon all and every of such devisees and owners, their heirs and assigns, as fully and effectually as if the said Thomas Elliot was the owner in fee simple of the demised premises, at the time of making any such lease or leases, and had so covenanted and agreed for himself, his heirs and assigns, and the demised premises had subsequently come to such devisees or owners by assignment in fee from him; but the said Thomas Elliot, or any of his representatives real or personal, shall not be liable in any way under any such lease or leases or any covenants or agreements therein contained; And provided also, that the terms created by any such lease and for which it shall be agreed to be renewed shall not, taken together, exceed the period of forty-two years, and that the powers hereby conferred on the said Thomas Elliott shall be exercised within ten years from the passing of this Act, and not later.

T. Elliot not to be personally bound.

Proviso.

Public Act.

II. This Act shall be deemed a Public Act.

C A P . C C X X V I .

An Act to extend to the Province of Canada Letters Patent granted to Henry Bessemer for certain improvements invented or discovered by him, in the manufacture of Malleable or Bar Iron and Steel.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS Henry Bessemer hath by his petition set forth that he is a British subject, and has invented or discovered certain new and useful Improvements in the manufacture of Malleable or Bar Iron and Steel, which have not been used or known by others within the Province of Canada or any other country, previously to the invention or discovery thereof by him, and that Letters Patent for the said invention or discovery were granted to him by Her Majesty the Queen, bearing date the twelfth day of February, One Thousand Eight Hundred and Fifty-six, for the term of Fourteen Years, and hath prayed that the said Letters Patent may be extended to this Province; And whereas it is reasonable and expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice

advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The said Letters Patent, a copy of which is contained in the Schedule to this Act annexed, shall be and they are hereby extended to this Province, and it shall and may be lawful for the said Henry Bessemer, his executors, administrators, assigns, and agents, to make and use and vend to others to be made and used within this Province, to the exclusion of all other person or persons whomsoever, the aforesaid Invention or Discovery upon the terms and conditions in the said Letters Patent expressed and contained, and upon the further condition that a Copy of the said Letters Patent stamped with the Great Seal of the Patent Office of the United Kingdom be recorded by the proper officer in the book kept for that purpose in the Office of the Provincial Secretary and Registrar ; and on the production of such copy, so sealed, it shall be the duty of such officer so to record the same.

The Letters Patent annexed to this Act extended to this Province.

To be recorded in Provincial Registrar's Office.

SCHEDULE.

[L.S.] “ *Victoria*, by the Grace of God of the United Kingdom of *Great Britain and Ireland*, Queen, Defender of the Faith, to all to whom these presents shall come, Greeting : “ Whereas *Henry Bessemer*, of Queen Street Place, New Cannon Street in the City of *London*, Civil Engineer, hath by his Petition humbly represented unto Us that he is in possession of an invention for “ Improvements in the manufacture of malleable or bar Iron and Steel,” which the Petitioner believes will be of great public utility, that he is the first and true Inventor thereof, and that the same is not in use by any other person or persons, to the best of his knowledge and belief. The Petitioner therefore most humbly prayed that We would be graciously pleased to grant unto him, his executors, administrators and assigns, Our Royal Letters Patent for the sole use, benefit and advantage of his said Invention, within Our United Kingdom of *Great Britain and Ireland*, the Channel Islands and *Isle of Man*, for the term of Fourteen years, pursuant to the Statute in that case made and provided ; and We being willing to give encouragement to all Arts and Inventions which may be for the public good, are graciously pleased to condescend to the Petitioner's request. Know ye therefore, that We, of Our especial grace, certain knowledge and mere motion, have given and granted, and by these Presents, for Us, Our Heirs and Successors, do give and grant unto the said *Henry Bessemer*, his executors, administrators and assigns, Our especial license, full power, sole privilege and authority, that he the said *Henry Bessemer*, his executors, administrators and assigns and every of them, by himself and themselves, or by his and their Deputy or Deputies, “ Servants

“ Servants or Agents, or such others as he the said *Henry*
 “ *Bessemer*, his executors, administrators or assigns shall at
 “ any time agree with, and no others, from time to time,
 “ and at all times hereafter, during the term of years herein
 “ expressed, shall and lawfully may make, use, exercise and
 “ vend his said Invention within Our United Kingdom of
 “ *Great Britain* and *Ireland*, the Channel Islands and
 “ *Isle of Man*, in such manner as to him the said *Henry*
 “ *Bessemer*, his executors, administrators and assigns, or
 “ any of them, shall in his or their discretion seem meet.
 “ And that he the said *Henry Bessemer*, his executors, ad-
 “ ministrators and assigns shall and lawfully may have and
 “ enjoy the whole profit, benefit, commodity and advantage
 “ from time to time, coming, growing, accruing and arising
 “ by reason of the said Invention for and during the term of
 “ years herein mentioned, to have, hold, exercise and enjoy
 “ the said licenses, powers, privileges and advantages
 “ hereinbefore granted or mentioned to be granted unto
 “ the said *Henry Bessemer*, his executors, administrators
 “ and assigns, for and during and unto the full end and
 “ term of Fourteen years from the day of the date of these
 “ Presents next and immediately ensuing according to the
 “ Statute in such case made and provided. And to the end
 “ that he the said *Henry Bessemer*, his executors, adminis-
 “ trators and assigns, and every of them, may have and
 “ enjoy the full benefit and the sole use and exercise of the
 “ said Invention according to Our gracious intention herein-
 “ before declared, We do by these presents for Us, Our
 “ Heirs and Successors, require and strictly command all and
 “ every person and persons, bodies politic and corporate,
 “ and all other Our subjects whatsoever, of what estate,
 “ quality, degree, name or condition soever they be within
 “ Our United Kingdom of *Great Britain* and *Ireland*, the
 “ Channel Islands and *Isle of Man*, that neither they nor
 “ any of them, at any time during the continuance of the
 “ said term of Fourteen years hereby granted either directly
 “ or indirectly do make use or put in practice the said In-
 “ vention or any part of the same so attained unto by the
 “ said *Henry Bessemer* as aforesaid, nor in any wise coun-
 “ terfeit, imitate or resemble the same, nor shall make or
 “ cause to be made any addition thereunto or subtraction
 “ from the same whereby to pretend himself or themselves
 “ the Inventor or Inventors, Devisor or Devisors thereof
 “ without the consent, license or agreement of the said
 “ *Henry Bessemer*, his executors, administrators or assigns,
 “ in writing under his or their hands and seals, first had and
 “ obtained in that behalf upon such pains and penalties as
 “ can or may be justly inflicted on such offenders for their
 “ contempt of this Our Royal Command. And further, to
 “ be answerable to the said *Henry Bessemer*, his executors,
 “ administrators and assigns, according to Law, for his
 “ and their damages thereby occasioned. And moreover,

“ we

“ we do by these presents for us, Our heirs and successors,
 “ will and command all and singular the Justices of the Peace,
 “ Mayors, Sheriffs, Bailiffs, Constables, Headboroughs and
 “ all other Officers and Ministers whatsoever of Us Our Heirs
 “ and Successors for the time being, that they or any of them
 “ do not nor shall at any time during the said term hereby
 “ granted in anywise molest, trouble or hinder the said
 “ *Henry Bessemer*, his executors, administrators or assigns
 “ or any of them, or his or their Deputies, Servants or
 “ Agents, in or about the due and lawful use or exercise of
 “ the aforesaid Invention, or any thing relating thereto.
 “ Provided always, and these Our Letters Patent are and
 “ shall be upon this condition, that if at any time during
 “ the said term hereby granted, it shall be made appear
 “ to Us, Our Heirs or Successors, or any six or more of
 “ Our or their Privy Council, that this Our Grant is
 “ contrary to Law or prejudicial or inconvenient to Our
 “ subjects in general, or that the said Invention is not a
 “ new Invention as to the public use and exercise thereof,
 “ within our *United Kingdom of Great Britain and Ireland*,
 “ the *Channel Islands* and *Isle of Man*, or that the said
 “ *Henry Bessemer* is not the first and true Inventor thereof
 “ within this Realm as aforesaid, these Our Letters Patent
 “ shall forthwith cease, determine and be utterly void, to
 “ all intents and purposes, any thing hereinbefore contained
 “ to the contrary thereof in any wise notwithstanding. Pro-
 “ vided also, that these our Letters Patent or any thing
 “ herein contained, shall not extend or be construed to ex-
 “ tend, to give privilege unto the said *Henry Bessemer*, his
 “ Executors, Administrators or Assigns, or any of them, to
 “ use or imitate any Invention or Work, whatsoever, which
 “ hath heretofore been found out or invented by any other of
 “ Our Subjects whatsoever, and publicly used or exercised
 “ within Our *United Kingdom of Great Britain* and
 “ *Ireland*, the *Channel Islands* or *Isle of Man*, unto whom
 “ Our like Letters Patent or Privileges have been already
 “ granted for the sole use, exercise and benefit thereof. It
 “ being Our Will and Pleasure, that the said *Henry Besse-*
 “ *mer*, his Executors, Administrators and Assigns, and all
 “ and every other person or persons to whom like Letters
 “ Patent or Privileges have been already granted as afore-
 “ said, shall distinctly use and practise their several Inven-
 “ tions by them invented, and found out according to the
 “ true intent and meaning of the same respective Letters
 “ Patent and of these Presents. Provided likewise, never-
 “ theless, and these Our Letters Patent are upon this
 “ express condition, that if the said *Henry Bessemer*, his
 “ Executors or Administrators, shall not particularly
 “ describe and ascertain the nature of the said Invention
 “ and in what manner the same is to be performed by an
 “ Instrument in writing, under his or their or one of their
 “ hands and seals, and cause the same to be filed in the
 “ Great

" Great Seal Patent Office, within six calendar months
 " next, and immediately after the date of these Our Letters
 " Patent ; And also, if the said *Henry Bessemer*, his Exe-
 " cutors, Administrators or Assigns, shall not pay the
 " Stamp Duty of Fifty Pounds and produce these Our Let-
 " ters Patent stamped with a proper Stamp to that amount
 " at the Office of Our Commissioners of Patents for Inven-
 " tions, before the expiration of three years from the date
 " of these Our Letters Patent pursuant to the provisions of
 " the Act of the sixteenth year of Our Reign, Chapter 5 ;
 " And also if the said *Henry Bessemer*, his Executors, Ad-
 " ministrators or Assigns shall not pay the Stamp Duty of
 " one hundred pounds, and produce these Our Letters
 " Patent stamped with a proper Stamp to that amount at
 " the said Office of Our said Commissioners before the
 " expiration of seven years from the date of these Our Let-
 " ters Patent, pursuant also to the said Act ; And also, if
 " the said *Henry Bessemer*, his Executors, Administrators
 " or Assigns, shall not supply or cause to be supplied for
 " Our service, all such articles of the said Invention as he
 " or they shall be required to supply by the Officers or
 " Commissioners, administering the Department of Our
 " Service, for the use of which the same shall be required
 " in such manner, at such times, and at and upon such
 " reasonable prices and terms as shall be settled for that
 " purpose by the said Officers or Commissioners requiring
 " the same, that then and in any of the said cases, these
 " Our Letters Patent and all liberties and advantages
 " whatsoever hereby granted, shall utterly cease, determine
 " and become void, any thing hereinbefore contained to
 " the contrary thereof in any wise notwithstanding. Pro-
 " vided that nothing herein contained shall prevent the
 " granting of Licenses, in such manner and for such con-
 " siderations as they may by Law be granted. And
 " lastly, We do by these Presents for Us, Our heirs and
 " successors, grant unto the said *Henry Bessemer*, his
 " Executors, Administrators and Assigns, that these Our
 " Letters Patent or the filing thereof, shall be in and by all
 " things good, firm valid and sufficient and effectual in the
 " Law, according to the true intent and meaning thereof,
 " and shall be taken, construed and adjudged in the most
 " favorable and beneficial sense for the best advantage of
 " the said *Henry Bessemer*, his Executors, Administrators
 " and Assigns, as well in all Our Courts of Record as
 " elsewhere, and by all and singular the Officers and Mi-
 " nisters whatsoever of Us, Our Heirs and Successors in
 " Our United Kingdom of *Great Britain and Ireland*, the
 " *Channel Islands* and *Isle of Man* and amongst all and
 " every the Subjects of Us, Our Heirs and Successors what-
 " soever and wheresoever, notwithstanding the not full and
 " certain describing the nature or quality of the said Inven-
 " tion, or of the materials thereunto conducting and belonging
 " In

“ In witness whereof, We have cause thesed Our Letters to be made Patent this Twelfth day of February, one thousand eight hundred and fifty-six, in the nineteenth year of Our Reign, and to be sealed as of the said twelfth day of February, one thousand eight hundred and fifty-six.

“ By Warrant,

Signed, EDMUNDS.

“ We hereby certify the above,
“ to be a true Copy,

“ (Signed) W S. SHEPPARD,
“ ED. TOWERS,
“ Clerks in the Great Seal Patent Office.”



THIRD SESSION, FIFTH PARLIAMENT.

TABLE OF CONTENTS.

	PAGES.
I. An Act to repeal the Act of one thousand eight hundred and fifty-six, intituled, <i>An Act to extend the provisions of the Insolvent Debtors' Act of Upper Canada, and for the relief of a certain class of persons therein mentioned,</i>	3
II. An Act for the amendment of the Practice and Procedure in Suits instituted on behalf of the Crown in matters relating to the Revenue,	<i>ib.</i>
III. An Act to amend the Statutes of this province respecting Mortgages and Sales of Personal Property in Upper Canada, and to consolidate the same,	6
IV. An Act to facilitate the Despatch of Business before Grand Juries,	10
V. An Act to amend the Laws in Upper Canada, respecting Appeals, and to alter the Constitution of the Court of Error and Appeal,	11
VI. An Act to amend the Municipal and Assessment Acts of Upper Canada, in so far as they relate to the commutation of Statute Labour,	19
VII. An Act to amend the Laws regulating Ferries, so as to encourage the employment of Steamboats as Ferryboats in Upper Canada,	20
VIII. An Act to discontinue the Lunatic Asylum Tax in Upper Canada, and to substitute certain other moneys as part of the Upper Canada Building Fund,	21
IX. An Act for the establishment of a Weekly Postal Communication by Steamers, between this Province and the United Kingdom,	22
X. An Act to authorize the payment of the proportionate share of this Province, of the cost of certain Light-houses in or near the Gulf of St. Lawrence,	23
XI. An Act to dispense with Government Directors in the Grand Trunk Railway Company of Canada, and to facilitate the completion of the Company's works from Rivière-du-Loup to Sarnia,	<i>ib.</i>
XII. An Act for the better Prevention of Accidents on Railways,	25
XIII. An Act to amend the Act to regulate the Inspection of Beef and Pork,	33

XIV. An Act to amend the Act to provide for the formation of Incorporated Joint Stock Companies for Manufacturing, Mining, Mechanical or Chemical purposes, so as to render Foreign Stockholders eligible as Trustees, - - -	34
XV. An Act to encourage Mining Companies by empowering them to construct gravel or macadamized roads or tramways to connect with railways, highways and navigable waters, -	ib.
XVI. An Act to continue for a limited time the several Acts and Ordinances therein mentioned, and for other purposes, -	36
XVII. An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1857, and for certain other expenses connected with the public service, and also for raising a Loan on the credit of the Consolidated Fund, - - -	40
XVIII. An Act to require accounts rendered to the Provincial Government to be so rendered in dollars and cents, - - -	52
XIX. An Act for the Imposing and Collection of Tolls on the Public Works, - - - - -	53
XX. An Act to amend the Consolidated Municipal Loan Fund Act, - - - - -	54
XXI. The Fishery Act, - - - - -	56
XXII. An Act further to secure the Independence of Parliament, -	64
XXIII. An Act to improve the mode of obtaining Evidence in cases of controverted Elections, - - - - -	69
XXIV. An Act for improving the organization and increasing the efficiency of the Civil Service of Canada, - - - - -	72
XXV. An Act to amend the Post-Office Laws of this Province, -	82
XXVI. An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws respecting Indians, - - - - -	84
XXVII. An Act for diminishing expense and delay in the administration of Criminal Justice in certain cases, - - - - -	88
XXVIII. An Act for establishing Prisons for Young Offenders—for the better government of Public Asylums, Hospitals and Prisons, and for the better construction of Common Gaols, -	94
XXIX. An Act for the more speedy trial and punishment of juvenile offenders, - - - - -	103
XXX. An Act to amend the Criminal Law, as regards the uttering of certain spurious Foreign Coin, - - - - -	110
XXXI. An Act to prevent the cruel and improper treatment of Cattle and other Animals, and to amend the Law relating the impounding the same, - - - - -	111
XXXII. An Act to repeal a certain Act therein mentioned, and to make better provision for the encouragement of Agriculture, and also to provide for the promotion of Mechanical Science, -	119
XXXIII. An Act to extend Patents for Inventions granted for one section of the Province to both sections thereof, on certain conditions, - - - - -	136
XXXIV. An Act to amend a certain Act therein mentioned, so as better to provide for the security of the lives of Passengers on board of Steam Vessels, - - - - -	137

TABLE OF CONTENTS.

iii

	PAGES.
XXXV. An Act to amend the Railway Clauses Consolidation Act,	142
XXXVI. An Act to authorize investigations in cases of accident by Fire, and to repeal the Act authorizing such investigations in the Cities of Quebec and Montreal,	ib.
XXXVII. An Act further to amend the Acts relative to Land Sur- veyors,	145
XXXVIII. An Act to amend the Act relating to the Commissioners' Courts for the Summary Trial of Small Causes in Lower Canada,	146
XXXIX. An Act to amend the Act 16 Victoria, chapter 171, in so far as it relates to the time fixed for the hunting of Muskrats,	ib.
XL. An Act to amend the several Acts to remedy abuses prejudicial to Agriculture,	147
XLI. The Lower Canada Municipal and Road Amendment Act of 1857,	172
XLII. An Act to explain and amend the Municipal Loan Fund Acts,	181
XLIII. An Act to provide for the Codification of the Laws of Lower Canada relative to Civil matters and Procedure,	182
XLIV. An Act to amend the Judicature Acts of Lower Canada,	186
XLV. An Act for settling the Law concerning Lands held in Free and Common Soccage in Lower Canada,	232
XLVI. An Act to amend the Lower Canada Tavern License Act of 1851,	235
XLVII. An Act to amend the Sleigh Ordinances,	238
XLVIII. An Act to amend the Act authorizing the formation of Joint Stock Companies for the construction of Roads in Lower Canada, with a view to encourage the construction of good and useful roads throughout Lower Canada,	239
XLIX. An Act to amend and consolidate the Laws relating to the organization of Agricultural Societies in Lower Canada,	240
L. An Act to amend the Acts relating to Agricultural Societies in Lower Canada,	247
LI. An Act to consolidate and amend the laws relating to the hunt- ing of wild animals and other game in Lower Canada,	248
LII. An Act to legalize the Articles of Notarial Students who have neglected to have them enregistered within the delay pre- scribed by law,	249
LIII. An Act further to amend the Acts relative to the Royal Insti- tution for the advancement of Learning, and to the University of McGill College,	ib.
LIV. An Act further to amend the Act intituled, <i>An Act to encourage the establishment of Building Societies in Lower Canada</i> ,	251
LV. An Act to declare the meaning of the Auction Duties Act of 1841, with respect to Sales in Rural Districts,	252
LVI. An Act for further increasing the efficiency and simplifying the proceedings of the Court of Chancery,	253
LVII. An Act to amend the Common Law Procedure Act 1856, and to facilitate the remedies on Bills of Exchange and Promissory Notes,	258

	PAGES.
LVIII. An Act to alter and amend the Law in relation to the Upper Canada County Courts, - - - - -	270
LIX. An Act for the Appointment of County Attorneys, and for other purposes, in relation to the Local Administration of Justice in Upper Canada, - - - - -	277
LX. An Act to provide for the better administration of Justice in the unorganized tracts of Country within the limits of this Province, - - - - -	283
LXI. An Act to extend the right of Appeal in Criminal Cases in Upper Canada, - - - - -	320
LXII. An Act to prevent delay in the administration of Justice in cases of Misdemeanor in Upper Canada, - - - - -	322
LXIII. An Act to amend the Law for the admission of Attornies, - - - - -	324
LXIV. An Act further to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada, and for that purpose to amend, extend and continue two certain Acts therein mentioned, - - - - -	335
LXV. An Act to amend the Act to abolish the rights of Primogeniture, and to afford relief to parties succeeding to the real estate of persons dying intestate, in certain cases in Upper Canada, - - - - -	337
LXVI. An Act to amend the Laws relating to the solemnization of Matrimony in Upper Canada, - - - - -	345
LXVII. An Act to amend the Municipal Laws of Upper Canada relating to the incorporation of Villages, - - - - -	350
LXVIII. An Act to enable Counties united for Municipal purposes to carry on improvements independently of each other, - - - - -	351
LXIX. An Act to provide for the disposal of Road Allowances in the Rural Municipalities of Upper Canada, - - - - -	352
LXX. An Act to amend the Law relative to the Inspectors of Houses of Public Entertainment, - - - - -	354
LXXI. An Act to explain and amend the Clergy Reserves Appropriation Amendment Act of 1856, as regards the mode of ascertaining the number of Rate-payers in the several Municipalities in Upper Canada, - - - - -	355
LXXII. An Act to make valid the Deeds given by Sheriffs to the Assignees of Purchasers of Land sold for Taxes under thirteenth and fourteenth Victoria, chapter sixty-seven, - - - - -	356
LXXIII. An Act to provide for ascertaining unknown Boundaries in all cases in which the Concession Lines were not run in the original survey, - - - - -	<i>ib.</i>
LXXIV. An Act further to amend and extend the Act to establish Mutual Insurance Companies in Upper Canada, - - - - -	357
LXXV. An Act for the protection of persons owning Lands on the Shore of Lake Ontario in the Counties of York, Peel and Halton, - - - - -	358
LXXVI. An Act to attach the new Townships of Galway, Cavendish and Anstruther to the County of Peterborough, - - - - -	359
LXXVII. An Act to explain the Act to separate the County of Bruce from the County of Huron, - - - - -	<i>ib.</i>
LXXVIII. An Act to authorize the Provisional Municipal Council of the County of Bruce, to take Stock in certain Railways, - - - - -	360

TABLE OF CONTENTS.

v

	PAGES.
LXXIX. An Act to legalize and make valid certain By-laws of the late Home District Council passed in reference to certain Roads in the County of Ontario, - - -	362
LXXX. An Act to amend the Act conveying to the City of Toronto certain Water Lots, with power to the said City for the construction of an Esplanade, and to enable the said City to locate the Grand Trunk Railroad and other Railroads along the frontage of the said City, - - -	363
LXXXI. An Act to authorize the City of Toronto to erect Water Works, and to levy a water rate, - - -	367
LXXXII. An Act to enable the City Council of the City of London, to sell and convey certain land in the City of London, called the Potter's Field, - - -	374
LXXXIII. An Act to authorize the City of Hamilton to negotiate a Loan of Fifty thousand pounds, - - -	375
LXXXIV. An Act to amend the Act intituled, <i>An Act for the construction of Water Works in the City of Hamilton</i> , -	376
LXXXV. An Act to consolidate the debt of the City of Ottawa, -	377
LXXXVI. An Act to incorporate the Board of Trade of the City of Ottawa, - - -	379
LXXXVII. An Act to empower the Town Council of Goderich to apply to certain purposes an unexpended balance of money raised for other purposes, - - -	386
LXXXVIII. An Act to confirm a Conveyance made by the Municipal Council of the Town of Goderich of a portion of the Market Square of the said Town to the Municipal Council of the United Counties of Huron and Bruce, - - -	387
LXXXIX. An Act to incorporate the Town of Bowmanville, and to define the limits thereof, - - -	388
XC. An Act to authorize the Town of St. Catharines to negotiate a loan of forty-five thousand two hundred and forty-eight pounds, to consolidate the debt of the Town, and for other purposes, -	390
XCI. An Act for the construction of Water Works in the Town of St. Catharines, - - -	394
XCII. An Act to incorporate the Town of Milton, in the County of Halton, - - -	400
XCIII. An Act to incorporate the Town of Oakville, - - -	403
XCIV. An Act to incorporate the Town of Sandwich, in the County of Essex, - - -	406
XCV. An Act to incorporate the Town of Lindsay and define the limits thereof, - - -	409
XCVI. An Act to incorporate the Town of Collingwood, - - -	411
XCVII. An Act to incorporate the Town of Windsor, and to divide the same into Wards, and to define the limits thereof, -	413
XCVIII. An Act to incorporate the Village of Bradford, in the County of Simcoe, - - -	415
XCIX. An Act to amend an Act intituled, <i>An Act to incorporate the Village of Kemptville</i> , and to legalize the late election for Village Councillors held thereunder, - - -	417
C. An Act to incorporate the Village of Clinton, - - -	418

	PAGES.
CI. An Act to incorporate the Village of Iroquois, in the County of Dundas, - - - - -	419
CII. An Act to incorporate the Village of Newmarket, - - - - -	422
CIII. An Act to incorporate the Village of Waterloo, in the County of Waterloo, - - - - -	425
CIV. An Act to incorporate the Village of Fort Erie, in the County of Welland, - - - - -	428
CV. An Act to incorporate the Village of New Hamburg, in the County of Waterloo, - - - - -	431
CVI. An Act to incorporate the Village of Fergus, in the County of Wellington, - - - - -	434
CVII. An Act to incorporate the Village of Elora, in the County of Wellington, - - - - -	436
CVIII. An Act to incorporate the Village of Mitchell, in the County of Perth, - - - - -	439
CIX. An Act to legalize and confirm the acts and proceedings of the Municipal Council of the Township of Brantford, - - - - -	442
CX. An Act to enable the Municipal Council for the Township of Stanley, to construct a Harbour at the entrance of the River Bayfield into the Lake Huron, - - - - -	445
CXI. An Act to authorize the Municipalities of the Townships of East Zorra, West Zorra, and East Nissouri, in the County of Oxford, to dispose of certain Road allowances in the said Townships, - - - - -	446
CXII. An Act to authorize the Municipality of the Township of McGillivray to dispose of certain Road allowances in the said Township, - - - - -	447
CXIII. An Act to divide the Township of Whitby, in the County of Ontario, into two separate Municipalities, - - - - -	448
CXIV. An Act to divide the Township of Fredericksburgh, in the County of Lennox, into two separate Municipalities, - - - - -	449
CXV. An Act to authorize the Draining of Lake Wawanosh, in township of Sarnia, - - - - -	450
CXVI. An Act for the establishment of a certain Concession Line in the Township of Clarke, - - - - -	453
CXVII. An Act to amend the Act 19 & 20 Vict., cap. 47, and to authorize the formation of four Agricultural Societies in the County of Gaspé, instead of two, - - - - -	454
CXVIII. An Act to provide for the transfer of certain Books and Documents from the Registry Office for the County of Chateaugay to that for the County of Huntingdon, - - - - -	ib.
CXIX. An Act to authorize the running of the boundary line between the Seigniorship of Beauharnois and the Township of Godmanchester, and the Parish of St. Anicet, for the purpose of a Road, - - - - -	456
CXX. An Act to erect parts of Russeltown and Jamestown, in the County of Chateaugay, and parts of Hemmingford and Hinchinbrooke, in the County of Huntingdon, into a Municipality, and to attach the same to the County of Huntingdon, - - - - -	457

TABLE OF CONTENTS.

vii

	PAGES.
CXXI. An Act to amend the Act intituled : <i>An Act to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes,</i> - - -	458
CXXII. An Act to remove doubts as to the extent of the powers of the Inspectors and Superintendents of the Police of the Cities of Quebec and Montreal, - - -	459
CXXIII. An Act to authorize the Corporation of the City of Quebec to establish a Police force for the said City, - - -	<i>ib.</i>
CXXIV. An Act further to provide for defraying the expense of the River Police at Quebec, - - -	463
CXXV. An Act to divide the Quebec Turnpike Roads into two separate Trusts, and to make other provision relative thereto, - - -	<i>ib.</i>
CXXVI. An Act to amend the Act to provide for the management and improvement of the Harbour of Montreal and the deepening of the Ship Channel between Montreal and Quebec, - - -	468
CXXVII. An Act to correct an Error in an Act of the present Session relative to the Harbour and Harbour Commissioners of Montreal, - - -	472
CXXVIII. An Act to amend an Act intituled, <i>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,</i> and to make further provisions concerning Pilots, - - -	473
CXXIX. An Act to make more ample provision for the incorporation of the Town of Three-Rivers, - - -	474
CXXX. An Act to afford relief to the sufferers by the late fire at Three-Rivers, by authorizing a loan on the credit of the Consolidated Municipal Loan Fund, to enable them to rebuild the houses and other buildings destroyed by the said fire, - - -	508
CXXXI. An Act to incorporate the City of St. Hyacinthe, - - -	510
CXXXII. An Act to amend the Lower Canada Municipal and Road Act of 1855, and to erect St. Lambert into a district Municipality, - - -	546
CXXXIII. An Act to divide the Township of Halifax into two separate Townships, - - -	548
CXXXIV. An Act to alter the limits of the Township of Halifax, and the Parish of St. Norbert d'Arthabaska, - - -	<i>ib.</i>
CXXXV. An Act to legalize certain proceedings of the Municipality of St. Norbert d'Arthabaska, - - -	550
CXXXVI. An Act to continue and confirm a separation of the Municipality of St. Julie de Somerset from St. Calixte de Somerset, and to divide the Township of Somerset into two separate Townships, - - -	551
CXXXVII. An Act to amend the Lower Canada Municipal and Road Act of 1855, and to erect St. Aubert into a separate Municipality, - - -	552
CXXXVIII. An Act to legalize the proceedings of the County Council of Kamouraska and the Local Council of St. Paschal, - - -	553
CXXXIX. An Act to make further Legislative provision for the partition of certain lands in the Townships of Bolton and Magog, - - -	<i>ib.</i>
CXL. An Act to amend the Act incorporating the Bar of Lower Canada, - - -	555

	PAGES.
CXLI. An Act to increase the Capital Stock of the Port Dalhousie and Thorold Railway Company, and to change the name of the Company, - - - - -	557
CXLII. An Act to define the powers and confirm certain proceedings of the Champlain and St. Lawrence, and Montreal and New York Railroad Companies, - - - - -	558
CXLIII. An Act to amend the Charter of the Ontario, Simcoe and Huron Railroad Union Company, - - - - -	563
CXLIV. An Act to amend and extend the Charter of the Brockville and Ottawa Railway Company, - - - - -	564
CXLV. An Act to revive and amend a certain Act passed in the sixteenth year of Her Majesty's Reign, and intituled, <i>An Act to incorporate the Port Whitby and Lake Huron Railway Company</i> , - - - - -	569
CXLVI. An Act to explain an Act, intituled, <i>An Act to amend the Act incorporating the Hamilton and Toronto Railway Company</i> , - - - - -	577
CXLVII. An Act to alter and amend the Act relating to the Galt and Guelph Railway, and to incorporate the Preston and Berlin Railway Company, - - - - -	578
CXLVIII. An Act to amend the Acts relating to the Stanstead, Shefford and Chambly Railroad Company, - - - - -	581
CXLIX. An Act to incorporate the St. Maurice Railway and Navigation Company, - - - - -	582
CL. An Act to incorporate the Iberville, Brome, Shefford and Missisquoi Road Company, - - - - -	589
CLI. An Act to incorporate the Fort Erie Railway Company, - - - - -	610
CLII. An Act to incorporate the London and Lake Huron Railway Company, - - - - -	617
CLIII. An Act to incorporate the Strathroy and Port Frank Railway Company, - - - - -	622
CLIV. An Act to incorporate the Eastwood and Berlin Railway Company, - - - - -	627
CLV. An Act to incorporate the Brantford and South Western Railway Company, - - - - -	632
CLVI. An Act to incorporate the Toronto and Owen Sound Central Railway Company, - - - - -	638
CLVII. An Act to incorporate the St. Clair, Chatham and Rondeau Ship Canal Company, - - - - -	643
CLVIII. An Act to incorporate the Fort Erie Ship Canal Company, - - - - -	662
CLIX. An Act to incorporate the Ontario Bank, - - - - -	671
CLX. An Act to alter and amend the Act incorporating the Bank of Toronto, - - - - -	686
CLXI. An Act to amend the Charter of the Colonial Bank of Canada, - - - - -	701
CLXII. An Act to incorporate the "International Bank of Canada", - - - - -	705
CLXIII. An Act to alter and amend the Act incorporating the Niagara District Bank, - - - - -	721
CLXIV. An Act to incorporate the Bank of Brantford, - - - - -	726
CLXV. An Act for amending the Act for incorporating and granting certain powers to the Canadian Loan and Investment Company, - - - - -	741
CLXVI. An Act to incorporate the Western Canada Loan Company, - - - - -	743

TABLE OF CONTENTS.

ix

	PAGES.
CLXVII. An Act to amend the Act incorporating the Western Assurance Company, - - - - -	765
CLXVIII. An Act to incorporate the North Western Steam Navigation Company of Canada, - - - - -	766
CLXIX. An Act to incorporate the Canadian Inland Steam Navigation Company, - - - - -	776
CLXX. An Act to incorporate certain persons under the name of the "Richelieu Company", - - - - -	783
CLXXI. An Act to incorporate certain persons under the name of the "De Salaberry Navigation Company of Montreal," - - - - -	787
CLXXII. An Act to incorporate the Toronto Island Bridge Company, - - - - -	791
CLXXIII. An Act to extend the powers of the St. Clair and Rond Eau Plank Road Company, - - - - -	797
CLXXIV. An Act to incorporate certain persons under the name of "The St. Lawrence Warehouse, Dock and Wharfage Company," - - - - -	798
CLXXV. An Act to amend the Acts incorporating the Montreal Telegraph Company, and to extend the powers of the said Company, and to authorize the establishment of a Transatlantic line of Telegraph by the said Company, - - - - -	811
CLXXVI. An Act to incorporate the Sherbrooke Manufacturing Company, - - - - -	815
CLXXVII. An Act to incorporate the Toronto Pressed Brick Company, - - - - -	820
CLXXVIII. An Act to incorporate the Montreal Steam Elevating and Warehousing Company, - - - - -	825
CLXXIX. An Act to amend the Charter of the Marmora Foundry Company, and to change its name to the Marmora Iron Company, - - - - -	829
CLXXX. An Act to authorize G. S. Wilkes to construct a Dam on the Grand River at Holmedale, - - - - -	831
CLXXXI. An Act to incorporate the Toronto Horticultural Society, - - - - -	<i>ib.</i>
CLXXXII. An Act to incorporate certain persons under the name of the Joliette Mining Company, - - - - -	833
CLXXXIII. An Act to amend the Act incorporating the Literary Institute of Sherbrooke, - - - - -	837
CLXXXIV. An Act to incorporate Belleville Seminary, - - - - -	<i>ib.</i>
CLXXXV. An Act to incorporate a Grammar School at Frelighs- burgh, to be called the Frelighsburgh Grammar School, - - - - -	841
CLXXXVI. An Act to incorporate the Church of England Male Orphan Asylum of Quebec, - - - - -	842
CLXXXVII. An Act to incorporate the Sisters of Our Lady of Lo- retto, in the Diocese of Toronto, - - - - -	844
CLXXXVIII. An Act to amend the Act incorporating the Montreal St. Patrick's Orphan Asylum, - - - - -	846
CLXXXIX. An Act to amend the Act relating to Savings' Banks as it concerns the <i>Caisse d'Economie Notre Dame de Québec</i> , - - - - -	847
CXC. An Act to enable the Trustees of Glebe Lot number twenty- nine, in the second Concession of the Township of Edwards- burgh, to sell and convey the East half of said Lot, originally granted in trust as an Endowment or Glebe for the Presby-	

	PAGES.
terian Church in the Town of Brockville in connection with the Church of Scotland, and for other purposes, - -	848
CXCI. An Act to amend the Act incorporating the Minister and Trustees of St. Andrew's Church, Montreal, - -	849
CXCII. An Act to authorize the Trustees for the congregation of Saint Andrew's Church in the Town of Guelph, adhering to the Presbyterian Church of Canada in connection with the Church of Scotland, to sell certain lands held by them in trust for such congregation, - - - -	851
CXCIII. An Act to authorize the Trustees of the Presbyterian Society of Hamilton to sell and convey certain Church property held by them, - - - -	852
CXCIV. An Act to authorize the Ministers of the Church of the denomination known as <i>The Church of the Order of the Countess of Huntingdon's Connection</i> , in Lower Canada, to solemnize matrimony and to keep Registers of marriages, baptisms and burials, and for other purposes therein mentioned, - - - -	854
CXCV. An Act to confirm certain Sales and Assurances made by the Executors and Trustees of the Will and Codicil of James McCaulay, deceased, and the partition, division and appropriation made by the said Executors and Trustees, and others, parties to a certain Indenture bearing date the tenth day of July, in the year of our Lord, one thousand, eight hundred and thirty, - - - -	855
CXCVI. An Act to enable James Carlton Grant and others to confirm the Sale of certain Lands in the Town and Township of Hope, in the County of Durham, late of Reuben Pitkin Grant, deceased, and to execute conveyances of the same, notwithstanding their disability, - - - -	866
CXCVII. An Act to appoint Trustees to the estate of the late Charles Bowman, - - - -	870
CXCVIII. An Act to secure to and confer upon Edwin Marcus Chaffee, an inhabitant of this Province, the civil and political rights of a natural-born British Subject, - - - -	872
CXCIX. An Act to vest in James Barnum, a certain Road allowance in the Township of Haldimand, in the County of Northumberland, - - - -	<i>ib.</i>
CC. An Act to vest a certain Allowance for Road in the Township of Whitby, in Jonathan Foote and William Thorne, - -	873
CCI. An Act to vest in John Macara a certain portion of an Allowance for Road in the Township of London, - - - -	875
CCII. An Act to vest in John Mutrie a Road Allowance in the Township of Nichol, County of Wellington, - - - -	875
CCIII. An Act to vest in Wollaston F. Pym a certain Road Allowance in the Township of Haldimand, in the County of Northumberland, - - - -	<i>ib.</i>
CCIV. An Act to vest a certain Road Allowance in the Township of Brantford in Frederick T. Wilkes, - - - -	876
CCV. An Act for closing up certain Road Allowances in the Township of Thorold, and to vest the same in parties herein mentioned, - - - -	877

TABLE OF CONTENTS.

xi

	PAGES.
CCVI. An Act to vest a certain allowance for road in the Township of Oxford, in John Christie, - - -	878
CCVII. An Act to vest a certain Allowance for Road in the Township of Winchester in the County of Dundas in John Pliny Crysler and George Hummel, the elder, - - -	879
CCVIII. An Act to vest a certain Road Allowance in the Township of Whitby, in John W. Gamble, Esquire, - - -	880
CCIX. An Act to vest certain Road Allowances in the Township of Whitby, in Thomas N. Gibbs, Esquire, - - -	<i>ib.</i>
CCX. An Act to vest in John Shaw a certain allowance for road in the Township of Wilberforce, - - -	881
CCXI. An Act to vest in Charles Coxwell Small, Esquire, certain Road Allowances in the Township of Pickering, - - -	<i>ib.</i>
CCXII. An Act to vest in Josiah D. Wellington a certain allowance for road in the Township of Brighton, - - -	882
CCXIII. An Act to vest a certain Road Allowance in the Township of Brantford, in George S. Wilkes, - - -	883
CCXIV. An Act to authorize the Ministers of the Church of the denomination known as <i>The Methodist Episcopal Church in Canada</i> , to solemnize matrimony, and to keep Registers of Marriages, Baptisms and Burials in Lower Canada, and for other purposes therein mentioned, - - -	884
CCXV. An Act to amend the Act to provide for the division of the Common of Maskinongé, - - -	885
CCXVI. An Act to amend the Act to enable the inhabitants of the parish of St. François du Lac better to regulate the Common of St. François, - - -	886
CCXVII. An Act to incorporate the Canadian Literary Institute of Woodstock, - - -	889
CCXVIII. An Act to amend the Act of Upper Canada, enabling the Presbyterian Congregation of York to purchase ground for a Church and Burying-ground, - - -	892
CCXIX. An Act to constitute the Rector and Churchwardens of the Parish of Quebec, a Corporation for the management of the Finlay Asylum at Quebec, - - -	894
CCXX. An Act to enable the Trustees of the First Free Will Baptist Church in Hatley, to receive a legacy bequeathed to the said Church, - - -	895
CCXXI. An Act to enable the Incumbent and Churchwardens of the Mission of the Church of England at Georgina to dispose of certain lands belonging to the said Mission, - - -	896
CCXXII. An Act to enable the Trustees of a certain School Lot in the Town of Prescott to sell the said Lot, and for other purposes, - - -	897
CCXXIII. An Act to enable the Trustees of the Toronto General Hospital, to raise a further loan of money, - - -	899
CCXXIV. An Act to vest certain real estate of the late Thomas Benson in the hands of Trustees, - - -	<i>ib.</i>
CCXXV. An Act to enable the surviving Executor of the late John McIntosh, Esquire, to lease certain real property in Toronto, - - -	902
CCXXVI. An Act to extend to the Province of Canada Letters Patent granted to Henry Bessemer for certain improvements invented or discovered by him, in the manufacture of Malleable or Bar Iron and Steel, - - -	904



INDEX

TO

ACTS OF CANADA.

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THIRD SESSION, FIFTH PARLIAMENT 20 VICT., 1857.

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	PAGES.
Acts and Ordinances continued, viz:	36
Fisheries in Gaspé, 4, 5 V. c. 36.	
Rivers and Rivulets in U. C., 7 V. c. 36, as amended by 10, 11 V. c. 20, and 14, 15 V. c. 123.	
Riots near Public Works, prevention of, 8 V. c. 6, as amended by 14, 15 V. c. 76.	
Registration of Titles in L. C., 8 V. c. 27.	
Insolvent Debtors, U. C., 8 V. c. 48, except sec. 44.	
Commissioners on Public Business empowered to take Evidence on Oath, 9 V. c. 38.	
Trinity House, Montreal, (powers for preservation of Public Health,) 10, 11 V. c. 1.	
Inspection of Butter, 11 V. c. 7.	
Penitentiary, Provincial, management of, 14, 15 V. c. 2.	
Real Property illegally detained in L. C. (Squatters' Act), 14, 15 V. c. 92, as amended by 16 V. c. 205.	
Fisheries on Labrador, and North Shore of St. Lawrence, 16 V. c. 92.	
Common of Laprairie, L. C., 2 G. 4, c. 8.	
— of La Baie du Febvre, L. C., 2 G. 4, c. 10, and 4 G. 4, c. 26.	
Secret Incumbrances on Lands, L. C., 9 G. 4, c. 20.	
Fraudulent Debtors, L. C., 9 G. 4, c. 27.	
Debtors, proceedings against Effects of, L. C., 9 G. 4, c. 28.	
Common of Fief Grosbois, L. C., 9 G. 4, c. 32.	
Salmon Fisheries in certain parts of L. C., 9 G. 4, c. 51.	
Wolves, to encourage destruction of, L. C., 1 W. 4, c. 6.	
Bills of Exchange, damages on protested, L. C., 3 W. 4, c. 14.	
Sick Mariners, Medical treatment of, L. C., 6 W. 4, c. 35, as amended by 8 V. c. 12, and by 16 V. c. 166.	
Insane Persons in the Home District, U. C., 11 G. 4, c. 20, and the extension of the said Act by U. C., 3 W. 4, c. 45.	
Wolves, to encourage destruction of, U. C., 6 W. 4, c. 29.	
Bankrupts, relief of, (in certain cases only,) 7 V. c. 10,— 9 V. c. 30,—12 Y. c. 18,—13, 14 V. c. 20.	

	PAGES.
Fees to Persons employed by Justices of the Peace, L. C., 6 W. 4, c. 19.	
Hastings, Registration of Titles in, (period allowed for, extended,) 9 V. c. 12,—10, 11 V. c. 38,—12 V. c. 97.	
Administration of Justice in unorganized tracts, - - -	283
Agricultural Societies, L. C., law amended and consolidated, recovery of moneys in hands of former Treasurers, - - -	240
Agricultural and Mechanical Science, for promoting, &c., - - -	247
Agriculture, to remedy abuses prejudicial to, in L. C., - - -	119
Appeals, to amend the law respecting, in U. C., - - -	147
Appeal in Criminal cases, right of extended in U. C., - - -	11
Arthabaska Parish and Halifax Township, limits altered, &c., - - -	320
St. Norbert de, proceedings of Municipality confirmed,	548
Attorneys, Admission of in U. C., - - -	550
Auction duties, Act of 1841 explained as to L. C., - - -	324
BANK of Brantford, incorporated, - - -	252
Bank of Toronto, Charter amended, - - -	726
Banks. See Ontario—Bank of Toronto—Colonial Bank—International Bank—Niagara District—Bank of Brantford.	686
Bankrupts, relief of in certain cases, Acts continued, - - -	39
Bar of Lower Canada, Act of incorporation amended as to Quebec Section, - - -	555
Barnum, James, Road allowance vested in, - - -	872
Beauharnois Seignior and Godmanchester, line between for road,	456
Beef and Pork, inspection of, Act amended, - - -	33
Belleville Seminary incorporated, - - -	637
Benson, Thomas, Estate of, vested in Trustees, - - -	899
Bessemer, Henry, Letters Patent for an invention extended to Canada, - - -	904
Bills of Exchange, damages on protested in L. C., Act continued,	36
Bills and notes, remedies on in U. C. facilitated, &c. - - -	258
Bolton and Magog, partition of certain lands in, - - -	553
Bowman, Charles, appointment of Trustees to his estate, - - -	870
Bowmanville incorporated as a Town, - - -	386
Bradford incorporated as a village, - - -	415
Brantford township, acts of Municipal Council confirmed, - - -	442
Brantford and South Western Railway Company incorporated, - - -	632
Brockville and Ottawa Railway Company, charter amended, - - -	564
Brockville Presbyterian Church, Trustees empowered to sell certain lands, - - -	848
Bruce County, Act separating it from Huron explained, Provisional Council may take stock in certain Rail- ways, - - -	359
Building Societies, L. C., Act amended, - - -	360
Butter, Inspection of, Act continued, - - -	251
CAISSE D'ECONOMIE Notre Dame de Quebec, - - -	36
Canadian Inland Steam Navigation Company incorporated, - - -	847
Canadian Loan and Investment Company, charter amended, - - -	776
Canadian Literary Institute of Woodstock incorporated, - - -	741
	889

I N D E X .

iii

	PAGES
Chaffee, Edwin Marcus, naturalized, - - - -	872
Champlain and St. Lawrence, and Montreal and New York Rail- way Companies, proceedings for amalgamation, &c., confirmed, - - - -	558
Chancery, for increasing efficiency and simplifying proceedings in Court of, - - - -	253
Chateauguay County. <i>See</i> Huntington.	
Chattels, mortgages and sales of in U. C. law amended, - -	6
Christie, John, Road allowance vested in, - - - -	878
Chrysler, J. P. and Hummel G. Road allowance vested in, - -	879
Church of England Male Orphan Asylum of Quebec incorporated,	842
Civil Government, supplies for expenses of, for 1857, &c., -	40
Civil Service, improvement and organization of, - - - -	72
Clarke Township, establishment of a concession line, in - -	453
Clergy Reserves, Act of 1856, c. 16, explained, - - - -	355
Clinton, incorporated as a village, - - - - -	418
Codification of Laws of L. C., to provide for, - - - -	182
Coin, spurious foreign, to prevent uttering, &c., - - - -	110
College of Sherbrooke. <i>See</i> Literary Institute of Sherbrooke.	
Collingwood incorporated as a Town, - - - - -	411
Colonial Bank, charter amended, - - - - -	701
Commissioners on Public business, Act enabling them to take evidence on oath, continued, - - - - -	37
Commissioners Courts, L. C., Act amended, - - - - -	146
Common Law Procedure Act of 1856, amended, - - - - -	258
Controverted elections, for better obtaining evidence in, - -	69
Countess of Huntingdon. <i>See</i> Huntingdon.	
Counties, united, enabled to carry on improvements separately, -	351
County Courts, U. C., Law relative, to altered and amended, -	270
County Attornies, U. C., for appointment of, &c., - - - -	277
Courts of Superior Jurisdiction in U. C., accommodation for, -	335
Criminal cases, right of Appeal extended in U. C., - - - -	320
Criminal Justice, for diminishing expense and delay in administra- tion of, - - - - -	88
Crown Revenue Suits in U. C. <i>See</i> Revenue.	
Cruelty to animals, to prevent, &c., - - - - -	111
DEBTORS , Proceedings against effects of, L. C. Act continued, -	38
De Salaberry Navigation Company of Montreal, incorporated -	787
Dollars and cents, Public accounts to be kept in, after 1857, -	52
EASTWOOD and Berlin Railway Company incorporated, -	627
Elections, controverted, for obtaining evidence in, - - - -	69
Elora Village incorporated, - - - - -	436
Error and Appeal, to amend constitution of Court of in U. C., -	11
FERGUS , Village incorporated, - - - - -	434
Ferries in U. C., to encourage Steam Ferry-boats on, - - - -	20
Finlay Asylum of Quebec incorporated, - - - - -	894
Fires, investigations into origin of, - - - - -	142
First Freewill Baptist Church at Hatley empowered to receive a certain legacy, &c., - - - - -	895

	PAGES.
Fishery Act, - - - - -	56
Fisheries in Gaspé, Act continued, - - - - -	36
in Labrador, &c., Act continued, - - - - -	36
Foot J. and Thorne W. Road allowance vested in, - - - - -	873
Foreign Capital, investment of in certain Joint Stock Companies encouraged, - - - - -	34
Fort Erie Village incorporated, - - - - -	428
Fort Erie Railway Company incorporated, - - - - -	610
Fort Erie Ship Canal Company incorporated, - - - - -	662
Franklin Township, constituted, and annexed to County of Huntingdon, - - - - -	457
Fraudulent Debtors, L. C., Act continued, - - - - -	37
Fredericksburg Township divided into two Municipalities, - - - - -	449
Free and common soccage lands in L. C., for settling the Law, relating to, - - - - -	232
Frelighsburg Grammar School incorporated, - - - - -	841
GALT AND GUELPH Railway Company, Charter amended, - - - - -	578
Gamble J. W., road allowance vested in, - - - - -	880
Game and hunting in L. C., laws consolidated and amended, - - - - -	248
Gaols for young offenders, and for better construction and inspection of generally, &c., - - - - -	94
Gaspé County, four Agricultural Societies may be formed in, - - - - -	454
Georgina, Church of England mission at, may dispose of certain lands, - - - - -	896
Gibbs T. N., road allowance vested in, - - - - -	880
Goderich Town Council enabled to expend a certain balance, - - - - -	386
conveyance of part of market square to County Council confirmed, - - - - -	387
Godmanchester and Beauharnois, line for road between, - - - - -	456
Grand Juries, to facilitate despatch of business before, - - - - -	10
Grand River, dam on. <i>See Wilkes.</i>	
Grand Trunk Railway Company, further relief to, &c., - - - - -	23
Grant James C. and others, may confirm sales of or sell certain lands, - - - - -	866
Grosbois Fief, common of, Act continued, - - - - -	36
Guelph, Trustees of St. Andrew Presbyterian Church may sell certain lands, - - - - -	851
Gulf of St. Lawrence, lighthouses on, appropriation for, - - - - -	23
HALIFAX Township divided into two Municipalities, - - - - -	548
and Arthabaska, limits altered, &c., - - - - -	548
Hamilton City enabled to raise a loan of £50,000, - - - - -	375
Water works Act amended, - - - - -	376
Hamilton Presbyterian Society may sell lands at, - - - - -	852
Hamilton and Toronto Railway Company, powers extended, - - - - -	577
Hastings, registration of titles, period for extended, - - - - -	40
Hatley, First Free Will Baptist Church at, Legacy to, - - - - -	895
Home District, By-laws touching roads in County of Ontario confirmed, - - - - -	362
Huntingdon County, certain registers, &c., to be removed into from Chateauguay, - - - - -	454

I N D E X .

Huntingdon County, Franklin Township formed and annexed to, -	457
Countess of, Ministers of her persuasion may solemnize marriage, &c., in L. C., -	854
IBERVILLE , Brome, Shefford & Missisquoi Road Company incorporated, -	589
Independence of Parliament, to secure, -	64
Indians, for the gradual civilization of, -	84
Insane persons in Upper Canada, relief of, Acts continued, -	38
Insolvent Debtors, (U. C.) extension Act of 1856, repealed, -	3
Insolvent Debtors, U. C. Act continued, -	36
Inspectors of Houses of Public Entertainment in U. C. -	354
Inspectors and Superintendents of Police, powers of in Quebec and Montreal, -	459
International Bank of Canada incorporated -	705
Inventions, patents for, Acts amended, -	136
Iroquois, incorporated as a Village -	419
JOINTSTOCK Manufacturing, &c. Companies, General Act amended, -	34
Joliette Mining Company, incorporated, -	833
Judicature Acts of L. C. amended, -	186
Justices of the Peace, fees to persons employed by, in L. C. Act continued, -	39
Juvenile Offenders, prisons for, -	94
speedy trial and punishment of, -	103
KAMOURASKA County, proceedings of Council confirmed, -	553
Kemptville, Act incorporating it as a Village, amended, -	417
LA BAIE DU FEBVRE (St. Antoine) Common of, Act continued, -	37
Laprairie de la Magdeleine, common of, Act continued, -	36
Law, Practice of. <i>See</i> Attorneys.	
Light houses in Gulf of St Lawrence, grant for, -	23
Lindsay incorporated as a town, -	409
Liquors, Spirituous, sale of in U. C. <i>See</i> Inspectors.	
Literary Institute of Sherbrooke, name changed, &c., -	837
London, City Council enabled to sell Potters' Field -	374
London and Lake Huron Railway Company incorporated, -	617
Lunatic Asylum Tax in U. C. discontinued after 1857, &c., -	21
MACARA , John, Road allowance vested in, -	374
Macaulay, James, sales, partition, &c., under his will confirmed, -	855
McGill College and Royal Institution, Acts amended, -	249
McGillivray, Township Council may dispose of certain road allowances, -	447
McIntosh, John, his executor enabled to lease certain property, -	902
Magog. <i>See</i> Bolton and Magog.	
Manufacturing, Mining, &c., Joint Stock Companies, Act amended, -	34
Marmora Foundry Company, Charter amended, name changed, &c., -	829
Marriage, laws relating to solemnization of in U. C., amended, -	345
Maskinongé, Common of, Act for dividing it amended, -	885
Mechanical Science, for promoting, &c., -	119
Methodist Episcopal Church in Canada, Ministers of may solemnize marriage, &c., in L. C., -	884

INDEX.

vii

	PAGES
Prescott, Trustees of School lot at, empowered to sell it, - -	897
Preston and Berlin Railway Company incorporated, - -	578
Primogeniture, Act abolishing rights attached to, amended, -	337
Prisons, Public Asylums, Hospitals &c. inspection and construction of, and Prisons for young offenders, - - -	94
Public accounts to be kept in dollars and cents, after 1857, - -	52
Public works, tolls on and regulations for use of, - - -	53
Pym, W. F. Road allowance vested in, - - -	875
QUEBEC, Corporation empowered to establish a Police Force, -	459
<i>See also</i> , Inspectors, &c.	
River Police, duty increased for defraying expenses of, -	463
Turnpike Roads, divided into two Trusts, &c. - -	463
RAILWAY Clauses, Act amended, - - - -	142
Railways, prevention of accidents, inspection, - - -	25
Railway Companies. <i>See</i> Grand Trunk,—Port Dalhousie and Thorold,—Champlain and St. Lawrence,—Montreal and New York,—Ontario, Simcoe and Huron,—Brockville and Ottawa,—Port Whitby and Lake Huron,—Hamilton and Toronto,—Galt and Guelph,—Preston and Berlin,— Stanstead, Shefford and Chambly,—St. Maurice,—North Shore,—Fort Erie,—London and Lake Huron,—Strathroy and Port Frank,—Eastwood and Berlin,—Brantford and South Western,—Toronto and Owen Sound.	
Real property, L. C., illegal detention of (Squatters), Act continued, -	37
Registration of titles in L. C., Act continued, - - -	37
Revenue suits, practice and procedure in, amended in U. C., - -	3
Richelieu Company (Steam Navigation) incorporated, - - -	783
Riots near Public Works, Acts continued, - - -	36
Rivers and Rivulets in U. C., Acts continued, - - -	36
Road allowances, U. C., Municipalities enabled to dispose of, -	352
Road allowances vested in divers parties. <i>See</i> Barnum,—Foote,— Macara,—Mutrie,—Pym,—Wilkes,—Thorold,—Christie, Chrisler,—Gamble,—Gibbs,—Shaw,—Small,—Welling- ton,—Wilkes.	
Road Companies, L. C., general Act for incorporating, amended, -	239
Royal Institution. <i>See</i> McGill College.	
ST. ANDREWS Church, Montreal, Act relative to, amended, -	849
St. Aubert (in L'Islet) constituted a distinct Municipality, - -	552
St. Catharines Town, Loan authorized to consolidate debt, - -	390
for construction of Water Works in, - - -	394
St. Clair, Chatham et Rondeau Ship Canal Company incorporated, -	643
St. Clair and Rondeau Plank Road Company, powers extended, -	797
St. François du Lac, Common of, for better regulating - - -	886
St. Hyacinth incorporated as a City - - - -	510
St. Lambert, constituted a distinct Municipality, - - -	546
St. Lawrence Warehouse Dock and Wharf Company, incorporated, -	798
St. Maurice Railway and Navigation Company, incorporated, -	582
St. Norbert. <i>See</i> Arthabaska.	
St. Paschal, proceedings of Municipal Council confirmed, -	553

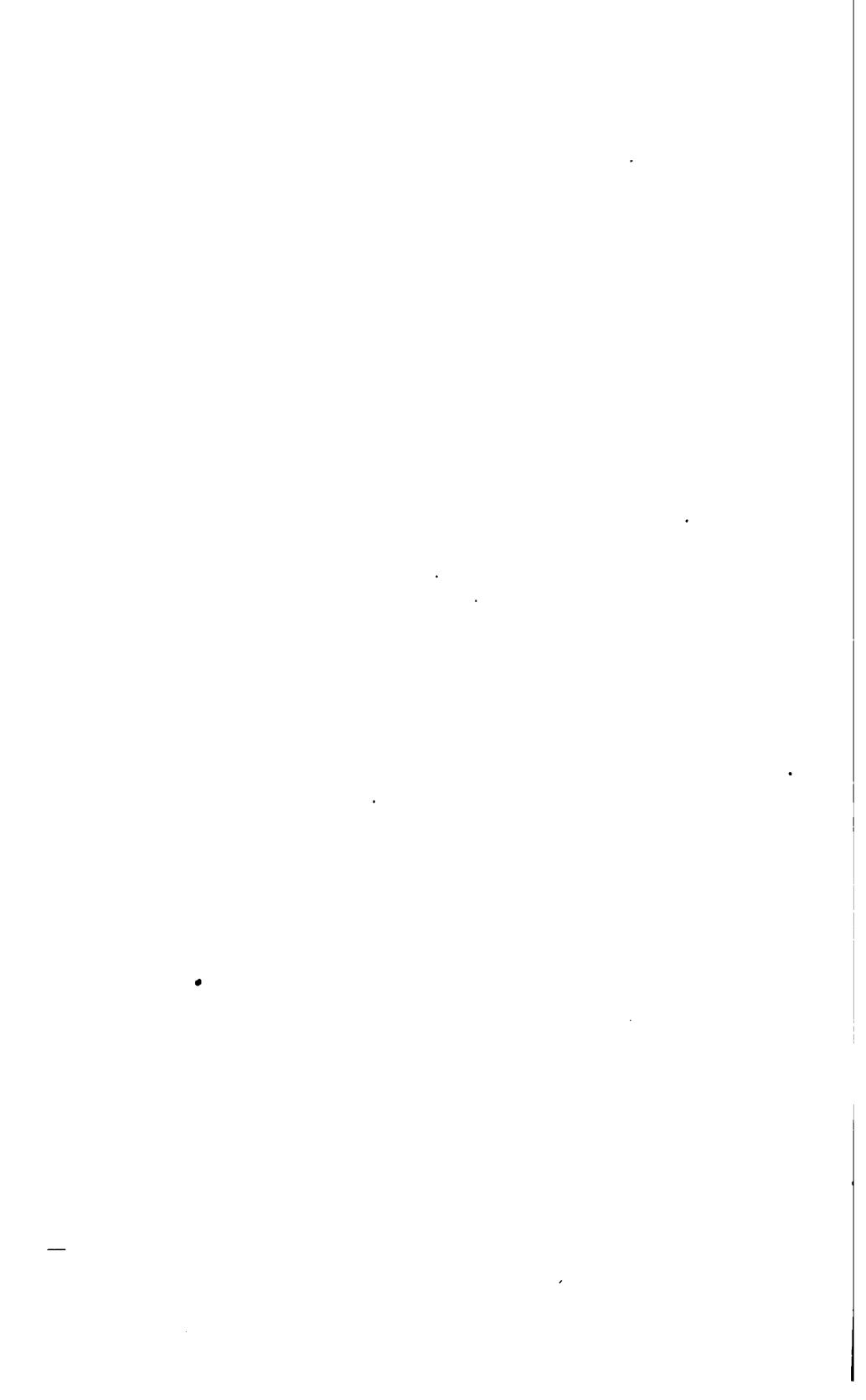
St. Patrick's Orphan Asylum, Montreal, charter amended, -	846
Salmon Fisheries, in certain parts of L. C., Act continued, -	37
Sandwich incorporated as a town, - - - - -	406
Seamen, mariners, support of sick and destitute, L. C. Act continued,	38
Seat of Government, grant for public buildings at, - - -	41
Secret incumbrances on lands, L. C., Act continued, - - -	37
Shaw, J. Road allowance vested in, - - - - -	881
Sherbrooke Manufacturing Company incorporated, - - -	815
Sheriff's deeds, to assignees of lands sold for taxes in U. C. declared valid, - - - - -	356
Sisters of our Lady of Loretto, at Toronto, incorporated, - - -	844
Sleigh Ordinances of L. C. amended, - - - - -	238
Small, C. C. Road Allowance vested in, - - - - -	881
Somerset township divided into two Municipalities, - - -	551
Stanley, township council empowered to construct a harbour at mouth of River Bayfield, - - - - -	443
Stanstead, Shefford and Chambly Railway Company, Charter amended, - - - - -	581
Statute Labour, Municipal Acts of U. C. amended as to, - - -	19
Steamers, week y line of, to United Kingdom, grant for, - - -	22
Steam Vessels for security of passengers on board of, - - -	137
Strathroy and Port Frank Railway Company, incorporated, - - -	622
Summary trial for small larcenies or attempted larceny, - - -	88
Supplies for 1857, &c., and for public buildings at seat of Govern- ment and Loan for £325,000, - - - - -	40
Surveyors, Acts relative to, amended, - - - - -	145
Surveys of boundary lines in certain cases in U. C. - - -	356
TAVERN License Act (L. C.) of 1851, amended, - - - - -	235
Taxes, deeds to assignees of purchasers of lands sold for, in U. C., declared valid, - - - - -	356
Thorold, Road allowances invested in divers parties, - - - - -	877
Three Rivers incorporated as a City, - - - - -	474
relief of sufferers by Fire at, - - - - -	508
Tolls on Public works, - - - - -	53
Toronto Esplanade, Act amended, - - - - -	363
City, empowered to erect water works and levy a water, rate, - - - - -	367
and Owen Sound Central Railway Company, incorporated,	638
Island Bridge Company, incorporated, - - - - -	791
Horticultural Society, incorporated, - - - - -	831
pressed brick Company, incorporated, - - - - -	820
General Hospital, Trustees may raise a further loan, - - -	899
Trinity House, Montreal, (Public Health) Act continued, - - -	37
Quebec, Act amended as to Harbour Master, - - -	458
Montreal, Act amended as to Pilots, - - - - -	473
UNORGANIZED tracts, administration of Justice in, - - - - -	253
Upper Canada building fund, certain moneys to form part of, - -	21
VILLAGES, law amended as to incorporation of in U. C., - - -	350

I N D E X .

ix

	PAGES
WATERLOO Village U. C. incorporated, - - -	425
Wawanosh Lake, Township Council of Sarnia may drain, - - -	450
Weekly line of Steamers to United Kingdom, - - -	22
Wellington, J. D., Road allowance vested in, - - -	882
Western Assurance Company, charter amended, - - -	765
Western Canada Loan Company incorporated, - - -	743
Whitby Township divided into two Municipalities, - - -	448
Wilkes, F. Road allowance vested in, - - -	876
Wilkes, G. S., may construct a dam on the Grand River, - - -	831
Wilkes, G. S., Road allowance vested in, - - -	883
Windsor incorporated as a town, - - -	413
Wolves, destruction of in L. C., Act continued, - - -	38
in U. C.,----- - - -	38
York, Presbyterian Congregation, at, Act relative to Church and Burying Ground, amended, - - -	892
Zorra East and West, and Nissouri, Township Councils enabled to dispose of certain road allowances, - - -	446









STATUTE
OF THE
PROVINCE OF CANADA

PASSED IN THE
TWENTIETH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA

AND IN THE THIRD SESSION OF THE FIFTH PARLIAMENT
OF CANADA.

Begun and holden at Toronto on the Twenty-sixth day of February, in the
year of Our Lord One Thousand Eight Hundred and Fifty-Seven.

RESERVED ACT.

Reprint Title pp. 913-921.



HIS EXCELLENCY
SIR EDMUND WALKER HEAD, BARONET,
GOVERNOR GENERAL.

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

Anno Domini, 1857.





ANNO VICESIMO
VICTORIÆ REGINÆ.

CAP. CCXXVII.

An Act to incorporate the International Bridge Company.

Reserved for the signification of Her Majesty's pleasure, 10th June, 1857.

The Royal Assent given by Her Majesty in Council on the 27th August, 1857; and Proclamation thereof made by his Excellency SIR WILLIAM EYRE, Administrator of the Government of Canada, in the Canada Gazette of the 10th October, 1857.

WHEREAS the construction of a Bridge across the Niagara River at or near the village of Waterloo, in the Township of Bertie, would be of great advantage to the public, and the persons hereinafter named (amongst others) have petitioned for an Act of Incorporation for facilitating that object: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

I. David Christie, John Fraser, John Oldfield, Robert H. Barlow, Thomas Mayne Daly, Joseph D. Clement, Allen Cleg-horn, Alexander Douglas, William A. Thomson, Michael H. Foley, Angus Morrison, John Wilson, George B. Southwick, and all such other person or persons as shall, under the provisions of this Act, become subscribers to or proprietors in the Company hereby intended to be incorporated, shall be and are hereby united into a Company, for constructing, maintaining, working and managing a Bridge across the Niagara River, from some point at or near the village of Waterloo (known as Fort Erie), in the said Township of Bertie, to the City of Buffalo, according to the rules, orders and directions of this Act, and shall for that purpose be a body corporate and politic by the name of the "International Bridge Company:" And the said Company shall be and they are hereby authorized and empowered from and after the passing of this Act, by themselves, their agents, officers, workmen and servants, to make Company in-
corporated.

Corporate
name, and ge-
neral powers.

1*

and

and complete the Bridge aforesaid, and to purchase, acquire and hold such real estate as is hereinafter mentioned, and from time to time to sell, alienate and dispose thereof, and to acquire others in lieu thereof, as may be requisite for the object aforesaid.

Capital and shares.

II. The capital of the said company shall be five hundred thousand dollars divided into five thousand shares of one hundred dollars each, with power from time to time to increase the said Capital Stock to one million dollars; such shares as aforesaid shall be and the same are hereby vested in the shareholders and their respective heirs, executors, administrators and assigns, to their proper use and behoof, proportionately to the sums subscribed and paid by each of the said Shareholders respectively; and according to the same proportion each of the said Shareholders respectively shall be entitled to have, receive and take their proportions respectively in the net profits and income that may arise or accrue therefrom; and the said shareholders respectively may sell, transfer, give or alienate the shares held by them respectively, whensoever they respectively consider fit, subject, however, to the By-laws of the said Company to be made by the Directors hereinafter mentioned, and as hereinafter provided; and the said shares shall be deemed personal estate, notwithstanding the conversion of any portion of the said Capital Stock into land; and no shareholder shall be liable for the payment of any debt or obligation due by the said Corporation beyond the unpaid amount of the shares held by him in the same.

Rights of Shareholders.

Transfer of shares, &c.

Limited liability.

Proportion of votes to shares.

III. At all meetings of the said Corporation each shareholder may vote by proxy duly appointed in writing, or in person, and shall be entitled to one vote for each share held by him in his own name, or in the names or name of the person or persons of whom he may be the heir at law, or the proper legal executor, administrator or legatee, for at least one calendar month previous to the day of election; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of such votes.

Opening Stock-books.

IV. The persons hereinbefore named, or the majority of them, shall cause books of subscription to be opened in the Village of Waterloo aforesaid, in the Town of Brantford, and in the City of Toronto, for thirty days, and afterwards in such other places as they may from time to time appoint, until the meeting of the Shareholders hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking, and for this purpose it shall be their duty and they are hereby required to give public notice in one or more newspapers published in the County of Welland, in the Town of Brantford, and in the said City of Toronto, respectively, as they or a majority of them may think proper, of the time and places at which such books will be opened and ready for receiving subscriptions

subscriptions as aforesaid, the persons authorized by them to receive subscriptions, and a chartered Bank or Banks into which the ten per cent. thereon is to be paid at the time hereinafter limited for such payment; and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid within ten days after the closing of the said books into the Bank or Banks aforesaid or any of the branches or agencies thereof, ten per centum on the amount of Stock so subscribed for, to the credit of the said Company, shall thereby become a shareholder of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Corporation; and such ten per centum shall not be withdrawn from the said Bank or Banks, or otherwise applied, except for the purposes of the said Company or upon the dissolution thereof for any cause whatsoever; Provided further, that if the total amount of subscriptions, within the thirty days limited as aforesaid, shall exceed the sum of five hundred thousand dollars, then in such case the shares of each subscriber or subscribers shall be, as near as may be, proportionably reduced by the persons hereinbefore named or a majority of them; until the total number of shares shall be brought down to five thousand shares.

Ten per cent.
to be paid
down.

Proviso; allot-
ment of shares,
if more than
enough be
subscribed..

V. So soon as two hundred and fifty thousand dollars of the capital stock of the said Company shall have been subscribed, and the ten per centum paid as aforesaid, it shall be the duty of the said persons hereinbefore named, or a majority of them, to call a general meeting of the shareholders, for the purpose of putting this Act into effect; which said meeting shall be held at the village of Waterloo aforesaid, and thirty days' previous notice thereof shall be given in the newspapers, as hereinbefore provided in the fourth section of this Act; at which said general meeting, the shareholders shall choose nine Directors, in the manner and qualified as hereinafter mentioned, who shall hold office until the first annual general meeting for the election of Directors, and until others are appointed in their stead.

First meeting
for election of
Directors.

VI. In each year after the said meeting hereinbefore provided for the first election of Directors, the annual general meeting of the said shareholders shall be held on the first Tuesday in July in each year, at the said Village of Waterloo, at such hour and place as the said Directors may appoint; and public notice shall be given thereof, by notice inserted twice or oftener, at least eight days previous to each said meeting, in some one newspaper or newspapers published in the said County of Welland, the said Town of Brantford, and the City of Toronto, respectively.

Annual gene-
ral meeting of
Shareholders.

VII. At such first, and at every subsequent annual general meeting of the said shareholders hereinbefore directed, the said shareholders, or a majority of them there present, either by

Election of
Directors, and
period of ser-
vice.

proxy or in person, by vote, according to the said number of shares, shall choose nine persons then being shareholders in the said Corporation, which persons so chosen shall be the Board of Directors to manage, direct, and carry on the affairs and business of the said Corporation for one year next following such annual meeting, or until another Board of Directors shall be appointed; and particularly such matters and things as are by this Act hereinafter directed and authorized to be done by such Directors, and as shall, from time to time, be ordered by such annual or other general meetings of the said shareholders; and shall have power to name and appoint from the members of the said Board, a President, Vice-President, Treasurer, and Secretary: And at any meeting of the said Directors duly held, any seven members of such Board shall be a quorum, and may exercise the powers of the said Board: Provided always, that such President, or Vice President in the absence of the President to be chosen as aforesaid, in addition to his own vote, shall have a casting vote in case of an equal division of votes, at the meetings of the aforesaid Directors: Provided always, that such Board shall, from time to time, make reports of their proceedings to, and be subject to examination and control of the said general meetings of the shareholders, and shall pay obedience to all such orders and directions in and about the premises as shall, from time to time, be ordered and directed by the said shareholders at any such general-meeting, such orders and directions not being contrary to the provisions of this Act or to the laws of this Province; Provided also that the Directors who are to be chosen at the first meeting of the said shareholders shall be a Board for the purposes aforesaid, until the said first annual general meeting, and shall have the like powers, and exercise all or any of the powers vested by this Act in the said Board to be chosen at such first or other general annual meeting: Provided also further, that the members of any such Board, at any time going out of office, may be re-elected: Provided also further, that security may be taken from any of the office-bearers of the said Company for the due fulfilment of their duties: And Provided also further, that any stockholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have an equal right to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company.

Provision in case of failure of any election.

VIII. The failure to hold the first annual general meeting or any other meeting, or to elect such Board of Directors, shall not dissolve the said Corporation; but such failure or omission shall and may be supplied by and at any special meeting to be called as the said Directors may appoint for that purpose; And until such election of a new Board, those who may be in office for the time being shall be and continue in office, and exercise all the rights and powers thereof until such new election be made as hereinbefore provided.

IX. The said Board shall have and be invested with full power and authority to conduct, manage and oversee, and transact all and singular the concerns, affairs and business of the said Corporation, and all matters and things whatever in any wise relating to or concerning the same, and amongst other things—

Powers of the Board of Directors.

Firstly—To appoint and employ and remove all such engineers, agents or agent, servant or servants, of the said Corporation, as they may find from time to time expedient or necessary, and to regulate the duties and fix the salaries and wages of such agents and servants, and all the necessary expenditure for the management and working of the said Corporation ;

Appointing Officers, &c.

Secondly—To regulate the form of certificates of shares and all matters relating to their transfer ;

Certificates of stock.

Thirdly—To choose and acquire for and in the name of the said Corporation, the requisite site for the construction of the said Bridge and its dependencies, and to enter into the necessary arrangements and agreements for the construction of the same, and during, upon, and after its construction to have the entire management and disposition thereof, and further to unite with any other Company to be chartered by the people of the State of New York for a similar purpose, and to enter into all requisite contracts and agreements therewith ;

Choosing site for bridge, &c.

Fourthly—To order the payment of any sum of money they may deem necessary for the purposes of this Act ;

Paying money.

Fifthly—To contract a loan or loans for or in the name of the said Corporation, not exceeding in the whole at any one time the sum of Two hundred thousand dollars, upon such terms or at such rate of interest less than, equal to, or greater than the legal rate, as may be agreed upon, and to pledge and mortgage the real and personal property of the said Corporation for the payment of any such loan or interest ;

Borrowing money.

Sixthly—To make such calls of money from the several shareholders for the time being, upon the shares subscribed for by them respectively, as the said Board shall find necessary, and in the name of the said Corporation to sue for, recover and get in all such calls, and to cause and declare such shares to be forfeited to the said Corporation in case of non-payment of any such call, and in such way as they shall see fit to prescribe by any By-law ; and an action of debt may be brought to recover any money due on any such call, and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one share or more, as the case may be, in the capital stock of the said Corporation, and is indebted to the said Corporation in the sum to which the call or calls amount, (as the case may be, stating

Making calls on subscribers.

Suits for calls.

stating the number and amount of such calls,) whereby an action hath accrued to the said Corporation to recover the same from such defendant by virtue of this Act, and it shall be sufficient to maintain such action, to prove by any one witness, that the defendant at the time of making any such call was a shareholder in the number of shares alleged, and that any call sued for was made, and notice thereof given in conformity with any such By-law prescribing such call, and it shall not be necessary to prove the appointment of the said Directors or any other matter whatsoever;

Making By-laws.

Seventhly—To make the necessary By-laws in reference to the powers and duties imposed and conferred upon the said Board by this Act, and generally for the government and management of the said Corporation, subject always to the provisions of this Act and of the laws of this Province; with power to the said Board to vary, alter, repeal or revive any of the said By-laws; Provided always, nevertheless, that all such By-laws, rules or orders, and any such variation, alteration or repeal thereof, may be reviewed or disallowed at any general meeting of the said Shareholders.

Proviso.

Convening special general meetings.

X. The said Board shall and may call and convene special and general meetings of the Shareholders whenever it shall be necessary, and so often as shall be required, upon the requisition of at least five Shareholders, and shall give the public notice hereinbefore mentioned of the holding of any such special general meeting, and shall at each annual general meeting, or at any special meeting to be called for that purpose, submit to the Shareholders a clear and detailed statement of the affairs and accounts of the said Corporation, whereupon at such meeting the same shall be examined and audited, and if any dividend upon the Capital Stock is thereupon to be made, the same shall at such meeting thereby be declared.

Chairman in case of absence of President.

XI. In the absence of the President and Vice-President, at any meeting thereof, it shall be in the power of the Directors present to elect from among themselves a Chairman for the time being, who, in addition to his own vote, shall also in case of an equal division of votes, have a casting vote at such meeting, and in the event of the death, resignation, continued absence, incapacity or disqualification of any member of the said Board, the Shareholders shall, at a meeting to be called for that purpose, as hereinbefore provided, choose a Shareholder instead and in place of such member, and such Shareholder so chosen shall form part of the said Board until the then next annual election.

Powers for the acquisition of lands.

XII. The said Corporation is hereby empowered to purchase, receive and hold such real estate, to the extent of ten acres in the whole, as may be necessary and convenient in accomplishing the object for which this charter is granted, and may, by their

their surveyors and engineers, enter upon such sites and locations and take possession of the same; all such sites and locations shall be purchased of the owner or owners, at a price to be mutually agreed upon, or in case of disagreement as respects the acquisition of the said lands, the several clauses of "The Railway Clauses Consolidation Act," with respect to "Lands and their Valuation," in so far as the same may be applicable to the objects of this Act, shall be incorporated herewith and form part of this Act, as if the same had been expressly set forth herein.

XIII. The said bridge shall be constructed so as not materially to obstruct the navigation of the Niagara River; the said bridge shall have two draws, one across Black Rock Harbour, and the other across the main channel of the river, which said draws shall be of ample width to give free and unobstructed passage to all steamboats and other vessels navigating the said river; the said draws shall be at all times tended and moved at the expense of the said Company so as not to hinder unnecessarily the passage of any steamboats or vessels; From sundown until sunrise during the season of navigation, suitable lights shall be maintained upon the said bridge to guide vessels and steamboats approaching the draws; and for assisting the passage of any vessel through the said draws, the said Company shall at all times keep in readiness one or more steamboats, or steam tugs, suitable for towing the said vessels through the said draws, and shall tow all the said vessels through the same, whenever requested so to do by the officers of such vessels on their regular trips, up and down the river or harbour, without charge; and the said Company shall be liable to pay the owners of any steamboat or vessel, or of the cargoes thereof, all damages which they may sustain by reason of any neglect of the provisions of this section.

Mode of constructing and using the said bridge so as not to obstruct the navigation.

Steam tugs to be kept.

XIV. The said bridge shall be as well for the passage of persons on foot and in carriages, and otherwise, as for the passage of Railway Trains, and such Railway Companies as are hereinafter mentioned or referred to, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, and in the use of the machinery and fixtures thereof, and of all the approaches thereto.

Purposes of the said bridge.

XV. Any Railway Corporation whose road now has, or shall hereafter have, a terminus at, or shall run its trains to or from any point at or near the said village of Waterloo or the said city of Buffalo, or shall run its trains in connection with any road having such terminus, or upon which trains are or shall be run to or from the localities aforesaid, may with the consent of a majority of the Shareholders of its stock, loan its credit to the Corporation hereby created, or may subscribe to, or become the owner of the stock thereof, in like manner and with like rights as individuals; and any Municipal Corporation,

Certain corporations may aid in the construction of the bridge.

either County, Town, Township or Village, beneficially affected by or interested in the said bridge, may also subscribe to, and become the owner of such stock, in the manner and with the rights aforesaid, subject to the general provisions of the Upper Canada Municipal Corporations Acts.

Directors to make By-laws as to mode of using the bridge.

XVI. Whenever the said bridge is so completed as to admit of the passage of Railway Trains, the said Company may erect such gates and fixtures to guard the entrance of such trains upon the bridge, as the said Directors may deem proper and may make such By-laws, rules and regulations, not inconsistent with the provisions of this Act, in relation to the use of the said bridge, its machinery, appurtenances, and approaches by Railway Companies, their trains and carriages, as the Directors may think proper, but no discrimination shall be made by the said Directors in favor of or against any one or more Railway Companies, in relation to the approaches or the passage of the said Bridge, or the use of its machinery.

Penalty on persons passing the bridge by force, or damaging the works.

XVII. If any person shall force, or attempt to force, any gate or guard of the said Bridge, or the approaches thereto, or if any person shall wilfully do, or cause to be done, any act or acts whatsoever, whereby the said Bridge, its lights, stations, works, machinery, fixtures, or other appurtenances, thereto, or any part thereof, or any work or approach appertaining thereto, shall be obstructed, impaired, weakened, destroyed or injured, the person so offending shall forfeit to the said Corporation treble the damages sustained by means of such offence or injury, to be recovered in the name of the said Company, with costs of suit, by any proper action for that purpose, and shall moreover be guilty of a misdemeanor, and be punished by fine or imprisonment, or both, by any Court or Justice having cognizance of the offence.

Treble damages allowed to the Company.

Company to notify the site and plan of the said bridge.

XVIII. The said Company shall, three months before any steps are taken in erecting the piers of the said Bridge, cause to be published in one of the public newspapers in each of the Counties of Lincoln, Welland and Brant, a notice, in which shall be stated the particular location of the said Bridge, with reference to known landmarks, the number of its piers, the length and breadth of its piers, and the distances between them, the width in the clear, of the draw openings respectively, the entire length of the Bridge from land to land, and its height above the water at ordinary stages; and a copy of this notice, the facts of which shall be verified by the oath of the Engineer, signed by the President and Secretary of the Company, and acknowledged by them before a Magistrate or Notary Public, shall be filed in the offices of the respective Clerks of the Peace of the said hereinbefore mentioned Counties.

Power to make coffer-dams,

XIX. The said Company shall have power to erect coffer-dams and such other works in the Niagara River as may be necessary

necessary for the construction of such Bridge, provided the navigation of such river shall not be unnecessarily obstructed by such works; and it shall be the duty of the said Company to put up and maintain in the night time during the season of the navigation, a good and sufficient light at each end of any coffer-dam which may be erected by the said Company, the said light to be placed at least five feet above the said dam; and also, such buoys, during both day and night, as may be necessary for the guidance of persons navigating the said river; Provided always, that before commencing the works of the said Bridge, or taking possession of any part of the beach or land covered with water or other public property, the Company shall obtain the consent of the Governor in Council, who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any public property as aforesaid; nor shall the works be commenced until the plan thereof in all its details by which the public convenience and the facility of navigation can be affected, shall have been submitted to and approved by the Governor in Council; and the Company shall abide strictly by the plans so approved, and shall not deviate therefrom except by the express consent of the Governor in Council to such deviation.

&c., under certain conditions.

Plan of works to be approved by Governor in Council.

XX. The Corporation hereby created shall have power to use any of the streets, squares, lanes or alleys of the village of Waterloo, in the said Township of Bertie, for the erection of the said Bridge and the works and approaches thereto appertaining, provided the consent of the Municipal Council of the said Township of Bertie be first obtained.

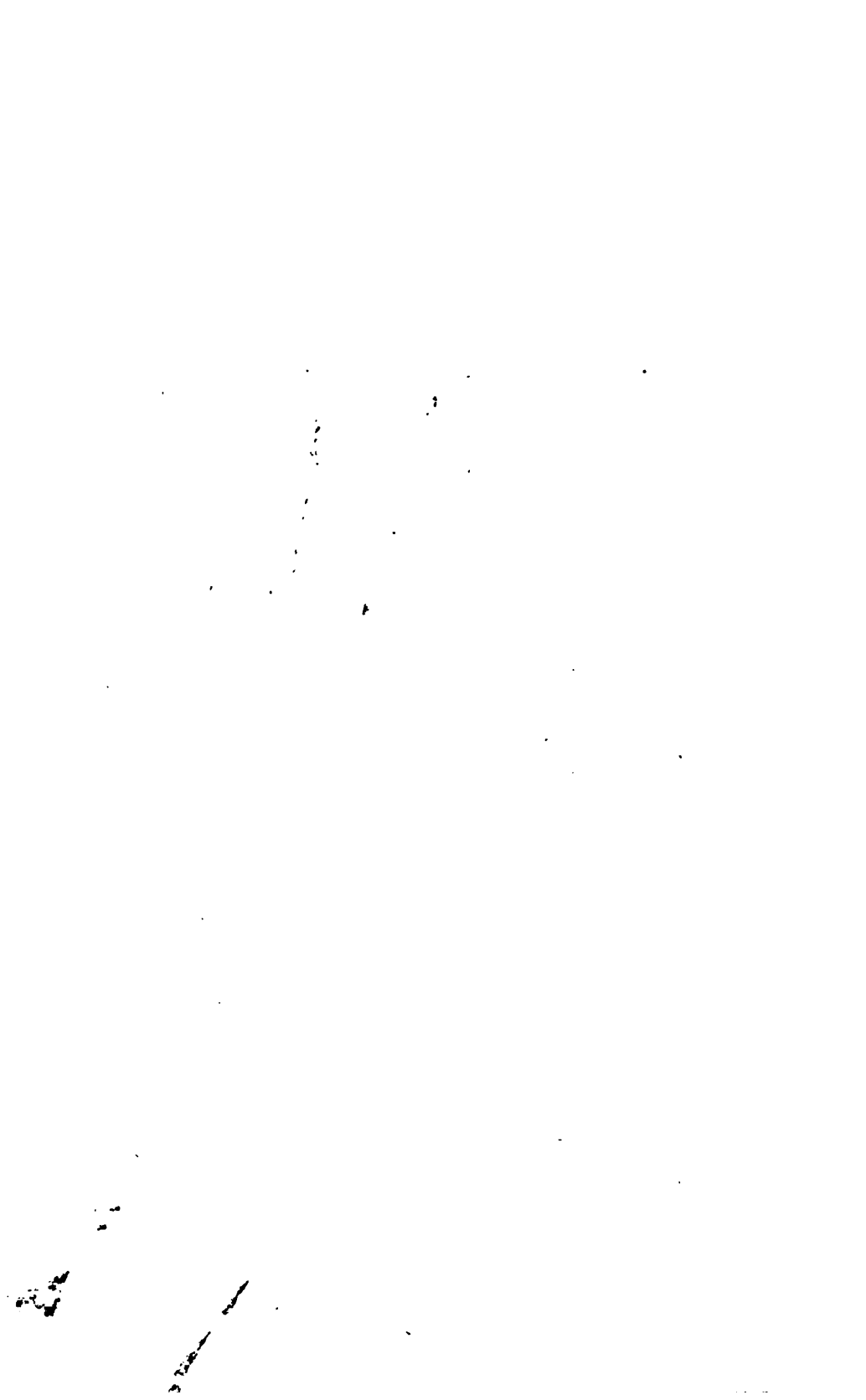
Company may use streets, &c., in Waterloo.

XXI. If the said Bridge shall not be commenced within three years and completed within six years from the passing of this Act, the said Corporation shall from thenceforth cease.

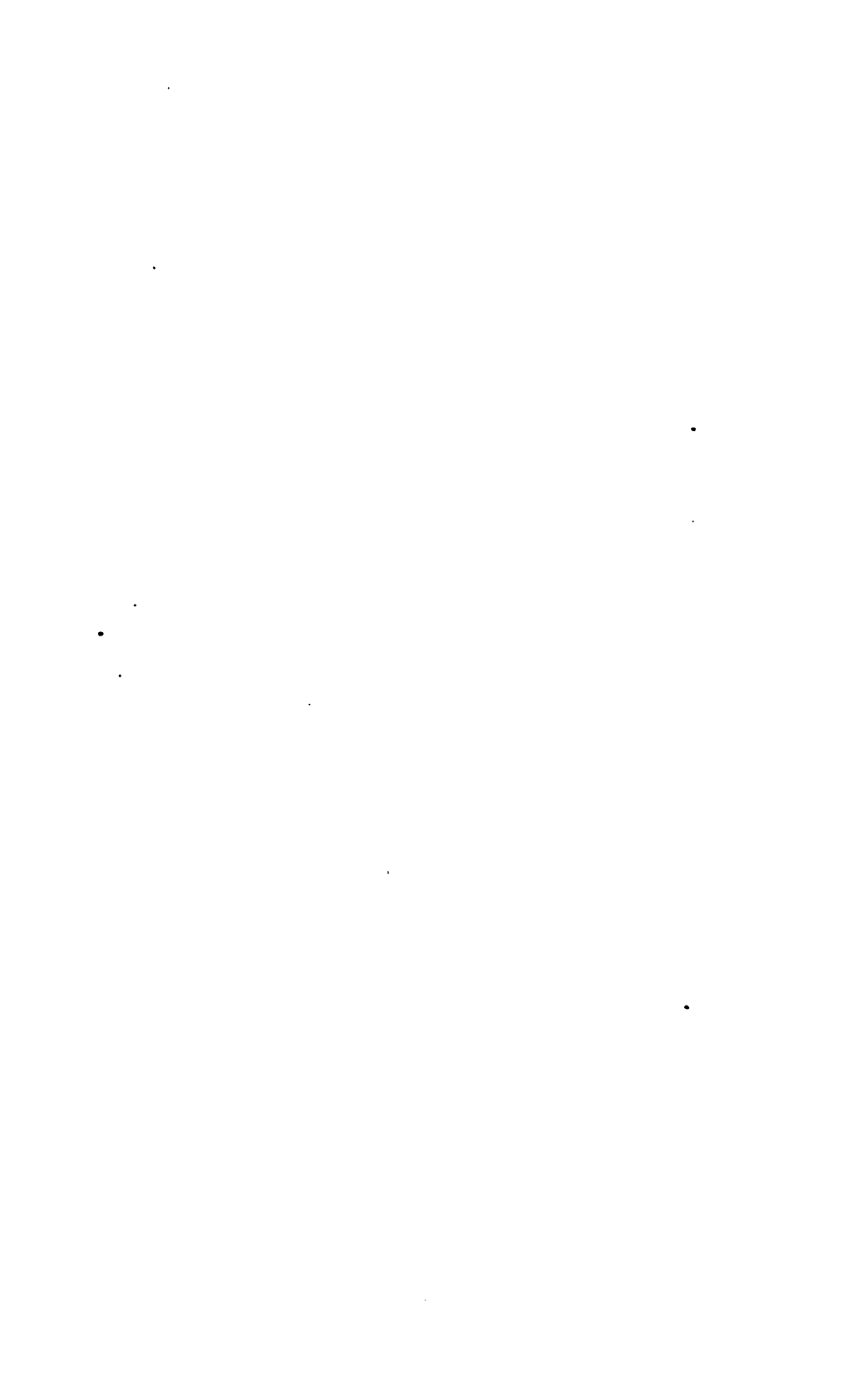
Bridge to be commenced in 3 and finished in 6 years.

XXII. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

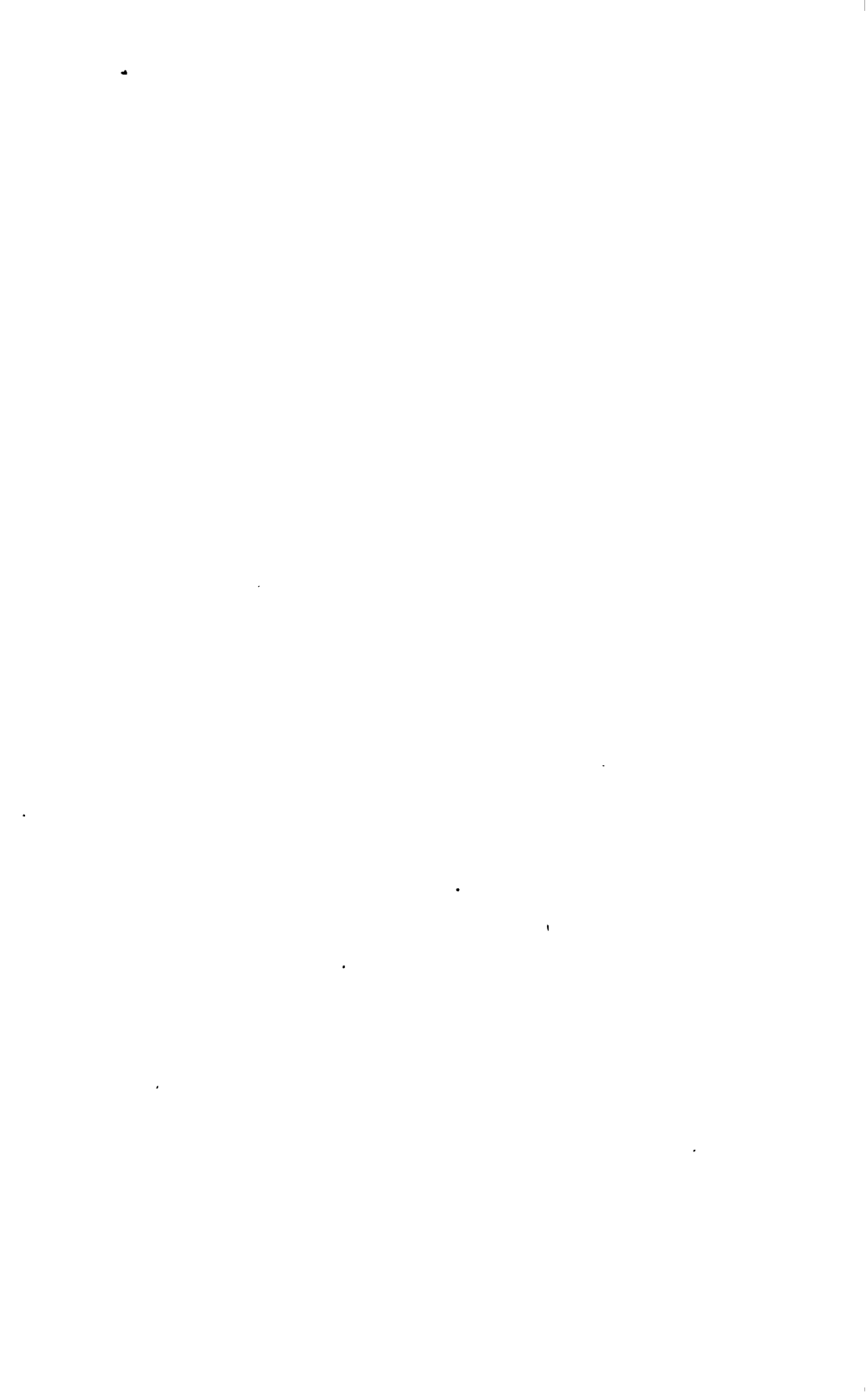
Public Act, &c.











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